

Freedom was short lived for a Caldwell County man charged with murder, released in error from Avery County custody Friday. Michael Whisnant, 37, was arrested without incident Friday at his father's home just a few hours after he was accidentally released from the Avery County Jail, according to Police Chief Scott Brown. Chief Brown said a clerical error led to the release as Whisnant was awaiting trial in the death of his girlfriend, 38-year-old Tammy Lynn Benge. Whisnant was held in Avery under a limited jail sentence, according to Sheriff Kevin Frye, who said his office checked for outstanding warrants or bonds when his release date came up Friday, and there were none in the system. Brown indicated that the paperwork snafu was to not issue a hold for Whisnant. In the incident for which he is charged with murder, the woman's body was found in Whisnant's home, according to police. Whisnant was arrested in April in the killing which came after 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.