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DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA
TODD SPITZER

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PRESS RELEASE

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**Three Los Angeles County Men, Including Third Striker,
Charged with Special Circumstances Murder
of 69-Year-old New Zealand Woman During Fashion Island
Robbery**

***Three Men Eligible for Death Penalty for Dragging Tourist to Death
Under Getaway Car;***

***Good Samaritan was Shot at While Trying to Apprehend One of the
Suspects.***

SANTA ANA, Calif. – A third striker and two other Los Angeles County men have been charged with special circumstances murder for throwing a 68-year-old New Zealand woman into the street after robbing her at Newport Beach's Fashion Island and then running her over with their getaway car, dragging the woman nearly 65 feet under their vehicle before leading police on a high-speed pursuit. The woman's husband tried to stop the driver from running over his wife after he was thrown to the ground and had a gun pointed at him as two of the men tried to steal his watch.

Leroy Ernest Joseph McCrary, 26, of Los Angeles, Malachi Eddward Darnell, 18, of Los Angeles, and Jaden Cunningham, 18, of Lancaster, are eligible for the death penalty if they are convicted of the special circumstances murder of 68-year-old Patricia McKay in the commission of a robbery with a felony enhancement of causing the death of an elder over the age of 65.

In addition to the special circumstances murder charge, McCrary has been charged with one felony count of attempted second-degree robbery, and one felony count of evading while driving recklessly.

McCrary has prior felony convictions for residential burglary in 2018, criminal threats in 2020, and robbery in 2023, all in Los Angeles County.

Darnell has also been charged with one felony count of second-degree attempted robbery, one felony count of attempted murder, and one felony enhancement of personal use of a firearm and one felony enhancement of personal discharge of a firearm. Cunningham has also been charged with one felony count of attempted second-degree robbery.

“Our entire community extends its deepest sympathies to the loved ones of Patricia McKay and to the entire country of New Zealand as we mourn her senseless death in the commission of a crime that should have never happened. Lawlessness and violence will not be tolerated in our society,” said Orange County District Attorney Todd Spitzer. “Our shopping centers and malls have become hunting grounds for criminals who are stalking innocent shoppers to rob them blind because our Governor and our Legislature refuse to hold anyone accountable for their actions. Actions have consequences and it shouldn’t have to result in the death of an elderly woman just enjoying a day of shopping with her husband for our elected leaders in Sacramento to realize that this is the product of their soft-on-crime policies which encourage criminality while sacrificing public safety. This is Orange County and we refuse to accept this is the new normal. Criminals will be held accountable and violence will never be acceptable.”

On July 2, 2024, New Zealand tourist Patricia McKay and her husband were waiting for a ride after they had finished shopping at Newport Beach’s Fashion Island when a white Toyota Camry pulled up next to the couple and two men in masks jumped out and attacked McKay’s 69-year-old husband, putting a gun to his head and demanding his watch as they forced him to the ground as bystanders ran away. When the suspects, later identified as Darnell and Cunningham, were unable to get his property, Cunningham is accused of attacking McKay, who was holding several shopping bags.

Cunningham is accused of throwing McKay to the ground and dragging her into the street in front of the getaway car being driven by McCrary as he stole her shopping bags.

With McKay lying in front of the Camry, McKay’s husband jumped in front of the vehicle trying to stop his wife from being run over, but McCrary is accused of accelerating forward with Darnell in the vehicle, pushing McKay’s husband out of the way and running over McKay and dragging her body 65 feet.

While McCrary was dragging the woman under the car, Cunningham, who was running to try to catch up to the getaway car, was pursued by a Good Samaritan who attempted to stop him from getting back in the vehicle. Darnell is accused of shooting out at the getaway vehicle at the Good Samaritan.

McCrary is accused of slowing down to allow Cunningham to jump back in the getaway vehicle and then drove away.

Cunningham was arrested after bailing out of the vehicle in Cypress and McCrary and Darnell were arrested in South Gate after a police pursuit. All three defendants are currently being held without bail.

Senior Deputy District Attorney Mark Birney of the Homicide Unit is prosecuting this case.

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