

# Yonkers teen in fatal shooting said he didn't mean to hurt anyone

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A Yonkers teenager accused of killing a college student in a drive-by shooting last summer tearfully told detectives that he hadn't meant to hurt anyone when he fired the gun out of a moving car.

"I didn't mean to. I'm sorry. I'm so sorry, man," Burton told the detectives during a videotaped statement played for jurors yesterday in Westchester County Court. "I didn't want to do that to that girl, man. I didn't aim for that girl."

But before detectives had coaxed the statement from him, Burton had lied to them for hours, claiming he had never been in the car and didn't know anything about the Aug. 27, shooting of 19-year-old Jessica Santos. When he did make a statement, he told Detectives Vincent Starkey and James McCabe that he was aiming for a sign above a Beech Street grocery store. But he acknowledged seeing a lot of people in the area when he fired.

Prosecutor Robert Prisco contends the shooting showed a depraved indifference to life and that Burton should be convicted of second-degree murder.

Burton's lawyer, Barry Warhit, concedes Burton, 18, was the shooter but wants the jury to convict him only of manslaughter because the shooting was reckless, not depraved.

Santos, who lived in Tarrytown, was saying goodbye to friends before leaving the next morning for her sophomore year at the University of New Haven, Conn. She was standing near her car, in front of the grocery store, when she was struck by one of six bullets Burton fired from a .25-caliber handgun.

Witnesses said the shots were fired from a gold Cadillac, which was pulled over a short time later with three men inside. Starkey told the jury that police began searching for Burton after interviewing the three.

Burton was picked up the next day near his aunt's home in the Bronx. He initially told detectives that he was in the Bronx the entire evening of the shooting. When they confronted him about the others who were in the car, Burton acknowledged seeing them that night but claimed he was already in the Bronx when the shooting occurred.

As Starkey and McCabe pressed him, Burton began to cry, Starkey testified. When they told him they had enough information to arrest him even without his statement, Starkey said "Mr. Burton broke down and started to cry and admitted he had done the shooting."

He said he was getting a ride home to Willow Street when one of the passengers, Charlie Jimenez, handed him the gun and told him to "dump it," which he knew to mean fire it. He said he fired it out the rear window and then gave it back to Jimenez before he was dropped off near his home. The gun was never recovered.

Burton then wrote out a statement and repeated it on videotape. He said he had lied earlier because he was scared.

Santos' mother, Gisela Marin, said Burton's tears should not keep the jury from holding him accountable for the killing.

"He was just crying because he had lied and now he was caught," she said. "He was not sorry because he took my daughter's life. He was sorry because he was caught."

The trial before acting state Supreme Court Justice Robert Neary resumes tomorrow with closing arguments. Burton faces a minimum of 15 years to life and up to 25 years to life in prison if convicted of murder. The maximum prison sentence for second-degree manslaughter is five to 15 years.

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