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Jury begins deliberations in Yonkers slaying

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Six shots were fired from a moving car in the direction of a crowded Yonkers street corner. One bullet struck and killed an innocent bystander, Tarrytown college student Jessica Santos. Was it depraved murder or reckless manslaughter?

That's what jurors began deciding yesterday at the trial of Anthony Burton. The teenager's lawyer concedes Burton is the killer but argues that his reckless behavior did not rise to such a level that he should face the same punishment as an intentional killer.

"It's a crime, no doubt. A serious crime. A homicide," Barry Warhit said. "But it's not evil, wicked, inhuman. ... This is not a case where Anthony didn't care if he hurt anyone."

Assistant District Attorney Robert Prisco countered that Burton showed how little he cared when he opened fire knowing there was a crowd, when he didn't accept responsibility right away and when he told his mother he was "too tired" late that night when she urged him to turn himself in as police were looking for him.

"Six bullets fired towards, as far as we know, complete strangers with a total lack of concern, a total lack of compassion, ladies and gentlemen. If that's not inhuman, I don't know what is," the prosecutor said.

On the night of Aug. 27, Santos, 19, was at the corner of Beech and Poplar streets saying goodbye to friends before leaving the next day for her sophomore year at the University of New Haven. The crowd dove for cover when the shots rang out from a car in which Burton was traveling with three other men.

He was arrested the next day and initially claimed he had no involvement in the shooting. He eventually admitted to detectives he was the shooter but claimed he had aimed for the grocery sign and never meant to hurt anyone.

Jurors saw his videotaped confession, in which he cried as he insisted he was sorry about killing the woman and hadn't meant for anyone to be hit.

Warhit said the tape was proof that Burton had not acted with depravity, that he cared about the woman he killed. Prisco said it showed only that Burton cared that he got caught.

If convicted of second-degree murder, Burton, 18, faces a minimum of 15 years to life and a maximum of 25 years to life in prison. A second-degree manslaughter conviction is punishable by up to five to 15 years in prison.

Burton also faces weapon charges, one of which carries a stiffer maximum sentence - 15 years - than the manslaughter charge.

During four hours of deliberations, jurors asked to rehear the instructions on the two homicide charges and watched the videotape again. They asked for the definition of depravity just before acting state Supreme Court Justice Robert Neary sequestered them for the night.