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(Thereupon, court opened at
8:47 a.m. and the following
proceedings were had.)

THE COURT: Good morning, ladies
and gentlemen. It's a testament to the
great snow blowing crew to Stark County.
I'm sure you see some roads are better than
others.

Nice to see you all here today.
If today is one of those that you would all
prefer not to go brave it on your own, why
don't you at the break get together and
decide that and then let us know and we
will place an order for you. We can get
sandwiches from across the street. Maybe
we can get them from the Conestoga or there
is Napoli right down the street if you want
something along those lines. Think about
that and we will discuss that at the
break.

Mr. Haupt, are you all ready? You
may call your next witness.

MR. BAUMOEL: Call Joe Wilkes.

JOSEPH WILKES

1 who, after being first duly sworn,
2 testified as follows:

3 DIRECT EXAMINATION

4 BY MR. BAUMOEL:

5 Q. State your name for the record and spell
6 your last name?

7 A. Joseph Isaac Wilkes, W-i-l-k-e-s.

8 Q. How old are you?

9 A. Nineteen.

10 Q. And what is your date of birth?

11 A. 6-5-80.

12 Q. Therefore, on the date of March 31st of
13 1999 you were 18 years old at that time; is
14 that correct?

15 A. Yes, sir.

16 Q. Where are you presently living?

17 A. Hazen Road in Ravenna.

18 Q. Are you presently incarcerated in jail at
19 this time?

20 A. Portage County.

21 Q. The clothes you are wearing, is that
22 standard uniform for inmates at the jail?

23 A. Yes, sir.

24 Q. You indicated that your name is Joseph
25 Wilkes. Was that the name given to you at

1 your birth?

2 A. No, sir.

3 Q. And who were your parents when you were
4 born?

5 A. Dorothy and Joseph Brown.

6 Q. Where were you born?

7 A. Dover, Ohio.

8 Q. How many brothers or sisters do you have?

9 A. I have two other brothers and five sisters.

10 Q. And if you would, can you go through the
11 names of them?

12 A. Jennifer and Thomas were adopted with me.
13 And Barbara and Julie and Jason and myself
14 and my oldest sister and me.

15 Q. Were do you fit in that as far as youngest
16 to oldest?

17 A. I'm the second oldest.

18 Q. And you indicated the word adopted. I
19 think you were jumping ahead. You were not
20 adopted by Joseph and Dorothy Brown?

21 A. No.

22 Q. Did all your brothers and sisters, are they
23 all fathered by Joseph Brown?

24 A. No, sir, they weren't.

25 THE COURT: Mr. Baumuel, would

1 you pull that microphone towards you.

2 Thank you

3 BY MR. BAUMOEL:

4 Q. Let me go back to my previous question.

5 Were all your brothers and sisters fathered
6 by Joseph Brown?

7 A. No, sir. They weren't.

8 Q. Were any of your brothers and sisters
9 besides yourself fathered by Joseph Brown?

10 A. Yes, my sister Jennifer and my brother
11 Jason.

12 Q. And for what period of time did you live in
13 the same house as your father Joseph Brown?

14 A. For maybe a year and-a-half.

15 Q. Why was that?

16 A. Because he threw my older brother down the
17 steps and put him in the hospital and we
18 were all put in foster homes.

19 Q. And did you remain in a foster home?

20 A. Until I was five years old.

21 Q. Then what occurred at that time?

22 A. Then they placed back me in the home.

23 Q. Was your father Joseph Brown still present
24 at the home at that time?

25 A. No, sir, he was not.

1 Q. How long did you remain under the care of
2 your mother Dorothy Brown?

3 A. Until I was nine years old.

4 Q. You were nine years old?

5 A. Yes.

6 Q. What happened from that point?

7 A. Then I was put in foster care until I was
8 12.

9 Q. What happened at age 12?

10 A. I was adopted by Sterling and Brenda
11 Wilkes.

12 Q. Why were you taken out of the home at age
13 nine, if you recall?

14 A. Because I lived -- in the home they were
15 abusive physically, emotionally, sexually.

16 Q. And once again, what are the names of your
17 adoptive parents?

18 A. Brenda and Sterling Wilkes.

19 Q. Any of your brothers and sisters also get
20 adopted by Brenda and Sterling Wilkes?

21 A. Yes, my sister Jennifer and my brother
22 Thomas.

23 Q. And where did Brenda and Sterling Wilkes
24 live?

25 A. They lived in Atwater.

1 Q. Tell me then once you go and live with
2 Brenda and Sterling Wilkes, after being
3 adopted, what schools did you attend in
4 that area?

5 A. For most of the period of time I attended
6 Waterloo High and Waterloo Middle School.

7 Q. When did you leave Waterloo High School?

8 A. My 11th grade year.

9 Q. And what happened at that point?

10 A. I went to Maplewood.

11 Q. What is Maplewood?

12 A. It's a JVS, Joint Vocational School.

13 Q. Was that by your choice?

14 A. Yes, it was.

15 Q. How long did you remain at Maplewood JVS?

16 A. For maybe two months.

17 Q. What happened at that point?

18 A. I got in a fight and got in some trouble
19 and they put me in a behavioral school.

20 Q. You got kicked out of Maplewood and placed
21 in a behavioral school. Do you recall the
22 name of the behavioral school?

23 A. Walnut.

24 Q. How long did you remain at Walnut?

25 A. Until last year when I dropped out.

1 Q. Being 1999?
2 A. Yes, sir.
3 Q. And you did not graduate then from high
4 school?
5 A. No, sir.
6 Q. At that time being it's the spring semester
7 or whatever?
8 A. Yes, sir.
9 Q. And spring of 1999, that would have been
10 your senior year?
11 A. (Indicating.)
12 Q. During your school years did you get
13 involved in drugs?
14 A. Yes, sir.
15 Q. What type of drugs did you do?
16 A. Acid, cocaine.
17 Q. And during your school years up to the
18 evening of March 31st, 1999, did you
19 continuously live with your adoptive
20 parents Brenda and Sterling Wilkes?
21 A. No, sir, I did not.
22 Q. Did they continue to live together during
23 that period of time?
24 A. They had split up a point in time over the
25 summer of I think it was '97 or '98.

1 Q. They had separate residences then?

2 A. Yes.

3 Q. Tell us then did you go and live with one
4 as opposed to the other during that time?

5 A. Yes, I was living with my father.

6 Q. That would be Sterling Wilkes?

7 A. Yes, sir.

8 Q. And did you remain with him continuously up
9 to the night of March 31st?

10 A. No, sir, I did not.

11 Q. Where did you live -- when did you start
12 not living with your father Sterling
13 Wilkes, approximately?

14 A. About September after that summer.

15 Q. September after which summer?

16 A. '97 or '98.

17 Q. And where did you live during that period
18 of time?

19 A. Pretty much anywhere I could.

20 Q. Did you at times return to the home of your
21 father and mother?

22 A. Excuse me?

23 Q. Did you return during the time -- after you
24 left the home, you said you stayed wherever
25 you could. Would you on occasions return

1 to either Brenda or Sterling Wilkes home?

2 A. I did once.

3 Q. Finally, during those school years, did you
4 ever own an automobile?

5 A. Yes, sir.

6 Q. Please tell us about the purchase of your
7 first car?

8 A. My first car -- David paid for my first
9 car. It was an '87 or '88 Volkswagen
10 Rabbit.

11 Q. And when did that occur?

12 A. About October.

13 Q. October of which year?

14 A. '98 I want to say.

15 Q. October of '98. When you say David, do you
16 know David's last name?

17 A. Thorne.

18 Q. Do you see David Thorne in the courtroom
19 today?

20 A. Yes, I do.

21 Q. Would you please point him out and briefly
22 describe what he is wearing?

23 A. He's sitting right there, has on a teal
24 turtleneck, white sweatshirt.

25 Q. Record reflect identification of the

1 Defendant by the witness.

2 How long did you own that car for?

3 A. Until about December.

4 Q. Just a two month period?

5 A. Yes.

6 Q. What happened to the car?

7 A. I had -- my mom had put it in a junkyard
8 because I was buying a new car.

9 Q. Was the car working at that time?

10 A. No.

11 Q. You bought a new car when?

12 A. January 1st.

13 Q. Let me go back. You said David helped you
14 buy it. What did you mean by he helped
15 you?

16 A. He paid for the car for me.

17 Q. How much did that cost at that time?

18 A. I think -- I'm not exactly sure, but I
19 think it would have been \$300.

20 Q. During the time that you go out and start
21 living away from your adoptive parents
22 house, how do you support yourself
23 financially?

24 A. My girlfriends.

25 Q. And did you have any jobs during that

1 period of time?

2 A. No, I did not.

3 Q. In regards to the second car then, tell us
4 about the circumstances of purchasing your
5 second car?

6 A. My adoptive mother Brenda Wilkes, she
7 cosigned for me to purchase a '96 Geo
8 Metro.

9 Q. And how long did you own that car for?

10 A. Until towards the end of January.

11 Q. What happened at that point?

12 A. I got into a car accident.

13 Q. And were you hurt in the car accident?

14 A. Yes, sir, I was.

15 Q. Tell us about that.

16 A. I was driving back from Streetsboro and it
17 was snowy out. I was going down 44 I think
18 it is, or 14 comes out of Streetsboro. I
19 was -- I hit a patch of ice and I started
20 spinning and I was sideswiped by a truck.

21 Q. What happened to you?

22 A. I had received like 23 stitches in my head.

23 Q. Where did you go to receive those stitches?

24 A. Robinson Memorial.

25 Q. And did your family or parents or brothers

1 or sisters visit you there?

2 A. No, sir, they did not.

3 Q. Is there a reason for that?

4 A. They were -- my parents were upset because
5 I had wrecked my automobile and they were
6 liable because my mother cosigned for it.

7 Q. This caused a strain in your relationship
8 with your mother and father?

9 A. Yes, sir, it did.

10 Q. What about your brothers and sisters, did
11 you remain in contact with them during this
12 period of your life?

13 A. Not at that point in time.

14 Q. We have mentioned now the Defendant, David
15 Thorne. Approximately how long have you
16 known David Thorne?

17 A. Anywhere from three to five years.

18 Q. And so you are presently 19, so anywhere
19 from the age of 14 to 16 you have known
20 David Thorne?

21 A. Yes, sir.

22 Q. And do you recall how you first became
23 acquainted with David Thorne?

24 A. It was -- the first time that I met him was
25 through a guy named Marty.

1 Q. And did you become friends right off the
2 bat?

3 A. No, sir, I did not.

4 Q. Tell us how the relationship between
5 yourself and David Thorne began.

6 A. It was at a party at Atwater at a friend's
7 Jay Brennan's house and that's when we
8 started hanging out and talking.

9 Q. And how often would you say then after that
10 point?

11 A. After that I saw him quite a bit.

12 Q. And when you say quite a bit, how often are
13 we talking about?

14 A. Whenever he was not working.

15 Q. Do you recall where he was working at that
16 time?

17 A. I don't know the name of where he works.

18 Q. Do you know what kind of work he did?

19 A. Yes, he does light sticker detail for cars.

20 Q. Are you familiar with the term shoot
21 fighting?

22 A. Yes, sir.

23 Q. What does that term mean to you?

24 A. It was a sport that Thorne was training.

25 Q. What kind of sport?

- 1 A. It was a jujitsu and kick boxing.
- 2 Q. And did you become involved in the sport of
3 shoot fighting?
- 4 A. Yes.
- 5 Q. Tell us how that happened if you recall.
- 6 A. I'm not exactly sure how.
- 7 Q. Let me ask you this: Were you involved in
8 shoot fighting first or was David Thorne
9 involved in shoot fighting?
- 10 A. David was.
- 11 Q. Do you recall, was it David Thorne or was
12 it somebody else who got you involved in
13 this sport?
- 14 A. It was David Thorne that got me involved.
- 15 Q. Why did you get involved in it?
- 16 A. It was a sport that, you know,
17 self-defense, taught you how to fight
18 and --
- 19 Q. Did you have actual training sessions in
20 regards to shoot fighting?
- 21 A. Not actual training sessions. They were in
22 his basement of his house.
- 23 Q. Did you go to a place such as Independence,
24 Ohio, where they would have a formal class?
- 25 A. No.

- 1 Q. You need to talk orally.
- 2 A. No.
- 3 Q. You did get informal training; is that
4 correct?
- 5 A. Yes, sir.
- 6 Q. And where would that occur?
- 7 A. In David Thorne's basement.
- 8 Q. Can you describe David Thorne's basement?
- 9 A. It's two rooms down there, got a water bed,
10 pool table, exercise machine, punching
11 bags.
- 12 Q. Is it a residence where he lives by
13 himself?
- 14 A. No.
- 15 Q. Who else lives with him at that residence?
- 16 A. His grandparents.
- 17 Q. Do you know their names?
- 18 A. I don't remember.
- 19 Q. Just grandmother and grandfather of David
20 Thorne. Anybody else at the residence?
- 21 A. No.
- 22 Q. To your knowledge, did David Thorne get any
23 what we call formal training in shoot
24 fighting?
- 25 A. Yes, sir.

1 Q. Where did he get his formal training?

2 A. At I believe the name is Tracy's Dojo up in
3 Cleveland.

4 Q. In regards to the training that he was
5 training you, is that an accurate statement
6 as to what was going on?

7 A. Yes, sir.

8 Q. Did you refer to David Thorne talking to
9 other people as your trainer?

10 A. Yes, sir, I did.

11 Q. What type of things would he teach you
12 during the training sessions?

13 A. Grappling, kick boxing.

14 Q. How often would these training sessions
15 occur?

16 A. When I first started we were trying for at
17 least once every week or every two weeks.
18 And eventually it just dropped off to
19 whenever I saw him.

20 Q. And how long a time period did this start?
21 How many years or months or weeks were
22 involved in this training sessions?

23 A. It wasn't too long after we had started
24 really hanging out that he started training
25 me.

1 Q. And did it continue on either on a weekly
2 basis that you have described all the way
3 up to the evening of March 31st?

4 A. No, sir.

5 Q. When approximately do you think that the
6 training sessions ended?

7 A. It was really -- for a while it was once
8 like every week and then it turned out to
9 be whenever I saw him.

10 Q. So still was some training, just wasn't on
11 a weekly basis up to March 31st?

12 A. Yes.

13 Q. Was there any mental aspect David Thorne
14 talked to you about in regards to being a
15 successful or good shoot fighter?

16 A. To be the best, we shouldn't have to fear
17 anybody.

18 Q. And during the shoot fighting training,
19 would there ever be I guess all out shoot
20 fighting or physical combat between the two
21 of you?

22 A. Not as in kicking or boxing, but as in
23 ground grappling, yes.

24 Q. Wrestling?

25 A. Yes.

1 Q. It would be all out him versus you in his
2 basement at times?

3 A. Yes.

4 Q. Was that a common thing?

5 A. That was pretty much how it went.

6 Q. And was there a winner or a way to win?

7 A. He pretty much won all the time. It's tap
8 out.

9 Q. Tap out. What does that mean?

10 A. That's you have to tap out.

11 Q. Is that asking for mercy or saying --

12 A. Pretty much.

13 Q. When we talk about wrestling, are we
14 talking about holds in which you would
15 cause the other person extreme pain to
16 where he would ask for mercy?

17 A. Yes, sir.

18 Q. Submission hold, would that be something
19 that was used during the course of this?

20 A. Yes.

21 Q. What did you personally then -- what did
22 you like about the shoot fighting?

23 A. Myself when I first met Thorne, I was
24 pretty much afraid of everything and that's
25 one thing that really brought me to him was

1 that I saw he feared nothing and that I
2 wanted to be just the way he was.

3 Q. And as you sit here today, are you glad you
4 had the experience or the training in the
5 shoot fighting?

6 A. No, sir, I'm not.

7 Q. Why is that?

8 A. Because I wouldn't be in this situation
9 that I'm in.

10 Q. Why do you say that?

11 A. Because before I met Thorne I was afraid of
12 everybody and I was pretty much a little
13 mommy's boy. And when I met Thorne, he
14 helped me -- well, at the point in time he
15 helped me change to self-defense and I
16 wasn't running from everybody.

17 Q. Based on these training sessions and your
18 contact with David Thorne, how would you
19 describe your feelings about David Thorne
20 during that time period, your relationship
21 with David Thorne during that time period?

22 A. I looked up to him as pretty much a bigger
23 brother that I never had that I always
24 wanted.

25 Q. Was he a friend?

1 A. Yes.

2 Q. Were you either scared or intimidated by
3 him?

4 A. Yes.

5 Q. Why is that?

6 A. Because it seemed he was better than me.

7 Q. Did you respect him as a person?

8 A. Yes, sir.

9 Q. Why was that?

10 A. Because I wanted to be pretty much the same
11 way he was and I wanted to be -- I wanted
12 to -- he was afraid of nothing and he
13 always got his way. That's the way I
14 wanted to be.

15 Q. During the time you knew David Thorne
16 besides the shoot fighting that you
17 testified to, besides the first automobile,
18 did he help you out with things?

19 A. Yes. It was a few times that I needed
20 spare money because I had none. Mr. Thorne
21 helped provide me with money to support
22 myself.

23 Q. During the course of your relationship with
24 David Thorne would he ask you or order you
25 to do things?

1 A. At point in times.

2 Q. Would you elaborate?

3 A. As in pretty much if I had a problem with
4 somebody I didn't deal with it, there was
5 going to be problems between me and him.

6 Q. Do you have any specific examples?

7 A. Well, before all this happened, there was a
8 time with Mr. Josh McComb.

9 Q. Who is Josh McComb?

10 A. He was a friend of mine and David's.

11 Q. And tell us about the events involving Josh
12 McComb?

13 A. It was at a party and McComb showed up and
14 Thorne told me that we had a problem over
15 Josh's ex-fiance and David kept telling me
16 that I should kick his butt and that
17 everybody thought that I should too. And
18 at that point in time instead we never
19 fought. We became -- we shook hands on it.

20 Q. You and Josh?

21 A. Yes.

22 Q. Did you ever beat up anyone for David
23 Thorne based on his request?

24 A. For him, no.

25 Q. Based on his request?

1 A. Yes.

2 Q. Tell us about that.

3 A. I was having a problem with one kid and he
4 told me that I should deal with it the way
5 that he taught me to and that if I didn't
6 that he was going to deal with me.

7 Q. What did you do as a result of that?

8 A. I beat up the kid.

9 Q. How would you describe your relationship
10 with Josh McComb?

11 A. Me and him were good friends at one time
12 and then we had problems with -- between me
13 and him with his fiance and after that me
14 and him was pretty much against each other.

15 Q. Did David Thorne ever instigate problems
16 between the two of you?

17 A. He would always say stuff to and ride it,
18 but it never went to the point.

19 Q. During the time that you knew David Thorne,
20 did he have any girlfriends that you were
21 aware of?

22 A. Amy.

23 Q. Amy who?

24 A. Davis.

25 Q. Anybody else?

- 1 A. And I knew of Yvonne Layne.
- 2 Q. Who was Yvonne Layne to David Thorne?
- 3 A. His son's mother.
- 4 Q. And prior to the date of March the 31st,
- 5 had you met Yvonne Layne?
- 6 A. Yes.
- 7 Q. How many times had you met Yvonne Layne?
- 8 A. Two or three times.
- 9 Q. Could you tell us about those two or three
- 10 times?
- 11 A. First time was we went over to pick up his
- 12 son Brandon and I met her then. And second
- 13 time --
- 14 Q. Let me just stick to the first time. Where
- 15 did you go to pick up Brandon?
- 16 A. At her house.
- 17 Q. The house on Devine Street?
- 18 A. Yes, sir.
- 19 Q. And did you go in the house at that time or
- 20 was it just go up to the front door and get
- 21 Brandon and leave?
- 22 A. No, we went in the house.
- 23 Q. How long did you stay in the house for?
- 24 A. We were there approximately anywhere
- 25 between ten minutes and half an hour.

1 Q. With regard to the second time, when would
2 that have occurred or what occurred I
3 should ask?

4 A. We had stayed the night at Yvonne's house.

5 Q. Who stayed the night?

6 A. Me and David.

7 Q. What was the purpose of that?

8 A. So David could sleep with Yvonne.

9 Q. So the two of you spent the entire night
10 there?

11 A. Yes, sir.

12 Q. Where were you while they were sleeping
13 together?

14 A. Downstairs on the couch.

15 Q. Once again was that at the house on Devine
16 Street?

17 A. Yes, sir.

18 Q. Were there any other times that you were at
19 Yvonne Layne's house?

20 A. I myself stopped by one time where I had a
21 couple of friends and I was out in Alliance
22 and I stopped by to say hi and see how she
23 was.

24 Q. The one on Devine Street?

25 A. Yes, sir.

1 Q. And tell us about that meeting.

2 A. I just went to her house to see how she was
3 and Eric was there. He had just got out of
4 jail.

5 Q. Who?

6 A. Her boyfriend. I don't know his last name.

7 Q. Cameron, does that sound familiar, or you
8 don't know?

9 A. (Indicating.)

10 Q. And how long were you at the house on this
11 occasion?

12 A. For maybe ten or 15 minutes.

13 Q. Any other times that you would have had
14 contact with Yvonne Layne prior to March
15 31st?

16 A. Not that I recall.

17 Q. Did you have any romantic relationship with
18 Yvonne Layne?

19 A. No, sir.

20 Q. Did you have any reason to dislike Yvonne
21 Layne?

22 A. No, sir, I did not.

23 Q. Did you dislike Yvonne Layne?

24 A. No, sir, I did not.

25 MR. HAUPT: Your Honor, could we

1 approach.

2 - - - - -

3 (A conference was held at the bench
4 outside the hearing of the jury.)

5 - - - - -

6 MR. HAUPT: Your Honor, I
7 understand this is preliminary information
8 and just sitting there and I would say that
9 I counted 25 leading questions and I have
10 to object to the leading nature of the
11 testimony.

12 THE COURT: I think we are
13 starting to get into the area where you can
14 leave it up to him. And pull that mic
15 towards you a little bit. I think it's
16 hard to hear you. Just if you could bend
17 it that way a little bit.

18 MR. BAUMOEL: Okay.

19 - - - - -

20 (Thereupon, the side bar conference
21 ended.)

22 - - - - -

23 BY MR. BAUMOEL:

24 Q. During your relationship with David Thorne
25 you knew Amy Davis you testified to; is

1 that correct?

2 A. Yes, sir.

3 Q. And tell us about how you knew her?

4 A. I met her through David and her brother.

5 Q. Who was her brother?

6 A. Brian.

7 Q. How often would you see them?

8 A. Whenever she was with David.

9 Q. And for what period of time do you think
10 you saw her in regards to weeks, months or
11 years that you knew her?

12 A. I have known her pretty much the same. I
13 started hanging with David is when I recall
14 first meeting her.

15 Q. Were they boyfriend and girlfriend when you
16 first met her?

17 A. Yes, sir.

18 Q. How would you describe your relationship
19 with her?

20 A. To start out with, we really had no problem
21 and she was cool with me.

22 Q. Did it continue that way?

23 A. No, it didn't. It was a point in time the
24 night that we stayed at Yvonne's house she
25 approached me about it and I was rude about

1 it to her and she didn't like me from then
2 on.

3 Q. Were you aware of any relationship or
4 feelings between Yvonne Layne and Amy Davis
5 during this time period?

6 A. No, sir.

7 Q. You didn't know how they felt about each
8 other?

9 A. No, sir.

10 Q. You indicated that you did pick up Brandon
11 on one occasion?

12 A. Yes, sir.

13 Q. Did you have an opportunity during this
14 entire time period to see Brandon more than
15 that one time?

16 A. I don't recall.

17 Q. Did David Thorne talk about Brandon?

18 A. Yes, sir.

19 Q. Tell us about the conversations he would
20 say about Brandon?

21 A. That he loved his son.

22 Q. Anything else?

23 A. No.

24 Q. Did he ever talk to you about any legal
25 situation going on between him and Brandon?

1 MR. HAUPT: Your Honor,
2 objection.

3 THE COURT: Overruled. You can
4 answer the question.

5 THE WITNESS: At a point in time
6 not too long from when it happened he told
7 me that he didn't want to be paying child
8 support no more.

9 BY MR. BAUMOEL:

10 Q. When you say not too long in time before it
11 happened, are you talking about March 31st?

12 A. Yes, sir.

13 Q. How often did he talk about that?

14 A. Every now and then he would bring it up.

15 Q. Would it be -- when would it be that he
16 would bring these things up?

17 A. When nobody else was around.

18 Q. Where would you all be?

19 A. One time we was at his house, I remember
20 that.

21 Q. Did he ever talk about how he wanted to
22 resolve the situation?

23 A. He told me that he wanted Yvonne Layne out
24 of the picture.

25 Q. Please elaborate as to what he said.

1 A. As in he wanted her dead so he could have
2 his son.

3 Q. Where did it go from there?

4 A. To start off with, I really did not want
5 nothing to do with it.

6 Q. Then what happened?

7 A. Then one day he brought it up to me and
8 told me that things in my life would be
9 better because at that in point time I had
10 nothing. And he had brought it up to me
11 and I agreed on it.

12 Q. You agreed to what?

13 A. To kill Yvonne Layne.

14 Q. And why did you agree to kill Yvonne Layne?

15 A. Because that's what Thorne wanted.

16 Q. You said something about a better life.

17 What did Dave Thorne specifically say about
18 you getting a better life?

19 A. He told me that I would have a better life,
20 that he would be able to get me out of here
21 to where I would have a better life.

22 Q. You said you agreed to it because he wanted
23 you to do it.

24 A. Yes, sir.

25 Q. Can you elaborate? What if I wanted you to

1 do it?

2 A. David was like an older brother that I
3 never had and that I always wanted and for
4 a point in time he really treated me like
5 that. And I would have done anything in
6 the world just to be number one really.

7 Q. To be number one?

8 A. Yes, sir.

9 Q. Tell me then about discussions that you
10 would have had with David Thorne in regards
11 to what or how this was going to be done?

12 A. It started out that he wanted her shot and
13 then he decided that would be too loud, so
14 then he told me that he wanted her neck
15 cut.

16 Q. Where was that to be done?

17 A. At her house.

18 Q. The house in Alliance?

19 A. Yes, sir.

20 Q. Did you discuss with David how you were
21 going to get to this house?

22 A. Yes.

23 Q. Tell us in your own words as much as
24 possible about plans that you discussed
25 with David Thorne?

1 A. I was going to get a motel at the Comfort
2 Inn up by the Carnation Mall. Then I was
3 going to go from there to Yvonne's house
4 and make sure everything was done by 10:00.

5 Q. When you are telling us these plans, who
6 developed these plans? Who came up with
7 these plans?

8 A. David.

9 Q. Did you come up with any of the ideas?

10 A. No, sir.

11 Q. Why did it have to be done according to
12 David by 10:00?

13 A. Because he was going to shoot fighting and
14 on his way back he would be stopping at a
15 convenience store to get something to drink
16 or eat and he would be on the surveillance
17 camera.

18 Q. Did he ever suggest to you about getting
19 anybody else besides yourself to do it?

20 A. Not in this situation.

21 Q. What do you mean by that?

22 A. On the situation with Yvonne, no.

23 Q. Do you know individuals by the name of
24 Brent and Karen Enoch and Summer Enoch?

25 A. Yes, sir.

1 Q. How do you know them?

2 A. Summer was one of my best friends since I
3 have been 12 or 13.

4 Q. Did you have an occasion prior to March
5 31st to live at their house?

6 A. Yes, sir.

7 Q. Where were you living prior to living with
8 the Enochs?

9 A. Pretty much anywhere I could in Ravenna.

10 Q. Do you remember specifically where you were
11 living the day before you moved in with the
12 Enochs?

13 A. I was staying with my ex-girlfriend and her
14 brother and his wife the day before I moved
15 in.

16 Q. Where were they located?

17 A. Kent.

18 Q. And how did you end up living with the
19 Enochs?

20 A. Because I got into an argument, got into a
21 fight with my ex-girlfriend and her family
22 and I had called that night they kicked me
23 out of the house. So I called Summer's
24 house and talked to her mother Karen.

25 Q. What time of night are you calling?

1 A. I'm not exactly sure.

2 Q. Is it dark out?

3 A. Very dark.

4 Q. Was it before or after midnight if you
5 recall?

6 A. Probably was.

7 Q. Was what?

8 A. After midnight.

9 Q. We heard some testimony yesterday in
10 regards to some phone records about a call
11 March 25th to a number 325-1800 registered
12 to a Sterling Wilkes in Randolph Township.
13 Do you know who that person is?

14 A. It's my father.

15 Q. That would have been a call to David
16 Thorne. Do you recall if you are the one
17 who made that call?

18 A. I'm sure I did.

19 Q. And there was another call that same day
20 from a pay phone at 4:00 p.m. that lasted
21 eight minutes, 1497 State Route 44, Ron's
22 Minimart. Show you some pictures before I
23 ask you questions about that.

24 First hand you what's been marked
25 for identification purposes, these are

1 photos 44K, 44L, 44M, 44N, 44O, 44P, 44Q,
2 44R, 44S, and 44T. Ask you to look at all
3 those photos.

4 A. (Witness complies with request.)

5 Q. Do you recognize those photographs?

6 A. Yes, sir, I do.

7 Q. What do those photographs depict? What do
8 they show in the photographs?

9 A. The pay phone that I used to call Thorne.

10 Q. Where is that pay phone located? What
11 establishment or business?

12 A. Sonoco.

13 Q. And there is a picture -- there is a
14 photograph there indicating a specific
15 phone number on the pay phone there; is
16 that correct?

17 A. Yes, sir, there is.

18 Q. Show that to you. Would you please tell us
19 what the phone number is in this
20 photograph?

21 A. 330 325-9517.

22 Q. In relation to the Enoch house, where is
23 that Sonoco station?

24 A. Pretty much right across the road.

25 Q. As I told you, there is a phone record of

1 an eight minute conversation from that pay
2 phone on 3-25 to David Thorne. Would that
3 have been you called him on that date?

4 A. Yes, sir.

5 Q. Can you tell us the circumstances of that
6 telephone conversation?

7 A. I had -- I don't know what it was about. I
8 just remember talking to him and he came
9 over to my girlfriend's house at the point
10 in time.

11 Q. We also heard testimony in regards to a
12 variety of phone calls from Kent, Ohio,
13 during the early morning hours of March
14 27th to the phone belonging to David
15 Thorne. One -- I believe ten calls from
16 the Country Manner pay phone. Are you
17 familiar with that pay phone?

18 A. Yes, sir.

19 Q. And do you recall if you would be making
20 those calls during that time period?

21 A. Yes, sir, I was.

22 Q. One phone call from an apartment in Kent,
23 Marie Espida, once again during that time,
24 as well as an outdoor pay phone by the
25 Zepher Cafe in Kent, Ohio. Would that have

1 been you calling David Thorne?

2 A. Yes, sir.

3 Q. Why were you calling him?

4 A. I was trying to find a ride and I was
5 trying to find a place to stay at this
6 point because I got kicked out of my
7 girlfriend's.

8 Q. Is that the same night you would have
9 called the Enochs?

10 A. Yes, sir.

11 Q. Did you ever talk to David Thorne?

12 A. No, sir, I did not.

13 Q. Do you remember there was an answering
14 machine or anything picked up?

15 A. Yes, there was an answering machine.

16 Q. Tell us what you remember about moving into
17 the Enochs?

18 A. I just -- I can remember calling them that
19 night and the next day I remember moving in
20 their house.

21 Q. Did you have to move your furniture or
22 anything?

23 A. Just clothes.

24 Q. What did you have at that time?

25 A. I just had like a black basket with clothes

1 in it.

2 Q. How many clothes?

3 A. Very little.

4 Q. Any money at that time?

5 A. No, sir.

6 Q. Let's go to March 31st, 1999. Did you have
7 contact with David Thorne that day?

8 A. Yes, sir, I did.

9 Q. Tell me about that.

10 A. He came over to the Enochs and picked me up
11 and we had drove out to Alliance and got a
12 motel room.

13 Q. Were you expecting David Thorne to pick you
14 up that day?

15 A. Yes, sir, I was.

16 Q. Why was that?

17 A. We had prior planned it.

18 Q. You had prior planned it. Do you recall,
19 did you indicate to anyone at the Enoch
20 household that David Thorne was going to be
21 picking you up?

22 A. Yes.

23 Q. Where specifically, if you recall, did he
24 pick you up at the Enoch household?

25 A. I do not remember. I believe it was at the

1 house, but I do not recall.

2 Q. And what did he pick you up in?

3 A. His red Cavalier.

4 Q. Where did you go at that time?

5 A. We went into Alliance to the Carnation
6 Mall.

7 Q. Whereabouts did the vehicle go?

8 A. It was parked back by the Comfort Inn
9 entrance.

10 Q. What happened?

11 A. He had give me a hundred dollar bill to get
12 a motel. And I went in, got the motel and
13 went and bought some gloves.

14 Q. Why did you buy some gloves?

15 A. For later on that night.

16 Q. Whose idea was the gloves?

17 A. Thorne's.

18 Q. When he gave you the hundred bill what did
19 he tell you?

20 A. He told me to buy a room and get gloves and
21 a knife. He told me to get the room and to
22 hurry up because he had prior plans.

23 Q. Show you what's been marked as State's
24 Exhibits 56A, 56B, ask you if you can
25 identify those two exhibits?

1 A. Yes, sir. That's the form from the Comfort
2 Inn stating that I had got a motel room
3 there.

4 Q. Is there a signature on that form?

5 A. Yes, sir, there is.

6 Q. Whose signature is that?

7 A. That's mine.

8 Q. You also see a telephone number listed
9 there? Help you out.

10 A. Yes, sir.

11 Q. And do you recognize that telephone number?

12 A. Yes, I do.

13 Q. Whose telephone number is that?

14 A. That's the Enochs.

15 Q. So you first went and registered at the
16 Comfort Inn and then where did you go after
17 that?

18 A. I went down to K-Mart and bought a pair of
19 batting gloves.

20 Q. How did you get to K-Mart?

21 A. I walked through the entrance from the
22 Comfort Inn into the mall.

23 Q. And why did you not purchase the knife at
24 that time?

25 A. Because Thorne said that he had prior plans

1 and I didn't want to take up time.

2 Q. What happened after you made the purchase
3 at K-Mart?

4 A. I went back through the Comfort Inn, went
5 out to the car and we had left.

6 Q. When you get in the car, do you all discuss
7 at all these plans anymore?

8 A. Yes, he told me that I was to have it done,
9 I was to walk there and have it done by
10 10:00, that way he would be covered on the
11 surveillance camera at the convenience
12 store and he was going to shoot fighting
13 that night.

14 Q. And you were at the time living at the
15 Enochs?

16 A. Yes, sir.

17 Q. If you have any idea, how far away is the
18 Carnation Mall from the Enochs?

19 A. I'm not exactly sure.

20 Q. Within walking distance?

21 A. Not really.

22 Q. How were you to get home from the Comfort
23 Inn?

24 A. He was to pick me up the next morning.

25 Q. After leaving the mall with David Thorne

1 then tell us what you recall happening the
2 rest of the day.

3 A. We went back to his house. I'm not sure
4 how long we were there. But we had picked
5 up -- he had a baby lion and we had picked
6 it up and went over to the Enochs because
7 he was on his way to pick up one of his
8 friends and go to shoot fighting.

9 Q. Do you know who the friend was?

10 A. Josh.

11 Q. Josh McComb?

12 A. No.

13 Q. Different Josh?

14 A. Yes.

15 Q. Do you know his last name?

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

17 Q. So you went to his house, got a lion cub,
18 then you go directly to the Enochs from
19 there, do you recall?

20 A. I do not recall.

21 Q. What happened at the Enochs?

22 A. We had showed Karen and Brent the lion cub
23 and one of Brent's friends and then he took
24 off and went to pick up Josh to go to shoot
25 fighting.

1 Q. So where were you showing them the lion
2 cub, in the house, outside?

3 A. Outside.

4 Q. And showed it both to Brent and Karen
5 Enoch?

6 A. Yes, sir.

7 Q. David Thorne left at that point?

8 A. Yes, sir.

9 Q. Took the lion cub with him?

10 A. Yes, sir.

11 Q. What happened the rest of that day?

12 A. I had helped Brent take dry wall out to a
13 house that he was working on.

14 Q. And did Brent and Karen Enoch -- were you
15 working for Brent or he tried to get you a
16 job or what was that situation?

17 A. I was helping Brent with a side job and in
18 the meantime they were working on helping
19 me get a job.

20 Q. So that was part of that side job to take
21 dry wall to Tallmadge?

22 A. Yes, sir.

23 Q. And about what time of day is this?

24 A. Anywhere between 6:00 and 7:00.

25 Q. Early evening?

1 A. Yes.

2 Q. What happened then?

3 A. After we had dropped off the dry wall, I
4 had asked him if he could take me to the
5 Carnation Mall and he drove me.

6 Q. You asked Brent to take you to the
7 Carnation Mall?

8 A. Yes, sir.

9 Q. Did you indicate to him why?

10 A. I told him that I was meeting David up
11 there.

12 Q. That you were what?

13 A. Meeting David up there.

14 Q. And for what purpose?

15 A. I told him I was helping him -- later on
16 this evening helping him clean out his
17 garage.

18 Q. Did you indicate to them whether you would
19 be back that night?

20 A. I told them I would not.

21 Q. Where did you tell them you were going to
22 be that evening?

23 A. With David at his house.

24 Q. Did you indicate to them whether you were
25 going to receive anything for cleaning that

1 garage up?

2 A. Yes, I did. I told them that David was
3 going to pay me for cleaning the garage.

4 Q. So you leave Tallmadge with Brent Enoch?

5 A. Yes, sir.

6 Q. And where do you go?

7 A. To the Carnation Mall.

8 Q. You make any stops along the way?

9 A. I made a stop at the phone at Citco in
10 Randolph or Sonoco. I had got a page.

11 Q. Who was the page from?

12 A. I'm not exactly sure.

13 Q. Was it from David Thorne?

14 A. No, sir, it wasn't.

15 Q. You use that same pay phone we discussed
16 earlier?

17 A. Yes, sir.

18 Q. Done with the phone call. What happens
19 then?

20 A. And then Brent took me out to the mall and
21 it was about 8:00 when he dropped me off.

22 Q. Where did he drop you off?

23 A. He dropped me off down close by J.C.
24 Penney's.

25 Q. And looking at the mall from the Main

1 Street there, where is J.C. Penney's
2 located?

3 A. Furthest to your right.

4 Q. Do you recall what you were wearing that
5 evening when he dropped you off?

6 A. I was wearing a pair of black wind pants
7 and Nike shoes and a Nike jacket.

8 Q. Do you recall what kind of shoes?

9 A. Sport running shoes, cross trainers.

10 Q. I'm going to hand you a photograph of
11 State's Exhibit 60, ask you if you are able
12 to identify that?

13 A. Yes, sir.

14 Q. What do you identify that photograph to be?

15 A. That was the jacket that I wore that
16 night. That's my friend's Summer Enoch's.

17 Q. That's not your jacket?

18 A. No, sir.

19 Q. It belongs to Summer Enoch?

20 A. Yes, sir.

21 Q. Also show you what is marked as State's
22 Exhibit 28.

23 A. Those were mine.

24 Q. These were your pants?

25 A. Yes.

1 Q. Do you have one pair of pants like those?

2 A. I have many, but those were the only name
3 brand that I had.

4 Q. What do you mean by that?

5 A. They were -- the rest of them that I had
6 were -- weren't Addidas or Nike or nothing.

7 Q. But they were similar in color?

8 A. Yes.

9 Q. He dropped you off outside by J.C.
10 Penney's. What happens next?

11 A. I went into the mall and went up to my
12 room, then I went back down to K-Mart.

13 Q. Did you do anything in your room?

14 A. Yes.

15 Q. What did you do in your room?

16 A. Cocaine and acid.

17 Q. Where did you get the cocaine and acid
18 from?

19 A. From David.

20 Q. David Thorne?

21 A. Yes, sir.

22 Q. When did he supply you with that?

23 A. Earlier that morning when we went to the
24 mall.

25 Q. Why did he do that?

- 1 A. Because I asked him for it.
- 2 Q. You had asked him for it?
- 3 A. Yes, sir.
- 4 Q. Why did you want the acid and cocaine?
- 5 A. I just wanted it, no specific reason.
- 6 Q. How much acid or cocaine did you do?
- 7 A. I'm not exactly sure.
- 8 Q. Do you remember how much he gave you?
- 9 A. No.
- 10 Q. What happened after you left your room
- 11 then?
- 12 A. I went down and went to the K-Mart and
- 13 bought the knife and then I ran into a
- 14 friend there and I had spoke with him for a
- 15 few minutes and then --
- 16 Q. Let me stop you. You stated earlier that
- 17 David Thorne gave you a \$100 bill.
- 18 A. Yes, sir.
- 19 Q. Is that what you used to register to the
- 20 room, to buy the gloves and to buy the
- 21 knife?
- 22 A. Yes, sir, I did.
- 23 Q. Covered all three items?
- 24 A. Yes, sir.
- 25 Q. You are leaving the K-Mart. What happens?

1 A. I had left K-Mart and then I was walking
2 through the food court and I had run into a
3 friend of mine.

4 Q. You have the knife at this point?

5 A. Yes, sir, I do.

6 Q. Who is your old friend?

7 A. Christopher Campbell.

8 Q. Was he by himself?

9 A. No, he wasn't.

10 Q. Who was he with?

11 A. His girlfriend.

12 Q. What happened?

13 A. I had saw him and sat down and was talking.

14 Q. About what?

15 A. I don't recall.

16 Q. What do you mean you don't recall?

17 A. I really don't remember. I remember seeing
18 him sitting down smoking a cigarette and
19 talking with him, but I don't recall what
20 we had spoke about.

21 Q. Why is that?

22 A. Because I was on cocaine and acid.

23 Q. You don't recall anything you talked about?

24 A. No, I do not.

25 Q. Do you remember how long you talked to him?

- 1 A. No, I do not.
- 2 Q. Do you remember the circumstances in which
3 you left them?
- 4 A. As far as I know, they were still sitting
5 there.
- 6 Q. What happened then?
- 7 A. I had went back to the room and then when I
8 went back to the room, I went back
9 downstairs and out the door. That's when I
10 started walking to Yvonne's house.
- 11 Q. Any idea what time it is?
- 12 A. I'm not exactly sure.
- 13 Q. Tell us what happened next?
- 14 A. And I walked to Yvonne's house and --
- 15 Q. How long of a walk is it?
- 16 A. I'm not exactly sure. It's pretty far.
- 17 Q. Do you remember what street either by name
18 or by description that you would have taken
19 to get to Yvonne's house?
- 20 A. Main Street I think is what it's called
21 right out in front of the mall. Down by
22 the -- you got to take the road down the
23 park and the road right next to the park.
- 24 Q. Which way did you go then?
- 25 A. Left.

1 Q. Then where did you go?

2 A. I do not exactly recall from there.

3 Q. What happened then?

4 A. I had went to her outside and knocked on
5 the door and opened the door and called her
6 name. And when I had shut the door, was
7 walking up the first set of stairs, she was
8 coming down from her bedroom.

9 Q. The door was unlocked?

10 A. Yes, sir.

11 Q. Did you see any children when you were in
12 the first floor?

13 A. No, sir, I didn't.

14 Q. Were you aware that Yvonne Layne had
15 children?

16 A. Yes, sir.

17 Q. How were you aware of that?

18 A. From when me and David picked up Brandon.

19 Q. How many children do you believe she had?

20 A. Four or five.

21 Q. Tell me what happens. You go up to the
22 second floor. What happens?

23 A. She was coming down from her bedroom. And
24 she asked me what I was doing there. I
25 told her David told me to stop by and see

- 1 how she was doing.
- 2 Q. What happened then?
- 3 A. Then we sat down. We sat down on the couch
- 4 and we was talking.
- 5 Q. Where is the couch located on the second
- 6 floor?
- 7 A. Right next to the steps.
- 8 Q. Do you recall how you were sitting on the
- 9 couch?
- 10 A. She was sitting on my right-hand side.
- 11 Q. What happens?
- 12 A. And she turned her head to grab something
- 13 and --
- 14 Q. Go on.
- 15 A. That's when I grabbed her by her hair, cut
- 16 her throat.
- 17 Q. Where had the knife been up to that point?
- 18 A. In my pocket.
- 19 Q. And when she turned her head she had been
- 20 looking at you or you would have been
- 21 looking at the back of her head?
- 22 A. I was looking at the back of her head.
- 23 Q. How did you cut her throat?
- 24 A. I reached around her.
- 25 Q. Showing you State's Exhibit No. 1, do you

1 recognize this exhibit?

2 A. Yes, sir.

3 Q. What do you recognize that exhibit to be?

4 A. The knife that I used.

5 Q. That you purchased at K-Mart?

6 A. Yes, sir.

7 Q. What happened after you cut Yvonne Layne's
8 throat?

9 A. She had went for the sliding glass door and
10 I had stepped towards her and that's when
11 she turned around and came back and she
12 looked at me and I barely heard her kind of
13 say why to me and I told her David wanted
14 me to.

15 Q. What happened to her?

16 A. Then she fell on the floor.

17 Q. What happened next?

18 A. And I turned around, went to run out of the
19 house. I ran into the TV stand and it fell
20 over and I ran down the steps and went out,
21 went back to the mall.

22 Q. Went back to the wall you said?

23 A. Back to the mall.

24 Q. Back to the mall. Did you ever go to the
25 third floor of the house on that date?

1 A. No, sir, I didn't.

2 Q. Did you take anything in her house?

3 A. No, sir, I did not.

4 Q. Had that ever been discussed with you and
5 David Thorne?

6 A. Yes, he told me that she had some money
7 upstairs and that I should take that to
8 make it look like it was a robbery.

9 Q. Why didn't you do that?

10 A. I wanted to get out of the house.

11 Q. Did you exit the house the same way you had
12 entered it?

13 A. Yes, sir, I did.

14 Q. What happened once you left the house?

15 A. I went up, I cut across the yard across her
16 house and went on that road and threw the
17 knife in the ditch and ran up to the
18 McDonald's and threw the gloves in the
19 trash can.

20 Q. Was that part of the plan?

21 A. No, sir.

22 Q. Do you know exactly where you threw the
23 knife as far as street names?

24 A. No, sir.

25 Q. Can you describe the area where you threw

1 the knife?

2 A. It was -- they all pretty much look the
3 same. It was on the corner.

4 Q. Do you remember what you threw the knife
5 in?

6 A. It was a like a drain, street drain.

7 Q. Now, which McDonald's are you referring
8 to? How far away is the McDonald's from
9 Yvonne Layne's house?

10 A. I'm not exactly sure how far. It's pretty
11 close.

12 Q. Close to her house?

13 A. Yes.

14 Q. What did you do there?

15 A. I had thrown the gloves in the dumpster.

16 Q. Was that David's plan or your idea?

17 A. It was just an automatic thing, automatic
18 reaction.

19 Q. What happened next?

20 A. Then I ran back to the motel and slept
21 there all night and waited for Thorne.

22 Q. How did you get back to the motel as far as
23 Main Street or you take back streets?

24 A. Main Street.

25 Q. What happens when you get back to the

1 Comfort Inn?

2 A. I had sat there all night long.

3 Q. Do you change clothes at any time?

4 A. No, sir.

5 Q. Why not?

6 A. I didn't have any.

7 Q. You had the same clothes the entire time?

8 A. Yes, sir.

9 Q. Let's move ahead to the morning time. Tell
10 us about the morning. Now it would be
11 April 1st, 1999.

12 A. I had woke up -- well, I got up from the
13 motel and I went to use the pay phone to
14 call Thorne at his house because I forgot
15 that he was at work.

16 Q. Why did you call him?

17 A. Because I wanted him to get there.

18 Q. Why was that?

19 A. Because I was worried.

20 Q. You called him at his house?

21 A. Yes, sir.

22 Q. We heard testimony yesterday of a phone
23 call to David Thorne's from a pay phone at
24 Carnation Mall that lasted 8.7 seconds,
25 8:28 a.m. Would that have been your phone

1 call?

2 A. Yes, sir.

3 Q. Why didn't you call him at work?

4 A. I didn't know his work phone number.

5 Q. What happened after the phone attempt?

6 A. I had turned back in my room key and I was
7 pacing around the mall waiting for him to
8 show up.

9 Q. How much time elapsed?

10 A. I'm not sure.

11 Q. Did he show up?

12 A. Yes, he did.

13 Q. Tell us about that.

14 A. He pulled up in behind the -- by the exit
15 doors from the food court on the outside
16 where you drive around the place.

17 Q. What did he drive up in?

18 A. His red Cavalier.

19 Q. And do you have any idea what time it was?

20 A. It was around 9:00.

21 Q. What happened then?

22 A. Then he took me back to Randolph.

23 Q. What was said once you got in the car?

24 A. He just he asked me if it was done and I
25 said it was done and he said he didn't want

1 to know nothing about it.

2 Q. That was it?

3 A. Yes.

4 Q. What happened then?

5 A. He took me back to Randolph and dropped me
6 off across the road from the Enochs.

7 Q. Did he make any indication whether he would
8 be seeing you again?

9 A. Yes, he told me that he would be by in a
10 couple of days.

11 Q. For what reason?

12 A. To give me money.

13 Q. How much money?

14 A. \$200.

15 Q. Why was he giving you \$200?

16 A. For what I had done.

17 Q. Did you ever see that \$200?

18 A. Yes, sir, I did.

19 Q. Do you recall approximately when that
20 occurred?

21 A. Morning of Yvonne Layne's funeral.

22 Q. Tell me about what you remember about that
23 occurrence?

24 A. He picked me up in his grandfather's truck
25 and he had Brandon in the back of the truck

1 with him.

2 Q. What happened?

3 A. We had sat out in the driveway and was
4 talking and he had given me the money. And
5 then he went to the funeral.

6 Q. Purchase anything right there and then?

7 A. Yes, a 12 pack of Heineken I think.

8 Q. How did you do that?

9 A. I had David go through the drive-through
10 for me.

11 Q. Which drive-through are you referring to?

12 A. Bob's Drive-Through.

13 Q. Show you pictures 44A through 44J. Ask you
14 if you are able to identify those pictures?

15 A. Yes, that's Bob's Drive-Through.

16 Q. How close is Bob's Drive-Through to the
17 Enoch residence?

18 A. Right across the yard.

19 Q. Can you see the Enoch residence in any of
20 those pictures?

21 A. Yes.

22 Q. And you bought a 12 pack of beer?

23 A. Yes.

24 Q. And did you drive in the truck through the
25 drive-through?

1 A. Yes.

2 Q. And then right back to the Enochs?

3 A. No. He had dropped me off there and
4 because he had to get going he dropped me
5 off there and I walked across the yard over
6 to the Enochs.

7 Q. Let me go take you back one step to
8 something I didn't get to specifically. In
9 regards to the morning of April 1st when
10 David Thorne picks you up at the mall and
11 drives you back to Randolph, where
12 specifically does he drop you off, if you
13 recall?

14 A. Right across the road from the driveway.
15 It's a car dealership.

16 Q. That's on State Route 44 there?

17 A. Yes, sir.

18 Q. How close is that to the Enoch house?

19 A. Right across the road.

20 Q. Across the street from Bob's Pizza?

21 A. Diagonal from it.

22 Q. What did you do with the rest of the money?

23 A. I don't recall.

24 Q. You don't recall what you did with the rest
25 of the money?

- 1 A. The \$200 that he gave me that day?
- 2 Q. Right.
- 3 A. I took that and I bought a pair of shoes
- 4 and a pair of rollerblades, pair of work
- 5 boots with them.
- 6 Q. When did you do that?
- 7 A. The day after he gave it to me.
- 8 Q. Tell me about that.
- 9 A. I had -- I wanted David to go with me to
- 10 get them, but he was busy and Summer took
- 11 me.
- 12 Q. Summer Enoch?
- 13 A. Yes.
- 14 Q. Where did you go?
- 15 A. I don't recall. We went to a store.
- 16 Q. Did you go to one store or a mall shopping?
- 17 A. We went to a shopping strip.
- 18 Q. You indicated you called David Thorne that
- 19 day if he would go shopping with you; is
- 20 that correct?
- 21 A. Yes, sir.
- 22 Q. Is that what you just stated. We heard
- 23 testimony yesterday with regards to phone
- 24 calls on April 6th in the afternoon, three
- 25 calls from Brent Enoch to David Thorne, one

1 call from Bob's Pizza to David Thorne, one
2 call from Brent Enoch to David Kosisko's
3 number ranging from 3:42 to 3:52 p.m. Would
4 those be your phone calls?

5 A. Yes, sir.

6 THE COURT: Repeat the answer,
7 please.

8 THE WITNESS: I said yes, sir.

9 BY MR. BAUMOEL:

10 Q. Tell us about your contact with David
11 Thorne then from that point on.

12 A. After that he really didn't speak with me.
13 Pretty much -- I didn't really even see
14 him.

15 Q. Did you have a hernia operation?

16 A. Yes. He came over to take me to my
17 operation.

18 Q. And what about the shoot fighting?

19 A. It wasn't going on no more.

20 Q. During that time did you ever specifically
21 tell David Thorne what had occurred at
22 Yvonne Layne's house that night?

23 A. No, sir.

24 Q. Did he ever ask you about it?

25 A. No, sir.

1 Q. Did you ever talk with Amy Davis after the
2 murder?

3 A. No, sir.

4 Q. You indicated earlier that David Thorne
5 talked about taking care of you or getting
6 you out of town. What happened with that?

7 A. Nothing. He just gave me \$200 and that was
8 pretty much the last I saw of him except
9 for my surgery.

10 Q. Did you talk to him? Did you say when are
11 you getting me out town or anything like
12 that?

13 A. No, sir.

14 Q. Why not?

15 A. I just didn't.

16 Q. Were you working then at that time?

17 A. I got a job doing landscaping.

18 Q. Do you recall how long you lived at the
19 Enoch residence?

20 A. I'm not sure.

21 Q. Do you recall when you left the Enoch
22 residence?

23 A. Me and Karen had had a problem because I
24 wasn't really helping out around the
25 house. She was doing my laundry and

1 everything. And all I was doing was
2 running around.

3 Q. You got kicked out?

4 A. Yes, sir.

5 Q. Do you recall the day that the Alliance
6 Police Department interviewed you about the
7 investigation and the homicide of Yvonne
8 Layne?

9 A. Yes, sir.

10 Q. Where were you living at that time?

11 A. 645 Hazel.

12 Q. And tell me what you recall about that
13 contact with Alliance Police Department?

14 A. They were at the apartment when I showed up
15 and they stopped me and asked me if I would
16 go into the police station with them. I
17 told them yes.

18 So I went down and I asked them
19 what it was about and they said it was
20 about David, and I asked them what kind of
21 mess he got me into now. And they told me,
22 when I got to the jail is when they had
23 told me what had happened.

24 Q. They told you what happened?

25 A. What they were really there for.