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He grabbed girl's arm -- now he's a sex offender

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Fitzroy Barnaby said he had to swerve to avoid hitting the 14- year-old Des Plaines girl who walked in front of his car.

She said he yelled, "Come here, little girl," before getting out of his car and grabbing her by the arm.

He said he simply lectured her.

She said she broke free and ran, fearful of what he'd do next.

In a Thursday ruling, the Appellate Court of Illinois said the 28- year-old Evanston man must register as a sex offender.

While acknowledging it might be "unfair for [Barnaby] to suffer the stigmatization of being labeled a sex offender when his crime was not sexually motivated," the court said his actions are the type that are "often a precursor" to a child being abducted or molested.

Though Barnaby was acquitted of attempted kidnapping and child abduction charges stemming from the November 2002 incident, he was convicted of unlawful restraint of a minor -- which is a sex offense.

'Most stupid ruling'

Now, he will have to tell local police where he lives and won't be able to live near a park or school.

"This is the most stupid ruling the appellate court has rendered in years," said Barnaby's Chicago attorney, Frederick Cohn. "If you see a 15-year-old beating up your 8-year-old and you grab that kid's hand and are found guilty of unlawful restraint, do you now have to register as a sex offender?"

But Cook County state's attorney spokesman Tom Stanton said Barnaby should have to register "because of the proclivity of offenders who restrain children to also commit sex acts or other crimes against them."

In the criminal case against him, Cook County Judge Patrick Morse said that "it's more likely than not" Barnaby planned only "to chastise the girl" when he grabbed her, but "I can't read his mind."

"I don't really see the purpose of registration in this case. I really don't," Morse said. "But I feel that I am constrained by the statute."

Recognizing the stigma that comes with being labeled as a sex offender, the appellate court said "it is [Barnaby's] actions which have caused him to be stigmatized, not the courts."

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