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## **Hollywood guilty of murder in Markowitz slaying : Defendant, fifth person convicted in the case, could get the death penalty**

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In the end, all Jesse James Hollywood could do was to shake his head as a Santa Barbara County Superior Court jury Wednesday found him guilty of first-degree murder and special allegations that could send him to California's death row.

Nearly nine years after 15-year-old Nicholas Markowitz was kidnapped from the streets of the San Fernando Valley by Mr. Hollywood and two associates and shot execution-style by another of Mr. Hollywood's friends in the hills above Santa Barbara less than three days later, a jury of nine women and three men reached verdicts of guilty of first-degree murder and the special allegations of being a principal in a murder committed in the course of a kidnapping and committed with the use of an assault weapon or machine gun.

Mr. Hollywood, wearing a gray suit and watching jurors and the judge intently before the verdict was read, was found not guilty of kidnapping for the purpose of ransom or extortion, but guilty of the lesser felony charge of kidnapping.

He and the defense team all stood as the verdicts were read. With his face cast downward, he gently shook his head from side to side as the jury's decision was announced.

The penalty phase of the trial, which will determine if Mr. Hollywood should be sentenced to die, begins on Monday.

Prosecutors had maintained that Mr. Hollywood kidnapped Nicholas over a drug debt owed by the victim's older half-brother, Ben Markowitz, and ordered his killing when he found out he faced serious legal trouble over the kidnapping.

The defense maintained that Nicholas was free to leave not long after he was kidnapped, but chose to stay with his abductors and their friends, with whom he drank and smoked marijuana during his captivity. Prosecutors said he was repeatedly assured that he would not be harmed if he cooperated. The convicted shooter, Ryan Hoyt, who sits on death row, acted on his own and not on orders from Mr. Hollywood, defense attorneys James Blatt and Alex Kessel argued.

But in the end, the jury handed lead prosecutors Joshua Lynn, chief trial deputy in the Santa Barbara County District Attorney's Office, and Senior Deputy District Attorney Hans Almgren near-total victory in a case in which many of the witnesses on which they relied were convicted co-defendants and unindicted former associates of Mr. Hollywood.

Mr. Lynn and Mr. Almgren declined to comment, citing the gag order and the fact that the penalty phase still lies ahead.

The defense attorneys also would not provide their reactions to the verdict as they stepped out of the court building, but giving in to pleas from reporters, Mr. Kessel said "We're trying to save somebody's life. That's the best we can do."

Jeff Markowitz kept his arm around the shoulder of his wife Susan as the verdict was handed down to the man who ordered the killing of their son in the early hours of Aug. 9, 2000.

Members of Markowitz family -- separated from the Hollywoods during Wednesday's hearing by nothing but a courtroom isle -- embraced each other in celebration and relief once outside the court building at 1108 Santa Barbara St.

But according to Mrs. Markowitz, "It'll never be over."

Still bound by an order by Superior Court Judge Brian Hill not to speak with media, the smiling parents had little to tell a gaggle of journalists that swarmed around them.

Jeff Markowitz, however, did report feeling some relief. "We can focus on Nick."

Already being barred from the hearings once, Jeff Markowitz said he wanted to comply with the gag order.

Before the family departed, Mrs. Markowitz was able to get out a quick blurb about the book she is writing.

"There's a lot to be told and there's a story out there," said Mrs. Markowitz, who has a deal with Martin Literary Management.

Nicholas was shot by Mr. Hoyt nine times with a TEC-DC9 handgun rigged to be fully automatic as convicted co-defendant Jesse Rugge, convicted of kidnapping for ransom or extortion and sentenced to seven years-to-life in prison in connection with the case, stood by. Another convicted co-defendant, Graham Pressley, who dug the grave, accompanied Nicholas and the other two men on the ride to his execution site, but stayed behind when the murder took place.

Mr. Pressley, 17 at the time of the murder, was convicted of second-degree murder after being tried as an adult and was sentenced as a juvenile. He remanded to the custody of the California Youth Authority and has since been released from custody. He turned out to be a key prosecution witness in the case, as he testified that Mr. Rugge told him Mr. Hollywood had offered him money to kill Nicholas.

One other convicted co-defendant, William Skidmore, pleaded guilty to kidnapping and robbery and was sentenced to nine years in prison. He was released earlier this year.

Nicholas' decomposing, bullet-riddled body, hands bound by duct tape, was found by hikers on Aug. 12, 2000, in a shallow grave in an area off El Camino Cielo known as Lizard's Mouth.

Mr. Hollywood fled the country after the murder, first to Canada and then Brazil, where he was located in 2005 and extradited to the United States. Mr. Hollywood fathered a child while in Brazil.

The murder of Nicholas was the basis of a feature film, "Alpha Dog," that starred Emile Hirsch, Justin Timberlake and Sharon Stone. Deputy District Attorney Ron Zonen, the prosecutor who won convictions of the co-defendants in the case, turned over case files to director Nick Cassavetes and other makers of the film and defense attorneys sought to have him and the Santa Barbara County District Attorney's Office thrown off the case. The matter rose all the way to the California Supreme Court, which ruled that Mr. Zonen could remain as the case prosecutor, but he was replaced nonetheless with Mr. Lynn. The legal wrangling contributed to the length of time it took to bring Mr. Hollywood's case to trial.

Arriving a little late to the reading of the verdict was Ben Markowitz, a one-time friend of Mr. Hollywood's who testified as a prosecution witness during the trial.

"It's just a big relief," he told reporters after the hearing. "The last thing I wanted was for him to be free. It was just such a senseless and stupid crime."

Ben Markowitz was seen hugging his father and stepmother, from whom he was said to have been estranged as a result of Nicholas' murder.

"I'm glad; I'm very happy," he said, adding that he is keeping his feelings in check until after the penalty phase. "It's really an open book until we get through the sentencing phase."

But it wasn't all smiles Wednesday. Although Mr. Hollywood's father Jack had been at times chatty with reporters throughout the trial, even offering comments on the death of Michael Jackson, he was mostly quiet as he leaned against a stone planter to the the side of office space rented by his son's attorneys next door to the court building where the trial took place.

"I can't believe they found him guilty of that murder," he said before walking off as a news station's video camera was aimed at him.

Despite the fact that courtroom seating quickly filled with family members, interested public and court personnel, the verdict was read in a courtroom hushed with anticipation. Over a dozen sheriff's deputies kept watch inside the room, with one warning that anyone who made an outburst would be escorted outside. Judge Hill solidified the statement, asking for silence during the reading, which was made by his clerk.

Outside after court recessed, however, rapid-fire camera shutters went off as key figures left the building, and reporters blurted out questions in hopes of a response. As early evening traffic made its way along Santa Barbara Street, which was lined by some heavy news trucks, a sheriff's deputy yelled at motorists who were slowing down on the one-way road to catch a glimpse of the scene.

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