

CAPITOL MALL MURDER

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# Mall murder suspect makes court appearance

By GREG BEEBE

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SANTA CRUZ — The youth accused of murdering 78-year-old Emily Shaw in the Capitola Mall parking lot made a brief appearance Monday afternoon in Santa Cruz County Juvenile Court.

Christopher Isaac McCarthy, 17, appeared before court Referee David Brick in a small courtroom at juvenile hall to hear charges of murder and robbery with special allegations that he killed Shaw in the commission of a robbery and that he laid in wait for his victim.

McCarthy, a lanky high-school dropout, was dressed in a purple sweatshirt, blue jeans, white tennis shoes and wore leg shackles. His floppy blond hair was trimmed close on the sides and his face was unshaven. Also in the small courtroom were his divorced mother and father, Diane Burnham and David McCarthy, and his acting attorney, Stephen LaBerge.

When asked by Brick if he understood the charges against him and the motion by LaBerge in which McCarthy waived his right

to speedy court proceedings, the youth said "Yes," and "Yes, sir."

Brick continued the case until Wednesday, Dec. 5 in Juvenile Court. Because he is a minor, McCarthy is not eligible for bail.

District Attorney Art Danner, who is prosecuting the case, wants to try McCarthy as an adult and hold the youth at County Jail.

Currently, McCarthy is in custody at juvenile hall where, Danner said, "I would suspect they have him isolated."

There was no question "in our view," the DA said, that McCarthy should be tried as an adult "because of the nature and circumstances of the crime."

LaBerge said later that McCarthy and his mother and father needed time to "make a determination as to counsel."

Before McCarthy was led into the courtroom, Referee Brick ruled against requests by the media to take pictures of the murder suspect.

"My inclination is to deny cameras in the courtroom during the course of the hearing," Brick said.

"The confines here are small," said Brick as he looked around the 15-by-18-foot juvenile hall courtroom. "There will be plenty of opportunities to report by non-visual means."

Danner told Brick that the DA's office did not feel a need "to pro-

tect the case" from photographers. All photo and in-person lineups have been completed, Danner said.

LaBerge argued that "identification issues are always paramount" and that he was concerned about his client's ability to get a fair trial if photos of McCarthy were pub-

lished or aired on TV.

At the end of the hearing, Brick asked McCarthy's parents if they had any questions. "I don't know what to ask," said the youth's mother uncomfortably.

McCarthy was arrested last

Wednesday after a lengthy interview with investigators. He is accused of hitting Shaw with a piece of firewood — killing her instantly — during an alleged robbery attempt Aug. 27 in the Capitola Mall parking structure next to Gottschalks department store.