

April 27, 2009 - SANTA BARBARA NEWS-PRESS

Jury Selection Begins In Hollywood Trial

By James Zoltak, News-Press Assistant City Editor

Nearly nine years after 15-year-old Nicholas Markowitz was kidnapped from the streets of the San Fernando Valley and shot dead and left in the hills above Santa Barbara, jury selection begins today in the trial of Jesse James Hollywood, the alleged ringleader who prosecutors say set the whole tragic chain of events in motion.

With four co-defendants already convicted -- including Ryan Hoyt, the shooter who now sits on death row in San Quentin -- the trial of Mr. Hollywood on charges of first-degree murder and kidnapping, with special circumstances that could also bring a death sentence, opens the final chapter in a case that began when Nicholas was snatched in connection with a dispute between his older half-brother Ben and Mr. Hollywood.

The case has received considerable coverage locally and beyond and was even the subject of a feature film, "Alpha Dog," which was made while Mr. Hollywood, 20 at the time of the killing, was in a years-long flight from law enforcement. Thus, finding an impartial jury to decide guilt or innocence is of particular concern for Santa Barbara County Superior Court Judge Brian Hill, who is hearing the case; Santa Barbara County District Attorney's Office Chief Trial Deputy Josh Lynn, who is prosecuting; and James Blatt, the defense attorney trying to save Mr. Hollywood from the death chamber.

To that end, the first wave of 350-550 potential jurors will come to court today and, in groups of 60-90 at a time, be given questionnaires asking about their background, that of family members and their consumption of media, among other matters.

The attorneys on both sides of the case expect that a jury can be seated in Santa Barbara, but Mr. Blatt has reserved the option -- "depending on the responses to the jury questionnaires and the response to the questioning of the jurors" -- of seeking a change in venue if that proves not to be the case.

"This case is one of first impressions," he told the News-Press. "There has never been a case in the United States where a movie has been made with the assistance of the prosecutor before the trial has begun. At this time we don't know how many jurors have seen the movie and it's difficult to say what, if any, negative impression they have that would keep them from being impartial."

He said, as has Judge Hill, that it is premature to make a call on the need to move the trial, but it remains a possibility, however remote.

The prosecutor who cooperated with the "Alpha Dog" filmmakers -- including director Nick Cassavetes -- is Deputy District Attorney Ron Zonen, who won convictions of all four co-defendants: Mr. Hoyt, Graham Pressley, Jesse Rugge and William Skidmore, who pled guilty to kidnapping.

His involvement brought the matter all the way to the California Supreme Court, which ruled that neither he, nor the Santa Barbara County District Attorney's Office, should be recused from the case.

Mr. Zonen has nonetheless been taken off the case and the Hollywood matter is now in Mr. Lynn's hands.

Nicholas was kidnapped by Mr. Hollywood, Mr. Skidmore and Mr. Ruge on August 6, 2000. Mr. Lynn says he was taken in retaliation for a drug debt Mr. Hollywood claimed was owed to him by Ben Markowitz. The two had been cohorts, but their relationship soured.

Mr. Lynn wrote in his trial brief that Ben Markowitz was supposed to collect a debt owed to Mr. Hollywood by a drug dealer in San Diego. Mr. Markowitz was paid in ecstasy tablets that turned out to be fake, but Mr. Hollywood then considered the debt to be owed by Mr. Markowitz.

After taking Nicholas to Santa Barbara, Mr. Hollywood went off to party at Fiesta. Nicholas, meanwhile, was held for two days in Santa Barbara. At times he partied with his captors, drinking and smoking marijuana and being assured repeatedly that he would not be harmed and that he was just being held as a means of getting his brother to pay up.

He had ample opportunity to escape, but said repeatedly, according to witnesses, that he would ride the situation out for the sake of his brother, even quipping that it would be a story he could tell his grandkids one day.

That day will never come.

On the night of August 8-9, he was taken by Mr. Ruge, Mr. Pressley and Mr. Hoyt -- who prosecutors say was another drug dealer who owed Mr. Hollywood \$1,200 --to a spot called Lizard's Mouth off West Camino Cielo.

There, Nicholas' hands were bound and his mouth covered with duct tape. Mr. Hoyt then hit him over the head with a shovel and put him in a shallow grave that Mr. Pressley had dug a short time earlier.

With Mr. Ruge present and Mr. Pressley waiting near the car, Mr. Hoyt shot Nicholas with a Tec-9 handgun rigged to be fully automatic. The gun and Nicholas were left in the grave, which Mr. Hoyt and Mr. Ruge barely covered with dirt and some branches.

Nicholas' decomposing body was found by hikers on August 12, 2000.

Mr. Blatt would not discuss specific aspects of the case he will put on, but in his response to the prosecution trial brief, he essentially states that Mr. Hollywood was not present when Nicholas was killed and did not order his murder. The initial kidnapping, his response brief states, was followed by a second kidnapping with which Mr. Hollywood had no involvement but which led to Nicholas' death.

"The actual theory is more complicated and at the same time more subtle," Mr. Blatt said, but with the trial finally getting under way, he wanted to wait until he was in the courtroom to reveal the

specifics of his defense of Mr. Hollywood.

Asked if his case presented unique challenges in that Mr. Hollywood is not alleged to have done the shooting or to have been present when it happened, Mr. Lynn said he would endeavor to prove that there were indeed enough tangible acts -- such as supplying the gun and a car that were used the night of the murder -- to prove Mr. Hollywood directed the killing.

"There are a whole bunch of concrete acts," Mr. Lynn said. "He provided the gun, transportation and motive and orders for the kidnap, murder and everything that happened afterwards. That's obviously our position. It is not intangible. It's sort of like we are taking the acts of everyone else involved in the case and examining those in relation to Jesse Hollywood."

e-mail: jzoltak@newspress.com