

Home Depot murder case goes to jury

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SANTA ANA – The fate of Jason Russell Richardson is now in the hands of a jury that will decide whether he is the man dressed in a white painter's suit and hard hat who shot and killed a popular Tustin Home Depot manager during a robbery.

The jury of seven men and five women began deliberating Tuesday afternoon after two weeks of testimony.

Disguised head to toe in white painter's coveralls, a yellow hard hat, a dust mask and gloves, a man tried to rob the safe at the Tustin Market Place Home Depot on Feb. 9, 2007, but when plans went

awry, he shot Tom Egan, stepped over his body and settled for "chump change" from the cash registers, Deputy District Attorney Cameron Talley said.

Richardson, 39, is charged with murder with special enhancements of committing murder during the course of a robbery, committing murder during the course of a burglary and use of a firearm. The gun was never found.

If convicted, he could be sentenced to death.

Egan, a 40-year-old married father of twin girls, wasn't even supposed to be there that morning – he worked the night shift – but had lingered for hours, finishing up work.

The store's surveillance tape shows Egan, a retired Marine, following the man in the coveralls through the crowded store, begging him to leave without hurting anyone. The man in the painter's suit shot him, leaving him for dead, while he continued the robbery, the video shows.

In her closing argument Tuesday, Associate Public Defender Julie Swain argued it didn't have to happen this way. The robbery didn't have to turn into murder.

"The robber panicked," Swain told jurors. "He shot when he was cornered. He shot when he was cornered by Mr. Egan. He fired only out of panic."

"Sad thing is if Mr. Egan hadn't approached the robber by the pro desk ... he wouldn't have been shot," Swain said. "Everyone knows in this situation you give up the money. Why would you protect chump change?"

The accusation drew a tirade from Talley, who lashed out at defense attorneys for blaming the victim.

"Panic?" said a visibly agitated Talley asked. "Was it panic when he was putting on his suit? Was it panic when he was putting on his suit walking in front of his children. Hey, guys, do you recognize daddy?"

"You know why Tom Egan is dead," Talley said, pointing to Richardson. "It's not because he's stupid. It's not because he was trying to protect chump change. It's because this guy right here is a cold-blooded killer."

Richardson, who remained silent in his defense, sat stoic throughout the arguments, barely looking up from the defense table.

It was a dirty sock holding five .38 Special rounds left in the store and two convictions for raping ex-girlfriends that led to the arrest of Richardson almost two weeks after Egan was killed. DNA found on the sock, forensic scientists testified, hit a sample in California's DNA database – a sample belonging to Richardson.

On Monday, Talley paraded in front of jurors, arguing the evidence against Richardson is overwhelming. Cell phone records place him two miles from the Home Depot minutes before Egan was killed. Several witnesses identified him in a photo lineup, and again in court. A box of the Winchester .38 Special ammunition – the same kind of ammunition down to the grain – that killed Egan was found in Richardson's garage. Fifteen rounds were missing. He was arrested driving a silver Ford Windstar van that exactly matched the silver van that was the getaway car for the man in the white painter's suit. The match was down to the damaged roof rack, a video expert testified.

Swain urged jurors to remember Richardson is innocent until proven guilty.

She attacked the police investigation, pointing out Home Depot customers and employees weren't shown photo lineups until after newspapers and television stations ran his picture and video of him being arrested.

Richardson was held to a different standard than the rest of his family when his DNA was compared to the sample found on the dirty sock, Swain argued. Police photographs show dirty socks piled inside the home Richardson shared with his wife, children, mother and her boyfriend. His half-brother's DNA also couldn't be eliminated from the sock, she said.

"You can't tell when (DNA) got there," Swain said. "You can't tell how it got there."

Richardson's cell phone was used near the Tustin Home Depot the day Egan was killed, Swain said, but the pattern of calls made that day and again on Feb. 21, when Tustin officers were tailing him, were nearly identical. The calls stretched from his home in Oceanside up to Los Angeles County and back.

"Nothing bad happened that day," Swain said of Feb. 21. "No one got hurt. No one got killed."

That, Swain told jurors, gives a logical explanation why Richardson's cell phone was in Tustin the day Egan was killed.

A forensic video expert testified a close-up of the killer's neck shows light skin. Richardson has a tattoo on the left side of his neck. The video never shows a tattoo. Not a single witness said they saw a tattoo on the killer's neck.

Several witnesses claimed to have seen things that simply weren't in the surveillance video.

"The thing about suspicion is suspicion could be wrong," Swain argued.

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