

Battalion Classifieds

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Test results doubted Court to decide ex-nurse's fate

Associated Press

AUSTIN — Genene Jones' lawyer asked a state appeals court Wednesday to reverse the conviction that sent the ex-nurse to prison for 99 years in the death of a Kerrville infant.

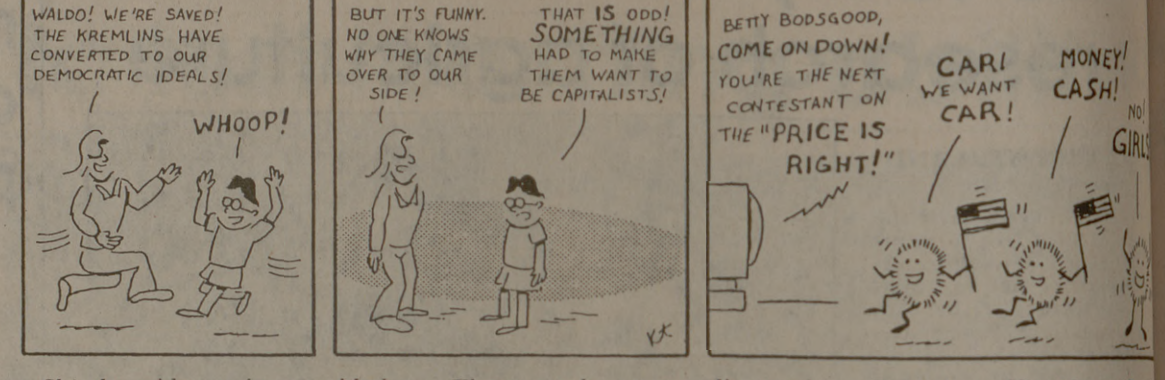
Fifteen-month-old Chelsea McClellan died Sept. 17, 1982, after suffering mysterious seizures while in the care of Jones, who worked in a Kerrville pediatrician's office.

Tests performed after the toddler's body was exhumed showed she had been injected with succinylcholine, a muscle relaxant that can kill. The drug was detected by a new test developed by toxicologist Dr. Bo Holmstedt of Stockholm, Sweden.

Defense lawyer Laura Little told the 3rd Court of Appeals Wednesday that results of that test should not have been allowed as evidence at Jones' 1984 trial in Georgetown.

"We have no testimony as to the accuracy of this test to detect succinylcholine," Little told the three judges.

Waldo by Kevin Thomas



She also said experiments with the test had not been conducted on human tissue but only on rat tissue, and the test has not received "requisite acceptance in the scientific community."

At the trial, Holmstedt said his test had been considered "better than a fingerprint" in accuracy. Dr. Fredric Rieders of Philadelphia traveled to Sweden to use Holmstedt's method to check for succinylcholine in the young girl's tissue.

Prosecutor Ron Sutton of Kerrville said the test results were based upon reasonable scientific certainty. As to the lack of experiments on human tissue, he said, "You can't take someone and kill them with succinylcholine and then test the tissue."

The appeals court adjourned without indicating when it would rule, but it usually takes several weeks after oral arguments for a ruling.

Little contended trial judge John Carter of Georgetown had erred in refusing to allow jurors to consider conviction of a lesser offense, such as involuntary manslaughter.

A murder conviction requires that a defendant be found guilty of acting intentionally. An involuntary manslaughter conviction involves reckless — but not intentional — actions.

Sutton said the evidence showed Jones acted intentionally. He recited the history of problems at Dr. Kathleen Holland's Kerrville office, where Jones worked.


From Aug. 27 to Sept. 27, 1982, six children — including the McClellan girl — suffered unexplained seizures while in Jones' care. All have been brought to the office with relatively minor complaints, he said.


Chelsea was scheduled to receive routine immunizations that a nurse gave while the young girl was in her mother's arms.

"It's a very clear pattern," Sutton said. "In each case, there was an explained seizure. Each one had injection by needle or intravenous and in each one (Jones) prepared the needle or the intravenous."

Jones also was charged with using succinylcholine to injure the children who suffered seizures while in her care in Kerrville, but she has not been tried on those charges.

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