

LOCAL

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Witnesses differ over details of accident

Girl, 9, killed when train
slammed into car in Boca

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Witnesses who watched in horror as a 138-car freight train barreled into Scott Wynkoop's sports car differed in their accounts of the sights and sounds surrounding the crash when they testified Tuesday in his vehicular homicide trial. But they generally agreed on one thing: There was no doubt a train was heading their way.

Wynkoop's 9-year-old stepdaughter, Samantha Rosales, was killed in the crash.

Some witnesses heard the train horn, some didn't. One heard the screeching of the tires on Wynkoop's car. Others heard the bells signaling an oncoming train; two witnesses felt the vibration from the rumbling of the train.

One after the other, witnesses pointed to an aerial photograph of the intersection of Dixie Highway and Hidden Valley Road in Boca Raton, recalling where they were on May 17, 2005.

Wynkoop tried to "beat the train" that day, Assistant State Attorney Adam McMichael told jurors during opening statements Tuesday. The crossing gates were down, the horn sounded, lights were flashing and bells were ringing, he said.

Witnesses differ on details

■ TRAIN

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In his reckless act, Wynkoop, 42, drove west on the eastbound lane of Hidden Valley Road to try to dart across the railroad tracks, putting himself and his stepdaughter in direct path of certain destruction, McMichael said.

"Instead of protecting his precious cargo in the back," he said.

But the state's case assumes Wynkoop was trying to beat the train, defense attorney Kenneth Lipman said during his opening statement. Both Wynkoop and the train were northbound on Dixie Highway, with Wynkoop's Mazda RX-8 in front of the train.

"Unless he had eyes in the back of his head, he could not see the train," Lipman said.

Wynkoop had the car radio turned on, windows up and was talking to Samantha, so he did not hear the train, either, Lipman said.

Prosecutors are ignoring two critical factors — that the gate did not fully extend across the roadway and that Wynkoop had a green light to turn onto Hidden Valley Road, Lipman said. In "safe intersections" with railroad crossings, proper gates extend all the way and the traffic light turns red for all directions, he said.

"It spun like a Frisbee in the air and landed on the other side of the tracks."

Marilyn Hughes
witness

It wasn't until Wynkoop was making the left turn that he suddenly saw the train, Lipman said.

"He's got less than a second to decide what to do," Lipman said.

Wynkoop gunned the engine in an attempt to get off the tracks but it was too late, Lipman said.

Marilyn Hughes, who testified she was stopped next to Wynkoop's car when he decided to turn left, said she anticipated he would get hit by the train and feared his car would then land on her SUV. But it didn't.

"It spun like a Frisbee in the air and landed on the other side of the tracks," Hughes testified.

Hughes described Wynkoop's turn as a "swift, rapid move," while at least one other witness said he appeared to be driving about 20 mph.

But the locomotive engineer who was operating the

train that day testified he saw Wynkoop driving parallel to him just before reaching the intersection and never saw Wynkoop stop.

Randall Walker, a 32-year employee of the Florida East Coast Railway, said Wynkoop curved in front of him and made a "hard left" heading west in the eastbound lanes. During cross-examination, Walker conceded he momentarily lost sight of Wynkoop before the crash and did not witness every moment before the crash.

Walker, who testified he blew the train's horn four times as is practice when approaching intersections, placed the train into an emergency stop almost simultaneous to the impact, he said.

Several witnesses testified Wynkoop was on his cell phone outside his car immediately after the crash while Samantha was in the back seat. She died at Delray Medical Center.

The trial is expected to wrap up this week. Wynkoop was set to plead guilty last month and be sentenced to probation last month but the girl's biological father objected to the deal.

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