

Convicted child molester gets life sentence

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Just minutes after a molestation victim tearfully pleaded with the court to put James Scharfschwerdt away forever, his wish was granted.

At Tuesday's hearing at the St. Johns County courthouse, Judge Terry LaRue issued life sentences for the three counts of lewd or lascivious sexual battery — to be served concurrently.

Scharfschwerdt, 55, of St. Augustine, was convicted after a two-day trial on Dec. 11, 2012.

After hearing from both sides, LaRue said that he found the evidence against Scharfschwerdt to be "overwhelming." He then referred to Scharfschwerdt's testimony at the trial in which he denied all allegations of inappropriate behavior with his accuser.

"I saw a man completely in denial of, as you call it, sickness," LaRue said. "This is not a man who had been changed, not a man in position to own up to these crimes."

Scharfschwerdt was accused of luring several boys to his house with the promise of alcohol and fishing trips and then molesting them. He was convicted of having a sexual relationship with just one boy, but three other men (who were 16 or younger at the time of the incidents) testified at the trial that Scharfschwerdt molested them as well.

When he took the stand at trial, Scharfschwerdt admitted to serving alcohol to boys and swimming naked with them in the pool at his home.

The victim from the trial, who is now 19, and his mother were the only two people to speak on behalf of the state. They were clear in their disgust for Scharfschwerdt.

"I've been wronged and violated," the victim said. "I'm scarred in a way I will never be repaired from." *The St. Augustine Record* does not name victims of sex crimes.

The man testified during the trial that Scharfschwerdt had talked him into sneaking out of his house to join in a poker party. Instead, he said Scharfschwerdt picked him up in the middle of the night and took him to his house to abuse him.

In court Tuesday, the man pointed at Scharfschwerdt, saying, "I see evil."

He told the court that he tries to keep the hurtful feelings inside but sometimes breaks down without warning as the memories of what happened to him come back.

"I'm continually haunted by thoughts of rape," the victim said. "It hurts every single day I have to think about this.

"I fear that if he's not put away he will repeat and offend again."

The man's mother talked about how Scharfschwerdt had damaged her whole family. She said

her son has had to undergo counseling and fight off thoughts of suicide.

"In an instant, this man changed his (the victim's) life forever," she said. "I'm pleading with the court not to give Mr. Scharfschwerdt one ounce of leniency.

"Our children are not safe as long as he's a free man."

When it was the defense's turn, Scharfschwerdt's sister Barbara Bodnar read a letter that she'd sent to the court and another prepared statement about how the family supported him.

Scharfschwerdt, who was a law enforcement officer in the Vero Beach area before moving to St. Augustine, was described as a good family man and devout Catholic by his sister.

While able to appear aloof when the victim and his mother told the court how he had destroyed their lives, Scharfschwerdt struggled to fight back tears at the mention of his own family.

Scharfschwerdt also had attorney Jill Barger read a statement on his behalf.

Although he never admitted to any of the crimes he was convicted of in the statement, Scharfschwerdt asked for something less than a life sentence, saying he sought "treatment and rehabilitation."

He mostly talked about his family.

"I'm not the terrible person I've been made out to be," he said in the statement. "I am a good person and a great dad. I think my children are living proof of that."

None of that was enough to sway LaRue, who was also the trial judge. He found Scharfschwerdt's crimes had been "committed out of a cool, calculated plan," and the punishment must fit the offenses.

"There is no question he has done good things," LaRue said of Scharfschwerdt. "(But) as an observer, the evidence against him was overwhelming."

Assistant state attorney Jennifer Dunton showed that Scharfschwerdt's offense scoresheet allowed the state to seek a life sentence despite the fact that the charges were second-degree felonies.

She argued that such a sentence was the only sensible choice considering his actions.

"His risk to re-offend is very high," she said.

Prior to the sentencing hearing, LaRue addressed the defense's motion for a new trial. Much of that motion was based on how the court "erred" in allowing the use of Williams Rule testimony. The Williams Rule, which is named for the 1959 case of Williams v. Florida, allows the prosecution to present "other crimes, wrongs or acts" to aid its own case.

LaRue, who presided over the Williams Rule hearing, denied the motion.

"During the trial, I tried to be very vigilant," LaRue said. "I think the (Williams Rule) testimony was limited. I don't think it became a feature of the trial. I do not believe any of the testimony went outside the limits set by the Supreme Court."