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Nerves Fray At Murder Trial: Day 5 of Hollywood Sees Sparring Between Defense and Key Prosecution Witness

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Jesse James Hollywood shied away from showing emotion in the opening days of his capital murder trial, barely breaking a straight face when those in courtroom around him were chuckling.

But a morning of terse back and forth between defense counsel and a key prosecution witness that, at times, verged on argument and drew admonitions from the judge on Friday gave the accused ringleader in the Aug. 2000 kidnapping and murder of Nicholas Markowitz something to smile about.

It was a day marked by a detailed account of 15-year-old Nicholas' final two days alive by way of then-16-year-old Kelly Carpenter, who told the jury she partied with Nicholas and his captors -- some of whom have done time in connection with the crime and others who are doing time -- on Aug. 7 and 8, 2000 at a Santa Barbara area home and a local hotel, and never once saw the boy restrained or heard him ask for help.

Ms. Carpenter, now 25 and living out of state, said during cross-examination by the defense, "I don't feel like what I saw was a kidnapping."

She told jurors about being at another party in Santa Barbara one day around supertime and hearing Mr. Hollywood say to his girlfriend about Nicholas, who was also there, "We could just tie him up and throw him in the back of the car and go to dinner."

She testified the comment was said in a joking fashion, later describing it as "Humor in poor taste."

Ms. Carpenter is set to take the stand again on Tuesday. And Santa Barbara County Superior Court Judge Brian Hill put the defense on notice that Jesse Ruge, who is serving a seven-years-to-life sentence for aggravated kidnapping in connection with Nicholas' abduction and murder, could also take the stand next week.

Asked by the defense whether that meant the judge had ruled on its motion to bar Mr. Ruge from testifying the judge said no.

The more research he does on the matter, said Judge Hill, "The more I am of a mind that he's likely to be a witness."

"I think you need to be ready."

Mr. Ruge is serving his sentence at Avenal State Prison, but Judge Hill said that as of Friday, he was being held in the Santa Barbara County Jail.

One week after opening remarks began in the case against him, the 29-year-old Mr. Hollywood, wearing a navy blue jacket a white shirt and blue tie, watched Friday as his defense attorneys continued their assault on testimony by the defendant's high school pal Chas Saulsbury, who, less than two weeks after Nicholas was shot dead in the local hills, got an unexpected visit from Mr. Hollywood -- whom he hadn't seen in about five years -- at his home in Colorado Springs, Colo., eventually driving Mr. Hollywood to the San Fernando Valley in what prosecutors allege was part of Mr. Hollywood's plan to elude capture.

Arriving to court in flip-flops and board shorts, Mr. Saulsbury, 31, struck a defiant profile, which carried over to his testimony, resulting in Judge Hill threatening to hold the Colorado resident over for another day, which, because of the holiday weekend, meant taking the stand again Tuesday.

The witness ultimately obeyed the judge's order, but not before numerous verbal sparring matches with the defense.

Frazzled by apparent prior inconsistent statements brought out during cross-examination by lead defense attorney James Blatt, Mr. Saulsbury, who is testifying with immunity, at one point blurted out, "I'm guilty of being an accessory to murder after the fact."

When pressed under cross-examination about why he didn't go to police when, as he claimed on the stand, Mr. Hollywood told him about the trouble he was in over Nicholas' death, he said, "I was scared . . . I didn't know what to do. . .A little boy got killed here."

The mood shifted to lighthearted soon after when the judge, admittedly bothered by Mr. Saulsbury's fidgeting in his chair, asked the bailiff to switch it with a chair that didn't swivel.

Attorneys on both sides, the witness, the audience, the judge and relatives of the murdered boy and those of the man accused in his death -- who take up an entire row inside Department 14 each day, separated sometimes by only a seat -- all got a good laugh out of the exchange.

And from his seat at the defense table, Jesse James Hollywood, too, flashed a smile.

His face gave off a sense of delight at times, smugness at others. The latter was evident when Mr. Saulsbury complained about Mr. Blatt twisting his words.

But Mr. Hollywood clearly seemed to relish his old friend's admission that, "I lied mistakenly" when being questioned by police about where he and Mr. Hollywood were headed after their reunion in Colorado.

But the face of Mr. Hollywood showed contempt when the witness, after another round of arguing with Mr. Blatt, loudly said, "Your client came running to me and then ended up in Brazil."

That statement alluded to the nearly five years Mr. Hollywood spent on the run, before his

capture on a Saquerema beach in 2005.

Mr. Blatt tried to impeach the witness' testimony that he heard about the murder weapon from Mr. Hollywood by showing him articles from the News-Press published shortly after the killing that reported a gun being buried with Nicholas' body.

But Deputy District Attorney Josh Lynn noted that the reports cited by the defense made no mention of a specific type of gun.

Where did you find out that the weapon was TEC-9, Mr. Lynn asked.

"From Jesse," replied Mr. Saulsbury.

Mr. Saulsbury's testimony came to an end with a chilling tale that Mr. Lynn hoped would explain some of the confusion exhibited by the witness, who had been away from his home for six days.

"Turns out my dog was fed some kind of poison," said Mr. Saulsbury. "She's bleeding internally. . .There's been so much bleeding it's coming out her eyeballs."

The symptoms, Mr. Saulsbury said he came to find out, were consistent with being given rat poisoning.

"I'm going to go home and put her down and say goodbye."

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