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# TRIAL COMES 4 YEARS AFTER CAPTURE

JAMES ZOLTAK, NEWS-PRESS ASSISTANT CITY EDITOR

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Nearly nine years after 15-year-old Nicholas Markowitz was kidnapped and held for days in a bizarre state of captivity from which he had numerous opportunities to escape only to be shot dead in the Santa Barbara foothills, the capital murder trial of Jesse James Hollywood begins in earnest today with the start of opening statements.

Mr. Hollywood is charged with first-degree murder, kidnapping and special circumstances that could make him eligible for the death penalty if convicted on all counts. Prosecutors allege that he and two associates snatched Nicholas off the streets of the San Fernando Valley on August 6, 2000, and ordered his killing less than three days later after he found out he could be serious trouble if convicted of kidnapping the boy. The shooter, Ryan Hoyt, sits on death row at San Quentin State Prison. He and three others were convicted in connection with the kidnapping and killing.

Mr. Hollywood fled after Nicholas' decomposing body was discovered by hikers a few days after the shooting. He was apprehended by federal agents in 2005 on the beach in Saquarema, Brazil, where he was allegedly living under the assumed name Michael Carsta Gereux, and returned to the United States. He was booked into the Santa Barbara County Jail in March of 2005. Prosecutors say that he had also lived in Canada after the killing, moving frequently to cities that included Calgary, Vancouver and Montreal.

The kidnapping of Nicholas took place after Mr. Hollywood, with co-defendants Jesse Rugge and William Skidmore, spotted him on the streets of West Hills. They were in a van borrowed from John Roberts, who prosecutors say was a friend of Mr. Hollywood's father, Jack, and who knew Mr. Hollywood for a long time. At the time of the abduction, Mr. Hollywood was allegedly in the area either looking for Ben Markowitz, Nicholas' older half-brother, or the home of his father so he could break out the windows in retaliation for Ben Markowitz having done the same to the front windows of his house.

Ben Markowitz and Mr. Hollywood had been cohorts of sorts, according to the prosecution's trial brief, and Mr. Markowitz had allegedly been one of several young drug dealers who sold marijuana supplied by Mr. Hollywood.

"They worked out together, caroused and sold a lot of (Mr.) Hollywood's marijuana," Santa Barbara County District Attorney's Office Chief Trial Deputy Josh Lynn, who is prosecuting the case, wrote in his trial brief.

The relationship soured, Mr. Lynn wrote, after Ben Markowitz went to San Diego to collect a drug debt owed to Mr. Hollywood by a mutual friend. The dealer paid with a batch of ecstasy tablets, but they turned out to be fake and Mr. Hollywood, possibly believing he was being scammed, then considered Mr. Markowitz to be responsible for repayment of the debt.

After the abduction, Mr. Hollywood allegedly contacted attorney Stephen Hogg, told him he was involved in a kidnapping and inquired as to the seriousness of such an offense, prosecutors say.

In a hearing on Wednesday, Mr. Hogg stated that he intended to invoke his 5th amendment right against self incrimination, prompting Mr. Lynn to give him use immunity. Mr. Hogg then said he would appear when called by the prosecution. Mr. Rugge, who was found not guilty of murder but convicted in May, 2002 of kidnapping for ransom or extortion and sentenced to seven years to life in prison, is on the prosecution's potential witness list of roughly 100 names and is expected to testify after some procedural matters are squared away, Mr. Lynn said. Mr. Rugge was with Nicholas during much of his captivity and was present when the teenager was shot.

Mr. Skidmore, who is also on the prosecution's potential witness list, pleaded guilty to kidnapping and robbery in September, 2002 and sentenced to nine years in state prison.

Graham Pressley, 17 at the time of the murder, dug the shallow grave in which Nicholas was executed and was tried twice as an adult. His first trial ended in a hung jury. He was retried and convicted of second degree murder with the special allegation of use of a weapon. He was sentenced as a juvenile and remanded to the California Youth Authority until the age of 25. He has since been released, married and is living in the community, Mr. Lynn said.

Mr. Hoyt, who prosecutors say owed Mr. Hollywood \$1,200 that was to be forgiven in exchange for Nicholas' killing, was convicted in November, 2001 of first-degree murder with use of a firearm and kidnapping for purposes of ransom or extortion.

Although Mr. Hoyt appears on his potential witness list, Mr. Lynn told the Associated Press that he will not call him to the stand.

"He is certainly not someone that is going to come in with a lot of bona fides to start off with," said defense attorney Mark Geragos when asked for his impressions of the case on the eve of opening statements.

Mr. Geragos said that this case is likely to be more difficult for the prosecution than the other three trials related to the killing since Mr. Hollywood was not the shooter and was not present when the killing took place and Mr. Lynn must prove he was the mastermind or ringleader behind the crimes.

"I always think it's a little bit more difficult especially depending on who the witnesses are who you are going to use to prove that."

He also said that time, in this case, tends to be on the defense's side.

"There is something to be said about the amount of time that's elapsed being a better friend to the defense than the prosecution," he said.

But Mr. Lynn has said there is plenty of evidence -- "a whole bunch of concrete acts" -- that he will bring forward to lay the kidnapping and death at Mr. Hollywood's feet.

"He provided the gun, transportation and motive and orders for the kidnap, murder and everything that happened afterwards," he told the News-Press prior to the selection of the eight-woman, four-man jury that will hear the case.

Mr. Geragos said it would be a mistake to underestimate Mr. Blatt and his team.

"Any time Jim is involved you always have a fighting chance," he said. Opening statements are due to begin in Dept. 14 before Santa Barbara County Superior Court Judge Brian Hill, in the jury assembly building on Santa Barbara Street.

e-mail: [jzoltak@newspress.com](mailto:jzoltak@newspress.com)