

Second jury convicts Yager of murder

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Jurors were able to consider a different defense other than what Nathan Yager raised at his first trial but took only slightly longer than had his 2012 jury to render a verdict.

A few hours after entering deliberations March 20, they found the Paonia resident guilty of second-degree murder in the violent knife attack on his estranged wife, Melinda Tackett Yager, in 2011. Although Yager claimed temporary insanity when he slashed the 34-year-old's throat hours after being denied a restraining order, the jury rejected his defense.

"Yager is now put back in his cage, as he should have been the whole time for what he did to my sister," the victim's twin brother, Matthew Tackett, said March 21, decrying the testimony of the defense's expert witness as "psychobabble."

Yager had been previously convicted of Tackett Yager's murder and sentenced to 48 years in prison, but the Colorado Court of Appeals subsequently determined he should have been allowed to present the temporary insanity defense, due to a precedent-setting case that was decided after the first trial.

Yager's new trial began late last month with jury selection that spanned three days. At trial, Yager's defense did not dispute he'd killed Tackett Yager but argued he suffered from a disease or mental defect at the time that was so great it precluded him from being in a culpable mental state.

Yager was also allowed to claim a heat of passion defense as a mitigating factor, which the jury also rejected.

"I think the verdict was absolutely the right verdict based on the evidence. This was a very clear, strong case," said District Attorney Dan Hotsenpiller, who tried the case with Senior Assistant Colorado Attorney General Janet Drake.

"The defendant had confessed. He called his mother within minutes of murdering Melinda, and he told her he had. The evidence was overwhelming that it was him. That was not in dispute," said Hotsenpiller.

"The only thing in dispute was whether the defense of insanity was valid ... There was really no doubt who killed Melinda, when he killed Melinda and how he killed Melinda."

Public defenders Kori Zapletal and Patrick Crane were co-counsel for Yager. They did not immediately return calls seeking comment. An email to the forensic psychiatrist who testified for the defense that Yager was insane at the time of the crime was not immediately returned.

Other psychiatrists who had performed court-ordered evaluations of Yager deemed him sane;

the defense witness, Dr. Karen Fukutaki, diagnosed him with a dissociative disorder she said rose to the level of severe mental defect.

A prosecution expert called her analysis fundamentally flawed, per the DA.

Hotsenpiller characterized defense arguments for heat of passion as “she made me do it,” which he repudiated.

“There has been a perception in the North Fork community that Melinda’s conduct was somehow inappropriate, wrong and responsible for what happened to her,” he said.

“The evidence at trial really showed beyond any doubt that that is not true. The jury concluded the defendant is responsible for the murder of Melinda.”

Heat of passion is a mitigating factor that can apply when there is a sudden, highly provoking act by the victim of the sort that would incite in any reasonable person an irresistible passion to kill, Hotsenpiller explained.

That was not the case Jan. 7, 2011, he said.

Earlier that day, the latest round in Yager and Tackett Yager acrimonious divorce brought the two to the Delta County court, where Yager was denied a restraining order against Tackett Yager.

Yager returned to Paonia after, but, despite a court order barring him from their former shared home, went there and came in through the back.

A friend of Tackett Yager’s spotted his vehicle parked at nearby storage sheds and alerted her; Tackett Yager and another friend came to the house.

Tackett Yager then darted out of the car and took a picture of her estranged husband from over the back fence as proof of him violating the order that excluded him from the home.

Yager charged her, running her to ground on the railroad tracks behind the residence, there striking her so hard that he broke his hand. He then sliced her throat so violently she was nearly decapitated.

She was left, as her brother said, “dead in the snow.”

Yager left in his truck, avoiding Paonia police by slipping around the safety gate that came down over the tracks due to an oncoming train. He phoned his mother and arranged to surrender in Montrose.

“The evidence here was the victim took a picture of him at the back of the house he’d been ordered not to be at and walked away,” Hotsenpiller said. “Clearly, the jury rejected that the evidence, in this case, justified mitigating his conduct.”

Matthew Tackett said the testimony given to support insanity left him incredulous. He said he worries the insanity defense could give rise to dangerous criminals escaping justice.

Sitting through a second trial knowing there was a possibility the man who killed his sister could walk free was nerve-wracking, he added.

“It was pretty gut-twisting to know that 12 people have to go in there and sort through all this clutter, psychobabble,” Tackett said.

He said though it wasn’t a given, he was pleased with the guilty verdict, and with the work of the prosecutors.

“It’s so unfair that someone like Dan, Janet and the whole team have to work this hard to put this man where he belongs,” Tackett said.

Hotsenpiller said the case takes a toll on survivors and the community at large. He praised Drake and other prosecution team members for the “tremendous effort” required to tell Tackett Yager’s story.

“It was hard for the victim’s family and friends to hear what was said about her,” Hotsenpiller said. “We hope that our evidence and the verdict of the jury demonstrates (the way she was characterized) was incorrect and undeserved.”

Hotsenpiller added though he expects the verdict to be appealed, he is confident it will stand.

Yager was remanded into custody to await sentencing on May 16.

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