

# Abernathy's trial on meth charge postponed to March

By **DAVE FOPAY, Staff Writer**  
[dfopay@jg-tc.com](mailto:dfopay@jg-tc.com)

CHARLESTON — Jason A. Abernathy's trial on a drug charge was postponed about a month Thursday, while the trial for his alleged beating of Gina Giberson wasn't scheduled.

Circuit Judge Gary Jacobs agreed to move Abernathy's trial on a methamphetamine possession charge to March 3 because one of his defense attorneys won't be available on Feb. 5, when the trial originally was scheduled.

The earlier trial date had been set at a hearing last week, when defense attorneys Monroe McWard and Mark Wykoff said they wanted to have the trial on the drug charge take place first.

On Thursday, Wykoff said he was since scheduled for a trial in another county during the week the drug case trial had been set. All that took place this week in the case charging Abernathy with aggravated domestic battery was an agreement that its status will be reviewed on Feb. 22, the final pretrial hearing date for the drug case.

Abernathy, 33, is accused of beating Giberson at her home at 211 Fourth St. in Charleston on Oct. 16 to the point that she was comatose in an area hospital for about two weeks, though she's now at a local rehabilitation facility, according to her family. A police officer who testified at a hearing in November said doctors at one point described her injuries as "life-threatening."

In the drug case, Abernathy is accused of having less than an eighth-ounce of methamphetamine on May 2. On Thursday, Assistant State's Attorney Mick McAvoy didn't object to rescheduling the trial, and Abernathy told Jacobs he agreed as well.

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.

Detective James Blagg of the Charleston Police Department said Thursday investigators are still waiting for evidence of a fire accelerant found in the remains of Giberson's home to be processed by the Illinois State Police crime laboratory in Springfield.

Blagg said the evidence of suspected arson was detected by a specially trained crime scene dog. He cautioned an arson case can be difficult to pursue due to the great damage caused to the crime scene by the fire.

Staff Writer Rob Stroud contributed to this report.

Contact Dave Fopay at [dfopay@jg-tc.com](mailto:dfopay@jg-tc.com) or 348-5733.

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