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Man says he threw party for Nick Markowitz's killer on day after shooting : Casey Sheehan says Ryan Hoyt, Hollywood argued at birthday barbecue

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The prosecutors in the Jesse James Hollywood capital murder trial had another witness of dubious character back on the stand on Friday.

Casey Sheehan, a friend of Mr. Hollywood who lent him the car used to take 15-year-old Nicholas Markowitz to the site of his execution in the foothills above Santa Barbara in August 2000, was even declared hostile to the prosecution by Santa Barbara County Superior Court Judge Brian Hill during his cross-examination by defense attorney Alex Kessel.

Mr. Hollywood is accused of kidnapping Nicholas from the San Fernando Valley and ordering his murder over a \$1,200 drug debt owed to Mr. Hollywood by the victim's half-brother, Ben Markowitz, who testified earlier this week.

Mr. Sheehan, who on Wednesday was called to the stand by Santa Barbara County District Attorney's Office Chief Trial Deputy Josh Lynn, resumed his testimony and, under cross-examination by Mr. Kessel, repeatedly said that although convicted shooter Ryan Hoyt confessed to him that he killed Nicholas, he never told him that the killing was ordered by Mr. Hollywood or that the defendant had participated in reaching a decision to kill the teen.

"Did (Mr.) Hoyt ever tell you that Jesse Hollywood told him to shoot the kid?" Mr. Kessel asked.

"No," said Mr. Sheehan, who was dressed in a dark suit and necktie and who bore two black stud earrings and shamrock tattoos on either side of his neck just behind his ears.

Earlier, Mr. Sheehan testified that Mr. Hoyt, in the aftermath of the killing and as early as Aug. 9, told him that he shot Nicholas, but Mr. Sheehan did not believe it.

At a birthday barbecue for Mr. Hoyt that Mr. Sheehan hosted at his house in Granada Hills the day after Nicholas was killed, he said, Mr. Hollywood and Mr. Hoyt got into a heated argument, after which Mr. Hollywood's demeanor changed from "happy-go-lucky" to tense. The mood at the gathering changed as well.

"You could hear a pin drop; it was real tense," Mr. Sheehan said.

Even prior to the barbecue, Mr. Hoyt had told Mr. Sheehan several times that he had screwed up, using an expletive when he did, said Mr. Sheehan, who was with Mr. Hoyt in the maroon Honda

that had been used the night of the murder when the two were arrested.

Mr. Sheehan received immunity in exchange for giving a statement to police.

The defense is essentially conceding that Mr. Hollywood participated in Nicholas' Aug. 6, 2000, abduction while at the same time contending that the kidnapping ended and Nicholas chose to stay with his former captors voluntarily. At times, the boy partied with his captors and at one point was left with people who were not involved with his kidnapping.

The ensuing murder, after midnight on Aug. 9 near a hiking spot called Lizard's Mouth off Camino Cielo, was essentially freelanced by Mr. Hoyt, who sits on death row at San Quentin, the defense asserts.

Once news reports surfaced about Nicholas' murder after his body was found by hikers on Aug. 12, Mr. Hoyt's demeanor changed and he appeared scared, Mr. Sheehan said. Prior to that, even though he had said on three occasions that he killed the boy and that his debt had been cleared, Mr. Sheehan didn't believe him, in part because his demeanor did not seem to match that of someone who had just shot someone to death.

After the news reports surfaced, beginning Aug. 15, however, he started to believe what Mr. Hoyt had told him, Mr. Sheehan testified.

Mr. Kessel asked the witness if Mr. Hoyt ever said the cleared debt had been owed to Mr. Hollywood.

"Not to my recollection," Mr. Sheehan replied.

"Did you ask Mr. Hoyt why he did this?" Mr. Kessel asked.

"Yes, Sir," Mr. Sheehan answered. "His answer was, 'To take care of the boys ... all of us, his family.'"

Mr. Sheehan said that the conversations about the killing essentially ended after news reports ran about the body being found.

He also said that it was not unusual for Mr. Hollywood to borrow his car and that he believed Mr. Hollywood was without a vehicle of his own at the time he borrowed the Honda.

He acknowledged that Mr. Hoyt was staying at his rented converted garage on Aug. 8. He said he was at work when a call was placed at 10:57 a.m. that day to co-defendant Jesse Ruge, who is serving seven years to life in prison for kidnapping for ransom or extortion.

At the Aug. 10 barbecue, Mr. Sheehan asked Mr. Hollywood if it was true that he had wanted to pay someone to beat up Ben Markowitz, Mr. Sheehan said. Mr. Hollywood looked "taken aback" by the question, "like he was surprised," before walking away without a comment, he said.

At that point, Judge Hill said he considered the witness to be "adverse" to the prosecution and "friendly" to the defense and he ordered the defense attorney to refrain from asking leading questions in accordance with California law.

Mr. Kessel argued that the witness was called by the prosecution and shouldn't be considered friendly to the defense simply because the prosecution doesn't like some of his testimony.

With the cross examination concluded, Mr. Sheehan was excused. He will return to the stand on Monday for redirect examination by Mr. Lynn, who asked for some time to review a 22-page transcript of a videotaped interview Mr. Sheehan gave to defense attorneys.

The defense wants to play the video in court, but Judge Hill said some of the questions themselves contain inadmissible hearsay statements that would have to be redacted if the video could be played at all.

Before court recessed, David Barber, a criminologist from the California Department of Justice crime lab for 23 years, testified about his work examining bullet casings and fragments and trying to determine the trajectory of the shots at the crime scene. He also said he examined and tested the gun that was found with the body to determine if it was linked to the casings. He also examined the Tec-DC9, which he called an assault weapon, and found it was intentionally rigged to be fully automatic.

Under direct examination by Deputy District Attorney Hans Almgren, he said the gun was simple to operate, but difficult to control, especially for someone unfamiliar with how it fires.

Under cross examination by lead defense attorney James Blatt, Mr. Barber testified that he never tested the gun at the murder scene at night to determine how loud its report was or how bright its muzzle flash was. He said it would have been unsafe, as bullets could have reached populated areas.

In answer to a question from Mr. Blatt that hinted that leaving the gun with Nicholas' body was a stupid move, he said that he had only worked two cases -- out of hundreds -- involving the gun being found with a shooting victim.

He said the gun did not have a silencer on it and would make a significant sound when fired.

In addition to Mr. Hoyt and Mr. Ruge, two others were convicted and imprisoned in connection with the kidnapping and killing: William Skidmore, who was in the van into which Nicholas was spirited when he was abducted from the San Fernando Valley and taken to Santa Barbara, and who pled guilty to kidnapping and robbery and was sentenced to nine years; and Graham Pressley, who dug the grave in which Nicholas' body was found and who was found guilty of second-degree murder and remanded to the California Youth Authority until the age of 25. Both are now out of custody. Mr. Pressley testified in the case last week.

The trial resumes in Dept. 14 at 9 a.m. on Monday.

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