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## **Hollywood defense attorney: 'It's not over' - Juror misconduct, other matters could form basis of appeal**

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A more than two-month trial appeared to have come to an effective conclusion on Wednesday when a jury recommended life in prison without parole for Jesse James Hollywood, but his lead defense attorney warned, "It's not over."

The jury returned its recommended sentence Wednesday, but Superior Court Judge Brian Hill is scheduled to announce the official verdict on Oct. 21.

Defense attorneys say they will file a motion for a new trial on that day as well.

On Tuesday, the final day of penalty-phase arguments in the more than two-month trial, accusations of juror misconduct were leveled, and although the jurors had the chance to be interviewed by the attorneys and members of the media on Wednesday, none took the chance.

Regardless of the allegations, among the first words uttered by Mr. Hollywood's lead attorney James Blatt after a gag order was lifted were of gratitude that his client's life was spared.

"We appreciate that fact from the jury," Mr. Blatt said. "But we're also confident that Mr. Hollywood did not commit this crime, and we have some significant issues concerning a motion for a new trial."

On Monday, the defendant's father Jack Hollywood was approached by the husband of one of the jurors, who reported his wife had concerns about the deliberations. The juror was questioned during a closed session, and she was reportedly worried about Mr. Hollywood getting a fair trial.

"She inferred that she was bullied," Mr. Blatt said. "She inferred that some of the other jurors had already had a preexisting (decisions) to kill Mr. Hollywood or to convict him. She was deeply troubled."

Asked if it was disingenuous for the woman to have voiced the concerns when she could have made way for a new trial by voting not guilty, Mr. Blatt said it comes down to courage.

"The courage to stand up for what you believe in when other people are voting against you," he said.

The foreperson reportedly pressured the juror to come to a verdict, and the matter should have had a more complete hearing, defense attorneys said. Before deliberations ever started in the guilt phase of the trial, one juror reportedly joked Mr. Hollywood should receive the electric chair. The joke was made while Casey Sheehan, a friend of Mr. Hollywood's and an electrician, was on the stand.

On Tuesday, Judge Hill had said it seemed as if the juror was only speculating there was prejudice because the joke was told.

Defense attorneys also said that one alternate juror looked up on the Internet information about what it takes to be a good jury foreman and then shared the information with the man who eventually became the jury foreman.

Defense attorneys asked that the juror be removed, but the request was denied by Judge Hill, according to the defense.

Judge Hill pointed out on Tuesday that he polled the jurors after their guilty verdicts were rendered and all averred their decisions.

Jurors would not speak with attorneys, but Mr. Blatt said he is hoping to speak with them in order to find out what happened and present the information to Judge Brian Hill.

He said, however, that he found the panelists' refusal to speak unusual and disconcerting.

"Something is going on there," he said.

Another cause for concern was the massive publicity the trial attracted, Mr. Blatt said.

"When you have massive publicity over a period of years, four different trials by the other co-defendants, and a movie that depicts your client in the most negative fashion possible prior to trial, which has never occurred before in this country, you wonder whether any individual could receive a fair trial under those circumstances," he said.

Co-defense counsel Alex Kessel pointed out the film in question, "Alpha Dog," was not just a Hollywood production, but was created with input from the former prosecutor in the case, Santa Barbara County Deputy District Attorney Ronald Zonen, who had secured convictions -- including a death sentence for shooter Ryan Hoyt -- of all four co-defendants.

The defense had tried to have Mr. Zonen removed from the case, but the matter was decided by the California Supreme Court, which ruled that Mr. Zonen could stay on.

He was nonetheless replaced with Mr. Lynn.

Mr. Blatt said that his client would have had a better shot at a fair trial if a change in venue had been granted.

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