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Hollywood takes stand in own defense : First day of testimony focuses on his early life

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His life on the line and facing a stream of potentially damning testimony, Jesse James Hollywood took the witness stand for the first time on Monday, telling jurors in his capital murder trial about the early days of his life - long before the August 2000 shooting death of Nicholas Markowitz.

During the final 30 minutes of Monday's court session, California native Mr. Hollywood, 29, gave composed testimony about his love of baseball and how an injury took it away from him.

He talked about selling marijuana, buying homes and being a "health nut."

What he didn't talk about was the apparent drug-related rift with Nicholas' older half-brother brother, Ben Markowitz, that prosecutors say led Mr. Hollywood to hatch a plot to have the 15-year-old shot dead at a hiking area known as Lizard's Mouth.

That could happen today, when Mr. Hollywood, who escaped to Brazil while on the lam for five years before his capture in 2005, is expected to again take the stand.

Called for direct questioning by lead defense attorney James Blatt, Mr. Hollywood on Monday suavely buttoned his sport jacket and made his way to the stand, taking his seat to the right of Santa Barbara County Superior Court Judge Brian Hill.

But before jumping into the alleged kidnapping and murder that have been the focus of the heated trial since opening statements on May 15, Mr. Blatt began by focusing on the defendant's early life.

The Hollywood family moved from the Golden State to the Centennial State when Jesse was 13. In their four years there, the teenager and the rest of his family played a lot of baseball.

"It was my life," Mr. Hollywood said.

Moving back to California at 16, Mr. Hollywood attended three separate high schools, but had to stop participating in baseball after an unspecified "accident" affected his shoulder and back, according to testimony.

As a teenager, Mr. Hollywood started selling small amounts of marijuana, going on to sell more and more as time went on, he said. Growing up, he said he did not know his father, Jack Hollywood, sold marijuana, but he had the idea his dad took part in illicit activity. Mr. Hollywood described his father as conducting his business professionally, never making sales in front of his family.

By the time Mr. Hollywood was 18, he, with another person, was moving into a home into which Mr. Hollywood invested \$20,000 - \$5,000 from marijuana sales, \$15,000 in insurance money collected because of the injury. While living there, Mr. Hollywood would sell 5 to 7 pounds of marijuana a month.

"I had moved up kind of," Mr. Hollywood said of his drug dealing business, which he said brought in \$7,000 to \$10,000 a month.

Mr. Hollywood, others have testified, specialized in high-grade pot. His father, on the other hand, was moving hundreds of pounds of low- to mid-grade marijuana.

Mr. Hollywood would tap friends and associates to sell pot, and "front" them \$4,000 worth of drugs, which would be repaid as sales came in. Among Mr. Hollywood's close friends was Ryan Hoyt, the man who pumped nine rounds into Nicholas early on Aug. 9, 2000, in the foothills of Santa Barbara.

Mr. Hoyt had an abusive father, and his mother had mental issues, and he ended up spending a lot of time with the Hollywoods, the defendant recalled. Mr. Hoyt - described as the type to tell stories about his future but never follow through - came to be in debt to Mr. Hollywood, and started paying it off by assisting Mr. Hollywood in fixing up his home.

Of himself, Mr. Hollywood said he would always pay his bills on time, worked a legitimate job installing hardwood floors in addition to dealing drugs. And while he "partied" on occasion, he would put his marijuana business first, he said.

He also claimed to be constantly dieting and working out regularly.

"I'm health nut," said Mr. Hollywood, who additionally described himself as suffering from "full-blown" obsessive-compulsive disorder.

Mr. Hollywood lived in the first house for about a year before he purchased his own \$205,000 house, according to testimony. The defendant put \$45,000 down and took on a mortgage.

Toward the end of his time at the first home, Mr. Hollywood started hanging out with Ben Markowitz.

Mr. Markowitz travelled with Mr. Hollywood to San Diego to collect a debt, and according to Mr. Markowitz's testimony earlier in the trial, the two instead returned to Los Angeles County with a supply of stolen Ecstasy pills Mr. Markowitz planned to sell. Mr. Markowitz took the debt on as his own because he stood to make a profit in the deal.

It was reportedly this deal that led to the rift between the two, but before Mr. Hollywood could delve into the topic on Monday, the day's hearing came to an end. Mr. Hollywood will be back on the stand today at 9 a.m.

Earlier in the day, the defense argued for the inclusion of testimony for Jerry Hollywood, the defendant's second cousin, which indicates the defendant wanted the victim returned home. Judge Hill expressed concern about the elder man's testimony because of some difficulty the

witness had remembering events from about nine years ago.

Before the jury entered the room, Jerry Hollywood testified that he remembered the conversation he had with Jesse James Hollywood, on August 8, 2000, because "certain things in your life you remember" - a reference to Jesse's admitted involvement in the kidnapping.

The 70-year-old went on to take the stand before the jury later in the day, with Judge Hill determining it would be up to the jury to decide how reliable a witness he is.

Under direct examination from Mr. Blatt, Jerry Hollywood - a real estate agent - testified he had been contacted by Jesse James Hollywood to sell the defendant's home and assist in finding him a new one, preferably along the shore in Malibu.

Mr. Hollywood reportedly confided that the reason for the move was his being harassed by an unnamed individual. The cousins met again Aug. 8, 2000, when Mr. Hollywood signed still-blank contracts to put his house on the market, and the defendant went on to again discuss the trouble he was having, according to Jerry Hollywood.

Mr. Hollywood said he had been out with friends looking for the man he was having trouble with when they spotted Nicholas. Mr. Hollywood reportedly said they took the victim in a van and he was "partying" with the others.

"I knew he was concerned because he was going to see his attorney," Jerry Hollywood said. That night, Jesse James Hollywood called back concerning the real-estate deal and the situation with the victim again came up. The defendant then, according to Jerry Hollywood, said everything was OK, and someone was taking the boy home.

During cross examination from District Attorney's Chief Trial Deputy Joshua Lynn, Jerry Hollywood testified that when he was first contacted by the prosecution for a statement, the defense investigator did not have to remind him about the conversation, other than possibly about dates.

But last week outside the presence of the jury, the witness testified he believes he was reminded about the comment about the boy going home.

While law enforcement never approached Jerry Hollywood about the discussion with Mr. Hollywood, Mr. Lynn asked the witness if he ever attempted to contact police or the District Attorney's Office to deliver the information. Jerry Hollywood responded that he figured if what he had to say were important, law enforcement would come to him.

Jerry Hollywood said the FBI contacted him while his cousin was on the run, but authorities apparently never questioned him about Mr. Hollywood's guilt or innocence.

Also testifying Monday was Santa Barbara County Sheriff's Deputy Albert Lafferty, a forensics detective at the time of the murder.

Deputy Lafferty testified that the trail by which the body was transported to the grave would have been difficult to navigate in the early morning hours for someone with little knowledge of the area.

The defense's second witness, Paul Kimes, an investigator for the District Attorney's Office, testified that he conducted extensive scrutinizing of a phone log, which holds a record of all of Jesse Hollywood's calls between May 30 and August 9, 2000.

However, he said he has no recollection of contacting Jerry Hollywood to investigate the conversation that records show took place between he and Jesse on August 8.

Mr. Kimes said that on May 21, 2009, he reported on an interview between Richard Hoeflinger, in whose home the victim was alleged to have been held before he was killed, and prosecuting attorney Hans Almgren.

He said that he neither took notes nor tape-recorded the interview, and he wrote the report the next day.

During this interview, Mr. Hoeflinger revealed new information to he and Mr. Almgren about having met Jesse James Hollywood on two occasions prior to the first admitted encounter in August when the defendant was alleged to have brought the victim to Mr. Hoeflinger's home.

Mr. Kimes said during his cross-examination that Mr. Hoeflinger said that the first time he met Mr. Hollywood was five months before the kidnapping, when he was brought to Mr. Hollywood's home by Jesse Ruge. He said that Ryan Hoyt answered the door with a "Mac-10" and asked who it was.

According to defense co-counsel Alex Kessel, Mr. Hoeflinger said that he had not told prosecutors this information before because he was afraid of Mr. Hollywood.

When the jury was excused for lunch, the defense called their private investigator, Ashley Fauria, to the stand.

He testified that when he interviewed Jerry Hollywood, he was unable to record the conversation so he faxed a statement to the man to be signed and faxed back. Jerry Hollywood "did not approve" of the statement and decided to write his own.

During cross-examination, Mr. Fauria testified that when he interviewed Jerry Hollywood, he asked about August 8, 2000, but said that he did not prompt the man's memory otherwise.

Jerry Hollywood reportedly told Mr. Fauria that August 8 was the day that Jesse James Hollywood told him he wanted to buy a condo in Malibu.

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