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Factions Study Impact of Fleiss Case

Courts: Prosecutors hedge on retrial after pandering conviction is overturned. Political damage to Garcetti seen as unlikely.

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As Heidi Fleiss and her lawyers celebrated an appeals court decision that threw out her conviction for pandering, prosecutors said Thursday that they will take their time deciding whether the Hollywood madam should be retried--and political observers predicted little fallout if the matter ends up being dropped.

"It will be interesting to see what [Los Angeles County Dist. Atty.] Gil Garcetti does," said political analyst Sherry Bebitch Jeffe, senior associate at the Center for Politics and Economics at the Claremont Graduate School.

"My gut tells me he won't retry the case. And if he doesn't, I don't think there'll be a significant impact, because it's just not on the public's radar screen. There are just too many other things going on . . . and, hey--it's not a capitol crime, here, you know what I mean?"

Garcetti, meanwhile, was circumspect, refusing to commit himself until the state attorney general's office, which represented the trial court, decides whether to ask the appellate judges to reconsider their ruling, an option they have two weeks to exercise.

"This is an interesting case to the public," Garcetti told reporters in a brief televised comment Wednesday. "It's not a case that has tremendous import to the community as a whole."

Fleiss' lawyers urged authorities to drop the case, saying that the 30-year-old Fleiss and the taxpayers had suffered enough.

"This is a question of priorities," said defense lawyer Anthony Brooklier. "She's run the gantlet once. When you strip away the hoopla, is this really that important a case? I mean, no matter how you shake it, we're talking about consensual sex."

Brooklier noted that Fleiss has also been convicted on federal charges of tax evasion and money laundering, and faces a punishment that authorities estimate could run from three to eight years when she is sentenced in U.S. District Court on Sept. 16.

Brooklier said he plans to seek a new trial on the federal charges as well, but Assistant U.S. Atty. Alejandro Mayorkas predicted that the appellate ruling "would have no impact whatsoever" on the federal conviction.

Fleiss, arrested in 1993 as the result of a complicated vice sting, became an international

celebrity after rumors began to circulate that she supplied high-priced call girls to Hollywood's elite. Her state court trial yielded little confirmation of those rumors, but names were later named in federal court.

Actor Charlie Sheen testified under a grant of immunity that he was a regular customer of Fleiss, and other men--including a Mexican businessman and a onetime owner of the Denver Nuggets--offered similar testimony without assurances that prosecution would not follow.

Fleiss' colorful state trial had a sobering ending in December 1994, when jurors convicted her on three counts of pandering. A Superior Court judge sentenced her to three years' in prison. Then on Tuesday, the 2nd District Court of Appeal overturned the conviction, contending that vote trading by the jurors had turned the trial into an "auction" and "a farce."

The appellate panel's decision was based on affidavits from several jurors, who later testified under a grant of immunity to having swapped votes to avoid a deadlock.

The appellate ruling left Garcetti with yet another unfavorable verdict in a high-visibility case. The district attorney, who is facing a tough reelection race, recently won the conviction of the Menendez brothers, but was unsuccessful in the murder trials of O.J. Simpson, Snoop Doggy Dogg and others.

Garcetti's critics have cited his record in such cases as a potential obstacle to his campaign. However, Jeffe and others said the Fleiss case--as sensational as it was--has long since been eclipsed by the Simpson trial, among others.