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Witnesses tell of finding Nicholas Markowitz's body : Video shoot turns into crucial encounter in days after teen's killing

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Despite the reportedly warm weather, the hiking spot known as Lizard's Mouth in Santa Barbara's foothills had managed to attract a pack of hikers and even a small film crew producing a video on Aug. 12, 2000.

But the Saturday morning scene took a dramatic turn with the discovery of a shallow grave and a decaying body -- later identified as 15-year-old Nicholas Markowitz, according to testimony presented Monday in the capital murder trial of Jesse James Hollywood.

Mr. Hollywood, 29, is accused of kidnapping Nicholas from the San Fernando Valley and ordering his murder over a \$1,200 drug debt owed to the defendant by the victim's half-brother, Ben Markowitz. Nicholas was reportedly shot dead in the early hours of Aug. 9, 2000.

Lars Wilkstrom arrived at the hiking spot near the makeshift gravesite accompanied by three others he was working with to produce a video, Mr. Wilkstrom told jurors during direct examination by District Attorney's Office Chief Trial Deputy Joshua Lynn. The crew arrived at the spot between 10 and 11 a.m. However, they were soon drawn to the center of the Lizard's Mouth area by three hikers who were reporting something suspicious.

Mr. Wilkstrom described the odor coming from the grave as being similar to a dead animal, only much stronger. Flies had gathered in the area, and the man spotted what he thought were Levi's jeans visible in the dirt.

Being careful not to disturb the scene, Mr. Wilkstrom photographed what he thought to be a crime scene, climbing on some nearby rocks to get his shots, according to testimony. The group moved away from the grave to a spot where there was cell phone reception and contacted authorities. After making the call, it was a two-hour wait for the first Santa Barbara County Sheriff's deputy to arrive, the witness said.

"It looks like you guys have found something here," Mr. Wilkstrom recalled the deputy saying.

Detectives photographed the witness and two of his friends holding up the soles of their shoes, Mr. Wilkstrom said.

During cross-examination, defense attorney James Blatt focused his questioning on the preservation of the crime scene and the thoroughness of the Sheriff's Department's investigation.

Mr. Wilkstrom testified the entire group walked away from the crime scene to make the 911 call because they had decided they did not want to disturb the area. However, he said nobody had thought about staying behind to ensure the area was not tampered with.

Of the photos, Mr. Wilkstrom said he took them before and after deputies arrived and he went on to turn over what he had to detectives.

Mr. Blatt also asked if the first deputy on the scene took any precautions in order to avoid disturbing the area, and Mr. Wilkstrom didn't recall anything like that. However, the witness added the deputy had been careful not to touch anything.

And despite detectives photographing Mr. Wilkstrom and the bottom of his shoes, investigators never contacted him in order to take in the actual footwear he had that day, he said.

Earlier in the day, Senior Deputy District Attorney Hans Almgren called to the stand Lisa Hemman, who, at the time of the murder, was working in the Santa Barbara County Sheriff's Department's Forensic Unit.

She described Lizard's Mouth as a hiking area featuring a large rock that resembles a lizard's mouth, and when she arrived at the spot for the investigation, it had already been secured.

Approaching the graveside, she remembered first seeing a "bump" in the soil as well as an oozing liquid. In the grave, Nicholas' body was found face-up, with his hands duct taped together behind him so that only a few fingerprints were visible, Ms. Hemman said. The teenager also had duct tape over his eyes and nose area, and the body was resting on top of a weapon. However, Ms. Hemman did not discuss what type of weapon had been uncovered.

Ryan Hoyt, an associate of Mr. Hollywood, used a Tec-9 assault weapon to shoot Nicholas. Mr. Hoyt is now on death row.

Among the injuries Nicholas suffered were two gunshots in his head area, the witness said.

Focusing in on how thorough investigators were at the crime scene, Mr. Blatt questioned Ms. Hemman on footprints in the area, and the witness said there was no effort to determine how many unique shoe prints were at the gravesite. However, the terrain in the area wouldn't take shoe prints well, she said.

Nicholas had been marched up to the site by Mr. Hoyt as well as Jesse Rugge, another associate of Mr. Hollywood, who is serving seven years to life in prison for kidnapping for ransom or extortion. Graham Pressley, 17 at the time, dug the grave, but he testified earlier in the trial that he froze up on the trail to Lizard's Mouth as the other two lead Nicholas to his death. Mr. Pressley was found guilty of second-degree murder and has since been released from custody.

Ms. Hemman said the hikers' shoes had been examined in order to remove them from the site, but she was not certain if the prints in the area had been compared to the suspects' soles.

Of the weapon located in the grave, Ms. Hemman said it is likely any fingerprints had been wiped off, and such evidence is usually not found on guns. On top of that, any fingerprints that

would have been on bullet casings would have burned off once the weapon was fired.

Returning for a third day of testimony Monday was Casey Sheehan, a friend of Mr. Hollywood who lent him the car used to transport Nicholas to Lizard's Mouth. Santa Barbara County Superior Court Judge Brian Hill declared the witness hostile to the prosecution Friday, and he revisited the topic Monday. Judge Hill designated Mr. Sheehan an adverse witness to the prosecution based on the witness' close relationship with the Hollywood family and his reluctance to answer certain questions from prosecutors, among other issues.

One of the conflicts between Mr. Lynn and Mr. Sheehan involved the witness initially being unable to recall anything said during an argument between Mr. Hollywood and Mr. Hoyt during Mr. Hoyt's Aug. 10, 2000 birthday party.

On Monday, Mr. Sheehan testified he overheard Mr. Hoyt say during the argument that he had screwed up, using an expletive in the phrase. Mr. Hollywood allegedly told Mr. Hoyt the situation had not been handled well.

Under questioning from defense co-counsel Alex Kessel, Mr. Sheehan testified that neither Mr. Hollywood nor Mr. Hoyt ever told him that Mr. Hollywood was involved in killing Nicholas. Mr. Sheehan also confirmed Monday that the defense never contacted him other than for a meeting in April.

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

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