

<http://www.lancastereaglegazette.com/article/20110914/NEWS01/110914006/Eric-D-Hopkins-trial-charges-death-4-month-old-baby?odyssey=mod%7Cmostcom>

Eric D. Hopkins on trial for charges in the death of 4-month-old baby

7:33 PM, Sep. 14, 2011

caption for photograph: Eric Hopkins, 30, and Kristina Mowery, 24, listen during their indictment hearing in April 2010. The couple were legal guardians of Bryson Mershon, the 4-month-old infant they are accused of killing in November 2009. Hopkins and Mowery both pleaded not guilty to all eight counts of the indictment including murder and involuntary manslaughter. / Abigail S. Fisher / Eagle-Gazette

LANCASTER — Medical experts are expected to testify Tuesday in the trial of one of the two people facing charges in the death of a 4-month-old baby.

A jury of nine women and three men have been selected to decide the fate of Eric D. Hopkins. Hopkins' trial began with opening arguments on Wednesday.

Hopkins and Kristina M. Mowery each pleaded not guilty to murder and other charges after Bryson Mershon's November 2009 death. Mowery's trial is scheduled to begin on Oct. 18. Hopkins is charged with one count of murder, two counts of involuntary manslaughter, one count of reckless homicide, three counts of child endangering, and one count of felonious assault.

Fairfield County Prosecutor Gregg Marx said the evidence will clearly show that that Bryson's health was not in jeopardy and he had no significant injuries before the abuse that led to his death.

The evidence and testimony will make clear that this was abuse and the result of the actions of Eric Hopkins and Kristina Mowery, Marx said.

Hopkins' attorney, William Meeks, said Bryson was compromised from birth, with a birth mother who was addicted to drugs.

"She was putting every type of toxin into that baby before he was even born," Meeks said. "We are also going to show that some of the injuries were old injuries that he may have had from birth. These were good people just trying to do the right thing."

Mershon was hospitalized Oct. 31, 2009, by the couple with a blunt impact injury to his head. He had subdural hemorrhages, skull fractures and multiple other fractures, police said at the time. An autopsy revealed that he died from a lack of oxygen to the brain due to head trauma. Mowery is Mershon's aunt, and Hopkins was Mowery's boyfriend. Mershon was placed in their care after being taken from his birth mother when the mother was arrested and tested positive for heroin and Suboxone while pregnant, court records showed.

During testimony Wednesday, Stacey Bergstrom, a Job and Family Services counselor, said that she had constant contact with Mowery and had talked to Hopkins during home visits after Mowery had started taking care of Bryson.

Under defense questioning, she said she had not seen anything out of the ordinary before Oct. 27.

Bryson's pediatrician, Dr. Robin Rhodes, testified that she had been caring for Bryson since his birth on July 4, 2009.

While she did see some signs of withdrawal, Bryson was a normal child with no major injuries, she testified.

On Oct. 1-4, 2009, Bryson was hospitalized with a fever and having trouble breathing.

"He appeared to be a very ill little child," Rhodes said.

Rhodes said during a follow-up checkup on Oct. 9, after Bryson had been released from the hospital, there were no indications that he had a broken bones.

"He was doing very well then," Rhodes said. "He was sleeping well, feeding well, and was a happy boy."

The trial is expected to last at least two weeks.

Jurors hear numerous testimonies at Eric D. Hopkins trial

12:59 PM, Sep. 15, 2011 Written by [Carl Burnett Jr.](#) The Eagle-Gazette Staff

LANCASTER — Jurors in the trial of Eric D. Hopkins heard testimony from dispatchers, a police officer and medical doctors from Fairfield Medical Center and Children's Hospital this morning. Hopkins and Kristina M. Mowery each pleaded not guilty to murder and other charges after four-month-old Bryson Mershon's November 2009 death. Mowery's trial is scheduled to begin Oct. 18.

Hopkins is charged with one count of murder, two counts of involuntary manslaughter, one count of reckless homicide, three counts of child endangering, and one count of felonious assault.

Jurors on Thursday morning heard the 911 call from Kristina Mowery after they found Bryson not responding and a taped interview Hopkins had with Lancaster police officer Chad Helser before the child was taken to Fairfield Medical Center.

Hopkins could be heard breaking down and crying in the interview. He told Helser he had fed Bryson just before 10 a.m. on Oct 31, 2009, and after that put him in a baby swing chair.

Hopkins said he had gone upstairs for about a half hour and then returned to find Bryson was unresponsive and then tried CPR on him while Kristina Mowery called 911.

Hopkins, crying, said that Bryson was looking at him but not responding in the chair.

Helser said Hopkins was crying and wailing when he first arrived at the scene and did not make any arrests then, allowing Hopkins to go to the hospital with Bryson.

Bryson had subdural hemorrhages, skull fractures and multiple other fractures, police said at the time. An autopsy revealed he died from a lack of oxygen to the brain because of head trauma.

Mowery is Bryson's aunt, and Hopkins was Mowery's boyfriend. Bryson was placed in their care after being taken from his birth mother when the mother was arrested and tested positive for heroin and Suboxone while pregnant, court records showed.

The emergency room physician at Fairfield Medical Center, Dr. Robert Mervis, said Bryson had a heartbeat and a pulse, but was unresponsive beyond that when he arrived at the hospital.

They ventilated Bryson, attempted to stabilize him, and transferred the baby to Children's Hospital in Columbus.

In their examination of Bryson, they did not find any bruising or outward signs of abuse on the child.

An emergency room physician from Children's Hospital, Dr. Wendy Stevens, testified that the baby was on life support when he arrived in Columbus and was in critical condition. She had series of test ordered, including a CT scan that showed a skull fracture and subdural hemorrhages.

This afternoon, testimony will continue in the trial with one of the medics who first arrived to treat Bryson at Hopkins' home on Trace Drive on Oct. 31.

<http://www.lancastereagle.com/article/20110920/NEWS01/109200304/Jurors-hear-part-Eric-Hopkins-police-interview-murder-trial?odyssey=mod%7Cmostcom>

Jurors hear part of Eric Hopkins' police interview at murder trial

3:08 PM, Sep. 20, 2011 |
Comments

caption for photograph: Dr. Julie Lange, a pediatric ophthalmologist at Nationwide Children's Hospital in Columbus, testifies about retinal hemorrhages she observed in Bryson Mershon's eyes before he died. Hopkins was testifying during the murder trial of Eric Hopkins in Fairfield County Common Pleas Court. / Matthew Berry/Eagle-Gazette

LANCASTER -- Eric Hopkins hasn't been called to be a witness in his own trial, but Monday part of an recorded interview he gave to police officers was played for the jury.

"I picked him (4-month-old Bryson Mershon) up and called Kristina and she said to call 911. I handed her the phone and then started to try (CPR) on him," Hopkins said in the interview. "I may have set him down too hard, but I didn't think I hurt him or caused trauma."

Hopkins, 32, and Kristina M. Mowery, 25, each pleaded not guilty to murder and other charges after Bryson's death in November 2009. Mowery's trial is scheduled to begin Oct. 18. Hopkins is charged with one count of murder, two counts of involuntary manslaughter, one count of reckless homicide, three counts of child endangering and one count of felonious assault.

Mowery is Bryson's aunt, and Hopkins was Mowery's boyfriend. Bryson was placed in their care after being taken from his birth mother, who was arrested and tested positive for heroin and Suboxone while pregnant, court records showed.

In his taped interview with Lancaster Detective Sgt. Mike Peters the child was found not responsive, Hopkins said.

The child had been sleeping in a crib in the bedroom when Hopkins took the child downstairs and then went back upstairs, only to come back and find the child unresponsive, he said.

Hopkins said he attempted to give the baby mouth-to-mouth resuscitation and had to keep draining the baby's mouth of formula as it came back up.

He said he had been frantic after finding the baby and tried to bring him back to life.

"Maybe I put him down on the floor too hard," Hopkins said in the interview. "But I didn't do anything on purpose."

Under cross-examination by Hopkins' attorney, Mike Miller, Peters said that Hopkins had voluntarily agreed to be questioned by police officers during the investigation and had been cooperative.

Linn Finefrock, a social worker with the emergency room at Children's Hospital, also testified that she had interviewed Hopkins and Mowery when the baby was taken to Children's Hospital, filling out forms that included family histories for the medical team working on Mershon.

Both Mowery and Hopkins had told Finefrock they didn't know what happened to the baby.

Under cross-examination by Hopkins' attorney, William Meeks, Finefrock said Hopkins and Mowery also reported that they suspected heroin, alcohol and Suboxone abuse by the birth

mother and that they suspected domestic violence abuse between the baby's biological mother and father.

In testimony earlier in the day, a doctor from the Children's Hospital ophthalmology department testified that she had seen damage in the child's eyes when they examined him. Dr. Julie M. Lange told jurors both the right and left eyes of Bryson showed signs of multiple hemorrhages.

Lange's testimony on Monday drew an objection from Hopkins' defense attorneys before she even started to give it.

David Thomas, one of Hopkins' attorneys, argued, after the jury had been sent out of the courtroom, that the report about the eye injuries was completed by an intern that Lange was supervising at the time and that the doctor's report the prosecutors presented did not include Lange's signature.

However, prosecutors argued that Lange had been overseeing the intern's work, had taken the photos of Mershon's eyes at Children's Hospital, and had concurred with the intern's assessments. They also said that Hopkins' lawyers had the report since December to voice any objections.

Fairfield County Judge Richard Berens allowed Lange to testify, but only to what was in the report that dealt with the condition of eyes.

Lange pointed out the hemorrhages on the photos she took, saying there were too many to count.

However, she was not permitted to say what she thought the hemorrhages were caused by. Today, the detective who investigated the case, Lancaster police Detective Nick Snyder, is expected to take the stand.

Carl Burnett Jr. can be reached at (740) 681-4346 or cburnett@lancastereagle.com.

Hopkins was model parent, neighbors and relatives testify during murder trial

6:09 AM, Sep. 22, 2011 |

caption with photograph of officer and car seat: Lancaster police detective Nick Snyder answers questions Wednesday afternoon during the trial of Eric Hopkins about evidence collected Oct. 31, 2009. / Jess Lanning/ Eagle-Gazette

LANCASTER -- The trial of Eric Hopkins is scheduled to resume Monday when the defense is expected to call its own medical experts on what might have caused the death of 4-month-old Bryson Mershon in 2009.

Hopkins' attorneys began their defense Wednesday by calling five witnesses, including neighbors and relatives.

Their testimony came after a Lancaster police detective acknowledged all of the information about abuse in the case had come from evidence generated by medical personnel at Nationwide Children's Hospital.

"I relied almost entirely on what they have told me," Detective Nick Snyder said.

The defense's witness testimony of the home was one of cleanliness, filled with children and no signs of abuse.

Delana Doan, Hopkins' grandmother and a retired Columbus public school teacher, said she had visited Hopkins' home in Lancaster about 10 times while Bryson was living with them.

"The home was very clean, full of toys and was very pleasant," Doan said.

She said she never had seen Hopkins or Kristina Mowery have a temper or discipline the children living with them, however. She did say Bryson always had seemed lethargic to her.

Hopkins and Mowery, 25, each pleaded not guilty to murder and other charges after 4-month-old Bryson's death.

Hopkins is charged with one count of murder, two counts of involuntary manslaughter, one count of reckless homicide, three counts of child endangering and one count of felonious assault.

Mowery is Bryson's aunt, and Hopkins was Mowery's boyfriend. Bryson was put in their care after being taken from his birth mother, who was arrested and tested positive for heroin and Suboxone while pregnant, court records showed.

Other defense witnesses on Wednesday said the couple had a clean home that always was filled with children.

Angela Pierce, Mowery's cousin and neighbor, said the couple were adamant about the environment at the apartment.

Although Mowery and Hopkins smoked, they would not allow anyone to smoke in the apartment, Pierce said.

Ashtrays were set up outside the front and back door for people who wanted to smoke.

Pierce and Mowery's father, Daniel Mowery, said they visited the couple almost every day.

Both said they never had seen Mowery and Hopkins have a temper or abuse the children in the home. They used time-outs for discipline.

In addition to Bryson, Hopkins and Mowery had two other children they were raising. One was 2 at the time of Bryson's death; the other was 4.

Neighbors Joy Jones and Jean Griffith said they visited Hopkins and Mowery on occasion and said the apartment always was well-kept, clean and full of toys for the children to enjoy.

Griffith, who lived in the next apartment, said she never heard any sounds of fighting or screaming coming from her neighbors' apartment.

All said they never had seen any signs of physical abuse on any of the children in the couple's care.

On the morning Bryson was found unresponsive, Pierce said she had heard about the ambulance being called to Hopkins' home from relatives who had a police scanner.

Pierce went to the apartment and found chaos.

"When I walked in, Bryson was on the floor and Eric was flustered," Pierce said. "He was crying for somebody to get help. At one point, he was crying for his mom to help."

Griffith said she also came while Hopkins still was distraught.

"I've never seen anybody cry that much," Griffith said.

Snyder, in his testimony earlier in the day, said Hopkins and Mowery had been cooperative during the investigation.

The pair had allowed the police to search the home and take the swing Bryson had been sitting in earlier that morning, baby formula in a bottle given to Bryson that morning and a bottle of prescription medication found at the residence.

Snyder also said they found no evidence of abuse with the other two children living with Hopkins and Mowery at the time.

In segments of a taped interview Snyder conducted, Hopkins said he had no idea what had happened to Bryson.

He said he had taken Bryson downstairs to feed him then put him in the swing and went upstairs; when he returned, Bryson wasn't responding.

When Snyder told Hopkins about the injuries found on Bryson, Hopkins said he couldn't understand how Bryson could have sustained those injuries and no one noticed.

The defense will continue to present their case to the jury starting on Monday afternoon, which is when their medical experts will be available to testify.

Carl Burnett Jr. can be reached at (740) 681-4346 or cburnett@lancastereagle.com.

Hopkins case could head to jury today

Defense: Boy's cause of death might remain a mystery

Sep. 27, 2011 Written by Carl Burnett Jr. The Eagle-Gazette Staff

LANCASTER -- A defense forensic pathologist on Monday testified the manner of death of a 4-month-old Lancaster boy in 2009 might never be determined. Closing arguments are expected to be heard as early as today in the trial of Eric Hopkins. Defense expert Dr. Michael Balko was asked to review the autopsy performed by Dr. Obinna R. Ugwu, a forensic pathologist with the Franklin County Coroner's Office, on Bryson Mershon.

Hopkins, 32, and Kristina M. Mowery, 25, each pleaded not guilty to murder and other charges after Bryson's death.

Hopkins is charged with one count of murder, two counts of involuntary manslaughter, one count of reckless homicide, three counts of child endangering and one count of felonious assault. Mowery is expected to go on trial on similar charges in October.

Balko is a board-certified forensic pathologist from Fort Mitchell, Ky., had worked as a Hamilton County assistant coroner at one time, and last year he testified for prosecutors in two cases.

Balko came to a different conclusion that Ugwu, who had found multiple bruises on the child's brain and declared his death to come from blunt force trauma. Balko agreed with many of Ugwu's conclusions. However, when it came to the brain injuries, Balko said the bruising had happened long before Bryson had been brought into the hospital.

Looking at the two lesions on Bryson's brain, Balko said that the area had been deprived of oxygen and the area around the injuries had shown evidence of degeneration. That indicated an injury that had happened weeks, if not months before.

However, under questioning by Fairfield County Prosecutor Gregg Marx, Balko said he had not looked at the clinical information, like the CT scans, or some of the reports generated by doctors at Children's Hospital or Fairfield Medical Center when Bryson was brought in on Oct. 31.

However, Balko said he was looking for a cause of death from the autopsy, not a clinical look at the child's medical problems.

As for the 24 broken bones found in Bryson's body during a skeletal exam doctors for the state had testified to last week, Balko said they were not the cause of death. He said without tissue analysis, the cause of the bone breakages can't be determined.

Balko also said that while witnesses for the state had said they had found skull fractures in their scans, the Franklin County autopsy did not find any.

A Children's Hospital radiologist testified that multiple skull fractures were discovered.

Mowery is Bryson's aunt, and Hopkins was Mowery's boyfriend. Bryson was placed in their care after being taken from his birth mother, who was arrested and tested positive for heroin and Suboxone while pregnant, court records showed. On Monday, Brandy Vansickle, a neighbor of Hopkins and Mowery back in 2009, testified that she had known the couple for years and had allowed her four children, then between the ages of 2 and 15, to visit their home often. As for how Hopkins and Mowery treated Bryson, Vansickle said they always were together. "They would always have him around everywhere they went," Vansickle said. She said even after Bryson's death she allowed her children to visit Hopkins and Mowery, and she felt they were safe with them

<http://search.lancastereagle.com/sp?aff=1100&skin=&keywords=hopkins>

Hopkins found not guilty in 4-month-old's death

7:20 PM, Sep. 28, 2011

LANCASTER — As a jury returned a verdict of not guilty on all charges, Eric Hopkins could only stand and weep.

“We are all relieved,” said Hopkins’ attorney, William Meeks. “The jury system works most of the time, and it did with this case.”

Hopkins was charged with murder and lesser charges in the November 2009 death of Bryson Mershon, a 4-month-old boy in his care.

During the trial, defense expert witnesses countered claims by prosecution witnesses that child abuse was evident or that they had correctly determined the manner of death.

Hopkins was released immediately following the verdict. It was the first of two planned trials; Kristina M. Mowery, 25, is scheduled for trial on the same charges Oct. 18.

About 20 supporters for Hopkins were in the courtroom when the verdict was read, including his mother, Vicki Hopkins.

“It has been a long two years and I’m glad it is over. I know Eric is relieved,” Vicki said. “Eric’s lawyers did their homework and did a great job and the jury found the truth.”

Eric Hopkins declined comment through his attorneys.

“It’s like a huge weight has just been lifted off our shoulders,” said Delena Doan, Eric Hopkins’ grandmother.

Brian Distelzweig, one of Eric Hopkins’ cousins, said he also felt like a big weight had been lifted from the family.

“Justice has been served,” Distelzweig said.

The verdict came after closing arguments were heard Wednesday morning.

“We may never know why the defendant (Hopkins) did what he did,” said Fairfield County Prosecutor Gregg Marx during his argument.

But, Marx said, the medical testimony from Children’s Hospital and from Assistant Franklin County Coroner Dr. Obinna R. Ugwu all said the child had suffered child abuse and had died from blunt force trauma to the head.

“He had 24 broken bones in his body,” Marx said.

The defense disputed that, saying that the child actually didn’t have any broken bones and that a radiologist misread the X-ray.

“They had built the entire case on skull fractures located on both sides of skull, and it doesn’t exist,” defense attorney Mike Miller argued.

Defense rests; Eric Hopkins' fate in jury's hands

1:54 PM, Sep. 28, 2011

LANCASTER — The fate of the Lancaster man accused of killing a 4-month-old baby is in the hands of a jury.

Closing arguments were heard this morning in the case of Eric Hopkins. Hopkins, 32, and Kristina M. Mowery, 25, both pleaded not guilty to murder and other charges after Bryson Mershon's death.

Mowery is Bryson's aunt, and Hopkins was Mowery's boyfriend. Bryson was placed in their care after being taken from his birth mother, who was arrested and tested positive for heroin and Suboxone while pregnant, court records showed.

"We may never know why the defendant (Hopkins) did what he did," said Fairfield County Prosecutor Gregg Marx.

But, Marx said, the medical testimony from Children's Hospital and from Assistant Franklin County Coroner Dr. Obinna R. Ugwu all said the child had suffered a child abuse and had died from blunt force trauma to the head.

"He had 24 broken bones in his body," Marx said.

The defense disputed that, saying that the child actually didn't have any broken bones and that a radiologist misread the X-ray.

"They had built the entire case on skull fractures located on both sides of skull and it doesn't exist," defense attorney Mike Miller argued.

Marx said the overwhelming medical evidence from the doctors from Children's hospital indicated that Bryson had suffered abuse for weeks.

Marx said that Hopkins had been with Bryson in the morning to feed him and he was OK, then after putting him in a chair, he returned later to find him unresponsive.

"He was the only person there," Marx said. "No one else was downstairs with Bryson, so something happened and the defendant was the last to see him."

"I think when use your common sense and look at all the evidence using logic, you can only come back with a verdict of guilty," Marx said.

Miller, in his closing, said the case was based on whether the child had suffered from skull fractures and whether there were any broken bones at all.

"(At Children's Hospital) Bryson had 21 chest x-rays done by 12 different doctors between Oct. 31 and Nov. 10," Miller said. "Only one doctor finds a possible break between the second and third rib. Then on Nov. 17, they find 24."

As far as the skull fractures, Miller said that Ugwu and the two pathologists the defense hired to look at the autopsy results all came back saying they did not see any skull fractures.

Miller said Bryson had died because he choked to death on his own vomit and had suffered from a catastrophic brain disease that wasn't diagnosed until after Oct. 31.

Miller said Hopkins and Mowery had taken Bryson in and Hopkins had loved Bryson. He said the child had been placed in their home because they wanted to take care of the child and Job & Family Services felt they would be good caregivers for the child.

"If he had wanted to get rid of Bryson, all he had to do was call JFS, and they would have come and picked him up," Miller said, pointing to Hopkins. "This man loved (Bryson). This man is not a murderer. This man has already had to deal with one horrible tragedy and it has been a tough two years. Don't make this a second tragedy."

The jury of three men and nine women began deliberations in the three week trial after closing arguments and the court instructions were read.

Carl Burnett Jr. can be reached at (740) 681-4346 or cburnett@lancastereagle.com.

<http://www.lancastereaglegazette.com/article/20110928/NEWS01/109280302/Closing-arguments-expected-Hopkins-trial-today?odyssey=tab%7Ctopnews%7Ctext%7CFrontpage>

Closing arguments expected in Hopkins trial today

Pathologist testifies at murder trial, says baby didn't die from blunt force trauma

Sep. 28, 2011 |

LANCASTER --A pediatric forensic pathologist in the murder trial of Eric Hopkins said 4-month-old Bryson Mershon died from choking and lack of oxygen to the brain, not from blunt force trauma, during testimony Tuesday.

Defense witness Dr. Janice Ophoven was the only witness jurors heard from on Tuesday and she said she came to a totally different conclusion than Assistant Franklin County Coroner Dr. Obinna R. Ugwu.

Ugwu, in his autopsy, concluded Bryson had died as a result of blunt force trauma to the head. Ophoven also said she disagreed with a radiologist's interpretation of a skeletal survey that indicated 24 broken bones on the child's ribs, arms, legs and skull.

"There do appear to be bone abnormalities, but they aren't fractures," Ophoven said.

She said the bone abnormalities could have been the result of prenatal care.

Hopkins, 32, and Kristina M. Mowery, 25, have pleaded not guilty to murder and other charges after Bryson's death.

Mowery is Bryson's aunt, and Hopkins was Mowery's boyfriend. Bryson was placed in their care after being taken from his birth mother, who was arrested and tested positive for heroin and Suboxone while pregnant, court records showed.

"Those bone abnormalities could have occurred by simply handling a child," Ophoven said.

Ophoven said Mershon's brain had two large cysts in the front. The holes were empty and had been there for a long time, possibly prior to birth.

These holes were located in the area of the brain where human actions start being developed as a baby grows older.

She said in reviewing the autopsy information of the postmortem, the Franklin County assistant coroner found no fractures, which to her means there were none.

She also said in her review the coroner's office did not find any swelling or bruising anywhere on Mershon's body indicative of abuse.

She said the reports she reviewed indicated the couple had been diligent about taking their concerns about the child's physical well being to physicians and authorities and that the child was clean and well cared for.

She noted Hopkins and Mowery had said the child had trouble staying awake and eating and was staying on one side most of the time, quiet most of the time, and being lethargic back, indicating the child was not developing normally.

Under cross-examination by Fairfield County Prosecutor Gregg Marx, she said she had not treated a child clinically since the mid-1980s.

When he asked if she was going to disagree with the conclusions the doctors at Children's Hospital and the Franklin County Coroner's Office had made, she said yes.

In an interview with police following the incident, Hopkins told police he brought Bryson downstairs in their apartment and fed him. He then put the child in a baby swing/chair and went back upstairs. When he returned later, he found Bryson unresponsive.

When Marx asked if leaving a child like that after a feeding was responsible, Ophoven said it happens all the time.

When parents feed a child at night and put them back in the crib, it is for longer than an hour, Ophoven said.

In her opinion, the child's fatal injury occurred after Bryson vomited and was unable to lift his head up, depriving the body of oxygen.

The head injuries occurred long before, probably before birth, and that the bones were not broken and that the child had not died as a result of abuse, she testified.

Prosecutors are expected to call at least one rebuttal witness today and final arguments are expected.

Carl Burnett Jr. can be reached at (740) 681-4346 or cburnett@lancastereagle.com.

September 29, 2011

Jurors acquit Eric Hopkins on all charges in 4-month-old's death

Carl Burnett Jr.

The Eagle-Gazette Staff

LANCASTER -- As a jury returned a verdict of not guilty on all charges, Eric Hopkins could only stand and weep.

"We are all relieved," said Hopkins' attorney, William Meeks. "The jury system works most of the time, and it did with this case."

Hopkins was charged with murder and lesser charges in the November 2009 death of Bryson Mershon, a 4-month-old boy in his care.

During the trial, defense expert witnesses countered claims by prosecution witnesses that child abuse was evident or that they had correctly determined the manner of death.

Hopkins was released immediately after the verdict. It was the first of two planned trials; Kristina M. Mowery, 25, is scheduled for trial on the same charges Oct. 18.

About 20 supporters for Hopkins were in the courtroom when the verdict was read, including his mother, Vicki Hopkins.

"It has been a long two years, and I'm glad it is over. I know Eric is relieved," Vicki Hopkins said. "Eric's lawyers did their homework and did a great job, and the jury found the truth."

Eric Hopkins declined comment through his attorneys.

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Arguments

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"He had 24 broken bones in his body," Marx said.

The defense disputed that, saying the child didn't have any broken bones and a radiologist misread the X-ray.

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Marx said the overwhelming medical evidence from the doctors from Children's Hospital indicated Mershon had suffered abuse for weeks.

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"If he had wanted to get rid of Mershon, all he had to do was call JFS, and they would have come and picked him up," Miller said, pointing to Hopkins. "This man loved (Mershon). This man is not a murderer. This man has already had to deal with one horrible tragedy, and it has been a tough two years. Don't make this a second tragedy."

Hopkins and Mowery both had pleaded not guilty to murder and other charges after Mershon's death.

Mowery is Mershon's aunt, and Hopkins was Mowery's boyfriend. Mershon was placed in their care after being taken from his birth mother, who was arrested and tested positive for heroin and Suboxone while pregnant, court records showed.

Deliberations

The jury of three men and nine women reached the verdict after about two hours of deliberation in the 10-day trial spaced over three weeks.

After the jury was dismissed, Sarah Dornon, one of the jurors, said there just wasn't enough evidence.

"They never showed me anything that he did wrong," Dornon said.

She said she couldn't believe someone who would take a child in, or that his girlfriend, who is Mershon's aunt, would quit her job to take care of the child.

"They lost her income to take care of that child, and they could have had the child taken from their home at anytime," Dornon said. "They loved that child. They just never showed me anything that would indicate he wanted to harm the baby."

Marx said he was disappointed in the outcome.

He said he felt sorry for the people at Children's Hospital who worked so hard on the case, along with the Lancaster police department.

"I thank them for all their hard work," Marx said. "But I know the jury worked hard to reach the verdict."

Mowery's trial is scheduled for Oct. 18.