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Attorney says Hollywood asked for boy's release

By COLBY FRAZIER

On Aug. 8, 2000, the day before prosecutors say Jesse James Hollywood ordered the execution of a 15-year-old boy, he consulted his family's longtime attorney, Stephen Hogg, who said yesterday in Superior Court that he told the defendant the consequence for a ransom kidnapping was life in prison.

Hogg, called by the prosecution to testify during Hollywood's capital murder trial, said Hollywood did not ask what the punishment was. Rather, the attorney said by discussing the consequences, he hoped to "impress upon him that his friends could be in some dire trouble."

While prosecutors have said that Hollywood's meeting with Hogg, and his subsequent discovery of the punishment for kidnapping the 15-year-old victim, Nicholas Markowitz, prompted him to order the boy's killing, Hogg said this was not the impression he received.

In fact, Hogg said Hollywood, before leaving the home in Santa Barbara where Markowitz was being held, told his friends "this is stupid ... [and] they should take [Markowitz] back."

Santa Barbara County Chief Trial Deputy Josh Lynn acted surprised by Hogg's statement and asked the man if this was the first time he'd ever said Hollywood told his friends to let Nicholas go. Hogg insisted it wasn't, and that he'd discussed it hundreds of times over the years.

The meeting with Hollywood lasted 15 minutes, Hogg said. During that time he said the defendant acted "agitated," smoking three cigarettes and constantly rising from his chair to pace around the table.

He said the conversation started with Hollywood saying some of his friends "snatched" the little brother of "Bugsy," the nickname for Nicholas's older half-brother, Ben Markowitz, who owed Hollywood \$1,200 in drug money.

A week or two prior to the August 8, Hogg said he and Hollywood met to discuss death threats Ben Markowitz had made against Hollywood and his family. Additionally, Hollywood suspected the man of poisoning his dog and breaking out the front window of his home.

Because of the threats, Hogg said Hollywood was moving out of his home (Hogg thought it was an apartment, though he later found out Hollywood owned the home), and was changing his phone number.

In between these two meetings, Hollywood and a group of his friends, on Aug. 6, 2000, came across Nicholas, who was walking near his home in the San Fernando Valley. Prosecutors say the men stopped the white van they were driving, beat Nicholas up, and threw him inside, taking him to Santa Barbara.

While in Santa Barbara, one witness said he saw the boy's hands and feet tied at one point, but later saw the boy smoking marijuana and playing video games with Hollywood.

At some point over the next two days, Hollywood apparently grew anxious, and arranged the meeting with Hogg.

When Hollywood showed up to his home, Hogg said Hollywood was "nervous." When Hogg said he realized, through Hollywood's explanation of the events, that he was present at some point during the kidnapping, and urged Hollywood to contact authorities.

Hogg said he asked if the boy was tied up, to which Hollywood said no. Hogg also wanted to know where the boy was, but Hollywood declined to say.

Hogg said he "pushed quite hard" for Hollywood to contact the authorities, explaining the anecdote that "the first person that gets on the train gets the shortest ride," meaning if he turned himself in he would see less jail time.

When Hogg suggested again that Hollywood go to the authorities, he said the defendant grew outraged and left.

"He vehemently said no," Hogg said. "He said they'll kill my family, they'll come after my family."

Hogg said Hollywood didn't noticeably react when told about the possible consequences for the kidnapping, and he "never asked me 'what can I get for this.' I brought it up."

Although the prosecution believes Nicholas' kidnapping and murder were connected to the drug debt owed by his older brother, witness testimony from Hogg and Michelle Lasher, a woman who was Hollywood's girlfriend at the time and said yesterday she still is, said money was not an issue.

"He never mentioned money to me at all," Hogg said, adding that Hollywood seemed concerned about threats to his family.

William Jacques, one of Hollywood's childhood friends in Colorado, testified about meeting up with the defendant between August 14 and 16. Hollywood, with Lasher in tow for a portion of the trip, fled to Las Vegas and later Colorado. He was a fugitive until being arrested in Brazil in 2005.

While in Colorado, Jacques said Hollywood gave him two guns, a shotgun and a rifle. He said Hollywood told him he no longer needed the guns.

Although Jacques said the two simply drank beer and watched movies during much of their time together, on the third day, after they had drunk about six beers each, Hollywood admitted he was

running from police.

Jacques, who had a young son, said he wanted to stay out of trouble and told Hollywood so.

“At that time I wanted to distance myself from Mr. Hollywood because I didn’t want to get into any trouble,” he said.

A short time later Jacques dropped Hollywood off at a nearby hotel, the last time he’d seen him until yesterday in court.

During questioning by the defense, Jacquez, who played baseball as a youth with Hollywood, characterized the man as a “leader.”

Lasher, who was on the witness stand for much of last Friday and all of Monday, concluded her testimony yesterday.

Lasher said on Monday that she heard fragments of an argument between Hollywood and Ryan Hoyt the day after Nicholas was killed. She said Hollywood was visibly upset during the argument, so much so that a blood vessel in his eye burst. She also said she overheard him ask if Hoyt was “crazy.”

Hoyt, who shot Nicholas nine times with a semi-automatic handgun, was found guilty of murder and is currently on death row at San Quentin State Prison.

On Monday, Lasher accused Deputy District Attorney Hans Almgren of threatening to charge her with murder if she didn’t tell the truth from the stand.

Lasher, who frequently sobbed on Monday, quickly broke into tears yesterday morning while being asked by James Blatt, Hollywood’s legal counsel, about a police search of her parents’ home.

Lasher’s attorney, James Gregory, was expected to take the stand to shed light on her client’s accusations. However, the prosecution opted to not call the man to the stand.

Instead Almgren called district attorney investigator Paul Kimes, who was present during the meeting with Lasher last Friday.

Kimes said Lasher was “upset” when she arrived at the meeting, the purpose of which was to have her sign a use immunity agreement for her testimony. Use immunity means Lasher couldn’t be prosecuted for any self-incriminating statements made from the stand.

“She signed it and then threw the document and the pen,” Kimes said.

According to Kimes, Almgren told Lasher she could be prosecuted with perjury if she lied from the stand, but the prosecutor did not say the woman could be charged with murder.

Graham Pressley, who was convicted of second-degree murder by a Santa Barbara jury in 2002 for his involvement in Nicholas’ killing, also took the stand. Pressley, who was 17 at the time of the killing, was prosecuted as an adult but was sentenced as a minor. He was released from jail about a year ago.

Just as Pressley started to explain his involvement in the case, the hearing ended. Pressley will resume his testimony this morning at 9 a.m. in Judge Brian Hill's Dept. 14 courtroom.