

How did Godwin's plea deal evolve?

Jurors comments after mistrial may have spurred unexpected turn in 2006 sandbar killing case

BY MEGAN V. WINSLOW
megan.winslow@scripps.com

STUART — A mistrial kept jurors from deciding Brian Justin Godwin's guilt or innocence, but their opinions may have been among the factors that helped set him free.

Last Monday, the day Godwin's second trial was scheduled to start, a judge accepted his no-contest plea to manslaughter and followed an agreement allowing the 21-year-old to leave jail with a probationary sentence of six years in the death of Brett James McCarthy, 19, during a brawl at a Stuart sandbar in 2006.

After almost two years of contentious court hearings and an emotionally draining trial, it was not the outcome most people expected but one which those involved accepted.

"Some way he's going to get out," James McCarthy said after Monday's hearing. "What's the difference if it's today or it's 10 years from now? It's not going to bring my son back."

The McCartys' desire to move on with their lives was just one of the reasons the State Attorney's Office agreed to settle the case, said Nita Denton, assistant state attorney and supervisor of Theodore Roodhof, who

See **GODWIN**, page A4

INSIDE: A look at how Godwin's defense team describes the plea negotiations. **A4**



GEOFF OLDFATHER
MARTIN COUNTY

D.A.R.E. unit, veterans fund need your help to succeed

Luke Murphy wants to help Martin County veterans returning from Iraq and Afghanistan.

Larry Stripling wants to support D.A.R.E. — Drug Abuse Resistance and Education — officers in training.

So Murphy and Stripling are joining forces and asking you to help this Saturday.

I'm sure you'll remember Murphy.

He's the Palm City native who lost his right leg and suffered severe wounds to his left leg in a roadside bomb attack while on patrol in Baghdad two years ago.

Stripling is head of the Martin County D.A.R.E. unit for the Martin County Sheriff's Office and president of the Florida D.A.R.E. Officers Association.

I'll tell you about their idea and fundraiser, but first I want to give you a quick update on Murphy.

He's doing great. When I met him this week, he was excited about having attended his first classes at Indian River Community College's Fort Pierce campus, where he's going to major in political science.

He's walking well, and although he says his left leg has almost no feeling, he's learning to deal with it with a lot

See **OLDFATHER**, page A5

MOTHER'S DAY A CELEBRATION

'All I've ever wanted is to be a mom'



"All I've ever wanted to do is be a mom. I believe it's my job to raise happy, fulfilled people that will grow up and change the world," said Michelle Weiler of Palm City, with her children Thomas, 6, from right, Bliss, 2, and Madeline, 4. **MORE PHOTOS, E1**

Photo and story by staff photographer Deborah Silver

MOMS TEAM UP FOR CHARITY

BY HILLARY COPSEY
hillary.copsey@scripps.com

PORT ST. LUCIE — Put a couple kids on a playground, and chances are good their moms will start talking.

And once those women start talking, another mom will join.

And then another.

And another.

Using the mommy network, a local group is making playtime more productive.

Moms of the Treasure Coast, a play group started last September by Port St. Lucie mother Jill Provino-Hurewitz, is launching a donation drive for another group of moms — women being helped by Mothers and Infants Striving for Success, a Martin County-based homeless shelter.

"We wanted to start showing our kids how to be thankful and grateful and give back to the community," said Provino-Hurewitz, mother of 22-month-old Dylan.

What began as a vague goal to do some charity work took shape after one mom introduced the group to Krista Cromwell, outreach coordinator for Mothers and Infants Striving for Success.

MISS Inc.'s mission — helping homeless mothers and children — pulled at the hearts of Provino-Hurewitz and the other moms, including Adell Daly. Daly, like many of the moms, moved to the Treasure Coast with her

INSIDE: How you can help Mothers and Infants Striving for Success. **A5**

husband, Rick, and son, Deegan, just a few years ago and doesn't have a support network in the area.

The housing bust and rising foreclosures mean more women and children are left without a home, Cromwell said.

"It could be any of us, especially now, with so much going on," Cromwell said. "We have women calling every day looking for someplace to stay."

Last year, the organization provided housing for 52 people and had a 137-person waiting list for Butterfly Gardens.

The new shelter will allow MISS Inc. to provide temporary housing for 105 people and provide five permanent apartments for homeless people with disabilities.

Government cash has paid for part of Butterfly Gardens, but MISS Inc. will rely heavily on donations to stock and staff the shelter. That's where community groups like Moms of the Treasure Coast come in, collecting toiletries and other supplies.

"Everyone right now is financially in a tight spot," said Jodi Weinstein, mother of 19-month-old Lindsey. "(But) it's little things that don't cost much. And it'll make a big difference."

STORY, A4

TOP BABY NAMES TAKE BIBLICAL TURN



McCain, Obama plan for face-off

Candidates ready to fight for independent voters in the general election, even though Obama hasn't won the Democratic nomination

New York Times

Sens. John McCain, R-Ariz., and Barack Obama, D-Ill., already are drawing up strategies for taking each other on in the general election, focusing on the same groups — including independent voters and Hispanics — and about a dozen states where they think the contest is likely to be decided this fall, campaign aides said.

ELECTION



Even before Obama has wrapped up the Democratic presidential nomination, he and McCain, the presumptive Republican nominee, are starting to assemble teams in the key battlegrounds, develop negative advertising and engage each other in earnest on the issues and a combustible mix of other topics, including age and patriotism.



McCain

McCain, of Arizona, will spend the next week delivering a series of speeches on global warming, evidence of his intention to battle Obama for independent voters, a group that both men have laid claim to.



Obama

Clearly concerned that questions about such things as his association with his former pastor had damaged his standing with independents, Obama is likely to

See **FACE-OFF**, page A5



Clinton

OBAMA TAKES LEAD IN SUPERDELEGATES

Barack Obama erased Hillary Rodham Clinton's lead among superdelegates Saturday when he added endorsements from Utah, Ohio and Arizona, as well as two from the Virgin Islands who had backed Clinton. Obama now has endorsements from 276 superdelegates. Clinton has 271.5.

The Associated Press

Clinton Has vowed to campaign through the remaining Democratic primaries despite superdelegate losses

ONLINE EXCLUSIVE

BRUSH UP ON YOUR BALLOT

Read final proposed state Constitutional amendments that will be on the Nov. 4 ballot, as well as pros and cons for each.

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Myanmar holds constitutional referendum in midst of crisis

The Associated Press

YANGON, Myanmar — Myanmar's military rulers held a referendum Saturday aimed at solidifying their hold on power while brazenly turning cyclone relief efforts into a propaganda campaign. In some cases, generals' names were scribbled onto boxes of foreign aid before being distributed.

Human rights organizations and dissident groups have bitterly accused the junta of neglecting disaster victims in going ahead with the vote, which seeks public approval of a new constitution.

The referendum came just one week

after Cyclone Nargis left more than 60,000 people dead or missing. The U.N. estimates that at least 1.5 million people have been severely affected.

Though international aid has started to trickle in — with two more planes organized by the U.N. World Food Program landing at Yangon's airport Saturday — almost all foreign relief workers have been barred entry into the isolated nation. The junta says it wants to hand out all donated supplies on its own.

But with roads blocked and bridges submerged, reaching isolated areas in the hard hit delta has been made all but im-

possible. The military has only a few dozen helicopters, most small and old. It also has about 15 transport planes, few of which are able to carry massive amounts of supplies.

Long lines formed in front of government centers, where minuscule rations of rice and oil were being distributed. Elsewhere, people clustered on roadsides hoping for handouts. The words "Help us!" were written in chalk on the side of one home.

Despite international appeals to postpone the constitutional referendum, voting began Saturday in all but the hardest hit parts of the country.

CRAWFORD, Texas

Jenna Bush's wedding a low-key affair at ranch

Jenna Bush couldn't see herself getting married at the White House surrounded by antique furniture and oil portraits of presidents. She and Henry Hager opted to say "I do" Saturday at President Bush's ranch in Crawford where the corn is thigh-high, roads are named Cattle Drive and the Texas flag is painted on the rooftops of barns.

Away from the glare of television cameras that have beamed other first family weddings into American living rooms, Jenna's outdoor wedding at the ranch reflects her family's penchant for privacy and her preference for the casual over grandiose.

Jenna, 26, is the 22nd child of a president to get married while their father was in the Oval Office.

WASHINGTON

Emily, Jacob most popular baby names

Emily again topped the list of most popular baby girl names last year, registering as No. 1 for the 12th straight time. Jacob led among names for boys for the ninth year in a row.

New parents didn't stray far from past habits in 2007 when naming their babies. Only one name — Elizabeth — is new to the top-10 list, returning after a two-year absence.

Biblical names continued to dominate

the boys' list. Besides Jacob, other top picks for boys were Michael, Joshua and Matthew.

For girls, Isabella, Emma and Ava came after Emily, which has been the most popular female name since 1996.

Rounding out the top 10 for girls, in order, were Madison, Sophia, Olivia, Abigail, Hannah and Elizabeth.

The list for boys also includes Ethan, Daniel, Christopher, Anthony, William and Andrew.

BAGHDAD

Cease-fire with Iraqi militants reported

Shiite groups brokered a reported cease-fire Saturday with militants fighting U.S. and Iraqi forces in Baghdad's Sadr City as the country's army launched an offensive in Mosul against al-Qaida's main bastion in Iraq.

Sheik Salah al-Obeidi, an aide to radical Shiite cleric Muqtada al-Sadr, said the cease-fire will go into effect today. The cease-fire may not necessarily end the seven-week old clashes in Sadr City, the stronghold of al-Sadr's Mahdi Army, as the U.S. military has blamed clashes on breakaway groups.

BATH, Maine

New destroyer named for Adm. Stockdale

The Navy's newest guided missile destroyer was christened Saturday with the name of a fighter pilot who spent 7½ years in captivity in North Vietnam, received the Medal of Honor and served as presidential candidate Ross Perot's run-

ning mate.

Four Medal of Honor recipients and seven former prisoners of war attended the ceremony at Bath Iron Works that marked a milestone in construction of the 9,200-ton ship named for Vice Adm. James Stockdale.

Stockdale, who died nearly three years ago at age 81, flew 201 carrier-based missions before being shot down in 1965, becoming the highest-ranking naval officer captured during the war.

His endurance under torture and years of solitary confinement during his captivity in Hanoi became the stuff of legend. After his release in 1973, he received 26 combat decorations, including the Medal of Honor.

PRETORIA, South Africa

Zimbabwe opposition leader to return for runoff

Zimbabwean opposition leader Morgan Tsvangirai said Saturday that he will return to his homeland despite threats to his life to take part in a runoff against President Robert Mugabe.

Tsvangirai, addressing reporters in the capital of neighboring South Africa, said his supporters would feel "betrayed" if he did not face Zimbabwe's ruler of 28 years.

No runoff date has been set. Tsvangirai said Saturday it should be held within 21 days of the May 2 announcement of presidential results.

From wire reports



J. Bush



Tsvangirai

EVOLUTION OF A PLEA

After the first trial, the State Attorney's Office approached Godwin's attorneys, asking, "What does your client want?" The following is the order of the negotiations, according to the defense.

Defense: Felony battery and 18 months probation

Prosecution: Manslaughter, adjudication of guilt, five years probation and 15 years in prison if Godwin violates his probation

Defense: Felony battery, 18 months probation and five years in prison if Godwin violates his probation

Prosecution offer and final sentence: Manslaughter, adjudication withheld, six years probation with possible early termination after 3 1/2 years, and seven years in prison if Godwin violates his probation

GODWIN

FROM PAGE A1

prosecuted the case.

Godwin served 20 months in jail waiting for trial, and prosecutors wanted to make sure he knew he will spend additional years incarcerated if he violates his probation, Denton said.

Relying on another batch of jurors to not set Godwin free also was a risky gamble, Denton said.

Upon hearing from jurors after the first trial in January, prosecutors realized they needed to "rethink things," Roodhof said.

At least two of the jurors said they didn't believe some of the state's civilian witnesses, and two others said it appeared Godwin was guilty of a lesser charge than second-degree murder, the charge the prosecution sought at trial, Roodhof said.

While still confident in his case and the credibility of his witnesses, Roodhof said he was "a little taken aback by their comments."

Kelly Haggerty, 19, likely was one of the witnesses jurors had issues with.

Throughout Haggerty's testimony, defense attorneys tried to discredit her by emphasizing how she lied during a sworn deposition by pretending not to know who struck McCarthy the day of the brawl, Aug. 27, 2006. On the witness stand, Haggerty said she watched Godwin punch McCarthy in the face, but was purposely vague at the deposition to avoid be-

coming involved in the case.

Godwin's defense attorneys, husband and wife team Marc Shiner and Heidi Perlet, later credited Michael Dougherty, the lead detective on the case, with causing the plea deal through his "shoddy investigation."

"A young man pled no contest to doing something he actually didn't do," Shiner said after Monday's hearing. "It's all thanks to Detective Dougherty, who decided to misuse evidence, destroy evidence and never solve this."

Perlet said Dougherty and the Martin County Sheriff's Office initially targeted a 20-year-old Port St. Lucie resident as a suspect until his parents intervened, and he "lawyered up."

"When the boy would no longer cooperate with them, they changed their focus," Perlet said.

Unlike that suspect, Godwin cooperated with detectives and they took advantage of him by refusing to consider other suspects when signs pointed elsewhere, Perlet said.

Perlet said Dougherty "dismissed" witness Dustin Sahlberg's version of the events because they didn't fit in neatly with statements from McCarthy's friends.

At a bond hearing, Sahlberg said he is "100 percent sure" Godwin was not the man who struck McCarthy. The 30-year-old Palm City man had promise as the defense's star witness at trial, but he didn't testify before a transcript error caused the mistrial.

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- 8:20am Port St. Lucie: East Port Plaza behind Taco Bell, US 1 near Walton Rd.
- 8:50am Stuart/Palm City: Wedgewood Commons Shopping Plaza/ West side of Clock Restaurant (Indian St. and US 1)

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