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Charleston Journal Gazette and Times Courier

## Thomasson found guilty of killing 2-year-old

By [DAVE FOPAY, Staff Writer](#) JG-TC.com | Posted: Saturday, December 18, 2010 3:02 am



CHARLESTON - A sentence of at least 20 years in prison and perhaps ranging up to century now awaits Jamie L. Thomasson.

A jury on Friday rejected defense contentions that the death of 2-year-old Holden Jones was an accident and found Thomasson guilty of first-degree murder.

The jury also returned a guilty verdict on a charge of aggravated battery of a child, needing just more than 2½ hours of deliberation, a relatively short amount of time for a murder case.

Thomasson, 32, was accused of injuring Holden while baby-sitting him on June 21, 2009. Holden was the son of Amy Bennett, who had been Thomasson's girlfriend for about two months and with whom he was staying at the time at her apartment on Union Street in Charleston.

The guilty verdict on the murder charge showed that jurors agreed with prosecution assertions that Thomasson intentionally hurt Holden. Intent to kill wasn't required, only that the jury had to believe that Thomasson knew his actions could kill or badly harm the boy.

The only part of the verdict in Thomasson's favor was that the jury didn't go along with allegations that his actions were "exceptionally brutal or heinous" and showed "wanton cruelty." That finding would have meant Thomasson could have received a sentence of life in prison.

Still, the maximum possible sentence is now 100 years. A first-degree murder conviction normally requires a 20- to 60-year term but the longer sentence is possible for Thomasson because the victim was younger than 12. He is scheduled to be sentenced Feb. 25.

At the defense's request and over prosecution objections, Circuit Judge Teresa Righter also gave the jury the option of finding Thomasson guilty of involuntary manslaughter. That would have meant that the jury thought he acted recklessly and would have fit with one of the defense's theories, that Holden was hurt while Thomasson was playing roughly with him. A conviction for that offense could have meant three to 14 years in prison but Thomasson would have also been eligible for probation.

Thomasson and Bennett both began crying when Righter read the guilty verdict on the murder charge and both continued, as did several members of Bennett's family, until after the jury was allowed to leave the courtroom.

During his closing arguments Friday, State's Attorney Steve Ferguson urged the jury to disregard Thomasson's version of what happened, which Ferguson noted changed over the course of interviews with police. Thomasson first said the only way he knew Holden could have been injured was by falling out of bed before eventually describing play involving wrestling moves and shaking the boy for several minutes, which he said was an attempt to wake him.

"You cannot say this was not knowingly done," Ferguson said. "The severity of those injuries negates any notion that his conduct was not knowingly done. When you have injuries this severe, you have to know what you've been doing."

He noted testimony by the pathologist who performed the autopsy, which revealed massive injuries to Holden's brain, eyes and spinal cord that the doctor concluded was caused by shaking. Ferguson also mentioned testimony from several people who said they heard Thomasson frequently refer to Holden by a vulgarity and that he thought the boy wasn't tough enough.

Defense attorney Mark Wykoff centered his arguments on contentions that many of the stories others told about Thomasson's treatment of Holden and his reaction to his death came after news of the death began circulating. The claim that Thomasson used the vulgarity didn't emerge until after police heard it from a jail cellmate of Thomasson's, he said.

"When did they start throwing that word around like it was government cheese?" Wykoff said. "The story was being fed from the inside out."

Wykoff also referred to the pathologist's saying that there are other possible causes of the kinds of injuries Holden suffered. However, Ferguson responded that it was "unrebutted" that the doctor concluded that "this constellation of injuries was from shaking."

Ferguson also told the jury that they could find Thomasson guilty because of "his own words." He noted that Thomasson eventually told police that he played roughly with Holden "probably too much" and added that "he probably got hurt from me."

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