

# Attorney Readies Magic for Trial

## Lawyer Promises Creative Defense Strategies in Murder Case

By Leslie Simmons

Daily Journal Staff Writer

James E. Blatt has been known to pull some legal rabbits out of the hat during his 32 years as a criminal defense lawyer. But even he concedes that he'll have to dig deep into his bag of tricks to save the life of his latest client, accused murderer Jesse James Hollywood.

"It's going to be a hard-fought case," Blatt predicted.

Hollywood was on the lam for five years after being accused of master-minding the kidnapping and murder of 15-year old West Hills student Nicholas Markowitz.

In 2000, Hollywood was indicted on capital murder charges, accused of ordering the killing that was carried out by Ryan Hoyt, who occupies a cell on death row. *People v. Hollywood*, 1014465 (Santa Barbara Super. Ct, filed Aug. 21, 2000).

At a hearing in Santa Barbara on Tuesday, Blatt raised concerns over the expected release in December or January of "Alpha Dog," a movie loosely based on Hollywood and the murder.

Blatt said he told the court that he had learned that the Santa Barbara district attorney's office assisted the film's writer and producer, Nick Cassavetes, with research. Blatt said Cassavetes was given 17 tapes that included statements from witnesses and the other defendants.

"It naturally adds complications to the case," he said.

The lead prosecutor in the case, Santa Barbara Deputy District Attorney Ronald Zonen, was out of town Tuesday.

Assistant District Attorney Patrick McKinley who appeared for the prosecutor's office at Tuesday's hearing, declined to discuss the specific allegations against Hollywood or to disclose whether his office will seek the death penalty.

But McKinley said the issues Blatt raised are "certainly something that needs to be looked at."

McKinley added that a great deal of information about Hollywood became available because he was a fugitive and featured on television, including "America's Most Wanted."

Some of the information Blatt referred to also could have been exhibits in previous trials, making them public record, McKinley said.

A hearing to discuss the movie issue was set for Tuesday, Blatt said.

McKinley said he had never heard of Blatt until Hollywood's arrest.

"I've found him to be personable and professional," McKinley said.

Earlier, Blatt declined to say exactly how he plans to win the case, but he promised some creative defense strategies.

On that point, he won't hear any objections from the lawyers who have squared off against him in court.

"I think he inspires fear in prosecutors," said Deputy District Attorney Cheryl Gaines, who last year lost a child-molestation case against one of Blatt's clients. "He's got the reputation of winning cases that we should win."

Earlier this year, Blatt successfully put on an affirmative defense at the preliminary for a double-murder case.

He argued that 24-year-old Alejandro Murillo acted in self-defense acted in self-defense and in the defense of bystanders when he fatally shot two gang members who beat his friend to a bloody pulp outside a Northridge bar.

Retired Judge J. Michael Byrne in San Fernando found the shootings justified and dismissed the case. *People v. Murillo*, PA045763 (L.A. Super. Ct., filed Nov. 6, 2003)

"It's almost unheard of," said criminal defense attorney Robert E. Schwartz about that special-circumstance case. "That's a strategy that is very bold. He took a gamble."

Over the years, Blatt has used "cultural" and "vigilante" defenses with great success.

"I've worked hard in trying to create new defenses, and I've been successful in them," he boasted.

In 1996, after federal agents at Los Angeles International Airport seized \$357,000 hidden in the suitcases of a Syrian man, Blatt successfully argued his client's case to the U.S. Supreme Court.

He said he initially thought about hiring a Supreme Court specialist to argue the case but decided to hire a tutor and do it himself.

In the case, the high court affirmed 6-3 a ruling by the 9<sup>th</sup> U.S. Circuit Court of Appeals that forfeiting the entire amount violated the Constitution's Excessive Fines Clause, *U.S. v. Bajakajian*, 524 U.S. 321 (1998).

In the past 18 months alone. Blatt has worked several other legal miracles. He won seven defense verdicts in cases that included charges of murder, assault with a deadly weapon, rape and residential robbery.

"He has a lot of creditability," Deputy District Attorney Dmitri Goran said. "When people ask who are the best defense attorneys around, he'd be on the list as one of the top criminal defense attorney's."

The Criminal Courts Bar Association, a local defense lawyer's group, recently named Blatt its Trial Lawyer of the Year.

Blatt, 56, says he is just "old school" – a throwback to a time when lawyers were courteous to each other even as they aggressively represented their clients.

He also credits his success to a strong work ethic developed in his hometown of Punxsutawney, Pa., home of the nation's annual Groundhog Day celebration.

Punxsutawney is "a poor town with great values; where you're taught hard work, determination and to never give up," Blatt said.

"Those are values I've taken with me all my life," Blatt said

Blatt came to California alone at 17, took courses at El Camino College, joined the Army, got married at 21 and became the father of two boys, Jason and Aaron, now 32 and 29, respectively.

After earning a bachelor's degree in political science from UCLA, Blatt enrolled in night courses at Loyola Law School.

He graduated a year early, in 1973, and at 24 was hired as a county prosecutor. At 27, he decided to go into private practice.

“For some deputy district attorneys, the transition is impossible,” he said of his move to the defense bar. “For me, I found it easy. I enjoyed it immensely.”

Blatt used leftover vacation and sick time to pay his first month’s rent on an office and then he got to work.

He pounded the sidewalks of the San Fernando Valley and frequented the “workingman’s” bar where his clients included bartenders, autoworkers, machinists and carpenters.

“I didn’t wait for the business to come to me,” Blatt said.

His second wife, Blanche Blatt, is a former county prosecutor. The two met on a blind date set up by Judge Gregory Marcus, who later married them. Blatt has built a reputation as one of the “go-to guys” in Los Angeles, said Schwartz, who has known Blatt for 20 years.

Schwartz got to see Blatt’s legal talents firsthand eight years ago when the two criminal defense attorneys worked on a case together.

“He pointed his antennae exactly where he wanted to go. He got what I think he wanted out of each witness, and he did it without doing damage to his client,” Schwartz said.

Respect for Blatt extends to the bench.

Last year, after thieves took a computer from the condo of Robert Blake’s criminal defense lawyer on the eve of the actor’s murder trial, Judge Darlene Schempp appointed Blatt the special master oversee the investigation.

“To me, that goes back to credibility,” Goran said. “He’s the guy you’d want on your side, I think.”

Five years ago, Hollywood’s parents hired Blatt when Markowitz’s body was found. By then, Hollywood had skipped town.

An alleged drug dealer, Hollywood was put on the FBI’s Most Wanted list and was tracked to Colorado, then to a small costal town east of Rio de Janeiro, Brazil, where he was captured.

Blatt is prepared to do battle in the case with Zonen, who is fresh off a loss in the Michael Jackson child-molestation trial. Blatt had never met his client until March 10, when Hollywood arrived back in California and was booked for the murder of Markowitz.

Later that day, Blatt came face to face with Hollywood in a 3-by-5-foot room, separated by a glass partition, conferring by telephone.

“He was polite, respectful and concerned,” Blatt said of his client.

But Blatt says he didn’t have to ask Hollywood why he ran.

“When you’re looking at the death penalty or life imprisonment, it’s hard to convince anyone [to surrender],” Blatt said.

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