

CAPITOLA MALL  
• MURDER

# Killing

STM 11-27-90

## suspect<sup>1B</sup>

# to stay in jail

By Paul Rogers  
Mercury News Staff Writer

Appearing in court for the first time since he was arrested and charged with killing Emily Shaw at the Capitola Mall, 17-year-old Christopher McCarthy was told Monday he will remain in custody for at least 10 more days until his family hires an attorney.

Flanked by his father, Dave, and his mother, Dianne Burnham, McCarthy sat quietly during a 10-minute arraignment in juvenile court as Referee David Brick granted a continuation in the case until Dec. 5.

That appearance will be a detention hearing, during which Brick will decide whether or not McCarthy may leave the 42-bed juvenile hall on Graham Hill Road where he has stayed since his arrest Wednesday.

### Report incomplete

Stephen LaBerge, a temporary attorney hired by McCarthy's father, requested the delay because he said he needs to see the Capitola police report from the slaying, which has yet to be completed.

Unlike adult defendants, juveniles are not released on bail. They are granted detention hearings, where a judge weighs the seriousness of the charges and any prior record before deciding whether they will remain in custody. Typically, juvenile offenders charged with extremely violent crimes are denied release.

### No companions

Since his arrest, McCarthy has been confined to a small locked room by himself, according to Bob Hulsey, probation division director at juvenile hall.

Allowed no television and virtually no personal possessions except for reading material, he has slept on a concrete bunk and been granted only brief daily exercise with strict supervision.

Santa Cruz County District Attorney Art Danner filed charges against McCarthy for one count of murder and one count of robbery. About two weeks after the detention hearing, Danner will ask a judge at another hearing to try McCarthy as an adult. If convicted as an adult, he could face life in prison without parole.

McCarthy is accused of the Aug. 27 slaying of Shaw, a 78-year-old woman who was beaten to death in the Capitola Mall parking lot with a piece of firewood in an apparent robbery attempt. She had earlier bought jewelry in the Capitola Mall, police later reported.

Numerous witnesses, including

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# Suspect in Capitola killing makes court appearance

SUSPECT, from Page 1B

an elderly San Jose couple, saw the attacker try to put Shaw's body into her Honda Civic.

Police immediately questioned McCarthy, who lived at his father's house less than a mile from the mall, but released him for lack of evidence. Two months later, aided by physical evidence and information from an anonymous tip line, they called him back to the station for more questioning and arrested him.

Danner said seven witnesses identified McCarthy as the attacker in a live line-up Wednesday

night.

Contacted Monday, McCarthy's mother said her son has lived with her estranged husband for about five years and has attended several local high schools.

Although she declined to discuss details of the case, Dianne Burnham said, "Chris has never been in trouble with the law."

Danner confirmed he has no prior arrest record.

"He's not a bad person," added Burnham, a self-described devout Christian. "He's just a rebellious, troubled teen-ager."