

**Charleston Mattoon Journal Gazette Times-Courier**

## **Abernathy drug trial set April 14**

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CHARLESTON — The drug trial for a man who is also accused of severely beating a woman has tentatively been scheduled for April 14.

The April 14 trial date for Jason A. Abernathy, 34, was requested by defense attorneys Mark Wycoff and Monroe McWard on Friday during a pretrial hearing. They told Circuit Judge Gary Jacobs they are set to take part in a Menard County trial starting April 14, but hope to have this trial date vacated.

Jacobs asked them to let him know by a March 31 telephone conference if the April 14 trial date for Abernathy is possible. If not, he set April 28 as a backup trial date.

The judge said he needs to set a definite trial date as soon as possible so there will be ample time to call a large pool of 50-60 potential jurors. He said pretrial publicity will likely be an issue that the attorneys will address during the jury selection process.

“I want this case to proceed. We have had enough delays,” Jacobs said.

Abernathy’s trial on a methamphetamine possession charge was set to start March 3, but the defense asked for it to be postponed. Jacobs gave them time to investigate newly disclosed prosecution evidence, namely a man who Assistant State’s Attorneys Mick McAvoy and Jeremy Richey say will testify that Abernathy admitted having the drugs.

The methamphetamine possession charge accuses Abernathy of having the drug on May 1 at the grain elevator where he worked at the time.

In the other case, he is accused of beating Gina Giberson at her home at 211 Fourth St. in Charleston to the point that she was comatose in an area hospital for about two weeks, though at last report she is now at a local rehabilitation facility. He is charged with aggravated domestic battery.

McWard said he is still trying to hire an expert witness to be present when certain evidence in the beating case is tested at the Illinois State Police lab in Springfield.

Ferguson cautioned that the lab will temporarily close sometime in the near future so it can be moved to a different location in Springfield.

“I am very anxious to get the analysis begun,” Ferguson said.

After Friday’s hearing, Ferguson said the evidence in question is blood on a baseball bat. He said the evidence is present in such a small amount that it may be consumed during the testing process, which is why the defense has requested its expert be present.

Abernathy is jailed without bond. Jacobs revoked his bond in November based on evidence that he attacked Giberson while he was out of jail on bond in the drug case.

The aggravated domestic battery charge would normally carry a possible sentence of three to seven years if there is a conviction, but a prison sentence of six to 30 years would be required for Abernathy because of his criminal record. The drug charge could bring a two- to 10-year prison term, also more than the usual maximum because of his prior convictions.

Giberson's house was destroyed by two fires, the first of which was reported on the morning of Oct. 16. Firefighters returned to the location after a second fire was reported there the following morning. Charleston police have said the fire was apparently caused by arson and they are still investigating it.

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