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Hollywood's lawyer wants to put prosecutors on stand

By Dawm Hobbs, News-Press Staff Writer

The defense lawyer for Jesse James Hollywood has requested that the Court of Appeal -- which recently removed a veteran prosecutor from his client's high-profile murder case -- reconsider booting the entire Santa Barbara County District Attorney's office off the death penalty trial.

James Blatt also requested, in a motion filed this week, that the justices approve an evidentiary hearing so that he may put the recused prosecutor, Senior Deputy District Attorney Ron Zonen, and his boss, District Attorney Tom Sneddon, on the witness stand

The unusual tactic of calling the prosecutors to testify will help "determine the full extent and nature of the involvement of the District Attorney and his office in Mr. Zonen's disqualifying conduct," Mr. Blatt told the News-Press on Friday

"We are not making any comments about the case," Assistant District Attorney Pat McKinley said, adding that the office also has not yet decided whether to challenge the Court of Appeal decision on the recusal of Mr. Zonen.

The appellate justices removed him from the case on Oct. 5, citing his involvement with a movie deal as a conflict of interest. However, the three-judge panel denied the defense request to recuse the entire office, stating that there was no evidence that Mr. Sneddon was aware of Mr. Zonen's conduct. Mr. Blatt's filing Thursday is in response to that denial.

In their decision to recuse Mr. Zonen, the justices noted that he shared extensive case material with a filmmaker who had contacted the prosecutor about filming a fictional account of the brutal slaying of a young teen in the mountains above Santa Barbara

Mr. Zonen has said he cooperated with Nick Cassavetes in the hope that the motion picture, "Alpha Dog," would help capture Mr. Hollywood, who is accused of orchestrating the kidnapping and murder of 15-year-old Nicholas Markowitz in August 2000. The cooperation with Mr. Cassavetes occurred after Mr. Zonen successfully prosecuted Mr. Hollywood's four co-defendants.

Now, Mr. Blatt wants the justices to reconsider their ruling about recusing the entire office because he's convinced that Mr. Sneddon knew of -- and even approved -- Mr. Zonen's

cooperation with the filmmaker. Once all avenues are exhausted at the appellate level, Mr. Blatt said he will then decide whether to request a Supreme Court review of the matter. Mr. Blatt said all he wants for his client is a fair trial

"Alpha Dog" closely follows the prosecution's theory of the crime. Release of the motion picture, with a cast that includes Emile Hirsh, Justin Timberlake, Bruce Willis and Sharon Stone, has been postponed until early next year. Mr. Hollywood was captured in Brazil in 2005.

In the filing, Mr. Blatt states: "Evidence that Mr. Sneddon gave his advance approval supports a finding (that) he and his entire office are equally culpable for Mr. Zonen's egregious and disqualifying conduct. A decision to recuse a single prosecutor is insufficient when there exists evidence that prosecutor's conduct was authorized by the individual in charge of his office.

"While Mr. Sneddon may not have worked directly with the filmmakers, his authorization of Mr. Zonen's conduct does not insulate him or his office from recusal."

Mr. Blatt pointed to the prior testimony of the film producer, Michael Mehas, who had "unfettered access" to the district attorney's files. Mr. Mehas earlier testified that he was under the impression that Mr. Zonen had given him material with Mr. Sneddon's approval.

The defense lawyer stressed that there is a high likelihood that Mr. Zonen also may be called to testify at his client's trial: "His status as a potential and likely witness, and the potential waiver of confidentiality further supports recusal of his office."