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Molestation Sentencing Delayed

By PETE DeLEA Daily News-Record Jun 13, 2018

HARRISONBURG — A 40-year-old Stuarts Draft man who molested nearly two dozen children while doing missionary work in Haiti must wait to find out his fate.

During a roughly two-hour sentencing hearing Wednesday in U.S. District Court in Harrisonburg, Judge Elizabeth Dillon delayed sentencing for James Arbaugh so she could have more time to analyze the pre-sentence report. Dillon will use the report to calculate a sentencing guideline range.

“The court has a obligation to calculate the guideline range properly,” she told the attorneys. “I don’t think I can do that today.”

Arbaugh has admitted that he had sexual contact with 21 children while working in Haiti. On Feb. 6, he pleaded guilty to traveling in foreign commerce from the United States and engaging in illicit sexual conduct with a person under the age of 18. He faces up to 30 years in prison.

Dillon hasn’t scheduled a new sentencing hearing.

The investigation into Arbaugh began on Sept. 11, when a counselor at the Family Life Resource Center in Harrisonburg notified Rockingham County Social Services that Arbaugh disclosed sexual abuse against children.

The agency called the Harrisonburg Police Department, which contacted federal agents.

During an interview with police, Arbaugh said he produced movies to teach people in Haiti about Jesus. He said he traveled to Haiti between 2009 and 2017.

He later told agents he molested children.

Prosecutors say a witness corroborated Arbaugh’s confession.

On Nov. 15, a special agent with U.S. Homeland Security arrested Arbaugh, who is being held without bond at Central Virginia Regional Jail in Orange.

Once Dillon determines the guideline range, Arbaugh's public defender, Erin Trodden, wants Dillon to depart downward from the range.

Federal law allows judges to depart from the range for various circumstances.

In this case, Trodden said, Arbaugh should get credit for disclosing his abuse and providing incriminating information, including the names and contact numbers of the victims' parents in Haiti.

"The government's entire case basically comes from him," Trodden told Dillon.

Assistant U.S. Attorney Jeb Terrien said that while Arbaugh was eventually forthcoming, he only did so because he was caught engaging in inappropriate behavior with a child in April 2017 by another missionary.

"He knew the jig was up," Terrien said.

Terrien said Arbaugh doesn't meet the criteria for credit because he was caught.

The prosecutor also said that Arbaugh deceived several people, including members of his church, Mountain View Mennonite Church in Lyndhurst, before eventually telling the truth.

Terrien said Arbaugh told church members he committed a "sexual sin" to make them think he was involved in a homosexual relationship with adult men.

Dillon told the attorneys she would rule on the departure at the next hearing. She also plans to issue a written opinion on the guidelines before the next hearing.

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