

<http://www.jg-tc.com/articles/2008/12/10/news/doc49401d0a7abff839399027.txt>

Wednesday, December 10, 2008 9:16 PM CST

# Abernathy fingerprint on the bat allegedly used in attack

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

CHARLESTON — While it wasn't conclusive, the only DNA that could have been Jason Abernathy's found on the bat that might have been used to beat Gina Giberson was "where you would grip the bat."

Illinois State Police forensic scientist Amanda Humke said Wednesday that she tested the bat and other items police seized in their investigation for the presence of blood, then performed DNA tests on some of them. She testified at Abernathy's trial on a charge of aggravated domestic battery.

Another state police scientist, however, testified that the only fingerprint found on the bat was Abernathy's but it was located on the barrel.

Concerning the small, aluminum baseball bat police found in the truck of Giberson's car, which Abernathy used to take her to the hospital, Humke said she found blood in two locations. Both were on the handle: one close to the end of the bat and the other more toward the barrel, she related during questioning by Assistant State's Attorney Mick McAvoy.

The blood farther from the handle end matched Giberson's, Humke said. However, the sample from lower on the handle was the mix of two people's DNA, she added, but she did determine that it was a male's DNA.

Abernathy is accused of beating Giberson with the bat at her home at 211 Fourth St., Charleston, on Oct. 16 of last year, and the prosecution is trying to convince the jury he was upset because Giberson kicked him out of the house. Doctors who testified earlier in the trial said she suffered numerous brain contusions and facial injuries.

Abernathy is claiming self defense, and police officers said he told them he returned to Giberson's home to see a man running out the back door, then Giberson attacked him and hit him with a bat when he entered. He said he took the bat from her, hit her, which knocked her into a table causing her to hit her head. He also said he later dropped her while getting her into the car to go to the hospital.

Humke said she didn't do DNA tests on all the evidence that had blood on it, as other items came from the same locations or belonged to the same person as what was tested. Giberson's DNA was also in blood taken from the floor of her house and on a shirt and a jacket police found, she said.

During cross examination by defense attorney Mark Wykoff, Humke said she doesn't do tests on blood splattering, so she didn't know how the blood got on the bat.

Also testifying Wednesday was state police forensic scientist Brad LeBar, a fingerprint specialist, who said a print found on the bat matched the middle finger of Abernathy's right hand.

Wykoff then asked LeBar if he was able to determine the position of the finger when it made the print. LeBar explained that it was at an angle that had the bat's handle facing away from the person holding it, and Wykoff then tried to show the jury that it would have been difficult for someone to try to swing the bat that way.

Shane Arndt, an investigator with the Illinois Fire Marshal's Office, testified that the fire that destroyed Giberson's home the same day as she was injured was likely set intentionally. There were indications of accelerants found in several locations, and there was no sign that a fire in a backyard fire pit the night before spread to the house, he said.

JoAnne Liu, another state police forensic scientist, testified that she tested some cloths and some carpet and padding taken from the home and all of them contained gasoline.

Also Thursday, Charleston police Officer Zack Bryan said he questioned Jeff Craig, a friend of Abernathy's, about a bat Craig owned but that was missing after Giberson was injured. Bryan said the description Craig gave him of the bat matched the one police found, though during his testimony Tuesday Craig said the bat wasn't his.

Bryan also contradicted Craig's testimony when he said Craig told him that Abernathy said he was tired of Giberson kicking him out of her house and that he appeared to be "ready to hit something" when he left Craig's residence after visiting the day before she was injured.

State's Attorney Steve Ferguson indicated that the prosecution has one more witness who'll testify today, Charleston police Detective Jim Blagg. Circuit Judge Gary Jacobs told Wykoff and co-counsel Monroe McWard to be ready to begin calling witnesses today after the prosecution rests its case.

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