

Defense in child murder case wants more info on informant

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CHARLESTON — The attorney representing a man accused of killing his girlfriend's 2-year-old son wants to know more about a jail inmate who says the man incriminated himself.

During a hearing Thursday, the attorney representing Jamie L. Thomasson filed a motion asking that the prosecution provide criminal records, jail and prison records, mental health records and other information on Jonathan Gilmore.

Thursday's hearing came two days after Circuit Judge Teresa Righter issued a written ruling denying an earlier motion from Thomasson's attorney that also addressed his conversations with Gilmore. That motion claimed the conversations recorded by a concealed device that Gilmore wore were obtained illegally and shouldn't be used against him.

Thomasson, 31, of Springfield is charged with first-degree murder and aggravated battery of a child. He allegedly injured Holden Jones, the son of his girlfriend Amy Bennett, at Bennett's home on Union Street in Charleston on the night of June 20, causing the boy to die by the following morning.

One of the motions that defense attorney Mark Wykoff filed Thursday said Gilmore has a criminal record and is the only person who heard Thomasson's alleged comments about Holden's death before the court-authorized recordings. Investigating Gilmore's background is necessary to find out if he's believable, the motion said.

Righter didn't hear arguments on the motion or others Wykoff filed Thursday and scheduled a hearing for Jan. 7.

The only contention during the hearing was when State's Attorney Steve Ferguson opposed Wykoff's request to delay acting on a motion asking that Righter reconsider her decision on the recorded conversations. Ferguson said Wykoff should be ready to make his case or withdraw the motion, but Righter agreed with Wykoff that she should handle the defense's motions as the defense requests.

Wykoff also filed a motion Thursday asking that evidence presented to a jury during Thomasson's sentencing, if he's convicted, be kept separate from what the jury gets during the trial that decides if he's guilty or not guilty. A jury has to decide if a convicted defendant is eligible for a sentence beyond the normal maximum possible because of certain factors, as Ferguson is alleging in Thomasson's case.

The motion said the jury could be influenced by "grisly autopsy photographs" and other evidence that might be relevant to sentencing but not the earlier part of the trial.

The charges against Thomasson include allegations that the acts were "exceptionally brutal or heinous" and that Thomasson was an adult who killed a child younger than 12. For the murder charge, for example, Thomasson could receive a life sentence or more than the usual 60-year maximum if he's convicted and a jury finds that the factors apply.

In her ruling on the recorded conversations, Righter said transcripts of the recordings showed that authorities correctly instructed Gilmore not to ask Thomasson questions about the Holden's death and to let Thomasson talk on his own. The lack of "a deliberate attempt to elicit incriminating statements" meant the taping of the conversations was legal, Righter said.

Police testimony at an earlier hearing in the case indicated that Gilmore notified authorities about Thomasson's repeatedly referring to Holden by a vulgarity that meant he thought the boy wasn't tough enough.

Gilmore also claimed Thomasson said he "did everybody a favor" because Holden's death meant Bennett would no longer have to associate with Jason Jones, Holden's father, according to the testimony.

According to the earlier testimony, an autopsy showed that Holden's collar bone was broken, indicating that his arm was grabbed and jerked violently, while brain contusions and other injuries indicated "severe shaking."

Thomasson first told police that Holden fell out of bed but later said he was "playing rough" with the boy, used a wrestling move and threw him onto an air mattress several times.

Thomasson is jailed without bond.

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