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[2005 Cop Pedophile](#) Tom Pustay

TIM ISBELL/SUN HERALD

Thomas Pustay enters the courtroom of Judge Steve Simpson for his sentencing Monday afternoon. Pustay was given 40 years total for his five guilty verdicts. Three verdicts were for sexual battery and the other two were for lude touching.

Tom Pustay asked for probation, but the former criminal investigator was ordered to 40 years in prison for the sexual abuse of a child.

Circuit Judge Steve Simpson at sentencing on Monday told Pustay, 52, that he had "violated the most sacred trust." And in view of Pustay's profession, his accuser's claims are "particularly troubling to this court," the judge said.

Pustay, a 23-year police veteran, was chief criminal investigator for the Pass Christian Police Department until his arrest May 11, 2005, on six counts of sex-crime charges. Earlier this month, two years to the day of his arrest, a Harrison County jury found him guilty on five of the six counts.

The victim, a family acquaintance now 19, claimed the sexual assaults began when she was nine or 10 and ended when she was 16. Jurors believed her testimony and found Pustay guilty on two counts of touching of a child for lustful purposes and on three of the four counts of sexual battery.

The maximum penalty for unlawful touching is 15 years. Simpson gave him the maximum on both counts, to be served concurrently. The maximum penalty for sexual battery is 30 years. Simpson gave him 25 years for each of the three counts, to be served concurrently. Both sets of penalties were ordered served consecutively for the 40-year total.

Pustay has Type II diabetes and high blood pressure. He will be 92 when he is eligible for release. Sex-crime convictions must be served day-for-day.

Pustay was brought into court in a red uniform the Harrison County jail reserves for violent offenders. His wife and a daughter sat on one side of the courtroom. His accuser sat on the opposite side, flanked by friends.

As a detective, Pustay testified in court against numerous defendants accused of felony charges including sex crimes. Pustay testified at his own trial. He denied the accusations.

Pustay admitted no wrongdoing when given a chance to speak Monday, but he said he regretted the sorrow the charges have brought to his family and the victim.

Defense attorney Don Rafferty asked the judge for leniency, citing Pustay's years of community service. Rafferty suggested a 20-year sentence, with 18 years suspended. He also asked if Pustay could remain in Harrison County to participate in mental health counseling with his family.

"Don't let him die in prison," Rafferty said to the judge.

A long silence followed when Simpson asked Pustay what sentence he would recommend if he were testifying in a similar case.

"Probation," Pustay answered, noting "the lack of physical evidence."

Pustay's wife testified at trial that she lied to sheriff's investigators when she told them her husband had confessed to having sex with the child when the girl was 12 or 13.

Pustay faced forward as he was led from the courtroom after sentencing.

"It is a significant sentence, as it should have been under this set of facts," said District Attorney Cono Caranna.

The victim, who testified she didn't want Pustay imprisoned, "is coping with guilt," said prosecutor John Gargiulo, "but she is young enough that she can go forward and have a life."

Tom Pustay enters the courtroom of Circuit Judge Steve Simpson for his sentencing Monday afternoon. Pustay, a veteran police investigator, was given 40 years for conviction on two counts of touching of a child for lustful purposes and three counts of sexual battery.