

## **Frye: Prisoner Snafu Not in Avery**

Written by Steve Frank

Tuesday, 10 September 2013 08:23

---

Avery Sheriff Kevin Frye said yesterday that his department did exactly what paperwork indicated that came with murder suspect Michael Whisnant when he was placed in their new jail to serve time under another conviction. The term he was serving in the Avery County jail ended last Friday, and with the end of the term, Frye said Avery jailers checked for outstanding warrants or any bonds for Whisnant, and finding none in the system, released the man. Whisnant, charged with murder in Caldwell County in the April death of his girlfriend Tammy Lynn Benge, made his way back to Caldwell and to his father's home there—back into the community where he is accused of killing the 38-year old woman—her body found inside his home. Lenoir Police Chief Scott Brown said a clerical error led to the release as no 'hold' was issued on him when he was sent to Avery to serve the unrelated sentence. News reports from the Caldwell neighborhood where Whisnant lived included outrage on the part of neighbors unaware that the suspect was free near their homes. The specifics of the snafu were not revealed by Caldwell authorities yesterday when pressed by the news media to understand what occurred. Michael Whisnant, 37, had a history of domestic violence involving Tammy Lynn Benge, violating a 2011 court order, issued after police arrested Whisnant on allegations of attacking Benge. After that incident, Whisnant was required to wear an ankle bracelet after posting bond for the 2011 incident, with part of his release that he was not supposed to have contact with Benge.