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# Hollywood trial inches to an end

By COLBY FRAZIER — June 27, 2009

After five weeks of witness testimony, the long-awaited capital murder trial of Jesse James Hollywood inched closer to a conclusion yesterday with the defense resting its case.

What the final day lacked in longevity — the defense reached the checkered flag just before noon — it made up for in intensity.

For the fourth day, the defendant took his spot on the witness stand and faced the prosecutor whose aim is to send him to death row.

In step with previous days on the stand, Hollywood, dressed in a black suit, tie and dark blue shirt, answered the prosecutor's questions in a clam, thoughtful voice.

But calm or not, the vast majority of questions fired at the defendant by Santa Barbara County Chief Trial Deputy Josh Lynn attempted to debunk Hollywood's version of the events surrounding the kidnapping and murder of Nicholas Markowitz.

Lynn hovered on testimony from Hollywood's friend Chas Salsbury, whom the defendant paid \$3,000 to drive him from Colorado Springs, Colo., to Los Angeles in the days after the killing.

On Wednesday, Hollywood told Lynn that he and Salsbury, prior to traveling to Los Angeles, searched the Internet for stories about the murder.

Prior to leaving Colorado and arriving in Los Angeles, Hollywood testified that he perused media coverage of the case on a regular basis.

Given his interest in what was being said in the media and his knowledge that authorities were aggressively seeking him, Lynn wanted to know what, if anything, Hollywood said about the case to Salsbury as they cruised the 1,020 miles of rugged highway between Colorado and California.

However, like several patches of Hollywood's memory in the days surrounding the murder, the defendant said he remembered little of the conversation, other than some small talk about cars. Hollywood did say he mentioned to Salsbury that he didn't do anything wrong.

"I told him I was in trouble and I told him I was innocent," he said.

Salsbury, on the other hand, remembered plenty. He said from the stand that Hollywood told him a number of details about the kidnapping and killing.

For instance, Lynn wondered if Hollywood ever told Salsbury that he called Jesse Ruge, who was sentenced to life in prison for his involvement, and Ryan Hoyt, the shooter who is on death row, on the evening of Aug. 8, 2000, and told them to "kill the kid."

“Never, sir,” Hollywood said.

Lynn then asked Hollywood if he told Salsbury that Nicholas Markowitz’s older brother, Ben Markowitz, had been harassing him, and he kidnapped his kid brother to get revenge.

“No,” the defendant said.

Lynn also was curious to know if Hollywood told Salsbury that if he let Nick go, he would have been in “very hot water.”

Hollywood responded defensively: “No, sir, I never said that to Chas Salsbury, Mr. Lynn.”

The prosecutor continued peppering the defendant with statements Salsbury apparently claims Hollywood made on the drive.

Lynn wondered if the defendant ever told Salsbury that Hoyt shot the victim, put the gun under the body, buried him, and covered the grave site with branches — facts that likely weren’t widely disseminated in the media when the duo were traveling together.

“No, sir, never,” Hollywood said.

Despite Hollywood’s string of denials, the morning of questioning appeared to be just what the prosecution aimed for: to stack Hollywood’s memory up against prior witness testimony. And as with previous witness statements that appeared damning for Hollywood, the defendant either flatly denied saying certain things, or couldn’t remember saying them.

Prosecutors say Hollywood, a pot dealer in the San Fernando Valley who was raking in around \$10,000 in profit per month at the time of the killing, ordered the execution of Nicholas Markowitz over a \$1,200 drug debt owed by the boy’s older brother.

Hollywood and his attorneys vehemently deny it, though he acknowledges being an active participant in the boy’s kidnapping. Hollywood said he believes his involvement and responsibility in the case ended when he dropped the boy off in Santa Barbara on Aug. 6, 2000. At that time, Hollywood and a number of other witnesses said Nicholas Markowitz was smoking marijuana, playing video games and drinking alcohol with his captors.

Lynn asked Hollywood if he blamed Ben Markowitz for this situation, but the defendant said he didn’t.

“Nick was safe and in no danger at all,” he said. “He seemed to be very safe when I left the residence [in Santa Barbara], sir.”

Asked if he felt responsible for the victim’s death, Hollywood said he did. “I feel very responsible morally for what happened initially, for taking him to Santa Barbara,” he said. “I feel morally responsible for what happened, it’s a terrible thing that happened.”

Though Hollywood’s defense attorneys objected strongly, and the statements ultimately weren’t allowed, Lynn asked a series of questions about phone calls Hollywood has made over the years from the Santa Barbara County jail.

In one, Lynn asked if Hollywood remembered saying, “We had some good times in Rio.” Hollywood’s attorney, James Blatt, objected, and Superior Court Judge Brian Hill barred the jury from considering the question.

Though the murder occurred in 2000, Hollywood, 29, evaded arrest until 2005, when he was captured in a beach town in Brazil. At the time of his arrest, Hollywood’s girlfriend, whom he said from the stand was his wife, was six-months pregnant with their son, John Paul.

Immediately after being told by Hill to move on to another area of questioning, Lynn asked Hollywood why he signs the name “Alpha Dog” on his mail. A flurry of objections were raised to this question as well, all of which Hill sustained.

“Alpha Dog” is the title of the Hollywood film starring Bruce Willis, Sharon Stone and Justin Timberlake that is based on the events surrounding Nicholas Markowitz’s murder. The main character, Johnny Truelove, is based on Jesse James Hollywood.

The film takes its name from the belief that dogs, which typically live in packs in the wild, have a defined leader that calls the shots, much like prosecutors allege Hollywood did in his pack of drug-dealing friends.

Lynn also asked if Hollywood intended to make money on Nicholas Markowitz’s murder.

“No, sir,” Hollywood said, to which Lynn countered: “Alpha Dog World Tour. You don’t remember that,” implying it was something Hollywood had said or written from jail.

“No,” Hollywood said.

Before court adjourned on Wednesday, Lynn asked Hollywood if Hoyt still owed him money. At the time of the murder, Hollywood said Hoyt, after doing household chores for the defendant, had worked his marijuana and other debts down to \$100 or \$200.

According to witnesses, Hoyt, who was regularly strapped for cash, went shopping on Aug. 9 and dropped hundreds of dollars on new clothing. Casey Sheehan, Hollywood’s childhood friend, was with Hoyt on the shopping trip and said Hoyt claimed his debt to had been absolved. Sheehan said he believed the cleared debt had something to do with whatever had happened to Nicholas Markowitz.

Nevertheless, Hollywood said on Wednesday that he didn’t know how to answer that question.

But Blatt asked about the debt again yesterday, and Hollywood came up with an answer.

“In this situation a life has been lost and money’s the last thing that’s on my mind, sir,” he said.

Hollywood reiterated that after speaking with his attorney about the kidnapping on the afternoon of August 8, he just wanted to send Nicholas Markowitz home.

“Take Nick home, that’s all that I was thinking,” he said.

But on August 8, Hollywood did a number of things: he closed a \$25,000 money market account

at Washington Mutual, signed papers giving his real estate agent permission to sell his home and phoned at least two window repair shops for improvements at his home.

And even when Ruge, who was with Nicholas Markowitz in Santa Barbara, paged Hollywood, reportedly asking the defendant to pick him and the boy up and take them back to the Los Angeles area, he didn't. Hollywood said he initially told Ruge he couldn't because he didn't have a car and was going to dinner with his girlfriend.

Just before heading to dinner, Hollywood borrowed Sheehan's car and gave it to Hoyt, who he sent to pick up Ruge and Nicholas Markowitz. Hollywood insists he told Hoyt to bring the boy home. Instead, Hoyt decided to shoot the boy nine times with Hollywood's specially modified TEC-9 machine pistol, and bury him in a shallow grave.

"You didn't do anything at all, nothing, to affect Nick's return until you met with Mr. Hoyt, did you?" Lynn asked.

## **THE LAST WITNESS**

Paul Kimes, the prosecution's lead investigator, was the final witness.

Hollywood's co-defense counsel, Alex Kessel, questioned Kimes about phone records, in particular phone calls made by Hollywood to a person named Jonathan Green on August 6. Hollywood said Green picked him up from the home in Santa Barbara where Nicholas Markowitz was taken, and drove him back to Los Angeles.

Despite acknowledging he had access to all phone records and other material in the case, and analyzed much of it thoroughly, Kimes said he was not aware of the phone calls Hollywood made to Green on August 6.

If Hollywood did indeed drive the roughly 100 miles with Green just hours after he kidnapped Nicholas Markowitz and drove the boy to Santa Barbara, the defendant may well have said something to the man about his intentions.

However, Kimes said he wasn't aware of anyone named John Green until Hollywood mentioned his name from the witness stand.

Kessel seemed dismayed, pointing out that Hollywood had clearly made three calls to the man, just as he said he did.

Kimes said that part investigation was the responsibility of the Santa Barbara County Sheriff's Department.

Whoever's responsibility it was to contact Green, the prosecution apparently would like to hear what he has to say now. Kimes said an attempt on Wednesday to track the man down was unsuccessful. He said the phone number Hollywood called in 2000 now belongs to someone else, and there are 140 people named Jonathan Green in California.

On August 8, at 10:21 p.m., just hours before Hollywood allegedly ordered the murder, he made another call that investigators overlooked.

This call was to Hollywood's real estate agent and second cousin, Jerry Hollywood. The contents of the conversation were the subject of multiple hearings in the middle of the trial, during which Judge Hill decided the jury would be allowed to hear what Jerry Hollywood had to say.

In his testimony, the man said the defendant called to make sure everything in regards to selling the home was taken care of. But before hanging up, Jerry Hollywood, who the defendant had met with earlier in the day and had mentioned he and some friends took a boy against his will to Santa Barbara, asked if this had been resolved.

Jerry Hollywood said the defendant told him everything was fine and that the boy was being taken home.

In the nine years since the murder, Jerry Hollywood said no prosecutors or authorities of any kind have contacted him about the conversation. He said the first sliver of interest came earlier this month, by Hollywood's defense.

Another possible key phone conversation, or lack thereof, was also discussed.

Graham Pressley, who was convicted of second-degree murder in connection with the case, and was the only person charged with crimes who testified during the trial, said from the stand that Rugge told him on August 8 that Hollywood called him the night before and offered him \$2,000 to kill Nicholas Markowitz.

However, Kessel asked Kimes if there is any evidence that a phone call on the evening of August 7 between Hollywood and Rugge ever took place.

Kessel seemed to know no such call existed, but he wanted to hear it from the investigator.

"I didn't look," Kimes said.

Closing statements in the trial are scheduled for Tuesday afternoon. The jury could begin deliberating on Wednesday.