

Boy's death was 'an unfortunate accident' says defense attorney

By **DAVE FOPAY, Staff Writer**
dfopay@jg-tc.com

CHARLESTON — An attorney for a man accused of causing the injuries that killed a Charleston boy last month called the incident “an unfortunate accident” following the man’s court hearing Monday.

Jamie L. Thomasson made his first court appearance on charges of first-degree murder and aggravated battery of a child. He’s accused of injuring 2-year-old Holden A. Jones while baby-sitting in Charleston on June 20, causing Holden to die the following day.

Springfield attorney Mark Wykoff appeared on Thomasson’s behalf at Monday’s hearing. Responding to questions after the court session, he said he thinks a version of the incident will develop that’s different than what police and prosecutors are saying.

“We’re quite confident that the facts will show that this was an unfortunate accident and not a crime of the magnitude charged,” Wykoff said.

Asked for a response, State’s Attorney Steve Ferguson said he didn’t want to comment about the evidence in the case but said he thinks it will “indicate otherwise.”

Thomasson, 29, resides in Springfield but lived part of the time at the home of Holden’s mother, Amy Bennett, whom he was dating, according to what Ferguson said at a June 22 news conference announcing the arrest. Thomasson was caring for Holden at Bennett’s residence on Union Street in Charleston while she was at work and called police because the boy was unresponsive.

Thomasson then told police he had been playing roughly with the boy the night before, using a wrestling-style move he described as “choke slamming” and causing Holden to hit a piece of furniture, according to what was said at the news conference. Thomasson tried to revive the boy a few times overnight but then called police, and Holden was found dead when paramedics arrived, according to prosecutors.

In court Monday, the attorneys and Circuit Judge Teresa Righter agreed to schedule Thomasson's next appearance for Thursday. That will be for the case's preliminary hearing, at which a judge hears limited evidence from the prosecution to decide whether to order a suspect to stand trial.

Thomasson is jailed without bond. Wykoff said he and Springfield attorney Monroe McWard, who also will represent Thomasson, haven't decided yet whether to ask that bond be set. He added the he has no reason to believe Thomasson wouldn't appear in court if he were able to post bond and be released from custody.

Wykoff also said he has "grave reservations" about how the news conference to announce Thomasson's arrest could affect pretrial publicity and possible jury selection. It could lead the defense to ask that Thomasson's trial be moved out of Coles County, he said.

Ferguson said the news conference was merely a "means of addressing what I anticipated to be public interest" at one setting.

Both the charges against Thomasson would require prison time if he were convicted. A first-degree murder conviction requires at least a 20-year prison term, and a conviction for aggravated battery of a child can result in a sentence of six to 30 years.

Contact Dave Fopay at dfopay@jg-tc.com or 238-6858.