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Man who dug Nick Markowitz's grave takes stand : Graham Pressley to resume testimony today

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One of the four men convicted in connection with the execution-style killing of 15-year-old Nicholas Markowitz took the witness stand Tuesday in the capital murder trial of the alleged mastermind behind the slaying, Jesse James Hollywood.

Graham Pressley was 17 in August 2000 when he dug a shallow grave at Lizard's Mouth, which became Nicholas' burial site once he was gunned down. The witness, called to the stand by by the District Attorney's Chief Trial Deputy Joshua Lynn, was convicted of second-degree murder with the use of a firearm. While he served six years with the California Youth Authority, he arrived in court as a free man Tuesday.

Mr. Pressley testified he knew of the defendant through their mutual friend Jesse Rugge, who was convicted of kidnapping for ransom or extortion and sentenced to seven years to life in prison in connection with Nicholas abduction and slaying. Mr. Rugge lived in Santa Barbara part time, and Mr. Pressley would often go to his home to smoke marijuana, he testified.

Mr. Pressley was called to the stand with less than half an hour left on the clock for the day's testimony, but before the proceeding let out, the witness acknowledged he initially kept information from sheriff's detectives and was not completely truthful until he was interrogated with the use of a polygraph.

The witness will be back in the courtroom when the trial of Mr. Hollywood -- accused of masterminding the kidnapping and his murder of Nicholas over an alleged drug debt owed to Mr. Hollywood by Ben Markowitz, the victim's half-brother -- resumes at 9 a.m. today.

Before Mr. Pressley presented his testimony, Santa Barbara County Superior Court Judge Brian Hill brought up the admissibility of testimony Mr. Pressley is expected to present that indicates Mr. Hollywood allegedly approached Mr. Rugge with a proposition to kill the victim. The information was reportedly revealed to Mr. Pressley by Mr. Rugge on Aug. 7 or Aug. 8, 2000. Judge Hill did not issue a decision and the matter was scheduled to be taken up during a later hearing.

Prosecutors also summoned to the stand Stephen Hogg, a family friend of the Hollywoods and the attorney the defendant turned to soon after the kidnapping.

Mr. Hogg was granted use immunity for his testimony, meaning what he said on the stand can't

be used to prosecute him. He testified that Mr. Hollywood had been contacting him to voice concerns over threats he had been receiving from a man with the moniker "Bugsy," who the witness eventually learned was Ben Markowitz.

"He told me this guy was crazy," said Mr. Hogg, who testified Mr. Hollywood was planning to separate himself from Mr. Markowitz by moving and changing his phone numbers.

The threats were reportedly against Mr. Hollywood's family, and Mr. Markowitz had also reportedly damaged the defendants property, Mr. Hogg recounted discussing with his client.

However, about a week or two later, on Aug. 8, 2000, Mr. Hollywood came to the attorney's home and communicated that his friends had snatched Bugsy's brother, the witness said. Mr. Hogg said he did not believe Mr. Hollywood ever discussed why the victim, who was reportedly "partying" with his captors, had been taken. Mr. Hogg got the impression Mr. Hollywood knew where Nicholas had been taken and had been there as well, but his client did not indicate where the location was.

As the defendant was leaving the location where Nicholas had been taken, he reportedly told his friends they should take the kid back, Mr. Hogg said he was told by Mr. Hollywood. However, the witness said, Mr. Hollywood did not report doing anything else to return Nicholas.

Mr. Hogg said he advised his client that if his friends hurt Nicholas or asked for money, "they can get life," according to testimony.

While Mr. Hollywood didn't react to the consequences, the witness said, the defendant did become angry after his attorney encouraged him a number of times to go to the police. Mr. Hollywood strongly opposed the idea, and it ultimately caused him to abruptly leave the home, Mr. Hogg said.

Mr. Hollywood was concerned his family could be harmed if he went to authorities, but he didn't explain to Mr. Hogg why he was worried Mr. Markowitz would go after him as opposed to his friends, who the defendant said took the victim, Mr. Hogg said under questioning by Mr. Lynn.

During cross examination by defense attorney Alex Kessel, Mr. Hogg said over the course of his law career, which began in 1972, he never heard of a kidnapping case where the victim was partying with the offenders. Of the possible consequences, the witness said he is the one who initially brought it up with his client, who never asked about a potential sentence.

When Mr. Hogg and the defendant had discussed the reported threats from Mr. Markowitz, the attorney recalled his client being concerned about his family's safety rather than his own. The witness additionally reported his client did not inform him about any plans to commit a criminal act in order to collect a debt.

Chas Morgan Saulsbury, who testified earlier in the trial, previously said Mr. Hollywood had told him Mr. Hogg had given him a gun, and that furthermore, the attorney advised Mr. Hollywood that Nicholas should be killed. Mr. Hogg on Tuesday said those events never occurred.

Also coming back before the jury Tuesday was Mr. Hollywood's former girlfriend Michelle Lasher, 28, who had accused Senior Deputy District Attorney Hans Almgren and District

Attorney's Investigator Paul Kimes of threatening to charge her with murder if she delivered the testimony she considered to be the truth. The reported encounter took place Friday morning when Ms. Lasher briefly met with Mr. Almgren, who is also prosecuting Mr. Hollywood, so she could sign a use immunity agreement.

Ms. Lasher told defense attorney James Blatt that the meeting began with a misunderstanding, as she thought Mr. Almgren had informed her she was refusing to testify. Ms. Lasher interpreted a threat during the meeting, she said, but Judge Hill asked Mr. Blatt to move on to a different area of questioning.

Earlier Tuesday, Mr. Almgren asked Ms. Lasher about her initial questioning by detectives. However, the witness stopped answering for a moment and requested a victim's right advocate, and Judge Hill told her there was no such advocate available to her that day. The Judge stepped into the questioning throughout the morning, telling the witness her tone had to change and that failing to behave as a witness would drag out her time on the stand.

Once the witness was dismissed from the courtroom, Mr. Kimes took the stand, and discussed Friday's meeting in the District Attorney's building he had witnessed between Mr. Almgren and Ms. Lasher. After signing the use immunity agreement, Ms. Lasher returned the document and a pen by throwing them at Mr. Almgren, the investigator said. Mr. Almgren, who was questioning Mr. Kimes, asked if he had lost his "cool" at that point. The witness recalled the prosecutor telling the woman he did not appreciate her action. However, Mr. Almgren never informed Ms. Lasher he would prosecute her for murder.

On cross examination, Mr. Kimes told Mr. Kessel that he had been at the meeting as a witness so if an incident transpired, Mr. Almgren wouldn't have to be a witness in his own case. However, the investigator did not take any notes during the meeting, according to testimony, and he said Mr. Almgren did not explain anything about a use immunity agreement.

The witness did, however, recall Mr. Almgren explaining that if she lied as a witness in a capital punishment trial, she could face life in prison or a death sentence herself.

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