

Former Vero Beach cop guilty of child molestation

Jury finds James Scharfschwerdt guilty on all three counts

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With accusations going back to the 1980s, **James Scharfschwerdt** has finally been found guilty of molesting young boys.

The former St. Augustine boat financier and Vero Beach law enforcement officer was convicted on three counts of lewd and lascivious sexual battery Tuesday in a St. Johns County courtroom.

A jury of four women and two men deliberated for about an hour and 15 minutes before handing in the verdict. Scharfschwerdt, next to defense attorney Jill Barger, sat upright with his chin upturned while the verdict was read. Neither he nor his family behind him showed any reaction to the verdict.

A sentencing hearing has been tentatively scheduled for Feb. 5. He faces up to 45 years in prison for the three second-degree felony convictions.

"I'm proud of the victims in this case for having the courage to come forward and tell law enforcement about the horrific events perpetrated on them by James Scharfschwerdt," said assistant state attorney Jennifer Dunton, who prosecuted the case.

"We may never know how many victims were left behind by him, but we are confident there will be no more."

It would be difficult for Scharfschwerdt not to have realized the odds of acquittal were against him considering the number of men who testified they were molested by him.

Because of a court ruling last month, the state was allowed to present testimony from the accuser in this case as well as three other men, who ranged in age from 18 to 37, about similar sexual encounters with Scharfschwerdt when they were minors. The charges in this case involved only one man, who is now 19, and not the others.

Scharfschwerdt's defense that all of the accusers were lying didn't seem to carry much weight with the jury.

Alcohol and sex

While they all claimed not to know each other, the four men all testified Monday about how Scharfschwerdt gave them alcohol, told them lurid stories about sexual acts or feelings and got them alone and molested them.

Although all the men testified that Scharfschwerdt molested them when they were between the ages of 12 and 16, the case that concluded Tuesday involved one local 19-year-old who accused the defendant of sexually abusing him in

2007.

While the state's case was presented in its entirety Monday, Tuesday saw the defense present its case, which included the testimony of the defendant.

His time on the witness stand appeared to do little to bolster his case.

Scharfschwerdt maintained throughout his testimony that he did not have sexual contact with the main accuser, who was 14 at the time of the encounters with Scharfschwerdt.

"I did not touch that boy or molest him in any way," Scharfschwerdt told the jury.

However, Scharfschwerdt did admit to a great deal of questionable behavior. He said that he did indeed swim naked in his own pool at his St. Augustine home. He admitted that the main accuser and one of the other men who testified Monday also swam naked in the pool with him on different occasions.

'A bad choice'

There was also an admission by Scharfschwerdt that he provided alcohol to the main accuser while they were skinny dipping. But he said it was the boy who asked for the drink rather than him first offering it.

"I made a bad choice, but I did not molest (the boy) at all," Scharfschwerdt said. "Not on that night or any other night."

Scharfschwerdt completely denied ever asking the accuser to sneak out of his home late at night in order to participate in a poker party with other men. The accuser testified Monday that Scharfschwerdt called him late at night and later picked him up in a parking lot near his house. He said he was taken to Scharfschwerdt's home, which was empty, given alcohol and molested.

Scharfschwerdt testified Tuesday that the entire story was a fabrication.

"That never happened," he said.

Barger also asked questions about Scharfschwerdt's family, about his arrest on Dec. 22, 2010, and about a letter he wrote to his wife about a month after his arrest. The letter was intercepted by corrections officers and presented as evidence.

The letter contains some references to his "struggles" and mentions forgiveness. Scharfschwerdt tried to explain all of that by claiming it was about concern for his family — all while his eyes were filled with tears.

"I was not admitting anything," he said.

Shattered family

However, upon cross examination by Dunton, a picture of the happy Scharfschwerdt family was shattered. He admitted that his wife had divorced him and that his children had basically renounced him. His son, Matthew, testified Monday but referred to his father as "Jim," didn't acknowledge him except when forced to and wasn't in the court room Tuesday. His son has changed his last name to his mother's maiden name.

Dunton also asked him about pornography, which his alleged victims said he showed them. Scharfschwerdt testified that he did not possess pornography in 2007 and didn't show anything of that nature to the main accuser.

However, Dunton forced Scharfschwerdt to admit that he did have two disks of pornography — one heterosexual and one homosexual — in his laptop case at the time of his arrest.

Before Scharfschwerdt took the stand, the main accuser's mother was called by the defense.

She offered no alibis for Scharfschwerdt and mostly confirmed everything her son had said Monday — with some alterations of the details.

During her testimony, she admitted her suspicions of Scharfschwerdt's attention to her son.

"I clearly thought this man was a predator," she said. "I was definitely not comfortable with this man."

In closing, Barger cited inconsistencies of the main accuser's testimony, which took place more than five years after his contact with Scharfschwerdt. She said he was mostly fabricating the allegations against Scharfschwerdt.

"(The accuser) is pretty good at telling stories," Barger said. "It didn't happen, ladies and gentlemen. Use your common sense."

Dunton said there a "mountain of evidence" against Scharfschwerdt in all the testimony offered. She told the jury to decide which party to believe.

"This is a case of credibility," she said. "What motive does (the accuser) have to come here and make up this story?"

Faced charges before

This was the second time Scharfschwerdt has faced such charges. In August 1989, a jury found him not guilty of four counts of felony lewd or lascivious acts against a child under 16. He had been a law enforcement officer in the Vero Beach area at the time.

Lt. Kevin Martin was a detective with the Vero Beach Police Department when an Indian River County jury found Scharfschwerdt not guilty of child sexual abuse. Martin attributed that verdict "to the jury not believing that a law enforcement officer (which Scharfschwerdt was at the time of the alleged offenses) could do that. They didn't believe the children."

In the years since, Martin said, the public has become more educated.

"I am happy that justice is served" in St. Augustine, Martin said. However, he said the things Scharfschwerdt did "devastated all involved, the children and their families," even Scharfschwerdt's family.

Treasure Coast Newspapers reporter Elliott Jones contributed to this report.

Rating: 5 (1 vote)

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