

✓ CF Capitola Mall Murder

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Teenager guilty of first-degree murder in mall slaying

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Santa Cruz Superior Court Judge Thomas Black ruled today that the teenager who killed 78-year-old Emily Shaw in the Capitola Mall parking lot in August is guilty of first-degree murder, with a special allegation of robbery.

The teenager, Christopher McCarthy, who turned 18 yesterday, will be sent to the California Youth Authority until he is 25.

Black had been asked to decide whether to convict McCarthy of first- or second-degree murder — whether McCarthy had planned to

do it or not.

Referring to a thick stack of police reports and court transcripts, Judge Black said there was "an abundance of evidence that supports the first-degree allegation."

The judge referred to the testimony of five other teenagers who had talked to McCarthy, who said they assumed he had committed the murder so he could steal Shaw's car.

Pat McCarthy, the defendant's brother, said his brother told him about the murder and said he had done it to steal the car.

Defense attorney Enda Brennan maintained that from his first interview with the police, Chris McCarthy said he didn't know why he had "just exploded." Brennan said the teenager and his friends had only "latched onto" the motive of robbery because it was easier to cope with the horrible incident if there were such a reason behind it.

"What he's confessed to is a far more unexplainable crime," Brennan said. "His friends don't want to believe that he is so out-of-control that he could kill an old woman."

Pat McCarthy had also testified that his brother said he had become enraged when the victim rebuked him for looking in the window of her car, calling him a bad boy.

Black said that from what is known of Shaw's character, it is unlikely she said anything to provoke McCarthy's fury. Brennan told the judge that while Shaw probably didn't say anything harsh at all, what was important was "not what she did, but what he perceived in his frame of mind."

Black, however, said he didn't think it would make it easier to

come to grips with having committed a murder if there were a robbery motive.

McCarthy remained calm throughout the hearing, staring straight ahead at the judge, often with his hands clasped before his mouth.

"My heart goes out to the family and friends of Mrs. Shaw, and my heart goes out to the family and friends of Christopher — and to Christopher," Black said.

He added that McCarthy and several of his friends had had an "enormous number of opportunities" to tell authorities about the

crime, and that he hoped they learned from this incident that "there is an obligation to society that is greater than the obligation to a friend not to tell."

Shaw's daughter, Ann Haber, said after the ruling, "I truly hope that this young man's life will be turned around, that he will be open to the opportunities for rehabilitation he will get as part of his term."

"If that happens, that will in some way compensate for the loss of a person who contributed to society as well as to her loved ones."