

Slain Teens Dad Takes Stand in Hollywood Trial

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With a jury seated and opening statements out of the way, the prosecutors pursuing the death penalty against Jesse James Hollywood on Monday called their first witness: the father of the 15-year-old who was executed allegedly at the defendant's direction.

Mr. Hollywood, 29, is accused of masterminding the kidnapping of Nicholas Markowitz in 2000 from the San Fernando Valley and his execution in Santa Barbara County over a \$1,200 drug debt owed to Mr. Hollywood by the victim's older brother, Ben. Mr. Hollywood faces charges of first-degree murder and kidnapping, with special circumstances that could bring the death sentence.

Called to the stand by the District Attorney's Office Chief Trial Deputy Josh Lynn on Monday, Jeff Markowitz, the victim's father, described the brothers' relationship as loving. But he and his wife Susan had early on hoped to keep the two separate, as Ben had gotten into trouble as a kid, like stealing a vehicle.

Mr. Markowitz also found out about Nicholas using drugs in 2000, when, among other incidents, the teenager was arrested for smoking marijuana.

Recounting the events of Aug. 5, 2000 - the night before Nicholas disappeared - Mr. Markowitz said his son arrived home about a half hour before his midnight curfew and had slurred speech. Mr. Markowitz said he spotted a bulge in Nicholas' back pocket - and when he reached for it, Nicholas bolted. The boy returned later that night and a discussion about drug use began, but they decided to take it up in the morning.

When Mr. Markowitz awoke the next morning, a Sunday, he left his house to play tennis and returned at around 11 a.m. He and his wife decided to get Nicholas to continue their discussion, but "he was gone," Mr. Markowitz said. They called his pager, but could not reach him.

Even the friends who were with the teenager the night before did not know his whereabouts.

The parents got in touch with Ben, whom Nicholas had turned to in the past after leaving the house without permission, but he did not know where his younger brother was.

The Markowitzes kept an ear out for their son's return, but about a week later, on Aug. 14,

sheriff's deputies arrived at their home and informed them that their son had been shot dead.

In an attempt to keep Nicholas out of trouble, his family got him involved in martial arts and made it a family activity. Mr. Markowitz said he would take his son to martial arts tournaments on weekends, but he had been too busy to do so the weekend Nicholas disappeared.

"It would have been a good idea," he said.

During cross examination, defense attorney James Blatt focused in on the police report Mr. Markowitz filled out the morning of Aug. 8, 2000, and asked why he waited so long to go to the authorities. Mr. Markowitz said he had been conducting his own search along with Ben, and he had been hoping to get in contact with a new friend of Nicholas' who had just come over to their home for the first time the day before his son disappeared.

Mr. Markowitz said this new friend was the only difference in their lives that could have caused such a disruption.

"I wish I would have done a lot more a lot earlier," he said.

After getting in touch with Ben, Mr. Markowitz said he asked if Ben had any enemies that would have done this, according to testimony. Ben told his father it could have been Mr. Hollywood or another person.

Nicholas' relationship with his parents also came to light during the cross-examination. Mr. Markowitz said he and his wife's relationship with their son had peaks and boundaries. Around the time of the disappearance, Nicholas was accompanying his father to work, so the two had been talking a lot. Mr. Markowitz also testified that his wife had a strong relationship with Nicholas at the time, but that Nicholas had also raised his voice to her.

Also called to the stand by Mr. Lynn was Brian Affronti, who reportedly came to Santa Barbara in the same van as Mr. Hollywood and Nicholas but was not prosecuted and has received immunity for his testimony.

Mr. Affronti had known Mr. Hollywood for three to four months prior to August 2000 through Mr. Affronti's friend, William Skidmore (who pleaded guilty to kidnapping and robbery in 2002 and was sentenced to nine years in state prison), according to testimony. Mr. Affronti testified that he received a pound of marijuana a week from Mr. Hollywood, drugs that he would then sell in smaller amounts. Mr. Affronti said he would pay Mr. Hollywood \$4,000 from the sales and keep \$1,000 to \$1,200 profit.

A group of friends had planned to go to Santa Barbara for Fiesta celebrations, and Mr. Affronti recalled he had been picked up by a utility van at his home. Inside the vehicle were Mr. Hollywood, Mr. Skidmore and Jesse Ruge (who was convicted of kidnapping for ransom or extortion and sentenced to seven years to life in prison). Also in the van was Nicholas, who Mr. Affronti said he did not know and was not introduced to.

With Mr. Ruge driving and Mr. Hollywood in the passenger seat, the ride was fairly quiet until about halfway through the trip when Nicholas' pager started vibrating, the witness said. Mr. Hollywood reportedly asked if it was Ben Markowitz paging, and Nicholas responded it was his

mother. Mr. Hollywood took the pager away, and some marijuana and pills Nicholas had in his pockets were also confiscated, Mr. Affronti said. A ring was also taken from him, but was later returned because it had great sentimental value to the victim.

Mr. Hollywood was uneasy in his chair and said that Ben Markowitz is going to pay the money back and that he was going to "kick Ben's ass," according to the testimony.

They eventually arrived at a town home on Modoc Road, where they got off and Mr. Hollywood soon left for another location in order to take a shower, the witness testified. Mr. Affronti lied to Mr. Hollywood, saying he had a date with his girlfriend and wanted to return to the San Fernando Valley, and Mr. Hollywood agreed to let him take the van back once he returned from the other location.

Mr. Affronti testified he saw Nicholas sitting in a bedroom with his wrists and ankles duct taped together. Mr. Skidmore was also in the room, and the witness recalled attempting to console Nicholas. Still restrained, Nicholas smoked marijuana from a bong Mr. Affronti and Mr. Skidmore placed in his hands, Mr. Affronti said.

Mr. Affronti told jurors he did not remove the tape out of fear that Mr. Hollywood would return and see the victim unrestrained. Once Mr. Hollywood returned, he turned over the keys and the witness and Mr. Skidmore left for home. But Mr. Affronti returned later in the day to retrieve his cell phone, at which point he saw an unbound Nicholas sitting on the couch with Mr. Hollywood playing video games and smoking marijuana.

Mr. Skidmore later called Mr. Affronti and told him that Nicholas had been killed, Mr. Affronti said. Mr. Skidmore also warned Mr. Affronti to stay away from Mr. Hollywood, who had reportedly told Mr. Skidmore to "take care" of him.

During cross-examination, co-defense counsel Alex Kessel asked why Mr. Affronti had been scared of Mr. Hollywood. Mr. Affronti said the accused mastermind had never threatened him before. However Mr. Affronti said he believed the defendant could have gotten gang friends to hurt him, but he was not fearful that Mr. Hollywood would personally harm him.

Additionally, Mr. Affronti said Mr. Hollywood never ordered him or Mr. Skidmore around.

Going back to when Mr. Affronti first got in the van, Mr. Kessel asked whether Nicholas showed any signs of being beaten.

"He looked perfectly fine, didn't he?" the attorney asked, and the witness replied yes.

Mr. Kessel additionally asked about a prior police statement where the witness did not say anything about Mr. Hollywood saying he wanted his money returned during the drive to Santa Barbara. Instead, Mr. Hollywood had been angry about threats Ben Markowitz had reportedly made to Mr. Hollywood's family and that Ben had thrown a brick through his window. Mr. Affronti looked at a specified section of the statement and said he did not see any mention of Mr. Hollywood asking for his money.

The trial is scheduled to continue at 9 a.m. today before Superior Court Judge Brian Hill.

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