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Hollywood's Friend on the Stand

Witness Tells of Events Surrounding Murder, Judge Deems Testimony Defense-Friendly

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Testimony in the murder trial of Jesse James Hollywood — accused of orchestrating the shooting death of 15-year-old Nicholas Markowitz in August 2000 — continued on Friday with testimony from Casey Sheehan, a Los Angeles-area associate of Hollywood as well as many other people whose names have popped up so far. Hollywood could face the death penalty if found responsible for Markowitz's death.

As with many other witnesses so far, memory proved to be a complicating factor for Sheehan and the lawyers who directed questions to him. Prosecutor Josh Lynn, who interrogated Sheehan first, repeatedly had to refer to previous accounts of the event surrounding the murder — including those recording in previous testimony and interviews with investigators — in order to jog his memory.

Sheehan had little trouble, however, identifying the three people featured in a video that Lynn played on Friday morning. The clip features Ryan Hoyt — the member of Hollywood's clique of friends convicted of actually pulling the trigger on the gun used to kill Markowitz — speaking directly to the camera, while the voices of Hollywood and his girlfriend, Michelle Lasher, can be heard off-camera. Before formal proceedings began Friday morning, defense lawyers James Blatt and Alex Kessel actually tried to prevent Lynn from playing the clip, on grounds that it would introduce previous crimes into court that weren't relevant to the charges on which Hollywood is being tried. Lynn maintained that the clip demonstrated for jurors the nature, degree and extent of the friendship between Hollywood and Hoyt. Judge Brian Hill eventually sided with the prosecution and explained to the jurors that they should let the video inform an understanding of the two young men's relationship only. The fact that it featured the two discussing debts owed to Hollywood and that they might use a baseball bat to help in the collection of said debts should not be factored into the jurors' overall understanding of the case.

Sheehan's testimony largely centered around events that occurred south of Santa Barbara, immediately before and after Markowitz's murder, including a meal he shared with Hollywood at an Outback Steakhouse during which Hollywood allegedly said that Markowitz had "been taken care of" and also the sudden reappearance of Sheehan's car keys after Hollywood's associates returned from Santa Barbara. (Sheehan never specifically said on Friday morning that his car was driven by Hoyt for the purposes of killing Markowitz, though Lynn seemed to imply that this was the case.)

Of apparent significance was an occasion during which Hoyt and Sheehan went shopping for clothes. Sheehan bought nothing, but Hoyt spent around \$200 on several outfits and paid for them in cash — a fact that Lynn may later pursue as evidence that Hoyt had been paid for cash, possibly by Hollywood, for shooting Markowitz. Hoyt also had money left over and said over the course of the shopping trip that a debt he had owed to Hollywood had been eliminated.

Lynn also focused on another interaction between Sheehan and Hoyt, during which the latter confessed to having taken Markowitz to a secluded area, shot him, and buried him in a ditch. Sheehan didn't believe Hoyt because, as he would go on to explain, Hoyt was "a known fabricator." (During cross-examination by Kessel later that morning, Sheehan noted two other lies Hoyt had allegedly told: that he'd picked up a modeling contract with Versace and that he was "gearing up to join the Navy Seals.")

Kessel's cross-examination of Sheehan began with the former making the latter recall the terms of his immunity plea: If he fails to tell the truth on the stand, he can once again face criminal charges. Kessel also had Sheehan state whether he felt "truth" meant what he honestly recalled or what one team of lawyers or another felt was the truth. Sheehan chose the latter.

Sheehan then explained that he and Hollywood had been friends since childhood. He described the group that included him, Hollywood, Hoyt and other people as a group of friends who may have regular smoked marijuana but was decidedly not an organized criminal outfit that collectively committed violent crime. Kessel asked Sheehan if he knew what the word "lackey" meant and if that word was an accurate description of Hoyt, especially in relation in Hollywood. Sheehan knew the word, but said it wasn't what he would have called Hoyt, seemingly chipping away at the notion that the group existed in some sort of hierarchy with Hollywood at the top.

Kessel then asked Sheehan to describe how Ben Markowitz, older brother of the deceased, fit into the group. Sheehan called the elder Markowitz "a thug" and "a bad dude," though he also admitted that he only knew of Markowitz making threats to Hollywood. Sheehan also said that he'd only ever seen Hollywood become furious about someone owing him money in relation to Markowitz's debt — but that was only after Markowitz had allegedly threatened Hollywood's family and broken the windows of his house.

Upon being asked if he had ever owed Hollywood money as a result of buying marijuana, Sheehan said that he had, but that it never seemed to be a matter that caused Hollywood to become angry.

Following a break for lunch, the trial continued outside the presence of the jury while Kessel sought to introduce portions of a transcript from an interview of Sheehan as evidence of prior consistent and inconsistent statements made by the witness. Lynn objected saying that the form of "every single question" in the interview was a leading question and that Sheehan's statements in the transcript constitute civil hearsay. He said that he only had 20 minutes to read the transcript because he had received it right before the break but that in his reading he found "umpteen" examples of questions formed in a leading manner. After a heated discussion on the matter Hill decided that he would permit Kessel to begin to use the transcript in his cross-examination to help the witness recollect events but that if he kept introducing inadmissible statements then the cross-examination would have to continue Monday after both Judge Hill and the prosecution had

time to thoroughly go through the transcript to determine admissible and inadmissible statements.

Kessel resumed his cross-examination of Sheehan after the jury was brought back into the courtroom. He established that Sheehan remembered meeting with his lawyer, Blatt and a private investigator in April of this year for an interview but that he had not read the transcript of that interview. Kessel's line of questioning then went toward establishing Hollywood's lack of involvement in the decision to kill Markowitz.

He asked about an argument that Sheehan said he heard between Hoyt and Hollywood at a barbeque after the murder in which Hollywood was angry with Hoyt. Sheehan said he overheard Hollywood telling Hoyt that "the situation" was not handled correctly and asking Hoyt why he did not do what he told him to do. Sheehan said that after the argument "it went from a party atmosphere to real tense. You could hear a pin drop." Kessel went on to ask about a conversation in which Hoyt allegedly told Sheehan that he had shot Markowitz, buried him and put a bush over his grave.

Sheehan said that Hoyt did not ever tell him that he - Hoyt - had killed Markowitz at the order of Hollywood nor did he ever imply that he did so at the order of Hollywood. Kessel asked the witness if Hoyt ever told Sheehan why he shot Markowitz. Sheehan said Hoyt mentioned something about "a debt being cleared". Kessel then asked if Sheehan ever asked Hoyt why he shot Markowitz. Sheehan said he had and Hoyt said, "to take care of the boys." Kessel asked Sheehan if he ever thought back to the argument he had overheard after Hoyt told him the aforementioned information. He replied, "not really."

During the afternoon jury break, Lynn again objected to the use of the transcript and the leading questions. He said the witness was not asked questions in the form "do you remember?" but rather "here's the answer, do you agree?" Judge Hill decided to limit the use of the transcript. He also said that the witness was adverse to the prosecution, based on Sheehan's answers, and that the defense cannot ask any more leading questions.

Sheehan later left the stand until Monday, making way for David Barber, a senior criminologist at the Department of Justice. He went to the crime scene at Lizard's Mouth after the body was to do bullet trajectory construction. His testimony centered around the Tec DC-9 that was found with the body of Markowitz. Barber explained that normally that type of gun is semi-automatic and falls under California's definition of an assault weapon. He said that this particular Tec DC-9 had been modified to be fully automatic – that is with each pull of the trigger, multiple shots are fired as opposed to one shot like semi-automatic guns.

Barber said he never test shot the weapon at the crime scene because it was not a controlled environment to do so.

Testimony continues Monday at 8:45 a.m. in Department 14.