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Pain endures for families of victim, killer in 2006 Yonkers shooting

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There was never a doubt about who killed Jessica Santos in Yonkers' Nodine Hill neighborhood last summer.

The only question for the jury to decide was whether Anthony Burton was depraved or just reckless when he shot a handgun out a back window of a rented gold Cadillac into a crowd. Was Santos' death murder or manslaughter?

"He was stupidly, recklessly aiming at a sign in the neighborhood," his lawyer, Barry Warhit, acknowledged in his closing statement on Thursday. But Burton was not a murderer, Warhit argued.

The prosecutor, Robert Prisco, responded that everyone on the sidewalk at Poplar and Beech streets the night of Aug. 27 was in jeopardy when Burton fired the chrome-colored gun six times.

"He just didn't care," Prisco told the jury. Burton, who was 17 at the time, showed no remorse until he was captured by police, he said.

And so the trial hinged on what Burton's behavior indicated. Was he sorry that he had killed Santos or sorry that he had been arrested? Did he fire at a grocery store sign so that he would not hurt anyone or shoot wantonly at a crowded sidewalk? Did he ask detectives for a meal from McDonald's - two cheeseburgers, fries, chicken McNuggets and a medium Coke - because he was indifferent or relieved after he finally admitted what he had done? Was he cruel and callous or an immature teenager?

"I was aiming for the grocery sign because I didn't want to hurt nobody," he says on a videotape made by Yonkers detectives. "I didn't know anyone was shot."

"I'm sorry, I'm so sorry," he says at another point. "I didn't aim for the girl."

And he cries and later says: "I was so scared. I was so scared. I didn't know what to do."

Santos was 19 and would have left the next day to begin her sophomore year at the University of New Haven. She was standing on the corner when the bullet from Burton's gun pierced her shoulder and tore through her organs. The people around her were screaming and diving for the ground, and the bucolic names of the streets, Beech and Poplar, Willow and Maple, could not have seemed more incongruous.

Santos' mother, Gisela Marin, said that when she had called her daughter's cell phone shortly after 10 p.m., a police office told her that her daughter was being taken to St. Joseph's Hospital.

"They couldn't save her and my daughter passed away ... because somebody took it upon themselves to be so callous and cold," Marin testified during the trial. "That was my only child. She didn't deserve to die that way. Nobody's child deserves to die that way."

Nor did she believe that Burton was remorseful.

"He was just crying because he had lied and now he was caught," she said after his videotaped statement was played to jurors. "He was not sorry because he took my daughter's life."

At the Westchester County Courthouse in White Plains, Burton sat slumped so low in his chair, that it wasn't until he stood up that you realized how tall he was. He never seemed to look at either lawyer, only over his shoulder at his family as he was being led out in handcuffs.

"I'm not saying he's innocent," his mother, Pauline Burton, said outside the courtroom.

But, she said, a mother has to be there for all of her children, and her son was afraid of the other three men in the car, she insisted. Anyone could see that on the videotape, she said.

After he met the others at a garage nearby, Burton said he thought the driver was about to take him home. He did not.

"I tried to stay out of it," Burton says on the tape. "I told him, 'Take me home.' I told him, 'Take me home.' "

Instead, the man in the front passenger seat handed him the gun, Burton told police, and instructed him to "dump" or shoot it. And at Beech and Poplar, he did.

Afterward, he told police, he returned the gun.

Pauline Burton said that she understood her son killed Santos and that she was sorry. She said that she understood Marin wanted justice.

"If it was my child, I would want justice, too," she said.

But she said she did not understand why no one else in the car should be answerable for the young woman's death.

Anthony Burton had just spent 18 months at a home for troubled youth and began spending time with the two men only in the two months before the shooting, his family said.

"They were always coming and calling him out," Pauline Burton said. "Anthony didn't know what they were going to do."

He would not have wanted to kill a young woman, she said. "I got four girls," she said. "I was shocked."

The bullet that killed Santos was exhibited in the courtroom, but the gun was never found, according to police.

Yesterday, the jury reached its verdict and found Burton guilty of manslaughter, not murder. He faces five to 15 years in state prison.

But nothing changes what Marin said in February, when she revived the Westchester chapter of New Yorkers Against Gun Violence.

"Six shots were fired, but it only took one to destroy Jessica's life and mine forever," she said then.