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## **Digger of Nicholas Markowitz's grave tells of slain teen's last minutes : Convicted co-defendant testifies for prosecution in Jesse James Hollywood trial**

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Graham Pressley last saw Nicholas Markowitz, 15, as the doomed teen trudged forward in a death march toward a dark mountain-top grave with two of his captors following close behind.

Mr. Pressley, 17 at the time of the shooting prosecutors say was orchestrated by defendant Jesse James Hollywood, testified Wednesday in a packed Santa Barbara courtroom that as he stood alone in the dark for roughly 20 minutes in a frozen state during the early hours of Aug. 9, 2000, he heard a volley of gunfire ring out.

Mr. Pressley's path first crossed with the victim's a couple days earlier when the witness arrived at the Santa Barbara home of Jesse Rugge for what started out as a usual day of hanging out with friends and smoking marijuana, Mr. Pressley said during direct examination by Santa Barbara County District Attorney's Chief Trial Deputy Josh Lynn.

The District Attorney's Office prosecuted Mr. Pressley twice, and while his first trial ended with a hung jury, he went on to be convicted, as an adult, of second-degree murder in 2002. He was sentenced as a juvenile and was released in 2007.

He found himself in court under different circumstances Wednesday, as prosecutors are hoping his testimony can help land a death sentence for Mr. Hollywood -- who is alleged to have orchestrated Nicholas' kidnapping from the San Fernando Valley and eventual murder over a drug debt owed to Mr. Hollywood by the victim's half-brother Ben Markowitz. As for Mr. Rugge, he was convicted of kidnapping for ransom or extortion and sentenced to seven years to life in prison.

The morning Mr. Pressley arrived at Mr. Rugge's home -- referred to as "Day 1" in court, as the witness had difficulty recalling the precise dates that events took place -- he spotted a new face, that of Nicholas, Mr. Pressley recalled. Mr. Rugge introduced the victim as a friend from Los Angeles who would be staying for a while, Mr. Pressley recalled Wednesday. Two of the witness' friends, Kelly Carpenter and Natasha Adams, soon arrived and the group played video games and smoked.

The day's mood changed when Nicholas told the witness he had been beaten up, put in a van and taken to Mr. Rugge's home, Mr. Pressley testified. "It was a matter of fact," he said of the victim's

tone of voice.

Nicholas did not appear harmed, and Mr. Ruge was treating him like everyone else, said Mr. Pressley. The kidnapped boy said he was trying to get in contact with his brother, who the witness came to understand was in a dispute with Mr. Hollywood.

The get-together soon moved on to Ms. Adams' home, and while Mr. Ruge tagged along at first, he left unannounced, leaving Nicholas alone with the others, Mr. Pressley recalled. One of the girls, Mr. Pressley said, asked the victim "Why don't you just go?" Nicholas reportedly responded that it was OK, and he was doing this for his brother.

Ms. Adams later got a call from Mr. Ruge requesting that they return to his home, and it was there that the witness said he spotted Mr. Hollywood. Mr. Pressley said, however, that the defendant was only there briefly and he didn't see him come in contact with Nicholas.

Mr. Pressley could not recall the exact day, but at one point, Ms. Adams confronted Mr. Ruge about Nicholas still being there, according to testimony. Ms. Adams stormed out of the house, followed by Mr. Pressley and Ms. Carpenter.

The three ended up at a nearby park where Mr. Pressley told the girls information he said Mr. Ruge revealed to him earlier: Mr. Hollywood offered Mr. Ruge \$2,000 to kill Nicholas.

Mr. Ruge, according to Mr. Pressley, told him the defendant was crazy and Mr. Ruge added he would not let Nicholas get killed.

The three friends returned to the house, where Ms. Adams again confronted Mr. Ruge, who reportedly responded with, "He's going home," which resulted in a collective sigh of relief, Mr. Pressley said.

Questioned by Mr. Lynn on why he did not go to police, Mr. Pressley said he was taking part in illegal activity every day and avoided law enforcement like "the plague," which he acknowledged to have been a selfish decision.

Mr. Ruge went on to suggest that they get a hotel room, and before long they were all back together at the Lemon Tree Inn in the 2800 block of State Street, according to testimony. Nicholas spent time with the witness at the inn's pool area and was reportedly partaking in the party atmosphere going on in the room, which involved drinking alcohol and smoking marijuana. Although Nicholas reportedly told Mr. Pressley he was having a good time, he also said he wanted to go back home so he could see a girl he knew. Mr. Pressley didn't think this homecoming was far off, as the witness testified Mr. Ruge told him guys were on the way to take Nicholas back.

At one point in the evening, Mr. Ruge told some of the party-goers to leave, and only Mr. Pressley, Mr. Ruge and an intoxicated Nicholas, who was lounging on a bed, remained. A knock on the door soon came, and Mr. Ruge, who was more "fidgety" than he usually was, let in a duffle bag-toting man who Mr. Pressley later came to know as Ryan Hoyt, according to testimony. Mr. Hoyt, who was described as looking angry and puzzled, went into the bathroom, where the witness saw the man cleaning a gun magazine. He also reported seeing a gun barrel

sticking out of the duffle bag.

Mr. Lynn produced in court a gun matching photos of the Tec-9 used in the shooting.

Mr. Hoyt eventually spotted the witness spying on him and shut the bathroom door, according to testimony, and Mr. Pressley looked over at Mr. Rugge with an expression indicating "what's going on?" but he did not get a response.

Mr. Rugge left the room with Mr. Hoyt for 20 minutes, and when they returned, Mr. Rugge told Mr. Pressley to show Mr. Hoyt the way to Lizard's Mouth, a hiking spot off West Camino Cielo reportedly named after a rock in the area, according to Mr. Pressley, who said he did not warn Nicholas because he was more concerned with his own safety at the time.

With the duffle bag in the trunk, the witness accompanied Mr. Hoyt on a drive to Camino Cielo, and when the two got down to walk to the spot, Mr. Hoyt put a shovel into Mr. Pressley's hand, and the witness again acted as the man's guide.

Once they arrived, Mr. Hoyt told the witness to dig a 7-foot-by-2-foot hole as deep as he could, Mr. Pressley said. Mr. Hoyt reportedly had the duffle bag, a flashlight and a shovel of his own, and for a time even helped dig. Mr. Hoyt eventually told the witness to stop, according to testimony, and the two returned to the Lemon Tree and picked up Mr. Rugge and Nicholas, who didn't seem to be protesting in any way.

It wasn't until the drive back up to Lizard's mouth that Mr. Pressley realized the grave he dug was not for him, and when they arrived at the same parking spot, Mr. Rugge and Mr. Hoyt ordered Mr. Pressley and Nicholas out of the vehicle. Mr. Pressley led them back toward the grave, and they soon had to shift to the edge of the trail to let two passing hikers pass, the witness said. Mr. Pressley said it was about this time he realized they intended to kill Nicholas.

Mr. Pressley refused to go any further down the trail, testifying he felt as if he had lead feet and couldn't move. However, the other three continued on into the darkness, ignoring the witness.

"My whole life crumbled into dust," said Mr. Pressley, who reported he didn't know what to do at that point. The witness stood in the darkness and sobbed uncontrollably, he said. He was there for 20 minutes before hearing the gunshots, and it was another 20 minutes before Mr. Rugge and Mr. Hoyt returned, he said.

"Let's go, let's go, let's go," Mr. Pressley recalled them shouting. The witness said he was not in a condition to be thinking rationally at the time, and he followed the men. Driving back to town with Mr. Rugge, the gunman looked into the rearview mirror at the witness, who was in the back seat, and said not to reveal anything about the night.

"If you ever say anything, I'll kill you," Mr. Hoyt reportedly said.

"Did you believe him?" Mr. Lynn asked.

"Absolutely," Mr. Pressley responded.

Before Mr. Rugge and the witness were eventually arrested, the two met at a barbecue where Mr.

Rugge said it would be best for "us" not to talk about what happened, according to the testimony. While the witness had no fear of Mr. Rugge, he said he was afraid of Mr. Hollywood and Mr. Hoyt.

On cross-examination by defense attorney Alex Kessel, Mr. Pressley confirmed he had lied to sheriff's detectives when he was questioned. Asked if he had problems separating between what he heard in a trial or what he read in a newspaper and what he experienced, the witness responded that in some cases he does require clarification.

Mr. Kessel asked if he ever acted with an intent to harm or kill Nicholas, and Mr. Pressley answered by saying he did not purposely do anything to hurt the boy. Mr. Kessel aggressively questioned Mr. Pressley, asking him to answer with "yes" or "no," and at one point, Superior Court Judge Brian Hill told the attorney he was badgering the witness and that he had to tone his voice down.

Mr. Kessel asked Mr. Pressley if the defendant ever told him he was involved. The witness said he had not and confirmed he only saw Mr. Hollywood briefly at Mr. Rugge's house.

When Mr. Pressley first took the stand Tuesday, he told Mr. Lynn that he was honest with investigators when he was examined on a polygraph test. On Wednesday, he told Mr. Kessel he knew he came clean concerning digging the grave, but he couldn't remember what else he had said during that questioning.

Mr. Kessel played a recording of the interview, but there were some discrepancies with the account he presented Wednesday. In the tape, Mr. Pressley said the first time he got in the car with Mr. Rugge, he believed he was getting a ride home. Before they left, Mr. Pressley said, he was asked to show them the way to Lizard's Mouth, which he agreed to, and all four of them left for the spot. Once there, Mr. Pressley said on the tape, he started getting out of the car, but he was instructed to stay, and the others went on into the night.

However, there was a lengthy blank spot in the recording that Mr. Kessel fast-forwarded past. When the interrogation started up again, it was obvious a lengthy portion of the conversation had been skipped, as Mr. Pressley was now discussing digging the grave.

Judge Hill ended the day early, and he instructed the attorneys to have the issue with the copy of the recording worked out by the time the trial resumes at 9 a.m. on Friday, when Mr. Pressley is due to retake the witness stand.

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