

# Abernathy to be tried on drug charge first

Accused of beating woman, 33-year-old faces earlier meth possession count

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CHARLESTON — Jason A. Abernathy will be tried on a drug charge before he goes to trial for allegedly severely beating Gina Giberson.

The Feb. 5 drug trial for Abernathy that was set in November will stay in place. That will be when he's tried on a methamphetamine possession charge, not on a charge of aggravated domestic battery.

Circuit Judge Gary Jacobs scheduled another hearing for Abernathy for a week from today in both cases. That will serve as the final pretrial hearing in the drug case and for Jacobs to review the status of the case charging Abernathy with attacking Giberson, the judge said.

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 court Wednesday, Springfield attorney Mark Wykoff joined attorney Monroe McWard of Taylorville in representing Abernathy, though Wykoff will be working only in the drug case while McWard will represent Abernathy in both cases.

Wykoff filed a motion for a change of venue in the drug case. However, he told Jacobs he'll only ask that the trial be moved out of Coles County if there's a problem picking the jury because of media coverage of the attack on Giberson.

State's Attorney Steve Ferguson, who's prosecuting the domestic battery case, agreed to scheduling Abernathy's drug case for trial first and for setting the hearing for next week.

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.

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 Fire Chief Kris Phipps said Wednesday afternoon fire investigators have determined arson was the cause of the two fires. He said the Charleston Police Department and the Illinois State Fire Marshal's Office are handling further investigation of the fire.

Police testimony at earlier hearings said tests showed that gasoline was found in the debris of the destroyed house, and the boots Abernathy was wearing at the time of his arrest smelled of gasoline. He claimed he ran out of gas while driving Giberson to the hospital and had to call his brother to bring more, also according to the earlier account.

Abernathy also claimed Giberson swung a baseball bat at him and she fell and hit her head on a table while he was defending himself. But the earlier testimony indicated that doctors at Carle Foundation Hospital in Urbana, to which Giberson was taken, said she suffered more than a dozen contusions to her brain because of "multiple blunt-force blows to the head."

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