

## Herrin found guilty of manslaughter

Written by Elizabeth Barrett  
Thursday, 30 August 2012 14:03 -

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HERRIN

### Attorneys share approaches to local abuse case

Sentencing for Doris Herrin, who was found guilty of manslaughter in the death of her daughter, is Oct. 12 at 9:30 a.m. in Dawson County District Court.

After a five-day trial last week, a jury delivered the verdict following nearly eight hours of deliberation on Friday.

Herrin, 28, of Gothenburg, was charged with intentional child abuse that resulted in death after her 3-year-old daughter, Misty, died from head injuries in December of 2010.

The jury could have found Herrin guilty of intentional child abuse that resulted in death or manslaughter or negligent child abuse but chose manslaughter.

Dawson County attorney Elizabeth Waterman, who prosecuted the case, said Tuesday she wasn't disappointed in the jury's decision.

"It was based on the evidence they had," Waterman said.

During the trial, the county attorney said she tried to show that Misty's death was the result of an intentional act on Herrin's part.

"When a child is taken in a violent death like this, people have to be held accountable. It's a crime that affects everyone," Waterman said.

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In preparing for the trial, which she said took a tremendous amount of work with a small staff, Waterman said she needed to organize information so it could be conveyed clearly to a jury.

“A lot of it was medical testimony that is challenging to people not used to that kind of information,” she said.

The case was also one of the biggest Waterman has tried during her 18 years as county attorney.

Twenty witnesses were called.

Because she said child abuse was involved, Waterman had to try and keep her emotions at bay.

She said the trial was not about the defendant but about the loss of a 3-year-old child in a violent way.

“That’s what needs to be remembered in this case,” she said. “Nothing I could do could save her but I can make sure she’s not forgotten.”

Jeff Wightman of Wightman & Wightman in Lexington was appointed to defend Herrin.

Wightman said he tried to show that Misty’s fall from a dresser, on Dec. 21, 2010, was caused by accident.

A forensic pathologist testified that the girl’s injuries were consistent with a fall as was initially

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described to police.

Wightman said he also pointed out that Herrin said she was asleep when the injury occurred which could have been caused by Adam Jesseph of Gothenburg, Herrin's boyfriend who was in the house at the time.

Felony child abuse charges were dropped against Jesseph in December of 2011 after Waterman decided the case was not winnable.

At that time, the charge was dismissed without prejudice, leaving open the possibility of refileing at a later time.

"I hate that children are abused or killed but I have to weigh it in terms of what is just and what I can prove with evidence beyond a reasonable doubt," she said.

The abuse case was heard before District Court judge Jim Doyle who revoked bond.

Herrin remains in the Dawson County Jail where she has been held since her arrest in December of 2010.

Under Nebraska law, manslaughter is defined as killing someone else without malice, either upon a sudden quarrel or causing the death of another unintentionally, while in the commission of an unlawful act.

Manslaughter is a Class III felony and carries a maximum penalty of 20 years in prison or a \$25,000 fine or both and a minimum sentence of one year.

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