

## Molester also suspect in Florida



PHOTOS BY BRIAN BOHANNON, SPECIAL TO THE COURIER-JOURNAL  
Defense attorney Bart Adams, left, spoke with James D. Gustin yesterday. A jury recommended that Gustin, of Springdale, Ohio, be sentenced to 40 years in prison for kidnapping and sexually abusing a 6-year-old girl.

# Jury urges 40-year sentence in kidnap, sex assault of girl

By KIM WESSEL  
The Courier-Journal

A Jefferson Circuit Court jury yesterday recommended that James D. Gustin be sentenced to 40 years in prison for kidnapping a 6-year-old girl and sexually assaulting and sodomizing her last August.

The jury could have recommended that he serve 85 years.

Outside the courtroom, his lawyer, Bart Adams, said: "It could've been a lot worse. I think the jury realized that Mr. Gustin knew what he did was wrong and wants to get help."

But his problems might not be limited to Jefferson County:

Gustin, 37, is a suspect in a case in Florida involving a 9-year-old girl who was kidnapped and sexually assaulted, said Louisville police Sgt. Lynn Hunt.

Hunt, who was the lead detective in the case in Louisville, said a Florida court ordered Gustin to provide a blood sample for DNA testing.

According to an affidavit filed in that case, the St. Johns County Sheriff's Office in St. Augustine is in-

vestigating a case that is similar to the Louisville case. On Sept. 24, 1996, a girl was kidnapped in St. Augustine by a man who may have been driving a car with Ohio plates. The girl was sexually assaulted and let go. Gustin is from Springdale, Ohio.

The case detective in the St. Johns County Sheriff's office could not be reached for comment yesterday. Adams could not be reached for comment on the Florida case.

Gustin is scheduled to be sentenced in Jefferson County on April 9 by Circuit Judge Stephen Mershon.

Ingrid Geiser, one of the assistant commonwealth's attorneys who prosecuted Gustin, said she was "somewhat disappointed" by the jury's decision to recommend only the minimum penalty on the sodomy count. However, she called it a "just verdict."

Gustin admitted to kidnapping the girl, who is now 7, after driving by her house and seeing her playing in the front yard. He took her to various places in Louisville, where he stopped and sexually assaulted her, then let her go. He has denied



Ingrid Geiser, one of the prosecutors, focused on the sodomy charge in her closing argument.

committing sodomy.

Testifying for Gustin in the sentencing stage of his trial, Michael E. Darrow, a licensed clinical social worker who specializes in treating men who sexually abuse children, said Gustin told him he was molested by a baby sitter when he was 7 and 8 years old.

Darrow said he was not trying to justify what Gustin did, but simply trying to help explain where "this came from."

Darrow said Gustin has a problem with sexual addic-

tion and has "little or no awareness of the impact of his conduct on other people."

Adams told the jury that Gustin needs to be held accountable for his actions but asked jurors to show mercy in sentencing him.

"You saw what a pitiful human being he is," Adams said, referring to the several times that Gustin broke down crying when he took the stand and testified in his own defense. Gustin told the jury he was "very ashamed" of what he'd done.

In her closing argument, Geiser focused on the sodomy count, which carries the toughest rules on parole eligibility.

Gustin faced 20 to 50 years in prison for sodomy, and the jury recommended the minimum 20, which means he would be eligible for parole after serving 17 years, or 85 percent of that sentence. The jury also recommended he serve the maximum 20 years for kidnapping, and five years on each count of sexual abuse. The jury recommended that only the 20-year terms for sodomy and kidnapping run consecutively, for a total of 40 years.

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