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Pregnant inmates given leniency?

Pregnancy could be considered when sentencing a convict, but so would many other factors

BY MEGAN V. WINSLOW
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STUART — Almost three centuries ago, two of the Caribbean's fiercest pirates escaped execution by "pleading their bellies."

While the rest of Calico Jack's captured crew were hanged, Anne Bonny and Mary Read used their pregnancies in court to get prison terms instead of death. In modern times, pregnancy can sometimes have a similar effect on a female defendant's sentencing disposition.

"The newborn will be suitably placed outside the prison system immediately after birth or as soon thereafter as possible."

Department of Corrections guidelines for pregnant inmates

cutted Brown for the violation but decided against pursuing perjury charges after her four-year prison sentence was announced Friday.

A real pregnancy might not have given Brown an upper edge at sentencing.

Although pregnancy would be taken into consideration, so would many other factors like a defendant's criminal history, her background, her health and recommendations from the prosecutor and defense attorneys, said Judge William L. Roby, chief judge for the 19th Judicial Circuit.

Judges have the discretion to evaluate and weigh all applicable factors when sentencing, but pregnancy is certainly not an overriding one, Roby said.

And if minimum mandatory incarceration terms apply, a judge must follow sentencing guidelines. "We don't treat anybody differently," Roby said.

In the criminal case of a real pregnant woman — Jensen Beach resident Amanda Quick — it seems her delivery date could have influenced the length of her jail stay, Butler said. On March 27, when she was about 5½ months pregnant, the 26-year-old pleaded no contest to cocaine possession charges in exchange for a three-month jail term and 18 months probation, said Brook Butler, her attorney.

At the time, the prosecutor had wanted a six-month jail term, putting Quick well past her expected delivery date, Butler said.

But actual deliveries during a jail or prison stay are not uncommon, and the Florida Department of Corrections provides special health care for expecting inmates, including obstetrical and prenatal care from licensed physicians. Lowell Correctional Institution in Ocala is the main prison for pregnant inmates, and recently incarcerated women are transferred there within two weeks of a pregnancy confirmation.

Inmates are transported to an actual health care facility for birth, but they leave the facility empty-handed.

"The newborn will be suitably placed outside the prison system immediately after birth or as soon thereafter as possible," according to written DOC guidelines.

And if a defendant receives the ultimate punishment for her crimes, she too can "plead her belly" to save her neck like the swashbuckling female pirates of yore: Florida Statutes specifically allow the governor to stay the execution of a pregnant inmate.

But considering the average stay on Florida's Death Row — 12.86 years — the likelihood of the law applying is slim.

"We've only had the execution of two women and neither were pregnant," said Jo Ellyn Rackleff, DOC spokeswoman.

Sasha Nakia Brown certainly thought it might. Recently, the 22-year-old Port St. Lucie resident lied about being pregnant to the judge handling her probation violation. According to Martin County Jail personnel, she used a pregnant inmate's urine to get a positive reading on a pregnancy test.

"All along, she was trying to get a break from the judge," said David Lustgarten, the assistant state attorney who prosecuted Brown for the violation but decided against pursuing perjury charges after her four-year prison sentence was announced Friday.

Committee begins review of land proposals

BY CHARLIE REED
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With 15 proposals now in tow, a committee of local volunteers is figuring out how to buy, preserve and connect tracts of Martin County's undeveloped land.

For every \$100 people spend here over the next five years, 50 cents will go toward the plan, aimed at linking the county's larger tracts of green space by buying smaller corridors, said Chuck Barrowclough, county envi-

ronmental lands administrator.

"The vision is to start at one point and circumnavigate the county through a system of connected conservation lands," he said.

May 1 was the first deadline for proposals to be considered for public acquisition.

The 12-member Land Acquisition Selection Committee will spend the next six months reviewing the 15 parcels, said chairman Greg

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"The vision is to start at one point and circumnavigate the county through a system of connected conservation lands."

Chuck Barrowclough, county environmental lands administrator

A floating museum



KATIE FOLEY • Correspondent

John Rooney of Port St. Lucie holds up his son, Silas, to inspect lines aboard a 93-foot-long replica of the Niña, Christopher Columbus' favorite ship in the fleet he used to discover the Americas. The ship, currently docked at the Harborage Yacht Club in Stuart, is about half the size of the Mayflower, and is the only touring maritime museum of its kind. Today is the final day for tours from 9 a.m. to 6 p.m., with the ship departing Monday for Brunswick, Ga.

Local officials considering permanent water mandates

Year-round restrictions already are in place in many other parts of Florida

BY JOE CRANKSHAW
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When it comes to making decisions about how you use water, most Treasure Coast governments say they are following the leader — their water management district.

Faced with one of the worst droughts in Florida's history, county and city governments, utility authorities and other agencies are playing a waiting game before deciding to make current restrictions permanent.

Year-round restrictions are under discussion, but must be addressed at a series of workshops and public hearings, as well as studies, and then a full board meeting, said Linette Trabulsy, the South Florida Water Management District's Treasure Coast spokeswoman.

"It's definitely under consideration, but we are not there yet," she said.

Year-round water restrictions are the norm in central, southwest and northeast Florida, but Martin and St. Lucie County residents didn't have restrictions until April 13.

Under current restrictions, residents in Martin and St. Lucie counties can only water three times a week. District officials have said

they will consider further restrictions if the water crisis becomes more severe.

In Indian River County, governments follow the St. Johns River Water Management District. Water restrictions limiting residential watering to two days a week have been declared permanent. Local governments can designate which days can be used for watering, district spokesman Ed Garland said.

St. Johns imposed twice-a-week restrictions a year ago. The Tampa Bay area went to once-a-week water limits in January.

"Anything more than two days a week is pretty much wasteful," said Michael Molligan, spokesman for the Southwest Florida Water Management District, which covers the Tampa Bay area.

Unlike the rest of the state, South Florida has a canal system, Lake Okeechobee and Everglades water to supplement underground supplies, and that has kept water restrictions as emergency measures, said Chip Merriam, South Florida Water Management District deputy executive director.

"We probably will (go year-round) after this drought," Merriam said. "You don't need to irrigate every day."

Martin and St. Lucie government officials are waiting to see if the

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RELATED: Current water restrictions. B2

Cinco de Mayo festival represents fun for crowd

BY MICHELLE SHELDONE
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INDIANTOWN — Party professional Luke McCourry knew what Cinco de Mayo represented.

"It's the fifth of May," said McCourry, 26, of Stuart.

Drekeeshia Wilkins, 12, of Stuart also was familiar with the day.

"It's a Spanish holiday," Wilkins said. "They celebrate, because they won a war."

McCourry then helped secure Wilkins in a bungee

trampoline at the Cinco de Mayo festival in Indiantown.

The first-time event, coordinated by the Indiantown Non-Profit Housing Authority, drew more than 1,000 people to Post Family Park, where they enjoyed water slides, a bounce house, kids' train, games and more.

Cinco de Mayo, a regional holiday in Mexico, marks the country's victory over France in the 1862 Battle of Puebla, al-

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MICHELLE SHELDONE • michelle.sheldon@scripps.com

Juan Gaspar, 7, cools off in a kiddie pool during the Cinco de Mayo festival Saturday at Post Family Park in Indiantown. The event was sponsored by the Indiantown Non-Profit Housing Authority.

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