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JUDGE WILL CHECK WHETHER DA SHOULD WITHDRAW

By Leslie Simmons, Daily Journal Staff Writer

SANTA BARBARA - A Santa Barbara County Superior Court judge said Tuesday he would look into the allegations that a prosecutor persuaded a potential witness in a murder case not to talk to the defense lawyer.

The defense lawyer, James E. Blatt of Encino has tried to block the Santa Barbara County district attorney's office from prosecuting murder defendant Jesse James Hollywood because lead prosecutor Ronald Zonen cooperated with a producer making a movie about the case.

At a hearing Tuesday, Superior Court Judge Brian E. Hill discounted defense assertions that Zonen was out for financial gain when he disclosed case evidence to filmmakers. But Hill said there is a question about whether Zonen should prosecute the case because he may have persuaded associate producer Michael Mehas not to talk to Blatt about Zonen's involvement in the movie.

"It seems to me...there's a need to hear from Mr. Mehas about what transpired between he and Mr. Zonen that has caused him not to cooperate with the defense," Hill said. "I'm not suggesting anything sinister. An evidentiary hearing with Mr. Mehas [is] relevant to the question [of whether there was] some improper coercion, which in turn could reflect a bias that would be legally significant.

Hill scheduled the hearing the hearing for Nov. 22. People v. Hollywood, 1014465 (Santa Barbara Superior Court, filed Aug. 21, 2000).

Mehas worked on the film "Alpha Dog" based on the murder of the West Hills 15-year-old Nicholas Markowitz and has indicated he plans to write a book about the case. The movie is set for release next year.

Hollywood, who was on the lam for five years, is accused of orchestrating the teen's murder to avenge drug debts owed by Markowitz's half-brother. He faces the death penalty if convicted.

Four other people involved in the murder already were convicted and one of them was sentenced to death.

During Tuesday's hearing, Hollywood sat next to Blatt, tightly shackled and wearing an orange jumpsuit. He smiled at his parents in the second row when he entered the courtroom.

According to the court documents, Mehas initially agreed to discuss with Blatt evidence about the case that he learned from Zonen. After talking with the prosecutor, though, Mehas indicated to Blatt and the movie's producer and director Nick Cassavetes that he would no longer

cooperate, according to court documents.

“Mr. Zonen told Mr. Mehas he believed he might be prosecuted as a result of his role in the creation of the film,” Cassavetes said in his declaration. “Mr. Mehas indicated to me he is reluctant to continue to cooperate with Jesse James Hollywood’s attorney due to his fear that such cooperation may lead to criminal charges filed against Mr. Zonen.”

Blatt claims Zonen illegally gave the producer privileged documents, including rap sheets. Hill said there was little evidence Zonen gave the producer rap sheets and even if he did, “I don’t think it would require recusal of the entire district attorney’s office.”

Outside court, Zonen declined to comment. He has said in court papers he helped the filmmakers because Hollywood was still a wanted man and a movie might lead to his capture.

“I asked only that Jesse Hollywood’s picture be shown at the conclusion of the film along with a phone number to call with information as to his whereabouts,” the prosecutor said in court papers.

Blatt said after the hearing that he is grateful the judge is continuing to look into the issue. “Obviously the judge has not made up his mind as far as the recusal,” he said.

Blatt has argued the state attorney general’s office should try the case. Zonen’s involvement in the movie tainted the entire district attorney’s office, he said.

Blatt claims District Attorney Thomas W. Sneddon Jr. Personally approved Zonen’s movie work. Cassavetes, the movie director and producer, has said Zonen was “enthusiastic” about the project.

“Mr. Zonen agreed to assist us with the screenplay,” Cassavetes said in his declaration. Loyola Law School professor Laurie Levenson said prosecutors cooperating with movie projects is troubling.

“Generally, prosecutors don’t do this,” Levenson said. “I don’t have problems having a news conference where prosecutors say, ‘We need help to catch this guy.’”

“That’s different than working hand in hand with the producer of a film. This may be one of those situations where Zonen had good intentions in mind, but it still raises difficult questions.”