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Hollywood Jury Deliberating

Witnesses' Credibility at Issue

By Chris Meagher

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Day one of jury deliberation has come and gone with no word from the 12 men and women deciding the fate of Jesse James Hollywood, on trial for the kidnap and murder of 15-year-old Nicholas Markowitz. If convicted, Hollywood could face the death penalty.

The majority of the jury listened attentively yet without apparent emotion as the prosecution and defense presented their closing arguments over a two day period.

The defense railed on prosecutor Joshua Lynn for not calling Jesse Rugge to the stand to fill in what they called holes in the prosecution's theory. Rugge is arguably the most connected person to the case: He was present for the boy's kidnapping in Los Angeles, the boy stayed at his house over a series of days, and he was present when his friend Ryan Hoyt shot and killed Markowitz near Lizard's Mouth in the mountains above Santa Barbara on August 9, 2000.

Defense attorneys Alex Kessel and James Blatt repeatedly asked why Rugge, "the most critical witness of all," according to Blatt, was not called to testify. "Rugge would be the logical witness to fill in the blanks," Kessel said.

While the question is certainly one that needs to be asked, part of the answer is that Rugge reportedly perjured himself in several previous accounts of the case, and no one would be certain what he would testify to on the stand. Still, the jury must be questioning the absence of Rugge—a name they have heard over and over in this trial.

William Skidmore, who served prison time for his role in the kidnapping, and Hoyt, who is on death row at San Quentin State Prison, also did not testify. Hoyt could not testify because his conviction is under an automatic appeal to the state Supreme Court.

But the evidence, Lynn said in his close, all points to Hollywood as having ordered the murder. According to the prosecution, he alone had the motive: a dispute with Nick Markowitz's older brother Ben about a \$1,200 drug debt Ben owed Hollywood. It was Hollywood's van that was used to kidnap Markowitz, Hollywood's automatic weapon that was used to kill him, and it was Hollywood who fled the country after the murder, not to be found for almost five years.

It all comes down to his who the jury decides to believe. A lot of allegations Lynn made rely on witnesses whose credibility could come into question in the deliberation room. It was certainly brought into question by the defense. Much of the prosecution's theory rested on the testimony of Graham Pressley, who was convicted of Markowitz's murder though he was not part of

Hollywood's inner circle. Pressley said on the stand that Ruge told him that Hollywood offered him \$2,000 to kill Markowitz, but that Ruge refused. Defense attorney Kessel called Pressley a "weasel" who was just looking out for himself.

Chas Saulsbury, who drove Hollywood from Colorado to Los Angeles after the murder, said Hollywood spilled the beans to him along their journey, explaining the ins and outs of what happened. But Kessel, who called Saulsbury a "human bong," alleged that almost every detail Saulsbury testified to showed up in newspapers around the same time as their drive. Blatt said Saulsbury had obvious mental issues and couldn't be relied on as a witness.

Hollywood himself took the stand in the last week of witness testimony, offering a much different take from the prosecution's theory. While the prosecution alleges that Hoyt and Ruge murdered the teen at the behest of Hollywood, Hollywood said he told Ruge that Hoyt was driving up to Santa Barbara to get the boy and bring him back to LA. Instead, he claims, Hoyt did the exact opposite, an odd thing to do, Lynn pointed out. "Why would Ryan Hoyt do this," Lynn asked. "The only evidence we have is that he did it on behalf of Jesse James Hollywood."

Friday is a court holiday and the jury will continue deliberating Monday morning.