

Testimony in Hollywood Case Ends

Jury to Deliberate Next Week After Closing Arguments

By Chris Meagher

Saturday, June 27, 2009

The defense rested Friday in the Jesse James Hollywood murder trial, a day that saw advances by both sides in their efforts to prove — or disprove — whether or not Hollywood is culpable for the murder of 15-year-old Nicholas Markowitz, who was shot and killed in mountains above Santa Barbara by Hollywood's friend Ryan Hoyt in August 2000.

For prosecutor Joshua Lynn, it was a series of questions, with Hollywood on the stand, about Hollywood's time with Chas Saulsbury, a friend who drove Hollywood from Colorado back to Los Angeles while Hollywood was on the run after the murder.

For defense co-counsel Alex Kessel, it was a grilling of District Attorney investigator Paul Kimes on phone records aligning with evidence presented in the case.

While Hollywood denies it, Lynn alleged in court that Hollywood shared with Saulsbury intimate details of the events surrounding Markowitz's murder, details which would've been only known by Hollywood but which were testified to by Saulsbury in court. Hollywood explained that he told Saulsbury immediately that his friends had shot someone, but that he was innocent.

Lynn asked if Hollywood told Saulsbury he had decided together with Hoyt and Jesse Ruge to "kill the kid." "Never, Mr. Lynn," Hollywood responded, also denying telling Saulsbury that Hoyt said that he would "do it." He also denied telling his friend that he had talked to his lawyer, and that the lawyer said he should do something about the boy he had kidnapped days earlier. Hollywood has admitted to taking part in a kidnapping, but denies ordering the murder of Markowitz. If found guilty, he could face the death penalty.

1. It was one question after another about Hollywood spilling the beans to Saulsbury, but Hollywood was insistent he didn't know where Saulsbury got his information from, but that the two of them had read online news accounts of what had happened. In Las Vegas, Hollywood said, Saulsbury called his attorney, who told him it was a death penalty case. But Lynn suggested the decision to seek the death penalty wouldn't be sought for months. Defense attorney James Blatt later produced news articles from about the time Hollywood was with Saulsbury that said the case could be a death penalty case.

Later, Lynn asked Hollywood why he signed jail letters "Alpha Dog," a point Judge Brian Hill said wasn't relevant, and also referred to apparent phone conversations Hollywood had where he

referred to “good times in Rio,” referring to Brazil where Hollywood lived in his time as a fugitive.

On the other side, Kessel’s first question of Kimes was if he thought it was “important to find corroborating evidence for what a witness says.” Kimes agreed that it was. But in phone logs gathered by the sheriff’s department, Kessel had Kimes point out, there was no call between Hollywood and Hoyt following the murder, and the first communication between the two was more than 12 hours after the murder was said to occur.

Kimes also admitted that he was not aware if authorities tried to get Markowitz’s pager number or phone records from his parents’ home, even though it was alleged Markowitz received multiple pages from his mother. In addition, there were no phone calls between Hollywood and Ben Markowitz, Nick’s older half-brother whose drug debt to Hollywood, prosecutors say, was the reason the boy was kidnapped and murdered. Phone records corroborate Hollywood’s testimony that he made several phone calls immediately arriving to Santa Barbara that day, though none to Markowitz.

In an effort to impeach some of the most damning testimony of the trial — when Graham Pressley testified that Ruge told him Hollywood called him that night to offer him \$2,000 to kill Markowitz — Kessel showed that, in fact, there was no record of a phone conversation between Hollywood and Ruge on the night of August 7.

In addition, Kessel pointed out a report from an interview where Pressley indicated that Ruge had told him on the day of the murder that Hollywood had called and was sending someone to bring Nick Markowitz home. This statement gives a lot more credence to Hollywood’s testimony that, in phone call to Ruge earlier in the day of the murder, he told Ruge he would try to find a ride home for the boy.

Hollywood on the Stand, June 24

The last day of testimony was the fourth day on the stand for Hollywood. But on Wednesday, he faced a long, full, grueling round of questioning from Lynn, who attempted to poke holes in Hollywood’s account of the events surrounding Markowitz’s murder and death and what transpired after.

“I’m ghost,” Hollywood recalls telling his friend William Skidmore not long after hearing from Hoyt Markowitz was killed on August 8, 2000. While he explained the phrase as slang for, “I’m leaving,” it was an apt description of how Hollywood would spend the next four years, eluding an extensive manhunt until his capture in March 2005.

Hollywood is not disputing he and two others took the boy off the streets of West Hills and transported him to Santa Barbara. Hollywood has admitted he was a participant in Markowitz’s kidnapping. But what he has disputed, in strong, clear responses, is that he did not order Markowitz’s death and had nothing to do with it. Hoyt shot and killed Markowitz at Lizard’s Mouth in the mountains above Santa Barbara two days after the kidnapping.

1. Hollywood said after spending months in Quebec where it was “freezing,” he decided to go to Brazil, mostly based on what he had seen in the movie *Blame it on Rio*. Lynn, however,

suggested he went there because Hollywood knew he couldn't be extradited if he had a child. "I didn't think about that at that time," Hollywood said. Hollywood did end up in Brazil, where, at the time of his capture, his wife Marcia was pregnant. His son's fourth birthday will be July 14.

He said he was living in Brazil under the name of Michael Costa Giroux, and that Marcia knew he was a fugitive, but he had told her he was innocent. He had begun to start a new life there, but "the whole time I was on the run I was pretty much looking over my shoulder," he said.

While authorities believe it was his father — who Hollywood said dealt marijuana in very large quantities — who was sending him money and was in contact with him over the years, Hollywood said his father didn't help him figure out where to go, and that he never spoke to his father while on the road.

Earlier in the day, Hollywood said he didn't think there was any threat to Markowitz when he left Santa Barbara, and was under the impression Markowitz was going to be returning home with Hoyt and Rugge the day he was killed. "It was a relaxed atmosphere when I left and I didn't see any danger," he said. He didn't see a problem with asking Hoyt, who he and many others suggested was irresponsible and not trustworthy, to pick up the boy.

When he, Rugge, and Skidmore took Nick Markowitz, Hollywood said he was angry because the windows of his home had just been broken and he believed the culprit to be Ben Markowitz. But he said his role was over not long after the group got to Santa Barbara later that day. After spending time on the phone, he went into the bedroom at a friend's home to see that Skidmore had taped up the boy, and immediately told him to untape him. From that point on, he said, the boy was free to use the phone, leave, or do whatever else the boy felt inclined to do.

At one point, Hollywood said, he even asked Markowitz — who had been smoking marijuana and playing video games — if he wanted to go home, to which the boy replied, "No, I'm cool." Lynn followed that up by telling Hollywood "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."

When asked about the testimonies of various people who were at the home where the group was partying in Santa Barbara who said that Hollywood made threatening remarks, Hollywood denied doing so. Those include Gabriel Ibarra, who said Hollywood pointed to a bulge in his waistband and instructed Ibarra to "keep [his] fucking mouth shut" after he saw Markowitz's taped hands in Santa Barbara, and Emilio Jerez, who also saw Markowitz with Hollywood and Rugge, and was told by Rugge not to say anything. He didn't remember the two even being present, explaining he had never seen them until they took the stand in his trial weeks earlier.

In other instances, Lynn pointed out that Hollywood's testimony hasn't aligned with that of Sheehan, or even his girlfriend, Michelle Lasher, who Hollywood said on the stand was his "true love." Both said that, when the three were out to eat the night of Markowitz's murder, Hollywood told them the situation in Santa Barbara had been handled. Hollywood denied it. Sheehan and others testified that they had seen a Tec-9 assault weapon at Hollywood's home, though Hollywood said the gun hadn't been there in the months leading up to the murder, but had been hidden in the garage of Hoyt's grandparent's home. The weapon was found in a shallow grave with the buried body.

Hollywood looked as though he was beginning to tire toward the end of the day on Wednesday, wiping his brow often, drinking large amounts of water, and explaining his answers more elaborately than he had been. He also answered a lot of questions by stating he didn't remember. "Do you feel if you say you don't remember I'll just stop asking," Lynn asked after one such statement by Hollywood. Hollywood said he didn't remember any events from August 9, the day after Markowitz's murder, except for a call from Hoyt where Hollywood said he was told Markowitz and Rugge had both been taken home from Santa Barbara.

Through his questioning, Lynn was able to show that, while Hollywood claims he thought Markowitz was in no danger on the day of his murder, Hollywood still thought the situation was important enough to visit his attorney at the time, Stephen Hogg. Hollywood and Hogg discussed the possible ramifications of a kidnapping, a seemingly peculiar move if he really thought the situation had cooled.

Lynn also pushed Hollywood to admit at certain times he was more involved in the murder, though Hollywood stood firm. "When did you offer \$2,000 to Jesse Rugge to kill Nicholas Markowitz?" Lynn asked at one point, based off the testimony of Graham Pressley, who said Rugge told him as much.

"Never," Hollywood replied firmly. "Never sir. That did not happen."

Later, Lynn asked, "You didn't order this killing right?"

"No I did not sir. Never," Hollywood responded.

Jury instructions and closing arguments are expected to take place Tuesday and Wednesday, with the case going to the jury sometime Wednesday afternoon or Thursday. There is a court holiday next Friday, meaning the deliberations will more than likely go to the following week.