

Jury Chosen in Coleman County Murder Trial

10/3/2008

A panel of eight women and four men will hear testimony beginning at 9:00am Monday in the Coleman County Courthouse in the trial of Charles Randal Yarbrough, 24. Jury selection began Thursday afternoon and continued Friday until 12 jurors and one alternate were selected at 2:30pm.

Yarbrough faces two counts of capital murder and stands accused of causing the death of infant Lacey Lynn Nichols on or about January 9, 2006.

500 Coleman County residents received a jury summons to appear for possible selection to hear the case.

Murder Trial Moves into Day Two: Medical Examiner Among Morning Testimony

10/7/2008

An eight woman, four man jury began hearing testimony Monday morning in the Coleman County Courthouse in the capital murder trial of Charles Randal Yarbrough, 24. Yarbrough is accused in the death of infant Lacey Lynn Nichols on or about January 9, 2006 in Coleman.

Coleman County District Attorney Joe Lee Rose called witnesses including the foster mother of the infant, a friend of the foster mother, a MHMR nurse and an emergency medical technician who responded to the 911 call on January 9, 2006 concerning the infant.

Monday afternoon, the murder trial continued with the questioning of several nurses, the attending doctor from the Coleman County Medical Center, and the policeman that got the first statement from the accused.

After lunch, the jury was shown pictures that were taken of the infant, while one nurse gave her description of what was being seen. Three other nurses then gave their own descriptions of the injuries they saw on the infant girl, and and medical procedures that were administered during her emergency room care in the Coleman hospital. The attending doctor then gave his diagnostic procedures, methods and thought processes he used in coming to the conclusions he gave on the stand. The last witness called on Monday for the prosecution was the officer that obtained the original statement from the accused.

The officer's testimony resumed at 9:00am this morning. A medical examiner was testifying as of noon.

Murder Trail Update - Tuesday Morning

10/7/2008

Coleman Police and Tarrant County medical examiners shared the witness stand Tuesday morning in the capital murder trial of Charles Randal Yarbrough, 24, of Coleman. Yarbrough is accused of causing the death of 15 month old Lacey Lynn Nichols on or about January 9, 2006.

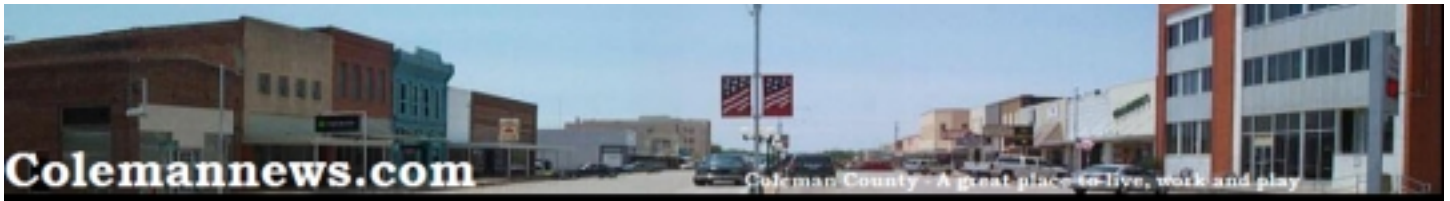
Testimony came from a Coleman police officer who obtained the first statement from Yarbrough and who clarified the accuracy of pictures of the Yarbrough home entered into evidence. A picture of a small toy was also entered into evidence.

The Coleman Police Chief testified as to how the search of the Yarbrough home was carried out on January 9, 2006.

A Coleman dentist verified teeth impression molds he took of six individuals, including family members of the defendant. A Tarrant County Medical Examiner then presented a slide show depicting his analysis and evaluation of a bite mark found on the infant.

Another medical examiner, who witnessed the autopsy of the infant, gave his forensic report, discussed findings and declared the cause of death to be "blunt injury of the head and brain".

The trial was scheduled to reconvene at 1:15pm this afternoon.



State Rests Its Case in Coleman Murder Trail: Defense Calling Witnesses Today

10/8/2008

The Tuesday afternoon session of the capital murder trial of Charles Randal Yarbrough in Coleman began with the testimony of the Pediatric Neurologist that evaluated Lacey Lynn Nichols at Cook Children's Hospital in Fort Worth. Nichols had been transferred from Coleman County Medical Center on January 9, 2006. He discussed his report of the infant's neurological condition and answered questions regarding her symptoms and prognosis.

The second witness was a doctor from the same hospital that specializes in Critical Care of children. He discussed his Intensive Care evaluation of the infant and his diagnosis. The two pediatric doctors from Cook Children's Hospital agreed to "non-accidental trauma" causing death. They testified Lacey had "no brain activity" upon arrival to their facility. The defense questioned the second doctor's "causal" statement of her injuries.

The doctors were followed by a Texas Ranger that investigated the incident surrounding Lacey's injury and subsequent death. He was questioned about his findings and report.

A DPS officer was then questioned about an interview of Charles Yarbrough. The last witness on the stand was an ex-girlfriend of the defendant who testified about some statements he had made to her.

The State rested at 4:36pm on Tuesday. The defense witnesses began their testimony at 9:00am Wednesday. Defendant Charles Yarbrough was on the witness stand as of 10:00am this morning.

Day Three of the Coleman Capital Murder Trial - Morning Session

10/8/2008

On day three of the capital murder trial of Charles Yarbrough, the Texas Ranger that had previously testified was called back to the stand by the defendant's lawyer. He was questioned about the evidence that was retrieved on January 9, 2006. Then the Family Advocate in charge of the placement of the foster children in the Yarbrough's care was called to the stand. He gave testimony as to the training Yarbrough and his wife received prior to having children placed in their home. He also answered questions about his experiences with the family during the period of time between placement and the hospitalization of the infant. The final witness of the morning was the defendant, Charles Randal Yarbrough. His testimony began at 10:00am and he was still on the stand being cross-examined when the judge stopped the trial for lunch break. Yarbrough will continue his testimony this afternoon.

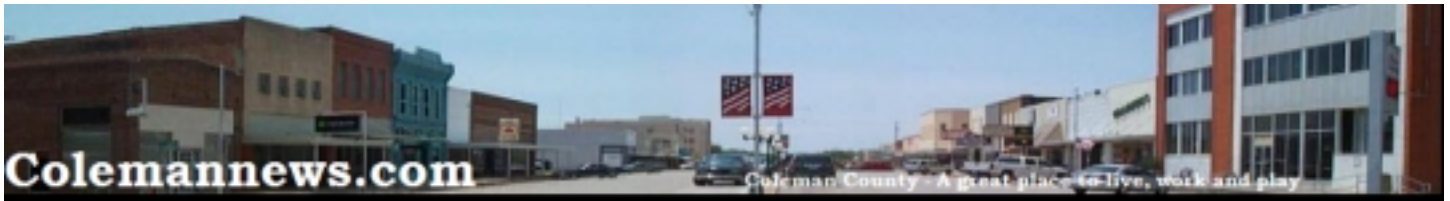
Yarbrough Trial - Wednesday Afternoon

10/8/2008

Lead Attorney Wes Mau, Assistant Attorney General from Austin, completed his questioning of Charles Randal Yarbrough Wednesday afternoon around 2:00pm.

The day's testimony by the defendant had included a discussion of his family ties in Coleman County, his education and work experience, and his present living circumstances. He was questioned about the process of having foster children placed in the home and the training necessary before that happens. There was testimony on the relationship between the foster siblings upon arrival to his home, and how that may have changed over time. Discussion of the weekend before, and the day of the injury to the infant, took most of Yarbrough's time on the stand. The defense had him give detailed descriptions of his memory of January 9, 2006, the day of the hospitalization of Lacey Lynn Nichols. Mr. Mau cross-examined Yarbrough questioning him on the discrepancies in his statements to different individuals regarding the events of that Monday, January 9th. Yarbrough reiterated his statement of not knowing what might have caused her head and brain injury.

The defense then called character witnesses from the Coleman community to the stand. These included a pastor from a local church, a cousin, and three friends and acquaintances. The attorneys then discussed that 12 more witnesses were to be called for this purpose. Since their testimony was to be similar to those already given, the prosecuting attorney agreed to consent that twelve more individuals would attest to his character. The final witness for the defense was unavailable on Wednesday, so the trial will continue on Thursday morning at 9:00am.



Minnesota Doctor Testifies in Yarbrough Murder Trial

10/9/2008

The murder trial of Charles Randal Yarbrough, 24, of Coleman, continued Thursday morning in the Coleman County Courthouse. Yarbrough is accused of causing the death of Lacey Lynn Nichols, 15 months old, while she was under foster care at the Yarbrough home.

The defense attorney called Dr. John Plunkett of Minnesota, a former coroner, now a consultant. He testified as to his opinions, and disagreed with some of the reports on the case made by doctors and pathologists at Coleman County Medical Center and Cook Children's Hospital in Fort Worth.

Dr. Plunkett also said the infant's injuries could have been caused by a "short fall", but it was rare for that to happen. Plunkett testified that, in his opinion, the injuries were not caused by shaking.

Dr. Plunkett agreed that the number of bruises on the infant was greater than normal for falls that typical 15 month-old babies have.

Judge John Weeks took a break in the trial at 10:25 to allow preparation of audio and video aides for the next phase of the trial. Testimony had resumed at 10:50am. A dentist was testifying as of 11:20am.

Testimony Ends at Noon on Thursday in Yarbrough Trial

10/9/2008

The final witness called by the defense team completed his testimony around 12:15pm. The day's witnesses included: Dr. John Plunkett of Minnesota, a paid consultant; a cousin of Charles Yarbrough's ex-wife; and Mr. George Isaac, a forensic dentist from El Paso, Texas. Dr. Plunkett's testimony was described in a previous story. Mr. Isaac's testimony was in reference to the methodology he uses in matching bite marks to dental models of individuals and his findings using the information provided to him in this case. Following his testimony and cross-examination by the prosecution, the defense then "rested" their case and the prosecution stated they would have no rebuttal witnesses to add. The judge then told the jury that they would see no more evidence or testimony.

The trial will continue on Friday morning with final arguments given by both the prosecution and defense; the jury will then go into deliberation of the charges against Charles Randal Yarbrough in the death of Lacey Lynn Nichols.

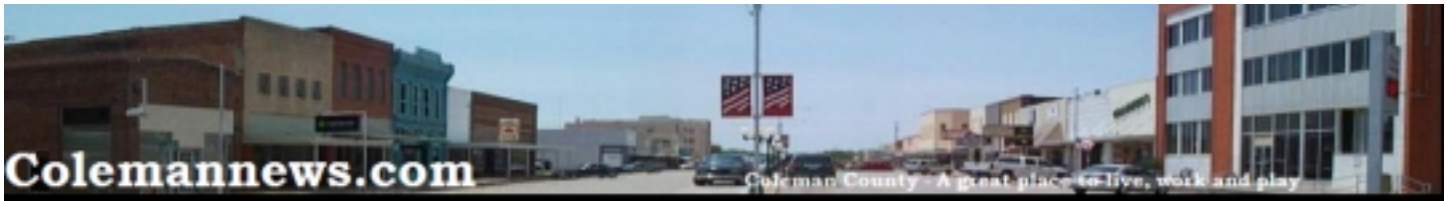
Jury Finds Charles Randal Yarbrough Guilty of Count One; Mistrial Declared on Second Count

10/10/2008

An eight woman, four man Coleman County jury found Charles Randal Yarbrough guilty Friday evening of the lesser Capital Murder charge of reckless injury to a child in the death of Lacey Lynn Nichols on January 9, 2006 in Coleman. This is a 2nd Degree Felony. The second charge of Murder was declared a mistrial. Nichols died while in the foster care of Yarbrough.

After the verdict was read, Yarbrough showed no emotion, nor did his family. Yarbrough was not taken into custody by Coleman County Sheriff Wade Turner since he was not found guilty of intentionally causing injury to a child, the greater capital murder charge. The jury went into deliberations at 10:43am Friday morning and returned their verdict at 8:15pm, making it an 8 1/2 hour deliberation.

The sentencing portion of the trial will be held on Monday, October 13, 2008 in Coleman County District Court. The trial lasted one week.



Yarbrough Sentencing Phase Underway

10/13/2008

Today is a holiday for many, but not the jury deciding the sentencing for Charles Randal Yarbrough. The murder trial of Yarbrough resumed at 9:00 this morning in the Coleman County Courthouse. Defense attorneys presented several character witnesses on behalf of Yarbrough, including family, former teachers, coaches and school administrators at Panther Creek where Yarbrough was a student. Yarbrough himself also took the stand asking for probation. The final witness for the defense was a retired probation officer for Taylor County.

Prosecution admitted back into evidence all the evidence from the trial. In closing statements, prosecutors Joe Lee Rose and Wes Mau pleaded with the jury to speak for Lacey Lynn Nichols and render a sentence that is just. The jury went into deliberations at 10:55 this morning to decide Yarbrough's sentence.

Friday evening Yarbrough was found guilty of the lesser Capital Murder charge of reckless injury to a child in the death of Lacey Lynn Nichols on January 9, 2006 in Coleman, a 2nd Degree Felony. The second charge of Murder was declared a mistrial.

Mistrial Declared in Yarbrough Trial

10/13/2008

A mistrial was declared in the punishment phase of Charles Yarbrough's trial. The jury was charged with deciding the punishment to be assessed to Charles Randal Yarbrough on his 2nd Degree felony conviction of "Reckless Injury to a Child." They went into the jury room at 10:55am this morning and came out at 3:45pm declaring the impossibility of coming to a unanimous decision. By the jury not being able to sentence Yarbrough, this means that a new trial for his punishment could take place. This would require all the evidence and testimony presented this past week to be re-presented to the new jury.

District Attorney Joe Lee Rose stated, "The jury had several tough decisions in this case." He said they would look at everything, talk to the judge and the defense lawyers, and decide on what step to take next and when. The defense lawyer, Mr. Robert McCool said, "We are obviously disappointed with the verdict and it is unfortunate when we can't come to a resolution in a trial. Trials take a toll on the client and his family." He said they would regroup and see what to do, but will be in discussions with the prosecution and judge.