

**Daily Sound - June 18, 2009**

## **New witness surfaces in Hollywood murder trial**

By COLBY FRAZIER — June 18, 2009

A potential key witness took the stand yesterday in the Jesse James Hollywood capital murder trial and recounted for the first time how the defendant told him just hours before a 15-year-old boy was executed, allegedly at the behest of defendant, that the boy was going to be taken home.

The witness, Jerry Hollywood, is Jesse Hollywood's real estate agent and 70-year-old second cousin.

Jerry Hollywood, who was apparently never contacted by prosecutors in this case, or authorities, other than the FBI during their hunt for the defendant, unearthed the crucial conversation between he and his cousin earlier this month.

Due to the late nature of the statement, which Jesse Hollywood's attorney James Blatt hopes to get before the jury, Superior Court Judge Brian Hill held an evidentiary hearing outside the presence of the jury.

Jerry Hollywood took the stand just as he would have if the jury was there, and was questioned by both sides.

The bulk of Jerry Hollywood's statements merely corroborated what is already known: that around the same time Jesse Hollywood kidnapped Nicholas Markowitz on Aug. 6, 2000, he was moving out of his West Hills home because of threats he was receiving from the victim's older brother, Ben Markowitz.

In preparation for his move, Jerry Hollywood said his cousin contacted him in late July of 2000 to express interest in selling his home and purchasing a condominium on the beach in Malibu.

Jerry Hollywood said he remembered telling the defendant he'd see how much his home was worth, and what he could expect to pay for property in Malibu.

On Aug. 8, 2000, the day before Nicholas was escorted to Lizard's Mouth, a popular hiking area in the Santa Barbara foothills, bound at the hands with duct tape, and shot nine times with Jesse Hollywood's semi-automatic TEC-9 machine pistol, the defendant visited the home of Jerry Hollywood.

He said Jesse Hollywood signed a number of papers giving him permission to list the house for sale. But at some point, he said the defendant told him the problem that had prompted him to decide to move had "escalated," and, "That he and his friends had taken a boy somewhere. He was concerned about it and he was going to go see his attorney."

Although Jerry Hollywood said he wasn't particularly close with his cousin, or his father Jack, who would be his first cousin, he got the impression from Jesse Hollywood that something

wasn't right.

From the stand yesterday, Jerry Hollywood said he tried getting in contact with Jack Hollywood, who he discovered was on vacation in northern California. Eventually, he touched bases with the man and told him he should contact his son.

In the meantime, according to evidence produced during the trial, including statements from Jesse Hollywood's attorney, the defendant did indeed contact the lawyer.

At 10:21 p.m. on Aug. 8, just a few hours before Nicholas was killed, phone records show Jesse Hollywood called Jerry Hollywood.

According to Jerry Hollywood, the defendant simply wanted to make sure he knew he could list the home.

Jerry Hollywood said he asked Jesse Hollywood if everything was all right?

"He said yes and someone was going to take [Nicholas] home. He'd talked to his attorney."

If this was the end of the story, Hill said he probably would allow the jury to hear it.

However, during cross examination by Santa Barbara County Chief Trial Deputy Josh Lynn, the prosecutor, Jerry Hollywood explained how it came to be that these statements were jolted from his memory.

A week or so ago, he explained that he was contacted by Blatt's investigator, who has been criticized by the prosecution in recent days for asking leading questions, or for lack of a better term, putting words into witness's mouths during interviews.

Jerry Hollywood said the investigator called him early in the morning, so early he was awakened by the call. He said he told the investigator about his conversations with the defendant. But a couple of days later, after reviewing the investigator's written report of what was said, Jerry Hollywood indicated there were inaccuracies.

Asked about what the inaccuracies were, the witness said: "He said Jesse was over at my house and he was really nervous and upset."

Jerry Hollywood said he didn't recall his cousin being like that, adding that he appeared anxious to get the house sold.

Because of the inaccuracies in the investigator's statements, Jerry Hollywood said he wrote his own account of what transpired on Aug. 8.

However, Lynn wondered if Blatt's investigator had to remind Jerry Hollywood about the details of his past conversation.

"[The investigator] was kind of trying to help me recall," Jerry Hollywood said.

Hill, using some of his most pointed questions yet to determine if the witness's testimony was truthful, asked Jerry Hollywood to recall the conversation with the investigator.

Beyond a few minor details, Jerry Hollywood said he could remember little. Hill then asked the man if he remembered receiving the investigator's interpretation of the interview only a week ago.

Jerry Hollywood said he did, and that he "must have read it once or twice." Hill asked if where he read it, if it was by the fax machine, or in another room, but the witness couldn't recall.

Although Jerry Hollywood saved the real estate papers that Jesse Hollywood signed nine years ago, he said he couldn't recall where the investigator's statement was at this home, or if he'd saved it.

Because of Jerry Hollywood's apparent lack of memory when it came to recent events, but crystal-clear recollection about events that occurred nearly a decade ago, Hill said he has reservations about allowing the jury hear Jerry Hollywood testify.

"He had some problems in terms of memory with what happened a week ago, much less nine years ago," Hill said. "I don't find that Mr. [Jerry] Hollywood has a very clear recollection of the events of August 2000."

To Blatt, Hill said: "I have a concern about the way in which [your investigator] conducted this investigation and provided this information to this witness."

Hill said he was inclined to not allow Jerry Hollywood's testimony for now, but won't officially rule until the defense begins calling witnesses on Monday.

Even if Jerry Hollywood's statement about Jesse Hollywood saying the boy was going home isn't allowed, Blatt could still call him as a witness to corroborate other witness testimony.

A number of other matters were taken up outside the presence of the jury yesterday, including the possibility of having celebrity witnesses like Justin Timberlake and film director Nick Cassavetes take the stand.

Cassavetes directed the film, "Alpha Dog," which is based upon the events surrounding Nicholas's kidnapping and murder.

Blatt said he wanted to call Cassavetes and possibly Timberlake to illustrate that some of the witnesses who were called by the prosecution participated in the film, and perhaps more importantly, that they were interviewed by the filmmaker and actors, who likely based their questions upon facts of the case gleaned from use of the District Attorney's case files.

Prior to the making of the film, Senior Deputy District Attorney Ron Zonen gave the director many of his case files. As a result, the film follows closely with much of the witness testimony heard so far.

Zonen's cooperation with filmmakers drew the ire of Blatt, who alleged prosecutor misconduct and took his fight all the way to the U.S. Supreme Court, which sided with the District Attorney.

Nevertheless, Zonen was removed from the case. Blatt said he promised he wouldn't attack the District Attorney's Office or Zonen if he were allowed to call the filmmaker and other celebrities.

Hill said he would rule Blatt's request when the trial resumes on Monday at 8:30 a.m.