

Mother asks for leniency in girl's death

BY NANCY L. OTHON
STAFF WRITER

Knowing that her husband was facing a 15-year sentence in the death of her only child, Maria Wynkoop pleaded with a judge Thursday for mercy.

Samantha Rosales was killed when her stepfather, Scott Wynkoop, tried to cross ahead of a 138-car freight train in May 2005 in Boca Raton, prosecutors said. The train hit Wynkoop's car on the tracks near the intersection of Hidden Valley Boulevard and Dixie Highway.

Samantha was 9. Wynkoop, 42, of Boca Raton, was convicted of manslaughter last month.

"The only thing I'm begging is that what I have left in my life is not taken from me," she said. "I love him and I need him."

■ MANSLAUGHTER CONTINUES ON 6B



Scott Wynkoop was convicted of manslaughter after his stepdaughter was killed when he tried to cross in front of a train in May 2005.

Driver's sentencing likely to continue next month

■ MANSLAUGHTER

CONTINUED FROM PAGE 1B

Scott Wynkoop did not learn his fate, and will remain free on bond at least until next month. With more than a dozen witnesses testifying Thursday afternoon at sentencing, the hearing likely will be continued next month. Prosecutors have not had an opportunity to cross-examine Scott Wynkoop and the defense still has several witnesses who will testify on Wynkoop's behalf.

Samantha and Scott Wynkoop had a strong father-daughter bond, Maria Wynkoop testified. The pair would do homework, play basketball, collect shells on the beach, read and watch television together, she said.

"Scott was her daddy," Maria Wynkoop said. "He did the things that a father would do with his child."

The couple were so grief-stricken that they contemplated suicide, she said. They found some comfort in founding Angels to the Rescue, an organization in Samantha's memory that helps children in need.

In February, Scott Wynkoop was in court prepared to plead guilty in the case and receive a 10-year probation sentence until an 11th-hour protest from Samantha's biological father, Gustavo Rosales.

Rosales traveled from Mexico for Thursday's hearing and described how he lost contact with his daughter after Maria Wynkoop moved from Mexico without telling him where she was going. Rosales didn't learn about Samantha's death until four months after the crash, he testified. He found out through the Internet and he still doesn't know where she is buried.

"The death of my daughter has no price," Rosales said. "I demand the maximum sentence that is allowed."

Rosales, who hadn't seen his daughter since 2003, told Circuit Judge Lucy Chernow Brown that he had tried to find Samantha.

Defense attorney Kenneth Lipman questioned Rosales about why he hadn't paid child support since 2003. Lipman produced a document signed by Rosales in Mexico that showed he had authorized his ex-wife to take Samantha out of the country.

Rosales' niece and sister also testified about the impact of Samantha's death on Gustavo Rosales.

When Scott Wynkoop took the witness stand, he addressed Rosales directly, apologizing for the role in her death and for not contacting him to tell him she had died, admitting that he and his wife did some "stupid things" after her crash because they were in shock.

"She was my responsibility, as a parent, as a father," Scott Wynkoop said, his voice breaking. "I am sorry that we didn't call you and I'm sorry that I failed to protect her that day."

Rosales, listening to an interpreter with headphones, re-

mained expressionless.

"She was the sweetest, most beautiful girl in the world; you would have been so proud of her," Scott Wynkoop said, offering to give Rosales photographs of the girl.

Wynkoop also talked about the countless times he's thought about that day, and what he could have done differently — lingered a bit longer at Publix, taken a different route, turned down the music in his Mazda RX-8.

"Of course I'm sorry that my actions caused the world to be deprived of her," he said.

Before any testimony, the judge denied Lipman's motion for a new trial. Lipman has argued that the railroad crossing did not have the proper safety features, such as a crossing gate that extended all the way across the roadway and a traffic light that would switch to red on all sides when a train is approaching.

Wynkoop has repeatedly denied that he was trying to beat the train, saying that he did not see or hear the train.

Nancy L. Othon can be reached at nothon@sun-sentinel.com or 561-228-5502.