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Ben Markowitz takes stand in Hollywood murder trial : Half-brother of slain teen tells of relationship with man prosecutors say was behind kidnapping, shooting

ANGEL PACHECO, NEWS-PRESS STAFF WRITER

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Ben Markowitz and Jesse James Hollywood became fast friends around September of 1999 when the two joined up in a drug-dealing partnership. The two would work out and smoke marijuana together, but when the men exchanged glances Tuesday, Mr. Markowitz was taking the witness stand in a trial that could result in a death sentence for his former comrade.

Mr. Hollywood's alleged crimes: orchestrating the kidnap and murder of Mr. Markowitz's 15-year-old half-brother Nicholas over a \$1,200 drug debt owed to the defendant.

The witness, summoned by the District Attorney's Chief Trial Deputy Joshua Lynn, walked into the hearing Tuesday wearing a blazer and with his hair slicked back. In court, he has been portrayed as a dangerous, tattoo-covered gangster known as "Bugsy," but no such markings were visible Tuesday.

Mr. Markowitz said he knew of Mr. Hollywood growing up and the two shared a common hobby: baseball, said the witness under questioning from Mr. Lynn, who is prosecuting the defendant. But it wasn't until roughly September 1999 that the two men began to associate with one another.

At that time, Mr. Markowitz was searching for marijuana and turned to the defendant, who was being supplied pot by his father, Jack, Mr. Markowitz testified. Mr. Hollywood would loan Mr. Markowitz one or two pounds of the drug, and the witness would pay Mr. Hollywood once he sold off the product, he said.

The business partnership graduated into a friendship, with Mr. Markowitz regularly visiting Mr. Hollywood's West Hills home. However, the relationship went south not long after the two friends traveled to San Diego to collect a \$2,000 debt owed to Mr. Hollywood, according to testimony.

The person in debt to the defendant was an acquaintance of Mr. Markowitz, who told Mr. Hollywood he would talk to the debtor and straighten the situation out, according to the witness. They set out on the trip -- Mr. Hollywood allegedly armed with a baseball bat, duct tape and a duffle bag -- but instead of collecting the cash, they were able to swipe a batch of "ecstasy" pills.

Mr. Markowitz said they planned to sell the drugs for \$4,000 -- half for him, half for Mr.

Hollywood -- and because the witness stood to make a profit in the deal, he accepted the \$2,000 debt to Mr. Hollywood as his own, he said. Mr. Markowitz gave the pills to a friend to sell, but buyers were not happy with the product.

Mr. Markowitz got \$600 from sales, and coupled with \$200 he got from his father, he was still \$1,200 in the red, he said.

Around February 2000, about six months after the San Diego trip, Mr. Hollywood arrived at a restaurant, the workplace of Mr. Markowitz's girlfriend, and ran up a bill, the witness testified. Rather than paying, the defendant left a note instructing that the bill be deducted from the \$1,200 drug debt -- a move that didn't sit well with Mr. Markowitz.

Mr. Markowitz called Mr. Hollywood and left a message that stated the witness would not pay him anything and the next time they met, the two men would "handle business," according to testimony. Mr. Markowitz also came into phone contact with an associate of Mr. Hollywood, William Skidmore, who invited the witness to Mr. Hollywood's home to talk the situation out. Mr. Markowitz never accepted the proposition, as he wanted to avoid a confrontation because he was trying to straighten out his life and was going to get married.

The phone contact with Mr. Skidmore -- who was in the van used to spirit Nicholas off to Santa Barbara and who pleaded guilty to kidnapping and robbery and was sentenced to nine years in prison -- continued weekly and escalated to the point where the two men were threatening one another, according to testimony.

A couple of months before Nicholas' murder in the foothills of Santa Barbara, Mr. Hollywood and an associate, Ryan Hoyt, reportedly showed up in front of Mr. Markowitz's apartment uninvited. The witness was driving up to his home at the time but decided to keep going when he saw the visitors. When Mr. Markowitz later returned, the two were gone, and the witness started packing his things to move.

However, Mr. Markowitz didn't take the arrival of Mr. Hollywood and Mr. Hoyt passively, as he called the defendant up and said he knew where Mr. Hollywood's family lived.

"If he wanted to play that game, I could play that game too," the witness said.

Mr. Hoyt has been convicted of shooting Nicholas dead at a hiking spot known as Lizard's Mouth on Aug. 9, 2000. He is now on death row in San Quentin.

On Tuesday, Mr. Lynn showed Mr. Markowitz a photo of a Tec-9 -- the gun Mr. Hoyt used to pump nine rounds into Nicholas -- and the witness identified it as one of the firearms Mr. Hollywood had collected.

Mr. Markowitz also admitted to breaking the windows to Mr. Hollywood's home, and while he recalled doing it after Nicholas' death, he said it could have happened before. The witness has also been accused of killing Mr. Hollywood's dog, an accusation he denied.

As for Nicholas, on Tuesday he was described as an aspiring "tough guy."

"He wanted to be like his big brother," said Mr. Markowitz, who had opposed Nicholas taking

the same path. The teen would smoke marijuana -- sometimes with his brother -- and sell small amounts to friends. However, Mr. Markowitz said, Mr. Hollywood did not supply his brother with drugs, and Nicholas had never threatened the defendant.

Nicholas had run away from home a few times, but in each instance he fled to his brother's home for a night and returned to his parents the next day, Mr. Markowitz recalled.

The last time the boy went missing from his San Fernando Valley home was Aug. 6, 2000 -- following an argument with his parents the night before about his drug use -- and it is alleged that as the victim walked the streets cooling down, Mr. Hollywood and some friends rolled up in a van, beat the boy, pushed him into the vehicle and fled to Santa Barbara.

A few hours after the disappearance, Mr. Markowitz recalled getting a call from his father, Jeff, who told him to be expecting a call from Nicholas, as had been the case during similar occurrences.

A friend later told Mr. Markowitz that Nicholas may be in Santa Barbara with Mr. Hollywood at a "rave" party, and the witness said he called and left a message on Mr. Hollywood's cell phone. However, he recalled never hearing back or getting a call asking for money.

On Aug. 14, 2000, he received word from family that Nicholas had been kidnapped and killed.

Prosecutors say Nicholas was driven to Lizard's Mouth by Mr. Hoyt, another associate of Mr. Hollywood named Jesse Ruge, and 17-year-old Graham Pressley, who had dug a shallow grave but did not know Mr. Hollywood.

Mr. Hoyt shot the victim, whose body, barely covered with dirt, was discovered by hikers days later. The vehicle used to transport the teen to the execution site belonged to a man named Casey Sheehan, who Mr. Markowitz testified he later confronted at a bar.

The witness said he grabbed Mr. Sheehan and threw him into a vehicle, demanding to know the truth about what Mr. Hollywood told him concerning borrowing Mr. Sheehan's car. However, before Mr. Markowitz could reveal what he learned, the proceedings ended early.

Mr. Markowitz is scheduled to be back on the stand at 9 a.m. today.

e-mail: apacheco@newspress.com