

CAPITOLA MALL MURDER

SJM 2-21-91 1B

✓ Despair seen in mall-slaying suspect's sketch

By Paul Rogers
Mercury News Staff Writer

The teen-ager accused of last fall's Capitola Mall slaying was so depressed and alienated before the crime that he drew a self-portrait showing an angry mob surrounding him at the edge of a cliff, urging him to jump, defense witnesses and attorneys said Wednesday.

"It was very upsetting to me," said Patricia Carillo, a longtime family friend who discovered the sketch last Memorial Day on the floor of a Jeep in which Christopher McCarthy had been riding.

"This was drawn by someone who was in a lot of pain. The feeling I got was that he didn't have any escape."

Three months later, on Aug. 27, according to testimony Wednesday from psychologists and defense attorneys, McCarthy's grief over his shattered home life and failures at school finally drove him over the edge. The former junior high school class president with no previous police record snapped and bludgeoned to death 78-year-old Emily Shaw in the mall parking lot during a robbery.

Testimony Wednesday in the second day of McCarthy's fitness hearing before Santa Cruz County Superior Court Judge Thomas Black focused on how the boy's worsening psychiatric problems contributed to the attack.

Black is expected to decide today

whether McCarthy will be tried as an adult in connection with Capitola's first killing in more than a decade. McCarthy's attorneys have attempted to establish him as a remorseful and suicidal youth, shattered by his parents' bitter divorce but ultimately capable of rehabilitation in the juvenile detention programs.

"Is this kid so far gone that we as a society have to give up on him?" defense attorney Larry Biggam asked afterward. "I don't think so."

But District Attorney Art Danner has argued that McCarthy is a sociopathic danger to society who coldly planned out a grisly slaying and must serve a lengthy term in state prison.

Danner's claim was supported by county probation officer Jo Anne Myall. She recommended that because of the grave nature of the offense — Shaw's skull was crushed from behind with a log — the maximum seven-year sentence McCarthy would serve in the Youth Authority would not be enough to rehabilitate him.

Myall worried that if McCarthy were treated as a juvenile and released from a Youth Authority camp on his 25th birthday, he would, in effect, be placed back in society with no supervision.

"An important part of my job is making sure something like this doesn't happen again," said Myall, who interviewed Mc-

Carthy and his parents after the slaying. "I know we can't have any guarantees, but it would be a likelihood."

But Dr. Paul Mattiuzzi, a Sacramento psychologist who also interviewed McCarthy, said just the opposite.

During tearful recollections of the crime last month, McCarthy expressed shame and took responsibility, Mattiuzzi told the court. Such responses indicate a juvenile offender is open to rehabilitation, he added.

But Danner asserted that McCarthy lied, and told his friends afterward that he had planned to steal a car and drive to Mexico to escape a troubled life in Santa Cruz.