

Honorable Robert Neary,

Your Honor, thank you for giving me the opportunity to address the court today. Thank you also for the time you've devoted to this case.

I would like to thank Janet DiFiore, Patricia Murphy, Paula Santos and everyone in the DA's office who was involved in this case. On behalf of my family and me, thank you for the level of care and compassion demonstrated to us during this most difficult trial process.

I especially want to thank and acknowledge Robert Prisco for his diligent and meticulous work, his level of professionalism, but especially for his integrity while presenting the facts of this heinous, wicked, evil and depraved act by the perpetrator, Anthony Burton.

My sincere thanks to the Yonkers and Bronx PD for taking action so quickly to detain and arrest the defendant. Thank you Detectives Starkey and McCabe for your persistence and for the fine job you do everyday in the city of Yonkers.

I especially thank the officers and EMS who assisted Jessica as she laid on the curb of a Yonkers street taking her last breaths of life shortly after Anthony Burton shot and killed her.

Mr. Warhit, I know as defense attorney you had no choice but to defend your client, a criminal who admitted his guilt of shooting and killing my daughter. You were persistent in wanting to portray him a good boy, a helpless boy who was in a car with "older bad men" and wanted to get home. The jurors bought it and that's why he was not convicted of Murder 2 and put away for life -- the sentence he really deserves. I hope that you don't feel victorious or that this was a win for the defense and I sincerely wish that never in your lifetime you or anyone you know has to experience a heinous crime like this, or the loss of a child and the suffering that goes with it.

## VICTIM IMPACT STATEMENT

By Gisela Marin, mother of Jessica N. Santos

Honorable Robert Neary,

If it wasn't for Burton's actions on August 27, 2006, I would not have to sit here in court today to convey to you how this heinous crime has impacted and shattered my life permanently. My daughter did not choose to die that day, but her killer chose to fire that gun not only once but 6 times. My life was forever changed on that rainy August night when upon calling her Nextel phone, I was told "there had been an incident and she was being rushed to St. Joseph's Hospital". That night when I arrived at the emergency room and was told by the doctor at St. Joseph's Hospital that my daughter did not make it, my world came to a sudden halt. At that very moment, I felt like there was no air to breathe and that my very being, my very soul, left my body. I wanted to die rather than to face living without my only child. I was in shock and asked how someone could do this to my baby? How someone could be so depraved and evil to do something like this. Those were my exact thoughts when I heard that she was shot by someone in a moving vehicle.

I was forced to be strong in the midst of my own excruciating grief. Many family and friends were outside of the hospital waiting for the news. The pain, the screaming and crying when I told them Jessica was dead was something that still echoes in my head and something I will not soon forget. Somehow I had to compose myself to be able to tell my own mother that her precious grandchild had been shot and killed. I feared for my mother's health because she suffers from high blood pressure and heart problems. We all gathered around the little hospital room to spend some time with Jessica before she was taken away. I looked at my dead daughter lying on a hospital bed and still could not fathom it – it was too surreal, a bad dream and a horrific nightmare that I hoped to wake up from. But it wasn't a bad dream, it was reality. I held her in my arms while she was still warm and she looked so peaceful like she was asleep. I held her hand, her feet, touched her hair because I knew it was the last time I would feel her like herself. I had my bible and prayed Psalm 23 over her and prayers to send her soul up to heaven. I never expected to be faced with a parent's worst nightmare – the death of a child.

Before that dreadful night, the whole weekend centered on getting Jessica ready to return to the University of New Haven to start her sophomore year – laundry, packing, phone calls back and forth from her friends saying goodbye, and also from her roommate at UNH and all the other friends she was excitedly waiting to see come Monday. That Sunday afternoon after church, Jessica and I spent the rest of the day at home laughing, still packing, planning her sophomore year, but especially her future. She was very excited to start her classes in Criminal Investigations and to move into her dorm, which was a brand new building with bigger rooms, semi-private bathroom and air conditioning – little things that meant so much to Jessica, to a college student. Instead of planning her return to college the next morning, I had to plan her funeral. I also had to call her roommate and friends to tell them Jessica was not coming back to school that day that she had been killed by a random bullet. I also had to contact the University of New Haven and request the funds sent in for her first semester tuition, for her future, be sent to me immediately to help defray part of the very expensive cost of something so unbearable, so irrevocable - my child's funeral arrangements and burial.

Only a mother knows the devastating pain of losing her one and only precious child. It is a pain so deep rooted in one's heart that nothing else can compare to it. Your cries resemble those of a wounded little animal left alone to survive. You walk around feeling like you are carrying the weight of the world on your shoulders, sometimes too big a burden to bear and you want to run away and leave it all behind. Yet, you have to continue to live life in this new "normal" that you've been forced into by someone else's actions, putting a smile on your face and trying your best to make sense of it all. There are moments of strength but there are those moments of utter weakness and despair when you just want to lie down and die so you can be with your child again.

This past year has affected me not only emotionally but has taken a toll on me physically and on my health and sense of well being. I look at myself in the mirror and see no semblance of what I used to look like just before Jessica's death – the happy, smiling, woman who used to look back at me and didn't look so worn down and aged with suffering. I don't sleep much these days, and the nights seem endless due to the tossing and turning, crying, feeling nauseous. I usually end up getting up and walking to the living room where Jessica's pictures and butterfly mementos are displayed or going into her room and sitting or laying on her bed, holding her blanket and pillow wanting and hoping to take in her essence. The minutes turn into hours, and in those rare instances when I do fall asleep, I wake up with the hope that Jessica's murder never happened – that it was all a bad dream – just a terrible

Even though I had no financial support from her father and he no relationship with his daughter (his choice) she didn't lack anything. This did not stop me from giving my daughter the life she deserved. I worked hard not only to support her financially, but to support her every interest – and she had many! As a toddler, she loved to dance and at the age of 3 ½ wanted so badly to take ballet, that she was allowed to start "pre-ballet as soon as she turned 4. At 6 years old, she started tap and jazz and continued well into her pre-teen years. I spent endless hours at dance school during the week and Saturdays, not to mention rehearsals for recitals and anything she was a part of – even if it meant taking time off from work to be there for her. It was that important to me as well as to Jessica.

You could say her plate was full with activities – all her choice – but she was a good student getting A's and receiving certificates for perfect attendance throughout the year and awards for other things she was involved in. She enjoyed group sports such as softball, cheerleading, swim team and step team. When she was not participating in an activity, she was helping to coach it. She had goals, she had plans. For the last 2 years before her murder, she was a life guard and swim instructor at Purchase Day camp. The parents as well as the young kids she taught swimming to loved Jessica and she formed some wonderful bonds with the families. They too were shocked and devastated by the sudden loss – our whole community was. You may wonder why an estimated 1,000 people were present at her wake. They came from every state – NY, NJ, CT, FL and even AZ. They formed a line that went out the door, and down the street. People waited an hour or more to pay their respects to our family and to say goodbye to their beloved friend. I will never forget the overwhelming feeling and outpouring of love for our broken family. Why so many people? I'll tell you why...

Because Jessica had a beautiful smile that could light up a room and when she entered everyone was very much aware of her presence. People always gravitated to her because of her fun-loving personality, her amusing sense of humor, and zest for life. She was bold and made friends easily wherever she would go – even when we were on vacation in another country. We had many wonderful memories of vacationing together with her grandmother and my niece, Tyler. They were 5 years apart but they were more like sisters. They had a beautiful bond and they were inseparable. Tyler looked up to Jessica as her older sister – as her mentor, her counselor, and Jessica loved Tyler as the little sister she never had. They had plans of growing up and taking over my mom's house and living there together. The dreams and plans that they made for growing up together into their adult life are no more.

Jessica thought she was tough but in reality she had a soft, kind heart and always made time for those who she cared about and those who she thought needed her help. She was nurturing, she was the counselor, and when she could not figure out what to do to help a friend and she would turn to me for guidance. I think that is why a lot of her friends still find it easy to talk to me or ask for advice, because through me, they still feel connected to Jess.

Sometimes I think she thought she could save the world, from stray cats to the outcasts that no one wanted to be friends with or talk to. She saw no color, race, or physical characteristics in a person. She had friends from every ethnic background. She didn't care where they came from, where they lived, if they were affluent or poor, she just saw them as a person. This was probably most evident when she volunteered through our church's Urban Outreach. Through this ministry we would go into the projects in White Plains not only to BBQ and fellowship with the residents through urban Christian music, but to pray with people and bring God's gospel to those who did not know Jesus. She thought she could change people for the better but accepted them for who they were. I guess that's why she had so many friends, and so many people who loved her then, and continue to love her now.

My daughter was also very ambitious and a real go-getter. During summers when she was still too young for a real job with pay, she worked as a volunteer at Phelps Hospital to get work experience. When she turned 15, she obtained her life guarding certificate and worked weekdays and weekends – at 2 different pools. If that was not enough, she pursued additional training for waterfront safety and for swim instructor allowing her to perform different jobs with more responsibility and also helping her to earn more money. Therefore, summers off from school were not wasted hanging out on the street with no job and nothing to do; for her, personally that was not an option or way of conducting herself. I believe it's because from a young age, I instilled in her the same values and morals taught to me by my parents such as the importance of work, family, but especially respect for others – always telling her to treat others as she would like to be treated. I strongly feel that as a parent, it is our duty and responsibility – to teach our children well so they can grow up to do the right thing and be contributing members of society, to be a mentor to their peers – and certainly not grow up to and commit crimes. It is easy to blame society or the neighborhood, but it is up to the individual person to always choose righteousness.

I would like to now address Anthony Burton:

Anthony Burton, were you not taught these same things growing up? Is your life so void of love, decency and respect for what is morally right that you could not value the life of another human being? You pulled a trigger, not once, but six times into a crowded sidewalk. You, yourself stated that there were "a lot of people" on the sidewalk. You say you didn't mean to kill anybody that you were shooting at a sign. WHY? Why would you even consider firing one shot at a sign knowing innocent lives were right under it? If you were intelligent or morally correct, you would've gotten out of the car immediately and refused to "dump" the gun. The mere fact that you did not, but instead held the gun, cocked it, pointed and fired it where people were standing, in a residential area where people live and work, clearly shows that you acted with disregard to human life and most definitely with depraved indifference. What if it would've been your family members on that sidewalk that night and some one drove by and did exactly what you did? What if it would have been your best friend, your mom or even worse your baby sister who got hit by the bullet meant for a sign and died? If a family member of yours died that way, how do you think you would feel? Would you then say it was accidental or would you feel the shooter acted in a depraved manner? I think you would choose the latter.

Perhaps the jurors were not knowledgeable and a bit ignorant as to what the terms "depraved" meant, or perhaps your phony, teary confession video persuaded them into thinking that you were not wicked or evil. Well just to be sure I was not mistaken, I looked up both words are here are their meanings as adjectives:

**Wicked:** *very bad, mean, dangerous, disgusting, bad people who do bad thing, profoundly immoral or wrong, evil or morally bad in principle or practice*

**Evil:** *morally bad, harmful, malicious, disagreeable, force causing harmful event*

To me, those words describe you and describe your actions perfectly and clearly. There is absolutely no doubt about it in my mind and I'm certain in anyone else's mind here in this court room. The phony tears and act you put on while you were video-taped was not because you were truly sorry or remorseful, they were because you lied repeatedly to the detectives until you realized you were caught, and there was no way out, so you finally confessed to what you did. You were not coerced, you knew you did wrong. You also knew the consequences that you would face due to your past criminal history

They were brainwashed by your attorney's repetitious attempt at justification for your actions – telling the jurors you were "just a 17 year old boy wanting to get home to your mom". His irritating and relentless statements somehow convinced them to see you in a different light. What they did not know was that you, the same 17 year old boy, had recently spent 18 months not living at home with your mother. And why? because you were considered a juvenile delinquent – meaning someone who could not be controlled by parental authority and who commits criminal acts of vandalism or violence.

What about the drug charges you just recently plead guilty to? Selling cocaine on school property? To me that clearly portrays "morally bad, harmful and disgusting" activities for a 17 year old who apparently only cared about the money to be made – not the kids and lives you were potentially harming. Anthony Burton, you are nothing but a menace and a hazard to society and you should not be allowed to walk the streets of Yonkers, or anywhere for a very long time. The sad thing is that no matter where you are sent to serve your prison term, your mom, your family can visit you, write to you and talk to you if they so wish. I, in turn, don't have that choice, my family doesn't either. We get to visit a headstone with a little flower garden when we want to feel close to or talk to Jessica.

Your life many not have had any value but that girl – as you referred to my Jessica in the confession video – her life was extremely important and of great value to me, to her family, to her friends and to all those who have been impacted and mourn her. Jessica was on her way to college to fulfill her dream of law enforcement, to have a career as a Criminal Investigator, and you, on the other hand, are well under way to a future as a career criminal.

I hope the time you spend in prison will give you time to reflect on how your actions destroyed so many lives – not only Jessica's. You may think the time you spend in prison will be lengthy and unbearable but nothing, NOTHING, compares to the immense pain and grief that you have caused me and my family that no amount of time will ever restore. I hope the image of the beautiful girl whose life you ended and this mother's anguished face stay with you, like a bad dream, every day of your life.

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God created the world but we have the capacity of choosing righteousness or sin, good or bad, and we pay for the consequences. You had the capacity to choose right from wrong, but instead you chose to fire a gun, to take a life.

In the NIV Bible 1Timothy 8-9 says:

**We know that the law is good if it is used properly. We also know that the law isn't made for godly people. It is made for those who break the law. It is for those who refuse to obey. It is for ungodly and sinful people. It is for those**

Anthony Burton, you have sinned against God and my family. Now you must face the consequences for your actions.

Therefore, Your Honor, I respectfully request the maximum sentence allowable for each crime under New York State Law. I respectfully plead that the sentence for each charge be served consecutive and not concurrent. I pray that he will not be eligible for parole in five years or any time soon and be released back to society. I don't believe real rehabilitation can happen in such a short amount of time. It would be an injustice to our family. Please also consider this, when a loved one's life is taken away so tragically, so suddenly, by a senseless murder such as this one, it is as if the entire family has been murdered as well. We have all died because of Anthony Burton.

And if I may add, in the midst of loss and grief families are further victimized by the exorbitant and unexpected expenses associated with a funeral services, burial, headstone, etc. Although it's not about the money, because you want your loved one to have a dignified farewell, it's about the unfairness that we, the victims, should have to bear the expense while the criminal and his family do not. Even though Victims Assistance is graceful enough to provide a small fraction of the overall cost, I feel that as additional punishment, the person who kills an innocent victim, in this case Anthony Burton, should not only be sentenced to the term in prison but also have to work there and pay back the entire cost of their victim final arrangements to the family. Criminals should not be eligible or considered for any parole until their debt is paid. Perhaps this will make criminals think before they act or keep them locked up long enough to consider what they did.

What I want all of you to take away today is that this trial was not about winning or losing for me or for my family, because either way, we still lose no matter what the jurors decided was a fair verdict. They all went home to their normal every day happy lives at the end of the trial – some to their spouses and children who awaited their return. Since it was late on Friday, they made their decision and didn't have to be sequestered another night, so they gladly went home and enjoyed their weekend knowing the trial was over and they did not have to return on Monday. Our bereaved family had to go home dejected to face the same sadness and emptiness as well as deal with the shock and disbelief over the verdict.

Our lives have been permanently destroyed by Anthony Burton and that should be taken into consideration when he's sentenced. His sentence will be pale in comparison to the life sentence I've been condemned to and live and face each and every day – life without my daughter.