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Misty Evans enters manslaughter plea

By MARIANN MARTIN
mmartin10@jacksonsun.com



A Decatur County woman charged with killing her father last spring pleaded guilty to voluntary manslaughter Tuesday.

Misty Dawn Evans, 26, was sentenced to 10 years in prison at 60 percent, according to the plea agreement. Her lawyer, David Raybin, said Evans will be eligible for parole in about four years, with behavior credits.

Authorities arrested Misty Evans after a weeklong investigation of the March 28 shooting of her father, 48-year-old William Neely Evans.

He was chopping wood at an old homestead about 300 yards from his house at the time, investigators have said.

Evans accepted the sentence and feels comfortable with her decision, Raybin said on Thursday during a telephone interview.

"She wanted to spare her family from the trial," Raybin said. "We felt this is the sentence a jury would give. And the rest of her family absolutely supports her."

Raybin said Misty Evans shot her father because Neely Evans had threatened to kill her and her family.

"She did what she felt was absolutely essential to protect her family," Raybin said. "She took him seriously and believed he was going to do this."

Neely Evans was upset about a custody dispute concerning his grandson, Raybin said. The child was Misty Evans' nephew.

At Misty Evans' preliminary hearing, her mother, Jenita Evans, testified she told her husband about a scheduled court hearing in the custody case the day before he was killed. She said his reaction to the possible outcome of the hearing left her and her daughter in fear.

"I was scared for my life," Jenita Evans testified about Neely Evans' reaction. "Neely had threatened to kill me and my whole family."

Raybin said police had been called in the incident, and a report was filed about the threats.

Neely Evans' brother, Frank Evans, also testified at the preliminary hearing that Neely Evans had shot at him and his mother before.

"... No kind of care or compassion about him when it come to a lot of things, even his mother," Frank Evans said in his testimony. "The only way it seemed like he laughed or cut up was when he was making fun of someone."

Raybin said Neely Evans had physically and emotionally abused Misty Evans and Jenita Evans for many years.

Mental health experts that interviewed Misty Evans said she suffered from a diminished capacity due to the years of abuse, Raybin said.

A person guilty of voluntary manslaughter acted "intentionally or knowingly," but "the killing resulted from a state of passion produced by adequate provocation sufficient to lead a reasonable person to act in an irrational manner," according to state law.

Jenita Evans also testified Misty Evans and Neely Evans were talking near his truck just before the shooting. She said before the shots she heard her husband "hollering" and "cussing."

Jenita Evans said she had told authorities she thought her daughter picked up a gun from Neely Evans' truck because that's where he

usually kept it.

Raybin said the prosecutor in the case agreed that a jury would likely return a verdict of voluntary manslaughter.

Decatur County District Attorney Hansel McCadams did not return a message left at his office.

Misty Evans did not have a prior record, Raybin said.

According to an order filed with the Tennessee Board of Nursing, Misty Evans had her nursing license suspended in February 2009 for taking drugs from the hospital.

Evans was working at the Henderson Community Hospital in Lexington and took oxycodone for personal use on May 9, 2008, the order says.

Misty Evans had used drugs, Raybin said, adding, "Abused people are not perfect."

- Mariann Martin,