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## Suit tries to block pretrial release of movie

**The defense doesn't want 'Alpha Dog,' based on the notorious killing of a teen, out before the alleged mastermind's trial next summer.**

By Andrew Blankstein and Jessica Garrison

Santa Barbara County Deputy Dist. Atty. Ronald Zonen had several concerns in 2003 when he turned over a treasure trove of confidential materials to producers of a film based on the Nicholas Markowitz kidnapping-murder case. One was tracking down accused mastermind Jesse James Hollywood, who had been on the lam for three years.

Another was that the actor who played Zonen be "really handsome," according to court papers. Insisting that the prosecutor's cooperation with filmmakers had compromised Hollywood's right to a fair trial, defense attorneys got an appeals court to throw Zonen off the case. And on Friday, defense attorney James E. Blatt filed a suit seeking to block Universal Studios from distributing the fictionalized account, "Alpha Dog," before Hollywood's trial next summer.

The fugitive was arrested last year in Brazil. Representatives for the studio, whose movie stars Justin Timberlake, Bruce Willis and Sharon Stone, declined to comment, citing pending litigation. Legal experts said Blatt's suit is a longshot; courts refused to block pretrial movies about the murder cases of O.J. Simpson and the Menendez brothers.

But the dispute demonstrates a tension for a growing number of ambitious lawyers who, in the age of celebrity, harbor creative ambitions. "I do see a problem with it," said Loyola Law School professor Laurie Levenson. "Are you going to try a case in the way that is going to sell the most books?" Storytellers have been ripping plots points from court files at least since the days of Shakespeare -- and television and movies lean heavily on courtroom procedurals.

Bestseller lists, meanwhile, are replete with lawyers turned novelists such as Scott Turow and Linda Fairstein. Although it's unusual for prosecutors to launch entertainment or literary projects before their cases wrap up, Zonen was not the only Santa Barbara County prosecutor bounced from a case this year. The state Court of Appeal removed prosecutor Joyce Dudley from a case, saying her self-published novel "Intoxicating Agent" too closely tracked an alleged date rape she was prosecuting.

Dudley denied that the book was based on the case, which has yet to go to trial. " 'Intoxicating Agent' was written at least one year before the alleged ... rape case occurred," Dudley said in an e-mail. Zonen, in court papers, also denied that the film project entered into his calculations during the six years he has been involved in prosecuting Hollywood and four co-defendants in the slaying of 15-year-old Markowitz, allegedly over his older brother's failure to pay a drug

debt.

The shooting death of the teenager, whose body was found in a shallow grave in the mountains above Santa Barbara in the summer of 2000, provided a dark morality play about drug use and violence among young men in the San Fernando Valley. The media swarmed the case.

Hollywood's four co-defendants were convicted in 2003, but he had vanished soon after the crime. Shortly after the convictions, Zonen, according to the court file, entered into an unusual agreement to hand over much of the criminal file, including confidential police and probation reports, psychiatric evaluations and witness addresses, to producer Nick Cassavetes, who directed "John Q" and "She's So Lovely."

Zonen wasn't paid for his participation, although he told producers that he was considering a book after the trial was done, court papers said. But in a court briefing, the prosecutor said he cooperated in 2003 in hopes that the film would generate tips worldwide to help law enforcement catch Hollywood, who was captured two years later. Zonen also argued that most of the material he furnished was in the public record.

Some involved in the making of "Alpha Dog" said Zonen's aspirations went beyond finding Hollywood. Cassavetes' girlfriend is quoted in court papers as saying Zonen "appeared to be star-struck." Blatt, the attorney for Hollywood, said Zonen's involvement "destroys the presumption of innocence, severely damages the jury pool and it cheapens the criminal justice system."

Zonen didn't return phone calls for comment this week. In removing him, the court acknowledged that widespread publicity had hurt Hollywood's chances of a fair trial. The rape case Dudley was prosecuting, on the other hand, wasn't even on the public radar when her book was released. In a stinging opinion that at times read like a book review, the Court of Appeal concluded Dudley had a conflict of interest in the case. Her work depicted the exploits of a fictional Santa Barbara County district attorney, Jordan Danner, prosecuting a man for drugging and raping a woman. According to the ruling, Dudley said Danner is a "pumped up version of herself."

"Although her novel and petitioner's case have differences in their facts, enough similarities exist to suggest Dudley is relying on petitioner's case for plot lines," the appellate ruling said. The judges wrote that it was "understandable" that the accused would "question whether his constitutional rights will be protected by a prosecutor who writes a fictional account about a case similar to his own in which the defendant is depicted as a vile brute."

The court also criticized Dudley for presenting "a biased, black- and-white view of the participants in the criminal justice system...." "She portrays prosecutors as fearless champions of truth and justice. On the other hand, she characterizes the defendant in the novel as 'despicable' and 'felony ugly.'"

Turow, a former federal prosecutor whose legal thriller "Presumed Innocent" topped the bestseller list and was made into a 1990 film, said he understood the urge to mine cases for

dramatic potential. "Trial lawyers tend to be storytellers," he said. "I've given up pretending my experiences haven't informed my work." But he said lawyers must be careful not to pen roman a clefs that only thinly veil their clients and cases.

Vincent Bugliosi was the co-author of "Helter Skelter," a best- seller about the Charles Manson murder case, which he prosecuted. But Bugliosi said ethical obligations come first. Prosecutors "have a duty to affirmatively help the defendant get a fair trial," Bugliosi said.

As for "Alpha Dog," Cassavetes dropped courtroom scenes, and thus the Zonen character, from his movie. But not before an actor had been picked to play the prosecutor, Blatt said. Her name? Courtney Cox.

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