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The Carlisle Mercury

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By Charles Mattox
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A Carlisle man was sentenced to five years imprisonment at the conclusion of a three-day sodomy trial held last week in Nicholas County Circuit Court.

A jury of four men and eight women deliberated three hours before returning a verdict of guilty for the crime of sodomy, second degree, against Joshua Abnee, 28, of Carlisle. Abnee was found not guilty of the charge of unlawful imprisonment.

Abnee was arrested in Feb. 2006 for allegedly sodomizing a 12-year-old girl at the house he lived in on School Street in Carlisle.

The trial included testimony from the alleged victim, Abnee himself, Kentucky State Police Detective Clinton Graves and a handful of others, none more significant perhaps, than forensic scientific supervisor Kathryn Johnson from Orchard Colmark, a private laboratory based in Dallas, Texas that conducts and analyzes complex evidence and reports on a variety of DNA results and other forensic scientific evidence for the Kentucky State Police.

Her testimony strongly implicated Abnee.

Abnee himself, also testified, saying that neither of the alleged acts of sodomy, which he was originally charged with and later indicted on, or the unlawful imprisonment allegation happened, and he had only interacted with the 12-year-old girl, on the day in question, to take drugs away from her that she had wanted to sell him.

The victim gave emotional testimony implicating Abnee in relation to the charges against him.

"She did a remarkable job," Commonwealth's Attorney Doug Wright said later of the victim's testimony.

Scientific Supervisor Johnson was also called by Wright and testified about how DNA was extracted from a section of the victim's undergarment that she said Y-STR analysis testing proved was consistent with Abnee's DNA on each of the 17 "markers" they tested for with the evidence.

"The Y chromosome is tracked through the male," she said under examination by Wright. "The Y-STR tests the 17 locations on the Y chromosome."

Johnson testified that her conclusion was that Josh Abnee or a male relative of

his could not be omitted as a contributor to the DNA on the undergarment.

A comparative analysis of a male friend of the victim, whom the defense said might have contributed the saliva to the panties, showed only eight of 17 matches on the Y-STR test, according to Johnson's testimony.

Abnee's attorney Raymond Bogucki explored the complexities of the DNA testing and the fact that Johnson was being paid \$2,000 a day, plus expenses to testify on behalf of the Commonwealth.

"You cannot use this test to identify anyone," Bogucki asked.

"Correct," Johnson answered.

Veteran KSP Detective Graves testified about how the case was brought to his attention in Feb. 2006.

Graves, interviewed the alleged victim and family members, as well as social workers, Abnee and others, according to his testimony.

He conducted a search of Abnee's home where the alleged sexual acts occurred after he obtained a search warrant. He photographed the Abnee home and later obtained the undergarments the victim was wearing on the day of the alleged incident.

Graves walked the attentive jurors through each step of the investigative process and he remained calm under withering cross-examina-

tion by Bogucki, regarding his decision to collect certain evidence and his decision to not list certain items seized during the execution of the search warrant at Abnee's home.

Bogucki established that Detective Graves secured pillowcases and a quilt in which hair was found, but no tests were performed on the pillowcases, quilt or any of the hair analyzed.

Bogucki said he understood why these items had been taken, but he didn't understand why they had not been tested.

He appeared to attempt to paint a picture of a flawed investigation and selective prosecution to the members of the jury.

"During my investigation it was determined it was not needed," Graves said matter-of-factly regarding the analysis of some evidence and not the other. "Even more so when it was learned saliva was extracted from the panties."

Bogucki explored the lapse of time between the alleged incident, which allegedly occurred on Feb. 4 and the reporting of the incident, which was not reported until Feb. 7, 2006.

Bogucki also raised questions about the door to the room where the incident allegedly occurred and how there was no locking mechanism on the door, which did

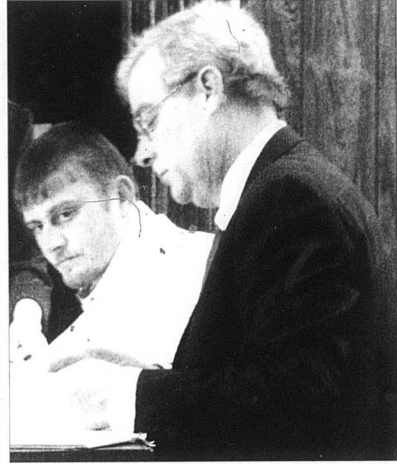


Photo by Charles Mattox

Joshua Abnee and his attorney Raymond Bogucki discuss evidence during Abnee's three-day trial last week. A jury of four men and eight women found Abnee guilty of sodomy, second degree, after a three-day trial in Nicholas Circuit Court last week.

Traffic stop nabs Ale 8 bandits

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A routine traffic stop early Monday morning by a Carlisle Police Officer ended in the arrest of three men and a woman from Cynthiana, who allegedly broke into soda machines along Market Street and then took the money and ran.

James Slade, 20, April Taylor, 30, James Perkins, 18, all of Cynthiana, along with a male individual dubbed John Doe, because he refused to give his name, but who was later identified as John Jacobs, 26, were arrested and charged with possession of burglary tools, theft by unlawful taking, criminal mischief, second degree and giving false name and address to a police officer.

Carlisle Police Officer Kenyon Brockman stopped a red,

1987 Chevrolet at approximately 1 a.m. Monday morning, April 7, after the vehicle had disregarded a traffic device. While questioning the driver, April Taylor, Brockman noted that all of the occupants gave false information as to their identity.

Follow-up by Officer Michael Kuskaden noted that several soda machines, including Ale 8 vending machines along Market Street had their locks cut off and money removed.

Officer Brockman obtained a verbal consent to search the vehicle, and located burglary tools, a large bag of coins and dollar bills.

One of the defendants also admitted to being involved in the crimes, according to the citations.

"Officers Brockman and Kuskaden worked together to apprehend the suspects," Carlisle Chief of Police William Denton said while praising the attention to detail to both officers and added that fellow Carlisle Police Officer Brad Weaver also assisted with the investigation.



Photo by Charles Mattox

Relay for Life sponsorship

Delmus Murrell, Vice President and owner of Lee Lynn Machining, Inc., of Carlisle presents Mary Catherine Knopke with a \$1,000 corporate sponsorship check to help support this year's Relay for Life celebration

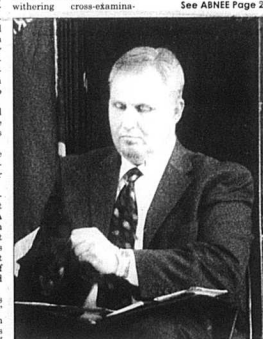


Photo by Charles Mattox

Kentucky State Police Detective Clinton Graves examines physical evidence during last week's trial.

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Woman charged in cat's death

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A Carlisle woman has been charged with cruelty to animals after allegedly killing a neighborhood cat by smothering it to death.

Carlisle Police Officer Brad Weaver issued a summons to Nancy E. Hatfield, 72, of Sycamore Hill Apartments, to appear in Nicholas District Court April 30 to answer to the charge of cruelty to ani-

mal, second degree.

"Defendant took physical custody of a cat and permitted its entry into her apartment," states the criminal complaint against Hatfield, which was signed by Weaver.

Defendant (Hatfield) thereafter subjected the animal to cruel, intentional mistreatment which resulted in the death of the cat. Specifically, defendant placed the cat inside a large tin can and firmly attached the lid thereto. The cat was left in the can until

such time that it died due to apparent asphyxiation. The tin containing the cat's remains was discovered in a dumpster of the apartment complex."

Numerous distraught neighbors have contacted The Mercury over the act and the additional fact that the cat was a female that had only recently delivered a litter of six kittens.

At least one of the kittens has been adopted and is being taken care of, according to neighborhood sources.

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