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# Jesse James Hollywood appeal turned down

The justices agree with a California court that the former fugitive can get a fair trial in a 2000 slaying even though a prosecutor helped a director turn the story into a fictionalized movie.

By David G. Savage

It was an unusual true-crime tale of kidnapping and murder that made its way onto the movie screens before the man accused of orchestrating the crime stood trial in court. But on Monday, the Supreme Court cleared the way for prosecutors in Santa Barbara to begin a capital murder trial against Jesse James Hollywood, who is accused of masterminding the kidnapping and murder of 15-year-old Nicholas Markowitz in August 2000.

The movie "Alpha Dog," released last year and starring Bruce Willis, Sharon Stone and Justin Timberlake, gave a fictionalized account of a similar crime. Ron Zonen, the original prosecutor in the case, had cooperated with director and screenwriter Nick Cassavetes in 2003 in making the movie that became "Alpha Dog." Zonen said he hoped that publicity from the film might aid in finding the escaped Hollywood. He was captured in Brazil in 2005 and was returned to Santa Barbara to stand trial. He could face the death penalty.

But his lawyers argued in the California courts and in their appeal to the Supreme Court that Zonen and the Santa Barbara County district attorney's office should be disqualified from the case. "We felt very strongly there was a conflict of interest," said James E. Blatt, a lawyer from Encino. Zonen "was a consultant on the motion picture. He released confidential files, and the district attorney's office approved his actions. We believe this demeans the criminal process."

The California Supreme Court disagreed in May. Its opinion concedes that Zonen's sharing of case files could be seen as "highly inappropriate and disturbing," but it concluded that the prosecutor's participation would not deprive Hollywood of a fair trial.

The high court turned down the appeal without comment on Monday. Joshua Lynn, a deputy district attorney for Santa Barbara County, said Hollywood's trial was set to begin Feb. 19. He said he would be the lead prosecutor. "Ron Zonen is not on the case. We had to make sure we could proceed," Lynn said. "Legally, he would be permitted to be involved, but he is not a party to the case any longer."

Before the trial begins, a judge also will consider a motion to move the prosecution elsewhere. Four other defendants in the case were convicted. Triggerman Ryan Hoyt was convicted of murder and sentenced to death. Hollywood is accused of orchestrating the crime. Prosecutors

said that Hollywood was a drug dealer in the San Fernando Valley and that the boy was kidnapped as retaliation in a dispute with the teen's older brother over drug money. Savage is a Times staff writer.

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