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Competency exam ordered for man accused of killing 2-year-old son

By [DAVE FOPAY, Staff Writer](#) JG-TC.com | Posted: Thursday, August 26, 2010 3:50 am

CHARLESTON - A man accused of killing his then-girlfriend's 2-year-old son will be examined for his mental fitness for trial, a judge decided Wednesday.

Attorneys representing Jamie L. Thomasson on charges of first-degree murder and aggravated battery of a child said the examination was needed because of witness statements about his mental condition.

Thomasson, 32, of Springfield is charged with first-degree murder and aggravated battery of a child. He allegedly injured Holden Jones, the son of Amy Bennett, his girlfriend at the time, at Bennett's home on Union Street in Charleston on the night of June 20, 2009, causing the boy to die by the following morning.

The defense also has other pending motions on file, including one claiming he wasn't read his constitutional rights before police questioned him, but Righter delayed acting on those motions Wednesday after ruling on the request for the examination.

According to the motion, prosecution witnesses have said Thomasson is "absolutely out of his mind" and "has been admitted to a couple of mental institutions." Attorneys Mark Wykoff and Monroe McWard argued that was enough to raise questions about Thomasson's mental condition, justifying the examination.

Fitness for trial isn't the same as an insanity defense, which can lead to acquittal. Instead, it addresses whether the defendant understands the charges in the case and can help with the defense. If Thomasson were found not to be mentally fit for trial, he would be treated at a state facility and the case would be delayed pending the outcome of that treatment.

Thomasson's next hearing had been scheduled for Sept. 17 and his trial is currently set to begin Oct. 4. On Wednesday, however, Righter rescheduled the next hearing for Sept. 24 to take up the other pending motions.

According to the testimony at earlier hearings in the case, the 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, according to the testimony.

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, that means 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. State's Attorney Steve Ferguson is on record that he won't seek the death penalty if Thomasson's convicted.

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