

Mom guilty of starving twins

By Megan Matteucci
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A Lovejoy mother is facing up to 70 years in prison after a jury found her guilty of starving her twin sons nearly to death.

A Clayton County jury found Tessa Zelek guilty of all eight counts Thursday after deliberating for about an hour.

Zelek, 25, stared straight ahead and showed no emotion as the jury read the verdict.

The only time she showed much emotion during the four-day trial was when prosecutors brought her sons, now 3, into the courtroom.

That was the first time she had seen her sons, Ashton and Avery McCart, since they were 13 months old. The last time she saw the boys, they were so malnourished that they could barely move.

On Thursday, the boys ran past their mother -- laughing and shouting -- but not recognizing her.

"This helps us make sure we can keep the children protected," the boys' aunt, Lisa Scroggins, said after the verdict. Scroggins shares custody of the children with their paternal grandmother.

"We knew a lot of wrong happened and we just wanted to keep the children safe, healthy and happy, thriving babies," she said.

The jury found Zelek guilty of two counts of cruelty to children, four counts of contributing to the deprivation of a minor and two counts of forgery -- all felonies.

Zelek and the boys' father, James McCart, have spent the past two years in jail, not seeing their children since they were 13-months-old.

Doctors and family members said the boys are a long way from where they were the last time Zelek saw them.

"Doctors said these kids were in a worse state than kids in a third world country," Deputy Chief Assistant District Attorney Anece Baxter White said in her closing statement. "These children were getting nothing."

Zelek blames the doctor, saying the twins' pediatrician did not tell her what and when to feed the children.

"It's bad advice, equaling bad results," defense attorney Marc Pilgrim told jurors. "Unfortunately, Tessa trusted the doctor."

Zelek is scheduled to be sentenced Oct. 16. The judge was prepared to sentence Zelek on Thursday, but her attorney asked to delay it.

"We knew we had an uphill battle, but we thought the jury would deliberate longer," Pilgrim said.

McCart, who is awaiting trial, also faced up to 70 years. But he has opted to take a plea, which would carry a 15-year sentence, prosecutors said.

On Thursday, jurors watched a video of the twins -- then 13-months old- at the hospital. They watched as doctors counted one of the boy's vertebrae while he was at the hospital. The boy's arm was as wide as the doctor's finger.

The boys' eyes were sunken in and their clothes hung off the tiny limbs.

After the video was shown, the boys came running into the courtroom, shouting hello to their paternal great-grandparents in the audience.

They ran right past their mother, who quietly sobbed.

In addition to the photographs, jurors listened to the boys' father talk about how the couple sometimes went days without feeding the children.

"I don't know how many days went by that the kids weren't fed. I thought like two, but I'm not sure," McCart testified.

McCart told the jury that the couple was often too high on drugs to care for the babies.

The couple was taking about 20 Methadone tablets a day, along with Xanax, Oxycontin and alcohol, he testified. They obtained the drugs after making prescriptions in their home and forging doctors' signatures, he said.

"At some point we started getting pretty sick [because of the Methadone]. We were both throwing up and we stayed in bed," McCart testified. "We just ignored the baby monitor. We turned it down."

Doctors say the boys would have died if their relatives hadn't intervened.

"This case is about survival, little people who survived, regardless of their parents caring for them or not," prosecutor White said. "Fortunately someone intervened."

The boys are now a bit behind other children in their age group and a little smaller because they suffered brain damage from the malnourishment, their paternal grandmother, Denise Spruill said.

The boys' maternal grandmother, Christiann Zelek -- a former Henry County schools special education official -- is charged with not reporting the child abuse to police. Her trial is scheduled for later this month.

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