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Witness Recounts Frightening Stay By Jesse James Hollywood: IN BRIEF: Defendant Allegedly Visited Home With Kidnap Victim In Tow

ANGEL PACHECO, NEWS-PRESS STAFF WRITER

An intimidating Jesse James Hollywood barked orders at his alleged minions in a Modoc Road duplex where the kidnapped Nicholas Markowitz was restrained with duct tape in 2000, a witness said early on in his Tuesday testimony. However, by the end of the day's trial proceedings, all that the same witness could recall was 15-year-old Nicholas becoming unbound and Mr. Hollywood saying little more than "be cool."

Nicholas was kidnapped from the San Fernando Valley in August 2000 reportedly over a drug debt owed to Mr. Hollywood by the victim's older brother Ben Markowitz. Mr. Hollywood and friends of his brought the boy to Santa Barbara County, where Nicholas was later killed. But the first Santa Barbara stop on Aug. 6, 2000, was the then home of Richard Hoeflinger, now 28, in the 2100 block of Modoc.

Mr. Hoeflinger, called to the stand by Senior Deputy District Attorney Hans Almgren, was preparing to leave for a barbecue that day when he was approached by a man he had known since elementary school, Jesse Ruge, the witness recalled during direct examination.

Mr. Ruge (convicted of kidnapping for ransom or extortion and sentenced to seven years to life in prison) asked if he could stay at the witness' home, which the witness agreed to, according to testimony. Mr. Ruge left and returned with Mr. Hollywood, Nicholas and others, and Mr. Hoeflinger believed Mr. Hollywood was in charge of the group. The defendant appeared very angry and frightening, said the witness.

Inside, Mr. Ruge, Nicholas and William Skidmore, who pleaded guilty to kidnapping and robbery in 2002 and was sentenced to nine years in state prison, went into the witness' bedroom, which had two rolls of duct tape. As Mr. Hoeflinger approached his room, Mr. Ruge reportedly stopped him and told him Nicholas was there to help them find Ben Markowitz, who owed Mr. Hollywood somewhere in the area of \$1,500.

The witness questioned Mr. Ruge on why they had come to his house, and when he entered his room, he spotted Nicholas bound with duct tape in the hands and legs areas, Mr. Hoeflinger said. Mr. Ruge and Mr. Skidmore, who was holding a bunched up ball of duct tape, were in the room telling the victim to "chill," and "everything's going to be OK."

Meanwhile, Mr. Hollywood was in the living room talking on Mr. Hoeflinger's phone, Mr. Hoeflinger said. The defendant also reportedly had a bulge on his left side in the waistband area.

Mr. Hoeflinger left his home for the barbecue, fearing what Mr. Hollywood would do if he

contacted police. When he returned home, an unbound Nicholas and Mr. Ruge were the only ones still there. Mr. Ruge reportedly said everything was going to be all right.

This was reportedly the third time Mr. Hoeflinger came in contact with Mr. Hollywood. About six months beforehand, the witness went to Mr. Hollywood's home with Mr. Ruge, and the two were met at the door by Brian Hoyt, who was pointing a gun in their direction. Mr. Hoyt allegedly identified the gun as a Mac-10. Mr. Hoyt, who now sits on California's death row for shooting Nicholas to death, did not know Mr. Hoeflinger at the time.

During cross examination from attorney Alex Kessel, representing Mr. Hollywood, the witness admitted that he had lied under oath to the Grand Jury and in other related trials as well. The witness said the only thing he ever falsely testified to was not meeting Mr. Hollywood before he showed up at his home with Nicholas Aug. 6.

However, Mr. Kessel later brought up Mr. Hoeflinger's testimony to the Grand Jury, which indicated the witness had said he never heard Mr. Hollywood speak when he came over to his house on Aug. 6. The witness responded he must have been lying back then.

While Mr. Hoeflinger had been given use immunity, meaning what he says on the stand can't be used against him, it holds the condition that he tells the truth.

Mr. Kessel additionally brought back up Mr. Hollywood's "barking" orders, and the witness was only able to remember Mr. Hollywood coming into the home, asking where Mr. Hoeflinger's bedroom was, saying "be cool" and other discussions he couldn't recount.

Mr. Hoeflinger had also testified in Mr. Ruge's trial, during which the witness reported never seeing Nicholas wrapped in tape, according to the transcript presented by Mr. Kessel. Of that testimony, Mr. Hoeflinger said he should have said he did not remember that detail.

Later on, under re-directed examination from Mr. Kessel, the witness testified he only saw the tape being removed.

Of the run in with Mr. Hoyt at Mr. Hollywood's home, Mr. Kessel asked if anyone else but Mr. Hoyt had the gun, and the witness responded no.

A picture of what was said by the witness to be a Mac-10 was shown several times during Tuesday's hearing, but from the public seating area in the courtroom, the Mac-10 photo looked very similar to the previously presented photo of a Tec-9, which Mr. Hoyt is said to have used to kill Nicholas.

During the two meetings with Mr. Hollywood prior to Aug. 6, the two had discussed Mr. Hoeflinger's alleged dealing drugs for Mr. Hollywood, according to testimony.

On re-direct examination, Mr. Almgren again asked about the testimony the witness had falsified. Mr. Hoeflinger indicated he had been afraid of Mr. Hollywood in the past because the defendant had been at large, but the fear is gone now that Mr. Hollywood is in custody.

While the witness never saw Mr. Hollywood with the Mac-10, the defendant had talked about the weapon, discussing how long he had owned it, the witness recalled.

Mr. Hoeflinger was excused at the end of the day but he is subject to recall as a witness. Mr. Hollywood's capital murder trial continues today at 8:30 a.m. at the Santa Barbara Courthouse

e-mail: apacheco@newspress.com