

# LOCAL



# AIRPORT DUTY

BOMB-SNIFFING DOGS GET FULL-TIME JOBS. 2B

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# Dads fail to agree on plea deal

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A plea deal that would have spared a Boca Raton man from prison in the death of his 9-year-old stepdaughter fell apart in dramatic fashion Thursday when the girl's father said he wants Scott Wynkoop behind bars.

"Deal's off, guys," prosecutor Ellen Roberts told Wynkoop's attorneys after huddling with the girl's biological father during a break in the hearing.

Wynkoop, 42, had walked into court expecting to plead guilty to vehicular homicide and to be sentenced to 10 years probation for his role in the May 2005 death of Samantha Rosales, who was in his car when it collided with a freight train.

Witnesses told police that Wyn-

koop tried to "beat the train" by driving his Mazda RX-8 around the crossing gates near the intersection of Hidden Valley Boulevard and North Dixie Highway, Roberts said. The tentative agreement had been reached because there was concern that a jury would feel sorry for Wynkoop and acquit him, she said.

The girl's father, Gustavo Rosales

Gonzalez, initially approved of the plea agreement but later revealed his true wishes upon questioning by Circuit Judge Lucy Chernow Brown. Brown told Gonzalez that Wynkoop could go free if he goes to trial and a jury acquits him.

"I do understand, but . . . what I really want is that if he's guilty, he should go to prison," Gonzalez said.

Samantha's mother, Maria Wynkoop, then testified that Gonzalez hadn't seen their daughter since 2002 and alleged that he has not paid child support. She said she approved of the agreement, telling Brown that her husband raised Samantha and that the couple has grieved together.

"He taught her the ABCs," Maria Wynkoop said as her husband began to cry. "All I can say is he really loved her. There's nothing he wouldn't have done for Samantha."

When given the opportunity to question Maria Wynkoop, Roberts quizzed her on the custody arrangement, alleging that Maria Wynkoop moved from state to state without in-



Scott Wynkoop, top, had planned to accept a plea deal in the death of his stepdaughter. But Gustavo Gonzalez, bottom, the biological father of the girl killed in a 2005 car collision with a train, said he wants the suspect to serve time in prison.

PLEA DEAL CONTINUES ON 2B

# Case set for trial on March 5

## ■ PLEA DEAL

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forming Gonzalez and didn't even notify him that Samantha had died.

Brown then announced she was taking a short break to mull over the plea agreement and review the file.

It was during that 15-minute break that Roberts asked Gonzalez more closely about how he wanted her to proceed on the case. Sitting in the front row of the courtroom, Gonzalez told Roberts he wants to go to trial despite the prosecutor's concerns that a jury will set Wynkoop free. Roberts indicated she has a strong case and was more than willing to take the risk and go to trial.

Roberts then offered another deal: five years in prison followed by five years probation.



Samantha Rosales was killed when the car she was riding in was hit by a train.

Defense attorney **Kenneth Lipman**, who also spoke with Gonzalez in an attempt to persuade him to have mercy on Wynkoop, countered with one year. That offer was swiftly rejected.

After consulting with his wife, Wynkoop then told Brown he was turning down the five-year deal.

The case is set for trial March 5.

Thursday's hearing ended with parting words from Brown, who said the case is about whether Wynkoop was

reckless on the day of the crash. Whether he was a loving father and allegations of failure to pay child support are not factors, she added.

"None of that is really what this case is about," Brown said.

Outside the courtroom, **Lipman** said he is confident that Wynkoop will be acquitted and was surprised by the turn of events that led to the withdrawal of the plea agreement.

"We were not expecting that by any means," **Lipman** said.

Before being cut off by **Lipman**, Wynkoop told reporters he started Angels to the Rescue, an organization that works with abused children, in honor of Samantha.

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