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FEATURED

UPDATED: Madelia trespassers sentenced to 15 and 45 days in jail

By Kristine Goodrich kgoodrich@mankatofreepress.com Jun 13, 2017 Updated 1 hr ago



Jackson Forderer

Police tape surrounded the residence 32501 850th Ave. in rural Watonwan County after Nicolas Embertson was fatally shot Jan. 28. Photo by Jackson Forderer



ST. JAMES — The teen who admitted to his role in an attempted burglary-turned-deadly in rural Madelia will spend fewer days in jail than the teen who maintained his innocence.

A Watonwan County judge on Tuesday sentenced Cornelius Ayers Jr., 19, of Mankato, to 15 days in jail and Kyle Thomas Nason, 19, of Sleepy Eye, to 45 days behind bars.

Ayers and Nason pleaded guilty last month to felony conspiracy to commit burglary in connection with the Jan. 28 shooting of Nicolas Embertson by David Allen Pettersen outside of Pettersen's rural Madelia home.

Ayers admitted in court in May that he and his friends were planning to burglarize Pettersen's residence. Nason denied that was his intent and entered an Alford plea, which doesn't admit guilt but acknowledges there is enough evidence to yield a conviction.

On Tuesday Ayers apologized for his actions and pledged never to commit another crime. Nason declined to speak at his sentencing hearing.

Judge Gregory Anderson lauded Ayers for his cooperation with the investigation and owning up to his role in Embertson's death. He told Nason he was "concerned" that he hasn't "accepted responsibility."

Both defendants asked Anderson to waive jail time. Nason offered to serve double the recommended amount of jail time doing community service.

Anderson gave Nason the 45 days recommended by Nason's pre-sentence investigation. The judge described the 15 days he gave Ayers as the "bare minimum" recommended under sentencing guidelines.

County Attorney Stephen Lindee did not object to the non-uniform sentences.

"If you want to give (Ayers) a little less jail time than Mr. Nason, I'm fine with that," Lindee told the judge, noting Ayers' cooperation with law enforcement.

Both defendants received nearly identical community service and probation sentences.

They must serve 5 years probation and complete 40 hours of community service.

Probation conditions include they cannot have any contact with Pettersen, must obtain chemical dependency and cognitive skills evaluations and follow all recommendations and cannot possess any drugs or alcohol.

Nason's mother and pastor spoke on his behalf.

Kayla Nason noted her son has hemophilia and sustained a permanent injury to his ankle jumping off Pettersen's deck.

"Enough bad has come out of this incident," she said.

Pastor Nathanael Mayhew said Nason is an active member of Grace Evangelical Lutheran Church in Sleepy Eye. He said Nason also helped his children adjust to a new school when they moved into the area.

"He's been somebody my children have looked up to," Mayhew said.

Anderson said he was heartened by the statements but not enough to deviate from the recommended sentencing.

"You sound like a decent person who made a very, very bad mistake," he said.

Ayers told the judge he has sought counseling, is finishing up his high school diploma and is helping care for his younger siblings while his mother is receiving cancer treatment.

"You won't see me in here again," he said. "That's not who I am."

Ayers' attorney, Ryan Drea, said Embertson was Ayers' best friend and he died in his lap. That loss and guilt is greater punishment than any jail term, Drea said.

Anderson concurred.

"I don't think there's anything I can do to you that can be worse than that," he said.

Nason must report to jail on Friday. Ayers will report next Friday. Both will be allowed to leave jail during the day to work or do community service.

Their plea deals included the condition that they be given stays of imposition, meaning the felony charge will be reduced to a misdemeanor if they successfully complete the terms of their sentence.

Pettersen pleaded guilty last month to dangerous discharge of a gun and a manslaughter charge was dismissed. He will be sentenced July 11.

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Kristine Goodrich

