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Hollywood's attorney argues DA misconduct
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The defense attorney for Jesse James Hollywood said in court Friday that Senior Deputy District Attorney Ron Zonen's cooperation with filmmakers working on a movie based on the case amounted to misconduct, but he failed to say exactly what, if anything, the prosecutor did wrong.

"The problem here, and I don't relish making this motion, but I believe a significant mistake in judgment has been made," James Blatt said during a pretrial hearing Friday. "It appears to be misconduct. It may be slight, moderate or significant, but I'm never going to know until I get some kind of answer."

The hearing was to determine whether he should be allowed to question the filmmaker, Nick Cassavetes, and his researcher attorney Michael Mehas, about what was shared with them by the prosecutor during their writing of the screenplay. The judge said no, but said if Mr. Blatt wants to include a declaration from Mr. Cassavetes to explain what, if anything, Mr. Zonen did wrong, he could do that.

"The legal issue is whether (Mr. Cassavetes) received information you (Mr. Blatt) have not received," Judge Hill said.

The Judge said Mr. Blatt failed to cite any legal authority to compel such testimony and gave him the opportunity to file a motion by next month explaining the legal underpinning of his argument. Ultimately, Mr. Blatt wants the Santa Barbara County District Attorney's Office removed from prosecuting the case, and he wants the trial moved from the county.

Among the items shared by prosecutors were Mr. Zonen's trial notes, probation reports of the co-defendants in the case and several taped interviews, according to Mr. Blatt.

Everything but the trial notes would be turned over to the defense, Mr. Zonen said. Mr. Blatt isn't entitled to the notes – lists of questions the veteran prosecutor asked witnesses in trials of four people involved in the killing, according to Mr. Zonen.

The judge said Mr. Blatt still hadn't shown that Mr. Zonen overstepped any rule or jeopardized Mr. Hollywood's right to a fair trial.

Although Mr. Blatt cited a code that governs attorney's professional ethics and limits "extrajudicial comments" on pending cases. The same code has an exception for comments related to helping in the capture of a fugitive from justice.

Mr. Hollywood, 25, was at one time the youngest person on the FBI's most wanted list. He was captured in a beach town in Brazil in March and brought to Santa Barbara.

He has pleaded not guilty to orchestrating the August 2000 kidnapping and killing of 15-year-old Nicholas Markowitz of West Hills. Prosecutors allege his death was the culmination of an escalating feud between Mr. Hollywood and the teenager's older half-brother over a \$1,200 drug debt.

Mr. Blatt had subpoenaed Mr. Cassavetes to appear on Friday, but he was not called to the stand. Before the hearing, the filmmaker said he would answer any questions asked. His film, which stars Bruce Willis, Sharon Stone, and Justin Timberlake, is set to be released either by the end of the year or the beginning of 2006. Mr. Hollywood's father, John "Jack" Hollywood, worked as a paid consultant on the film.

Mr. Zonen said very little at Friday's hearing. At one point he tried to curb Mr. Blatt's oratory, but the judge allowed the defense attorney to go on. The veteran prosecutor looked as if he were having some difficulty containing his anger.

Mr. Zonen has already said he shared information about the case with Mr. Cassavetes and Mr. Mehas, and even said in his court filing that the judge should assume for the purposes of discussion that he shared all relevant tapes, photographs and investigative reports. But even if that is true, he said, Mr. Blatt has failed to show how that is relevant to the case.

The next hearing on the matter is scheduled for Sept. 20.

MIKE ELIASON/NEWS-PRESS

Jesse James Hollywood appears in court Friday