

THE ORANGE COUNTY BETA REGISTER

Prosecutor: Evidence in Home Depot murder trial overwhelming

By [KIMBERLY EDDS](#)

2010-04-26 21:00:21



SANTA ANA — Jason Russell Richardson showed no reaction, barely looking up from his defense table Monday while a prosecutor pointed at him over and over, calling him a cold-blooded killer who shot and killed a Tustin Home Depot manager because he was in the way.

The murder case against Richardson is a simple one, Deputy District Attorney Cameron Talley told the jury of seven men and five women in his closing argument.

Disguised head to toe in white painter's coveralls, a yellow hard hat, a dust mask and gloves, Richardson tried to rob the safe at the Tustin Marketplace 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, Talley argued.

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

"When this man walks into the Home Depot, he's armed, he's armed with a reload, and he's ready to kill," Talley said.

The store's surveillance tape shows Egan, a retired Marine, following the man in the coveralls through the 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, Talley said.

It was a dirty sock full of ammunition 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.

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.

If convicted, he could be sentenced to death.

[Defense attorneys have argued investigators have the wrong man](#), the police investigation was faulty and other people could not be ruled out as being the man in the painter's suit. Talley argued the mountain of evidence against Richardson, an ex-convict with a history of violence, is overwhelming.

"A sock and five extra bullets," Talley said. "Isn't that interesting? When you walk in with a loaded revolver, you want to make sure you have a reload."

"Bang, bang, bang, bang, bang," Talley said, holding up the dirty sock in one hand and shaking five Winchester .38 Special rounds found in the sock in the other hand. It was a Winchester .38 Special bullet that pierced Egan's body. A box of the same kind of ammunition was found in Richardson's garage. Fifteen rounds were missing.

When you boil it down, it's simple, Talley said, showing jurors a chart of evidence against Richardson. The DNA matches Richardson, he said. The chances of finding someone with the same DNA profile as Richardson's and [the one on the sock is one in 1 trillion](#), Talley reminded jurors.

Several witnesses picked Richardson out of a lineup and then again in court. A cell phone found on Richardson when he was arrested was used to make a call just two miles from the Tustin Home Depot minutes before Egan was shot. Richardson was arrested driving a silver Ford Windstar van. That van matched the one seen being driven by a man in a white painter's suit in the Home Depot parking lot. The match was down to the adjustment on the roof rack, a video expert testified.

"There is only one person in the world who had all of that stuff fit," Talley said. "It's not a conspiracy. It's not someone else. It's first-degree murder."

Defense attorneys repeatedly referred to the man in the white painter's suit as the robber. But that is conveniently softening the crime, Talley said.

"He's not a robber. He brought a loaded .38 and he shot Tom Egan," Talley said. "He's not a robber. He's a killer."

In the middle of Talley's closing argument, Orange County Superior Court Judge William Froeberg rejected a defense request for a mistrial. Defense attorney Hector Chaparra accused Talley of using his closing argument to shift the burden of proof from the prosecution to the defense. Froeberg disagreed, saying Talley was urging jurors to use common sense.

Defense attorneys will plead Richardson's case Tuesday.

"Was it really worth the 200 bucks he got?" Talley asked jurors, talking about the robber's take from one register. "He could have just walked away. Was it really worth it?"

Contact the writer: 714-796-7829 or kedds@ocregister.com