

Santa Barbara News-Press, November 2, 2005 12:00 AM

## **HOLLYWOOD PROSECUTOR'S FILM COOPERATION POSES NO CONFLICT, JUDGE SAYS**

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### **Deputy DA shared files with makers of "Alpha Dog"**

The judge in the Jesse James Hollywood murder and kidnapping case said Tuesday that despite almost four months of trying, the 25-year-old's lawyers have failed to show grounds for throwing the prosecutor and the Santa Barbara County District Attorney's Office off the case.

Judge Brian Hill said he couldn't find any evidence that Senior Deputy District Attorney Ron Zonen's decision to share files in the matter with the makers of the yet-to-be released movie "Alpha Dog" amounts to a conflict of interest or will hurt Mr. Hollywood's chances for a fair trial.

"I do not find a scintilla of evidence that he had a financial stake or improperly utilized a criminal proceedings," Judge Hill said, naming the kinds of things that traditionally create conflicts of interest for prosecutors.

Alex Kessel, one of Mr. Hollywood's attorneys, said the sharing hurt Mr. Hollywood because of how the film, which stars Bruce Willis, Sharon Stone and Justin Timberlake, depicts his client. "Alpha Dog" is based on the Hollywood case.

An opinion filed last week by Deputy State Attorney General David Glassman reached much the same conclusion that Judge Hill did. But the local jurist stopped short of ruling on the defense motion to recuse Mr. Zonen and the Santa Barbara County District Attorney's Office.

Judge Hill scheduled an evidentiary hearing for Nov. 22 in which one of the co-producers of the film will be questioned about what Mr. Zonen said to him and whether it led him to stop cooperating with defense attorneys.

Attorneys for Mr. Hollywood, who is charged with orchestrating the August 2000 kidnapping and slaying of 15-year-old Nicholas Markowitz, have argued that Mr. Zonen violated professional codes of conduct and some penal code sections by sharing his case files with filmmaker Nick Cassavetes and his co-producer Michael Mehas.

They have said that in the process of sharing his files, he also gave the moviemakers copies of some of the co-defendants' rap sheets and contact information for some witnesses.

In response, Mr. Zonen has said that he may have inadvertently given out the information. He said that though this might be evidence of carelessness, it doesn't amount to bias. His reason for sharing the information was to ensure the accuracy of the film and to aid in the capture of Mr. Hollywood, who was a fugitive until March -- after filming of the movie had effectively finished.

Whether or not it was appropriate for him to share his case files with filmmakers, Judge Hill said he took Mr. Zonen's assertions at face value. He said statements by the filmmaker, submitted by the defense, tended to support Mr. Zonen's claim.

But that didn't stop Mr. Hollywood's attorneys, James Blatt and Mr. Kessel, from arguing that that a potential conflict can occur even though Mr. Zonen received no money for his cooperation with filmmakers.

"It's not just money, but fame, legacy and respect," Mr. Blatt said.

Judge Hill said "all that's amorphous" and doesn't amount to legal grounds to support a charge of conflict of interest or bias.

On Tuesday, Mr. Kessel accused Mr. Zonen of lying in court about his motives for sharing files. When the judge asked him to explain how Mr. Zonen may have lied, Mr. Kessel said the prosecutor's explanations about why he shared the files did not ring true.

After the hearing, Mr. Blatt said he felt Judge Hill left ample room for the defense to make its case. Judge Hill was concerned that Mr. Mehas was for a time cooperative with defense attorneys and then suddenly stopped.

In a declaration filed earlier this month Mr. Cassavetes said Mr. Mehas stopped cooperating because he didn't want Mr. Zonen to get into trouble. Mr. Blatt said it was more than that -- Mr. Mehas stopped cooperating with him after talking to Mr. Zonen.

"Sometimes it's not the crime but the cover-up," Mr. Blatt said.