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## **Jury to deliberate without hearing from killer**

By COLBY FRAZIER — June 30, 2009

When the jury in the Jesse James Hollywood capital murder trial enters the deliberation room this week, they'll do so without hearing from the man prosecutors say was ordered by the defendant to execute a 15-year-old boy.

But when the jury of nine women and three men begin weighing Hollywood's fate (if convicted he could face the death penalty), fresh on their minds will be a string of denials from the defendant, who during four days on the witness stand last week, insisted he never ordered anyone to hurt the boy.

Throughout the more than month-long trial, jurors heard from dozens of witnesses, but none as intimately familiar with the events surrounding the murder of Nicholas Markowitz than Hollywood.

Contrary to claims by the prosecution that Hollywood was the mastermind behind the boy's murder, the defendant told the jury, over and over again, that this assertion has no truth.

Asked outright by Santa Barbara County Chief Trial Deputy Josh Lynn, the prosecutor, if he ever offered money for the killing, Hollywood said: "Never, sir. That never happened."

Although the prosecution did insinuate several times that Hollywood offered money, and a number of witnesses said they heard the same, none of the people Hollywood allegedly solicited to kill Nicholas took the witness stand.

The most obvious missing link between Hollywood and the actual murder is Ryan Hoyt, who prosecutors say committed the murder to make good on a drug debt he owed the defendant.

In order to work off a drug debt, prosecutors say Hoyt did household chores for the defendant, like picking up after his dog and painting. They say murdering Nicholas, in order to cover up the boy's kidnapping, was Hoyt's final chore.

Hoyt was convicted of murder in 2001 and sentenced to death row.

While it might seem a no-brainer to call Hoyt as a witness, it's not clear what the man would say about the killing. During his trial, he denied shooting Nicholas, saying he simply delivered a duffel bag to Santa Barbara and two other men, Jesse Ruge and Graham Pressley, did the killing.

And even if either side had wanted to call the man to testify, he wouldn't have had to comply.

Bob Sanger, who became Hoyt's attorney when his original lawyer was disbarred, said pending appeals prevented Hoyt from being subpoenaed to testify in Hollywood's trial.

Hoyt's death penalty sentence is under direct appeal with the California Supreme Court, Sanger said. He anticipates it will be years before a decision is rendered in the case.

The next closest person to the killing was Ruge, who was convicted of kidnapping and is serving a life sentence with the possibility of parole.

Before Hollywood's trial began, prosecutors discussed the possibility of calling Ruge as a witness, but for some reason, never did. Due to a gag order, neither the prosecution nor the defense can comment.

Paul Kimes, the lead investigator for the prosecution, said from the witness stand last Friday that he interviewed Ruge in his preparation for the trial, but didn't elaborate on what was said or why the man didn't end up on the stand.

Ruge was Hollywood's Santa Barbara connection.

When Hollywood, Ruge and William Skidmore, who was also sentenced to prison for his involvement, kidnapped Nicholas from a street near his home in the San Fernando Valley, they took him to Santa Barbara. According to witness testimony, Nicholas spent the majority of his two days here at Ruge's parent's home off Modoc Road.

Hollywood said he kidnapped the boy in a fit of rage, just minutes after Nicholas' older brother, Ben Markowitz admitted to breaking out windows at the defendant's home.

But once the group arrived in Santa Barbara, Hollywood said he believed Nicholas, who smoked marijuana and played video games with his captors, was free to go.

The last time he saw the victim was the day after the kidnapping, on Aug. 7, 2000 at Ruge's house. Hollywood said he asked Nicholas if he wanted to return to the Los Angeles area, but the boy said, "No, I'm cool."

Between August 6 and the early morning hours of August 9, when Nicholas was killed, Ruge's friend, Graham Pressley, was told that Nicholas had been kidnapped.

Pressley, who was convicted of second-degree murder for his involvement, but was sentenced as a juvenile and is now free, was the only person charged with crimes connected to the killing to testify in Hollywood's trial.

Pressley said from the stand that he was an unwilling participant in the tragic string of events that led to the boy's murder.

While he knew Nicholas had been kidnapped, he said he was told more than once that the boy would not be harmed and was going home.

Minus Hoyt and Ruge, Pressley's testimony is the closest link the jury has to what orders, if any, Hollywood was allegedly barking at his posse.

In a calm, soft-spoken voice, Pressley said Ruge told him on August 8 that Hollywood offered him \$2,000 to kill the boy. Pressley said Ruge insisted he wouldn't and called Hollywood

“crazy.”

But later that night, Pressley, with Hoyt standing nearby, dug the shallow grave Nicholas would later be buried in. While he dug, Pressley said he knew Hoyt was armed, and thought he was digging his own grave.

When the two drove back to the grave site with Ruge and Nicholas in tow, Pressley, saying he realized what was about to transpire, refused to accompany them further. He said he froze on the trail, and a short time later, heard a burst of gunshots.

Prior to being arrested, Pressley said he was told by Ruge to keep quiet about the killing — a message he understood was relayed by Hollywood.

There's little doubt these statements paint Hollywood in an unfavorable light. But they were made weeks ago. And since then, the jury has heard from none other than Hollywood, who when asked if he ever offered Ruge money to kill, insisted he did not; who said he never told anyone to keep quiet, and who, while acknowledging his role in the kidnapping, said he “never” wished or ordered Nicholas to be killed.

The trial resumes this morning at 9 in Dept. 14 of the Superior Court.