

CAPITOLA MALL MURDER Teen killer wrote of suicide

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SANTA CRUZ — Christopher McCarthy, the teen-ager who killed and robbed a 78-year-old woman at the Capitola Mall, is often overcome by guilt, uncontrolled crying and given to writing poems of suicide, according to testimony Wednesday.

"This is a deeply troubled, very depressed, suicidal teen-ager — not a sophisticated hardened criminal," McCarthy's attorney, Public Defender Larry Biggam, said.

McCarthy has reportedly been placed on suicide watch at Juvenile Hall on a number of occasions

after breaking into uncontrollable sobbing.

The 17-year-old is undergoing a "fitness" hearing in front of Superior Court Judge Tom Black. The hearing is to determine whether he should be tried as an adult in the death of Emily Shaw, a Santa Cruz grandmother bludgeoned to death in August as she returned to her car after shopping at Gottschalks department store.

District Attorney Art Danner is trying to have McCarthy tried as an adult. Danner claims that McCarthy intended to rob Shaw in an attempt to steal her car and leave town.

"Someone who plans a crime such as this and basically doesn't care about the victim deserves to face responsibility for the crime as an adult," Danner said.

But in defense testimony, McCarthy has been portrayed as a once-promising child who became deeply depressed after his parents' bitter divorce in 1985. In five years McCarthy went from being a spelling champion, athlete and class president at DeLaveaga Elementary School to a withdrawn, deeply frustrated youth consumed with anger.

In a poem written after the kill-

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Christopher McCarthy sits silently in court.

Teen-ager

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ing, but before his arrest, McCarthy writes, "My mommy and daddy are no longer together. All our plans are destroyed. It was supposed to be forever... I wish life was good. All nice smelling flowers. It can't be that way. So I cry for hours. I wish I could start over. The days seem so long. Nothing goes right. Everything just goes wrong. Will there ever be an end?"

In another poem, turned into a high school teacher, he writes, "Ending it all would be so easy. Only an instant of pain. Then it would be over. No more pain. No more sorrow. You're all I have to lose. I need you now more than ever. How can I tell you I love you?"

Defense attorneys, attempting to have McCarthy remain a ward of the juvenile court, claim that Shaw's death came in an eruption of rage and was unintentional.

In an interview with a psychologist after his arrest, McCarthy described the morning of Shaw's death. McCarthy said he dressed in his good clothes and went to Orchard Supply Hardware to get a job, after telling his mother he had already had a job.

After being told no jobs were available, McCarthy entered a deep depression and wandered over to the parking structure adjacent to Gottschalks where he sat for several hours.

The psychologist testified that during this time McCarthy pondered his failure while his frustrations built. Inside the parking structure, McCarthy took a piece of firewood from the back of a pickup truck.

"I don't know what I was going to do with it, maybe break a windshield, or smash a tail light," McCarthy reportedly told the psychol-

ogist. "I wanted to vent feelings of rage, powerlessness, frustration by breaking a windshield... I didn't want to go home and tell my mother I didn't have a job."

According to police reports, McCarthy was waiting with the firewood when Shaw entered the parking structure. McCarthy crushed Shaw's skull with a single blow, investigators said.

In testimony Wednesday, a witness described the scene she saw as she came upon McCarthy trying to stuff Shaw into her small car.

"We spotted him struggling trying to pick her body up," said Joyce Martin "I said, 'Gosh, I think somebody fell down.' I saw her legs and feet like she was kneeling into her car."

Martin said she asked McCarthy if he needed help and he told her that it was his grandmother, that she had Alzheimer's disease and always falls down.

"It was like he was used to it," Martin said. "He said, 'Oh gees, she does it all the time, I'm so embarrassed. She's wet her pants, I'm so embarrassed.'"

Martin said she and her husband kept asking McCarthy if he needed help, until the youth came over and told them, "I don't want any help. I'm used to this. I don't want to get hostile."

"His face was bright red, I could see how blue his eyes were. I thought he was a typical surfer boy," Martin testified. Martin then noticed blood on McCarthy's forearm and saw that Shaw was not moving, her arm hanging from the door. Martin and her husband left as McCarthy ran from the area.

If McCarthy remains in the juvenile court system he could only be held in custody until age 25. If convicted as an adult he could face 25 years to life in prison.