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Jury to decide fate of Home Depot killer

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SANTA ANA The life of murderer Jason Russell Richardson is now in the hands of 12 strangers who will decide whether his violent childhood is enough to save him from the death penalty for shooting and killing a popular Tustin Home Depot manager during a robbery.

In a dark suit and blue striped tie, Richardson looked more the part of a stockbroker than a killer sitting at a defense table watching lawyers argue over whether he, a twice-convicted rapist with a violent past, should die or spend the rest of his life in prison.

No emotion crossed his face.

Richardson, 39, was convicted April 28 of first-degree 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.

Disguised in white painter's coveralls, a yellow hard hat, a dust mask and gloves, Richardson tried to rob the safe at the Tustin Market Place Home Depot on Feb. 9, 2007, but when the plan went sideways, he shot Tom Egan, stepped over his body and settled for a few hundred dollars from the cash registers.

Egan, a 40-year-old married father of 3-year-old twin girls, should have been home - he worked the night shift - but had lingered for hours, finishing up work.

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

It was about choices, Deputy District Attorney Cameron Talley told jurors. Richardson chose long ago to throw his life away, Talley argued. It was Richardson, not jurors, who imposed his own death sentence.

"He chose to rape. He chose to murder. He chose to beat his wife. He chose to steal. He chose to shoot Tom Egan," Talley said. "He's earned it."

Defense attorneys argued Richardson endured a horrific childhood that trained him to be a violent criminal with a cocaine habit. Raised by a household of drug addicts and thieves, Richardson was doing what he knew. He never intended to kill, defense attorneys said.

"Is this a cold, calculated criminal ... or is this someone who intended to rob and steal and things went wrong?" defense attorney Julie Swain asked.

In an impassioned plea for a death sentence, Talley showed a picture of the exact moment Egan was shot, urging jurors to think about "everybody who was unaware of that moment that changed the trajectory

of their lives."

"What was he thinking as he lay on the cold cement floor?" Talley asked. "Was he thinking about his wife, the girl he courted for so long? Thinking about his daughters, the 3-year-old twins who will never see him again?"

He talked of life without Tom, the missed morning coffee with his wife, A.J., his daughters' first dates, riding motorcycles with his friends and playing with his nieces and nephews.

There was no way for jurors to breathe life back into the body of Tom Egan, Talley told jurors as he showed them photographs of a smiling Egan holding his baby girls. He showed pictures of him as a young Marine and as a little boy opening presents on Christmas.

There is no way jurors are going to be able to march Egan back to his wife and daughters so they can finish living their lives together, Talley said. But they can hand down a death sentence to his killer.

The cards were stacked against Richardson, associate public defender Hector Chaparro told jurors, even in the womb as his mother poisoned him daily with heroin and alcohol.

He urged compassion and mercy for Richardson, who was beaten by his mother who repeatedly abandoned and rejected him. His drug-addicted grandmother taught him to steal and keep the family's life of crime a secret.

Richardson's own mother told jurors she was a heroin-addicted mother who left her young son with family members and other drug addicts while she dealt drugs, smuggled illegal immigrants into the country and partied with members of the Hell's Angels.

"He had no choice creating his own hell," Chaparro said.

Richardson, Talley argued, started earning a death sentence 20 years ago when he repeatedly raped and beat an ex-girlfriend who broke up with him. A year later, he kidnapped, beat and raped another ex-girlfriend before dropping her off in the middle of a road. Years later, he beat his wife so hard he knocked her out. Then he shot and killed Egan.

"A bad childhood – it might put you behind the 8- ball getting ahead in life," Talley said. "It doesn't take your free will away ... coming into a Home Depot with a loaded gun and making the cold decision to murder them."

"He didn't just steal their dad," Talley said. "He stole the memory of their dad. They were 3 years old."

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