

New Prosecution Witness Causes Abernathy Drug Trial to be Postponed

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CHARLESTON — The recent discovery of a new prosecution witness led to a delay in the drug trial for a man who's also accused of severely beating a woman.

Jason A. Abernathy, 34, is now scheduled to return to court on March 14 for review of the case that accuses him of having methamphetamine, as well as the separate case alleging he beat Gina Giberson.

Abernathy's trial on the methamphetamine possession charge was scheduled to start Monday, but defense attorneys Mark Wykoff and Monroe McWard asked for it to be postponed. Circuit Judge Gary Jacobs gave them time to investigate the newly disclosed prosecution evidence, namely a man who Assistant State's Attorneys Mick McAvoy and Jeremy Richey say would testified that Abernathy admitted having the drugs.

Wykoff and McWard first asked that the prosecutors be barred from having the man testify because the discovery of the evidence was so close to the start of trial. They then asked for the delay after Jacobs denied that motion.

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's accused of beating 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's now at a local rehabilitation facility.

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's 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.

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