

Sodomy sole issue in trial on molesting

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It was "a parent's worst nightmare," Assistant Commonwealth's Attorney Anne Haynie told a Jefferson Circuit Court jury yesterday:

On a warm evening in August, a 6-year-old girl was playing with one of her dolls in her front yard when a man came up and snatched her from the yard and put her into his car.

Yesterday, James D. Gustin went on trial on charges of kidnapping, sodomy and sexual abuse.

In an opening statement, his lawyer acknowledged what Gustin already had told police — that on Aug. 6, after seeing the girl playing outside her house on South Preston Street, he grabbed her, put her into his car and drove her to various places around Louisville, then stopped and sexually assaulted her.

As Haynie described for the jury what Gustin had admitted to Louisville police after his arrest, Gustin held his head in his hand and cried.

Gustin denies ever committing sodomy, which appears to be the only issue in dispute before the jury. He faces up to 70 years in prison if convicted on all the charges.

Gustin's lawyer, Bart Adams, told jurors that when they hear what Gustin did, it will "probably disturb you greatly." And Adams said there's "no question" that Gustin is going to the penitentiary. But Adams asked the jury to make sure the crimes with which Gustin is charged are proved beyond a reasonable doubt.

In an interview out of court, Adams said prosecutors offered a plea bargain that would have required Gustin to admit to sodomy and the other charges. Adams said Gustin was "not prepared to admit to something he did not do," even if it meant risking a much harsher sentence.

Prosecutors declined to comment on any plea negotiations.

Much of the prosecution's case is based on the testimony of the 6-year-old girl, who is expected to take the witness stand today.

Police credit the girl with helping them make an arrest in the case. She gave what police described as an "amazing description" of the man who kidnapped her. She gave details of his shoes and his haircut and even the number of pockets on his shorts.

Gustin was stopped by police as he headed north on Interstate 71.

Gustin, who is from Springdale, Ohio, just north of Cincinnati, has had no previous arrests in Kentucky. But the Hamilton County Bureau of Records in Cincinnati indicated he was arrested there in 1987 on charges of juvenile enticement and public indecency. He was acquitted.

Gustin told police that he drove the girl around, stopping at the Value City on Preston Highway and a McDonald's and in an alley near 22nd Street and Portland Avenue. When another car drove up behind him, he said he panicked and pushed the girl out of the car.

The girl's mother, who testified yesterday, said she was at work that day and her boyfriend was home. The girl's mother said that they have since moved from that house. She said her daughter didn't want to stay there anymore.