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Abernathy Acquitted of Meth Possession Charge

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CHARLESTON — A jury deliberated nearly four hours Tuesday night before acquitting Jason A. Abernathy of a drug charge, and the verdict could affect his bond in another case that accuses him of severely beating a woman.

At the end of the two-day trial, the jury found Abernathy not guilty of a charge of methamphetamine possession that accused him of having the drug while he was working near a rural Charleston grain elevator a year ago today.

Abernathy, 34, is also charged with aggravated domestic battery for allegedly beating Gina 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.

His bond in the drug case had been revoked because of the allegations that he attacked Giberson while free on bond, but the acquittal in the drug case could change that. After the jury's verdict Tuesday, defense attorneys Mark Wykoff and Monroe McWard indicated they would file a motion regarding Abernathy's bond, and Circuit Judge Gary Jacobs scheduled a hearing on the motion for Tuesday.

According to evidence in the drug case, a witness claimed to have seen a bulge in Abernathy's pocket and said that it was gone after Abernathy briefly went behind a building. Methamphetamine was found in that location later. Wykoff and McWard argued the evidence was circumstantial and there was nothing directly linking Abernathy to the drugs.

A conviction for the drug charge could have resulted in a two- to 10-year prison term, more than the usual maximum because of Abernathy's prior convictions. His record also means a prison sentence of six to 30 years would be required if he's convicted of the aggravated domestic battery charge, which can normally result in a three- to seven-year prison term or probation.

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 police have said the fire was apparently caused by arson.

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