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Prosecutor looks for holes in Hollywood's story

By COLBY FRAZIER — June 25, 2009

A day after Jesse James Hollywood declared his innocence and outlined his brazen escape from authorities in the days and months after he allegedly orchestrated the execution of a 15-year-old boy, prosecutors yesterday put the defendant's story to the test.

With a spattering of questions that took the entire day, Santa Barbara County Chief Trial Deputy Josh Lynn stacked Hollywood's story up against other witness's versions, and had little difficulty skipping through the inconsistencies.

Even so, Hollywood, 29, who has pleaded not guilty to murder and kidnapping charges, didn't waver in his insistence that he never ordered anyone to kill Nicholas Markowitz, and never wanted any harm to come to the boy.

"I did not consider Nick to be in any danger," he said, adding that he told his close friend, Ryan Hoyt, to take the boy home.

Instead of taking him home, Hoyt drove the boy to a rugged hiking area off West Camino Cielo Road called Lizard's Mouth, and shot the boy nine times before burying him in a shallow grave.

Hoyt used Hollywood's specially modified TEC-9 machine pistol to execute the boy. When authorities unearthed the body, they found the weapon, covered in blood, beneath it.

Despite his belief Hoyt had never completed a task successfully, Hollywood said he had no reason to doubt he couldn't drive to Santa Barbara, pick up his friend Jesse Ruge and Nicholas Markowitz, and take them back to Los Angeles.

"He had been a story teller, he had done some peculiar things, but nothing to this gravity," Hollywood said. "I could never, ever have anticipated that Hoyt would do that."

Hoyt is awaiting the death penalty in San Quentin State Prison. If convicted, Hollywood, too, could face the death penalty.

Though Hollywood repeatedly stated his "regret" about Nicholas Markowitz's murder, he faced tough questions from Lynn on a number of fronts.

On Tuesday, Hollywood said he kidnapped Nicholas Markowitz on Aug. 6, 2000 in a fit of rage. The boy's older brother, Ben Markowitz, had just taken responsibility for breaking out windows at the defendant's home. The smashed windows, the defendant explained, was the "straw that broke the camel's back," and was the finale to a string of vicious threats, some of which targeted Hollywood's family.

So when he saw Ben Markowitz's kid brother walking down the street, Hollywood said he

“pinned him up against a tree” and demanded to know where his brother was. He and his friends put the boy into a utility van and drove him to Santa Barbara.

Hollywood said he wanted to confront Ben Markowitz and, if possible, settle their “feud” one on one.

But if Hollywood wanted to smooth things over with Ben Markowitz so bad, Lynn wondered why the defendant said he never combed through Nicholas Markowitz’s pager to find his number.

Hollywood maintained that he wanted to find Ben Markowitz and “fight him.” When pressed about why he didn’t hunt more aggressively for his phone number, the defendant said: “Ben’s number was of no importance to me.”

Hollywood continued to distance himself from the killing and kidnapping, saying as far as he was concerned, his involvement ended when he left Santa Barbara on August 6. At that point, he said Nicholas Markowitz was smoking marijuana and partying, and didn’t appear to be in any danger.

On August 7, Hollywood returned to Ruge’s house in Santa Barbara, where he picked up \$500 in drug money. While there, he said he smoked some pot with Nicholas Markowitz and asked if he wanted a ride back to Los Angeles.

“He said, ‘No, I’m cool,’” Hollywood recalled.

Lynn wondered if it occurred to Hollywood that, after pinning the boy up against a tree the previous day and taking him to Santa Barbara, Nicholas Markowitz probably wasn’t interested in going anywhere with him.

“It makes sense that you would be the last person Nick Markowitz would want to get in a car with the day after you had abducted him,” Lynn said.

Missing from Hollywood’s story, but prominent in the testimony of others, is a claim that the defendant, on August 7, offered Ruge \$2,000 to kill Nicholas Markowitz.

Graham Pressley, who was convicted of second-degree murder for his role in the killing, said in the early days of the trial that Ruge told him Hollywood made this offer. Another woman, who was friends with Ruge, said under oath that she heard from Pressley that Hollywood offered money to kill the boy.

Lynn didn’t beat around the bush asking the defendant to explain. “When did you offer \$2,000 to Mr. Ruge to kill Mr. Markowitz?”

“Never, sir,” he said. “That never happened.”

In most instances when Hollywood’s story didn’t align with past witness testimony, this was his answer.

Another unexplainable lapse between Hollywood’s story was evident in the testimony of the two witnesses who are likely closest to the defendant: his girlfriend Michelle Lasher, and his

childhood friend, Casey Sheehan.

On August 8, just hours before Nicholas Markowitz was shot to death, Hollywood, Lasher and Sheehan went out to dinner at an Outback Steakhouse in Los Angeles. The occasion was Lasher's birthday.

Just before dinner, Hollywood borrowed Sheehan's Honda sedan and handed it over to Hoyt, with directions, he said, to drive to Santa Barbara, pick up Rugge and Nicholas Markowitz, and bring them back to the Los Angeles area.

While there were subtle differences in the duo's testimony, Sheehan and Lasher recalled Hollywood briefing them at the dinner table about the Santa Barbara situation.

Lasher said her high school sweetheart indicated at dinner that the situation had been "unwound," while Sheehan said Hollywood told them it had been "taken care of." Neither elaborated on how they interpreted the statement, but said nothing seemed amiss when it was said.

However, asked if he said anything about Nicholas Markowitz at dinner that night, Hollywood said he was sure he didn't.

Hollywood's testimony conflicted with Sheehan's a second time when it came to the TEC-9.

Shortly after paying \$200 to have the TEC-9, which off the shelf is semi-automatic, turned into a fully automatic assault weapon, Hollywood said Ben Markowitz, Hoyt and him took it to the shooting range.

While there, he said an employee informed him that simply having the weapon could result in a 10-year stint behind bars. So Hollywood said he took the gun to Hoyt's grandparent's home, where it was stored in the garage. He said this was the last time, in mid-November of 1999, that he ever saw the weapon.

Sheehan, however, said when Hollywood started receiving threats from Ben Markowitz around February or March of 2000, he saw the TEC-9 around the Hollywood household more frequently.

Hollywood maintained he never saw the TEC-9 after ditching it in the garage.

While Hollywood said the situation with Nicholas Markowitz wasn't weighing heavy on his mind on August 6 or 7, his attitude appears to have changed on the 8th.

Among other things, Hollywood cashed out \$25,000 he had stored away in a money market account, signed a series of blank documents, giving his real estate agent permission to sell his home and consulted his lawyer. He mentioned the boy, and the events surrounding his kidnapping, to his real estate agent and his attorney.

Hollywood said he gave his attorney, Stephen Hogg, a vague outline of the events surrounding the kidnapping. After doing so, he said Hogg, whom he considered a "wise person," advised him to return the boy and go to the police.

Hogg also apparently told Hollywood the legal consequence for kidnapping could be life in prison. Even so, the defendant said the potential consequence was not a concern for him, saying as far as he was concerned, Nicholas Markowitz, “Was taken from point A to point B [and] he was let go and we were all partying.”

Another area Lynn probed involved Hollywood’s dealings with Hoyt in the lead up to the murder. Hoyt, like so many others in this tragic saga, owed Hollywood money.

But Hoyt, who witnesses have said was notoriously flaky when it came to completing tasks, was allowed, either out of kindness or pity, to work off the debt doing chores around Hollywood’s house.

At the time of Nicholas Markowitz’s murder, Hollywood said his friend owed him \$100, or possibly \$200, an amount he considered insignificant.

But one way or another, Hoyt, who was apparently always short on cash, suddenly had a fat wallet.

The day after the murder, Sheehan said he accompanied Hoyt on a shopping trip, where he bought a couple hundred dollars in clothes and indicated his debt to Hollywood had been absolved.

Despite having a clear memory about numerous events between the dates of August 6 through the end of the month, the grayest area in Hollywood’s memory so far is August 9.

The only thing Hollywood said he remembers from that day is calling Hoyt and being told that everything went fine, that he took the boy home.

It wasn’t until August 10, Hollywood said, that Hoyt admitted to murdering the boy.

But prosecutors believe there was plenty of action on August 9, which for one reason or another — Lynn suggested a possible “alcoholic blackout” — Hollywood has no memory of.

Taking the Hoyt debt a step further, Lynn asked the defendant if Hoyt, to this day, still owed him money.

“I don’t know how to answer that question, sir,” Hollywood said.

“That’s because you paid him for a job well done, didn’t you?” Lynn insisted.

“That’s not true,” Hollywood, dressed in a peach shirt and gray suit, calmly said. “I didn’t give Hoyt any money.”

Lynn also asked Hollywood about his time in Brazil. The defendant, taking a roundabout route with stops in Las Vegas, Colorado, the Mojave Desert, LAX, Seattle and then Canada, settled down in a Brazilian beach town. When he was caught in 2005, his girlfriend of three years there, whom he said on Tuesday was his wife, was six months pregnant with his child, John Paul.

Lynn suggested Hollywood chose Brazil because if he had a child there, he couldn’t be

extradited.

“I had heard that, yes,” Hollywood said of the law.

The trial resumes tomorrow morning at 9.