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The Carlisle Mercury

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Mistrial is declared in Abnee case

By Charles Mattox
News Editor
charles@thecarlislemercury.com

A mistrial was declared midway through a sodomy jury trial Monday afternoon in Nicholas County Circuit Court by Judge Robert McGinnis.

"In my 23 years of sitting on the bench I've never had a mistrial, other than having a hung jury," Judge McGinnis said with a grim ex-

pression. "But, while going through the documentation of this case we found a document that was not provided to the defense or the Commonwealth. This is a mistrial." The jury trial of the Commonwealth of Kentucky versus Joshua Abnee, on the charges of two counts of sodomy and one count of unlawful imprisonment, had progressed all day with out incident until Common-

wealth's Attorney Doug Wright called his third witness for the prosecution, an "expert witness" Missy Holbrook. Holbrook is a forensic biologist with the Kentucky State Police crime lab north where she has worked for four and half years, according to her testimony. During her examining testimony by Wright, she stated that she had been asked to perform a saliva analysis on a pair of

the pants belonged to the alleged victim, a 12-year-old girl. Wright told jurors, in his opening statements, that the young victim had been "blurred" by Abnee into his home prior to his allegedly sodomizing her.

McGinnis grew visibly tense after several minutes of cross-examination testimony of Holbrook by Abnee's attorney Raymond Bogucki. When Bogucki began asking questions about a document

Holbrook held in a file while she gave testimony, McGinnis ordered the jurors on a break and called both attorneys forward after the last juror left the room.

McGinnis then expressed his sincere displeasure to Wright and his assistant Michael Law, and Bogucki and his assistant Sarah Sunning, for the way the trial had progressed.

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In keeping with a tradition of nearly 100 years The Carlisle Mercury welcomes back the Sooty Santa to our young readers who are interested in sending a letter to the editor, Warren R. Fisher, Sr., welcomed Sooty Santa home just after the turn of the last century.

Happy Holidays!
Santa Letters
are welcome

For those interested in sending a letter to the grand old man of the Christmas season, Santa Claus, The Mercury will be glad to publish those letters and send the word on to Santa.

The deadline for letters will be Dec. 15, but we'd like to get an early start on spreading the word for those Christmas letters.

Please mail your letters to The Carlisle Mercury, #0B 272, Carlisle, Ky., 40311 or drop the letters by The Mercury office at 117 S. Locust St., in Carlisle. Our fax number is 859-289-4000.

If mommy and daddy have to help out you may email them to editor@thecarlislemercury.com.

We will try to get the word to Santa as quickly as possible.

If you would like to include a picture with the letter to Santa the cost is \$5.00 and should be brought to The Mercury's office along with your letter.

Toys for Tots drive underway

'Tis the season to be jolly! And you can experience the priceless gift of giving by assisting the Nicholas County Volunteer Firemen with their annual Toys For Tots drive.

"We provide gifts for approximately 250 children each Christmas," Nicholas County Fire Chief, and event coordinator, Mark Hughes, said Monday. "We also provide seniors and those with

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A Stony Creek home was engulfed in flames as firefighters arrived on Nov. 23.

Fire destroys Evans home

An early morning fire on Stony Creek Road in the early morning hours of Nov. 23 caused no injuries but did destroy a new home.

"The home was fully engulfed when we arrived," said Nicholas County Fire Chief Mark Hughes.

The high winds fed the flames and there was simply no way we could save the house. We tried but the fire had been burning for too long. We were able to save an adjacent dwelling and an automobile through the efforts of our firefighters.

According to Hughes and Nicholas County Sheriff Dick Garrett, a call regarding the house fire at 1185 Stony Creek Road was received from dispatch at approximately 1:30 a.m. when the home of Sherman and Mary Evans was observed engulfed in flames.

Mr. and Mrs. Evans were not home at the time of the blaze.

Their son was in a nearby mobile home, Hughes said. "He had just happened to wake up and observed the fire. It was his call that notified us of the fire and we were able to prevent major damage to his home by working as a team. We were also able to save a 2006 Chevy pickup truck."

Hughes said no specific cause for the fire has been ascertained but he believed the fire began in the front of the home.

Hughes praised the efforts of his firefighters who have remained busy all year. He also expressed concern for the upcoming holiday season and the onset of winter.

"We see several fires at this time of year," Hughes said. "I recommend homeowners be especially careful at this time of year. We advise homeowners that use wood stoves to inspect their chimneys very carefully. We also ask that people use electricity carefully this holiday season. We recommend using reset multi-plug extension cords with the built in breakers and we ask that folks don't overload their home electrical circuits. The main concern is to exercise caution. Remember, if you have any concerns or notice a strange electrical or burning smell, please contact us. Just give us a call and we'll be glad to come. We have an excellent group of firefighters and we want to do everything in our power to make this a safe holiday season."

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Snow Queen to be crowned Saturday

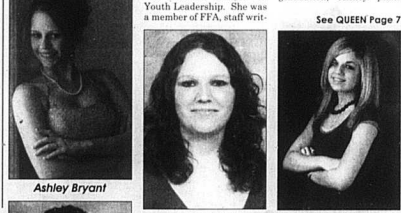
The Nicholas County Snow Queen will be crowned as part of the Victorian Christmas parade, Dec. 1.

Candidates are: Ashley

Bryant is the daughter of Jennifer Bryant and Michael Fryman. Ashley has been recognized by Who's Who Among American High School Students, National Honor Roll, Principal's Club and National Council on Youth Leadership. She was a member of FFA, staff writer

for the Bluejacket Buzz, and a member of the high school Tennis team. Ashley is also secretary of the National County Chapter of National Honor Society of Secondary Schools. After graduation, Ashley plans

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Ashley Bryant, Jenna Hunt, Whitney Suttan



Hannah Dixon, Hannah Zarnes - Jessica Howard - Morgan Padgett - Hannah Coldiron

Rape case bound over

By Charles Mattox
News Editor
charles@thecarlislemercury.com

The Honorable Judge Day Delaney ordered the child rape and sexual abuse charges against a Carlisle man to be bound over to the grand jury following a preliminary hearing in Nicholas District Court last week.

He also refused to lower the man's \$40,000 cash bond. Albert William Feback, 38, of Carlisle, was arrested Nov. 9 and charged with three counts of rape, second degree, three counts of rape, third degree and five counts of sexual abuse, first degree.

The victim was 13-year-old at the time the first

alleged rape occurred. Feback appeared before Delaney Nov. 21 with his attorney, Public Defender Jennifer Wittmeyer, for the hearing. County Attorney Dawn Letcher, who had earlier prepared the warrant for Feback's arrest, called Nicholas County Deputy Sheriff Bennie Buckler as her only witness.

"She cried and prayed," Buckler testified through slightly gritted teeth when asked what the 13-year-old rape victim did following the alleged rape incidents that occurred during May of this year. "She didn't think (a man) should do to a child."

Buckler testified that

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