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Defense takes aim at witness in Jesse James Hollywood trial : Attorney hints testimony follows help from Nicholas Markowitz's mother

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A defense attorney for alleged murder mastermind Jesse James Hollywood on Friday accused witness Graham Pressley of lying about Mr. Hollywood's involvement in the murder of Nicholas Markowitz to pay back the victim's mother for advocating for his release from prison.

Susan Markowitz, who reportedly twice attempted suicide after her son, Nicholas, 15, was murdered in the foothills of Santa Barbara in August 2000, attended both of Mr. Pressley's parole hearings and asked the parole board to release him from prison, despite the fact that he had dug the shallow grave in which her son's bullet-riddled, decomposing body was found.

"Susan Markowitz told me she hoped I learned (from the experience) and that I should lead a productive and happy life," Mr. Pressley said on the witness stand in Santa Barbara County Superior Court under cross examination by defense co-counsel Alex Kessel. That experience, as well as her apparent forgiveness of his crime, motivated him to speak as a witness against Mr. Hollywood and implicate him in the murder, Mr. Pressley said. It also motivated him, he testified, to come clean about some previous testimony, which he now admits included lies.

Mr. Kessel then asked the witness whether the real motivation for his about-face could be due to him making a deal with Mrs. Markowitz that she would testify on his behalf at his parole hearings if he would falsely testify against Mr. Hollywood. At one point, the defense attorney asked the now-married man whether he had made a deal with prosecutors to cooperate, before Superior Court Judge Brian Hill admonished him for asking an "improper question." The defense attorney also asked Mr. Pressley whether the presence of Mrs. Markowitz in the audience in the courtroom may have made him feel compelled to lie.

Mr. Pressley denied the suggestion.

During his two days of testimony, he has often portrayed himself as a reformed former drug dealer and habitual drug user who has deep remorse for his role in Nicholas' death.

Under redirect examination, prosecutor Josh Lynn, chief trial deputy of the Santa Barbara County District Attorney's Office, asked Mr. Pressley, "Are you gonna lie because Susan Markowitz is in the audience?"

"No," Mr. Pressley said.

"Do you understand that if you lie, you could go back to prison?" Mr. Lynn continued. "How does that sound to you?"

"Horrible," he answered. "I'd been there."

Mr. Pressley, who was 17 at the time of Nicholas' murder, was tried as an adult, convicted of second-degree murder with the use of a firearm and sentenced as a juvenile. He is free after serving six years with the California Youth Authority.

Nicholas Markowitz, 15, was kidnapped near his west San Fernando Valley home on Aug. 6, 2000, allegedly over a drug debt owed to Mr. Hollywood by Nicholas' older half-brother, Ben Markowitz.

Nicholas was brought to Santa Barbara, where he spent three days partying with his captors at various private residences and the Lemon Tree Inn on upper State Street before he was shot to death on Aug. 9, 2000. His body was found Aug. 13, 2000, in a hiking area off West Camino Cielo.

Mr. Hollywood, who was 20 at the time of Nicholas' murder, is accused of first-degree murder and kidnapping, with special circumstances that could make him eligible for the death penalty. The defendant, who eluded authorities for five years before he was captured in Brazil in 2005, is accused of ordering his associates to kidnap and kill Nicholas.

In addition to Mr. Pressley, three other co-defendants have already been convicted in connection with the case. The shooter, Ryan Hoyt, sits on California's death row at San Quentin State Prison, and Jesse Ruge, who was convicted of kidnapping for ransom or extortion, was sentenced to seven years to life in prison. William Skidmore, who was in the van used to spirit Nicholas off to Santa Barbara, pleaded guilty to kidnapping and robbery and was sentenced to nine years in prison.

On the witness stand on Friday, Mr. Pressley said that several days after Nicholas' body was found, which he learned about after reading the Santa Barbara News-Press, he lied to police about his involvement in the crime and denied digging the teen's grave. As to why he lied, he replied, "I'm not sure."

Mr. Pressley told Mr. Kessel that he finally told the truth about his role during a polygraph test interview, which was played in court on Wednesday and Friday.

On the tape, Mr. Pressley said that on the day Nicholas was killed, Mr. Ruge told him to show Mr. Hoyt the hiking spot where Nicholas was shot and buried. Mr. Pressley then accompanied Mr. Hoyt, who had a gun in a duffle bag, to the hiking spot and made him dig the grave.

"He said, 'Start digging if you know what's good for you,' " Mr. Pressley recalled, adding that he believed the grave might be for him.

He then accompanied Mr. Hoyt back to the Lemon Tree, and they picked up Mr. Ruge and Nicholas. Mr. Pressley said he stayed behind while Mr. Hoyt, Mr. Ruge and Nicholas went up to the trail. He soon realized that the grave he dug was not for him and that they were going to

kill the teen.

"How many shots did you hear?" the polygraph examiner asked Mr. Pressley on the tape.

"It sounded like one continuous machine gun," he said.

After Mr. Rugge and Mr. Hoyt returned to the car, the duo said to each other, "That's the first one I ever did. I didn't know it was gonna go that fast," Mr. Pressley said on the tape.

Mr. Hoyt also warned him to "be cool for your own safety," said Mr. Pressley, adding that he never tried to run from the hiking spot, which he knew well, because he was afraid Mr. Hoyt might find him later.

Mr. Pressley said on Friday that Mr. Rugge had told him that Mr. Hollywood offered him \$2,000 to kill Nicholas, but Mr. Rugge assured him that it wouldn't happen.

"I had the impression that Jesse (Rugge) was asked to kill Nicholas for money," he said.

Mr. Kessel accused Mr. Pressley of blaming his client for allegedly ordering Nicholas' murder in order to absolve his own role in the crime and pass blame onto someone else.

"Isn't it true you'd implicate anyone just to save yourself?" Mr. Kessel asked him.

Mr. Pressley denied the accusation, adding that Mr. Rugge had told him that Mr. Hollywood "was violent and had guns."

After the jury left the courtroom for the day on Friday, Mr. Kessel asked Judge Hill to declare a mistrial. The defense attorney said that some of Mr. Pressley's testimony concerning his client is based on hearsay and only on his "impressions" of Mr. Hollywood.

Judge Hill denied the request, however, telling Mr. Kessel that he will have ample opportunity to cross-examine the witness, and that it's not unreasonable for Mr. Pressley's memory of all the events to be faulty, as the murder took place nearly nine years ago.

Mr. Kessel then asked Judge Hill to strike the testimony of Ben Markowitz, who is expected to testify at the trial early next week. Ben Markowitz, he said, won't make a reliable witness, as his testimony will show that he allegedly extorted money from people to pay for his drug habit.

Judge Hill denied that request as well.

The trial will resume at 9 a.m. on Monday, when Mr. Pressley will again take the witness stand.

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