

USA Today, March 27, 2006

## **Murder case is like a movie, and that may be a problem**

By Martin Kasindorf, USA TODAY

LOS ANGELES - The kidnapping and murder of 15-year-old Nick Markowitz in 2000 was true-crime story that had "soon to be a major motion picture" practically written all over it. The tragedy had a young victim, a manhunt for the kidnapper and a ring of middle-class 20-somethings who sold marijuana in the San Fernando Valley.

Alpha Dog, a \$13 million movie with a cast including Justin Timberlake, Bruce Willis and Sharon Stone, is based on the slaying in Santa Barbara, Calif. It's ready for release. But the film is now entangled in the criminal case against a defendant with a name that no screenwriter would dare make up: Jesse James Hollywood.

Hollywood, 26, has petitioned the California Supreme Court to remove the Santa Barbara County district attorney's office from the case for "unprecedented misconduct" in giving non-public case files to filmmaker Nick Cassavetes.

Defense lawyer James Blatt says he'll ask another court to block New Line Cinema from releasing the "inflammatory" movie until after Hollywood's death-penalty trial later this year. The studio had scheduled the opening for April but now says it will choose a date this spring "to be determined." Alpha Dog got mixed reviews at the Sundance Film Festival in Park City, Utah, in January.

### **'Rebel, anti-authority image'**

Hollywood was indicted for allegedly being the leader of a drug gang and orchestrating Markowitz's killing. He fled after the murder and became at age 20 one of the youngest people to be pictured on the FBI's website as a wanted fugitive.

The 5-foot-4, tough-talking Hollywood was a "cult hero" to Valley kids, says Michael Mehas, associate producer of Alpha Dog. "It's that rebel, anti-authority image," Mehas says. Hollywood was a fugitive for 4 years until he was captured in Brazil in March 2005. He has pleaded innocent.

"Having him get caught has been a mixed blessing," Mehas says. "It turned the spotlight on the case, but it enmeshed the film in the real-life story." Ron Zonen, the chief deputy district attorney in Santa Barbara County, says Hollywood and others kidnapped Markowitz to pressure his older half brother to pay a \$1,200 drug debt. After Hollywood's lawyer told him that kidnapping for extortion carries a life sentence, Hollywood ordered the abducted boy killed, Zonen says.

By 2003, Zonen had won convictions of four young men linked with Hollywood. The accused triggerman, Ryan Hoyt, is on death row and is appealing his conviction. TV's America's Most Wanted and other shows failed to produce any good tips to find Hollywood. His trail had gone cold in Canada, Zonen says.

Then director-screenwriter Cassavetes asked Zonen to cooperate on a movie "that was going to be accurate and use original names," the prosecutor says. "He said it was going to reach an international audience. That was the appeal."

Zonen says he knew that Cassavetes' parents were actress Gena Rowlands and the late director-actor John Cassavetes. "I felt he had the Hollywood pedigree - that's Hollywood with a small 'h' - to make it fly," says Zonen, who was a prosecutor in Michael Jackson's child-molestation trial last year. Jackson was acquitted

Mehas says Zonen gave the filmmakers his notebook from the four previous prosecutions in the Markowitz case, in addition to police and probation reports, a psychological report on Hoyt and crime photos.

The film follows Zonen's theory of the crime, but Cassavetes was unable to keep a promise to the prosecutor: All names were changed on advice from lawyers for the producers. Hollywood became Johnny Truelove, played by Emile Hirsch.

### **Film revised after arrest**

Cassavetes had finished filming Alpha Dog when Hollywood was captured in Brazil. When Hollywood was booked in Santa Barbara, Cassavetes said the film would need revising. He had Johnny Truelove captured in Bolivia.

The expense of shooting new scenes was just the start of trouble for the filmmakers. New Line Cinema screened Alpha Dog at a preview last summer. Blatt, Hollywood's lawyer, says he attended. He then filed motions with Santa Barbara County Superior Court Judge Brian Hill, asserting the film endangers Hollywood's right to a fair trial.

"Names are changed, but they advertised it as a true story and everyone's going to know it's the Jesse James Hollywood story," Blatt says in an interview. Cassavetes was summoned to court to answer questions about the film at a hearing in August. Hill ordered Mehas to turn over his notes for a book he has written on the case.

Hill and an appeals court rejected Blatt's move to kick Zonen and his office off the case. On March 3, Blatt complained to the California Supreme Court that Zonen acted improperly in helping Cassavetes portray Hollywood's character in an "inflammatory manner." In a court filing, Zonen said "there was no misconduct in assisting Nick Cassavetes in making a movie that would reasonably assist law enforcement in apprehending a fugitive."

Blatt says Zonen's ties to the movie create a conflict of interest - a bias that prevents Hollywood

from receiving "evenhanded prosecution." Zonen received no money, but "future profit may be implied," Blatt says. Zonen denies any conflict of interest. The court will decide by May 2 whether to take action.

Blatt acknowledges that there's no precedent for removing prosecutors for helping filmmakers and says he'll have "an uphill battle" to delay the film's release. He says prospective jurors can be dismissed if seeing the film leaves them with an unshakeable opinion that Hollywood is guilty.

Zonen says few prospective jurors are likely to see the youth-oriented Alpha Dog. "There's a heavy dosage of rap music and drugs and booze and yelling and swearing," he says. "It's not the kind of movie the 40-plus are going to flock to. And anyone who has seen this movie will simply be excused - all three of them."