

Judge throws out criminal case against deputy

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MARATHON — At the end of his first day on trial, a Monroe County sheriff's deputy was cleared of criminal charges stemming from a Super Bowl bar brawl in an Islamorada pub parking lot.

Deputy Eric Thomas' fate was in the hands of seven jurors who listened to testimony in a Marathon courtroom all day last Wednesday — a day that ended with Judge Ruth Becker granting attorney Donald Barrett's motion to acquit Thomas.

Barrett cited case law that says self-defense is an adequate defense for disorderly

conduct, and cross-examined witnesses to his advantage. Among them were sheriff's deputies who responded to the fight between Thomas and fellow deputy Todd Wyatt, and portrayed Thomas as the calmer of the two.

"We should be looking at him as a hero," Barrett said.

Wyatt fought Thomas and several other off-duty deputies when they tried to take his keys to keep him from driving home after an evening of drinking and watching the football game at Chilli Willie's Grill & Pub in February.

The state did not prove beyond a reasonable doubt that Thomas was not acting in self-defense, Barrett argued.

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— Donald Barrett

Attorney for Deputy Eric Thomas

The Sheriff's Office, after conducting an internal affairs investigation, had cleared Thomas and demoted Wyatt from sergeant to deputy.

Prosecutors, however, thought the evidence supported the charge they filed against Thomas, State Attorney's Office spokesman Matthew Helmerich said.

"We were disappointed by the outcome," Helmerich said. "We thought we put on a

good prosecution."

Thomas' arrest pitted the Sheriff's Office against the State Attorney's Office — typically allies, not adversaries — and deputies invoked their right to not answer investigators' questions without being served a subpoena.

To avoid a costly and time-consuming criminal trial, Wyatt and prosecutors struck a deal called a pretrial agreement. He will be on probation for 12 months, or nine months if he can meet the conditions earlier.

Wyatt must complete an anger management course, receive an alcohol evaluation, complete any treatment subsequently recommended,

refrain from drinking, apologize to the management of Chilli Willie's Grill & Pub and to fellow deputies he confronted on the night of the fight.

Upon completion of the program, prosecutors will dismiss the three misdemeanor charges against him: disorderly conduct, a second-degree misdemeanor that carried a maximum penalty of 60 days in prison and a \$500 fine; and obstructing and assaulting a law enforcement officer, both first-degree misdemeanors that carried a maximum one year in prison and a \$1,000 fine.

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