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Home Depot killing case focuses on tape, DNA

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SANTA ANA — With his life potentially on the line, Jason Russell Richardson showed virtually no emotion Monday as lawyers laid out their theories on the first day of his murder trial in the killing of an assistant manager at the Tustin Home Depot during a robbery.

Disguised head to toe in painter's coveralls, a hard hat, a dust mask and gloves, a man trying to rob the store's safe shot Tom Egan, the assistant manager, in the crowded store Feb. 9, 2007.

The surveillance tape shows Egan, a retired Marine, following the man in the coveralls through the store, begging him to leave without hurting anyone. The robber shot him, grabbed \$500 from the store's cash registers and stepped over Egan's dying body, leaving a trail of cash behind.

To prosecutors, Richardson is a cold-blooded killer who extinguished a life without a second thought. To defense attorneys, Richardson is simply the wrong man.

If convicted, Richardson faces the death penalty.

It was a dirty sock stuffed with ammunition left in the store and a history of violence that led to the arrest of Richardson in Egan's murder. The DNA on the sock, prosecutors say, hit a sample in California's DNA database — a sample belonging to Richardson, a convicted rapist.

"This is a story about a hero," Deputy District Attorney Cameron Talley said. "Tom Egan was a hero. He was an ordinary guy, but on February 9, 2007, he showed extraordinary courage. Because of his courage, today Tom Egan is dead. Because in this room with us today sits a killer."

Surrounded by family and friends, Egan's wife A.J. sobbed as lawyers played the last few moments of her husband's life on the surveillance tape, dissecting every move. In a dark suit and blue and teal striped tie, Richardson sat stone-faced between his attorneys as he watched the crime unfold on the screen.

With a flurry of poster board charts, Talley told jurors about the DNA hit on the sock and Richardson's sample, cell phone records showing Richardson's phone being used within miles of the store and minutes before Egan was shot and killed, and about several Home Depot employees and customers who identified Richardson in a photo lineup as being the man in the painter's suit.

Defense attorney Julie Swain argued the investigation is built largely on circumstantial evidence with too many unknowns. Surveillance tape shows the getaway van parking outside the camera's view, making it impossible to see who got in and out of the van, she told jurors.

Cell phone records that show Richardson's cell phone near the Home Depot just before the robbery and murder don't prove he was in the store, she said. And the DNA from the sock has also been connected to Richardson's wife, and Richardson's half-brother and his mother's boyfriend cannot be excluded from the

DNA on the sock, Swain told jurors.

It was the boyfriend of Richardson's mother who saw Richardson that day, dressed in a painter's jumpsuit, Talley told jurors. When he asked what he was doing, Richardson said he had a painting job, an odd statement for someone not known to be a painter, Talley said.

A now-retired Home Depot employee who picked Richardson out of a photo lineup weeks after the murder testified he could not say for certain whether Richardson was the man he saw running out of the store in a painter's suit leaving a trail of bills behind. Richardson was much heavier when he was arrested in 2007.

Testimony continues Tuesday.

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