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Writer Ordered To Turn Over Research On Hollywood Case

By Scott Hadly

The judge in the Jesse James Hollywood murder and kidnapping trial denied a defense motion to throw the prosecutor off the case, but during a hearing Tuesday, he may have set up a First Amendment showdown with a researcher and writer who worked on a new film about the crime.

Michael Mehas, a Ventura attorney and friend of filmmaker Nick Cassavetes, worked for two years researching the August 2000 kidnapping and death of 15-year-old Nicholas Markowitz. Along with helping compile information used by Mr. Cassavetes to write the screenplay for the movie "Alpha Dog," Mr. Mehas is also writing two books about the case.

Mr. Hollywood is accused of orchestrating the crime. Four other young men are now in prison for their roles, including the shooter, Ryan Hoyt, who is on California's death row. If he's found guilty, Mr. Hollywood, 25, could be sentenced to death.

On Tuesday, Mr. Mehas said that in the process of gathering information on the case, he interviewed at least eight witnesses and said that some of the information they gave him contradicts or undermines the prosecution's case against Mr. Hollywood.

But when defense attorneys asked for notes of those interviews, Mr. Mehas refused.

"I'm not going to turn those over," he told the judge. "That's my work product that's going into my book, and I've no intention of turning over work product."

Santa Barbara Superior Court Judge Brian Hill ordered Mr. Mehas to turn over all notes and tapes related to those interviews to the court by next Monday, but said no one would have access to those records until the matter was settled in court.

Under the First Amendment, Mr. Mehas has some protections as a journalist to shield his sources, but in criminal cases a defendant's right to a fair trial may supercede those rights, especially if the information has the potential to determine his guilt or innocence.

Attorney Alex Kessel, part of Mr. Hollywood's defense team, said he was confident they would obtain the information.

"I see no legal barrier; we will get it," Mr. Kessel said.

Tuesday's hearing was meant to focus on whether the prosecutor in the case, Senior

Deputy District Attorney Ron Zonen, tried to keep Mr. Mehas from cooperating with the defense.

But Judge Hill allowed defense attorneys to go into other areas, and at times asked Mr. Mehas questions himself. Apart from a few objections, Senior Deputy District Attorney Joyce Dudley didn't ask Mr. Mehas any questions.

Attorneys for Mr. Hollywood have argued that Mr. Zonen violated professional codes of conduct and some penal code sections by sharing his case files with Mr. Cassavetes and Mr. Mehas.

Mr. Zonen has conceded in court that he may have inadvertently given out information that he should not have, but has argued that he was interested in making sure the film was accurate and hoped that the movie might help aid in the capture of Mr. Hollywood. The defendant was a fugitive until March – after filming of the movie had effectively finished.

During Mr. Mehas' testimony, he described talking with Mr. Zonen at least 10 different times. He said he was allowed to take home large portions of Mr. Zonen's case files, and he sometimes talked to the veteran prosecutor about his own theories on the case, even speculating about what kind of defense might work for Mr. Hollywood.

But he said Mr. Zonen never told him not to talk to defense attorneys.

Earlier this month, Judge Hill said that he found no grounds for recusing Mr. Zonen despite evidence that the prosecutor shared most if not all of his case files with Mr. Mehas and Mr. Cassavetes. At the time, he said he hadn't found anything that amounted to a conflict of interest in what Mr. Zonen did.

Judge Hill repeated that finding on Tuesday.

"I don't believe there is any conflict, and I don't see any basis for the conclusion that Mr. Hollywood cannot receive a fair trial," he said.

After the hearing, James Blatt, another of Mr. Hollywood's attorney's said he would ask an appellate court to rule on whether Mr. Zonen's actions crossed a line that requires his removal from the case.

"I don't know of any other case where a prosecutor with a capital case pending releases his entire case file for use in a major motion picture that comes out before the trial begins," Mr. Blatt said. "We'll see what the appellate court has to say."