



December 10, 2002

Mr. Jeffrey W. Pederson, Esq.
3305 Beechwood Avenue
Cleveland Heights, OH 44118

In Re: State of Ohio, etc. vs. Joseph Wilkes, etc., et al.
Case No.: 02 CVH 05-4986

Dear Mr. Pederson:

Please find enclosed the original deposition of Joseph Wilkes taken on October 17, 2002 in the above matter.

It is a pleasure to be of service in this matter.

Thank you for using Spangler Reporting Services, Inc.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Sharp".

Susan Sharp

sms
enclosure
cc: Melanie Cornelius, Esq.

COURT OF COMMON PLEAS

FRANKLIN COUNTY, OHIO

- - -

STATE OF OHIO, CRIME VICTIMS :

REPARATIONS FUND, THROUGH :

ATTORNEY GENERAL BETTY D. :

MONTGOMERY, :

PLAINTIFF, :

-VS- : CASE NO.

JOSEPH WILKES, DAVID G. : 02-CVH-05-4986

THORNE, :

DEFENDANTS. :

- - -

Deposition of JOSEPH WILKES, a defendant herein, taken by the defendants as upon direct examination pursuant to the Ohio Rules of Civil Procedure and pursuant to agreement and stipulations hereinafter set forth at the Lebanon Correctional Institute, Lebanon, Ohio, at 11:45 a.m. on Thursday, October 17, 2002, before Lisa Conley, RMR-CRR, a notary public within and for the State of Ohio.

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1 APPEARANCES:

2 On behalf of the Plaintiff:

3 Melanie Cornelius, Esq.
4 Assistant Attorney General
5 Capitol Square Building
6 65 East State Street, Fifth Floor
7 Columbus, Ohio 43215-4231

8 On behalf of the Defendants:

9 William T. Doyle, Esq.
10 2000 Standard Building
11 Cleveland, Ohio 44113-1701

12 and

13 Jeffrey W. Pederson, Esq.

14 of

15 3305 Beechwood Avenue
16 Cleveland Heights, Ohio 44118

17 Also present:

18 Ms. Janice Vurginac

19 - - -

20 S T I P U L A T I O N S

21 It is stipulated by and among counsel for
22 the respective parties that the deposition of
23 JOSEPH WILKES, a defendant herein, may be taken as
24 upon direct examination pursuant to the Ohio Rules

1 of Civil Procedure, and pursuant to agreement;
 2 that the deposition may be taken in stenotypy by
 3 the notary public-court reporter and transcribed
 4 by her out of the presence of the witness; that
 5 the transcribed deposition is to be submitted to
 6 the witness for his examination and signature, and
 7 that signature may be affixed out of the presence
 8 of the notary public-court reporter.

9 - - -

10 I N D E X

11 WITNESS	12 DIRECT	13 EXAM
14 Joseph Wilkes	15 6	16 48

17 - - -

1 (Witness sworn.)

2 MR. DOYLE: Let me introduce myself
3 officially on the record. My name is Bud Doyle,
4 William Doyle, and I'm representing David Thorne,
5 along with Mr. Pederson. And what I would ask is
6 that those people who are seated at the table,
7 we're going to introduce ourselves to you and tell
8 you who we represent, okay?

9 THE WITNESS: (Nodding head.)

10 MR. DOYLE: First off, I'm William
11 Doyle and I'm representing David Thorne.

12 MR. PEDERSON: Of course, I'm Jeff
13 Pederson, and we spoke before, and I also
14 represent David Thorne.

15 MS. CORNELIUS: I'm Melanie
16 Cornelius from the Attorney General's office
17 representing the State of Ohio.

18 MR. DOYLE: Joe, we're here today
19 to take testimony in a case that is captioned
20 State of Ohio Crime Victims' Reparation Fund,
21 through Attorney General Betty Montgomery, versus
22 Joseph Wilkes and David Thorne, and it's Case No.
23 02-CVH-05-4986, and it's referred to as a
24 Subrogation Claim No. S99-62364. A complaint has

1 been filed by the Attorney General's office on the
2 subrogation claim against both you and Mr. Thorne.

3 THE WITNESS: Yes.

4 MR. DOYLE: You understand that?

5 THE WITNESS: Yes, sir.

6 MR. DOYLE: Okay. And today what I
7 want to do is to ask you some questions about the
8 circumstances that have brought us here, okay?

9 THE WITNESS: Yes.

10 MR. DOYLE: All right. Now, first
11 off, let's talk about how we're going to take
12 testimony here. We've done some preliminary
13 discussions about this, but this is a deposition,
14 and our court reporter will type out whatever you
15 say and whatever questions I or Melanie ask, okay?

16 THE WITNESS: Yes.

17 MR. DOYLE: And in the course of
18 the deposition, if I ask you a question or if
19 anyone asks you a question that you do not
20 understand, it's important that you tell us that,
21 all right?

22 THE WITNESS: Yes.

23 MR. DOYLE: And if there's anything
24 that we say that is confusing or anything like

1 that, make sure that you understand exactly what
2 it is that we're asking, all right?

3 THE WITNESS: Yes.

4 MR. DOYLE: So when you answer the
5 question, tell us what you know, and if you don't
6 know, tell us that, all right?

7 THE WITNESS: All right.

8 JOSEPH WILKES
9 of lawful age, a defendant herein, being first
10 duly sworn as hereinafter certified, was examined
11 and deposed as follows:

12 DIRECT EXAMINATION

13 BY MR. DOYLE:

14 Q. Okay. First off, let's get some
15 background information, okay. For the record,
16 your name is Joseph?

17 A. Joseph Wilkes.

18 Q. Will you spell Wilkes?

19 A. W I L K E S.

20 Q. Do you have a middle name, Joe?

21 A. Isaac.

22 Q. And how old are you?

23 A. Twenty-two.

24 Q. And your date of birth?

1 A. 6/5/80.

2 Q. And your Social Security Number?

3 A. 280-76-9467.

4 Q. Before being incarcerated, where do
5 you come from?

6 A. Portage County, Ravenna, Ohio.

7 Q. Is that pretty much where you were
8 born and raised?

9 A. No. I was born in Dover, Ohio. I
10 was raised all over the place. I was adopted when
11 I was 12 and went through foster homes.

12 Q. Most of your life was in foster
13 homes?

14 A. Yes.

15 Q. Tell us a little bit about that.

16 A. Generally, when I was younger, from
17 records of the county, I was taken out when I was
18 a year and a half because my father threw my
19 little brother down the steps and gave him a
20 fractured skull, two broken wrists and a broke
21 arm. That was records from the county. When I
22 was five years old, I was returned back to my
23 birth mother's house, and then when I was nine,
24 they had abused us. And my sister had caught

1 frostbite on her toes and they almost fell off.
2 They took us back out and in foster homes, and I
3 was adopted when I was 12.

4 Q. You were adopted when you were 12?

5 A. Yes.

6 Q. Who was it that adopted you?

7 A. Brenda and Sterling Wilkes.

8 Q. Where were you living then?

9 A. Atwater, Ohio.

10 Q. Atwater, Ohio?

11 A. Yes.

12 Q. And so that was when you were 12?

13 A. Yes.

14 Q. Okay. And did you continue to live
15 there with your adopted parents?

16 A. Until pretty much I was 13 or 14
17 years old, and then I pretty much left the house
18 and stayed on my own throughout Cleveland, Ravenna
19 area, Atwater area.

20 Q. How old were you then?

21 A. Thirteen or fourteen years old.

22 Q. You left and you were on your own
23 then?

24 A. Yes.

1 Q. How did you support yourself?

2 A. Generally, off of other people.

3 Q. Okay. And how long did that go on?

4 A. Until I was incarcerated.

5 Q. Okay. Tell us about how far you
6 went in school, Joe.

7 A. I went all the way to my senior year
8 and I dropped out.

9 Q. And what school was that?

10 A. I went to Waterloo High School. I
11 went to Walnut.

12 Q. Where is Waterloo located?

13 A. Atwater, Ohio. I went to Walnut,
14 which is in Ravenna, which is a severe behavior,
15 handicapped. I also went out in Ravenna to Miami
16 Woods and took masonry.

17 Q. When you went to these schools, was
18 that when you were living with your adopted
19 parents?

20 A. No. I mean, throughout the whole
21 time when I was with them and when I wasn't with
22 them.

23 Q. And the circumstances that occurred
24 in this case in March of 1999, how old were you

1 then?

2 A. Nineteen.

3 Q. And how long had you been --

4 A. Was 18, 18 at the time.

5 Q. Eighteen?

6 A. Yes.

7 Q. How long had you been out of school
8 or had not gone to school for quite a while at
9 that time?

10 A. For approximately a year.

11 Q. Did you have any contact with your
12 adopted parents during that period of time?

13 A. On and off.

14 Q. On and off?

15 A. Yes, because of my brother and
16 sister.

17 Q. Pardon me?

18 A. Because of my brother and sister,
19 they adopted three of us.

20 Q. And how was your relationship with
21 your adoptive parents?

22 A. Me and my mother had a very good
23 relationship until I got locked up when I was a
24 juvenile. Me and my father was generally your

1 typical father relationship, he worked all the
2 time and I never saw him.

3 Q. Didn't see him, okay. Were you
4 mistreated at all by your adoptive parents?

5 A. In what way do you mean by that?

6 Q. Physically.

7 A. Physically?

8 Q. Um-hmm.

9 A. As in beaten?

10 Q. Beaten.

11 A. No.

12 Q. Okay. Joe, let me ask you questions
13 about prior criminal convictions before this
14 incident. Can you tell us if you've been
15 convicted of anything before this?

16 A. The only one I recall through the
17 courts that I was convicted was when I was 18, I
18 think it was, I got charged, I'm pretty sure it
19 was with menacing. One of my female friends had
20 problems with another male and I guessed tried to
21 run her over, and being the person that I was, in
22 defense of her, I went to his house, and he
23 wouldn't come out of the house. So he had a brand
24 new car that he tried to run her over with, and

1 sorry to say it wasn't brand new after I was done
2 with it.

3 Q. I'm sorry?

4 A. It wasn't brand new after I was done
5 with it.

6 Q. So you messed up the car?

7 A. Yes.

8 Q. And where did that happen?

9 A. (Shaking head.)

10 Q. Which city?

11 A. I don't even know.

12 Q. But you were charged with something
13 on that?

14 A. Yes. They charged me with menacing.
15 I had to pay \$3,000 and that was really it. Just
16 had to pay the parts that was damaged to the car.

17 Q. What court was that in; do you
18 recall?

19 A. Stark County.

20 Q. Stark County?

21 A. Yes.

22 Q. Up at the county court?

23 A. It was up in Akron -- or no, that
24 would be Summit County, my fault.

1 Q. What?

2 A. Summit County, Akron.

3 Q. All right. And did you do any jail
4 time for that?

5 A. No.

6 Q. So you got fined?

7 A. I was there for less than a day. I
8 paid my bond and they had fined me.

9 Q. So fine and whatever restitution you
10 had to pay?

11 A. Yes. When I was a juvenile, I
12 wouldn't even recall what age I was, I got charged
13 with CCW, concealed weapon, in school. I had a
14 knife, and one of my friends had went and told
15 on me, and being the fact of who I am, I blew
16 everything out of proportion. And I had spoke to
17 the principal, because I was real good friends, he
18 knew my whole family.

19 Q. The principal did?

20 A. Yes. And I had spoke to him before
21 the teacher did and stuck my foot in my mouth and
22 got expelled. She wasn't even going to tell them.

23 Q. All right. But you were not charged
24 with anything, but you were expelled from school?

1 A. I was expelled from school, and I
2 served ten days in Portage County juvenile
3 detention center, ten days for concealed weapon in
4 school.

5 Q. How old were you then?

6 A. Maybe 13, 14.

7 Q. So this is after you had been
8 adopted?

9 A. Yes. I was older than that because
10 I was in high school. I was a freshman in high
11 school.

12 Q. Any other brushes with the law or
13 anything like that?

14 A. Other than your typical running
15 away. I never got convicted, but I've had a
16 couple of fight and assault cases. The one I'm
17 sure I'd have been found guilty of, I just never
18 went to court, got charged with a FTA, but I beat
19 up a gentleman down at McDonald's in Ravenna
20 because he put his hands on one of my female
21 friends, and filed a lawsuit against me, filed
22 charges.

23 Q. They filed charges?

24 A. Yes.

1 Q. In juvenile court?

2 A. No, that was adult. It was when I
3 was 18 years old.

4 Q. But you were not convicted of that?

5 A. No.

6 Q. Okay. Any others?

7 A. When I was younger, it wasn't even
8 to do with the law, but my family had put me in --
9 I was in a group home, boys group home up in
10 Cleveland.

11 Q. Was that the Wilkes that did that?

12 A. Yes.

13 Q. And did they do that through the
14 juvenile court?

15 A. No, not that I recall of. They
16 might have, but I ain't going to state something
17 that I don't know is the truth.

18 Q. But at some point while you were
19 living with the Wilkes, they had you placed in a
20 juvenile home?

21 A. Yes.

22 Q. In Cleveland?

23 A. Yes.

24 Q. Do you remember the name of the

1 home?

2 A. Belmont -- or I mean, Berea
3 Children's Home, and George Berger was my
4 therapist, and he had moved to a place and started
5 his own company, called Safely Home, general same
6 area up in Cleveland, and I had got moved to
7 there. I was also placed in some mental
8 institution.

9 Q. Just during the same time?

10 A. Yes, all of this was in the same
11 time. I had to spend a couple of months in
12 Youngstown detention center, Lincoln Place.

13 Q. And in total, how long a period of
14 time was it that you had -- that your parents put
15 you into the home and into these systems, how long
16 were you out of the house at that time; do you
17 remember?

18 A. A year and a half.

19 Q. For a year and a half?

20 A. Yes.

21 Q. Okay. Well, let's get to what's
22 brought us here, okay. And you are now serving a
23 sentence at this institution, and will you tell us
24 what you're serving now?

1 A. Thirty to life.

2 Q. And this was an agreement or a plea
3 agreement that you entered into with the
4 prosecutors?

5 A. Yes.

6 Q. And that occurred in the summer of
7 1999; is that when it was entered into?

8 A. I don't recall at what time, but it
9 was -- (Nodding head.)

10 Q. Who represented you then; do you
11 remember who your attorneys were?

12 A. Steven Lodico and Wayne Graham.

13 Q. Steven?

14 A. Steven Lodico and Wayne Graham.

15 Q. And I see watching your face that
16 you had kind of an unhappy look there. Can you
17 tell us what you're thinking?

18 A. It's hard to find somebody to
19 represent you when from the beginning they believe
20 and they think that they know that you're guilty,
21 and they give you no chance to speak and not
22 defend you. Lodico told me so many times about
23 death row, death row is this, it's that, death row
24 is bad, you don't want to be on it, you need to

1 take this plea bargain, and that went on the whole
2 time that -- of my case. As soon as they had
3 spoke about death row, he had started throwing
4 that in my face talking about he used to work on
5 death row and that it's not a place that I wanted
6 to be. And Wayne Graham, excuse me, but he was a
7 loser. He never did his job. He never came
8 around. He never asked questions. Lodico was the
9 one always asking questions. The questions he was
10 asking was nothing to help me.

11 Q. It's our understanding at this time
12 that it will be your testimony today that David
13 Thorne had nothing to do with the homicide in
14 question?

15 A. That's very true.

16 Q. And to get to that, what I would
17 like to do would be to begin with the events that
18 occurred in March, specifically I guess March 31st
19 of 1999, and I'd like you, if you would, Joe, to
20 lay out for us as best you recall what you did
21 that day and what contact you had with the
22 decedent on that day.

23 A. Decedent as in Mr. Thorne?

24 Q. Pardon me?

1 A. What do you mean by decedent?

2 Q. I'm sorry. With the woman who was
3 killed, okay.

4 A. (Nodding head.)

5 Q. We lawyers use these words sometimes
6 that we shouldn't. Tell us, first of all, Joe,
7 that day, the day of what we now know as the
8 incident, what were you doing that day?

9 A. I don't recall exactly everything
10 that had happened that day, but I remember that I
11 had went to work with Mr. Brent Enoch, which was
12 my friend's stepfather. We had worked somewhere
13 out in Windham or something, we were doing
14 construction, because that's the type of work I
15 did when I was on the streets. And at some point
16 in time, I had seen Mr. Thorne and I think -- I'm
17 pretty sure, yeah, he came over to Mr. Enoch's
18 house with a lion. And me and him, we stayed
19 there for a few minutes, and then we had left.

20 Q. Let me interrupt you. When you say
21 a lion --

22 A. A tiger.

23 Q. Explain to us.

24 A. A real, live tiger, a cub.

1 Q. And he had it in a cage?

2 A. No, I don't think so.

3 Q. Okay. And where did you see him on
4 that day?

5 A. He came to Mr. Enoch's house because
6 at that time that's where I was staying. I was
7 working with him doing side jobs. And I was also
8 working for a landscaping company, Joseph
9 Greenwall, which I was working for Brent's wife,
10 Karen, I was working for her brother.

11 Q. Brent's, that's Brent?

12 A. I was working with him on side jobs.

13 Q. And what's Brent's last name?

14 A. Enoch.

15 Q. All right. And he had a daughter?

16 A. Yes. Her name is Summer.

17 Q. Summer?

18 A. Yes.

19 Q. You were staying with them --

20 A. Yes.

21 Q. -- during that time?

22 A. Yes.

23 Q. So any idea about what time it was
24 that you saw David Thorne that day at the Enoch

1 house?

2 A. Truthfully, I do not recall.

3 Q. But you do remember seeing him that
4 day?

5 A. Yes.

6 Q. And do you remember what it was that
7 you two discussed or talked about, if anything?

8 A. Just basic, everything we usually
9 talked about, parties, friends, and that's what
10 had led Mr. Thorne to take me, because I was
11 supposed to have a party that night. Mr. Thorne
12 had took me, and I had paid for a motel room and
13 left and went back to Mr. Enoch's house. I was
14 going to the motel, the Comfort Inn up by the
15 Carnation Mall in Alliance, Ohio. I was going
16 there and I was supposed to have a party.

17 Q. Okay. You say Mr. Thorne took you
18 to the hotel?

19 A. Yes, he took me to the mall. And I
20 had paid for the room, and we had returned back
21 out to Randolph.

22 Q. Who paid for the hotel?

23 A. I did.

24 Q. And with money from where?

1 A. Truthfully, I do not recall.

2 Q. But it was your money?

3 A. Yes. It was from my work.

4 Q. Okay. Mr. Thorne gave you no money,
5 then?

6 A. No.

7 Q. And after you went to the hotel, did
8 Mr. Thorne give you a ride back?

9 A. Yes.

10 Q. To Enoch's?

11 A. Yes.

12 Q. Do you recall what you did after
13 that?

14 A. I think, I'm pretty sure that's the
15 time that I had went to work with Mr. Enoch, and
16 after work we had returned back to the house. I
17 had taken a shower.

18 Q. Took a shower at Enoch's?

19 A. Mr. Enoch's house, yes. And I had
20 asked him to take me out to Alliance to the mall.

21 Q. Okay. So you went to the mall at
22 Alliance?

23 A. Yes.

24 Q. Is that the same location where the

1 hotel is?

2 A. Yes. It's -- The mall and the hotel
3 is connected to each other.

4 Q. All right. What happened at the
5 mall?

6 A. I had ran around for a little bit.
7 People were supposed to show up. I was trying to
8 find other people to go. Eventually, the mall had
9 closed, I don't recall what time the mall closes,
10 but they had closed, and I had left the mall area.

11 Q. Okay. Did you purchase anything at
12 the mall?

13 A. A knife.

14 Q. Okay. And why did you do that?

15 A. I don't know. I was a knife
16 collector. I had many knives.

17 Q. What kind of knife did you purchase?

18 A. It was a lock-blade Buck knife.

19 Q. And after that, did you purchase
20 anything else?

21 A. No, sir.

22 Q. Did you -- You say you were trying
23 to run into people. What was your reason for
24 trying to run into people?

1 A. Because I was supposed to have a
2 party that night, and the more people, the bigger
3 the party.

4 Q. At the hotel, that was the idea?

5 A. Yes.

6 Q. And did you run into any people at
7 the mall?

8 A. No. I had spoke with three people
9 that were younger, kids about my age, but they
10 said they were going to come back, and they never
11 did.

12 Q. And so there came a time, then, that
13 you say you left the mall, then?

14 A. Yes.

15 Q. And where did you go?

16 A. I had went to Ms. Yvonne Lane's
17 house.

18 Q. I'm sorry, you went to which house,
19 now?

20 A. Ms. Yvonne Lane.

21 Q. And do you have any idea at this
22 time, Joe, approximately the time that you would
23 have gone over there?

24 A. No, sir. It was around dark.

1 Q. Was it dark out or light out?

2 A. It was around dark time.

3 Q. It was dark?

4 A. Around dark time.

5 Q. All right. And when you -- How did
6 you get there?

7 A. I walked.

8 Q. And when you got there, tell us what
9 happened.

10 A. I entered the house. Yvonne was
11 sleeping. She woke up. We talked for a few
12 minutes. She told me she was expecting company,
13 to come back. And I had left, and I had went down
14 to the McDonald's right down the road from her.

15 Q. Now, you had been to her house
16 before?

17 A. Yes.

18 Q. On how many occasions?

19 A. Approximately, four, maybe five
20 times with Mr. Thorne to see his son.

21 Q. With Mr. Thorne, you would go over?

22 A. Yes.

23 Q. So you were acquainted with her?

24 A. Yes, you could say that.

1 Q. And what was your reason for going
2 over there that day?

3 A. I was going to see if she wanted to
4 come to the party.

5 Q. And did she indicate to you that she
6 wanted to come to the party?

7 A. She had not remarked, she had not
8 made a remark. She told me to come back because
9 she was expecting company.

10 Q. And you then left her house?

11 A. Yes.

12 Q. When you went there at that time,
13 did you see any children around or anything like
14 that?

15 A. As far as I know, her little boys
16 were sleeping.

17 Q. But you don't know, you didn't see
18 them around?

19 A. No.

20 Q. And after that, you left, you say
21 you went to a McDonald's?

22 A. Yes.

23 Q. And did there come a time that you
24 went back to the house?

1 A. I do not recall what time I had went
2 back, but I had went back, and when I had went
3 back, the door was open. I had walked in. When I
4 went upstairs, she was dead. I checked on the
5 little boys to make sure everything was all right
6 with them, and I had left.

7 Q. So from the time that you left until
8 the time that you came back, do you have any
9 estimate as to how much time that would have been?

10 A. No, sir, I don't.

11 Q. Would it have been more than an
12 hour, hour and a half, two hours or you don't
13 know?

14 A. I do not recall.

15 Q. All right. She was alive when you
16 left?

17 A. Yes.

18 Q. And when you came back, she was
19 dead?

20 A. Yes.

21 Q. When you came back to the house,
22 describe for us, as best you can, what you saw.

23 A. When I walked up to the house, the
24 door was open. I walked in, went upstairs. And

1 from the glare off of the street light, you can
2 see generally the whole room right there in front
3 of the house. She was laying on the floor. The
4 TV stand or whatever it was was knocked over, and
5 I had stepped over and went and checked on the
6 boys, and I had left.

7 Q. Did you check on her to find out
8 what her condition was?

9 A. (Shaking head.) I was scared.

10 Q. You didn't check on her at all?

11 A. No.

12 Q. Why not?

13 A. I was scared. I mean, the last
14 thing you expect is to walk up in somebody's house
15 and see a person like that.

16 Q. All right. Then you went up to
17 check on the children?

18 A. Yes. They were on the same floor.
19 They're on the second floor. The room was right
20 next to the bathroom, and I saw that they was just
21 fine, and I had left.

22 Q. When you left, was there any
23 consideration on your part about calling the
24 police to get them to come out and help?

1 A. At the time I couldn't think of
2 nothing. I was scared to death. I mean, I was a
3 kid, I mean, I was young, and the last thing -- I
4 was just scared.

5 Q. So you left?

6 A. Yes.

7 Q. And where did you go?

8 A. I had went back to the motel.

9 Q. How did you get back there?

10 A. I walked.

11 Q. How far away is it, by the way?

12 A. A mile and a half, 2 miles maybe.

13 I'm not sure exactly.

14 Q. And when you got back to your
15 motel -- Well, did you do anything on your way
16 back to the motel?

17 A. Made a phone call to a guy -- I made
18 a phone call to a guy that I had hung around with
19 a few times.

20 Q. This was on your way back to the
21 hotel that you called him?

22 A. Yes. It was right across the road
23 at the school. It's across the road from the gas
24 station, the pay phone there.

1 Q. Okay. And who was it that you
2 called, Joe?

3 A. A guy that I had hung out with a few
4 times, his name is Darren.

5 Q. Darren?

6 A. Yes.

7 Q. Do you remember what his last name
8 was?

9 A. I'm pretty sure it's Roar.

10 Q. Roar?

11 A. Roar.

12 Q. Would you spell that?

13 A. I think R O A R.

14 Q. And did you get a hold of Darren at
15 that time?

16 A. I do not recall.

17 Q. But you remember trying to make a
18 call to him --

19 A. Yes.

20 Q. -- after this incident but before
21 you went to the motel?

22 A. Yes.

23 Q. And when you went into the house,
24 did you have that knife with you?

1 A. Yes.

2 Q. Did you ever use that knife on
3 anyone?

4 A. No.

5 Q. How come you had the knife with you,
6 though?

7 A. I used to keep knives on me at all
8 times. Anybody that knew me knew that.

9 Q. That was your habit?

10 A. It was just a hobby really, you
11 could call it.

12 Q. And what happened to the knife
13 afterwards?

14 A. After the whole incident of
15 everything that had happened, I was scared, and I
16 had got rid of the knife and I had left.

17 Q. Why did you get rid of the knife?

18 A. Because the last thing I was trying
19 to do was be brought into any situation when it
20 came to her death. I mean, anybody that knew me
21 on the streets knew the last thing that I would do
22 is hurt a female. That's why I was always in
23 trouble, that's why I always ended up locked up,
24 it always ended up over a female.

1 Q. Because you were defending someone,
2 you mean?

3 A. Yes.

4 Q. Okay.

5 A. The lady that comes to see me, Vicki
6 Rhodes, I had a situation up in Cleveland with an
7 older gentleman, and I was just a little kid at
8 the time, and he disrespected her verbally, and I
9 lost my cool. And I had told him that he needs to
10 apologize to the lady, and he had words with me.
11 And I told him none of that means nothing to me,
12 I'm not afraid to him, for him to apologize to the
13 lady. And then eventually my girlfriend's dad,
14 pastor of the church, he had came up out of the
15 room and put all of the situation to a stop. But
16 the last thing I've ever done is hurt a female. I
17 hit one female in my life and that was my little
18 sister.

19 Q. So it's your testimony that that's
20 just something you don't do?

21 A. Yes.

22 Q. Okay.

23 A. I grew up my whole life watching
24 females be beat up, watched my little sister be

1 molested, it just ain't something for me. If I
2 hate anybody in this world, it's men, because all
3 I've ever seen is a man beat up a woman. I've
4 lost friendships over it. I've lost family over
5 it.

6 Q. Okay. Joe, after you left, then
7 there came a time that you went back to the motel,
8 right?

9 A. Yes.

10 Q. What did you do at the motel?

11 A. Set up all night scared to death,
12 that's it.

13 Q. Did you call anybody that night?

14 A. No.

15 Q. And what happened the next morning,
16 then, you woke up the next morning?

17 A. Yes. I went down to the pay phone
18 in the mall and I made a phone call to Mr. Roar to
19 see if he was still coming to pick me up, and I
20 had made a phone call to Mr. Thorne because I
21 didn't know if Darren was coming to get me or not,
22 and Mr. Thorne was not there. He did not -- He
23 didn't answer the phone.

24 Q. So that morning, you did, you called

1 Mr. Roar again?

2 A. Yes.

3 Q. Is it Damon?

4 A. Darren.

5 Q. Darren Roar. And you did talk to
6 him that morning?

7 A. I don't think so. No, because after
8 I had called him, I had also called Mr. Thorne
9 because I did not get through, and he ended up
10 showing up within the next couple of minutes
11 anyways.

12 Q. Who did?

13 A. Mr. Darren Roar.

14 Q. Darren Roar did?

15 A. Yes.

16 Q. He came to the motel?

17 A. Yes.

18 Q. And he picked you up?

19 A. Yes.

20 Q. And about what time was that; was it
21 early morning?

22 A. It was early morning.

23 Q. Early?

24 A. Yes.

1 Q. Where did he take you?

2 A. I went back to Mr. Enoch's house.

3 Q. Back to Enoch's?

4 A. Yes.

5 Q. And what did you do then?

6 A. I don't know. I went to my room and
7 I just sat there. They had a room that was a
8 spare room, and that's where I had stayed for a
9 few weeks. I went there and just stayed there.

10 Q. Okay.

11 A. I was scared.

12 Q. Now, at the time during this
13 incident, the clothing that you were wearing, did
14 you ever discard any of that clothing?

15 A. No.

16 Q. No?

17 A. No.

18 Q. What about the shoes you were
19 wearing?

20 A. I had bought new shoes two or three
21 weeks after that, and I mean, I really had no
22 money. I kept what money I got from my job and
23 that's how I paid for it. And the shoes that I
24 had had from the work that I was doing, they were

1 just beat up anyhow, so I got rid of them.

2 Q. And there came a time after this
3 that you were then interviewed by the police
4 department, I think it was in July?

5 A. Yes.

6 Q. Okay. Is that the first time that
7 anyone from the police department talked to you
8 after this incident --

9 A. Yes.

10 Q. -- was in July?

11 A. Yes.

12 Q. And how did that take place; did
13 they come to your house or did they ask you to
14 come down to the police station?

15 A. At that time I was staying -- Well,
16 that night I had stayed at my friend Mike's house,
17 but I was staying with my girl, Jen.

18 Q. What's her name, Jen?

19 A. Jen, I don't recall her last name.

20 Q. Where did she live; was she living
21 in the Alliance area?

22 A. No, Ravenna.

23 Q. Ravenna?

24 A. Yes.

1 Q. So you were no longer living at the
2 Enochs' residence?

3 A. No. It was generally over a money
4 issue, that's how it all started. I had worked
5 for him, and then I had paid him for a truck that
6 he had had, a blue Dodge Ram, and he had turned
7 around and got rid of the Dodge Ram to his
8 brother-in-law and never gave me money for the
9 truck, and never gave me my 500 for helping him
10 and 300 for the truck. So I moved out from that
11 situation.

12 Then I had just stayed at a friend's
13 house for a couple of days in Randolph, Tad
14 Symmes, I had stayed with Tad Symmes for a couple
15 of days. I used to hang out with him all the time
16 in between this. And I stayed at Jen's house; she
17 stayed out in Ravenna.

18 Q. Okay. The people that you were with
19 after this incident, after you had seen this woman
20 who had been murdered --

21 A. Yes.

22 Q. -- did you ever tell anyone about
23 what you had seen?

24 A. No, sir.

1 Q. Okay. So you didn't share that with
2 anybody?

3 A. No, sir.

4 Q. All right. Well, get us back to how
5 the police and you got together on, I believe it
6 was, July 14th?

7 A. Yes, sir, it was. I was at my
8 friend Mike's house. We had just partied that
9 night, woke up.

10 Q. Can you tell us Mike's last name?

11 A. I do not recall.

12 Q. Was he living in Ravenna also?

13 A. Yes. I really -- I mean, he really
14 wasn't my friend. I met him through one of my
15 exgirlfriends. She was there and we was all
16 partying. I stayed at his house for a few weeks.
17 I had another incident with the cops over a
18 female, she was a young girl. They had went to
19 Jen's house on the morning of the 14th, the cops
20 did, and Jen had paged me, and when I had showed
21 up, they was standing there waiting for me.

22 Q. At Jen's house?

23 A. Yes, at her apartment.

24 Q. What happened then?

1 A. They took me down to the county -- I
2 mean, down to the police station.

3 Q. Okay. Tell us about what happened
4 at the police station.

5 A. I got there and they started asking
6 me all kinds of questions about Ms. Lane's death.
7 I told them I didn't know nothing about it. They
8 kept asking me, kept getting loud, getting in my
9 face. I mean, your typical cop procedure, I guess
10 you'd call that.

11 Q. You knew at that point that you had
12 actually been in the house?

13 A. Yes.

14 Q. So were you concerned about that?

15 A. I was scared because of that.

16 Q. All right. And what else did they
17 do?

18 A. Finally -- I mean, they had told me
19 the whole situation of how it was done, when,
20 where, why and all of this other stuff, told me
21 the whole surroundings of what the house was
22 looking like, about the kids, about some dogs, and
23 then I still kept telling them all I don't know
24 nothing about it and that I had nothing to do with

1 it. Finally, he grabbed some pictures of the lady
2 and threw them all out on the desk, threw his
3 hands down on the desk, got real loud with me,
4 told me that he knows I did it and all this other
5 stuff.

6 Q. Is that Detective Sampson or who was
7 that; do you remember?

8 A. It wasn't the bald guy, I know that.

9 Q. Okay. But there were how many
10 detectives there?

11 A. Three.

12 Q. Three?

13 A. Yes.

14 Q. So one of the three threw the
15 pictures out and said, I know you did it?

16 A. Yes.

17 Q. What happened then?

18 A. He kept getting in my face, telling
19 me I did this and to look at the pictures, look
20 what I did, all this other stuff, and then
21 finally, I just broke down and snapped generally,
22 just told him, yeah, I did it.

23 Q. Was there any discussion before that
24 about what David Thorne was saying?

1 A. Yeah. They had told me that
2 Mr. Thorne had filed for immunity and that he was
3 generally, in their own words, sinking me like the
4 Titanic, that I was going down, and he was going
5 to get -- he was going to get his testimony and
6 get off for free.

7 Q. So they told you that he was going
8 to testify against you?

9 A. Yes.

10 Q. And get immunity?

11 A. Yes.

12 Q. And as a result of that and the
13 other things they did, what did you tell them?

14 A. Finally, after they had shoved all
15 this stuff in my face and told me about Mr. Thorne
16 and told me about some other statements that they
17 had had, I finally snapped and told them I did it.

18 Q. And how long were you in there being
19 interrogated before you turned around and told
20 them that you did it?

21 A. Truthfully, I do not know. I know
22 it was awhile.

23 Q. Hours?

24 A. I do not know. It seemed like

1 years.

2 Q. Seemed like years?

3 A. Yeah.

4 Q. Okay. When that happened, when you
5 told them that you did it, Joe, tell us why you
6 said that at that time.

7 A. One, I didn't have nothing to lose.
8 I mean, at that point in time, I didn't think I
9 had nothing to lose, you know. I had spoke with
10 my foster parents and my brother and sister maybe
11 a day or two before that, nothing was good.
12 Nothing was good with me and, you know, my
13 daughter's mother. None of it -- Everything was
14 just over. So I thought --

15 Q. So you kind of felt your life was
16 over anyways?

17 A. Yeah.

18 Q. And when you told the police that
19 you did it, you also indicated that David Thorne
20 had something -- that he paid you to do this?

21 A. Yes.

22 Q. How come you did that, how come you
23 told them about that?

24 A. Call it ignorant, because it is. I

1 figured if I'm about to go down for something that
2 he's about to tell on me for, then he's coming
3 with me.

4 Q. But David Thorne never paid you any
5 money?

6 A. No.

7 Q. So you made a statement that day --

8 A. Yes.

9 Q. -- where you admitted to the killing
10 and that you were paid by David Thorne to do the
11 killing, correct?

12 A. Yes.

13 Q. And then you were subsequently, like
14 the next day, you made another statement?

15 A. (Nodding head.)

16 Q. Do you remember a number of
17 statements that you made?

18 A. I don't know. They spoke to me two
19 days in a row. I don't recall everything that was
20 said. I don't recall everything that was asked.

21 Q. Okay. As far as you are concerned,
22 you had your lawyers, and did you talk to your
23 lawyers about the fact that this did not happen?

24 A. I tried to. They just generally

1 told me in so many words that they didn't want to
2 hear it. They believed I did it anyways. He told
3 me straight to my face one day, he goes, I got a
4 wife, got kids, you're the last thing I want to
5 see on the streets. I mean --

6 Q. Your attorney said that?

7 A. Yeah. Who is he to judge me?

8 Q. Okay. When the statements were
9 taken, there came a time then that you entered
10 into a plea agreement with the State?

11 A. Yes.

12 Q. And you agreed to testify against
13 David Thorne?

14 A. Yes.

15 Q. And how come you did that?

16 A. Because they told me that -- My
17 lawyer, sorry, my lawyer told me that, if I
18 didn't, that I would see death row. He told me
19 that. That's the only reason I had thought about
20 entering the plea bargain, that was the only
21 reason it ever crossed my mind, because he had
22 told me that death row ain't no joke. He told me
23 that ain't where I wanted to be, kept telling me,
24 you know, if you do this, you ain't going to get

1 it, you're going to get life. Told me I'd rather
2 live my life out in prison than die.

3 Q. So you were afraid?

4 A. Yeah. I was a kid. I knew nothing
5 about the law.

6 Q. You were 18 or 19 then?

7 A. Nineteen years old.

8 Q. Okay. When you decided to testify,
9 tell us about your testimony. When you went into
10 court and you testified in the trial, did you tell
11 the same story then that they told you to tell?

12 A. Yes.

13 Q. All right.

14 A. Everything that they told me when
15 they was interrogating me is everything that I
16 said, with some things that was put in there.

17 Q. Like what?

18 A. Like the fact of David's friend and
19 me supposed to be going to David's friend's house
20 or something and -- I don't know, I don't remember
21 the whole thing. I remember that, generally just
22 a cover from them not -- for it to not be able to
23 go back on the police.

24 Q. For it to what?

1 A. For it not to be able to go back
2 that, well, that is exactly what they told him.

3 Q. So this is information that you were
4 provided by the police, you mean?

5 A. Yeah, in so many words. They told
6 me not to say exactly what they had said. They
7 told me, I mean, not exact, not direct, not, you
8 know, don't say -- In so many words they told me,
9 you know, don't say exactly what they told me to
10 say.

11 Q. So you didn't do that?

12 A. I mean, generally, I said everything
13 that they told me to say, except for the little
14 things like, you know, his friend's house,
15 supposedly I was supposed to go to his friend's
16 house, his friend was watching me and so forth,
17 stuff like that.

18 Q. And after you testified, after David
19 Thorne was convicted, did there come a time that
20 you considered what you had done and thought about
21 what had happened?

22 A. Yeah.

23 Q. Okay.

24 A. The day it registered that they gave

1 me life.

2 Q. And tell us why you're saying what
3 happened now as opposed to what happened before,
4 as opposed to what you said before?

5 A. I've known Mr. Thorne for generally
6 five years. Before I got locked up, Mr. Thorne
7 was like my big brother, loved him to death. Even
8 though I'm in this situation, no matter what
9 happens, the last thing I want to see is him go
10 down for something he had nothing to do with. He
11 don't deserve it. He's got a family out there
12 that loves him, cares about him. He's got a kid.
13 I've got one, but it's just -- It would be harder
14 for his family. His family is, you know, used to
15 having him around. He had people that cared about
16 him. He has people that are there for him that
17 are going to stand by him no matter what.

18 Q. Okay. So is it your testimony,
19 then, that David Thorne gave you no money --

20 A. Yes.

21 Q. -- to do this homicide?

22 A. That is true.

23 Q. That he in no way aided or abetted
24 you in the commission of this homicide?

1 A. Yes, that's the truth.

2 MR. DOYLE: If I could have a
3 moment.

4 (Off the record.)

5 MR. DOYLE: Thank you, Joe. I have
6 no further questions at this time.

7 MS. CORNELIUS: Good morning -- or
8 I guess it's morning, it may be afternoon.

9 THE WITNESS: It is afternoon.

10 MS. CORNELIUS: I have a lot of
11 questions, and pardon me if I say anything that's
12 redundant, I don't intend to. I want to kind of
13 go back to the beginning of the testimony and ask
14 you a few questions.

15 EXAMINATION

16 BY MS. CORNELIUS:

17 Q. You stated that you were removed
18 from your natural parents' home --

19 A. Yes.

20 Q. -- at age nine.

21 Who were your natural parents; do
22 you know?

23 A. My birth mother's name is Dorothy
24 Brown and my birth father's name is Joseph Eugene

1 Brown. I don't know either one of them.

2 Q. Okay. You said that you had been
3 removed because there was some abuse going on in
4 the household?

5 A. Yes.

6 Q. Was Joseph Eugene Brown prosecuted
7 for that; do you remember?

8 A. The last time I saw him, I was a
9 year and a half old. (Shaking head.)

10 Q. Okay.

11 A. He was not in the house when they
12 brought me back when I was five.

13 Q. All right. Now, you said that
14 Brenda and Sterling Wilkes adopted you?

15 A. Yes, ma'am.

16 Q. Did you have some siblings, brothers
17 and sisters?

18 A. Yes.

19 Q. What are their names?

20 A. Jennifer Wilkes and Thomas Wilkes.

21 Q. Was there anyone in the Wilkes' clan
22 named Edward?

23 A. (Shaking head.)

24 Q. Okay. You stated that you were

1 adopted when you were 12 or 13 years old, but then
2 you left; is that right?

3 A. Yes.

4 Q. How long did you reside with Brenda
5 and Sterling Wilkes?

6 A. The longest I stayed with them was
7 when they first adopted me, I think it was a year
8 and a half or two years, but I had stayed on and
9 off at their house as a last resort of nowhere to
10 stay.

11 Q. When you weren't staying with Brenda
12 and Sterling Wilkes, who did you stay with?

13 A. Any one of the people that I called
14 friends.

15 Q. What were their names; do you
16 remember?

17 A. Herb Stacey, my daughter's mom,
18 Joanna Brown, Tad Symmes.

19 Q. Anyone else that you remember?

20 A. So many people, I just can't
21 remember everybody.

22 Q. Okay. Anyone else that you wanted
23 to add or is that about it?

24 A. (Shaking head.) Not anybody's house

1 that I stayed at. Summer Enoch's, that's
2 Mr. Enoch's daughter.

3 Q. Anyone else?

4 A. That's all that I can recall right
5 now.

6 Q. Okay. How did you get to know the
7 Enochs?

8 A. The Enochs?

9 Q. Um-hmm.

10 A. I went to school with their
11 daughter.

12 Q. That was Summer?

13 A. Yes.

14 Q. What were the other members of the
15 Enoch family that you got to know?

16 A. I knew a lot of their -- I had met
17 and I knew and had met a lot of their family, I
18 just don't know their names.

19 Q. Did you know Summer's parents?

20 A. Yes.

21 Q. You knew their names?

22 A. I had stayed at their house.

23 Q. Do you know what their names were?

24 A. Karen and Brent Enoch.

1 Q. Did you get along well with them?

2 A. Very well, treated me like I was
3 their son.

4 Q. And sometimes you would stay at
5 their house?

6 A. The only time I stayed at their
7 house is the time that I had spoke of during this
8 whole incident, that's the first time I had ever
9 stayed with them.

10 Q. I'm not sure which incident. You
11 are talking about a lot of things.

12 A. When I was working with Brent.

13 Q. Okay.

14 A. That's the first time and the last
15 time I had stayed with them.

16 Q. When did you meet David Thorne?

17 A. I don't recall. It was about five
18 years before I got locked up. I knew him, I had
19 met him from a guy named Marty. Marty had a car
20 and I was into cars, and we was out riding around,
21 and he had stopped at David's house. I had always
22 knew -- I've seen him before. I didn't always
23 know him, but I always knew he lived there because
24 he had a bobcat that he kept, a real, live bobcat

1 that he kept in his backyard.

2 Q. Marty did?

3 A. No, Mr. Thorne.

4 Q. Oh, okay.

5 A. That's the first time I met

6 Mr. Thorne.

7 Q. And what was Marty's last name?

8 A. I do not know.

9 Q. How old were you when you met David

10 Thorne the first time?

11 A. I don't remember exactly.

12 Q. Did you ever engage in shoot
13 fighting?

14 A. On and off throughout the time, the
15 period of time that I knew him, on and off.

16 Q. The time that you knew David?

17 A. Yes.

18 Q. Could you explain to us what shoot
19 fighting is?

20 A. It's Brazilian Jujitsu,
21 western-style boxing. And we would do Thai-style
22 kickboxing. It's an offense, defense.

23 Q. So did you learn to shoot fight?

24 A. Well, I know a little bit.

- 1 Q. Did you take classes?
- 2 A. No.
- 3 Q. Who taught you what you know?
- 4 A. David.
- 5 Q. How old was David relative to you?
- 6 A. I don't know.
- 7 Q. Was he older or younger?
- 8 A. Yeah, he's older than me.
- 9 Q. Did he live by himself or with his
- 10 parents?
- 11 A. No, he lived with his grandparents.
- 12 Q. Do you remember their names?
- 13 A. Called them Pops and Bubby.
- 14 Q. What was it, Pops and?
- 15 A. Bubby.
- 16 Q. Okay. I think you said you met
- 17 David about five years before you got locked up,
- 18 and you got locked up in 1999?
- 19 A. Yes.
- 20 Q. So you would have met him when you
- 21 were about 14 years old; is that right?
- 22 A. Be about right, yeah.
- 23 Q. Did you see him a lot, did you see
- 24 him every week?

1 A. At first I saw him on and off. I
2 started seeing him at parties. We had the same
3 friends because it was a small, little town. We
4 just -- Amazingly enough, we never had bumped into
5 each other.

6 Q. When you say it was a small town,
7 what was the town?

8 A. Atwater.

9 Q. You mentioned something about that
10 he had a bobcat?

11 A. Yes.

12 Q. Was that an adult bobcat?

13 A. Yes.

14 Q. Now, when you were -- You said when
15 you were about 14 years old is when you met him.
16 From the time you were 14 to the time that you
17 were locked up, 19, did you ever use drugs?

18 A. Yeah.

19 Q. What were your drugs of choice?

20 A. Acid, beer, I've smoked weed, I've
21 done coke, shrooms.

22 Q. What?

23 A. Shrooms, mushrooms.

24 Q. Oh, okay. Any other drugs?

1 A. As far as I know, that's it.

2 Q. Okay. And did you ever do this with
3 David Thorne?

4 A. No. The only thing I ever did with
5 Mr. Thorne was drink and Whipits.

6 Q. And?

7 A. Whipits.

8 Q. Could you explain what you mean by
9 that?

10 A. It's a gas, it's a -- You get off on
11 it. I don't know what kind it is, I don't know
12 what kind of gas it is.

13 Q. So you would inhale this gas to get
14 a high?

15 A. Yeah, yeah.

16 Q. Okay. Did you know David's
17 girlfriend during this time, between the time you
18 were 14 and 19?

19 A. Amy, I met her. I don't even know
20 when I met her. I don't even recall.

21 Q. What was Amy's last name?

22 A. I don't know -- Davis, because I
23 knew her brother.

24 Q. Okay. Did he have any other

1 girlfriends?

2 A. Not that I had met.

3 Q. Had David ever been married that you
4 knew of?

5 A. Not that I know of.

6 Q. Did he know Yvonne Lane?

7 A. I didn't know her until -- I don't
8 know, it was about maybe a year, I don't even
9 think it was that long before all this happened.
10 I had met her because I was with him one day and
11 he wanted to go out and see his son.

12 Q. And what was Yvonne's relationship,
13 if any, in the past or then the present to David?

14 A. From what I could tell, they were
15 friends. Every time I went over there with him,
16 they were nice with each other. They were real
17 cool.

18 Q. Did David have any children that you
19 were aware of?

20 A. Huh?

21 Q. Did David have any children?

22 A. Children?

23 Q. Um-hmm.

24 A. Not until I had met Yvonne, I didn't

1 even know that he had a son.

2 Q. So David did have a child?

3 A. Yes.

4 Q. What was the name of the child?

5 A. Brandon.

6 Q. And who is Brandon's mother?

7 A. Yvonne.

8 Q. About how many times did you see
9 David and Yvonne together?

10 A. I never saw them together.

11 Q. I thought you had said a moment ago
12 that David had introduced you to Yvonne?

13 A. Well, I mean, from seeing them
14 together, no, but me and him have went over there
15 and seen his son, yes. That's the only time I
16 ever saw them together.

17 Q. So how many times did you see them
18 together?

19 A. Five, maybe six times.

20 Q. Did they seem to get along?

21 A. Yes, very well.

22 Q. Did David ever complain to you about
23 having to pay child support?

24 A. No.

1 Q. Did David ever complain about his
2 relationship with Yvonne to you?

3 A. No.

4 Q. Did he ever talk to you about his
5 relationship with Yvonne?

6 A. Nope. The only thing he ever said
7 about Yvonne was that they were friends, that he
8 had a kid with her, that's it.

9 Q. During the time that you knew David,
10 though, they never were dating that you saw?

11 A. Not that I ever saw them together.

12 Q. You mentioned that David did have
13 this girlfriend, though, Amy?

14 A. Yes.

15 Q. Were they together the whole time
16 that you knew him?

17 A. No, no, not that I recall. I don't
18 know when she came into the picture. I just know
19 her.

20 Q. One of the things that you mentioned
21 earlier is you talked about a cub, a lion cub, I
22 believe?

23 A. Yes.

24 Q. Who owned that cub?

1 A. I don't know. It was one of his
2 friend's. I don't know whose it was.

3 Q. It wasn't David's?

4 A. No.

5 Q. Did you know a woman named Samantha
6 Peck?

7 A. Yeah.

8 Q. What was your relationship to
9 Samantha?

10 A. She was supposed to be a friend.

11 Q. Now, you couched that, you said
12 "supposed to be." You didn't think she was a
13 friend or did you consider her a friend?

14 A. Until this situation. I mean, I
15 always did everything for her, anything she ever
16 needed. Then this.

17 Q. So you haven't been in contact with
18 her since you were arrested?

19 A. She wrote me a letter one time,
20 yeah, once. I threw it away because I got upset.
21 I mean, now that it's gone, I can't prove what she
22 had said, but she had told me in the letter that
23 she said nothing but what the cops told her that I
24 had said. So in other words, she told me the cops

1 told her what to say, but I can't prove that now
2 because I ain't got the letter.

3 Q. So she sent you a letter, and can
4 you kind of describe what you remember of the
5 letter?

6 A. She talked to me about her cousin
7 because -- And her cousin was real cool. And then
8 she had spoke about the situation, and she told
9 me, she apologized, said I'm sorry, she said, I
10 just said what the cops told me you had said. She
11 said, I didn't tell on you. She told me, she said
12 that -- What did she say? Generally, what I
13 remember is she just told me that she had said
14 what the cops told her that I had said.

15 Q. Okay. Had you been dating Samantha?

16 A. No.

17 Q. What kind of things did you do
18 together?

19 A. Party, hang out, go to clubs. She
20 was the one that was in the car when I got in my
21 car accident.

22 Q. When was that?

23 A. Might have been '98 or '99. I think
24 it was '99.

1 Q. It was before you were arrested?

2 A. Yes.

3 Q. Okay. Did you ever use drugs with
4 her?

5 A. Drink, that's it, smoke weed.

6 Q. Did she smoke marijuana with you?

7 A. Yeah.

8 Q. Did you ever talk to her about
9 finding the body of Yvonne?

10 A. No. I spoke to no one about that.

11 Q. Do you know how old she is relative
12 to you?

13 A. I'm not exactly sure if she's older
14 or younger.

15 Q. You mentioned that you went to a
16 mall --

17 A. Yes.

18 Q. -- before this, before finding
19 Yvonne's body. What was the name of the mall; do
20 you remember?

21 A. Carnation Mall.

22 Q. The Carnation Mall?

23 A. Yes. It's in Alliance.

24 Q. And you had stayed in a hotel; is

1 that right?

2 A. Yes.

3 Q. And what was the name of the hotel?

4 A. Comfort Inn.

5 Q. Had you just stayed there for one
6 night?

7 A. Yes.

8 Q. Why were you staying in a hotel;
9 didn't you have a place to stay?

10 A. I was supposed to be having a party
11 that night, but supposedly all my friends had
12 left, you know, and nobody had showed up.

13 Q. Excuse me, I missed --

14 A. Nobody showed up.

15 Q. No one showed up?

16 A. No.

17 Q. Where was the party going to be; at
18 the hotel?

19 A. In the motel, yeah.

20 Q. When you weren't staying at the
21 Comfort Inn, where were you residing at that time?

22 A. Mr. Enoch's house.

23 Q. And where is that?

24 A. In Randolph.

1 Q. About how far from Alliance would
2 you say?

3 A. Five or maybe six miles.

4 Q. Did David Thorne ever give you any
5 money?

6 A. No.

7 Q. I believe you said earlier that,
8 after you left home, you lived off other people,
9 and I wasn't quite sure what that meant.

10 Did you have a job?

11 A. Not until I got older.

12 Q. When is the first time you had a
13 job?

14 A. I think I was 16.

15 Q. Who did you work for?

16 A. I worked for a restaurant in New
17 Finney. I don't know the name of it.

18 Q. How long did you work with them?

19 A. Maybe a month.

20 Q. And then where did you work?

21 A. Worked for my grandfather on and
22 off, construction, just generally with whatever
23 construction work that he had that I could help
24 with to make money.

1 Q. When you say you were doing
2 construction, were you building furniture or
3 houses?

4 A. Tearing down, building houses,
5 roofing, cement, landscape, generally all of it.

6 Q. When you say you were working for
7 your grandfather, who specifically are you talking
8 about?

9 A. My adopted mother's dad.

10 Q. What was his name?

11 A. Homer McGaha.

12 Q. What was the last name again?

13 A. McGaha, M C G A H A.

14 Q. Okay. And from what age to what age
15 did you do that construction work?

16 A. I don't know. I've generally been
17 doing construction all my life. As soon as I
18 started working, after that little while at that
19 little job in Ravenna at the restaurant, that's
20 all I did, was construction work.

21 Q. I'm a little confused here, help me
22 out. Homer McGaha is your adopted mother's
23 father?

24 A. Father, yes, supposed to be my

1 grandfather.

2 Q. Okay. So you were doing
3 construction work, what, roughly from the time you
4 were 16 years old?

5 A. Yeah.

6 Q. Until you were locked up?

7 A. Yeah.

8 Q. Okay. I thought you said earlier
9 that, and this is just a point of clarification of
10 something I don't understand, that you had only
11 stayed about a year and a half with Brenda and
12 Sterling Wilkes, but you were doing construction
13 work after that time for this Homer --

14 A. Yeah.

15 Q. -- fellow?

16 A. Um-hmm.

17 Q. Okay. So were you on good terms
18 during that time with Brenda and Sterling Wilkes?

19 A. Brenda, yeah. Sterling, he never
20 really cared anyways so --

21 Q. Any other kinds of work that you did
22 between the ages of 16 and 19?

23 A. Not that I recall.

24 Q. So any money that you got, you got

1 from doing this construction?

2 A. Yes.

3 Q. With Homer McGaha -- Is that the way
4 that you say his name?

5 A. Yes. I had jobs with companies,
6 construction companies.

7 Q. What were the companies' names?

8 A. I used to work for Mike Zevarnar.
9 Don't ask me to spell his name.

10 Q. Is that a person or a company?

11 A. A person. He owned his own company,
12 concrete.

13 Q. Where does he live?

14 A. Between Atwater and Woodstown.

15 Q. Any other construction companies?

16 A. Worked for Joseph Greenwell doing
17 landscaping.

18 Q. Do you know how to spell his last
19 name?

20 A. G R E E N W E L L.

21 Q. Anybody else?

22 A. Not that I recall. I used to work
23 for my mother's exboyfriend, Terry, but I don't
24 know his last name. He used to do roofing.

1 Q. Anybody else?

2 A. Not that I recall.

3 Q. So you were pretty much doing
4 construction up to the time that you were arrested
5 at 19?

6 A. Yes.

7 Q. Did you file a tax return?

8 A. No.

9 Q. Why not?

10 A. Didn't know nothing about it, didn't
11 know what had to be done.

12 Q. So were you getting paid in like
13 cash for the construction work?

14 A. (Shaking head.)

15 Q. You were getting paid by check?

16 A. Yeah.

17 Q. Okay. I'd like to take you back,
18 then, to March of 1999. Okay. You had a little
19 bit of money with you; where did you get the
20 money?

21 A. From working for Joseph Greenwall.

22 Q. For Joseph Greenwall?

23 A. Yes.

24 Q. And he had paid you by check?

1 A. Used to cash my check all the time
2 right up the road from Brent's house, little
3 store, I guess you'd call it, sold cigarettes,
4 food, stuff like that.

5 Q. Do you know the name of the store?

6 A. I think it was called Happ's.

7 Q. Happ's?

8 A. Happ's, H A P P S.

9 Q. I'm sorry for making you spell
10 everything.

11 A. That's all right.

12 Q. It helps our court reporter out and
13 lawyers later when we're trying to figure out what
14 you meant and what you were talking about.

15 So you had some money in your pocket
16 that you said you got from landscaping --

17 A. Yes.

18 Q. -- for this Joseph Greenwall, and he
19 had paid you by a check and you had cashed the
20 check at that store?

21 A. Um-hmm. (Nodding head.)

22 Q. Do you recall meeting in the summer
23 of that year a gentleman named Detective Bud
24 Sampson?

1 A. When he arrested me, yes.

2 Q. Is the first time you met him when
3 he actually arrested you or did you meet him when
4 the police were asking you some questions about
5 Yvonne's death?

6 A. Same time they arrested me. They
7 asked me the questions, is when they arrested me.

8 Q. Do you recall being interviewed by
9 the police at that time about what you knew about
10 Yvonne's death?

11 A. They never interviewed me. They
12 just came and took me into the police station and
13 interrogated me.

14 Q. Well, let's talk about that. Could
15 you describe for us just what happened the first
16 time that you encountered the police and they
17 started asking you questions about that; how did
18 you get to the police station?

19 A. They took me to the police
20 station --

21 Q. So they --

22 A. -- in their car.

23 Q. They had talked with you apart from
24 the police station?

1 A. Only thing they told me is that they
2 had questions about Ms. Yvonne Lane's death, that
3 they wanted to talk to me about it.

4 Q. And where were you when they picked
5 you up?

6 A. My friend Jennifer's apartment.

7 Q. Help us out here, Jennifer's last
8 name was what?

9 A. I don't know.

10 Q. In your own words, could you kind of
11 describe, you were at Jennifer's apartment and
12 then how the police came there, and what happened
13 from your perspective?

14 A. They had arrested me at her
15 apartment. I was coming into her apartment
16 because she had paged me with 911. I guess the
17 cops had stopped and asked for me, and she had
18 paged me and was waiting for me to call back, and
19 instead I showed up, and they took me in from
20 there.

21 Q. Had you ever spoken to police
22 officers before that moment about Yvonne's death?

23 A. No.

24 Q. Okay. So you got there, and then

1 what happened; did they cuff you?

2 A. No.

3 Q. Did they ask you to answer some
4 questions?

5 A. Yeah.

6 Q. What were the words that you first
7 recall?

8 A. The only thing that I recall, they
9 asked me if I know anything about Yvonne's death,
10 and I told them no.

11 Q. Okay. And then how did you end up
12 in the -- I assume they drove you, right, at that
13 point?

14 A. Yes.

15 Q. How did you end up in the police
16 car?

17 A. They asked me to go with them.

18 Q. Did they indicate that you were free
19 to not go if you didn't want to?

20 A. They didn't tell me nothing.

21 Q. Did they advise you of your rights?

22 A. Yeah.

23 Q. They told you, then, that you had a
24 right to remain silent?

1 A. Yes.

2 Q. And that you had a right to counsel?

3 A. Yeah, but they didn't abide by that.

4 Q. Did you ask for counsel?

5 A. Yes, I did.

6 Q. When did you ask for counsel?

7 A. The whole time they was sitting
8 there interrogating me before they pushed that
9 little play button on there.

10 Q. And did you sign a form indicating
11 that you understood your rights?

12 A. Yes.

13 Q. And did you agree to talk to them
14 without an attorney?

15 A. After about it seemed like an hour,
16 yeah.

17 Q. Okay. So let me backtrack a little
18 bit. You went to Jennifer's apartment, about what
19 time of day was that?

20 A. I do not even know. It was late
21 morning or early evening.

22 Q. You said later morning or early
23 evening, I'm not sure. Some idea of the hour?

24 A. I don't even know.

1 Q. Was it before or after lunch?

2 A. I don't know. Just got done
3 partying the night before, and I wouldn't know
4 what time it was when I woke up.

5 Q. Had you been using any illegal drugs
6 at that time?

7 A. Yeah.

8 Q. No?

9 A. Yeah, acid, beer, coke.

10 Q. From the time they arrested you that
11 day, when was the last time that you had taken
12 some acid?

13 A. That night.

14 Q. What?

15 A. That night.

16 Q. When you're saying "acid," you're
17 referring to LSD?

18 A. Yes.

19 Q. About how many hits of LSD did you
20 have?

21 A. I don't even have the slightest
22 clue.

23 Q. That was the night before?

24 A. Yes.

1 Q. Okay. And you had taken some other
2 drugs the night before?

3 A. Snorted a few lines of coke and
4 drank all night.

5 Q. Did you get drunk?

6 A. Yeah, until I dropped the acid.

7 Q. So were you high when the police
8 arrested you?

9 A. I was generally on that hangover and
10 still coming down from the acid.

11 Q. Okay. In addition to the Detective
12 Sampson, was there also a Detective William
13 Mucklow there --

14 A. Yeah.

15 Q. -- at the police station?

16 A. Yes.

17 Q. What about a Detective John Leach?

18 A. Yes.

19 Q. Had you ever had any occasion to
20 know these gentlemen before that moment?

21 A. No.

22 Q. Hadn't had any run-ins as a juvenile
23 with any of those police officers?

24 A. They were in the wrong county.

1 Q. Did you tell them that you were
2 hungover?

3 A. Yes, I did. I told my lawyer that
4 too.

5 Q. Now, you mentioned that you had
6 wanted a lawyer?

7 A. Yes.

8 Q. Tell me about that. Did you tell
9 them that you wanted a lawyer?

10 A. That's what I kept telling them.

11 Q. When did you tell them that the
12 first time?

13 A. After he had shoved the pictures in
14 my face and told me I did it.

15 Q. So the interview was well along at
16 that point?

17 A. Yeah.

18 Q. Did you ever tell the police that
19 you would say anything they wanted you to say if
20 you could walk out?

21 A. No.

22 Q. I want to take you back to that
23 night, and I know it's probably a painful night.
24 You said you had gone to Yvonne's, and then you

1 had left because she said she was having company?

2 A. Yes.

3 Q. Did she ever tell you who she was
4 expecting?

5 A. No.

6 Q. Did she say how long to wait before
7 you came back?

8 A. She just told me to give her a
9 little bit.

10 Q. Did she give you a time to come
11 back?

12 A. (Shaking head.)

13 Q. Did you have an argument with her?

14 A. No.

15 Q. About how much time passed between
16 the time when you first came to the apartment and
17 then when you came back, would you say?

18 A. I don't know.

19 Q. Was it an hour, two hours?

20 A. I don't even know.

21 Q. Had you been using drugs that night?

22 A. Drinking, I drank a few beers.

23 Q. What about hits of acid?

24 A. No.

1 Q. Cocaine?

2 A. No.

3 Q. And you came back and you discovered
4 her body?

5 A. Yes.

6 Q. And you went to check on the
7 children?

8 A. (Nodding head.)

9 Q. How many children were there?

10 A. I don't know. I think she has five.

11 Q. There were five children?

12 A. I think. I don't know how many she
13 has.

14 Q. How many children were there at that
15 time that you saw?

16 A. I don't know.

17 Q. How many children did you check on?

18 A. I didn't check specifically. I just
19 looked and saw nothing was disarrayed, so I left.

20 Q. I thought you said earlier that you
21 checked on the children to see if they were all
22 right?

23 A. I did.

24 Q. That's a little bit different, I

1 think, than what you're saying now. Could you
2 clarify that?

3 A. I mean, there was nothing in there
4 that was out of the ordinary from any of the other
5 times that I had been there.

6 Q. Okay. Were the children asleep?

7 A. That I recall, I'm pretty sure.

8 Q. What were you wearing then?

9 A. My usual sweat pants, white Nike
10 jacket, and I think I had on my black Tupac shirt
11 with white Nike shoes.

12 Q. You said your black and then you
13 said?

14 A. Black Tupac shirt.

15 Q. Could you explain what that is?

16 A. Tupac Shakur.

17 Q. I'm still not sure.

18 A. A rapper.

19 Q. A rapper shirt, okay. What about
20 for shoes, what did you have on?

21 A. White Nikes.

22 Q. Were they new shoes?

23 A. No.

24 Q. How long had you had them?

1 A. Long time, I don't know.

2 Q. When you say a "long time," a month,
3 a year?

4 A. Probably about a year.

5 Q. What about the Nike jacket?

6 A. It was Summer's.

7 Q. When you say "Summer's," Summer
8 Enoch's?

9 A. Yes.

10 Q. It wasn't yours?

11 A. No.

12 Q. And the rapper shirt, was that
13 yours?

14 A. Yes.

15 Q. Do you or did you keep the same
16 clothes on the remainder of that night --

17 A. Yes.

18 Q. -- or did you change clothes?

19 When you were in the apartment, did
20 you get any blood on those clothes?

21 A. Not that I know of.

22 Q. Did you get any blood on your shoes?

23 A. I didn't know that until they had
24 told me.

1 Q. So you weren't aware that there was
2 any blood on your shoes?

3 A. No.

4 Q. When you initially went into the
5 apartment of Yvonne Lane, you said the door was
6 open. I'm not sure exactly what you mean. Do you
7 mean that the door was unlocked or do you mean it
8 was standing open?

9 A. The door was standing open.

10 Q. Was it all the way open --

11 A. Yeah.

12 Q. -- or half way?

13 A. It was open.

14 Q. You said that you thought there
15 might be as many as five children. Were there any
16 little girls among them or were they all boys?

17 A. I don't even think she has any
18 little girls that I know of.

19 Q. So they were all boys?

20 A. Yes.

21 Q. How old were these children, would
22 you say?

23 A. Little kids, I don't know.

24 Q. Are we talking about under ten?

1 A. Yeah.

2 Q. Under five?

3 A. I think they were all under five.

4 Q. So you came in. How was the
5 apartment kind of laid out, could you kind of
6 describe that for us?

7 A. You walk in, there's a big room
8 right there.

9 Q. Like a living room?

10 A. Like a den.

11 Q. Okay.

12 A. And you have to keep walking back,
13 and on the right-hand side, there's steps and you
14 have to take a right to go up to the steps, and
15 there's a railing, and there's a big room right
16 there.

17 Q. Up the steps?

18 A. Yes.

19 Q. Okay. So it's like a bilevel
20 type --

21 A. Yeah.

22 Q. -- apartment or town house?

23 A. Yeah.

24 Q. And where was Yvonne's body laying?

1 A. On the second floor as soon as you
2 went up the steps.

3 Q. Now, when you came back to Yvonne's
4 apartment, did you knock on the door?

5 A. No. The door was open.

6 Q. Did you shout a greeting or anything
7 like that?

8 A. I said her name.

9 Q. Did you get any answer?

10 A. No.

11 Q. And then you went in --

12 A. Yeah.

13 Q. -- at that point?

14 A. Um-hmm, um-hmm.

15 Q. You said, I didn't know her very
16 well. What caused you to go up the stairs into
17 that other room where her body was?

18 A. She told me to come back later and
19 that's what I was doing.

20 Q. Okay, so you come up the stairs.
21 Can you kind of explain in your own words what you
22 saw and what you did?

23 A. From what I could see, she was
24 laying there, and there was blood on the floor,

1 stand was knocked over. I stepped over her and
2 went and checked on the kids.

3 Q. You stepped over her?

4 A. Yes.

5 Q. Where were the children?

6 A. In their room.

7 Q. So this big room has the bedrooms
8 behind it?

9 A. Yeah.

10 Q. Okay. Did you ever at any point
11 stoop down to see her?

12 A. (Shaking head.)

13 Q. How do you know she was dead?

14 A. As much blood as was laying on that
15 floor, anybody was going to be dead.

16 Q. You stepped over her body and you
17 went back to the bedrooms?

18 A. Yes.

19 Q. How many bedrooms were there?

20 A. One.

21 Q. And you went into the bedroom?

22 A. Just opened the door and looked in.

23 Q. Looked in, and what did you see when
24 you looked in?

1 A. Nothing was out of the ordinary.
2 Wasn't nobody in there moving around. From what I
3 could tell, everybody that was in there was
4 asleep.

5 Q. How many children were in that room
6 asleep?

7 A. I don't know.

8 Q. Did you turn a light on?

9 A. No.

10 Q. What did you do next?

11 A. I left.

12 Q. Did you go down the stairs?

13 A. Yes.

14 Q. Out the door?

15 A. Yes.

16 Q. And then what did you do; you
17 crossed the street?

18 A. I left and went down to the -- I
19 left her house and went down to the McDonald's.

20 Q. You said Mc --

21 A. McDonald's.

22 Q. Okay. Did you get something to eat
23 there?

24 A. No.

1 Q. Did you go into McDonald's?

2 A. Yes.

3 Q. What did you do at the McDonald's?

4 A. Wiped my face off, drank some water
5 out of the bathroom and left.

6 Q. Then what did you do next?

7 A. Went back to the motel.

8 Q. Did you make any phone calls?

9 A. Yes.

10 Q. Who did you call?

11 A. Guy named Darren Roar.

12 Q. What did you call him from?

13 A. Pay phone in the gas station right
14 across from -- I think that's a little school
15 there or something, down by her house.

16 Q. Where is that relative to the
17 McDonald's that you were talking about?

18 A. Diagonal.

19 Q. Diagonal?

20 A. Diagonally.

21 Q. Why did you call him?

22 A. To make sure he was coming to get
23 me.

24 Q. Did you tell him what you had seen?

1 A. I didn't get a hold of him.

2 Q. Did you leave a message for him?

3 A. No.

4 Q. Did you ever give any thought of
5 calling 911 and making an anonymous report of what
6 you had seen?

7 A. No. I was scared to death.

8 Q. When you say you were scared, what
9 were you scared of?

10 A. I mean, being 18 years old and
11 walking in and seeing somebody dead, if that don't
12 scare an average 18-year-old, I don't know what
13 will.

14 Q. But you hadn't done it?

15 A. No.

16 Q. And there were children under the
17 age of five in the apartment.

18 A. Last thing I was doing was thinking
19 right of anything.

20 Q. But that's not because you were on
21 drugs?

22 A. No.

23 Q. You were just really upset?

24 A. (Nodding head.)

1 Q. Did you mention to anyone until that
2 time when the police picked you up what you had
3 seen?

4 A. No.

5 Q. Is there anyone that you think has a
6 grudge against you or has a problem with you that
7 might say something untrue about you?

8 A. The person that opened his mouth
9 about this case, Christopher Campbell.

10 Q. Now, how did you know Christopher?

11 A. When I went to Miami Woods JVS, he
12 was also there.

13 Q. Miami Woods?

14 A. JVS, joint vocational school.

15 Q. When was that?

16 A. My 11th grade year.

17 Q. Did you become friends with Chris?

18 A. In the beginning, yeah.

19 Q. What happened between you two?

20 A. Everything is cool, we was supposed
21 to be friends. My best friend, Ed Hubert, had
22 died, and he took me to the funeral. And then a
23 couple weeks after that, I had taken masonry, and
24 somebody had hit me in the back with wet cement,

1 just playing. And I had picked a handful up and
2 threw it at him, and it hit him in his face. And
3 he wore glasses, and it had cracked his glasses,
4 and he got mad and started running his mouth.

5 Q. That happened in the 11th grade?

6 A. Yes.

7 Q. So that was roughly, what, about a
8 year or year and a half before this happened?

9 A. Yeah.

10 Q. Did you stay in contact with Chris?

11 A. I can't -- I don't recall if it was
12 before or after the whole incident, but his
13 girlfriend, Michelle, I think that's her name -- I
14 don't know her last name or if it was his girl or
15 whatever. I was real cool with her brother, and
16 she had called me up and asked me if I wanted to
17 go to homecoming or something with her and him and
18 this other girl, and we had went. Me and the girl
19 had rented a room right next to theirs at the
20 Comfort Inn.

21 Q. So you and Michelle went to
22 homecoming?

23 A. No, no. That was Chris' girlfriend.
24 I went with a girl named Deanna Abrook.

1 Q. And you got a room at the Comfort
2 Inn?

3 A. Yeah.

4 Q. Following the homecoming?

5 A. Yeah.

6 Q. So other than the incident where you
7 broke his glasses, did anything else happen
8 between you and Chris Campbell?

9 A. I mean, I got kicked out of school
10 over that, because we had got into a fight in the
11 classroom.

12 Q. Did you see him after that?

13 A. Not that I know of, not that I can
14 recall.

15 Q. Did you ever have a conversation
16 about what had happened with Yvonne or what was
17 happening between you and David with Chris
18 Campbell?

19 A. No, no.

20 Q. What does Chris Campbell know, if
21 anything, about what happened between you and
22 Yvonne?

23 A. I don't know what he knows. Nothing
24 happened between me and her. I just knew her.

1 Q. Anyone else that you think has a
2 problem with you --

3 A. No.

4 Q. -- during that time?

5 A. Not that I know of.

6 Q. When you entered Yvonne's apartment,
7 were you wearing gloves?

8 A. I don't recall. I don't think so,
9 but I don't recall.

10 Q. Okay. Are you still on good terms
11 with Karen Enoch?

12 A. Last time I spoke with her, we was
13 all right. I saw her a year ago or maybe two.

14 Q. Between the time that Yvonne died
15 and the time when the police picked you up for
16 questioning in connection with her death, did you
17 talk to David Thorne on the telephone?

18 A. I do not recall.

19 Q. Did you see David Thorne?

20 A. Yes.

21 Q. Did David Thorne ever give you any
22 gifts?

23 A. No.

24 Q. Now, at the beginning of today's

1 deposition, you were put under oath.

2 A. Yes.

3 Q. Have you told the truth here today?

4 A. Yes, I have.

5 Q. You mentioned that David Thorne was
6 quite a good friend of yours. Would you ever lie
7 for David Thorne?

8 A. No.

9 Q. Even though it might get David out
10 of prison?

11 A. No.

12 Q. Why wouldn't you do that?

13 A. Why would I want to do a life
14 sentence by myself?

15 MS. CORNELIUS: I have no further
16 questions.

17 MR. DOYLE: We have no further
18 questions. As was explained to you earlier, Joe,
19 what will happen is that the transcript will be
20 prepared by our court reporter, and you have the
21 right, I believe, to review it for accuracy or you
22 can waive that signature and presume that the
23 court reporter has gotten it right. She's pretty
24 good, she does a pretty good job. So it's up to

1 you as to whether you feel you want to waive
2 signature or sign off on it. If you waive
3 signature, then you're accepting the fact that
4 it's going to be accurate.

5 THE WITNESS: I'd prefer to read
6 it.

7 MR. DOYLE: To read it?

8 THE WITNESS: Yes.

9 MR. DOYLE: Okay. Then we would
10 conclude the deposition at this time. Thank you,
11 Joe.

12 MS. CORNELIUS: Thank you.

13

14

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JOSEPH WILKES

19

- - -

20

DEPOSITION CONCLUDED AT 1:40 P.M.

21

- - -

22

23

24

C E R T I F I C A T E

STATE OF OHIO :

: SS

COUNTY OF HAMILTON :

I, LISA CONLEY, RMR-CRR, the undersigned, a duly qualified and commissioned notary public within and for the State of Ohio, do hereby certify that before the giving of his aforesaid deposition, the said JOSEPH WILKES was by me first duly sworn to tell the truth, the whole truth and nothing but the truth; that the foregoing is the deposition given at said time and place by the said JOSEPH WILKES; that said deposition was taken in all respects pursuant to agreement; that said deposition was taken by me in stenotypy and transcribed by computer-aided transcription under my supervision; that the transcribed deposition is to be submitted to the witness for his examination and signature; that I am neither a relative of nor attorney for any of the parties to this cause, nor relative of nor employee for any of their counsel, and have no interest whatever in the result of the action.

SPANGLER REPORTING SERVICES, INC.

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IN WITNESS WHEREOF, I hereunto set my

hand

and official seal of office at Cincinnati, Ohio,

this

18 day of November, 2002.

Lisa Conley

MY COMMISSION EXPIRES: LISA CONLEY, RMR-CRR

JULY 29, 2004.

NOTARY PUBLIC-STATE OF OHIO

COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

1
2
3 STATE OF OHIO, ETC., :
4 PLAINTIFF, :
5 -VS- : CASE NO. 02-CVH-05-4986
6 JOSEPH WILKES, ETC., :
7 ET AL., :
8 DEFENDANTS.:
9
10

11 Lisa Conley, RMR-CRR, a court reporter,
12 first duly cautioned and sworn, testifies and
13 affirms that JOSEPH WILKES, a defendant herein,
14 was notified that the transcript was ready for
15 review and signature on Monday, November 4, 2002,
16 by forwarding a copy of the transcript to Joseph
17 Wilkes in care of Janice Vurginac.

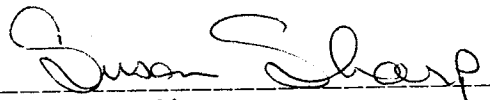
18 Within seven days (pursuant to Rule (30)E
19 of the Ohio Rules of Civil Procedure), JOSEPH
20 WILKES, a defendant herein, did not present
21 signature of said deposition.

22 The original transcript is now being
23 tendered into the hands of Jeffrey W. Pederson,
24 Esq.

Further affiant sayeth naught.

25
26 
27 _____
28 Lisa Conley, RMR-CRR

29 Sworn to me and subscribed in my presence this
30 day of _____, 2002.

31 
32 _____
33 Susan M. Sharp
34 Notary Public: State of Ohio
My commission expires:
08/04/2004