Santa Barbara News-Press, December 19, 2005

THE JESSE JAMES HOLLYWOOD CASE: THE GUN THAT CHANGED LIVES

Jesse James' father appreciated legend of 19th century outlaw.

From a stack of exhibits in a cramped room on the top floor of Santa Barbara's Moorish-style courthouse, evidence clerk Alicia Romero pulls out a weathered cardboard container, about the size of a large box of chocolates.

She lifts the lid. Inside is Jesse James Hollywood's lethal little gun. The stubby black Intratec Tec-9 machine pistol is still dirty in spots. Ms. Romero insists on rubber gloves. She's concerned about the bodily fluids and the chemical residue that remain on the weapon's dark brushed-metal finish.

The cheap gun is exhibit number 18, crammed among the boxes of more than 100 photographs, tapes, maps, transcripts, charts and an assortment of other evidence used in four trials. The bits and pieces of this 5-year-old murder and kidnapping case are now being put back together as Santa Barbara prosecutors prepare for their fifth and final trial.

This time it will be Hollywood, the shadow presence in each of his friends' trials, who will go before the jury. If he's convicted on all charges, the 25-year-old former San Fernando Valley star shortstop and small-time pot dealer could join his friend and the convicted shooter, Ryan Hoyt, on death row at San Quentin.

It was Hoyt -- at the time an aimless 20 year-old who cleaned Hollywood's house, mowed his lawn and picked up after his pit bull, Chump -- who had brought the gun up to Santa Barbara.

On that August night five years ago, he stashed the Tec-9 in a dark duffel bag thrown into the trunk of a borrowed and battered maroon Honda Accord littered with crumpled Jack-in-the Box bags and Milky Way wrappers.

About a week after they found the body, detectives sat with Hoyt in an interview room at the Santa Barbara County Jail. He looked tired and drawn. He'd been partying pretty heavily before his arrest, smoking a lot of dope and drinking. He'd just turned 21. He would later say that he didn't remember any of what he'd told detectives.

Nick had been nabbed because his brother Ben owed Jesse money, Hoyt said. "The thing was, what Ben owed Jesse didn't in my opinion, this is off the record, I'm going to say this off the record . . .didn't justify this kid's death."

PRETTY CRAZY

Jesse James Hollywood drove. Jesse Rugge sat in the front passenger seat and Will Skidmore sprawled in the back of the white utility van as they rode along Ingomar Street in West Hills on a sunny Sunday morning five years ago.

They were headed to a friend's house on their way to Santa Barbara where they planned to party at Fiesta. On the way Hollywood spotted Nick Markowitz walking on the sidewalk near Taxco Trails Park. He immediately recognized Ben Markowitz's little brother, pulled the van over and jumped out. Pushing Nick against a tree, he and his friends kicked and punched the 15-year-old West Hills teen as he curled up on the ground. Then they pushed him into the van.

Five years later, Skidmore's 21-year-old sister, Kelly, a Simi Valley hairdresser, said she believe it all happened by chance. It was a spur of the moment decision, she said. "I don't think anyone thought it would end like this," Kelly said.

After they grabbed Nick, the group drove over to pick up Brian Affronti. He would later testify that inside the van the mood would shift back and forth from menacing to mellow as they drove north. Jesse Hollywood had Nick's wallet and pager. Skidmore had ransacked the pot and pills in the little pouch Nick carried in his back pocket. Then, according to Affronti's testimony, Hollywood warned Nick "if you run I'll break your teeth."

At one point Rugge told Hollywood he should give Nick his ring back. Hollywood wanted Ben to pay him the $1,200 drug debt he'd failed to collect for Hollywood from someone else. And he wanted the threats to stop. "If your brother thinks he's going to kill my family, you know, he has another thing coming," Hollywood told Nick. "Your brother is going to pay me my money right now."

Nick assured the young men that his brother would make good on the debt. His father, Jeff Markowitz, thinks his son was frightened but also calmed by the thought that he knew all these young men. He'd once worked out with Hollywood, once playfully wrestled with Rugge under a Christmas tree at a friend's house, and his mom knew Skidmore's mom.

"Nick probably thought they were just trying to scare him," Jeff Markowitz said. "He thought they'd take care of him." But Nick had been caught up in a tense face-off between Ben and Jesse Hollywood, and neither one was backing down.

Just before the kidnapping the feud had escalated into late-night phone calls and veiled threats. Someone, perhaps a friend of Ben's calling himself "Little Shooter," would call Jesse Hollywood and leave threatening messages with a fake Mexican accent. Hollywood's family thought Ben had killed one of Jesse's pit bulls that they'd found hanging by its leash on the back fence.

In turn, Ben was getting calls after midnight. He recognized Will Skidmore's voice. Sometimes he heard laughing in the background as the unpredictable lanky kid known as "Capone" would leave long rambling slightly menacing messages.

"Hey what's up Ben, you know, why don't you come kick it, you know let's straighten this thing out," one message said. "I thought we were homies." Ben said he thought Jesse was listening in while Skidmore made the calls. Ben finally called back. "I know where you live, too, buddy, so you make the first move."

In 2000, Ben described Skidmore as someone who's "got a screw loose" and who isn't "very trustworthy." He's the kind of guy who would "sell all your stuff and just be like, 'I got jacked.' " It was Skidmore and Affronti who realized that they'd crossed some sort of line when they grabbed Nick.

When the van arrived in Santa Barbara, Hollywood, Rugge, Skidmore and Affronti put Nick in the back room of an apartment on Modoc Street. While Nick sat on a couch with his legs and hands taped together, Affronti and Skidmore went into the backyard to smoke cigarettes. Going inside every now and then to take a bong hit with Rugge, the two friends whispered back and forth.

"This is getting pretty crazy," Affronti told Skidmore. The two wanted out. They told Hollywood that they had dates and had to go back to the Valley. Hollywood gave them the keys to the van and they took off, leaving Nick behind.

URBAN LEGEND

Five years after his brother's death, Ben doesn't want to talk about what happened. Married and a father of a little boy and a girl, he's working construction. He's stopped using drugs and he's staying out of trouble. He's focused on shielding his young family.

His once-shaved head is now covered with bushy black hair, lightened in spots from working in the sun. His face is partially covered with a thick goatee and his cool blue eyes look more melancholy than mean.

After Jesse Hollywood's capture in Brazil in March, Ben had to tell his boss what he knew would be coming. He told him about his past, his year and a half in prison. "So you were some kind of bad ass?" was all his boss said.

Ben told him about his brother's murder. He told him that when it comes to it, he'd have to testify against Jesse, his former friend. All the former friends will be brought into testify, except Hoyt, whose death sentence is on appeal.

Beyond wanting to protect his wife and two children, Ben worries that talking about the case might harm his stepmother. Susan Markowitz, Nick's mom, still blames Ben for Nick's death. Up until this fall, they did not talk. It wasn't just Susan who blamed him: Ben said more than once that it was his fault his brother was kidnapped and murdered. Talking about the case recently while helping paint the dining room in his father's home, Ben said the memories made him sick to his stomach. He openly talked about how out of control he was, adding that the kind of life he

led put his brother in danger.

Now he feels obligated to live a better life."The irony is that his little brother saved him," his father said. "Nick saved Ben." Ben agrees. Apart from Graham Pressley, all of them -- Hoyt, Rugge, Skidmore, and Hollywood most of all -- were friends with Ben.

Ben had first met Jesse Hollywood at Pinecrest Elementary School. He'd met Hoyt after taking his sister out on a date. He'd known Skidmore since the second grade."They were my everyday friends, you know," Ben Markowitz told a grand jury five years ago.

All of them played in the same Little League, and later in their late teens, they all sold pot for Jesse. They sold the pot on consignment, often smoking more than they sold. Jesse made about $1,000 for every pound, going through anywhere from 25 to 50 pounds a week. The pot, according to Markowitz, came from Jesse Hollywood's father, Jack Hollywood.

Even after Ben stopped dealing for Jesse and their relationship grew tense, Ben said he wasn't worried. "Up until, you know, what happened, as far as I'm concerned, you know they're just a bunch of punks that can't fight worth a lick," he said during his grand jury testimony. "And I've never seen them do anything like what I heard that they did, so I wouldn't know them like that, so I wouldn't be afraid, you know, I wouldn't be afraid of them like that."

He said recently that he never felt threatened by any of them. Even during the heat of his confrontation with Jesse Hollywood, he never felt concerned. He said his old friend had a big mouth but was more likely to find someone else to do his dirty work. Ben knew he had a gun. "But he knew that if he came after me with a gun, I'd be ready with a few of my friends and we'd be packing," he said.

His dad called Ben an "urban legend," a fearless street fighter and talented athlete who got involved in gangs. Someone who at 12 started slashing tires and stealing cars, and two years later was arrested for attacking someone with brass knuckles. At 14, Ben brought home a 9-millimeter handgun. At 15, he ran away from home for good.

His father says he tried everything to turn his kid around. He went to counseling with him, moved into an apartment with him. Took him to work everyday to learn a trade, but nothing stuck. During the grand jury hearing that lead to Jesse James Hollywood's indictment in October 2000, Senior Deputy District Attorney Ron Zonen called Ben "a genuine hoodlum."

Ben said that pretty much sums up his past life.

HARDBALL

In Little League, Jesse Hollywood played for the Pirates, a team coached by his dad, Jack. The boy was a gifted little shortstop, but prone to temper tantrums in the infield. On the team with him were Rugge, also an infielder, Skidmore, an able outfielder, and Hoyt on first base.

Two years older, Ben was on a different team but shagged balls on those same fields and played on the All-Stars. Laurie Hollywood, Jesse's mom, flipped burgers and sold ice cold sodas at the parent-run Snack Shack. Skidmore's mom, Florinda, and Rugge's dad, Baron, kept score.

"Jack played all the boys and afterward he'd say 'OK everybody, come on over and you can go swimming,' " said Mrs. Skidmore, whose older son Jonathan and daughter Kelly also played ball.

Sitting with her tall bespectacled husband Ray in their tidy Simi Valley home filled with photos of their children, the short woman with long black hair said she'd heard Jack sold cars. But she didn't really know much about what he did for a living. The rumors about how Jack made his money never touched her ears.

Baseball and school were where she made the connections with the other families. "I used to see Susan (Markowitz) at Costco on Roscoe all the time," she said, smiling. "She'd want to know how the boys were and I'd ask the same. There were a lot of connections."

As for the Hollywoods, Mrs. Skidmore said the only negative things she knows about them is what she's read in the newspapers. "I love Laurie and Jack, they're really nice, I'd be lying if I said anything else," Mrs. Skidmore said. "I can't say anything bad. (Jack) was for everybody."

Hoyt's grandmother, Carol Stendel, 74, remembers watching the boys from the stands. "These boys all played baseball together," Mrs. Stendel said. "Their parents were all friendly. The boys were friendly."

Mrs. Stendel, the mother of six, was one of the few stable influences in Hoyt's life. As he got older, Hoyt babysat the Hollywood's youngest son, JP. And Hoyt saw Jack Hollywood as a father figure, Mrs. Stendel said.

Sitting in a bakery in a posh mall in Canoga Park, Mrs. Stendel tried to make sense of her grandson's desperate efforts to be accepted. His parents had divorced. His mother Vicky was unstable and his stepmother seemed to hate him, she said.

He found in the Hollywoods' home stability and the chance for friendship. "I know Jesse was always calling and telling him what to do," Mrs. Stendel said. She has a picture of her grandson, in a long-sleeve denim shirt and jeans, with his dark brown hair slicked back and a handlebar moustache, standing next to her white-haired husband and her in the caged visiting room at San Quentin.

"Jesse'd call and tell him to drive his brother to his baseball games or tell him to do such and such," she said. "A week before Ryan was arrested, he and I had the 'Jesse talk.' He agreed with me. I said, 'Ryan, this young man has been a friend of yours for a long time. (But) He does not run your life. It's time you get a decent job and figure out what you're going to do with your life.' "

Mrs. Stendel said Jesse had been an aggressive little kid, but that he had mellowed. "I remember Jesse was described as acting like a spoiled brat on the baseball field by other parents. He'd stomp his feet and his father would cover for him, but then he seemed to grow up," she said. "I remember him coming to a few family parties and he was very quiet. Subdued, polite."

By that time, after Jesse had finished high school, he'd bought his own home. The clean white tract house a few blocks from his parents was known as the party house. Jesse bought the immaculate three-bedroom $240,000 house with a $40,000 down payment using money he got from a settlement stemming from a car accident, and, according to prosecutors, his steady income as a pot dealer.

Asked about how his son was able to buy his home at 19, Mr. Hollywood said his son put together the down payment from the insurance settlement and other money he'd saved. "Did he sell some weed? He may have." Prosecutors say that along with introducing his son to the art of baseball, teaching him to read the field and know the percentages, Jack Hollywood also brought him into the family business -- dealing dope.

When they weren't partying, the crew of friends would go over to Jesse's and work out in the gym, or watch movies on the big-screen TV. One of their favorites was "Heat," the stylized 1995 heist film set in L.A. Jesse Hollywood even had a T-shirt with a still frame from the movie showing Robert De Niro and Val Kilmer, machine guns in hand, running from a bank with duffel bags of cash on their shoulders. Under the frame is the single word, "Money."

Like the movies "Godfather," and "Scarface," the film has a cult following among young men who admire the criminal efficiency of De Niro and crew. A scene in the beginning of the film foreshadows the crew's rationale in dealing with Nick, according to the prosecution's theory. In the scene, Al Pacino, playing an LAPD detective, marvels at the criminal logic of an armored car robbery in which three guards were shot to death.

"Once it escalated into a murder-one beef for all of 'em after they killed the first two guards, they didn't hesitate. Popped guard number three," Pacino says. "Why? Because . . . what difference does it make?"

'TUDE

In the early 1990s, Mr. Hollywood moved his family to Colorado Springs. Jesse was starting high school and his youngest son, JP, was in first grade.Jesse played baseball. Small but talented, he made the team. He liked to mouth off."He was good. Very gifted. But you know I hate to say this, but he was like a midget," said Richard Dispenza, a long time family friend and Jesse's godfather.

Mr. Dispenza has known Jack since they were in high school. He played baseball on adult leagues with him, and for a time was engaged to one of Jack's sisters. The two acted as Jesse's godparents. Mr. Dispenza remembers giving Jack and Laurie a ride home from the hospital after Jesse was born.

When Jack told me what they named him, I remember thinking, 'Oh boy, that's going to be trouble,' " Mr. Dispenza said. Jesse was named after one of his uncles, now dead. But Jack Hollywood also said he liked the legend of the 19th century outlaw, someone he thought of as a kind of Robin Hood for standing up to the railroad robber barons of the time.

"I thought Jesse James was a cool guy," Mr. Hollywood said. "I was 24 years old . . . I wouldn't have done it if I'd been more mature. It probably wasn't a good choice." Known as Coach D, Dispenza's 20-year high school and college coaching and teaching career ended in 2000 after he was convicted for helping Jesse, who had come to Colorado after Nick's body was found. Mr. Dispenza knew Jesse was hiding out at a nearby motel when deputies looking for his godson talked to him. He was later convicted of lying to deputies, though he insists he didn't lie.

Jesse was able to escape to Las Vegas and then back to the Valley before heading off to Canada and then to Brazil with a new identity and a forged Canadian passport. Still bitter about what happened, Mr. Dispenza said his mistake was giving Jesse a chance to turn himself in. He says now he shouldn't have done that. He shouldn't have trusted Jesse, he said.

His crime cost him his home, his job and he still owes about $15,000 in restitution. He was on probation for three years. For three years he didn't speak with Jack, but over the summer talked briefly with him on the phone, giving him some advice on how to handle college baseball recruiters interested in luring Jack's son JP.

Mr. Dispenza wasn't close to his godson Jesse, but remembers what he was like when the family moved to Colorado. "Jesse was really small. And he had an attitude. A big 'tude," said Mr. Dispenza, a burly man in his 50s whose voice sounds permanently hoarse from shouting at his players. "With me, kids like that I'd put on the bench until they shape up. He was cocky. He got what he wanted. I'm sure he looked at me like a putz, but I tried to help him out.

"I can still picture him now, he was like 14 years old on the varsity baseball team, he had his hat tilted over the side, kind of gang-like, with that smirk on his face," said Mr. Dispenza, who got his teaching license reinstated in August after five years.

The Hollywood family had gone to Colorado Springs to open a sports bar and restaurant. It went under after two years and the family returned to West Hills. "Believe it or not we moved (to Colorado) because I thought the gangs and drug situation wouldn't be a problem there," Jack Hollywood said. "But it was the same thing, even more so. They went to the best school, lived in the best neighborhood, and it was just full of rich kids with drugs. We would've been better off staying (in West Hills) where we were at."

But going back to the valley, where Jesse completed high school, it wasn't just the drugs that were a problem. Mr. Hollywood compares his generation with his son's. "When I was growing up, the heavyweight champion was Muhammad Ali. He was a big mouth and all the parents hated him, but he had a cause. The music was Bob Dylan and Buffalo Springfield. It was rebellious but with a cause; there was a message there," he said.

"These guys grew up and their heavyweight champ was Mike Tyson, just a lowlife dirty cheating scumbag," Jack Hollywood said. "The music they listened to are these rapper guys, who are all spouting this 'bitches and ho's,' with no respect for anything. They use this anger and violence to get what they want."

"It's not just my kid, but the whole attitude of the day."

e-mail: shadly@newspress.com