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Teen faces up to 15 years for drive-by shooting in Yonkers

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The teenager who killed a Tarrytown college student in a Yonkers drive-by shooting was convicted of manslaughter but cleared of a more serious murder charge, sparing him from a potential life sentence.

Anthony Burton, 18, instead faces up to 15 years in prison on second-degree manslaughter and third-degree weapons possession charges, according to the verdict returned by the jury at 6:10 p.m. yesterday, the panel's second day of deliberations. The jury also cleared Burton of a more severe second-degree weapons possession charge in the Aug. 27 shooting death of 19-year-old Jessica Santos.

"I may not be happy with the verdict, but accept it," said Santos' mother, Gisela Marin of Tarrytown. "I have no room in my heart for anger. My heart is filled with love for my daughter. I'm disappointed, but I accept it."

With its verdict, the jury agreed with defense attorney Barry Warhit that Burton's reckless behavior - firing six shots from a moving car in the direction of a crowd of people - did not rise to the level of depraved indifference to human life. Santos, whom Burton did not know, was talking with friends when she was struck by one of the bullets.

"There are no winners in a case like this," Warhit said. "A young woman's life has been taken because of the reckless use of a gun by a teenager. It's another example of what happens with illegal firearms."

Burton betrayed no reaction to the verdict as he sat in court. Following the announcement, Westchester District Attorney Janet DiFiore noted that Burton faced an additional nine years in prison on a drug-sale conviction dating to an arrest in July 2006 - a month before Santos' death.

DiFiore described Marin as "a figure of strength and dignity," and commended the grieving mom for her composure. At a post-trial news conference with the district attorney, Marin described herself as "a broken mother."

But Marin also vowed to continue anti-violence efforts in the wake of her only child's death. On Sunday, she held the first community fundraising event for the Jessica N. Santos Foundation, which she started in her daughter's memory. Marin also revived the Westchester chapter of New Yorkers Against Gun Violence.

"If I can save another child's life, then that is what I'm going to do," she said.

Santos was leaving the next day for her sophomore year at the University of New Haven, where she was studying to become a criminal investigator in the hopes of joining the FBI. She had stopped in Yonkers to say goodbye to friends.

Assistant District Attorney Robert Prisco presented the shooting as a textbook case of "depraved indifference" murder. He argued that Burton knew there was a crowd outside the store so he was aware of the heightened risk of death. But he fired anyway. Warhit countered that Burton was aiming for the grocery sign and that he had the gun and fired it over such a short period that he had no time to show the "evil, wicked, inhuman" elements of depravity needed for a murder conviction. He would have faced up to 25 years to life if convicted of murder.

"Hopefully, this conviction will serve to reinforce the message that the criminal possession of a loaded gun only leads to tragic outcomes and will not be tolerated in Westchester County," DiFiore said in a statement after the conviction.

Burton is scheduled for sentencing Sept. 12.