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Jury gets Yonkers drive-by killing case in Tarrytown college student's death

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WHITE PLAINS - Jurors this afternoon began deliberating the fate of Anthony Burton, a teenager who killed Tarrytown college student Jessica Santos last summer when he fired a gun from a moving car toward a crowd of people in front of a Yonkers grocery store.

Defense lawyer Barry Warhit conceded Burton's involvement but asked that he be convicted only of second-degree manslaughter.

"It's a crime, no doubt. A serious crime. A homicide," 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 urged the jury to convict Burton of second-degree murder under the theory that the shooting showed a depraved indifference to human life.

"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 six 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 the detectives he was the shooter but claimed he had aimed for the grocery sign and never intended to hurt anyone.

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

Warhit said the tape was proof 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 murder, Burton, 18, faces up a minimum of 15 years to life and a maximum of 25 years to life in prison. A manslaughter conviction is punishable by up to five to 15 years in prison. He also faces weapon charges.