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DA calls Hollywood 'child killer'

By COLBY FRAZIER — July 1, 2009

Calling Jesse James Hollywood a “child killer” and the “king of thugs,” Santa Barbara County Chief Trial Deputy Josh Lynn yesterday delivered his closing statement in the man’s capital murder trial.

Facing the jury of nine women and three men, the prosecutor asked for justice, saying the case isn’t about the defendant, but rather it is about the 15-year-old Jewish boy named Nicholas Markowitz, who would likely still be alive today if it wasn’t for a chance meeting with Hollywood.

“There is just a mountain of evidence against Mr. Hollywood and justice has waited nine years,” Lynn, the lead prosecutor, said. “I would urge you to usher Mr. Hollywood into his new status as a convicted kidnapper and child killer ... Convict him.”

Prosecutors say Hollywood kidnapped Nicholas on Aug. 6, 2000 from a street near his home, and two days later, in an attempt to cover up the kidnapping, ordered his friends to kill the boy.

Along with the charge of first-degree murder, Hollywood, 29, has pleaded not guilty to kidnapping for ransom and a host of special allegations. If convicted, he could face the death penalty.

In his three-and-a-half hour closing statement, Lynn, backed by a PowerPoint presentation, combed over much of the witness testimony presented during the six-week trial, including that of Hollywood, who over the span of four days, delivered an exhaustive first-hand account of the events surrounding the murder.

The only problem with Hollywood’s version, Lynn said, is that the defendant was lying.

“He looked you in the eye and he lied to your faces,” he told the jury.

Though Lynn discussed a number of topics he believes Hollywood lied about, among the easiest to track are statements the defendant made that directly conflict with other witness testimony.

When Hollywood was in the early stages of his brazen escape from authorities, which eventually led him to Brazil, he drove from Colorado to Los Angeles with his longtime friend, Chas Saulsbury.

On the drive, Saulsbury said from the stand that Hollywood revealed a number of details about the killing. For instance, Saulsbury said Hollywood told him he asked his friend Ryan Hoyt, to kill Nicholas, and he agreed.

Indeed, it was Hoyt, who in the early morning hours of Aug. 9, 2000, took Nicholas to a remote hiking area off West Camino Cielo Road, and shot him nine times with Hollywood's TEC-9 machine pistol.

Saulsbury said the defendant revealed a number of other details along the way, including where he got the TEC-9.

But when Hollywood took the stand, he said he didn't discuss any details of the case with the man. Hollywood also denied getting the TEC-9 from an employee at an auto body shop, insisting he received it as payment from a neighbor for a drug debt.

Hollywood's testimony also differed from that of his girlfriend, Michelle Lasher, and his childhood friend, Casey Sheehan.

On the evening of August 8, just hours before Nicholas was fatally shot, Hollywood went out to dinner with these two at an Outback Steakhouse in Los Angeles. Lasher said Hollywood told Sheehan and her that kidnapping situation had been "unwound," while Sheehan said the defendant indicated it had been "taken care of."

Still, Hollywood said he had no memory of making such statements.

While prosecutors say Hollywood paid Hoyt to murder Nicholas, he also reportedly asked his friend Jesse Ruge to kill the boy for \$2,000.

This testimony was delivered by Graham Pressley, who was convicted of second-degree murder for his role in the killing. On August 8, Pressley said Ruge told him about the solicitation. He said Ruge promised he wouldn't hurt Nicholas and called Hollywood "crazy."

Pressley relayed this information to Natasha Adams, who said from the stand that she demanded Ruge send Nicholas home and was assured he wouldn't be harmed.

Hollywood, however, denied ever offering money to anyone in return for murdering Nicholas.

While the jury will ultimately decide who told the truth, Lynn wondered why so many witnesses would, for no apparent reason, lie for Hollywood.

"Why would he take the stand here and lie about these things?" the prosecutor asked of Saulsbury. "What is the motive for everyone to get on the stand and lie?"

Of course, many of the same witnesses who Lynn insists are telling the truth acknowledged lying to authorities in the past.

Lynn contends some of the witnesses initial reluctance to tell the truth was based on a chilling fear instilled by Hollywood, who at the time was only 20, and was operating a successful marijuana operation that was generating \$10,000 in profit per month.

Two witnesses, Pressley and Brian Affronti, both said they were told to keep quiet about the kidnapping and killing.

At a barbeque on August 13, Pressley said he was told by Ruge to clam, and was asked if he was going to be a “liability.” Asked by Lynn why he initially lied to police, Pressley said he was scared of Hollywood.

Affronti, who had been dealing marijuana with Hollywood, but was never charged with any crimes related to the kidnapping and murder, was told shortly after the kidnapping by a friend that Hollywood considered him a “weak link,” and to keep quiet.

Although Hollywood was far from the murder when it occurred, Lynn said he is just as culpable as Hoyt, who was convicted of murder and is on death row at San Quentin State Prison.

Hollywood admitted to kidnapping Nicholas, saying he saw the boy walking down the street shortly after the windows at his home were broken out. Nicholas’ older brother, Ben Markowitz, who owed the defendant \$1,200 in drug money at the time, had just claimed responsibility for breaking the windows.

During his testimony, the defendant said he pinned Nicholas up against a tree, asked where his brother was, and with the help of a friend, “ushered” the boy into the van. The group drove to Santa Barbara, and roughly two days later, Hoyt brutally murdered the boy.

Lynn said the initial kidnapping triggered a chain of events that resulted in the boy’s death. And despite witness testimony that Nicholas was smoking marijuana and playing video games with his captors, the prosecutor said Hollywood continued to exert control over the situation, and the boy was never free to leave.

All of this, Lynn said, makes Hollywood “guilty as sin.”

Before concluding, Lynn showed three gruesome pictures of Nicholas’ bullet-riddled body after it was unearthed from the shallow grave at Lizard’s Mouth. The boy’s parents, who have been in court nearly every day of the trial, wept.

“Look at Nick Markowitz,” he said to the jury. “This is what was left of Nick.”

DEFENSE CLOSING STATEMENT

Hollywood’s co-defense attorney, Alex Kessel, delved into his closing statement, and told the jury to decide his client’s fate as if it is one of the most important decisions they’ll ever make.

Kessel, who has been reprimanded for badgering witnesses during the trial, and whose excitement can easily be gauged by the tone of his voice, told the jury that the prosecution’s case is simply “not true.”

“What the prosecution told you is not credible,” he said. “It doesn’t even rise to the level of thinking about.”

Kessel characterized the prosecution’s case as being “manufactured,” and said Lynn, instead of appealing to the jury’s emotions with “sickening” pictures of Nicholas’ dead body, should put on some real evidence.

“It’s sad Nick Markowitz died,” Kessel said. “That’s not the issue here. The issue is who did it ... This case is so thin to the culpability of Mr. Hollywood.”

Kessel said one of the reasons Lynn relied so heavily on the testimony of Hollywood during his closing statement was because he needed something to fill in the gaps left by other witnesses.

“When there’s more questions than answers, that’s where reasonable doubt comes from,” he explained.

The attorney said putting Hollywood on the stand proves the defense has nothing to hide, and additionally, he wondered why his client would kill a boy who he had been seen with by a number of people after the kidnapping.

This is a question that has lingered in the minds of many people for years. But perhaps equally unexplainable, at this point, is why Hoyt, who had no apparent grudge with Nicholas or Ben Markowitz, would take it into his own hands and murder the boy.

While the defense is clinging to the latter scenario, the prosecution has long held tight to the former. However, both sides insist the other doesn’t make sense.

The prosecution is “trying to take a square peg and fit it in the round hole,” Kessel said.

In his closing statement, Lynn said Ben Markowitz tried to reach Hollywood several times on August 9. But Kessel pointed out that no such phone record exists because for some reason, the prosecution never subpoenaed it.

Kessel acknowledged he could obtain the phone record, but he pointed out that the defense has not burden to prove anything. If the prosecution insists a phone call was made, they must prove it.

Kessel, insinuating that Ben Markowitz made no attempt to contact Hollywood, speculated that there was a good reason the prosecution didn’t obtain the phone records to see for sure.

“Because it doesn’t fit with their theory,” he said.

Kessel urged the jury to not be swayed by emotion, but to consider the evidence — evidence, or lack thereof, that will clear his client.

“You can’t let emotion drive your decisions ...” Kessel said. “You can’t fill the voids of the people’s case with pictures of Nick Markowitz in the grave.”

The trial resumes this morning at 9 in Dept. 14 of the Superior Court.