IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

STATE OF OHIO	)	CASE NO. 1999 CR 0873
Plaintiff	)	JUDGE REINBOLD
Vs.	)	
DAVID G. THORNE	)	POST-CONVICTION PETITION
Defendant	)	

1. CASE HISTORY

Trial:

Charge-
Complicity to Aggravated Murder with a for hire death penalty specification

Disposition-
Defendant was found guilty

Date sentenced: January 27, 2000
Name of Attorney: Jeffrey Haupt and George Keith
The conviction was the result of a Jury Trial.
The length of the trial was eight days.

Appeal to the Court of Appeals
Number or citation: 2000 CA 00067
Disposition: Decision pending
Name of Attorney: Michael R. Puterbaugh

There has been no post-conviction petition filed in this case prior to this one.

2. PETITION TO VACATE OR SET ASIDE JUDGMENT AND SENTENCE

Now comes the Petitioner, David G. Thorne, to petition this Honorable Court for post-conviction relief pursuant to Ohio Revised Cod Section 2953.21. The reasons for the petition are that there were denials and/or infringements of petitioner's rights as to render the judgment and/or conviction is violable under the Ohio and/or the Constitution of the

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United States. Petitioner represents that there were constitutional errors based upon facts and evidence outside the record which occurred prior to and at the time the Petitioner was tried and convicted. State vs. Rodriguez (1989) 65 Ohio App. 3d 151. Petitioner requests an oral evidentiary hearing.

3. JURISDICTIONAL FACTS

1. Petitioner David G. Thorne, was indicted on September 15, 1999, for alleged complicity to aggravated murder with the specification that he committed complicity to aggravated murder for hire to cause the death of Yvonne Layne on March 31, 1999.

2. Counsel was retained and represented Petitioner throughout the proceedings

3. A trial on the charges against Petitioner began on January 18, 2000.

4. On January 25, 2000, the jury returned a verdict of guilty of both the primary charge and the specification.

5. A sentencing hearing was held on January 27, 2000.

6. After a day and a half of deliberations, the Court found the jury deadlocked and unable to reach a unanimous decision on the appropriate sentence.

7. On February 2, 2000, a Motion to Appoint Counsel for Appeal was filed. Appellate counsel was subsequently appointed.

8. On February 3, 2000, the Court declared a mistrial on the sentencing phase and sentenced Petitioner to life imprisonment without the eligibility of parole.

9. Appointed counsel timely filed a notice of appeal on behalf of petitioner in the Fifth District Court of Appeals.

10. The trial transcript was filed with the Court of Appeals on May 15, 2000.

11. A direct appeal was filed on August 3, 2000. It is still pending at this time.

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4. STATEMENT OF FACTS

12. Yvonne Layne was found dead in her home at 916 Devine Street in Alliance, Ohio at approximately 12:30 p.m. on April 1, 2000, by her mother, Tawnia Layne. The first investigator arrived within five minutes. The police chief arrived later with a civilian "observer" who was permitted to enter the crime scene. The coroner's investigator did not arrive until 1:22 p.m. Two crime lab investigators arrived at 1:50 p.m. Several important determinations recommended by the U.S. Department of Justice's *National Guidelines for Death Investigation* were not made. Most important, no attempt apparently was made to record the scene temperature or body temperature to aid in the determination of time of death. In addition, no record was made of lividity to determine if the body had been moved after death.

13. An autopsy later revealed that Yvonne Layne died as a result of a gaping eight-inch laceration of the neck. The laceration was very deep and completely severed the left internal and external carotid arteries. It also severed the left jugular vein and partially transected the trachea.

14. On April 2, 2000, detectives interviewed Tawnia Layne, Yvonne Layne's mother. In answers to their questions, Mrs. Layne told the detectives that her daughter's most recent boyfriend was Frederick "Eric" Cameron IV, the father of three of Yvonne Layne's five children. Tawnia Layne said that Cameron was in prison and that she did not know if Yvonne was still seeing him or not. "I think she was trying to, to get back together with David [Thorne]," the father of her 2 year-old son Brandon, Tawnia Layne said. Mrs. Layne

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also said that the father of her fifth and oldest child was Jeff Stout. Mrs. Layne told the detectives that Yvonne had complained about being physically abused by Eric Cameron in the past. She said that Yvonne had told her that Cameron had kicked her unconscious in one incident and broken her arm in another.

15. When asked if she could think of anyone else she thought would want to hurt Yvonne, Mrs. Layne said that "several" names came to mind. "Any of Eric's family I don't trust. Any of Eric's friends I don't trust," Mrs. Layne said.

16. Mrs. Layne also mentioned a former fried of Yvonne's Pam Knepp. She said Knepp had stolen Yvonne's purse about a year before. (Police were later told that Yvonne subsequently had beaten up Knepp in retaliation.)

17. Mrs. Layne also mentioned the name of a former Alliance police officer, Quintin Artis. Mrs. Layne said Yvonne had been afraid of Artis since he had come into her house on the pretext of returning her driver's license, which he had confiscated during a traffic stop. Mrs. Layne said Artis then began making sexual advances toward Yvonne, and that he stopped only when a friend of Eric Cameron's mother walked into the house.

18. When Mrs. Layne was asked her opinion of Petitioner David Thorne, she replied, "I don't think he would hurt Yvonne." She said Yvonne had never said anything about Thorne hurting her. Mrs. Layne also indicated that Yvonne and Thorne had apparently become close again since Thorne's paternity of Brandon had been determined and he had begun picking the child up for weekend visitation. She said that Thorne recently had spent at least one night with Yvonne. (At trial, Sherman Layne, Yvonne's father, testified that Petitioner had resumed a romantic relationship with Yvonne.)

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19. Detectives then asked if she knew anybody who drove a cream-colored pickup with a red pinstripe or a white van with ladders on top. She said she did not know of anyone who drove a pickup matching that description, but that the van matched the description of one driven by Frederick Cameron III, Eric's father. Mrs. Layne said the elder Cameron had been visiting Yvonne regularly since Eric's incarceration. "She didn't trust him, either." Mrs. Layne said.

20. The next significant person detectives met with was Petitioner David Thorne. Petitioner Thorne voluntarily agreed to come to the Alliance Police Department when he was contacted on April 2, 2000. Petitioner Thorne claims in an affidavit to be submitted as soon as he has it notarized at the Southern Ohio Correctional Facility, to which he was transferred without notice while in the midst of preparing his petition, that he fully intended to speak with the detectives when he arrived. While Thorne was en route to the police station, however, his concerned grandparents, with whom Thorne had lived most of his life in their home in Atwater, Ohio, contacted Attorney William Lentz for advice. According to an Alliance Police Department report, detectives received a fax from Attorney Robert W. Berger, Lentz's associate, at 11:25 a.m. The fax stated that Lentz was Thorne's attorney, that Lentz would be out of town until April 5, 2000, and that police were to instruct Thorne not to make any statements to police until then.

21. Petitioner Thorne was advised of Berger's instructions when he arrived at the police station at 11:38 a.m. Petitioner Thorne was surprised by the news of Berger's instructions but reluctantly followed them. Police statements indicate that the fact that Thorne exercised his constitutional rights both irritated them and aroused their suspicions of Thorne.

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22. A July 20, 1999, report prepared by Detective Lloyd Sampson reflects how these attitudes were further exacerbated when Attorney Lentz contacted detectives after returning to the area. "Lentz advised that if we were willing to give his client immunity, he would be willing to arrange an interview," Sampson wrote. (Petitioner Thorne contends that Lentz set this condition without his knowledge or consent.)

23. Sampson indicated his feelings about the condition Lentz communicated to police during an interview with Terry Clarr on April 19, 1999, in which Clarr told police that he was with Petitioner Thorne in Independence, Ohio, at the time of Yvonne Layne's murder. "When something of this magnitude happens, and you...refuse to talk to police, it kind of sends up a red flag to us," a transcript of the interview quotes Sampson as saying.

24. On April 5, 1999, detectives took a taped statement from Frederick Cameron III, the father of Yvonne's most recent boyfriend. In his statement, Cameron stated that Yvonne Layne usually left her front door unlocked. Cameron became the second of several people who told detectives that former police officer, Quintin Artis, had entered Yvonne's home and made sexual advances toward her shortly after taking her driver's license during a traffic stop on September 25, 1998. "That policeman kept coming around...even when he was off duty," Cameron said. At another point during his statement Cameron said he did not know for sure if Arits ever entered Yvonne's house again. He added, however, that Yvonne had told him "that she'd seen him driving up and down the street, and uh, she said that...he asked some questions, sexually type, you know." (Despite the statements by two of the people closest to Yvonne Layne, there is no indication in any records turned over to Petitioner Thorne's defense attorneys or obtained through a recent public records request that Artis was ever questioned or investigated for possible involvement in Yvonne Layne's

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murder.) Cameron said that the only other person that he knew to come to Layne's home was Petitioner Thorne to pick up his son Brandon. When he was asked if Yvonne ever mentioned if she had any trouble with Petitioner Thorne or that she was afraid of him, Cameron said: "Uh, no. She never acted that way." Cameron admitted that he (Cameron) "was a violent person years ago," but insisted that he had not killed Yvonne. He also admitted that his son Eric had a temper and that Yvonne often called police when he became angry with her.

25. On April 6, 1999, Petitioner Thorne's sister, Gina Gatian, voluntarily called police to report her concern about statements made to her by Amy Davis, Petitioner Thorne's girlfriend, two weeks before Yvonne Layne's murder. In a subsequent taped statement, Gatian told detectives that Amy Davis had "made several comments in regards to Yvonne...as far as wishing that she were dead, and that it would be a lot easier when my...brother got custody of [Brandon] if Yvonne was, was not there. Gatian said that Amy Davis' negative comments about Yvonne began after Petitioner had learned that he was Brandon's father and that he was going to be paying child support. On Page 4 of her statement, which was missing in the copy given to defense counsel and filed into the Court record, Gatian went on to say that, while Petitioner and her husband Doug Gatian, were out buying materials for a remodeling project they were working on at the Gatian home, Amy Davis asked her if she knew how much it cost to bump somebody off. Gatian said that when Davis made the statement, "It sounded as though she already had the answer." In answer to a question, Gatain said that Petitioner did not seem to be afraid of Amy Davis, "but spoke with family members in regards to...that if he ever broke up with her that he would be in fear of my grandparents or their house." Asked how Petitioner got along with Yvonne,

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Gatian said Petitioner had "a very good relationship" with her. Gatian also said in response to a question that Amy Davis was a "very controlling" person, but that she did not have enough control over Petitioner to convince him to murder someone.

26. Despite these statements, there is little evidence that police investigated that Amy David could have been involved in Yvonne Layne's murder without Petitioner's knowledge. Police reports indicate that Davis, who refused to consent to an interview by detectives, was viewed only from the perspective that she may have somehow assisted the Petitioner in arranging for Yvonne Layne's murder.

27. On April 9, detectives taped a statement given by Eric Cameron's mother, Linda McLaughlin, and her husband, John McLaughlin. The McLaughlins provided information at this time that a friend, John Marsh, had been told by a man named Doug Williams that Yvonne may have been killed by a former friend of Eric's by the name of Shannon Morales. When the detectives investigated Shannon Marales' whereabouts the night of the murder, however, it was learned that he was in an Indiana jail.

28. Investigating detectives did not achieve what they considered a major breakthrough until they were informed by the mother of Rose Mohr that her daughter and boyfriend, Chris Campbell, had been told the night of the murder by Joseph Wilkes that he had been hired to kill a woman in Alliance.

29. In a statement given to detectives on July 12, Rose Mohr, said that she and Campbell had a conversation with Campbell's friend Joseph Wilkes at the Carnation Mall in Alliance shortly after they had gotten off work at 8:00 p.m. Mohr, who did not know Wilkes, quoted the 18-year-old drifter as saying he was in Alliance because "he had a job to do, and that some guy was paying him to stay at the Comfort Inn." Mohr said Wilkes tried to change the

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subject but that Campbell "kept trying to get it out of him, what he was there for." And he said, "Well, some guy paid me to kill some girl in Alliance," Mohr said, She said Wiles went on to say he had been paid some money in advance and would be paid more once "the job was done."

30. On July 12, 1999, detectives also took a taped statement from Campbell. Campbell told the detectives that Wilkes told him that he had been hired to commit the murder by his girlfriend. He said Wilkes then showed them a knife he had just bought to use in the murder Campbell said the conversation then drifted to small talk, during which Wilkes referred to his "trainer" in the martial art of shoot fighting. Campbell originally said he did not know the trainer's name, but he later identified him as Petitioner Thorne.

31. On July 14, Wilkes gave detectives a statement in which he admitted that he had killed Yvonne Layne with a knife he had bought at Kmart. Wilkes said he had been paid to do so by David Thorne. On July 15, Wilkes gave a second statement that it was inconsistent in several parts with his first statement. Although the detectives said the Wilkes was not pressured into making a statement, a report filed by Detective John Leech on August 3, 1999, that either was not turned over to the Petitioner's defense attorneys or was ignored by them paints a different picture. Leech states that Wilkes was uncooperative when he was first questioned but that his attitude changed when "I leaned forward and told him to knock off the bullshit. I told Wilkes that it was not coincidence or magic that brought him and I together. I said, 'You and David Thorne are responsible for Yvonne Layne's death.' Wilkes denied the allegation. I asked him to be quiet while I told him why Thorne did not want to talk with him. I showed Wilkes Thorne's phone records and told him that we knew he had called Thorne. I explained that he (Wilkes) had talked about the murder with other

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people and now, David Thorne was running scared. I informed Wilkes that Thorne had contacted an attorney, Bill Lentz, who told us that Thorne would talk if he was given immunity. I explained my conclusion that Thorne was willing to give up Wilkes as the murderer if he could walk away without any charges. I asked Wilkes what he had to say about that. He sat quiet and stunned." Leech said that he then told Wilkes about all the evidence they had against him. He says he then "informed Wilkes that Layne's murder was a capital crime and he could receive the death penalty. I asked him if he was going to sit there, not saying anything on his own behalf, while Thorne made deals to give him up."

32. On September 18, which was after the arrest of Wilkes and Petitioner Thorne, Brent and Karen Enoch were interviewed. The Enoch's were questioned because they had given Wilkes a home just before the murder at the request of their daughter Summer. These statements seemed to corroborate and add to Wilkes' statement. Summer Enoch, however, gave a statement that was not fully consistent wither parents' statements. At trial, possible the most damaging thing Karen Enoch testified to was the Petitioner Thorne stopped by the Enoch house to see Wilkes. When she told him Wilkes was not there, Karen Enoch said, Petitioner Thorne asked her to tell Wilkes not to call his home because his telephone might be tapped and he did not want to have the Enochs or Wilkes drawn into the investigation. The implication was that Petitioner Thorne was afraid that any telephone call from Wilkes might incriminate them. Several affidavits attached to this petition, however, indicate that Petitioner Thorne and his grandparents told many other friends and family members who were never implicated in the case the same thing after they were advised by Attorney Lentz that their phone might be tapped.

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33. On July 21, 1999, Detective Sampson wrote a concluding report that showed the detectives' biased approach toward the investigation from the point that Petitioner Thorne's attorney informed them that his client would not give a statement unless he was granted immunity. The report states, in part, that: "The only person who had any motive [to have Yvonne Layne killed] was David Thorne." Sampson went on to state that, when he came to the police station: "Thorne showed no emotion. He showed no remorse."

FIRST CLAIM FOR RELIEF

34. Petitioner hereby incorporates the previous paragraphs of this petition as if fully rewritten.

35. Petitioner's conviction is voidable because his counsel's performance was deficient in several respects. The trial record does not contain adequate evidence regarding this issue, however, the Petitioner wishes to pursue the following in this proceeding. State vs. Cooperrider (1983) 4 Ohio St. 3d 226.

36. Petitioner's original attorney greatly prejudiced police against Petitioner by stating that Petitioner would not give a statement without a grant of immunity. In addition to reviewing this demand, which was given without the knowledge or consent of Petitioner, as a "red flag", detectives misrepresented this condition to Joseph Wilkes as an attempt by Thorne to make a deal in return for a statement against Wilkes.

37. Despite being paid a sizable retainer, counsel later retained by Petitioner failed to conduct a thorough independent investigation of the Layne murder case. Had counsel done so, they would have learned that:

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A.) Yvonne Layne had been harassed by Alliance Police Officer Quintin Artis after he ticketed her for driving on a suspended license in September 1998. Layne had told family members and friends that she was afraid that Artis was going to hurt her. Artis reportedly was fired during this period for involvement in an unrelated scandal.

B.) Wilkes possible had developed an independent relationship with Yvonne Layne after meeting her through Petitioner Thorne. Wilkes may even have moved into her home for a while, as he did those of many other people he met, before she threw him out. This may have given Wilkes his own motive to kill Yvonne.

C.) Summer Enoch's statement about Joe Wilkes and David Thorne was inconsistent with those of her parents.

D.) Norma Wilson, Layne's next-door neighbor, says that Layne expressed fear of Officer Artis to her. She also would have told the defense, had she been interviewed, that Layne told her that she was thinking of "dumping" boyfriend Eric Cameron for David Thorne, of whom, Wilson says, Layne spoke highly.

E.) Evidence existed that Thorne's girlfriend, Amy Davis, made statements about wanting to have Layne out of the picture. Counsel even declined to talk with Petitioner Thorne's sister about Amy Davis' statements to her that she wished Yvonne were dead and her questions about how much it might cost to have someone bumped off.

F.) Wilkes has a history of trying to have sexual relations with his friend's girlfriends. As pointed out to counsel by their own psychologist, Wilkes would have considered a chance to ingratiate himself with a girlfriend of the person he seemingly admired the most, Petitioner Thorne, a great achievement.

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DID ATTY FILE NOTICE OF ALIBI?

G.) Petitioner had credible alibis for two of the times he supposedly visited or transported Wiles after Layne's murder.

H.) Substantial evidence existed the Wilkes' claim that Thorne was his trainer was a figment of his fertile imagination.

38. According to affidavits and other evidence, Petitioner's lead counsel, Jeffrey Haupt, had an alcohol problem before, during and after Petitioner's trial. Counsel Haupt arrived at Court each morning during Petitioner's trial with the smell of alcohol on his breath. On a least one occasion, Haupt wore the same clothes he had worn the day before, and they looked like he had slept in them. According to an affidavit to be signed by Melinda Elkins, whose husband, Clarence Elkins, was represented by Haupt a short time before Petitioner's trial, Haupt exhibited the same evidence of a drinking problem at that time. Mrs. Elkins also states that she was later told by Larry St. Jean, Haupt's legal assistant at the time, that he had quit his job with Haupt because of Haupt's substance-abuse problems. St. Jean partially confirmed this in a conversation with Petitioner's post-conviction investigator. On February 26, less than a month after Petitioner's sentencing hearing concluded, Haupt was charged with a DUI and speeding. On February 29, Haupt later pled guilty to the charges and his driving license was suspended until August 23, 2000.

39.) Counsel for Petitioner was ineffective for failing to obtain expert witness testimony on blood spatter and other forensic evidence that may have brought into question whether Yvonne Layne's murder occurred as represented by the State.

40.) Counsel for Petitioner was ineffective for failing to pursue a suggestion by the clinical and forensic psychologist retained for mitigation purposes that Joseph Wilkes' July 14 statement, during which he lapsed into the third person, is what "often occurs in the

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context of giving false rather than true accounts of something [and] is the kind of error that can signal that he's working form a memorized script."

41.) Counsel for Petitioner failed to seek independent identification of a bloody footprint found as the murder scene to see if it matched any Nike brand of shoe, which Wilkes was said to be wearing the night of the crime. Counsel did not even attempt to determine if the bloody shoeprint was the same size as one that would have been made by Wilkes.

42.) After having it pointed out by the Petitioner and others, counsel failed to ask for the record to reflect that one of the prosecutors was directing derogatory gestures and facial expressions at the Petitioner that could have been noticed by jurors. Counsel also failed to ask the Court to instruct the prosecutor to stop this prejudicial behavior and to instruct the jury to disregard the prosecutor's actions.

43.) After having it pointed out by the Petitioner and others, counsel failed to ask for the record to reflect that one of the key prosecution witnesses was making flirtatious glances at a juror and receiving them in return. Counsel also failed to ask the Court to instruct the witness and juror to stop this prejudicial behavior. Nor did counsel ask the Court to query the other jurors if they had noticed these flirtatious glances or whether the juror to whom they were directed had made any positive remarks about the witness that might be deemed prejudicial.

44.) Counsel made ill-advised and belated requests for forensic testing of the blood found at the crime scene. First on December 20, 1999, lead attorney Jeffrey Haupt took the highly unusual step of asking the Canton-Stark County Crime Lab to, among other things, have "the knife found in the storm sewer...analyzed [sic] and determine all necessary and serological [sic] data." Counsel Haupt made this request knowing full well that time was

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running out for having any such tests done for the defense before trial. Although independent testing of physical evidence is a crucial element of an effective defense, Haupt asked the County Crime Lab to conduct the tests even while acknowledging that " most of your work is for the prosecutor." When Haupt's request was declined, he then filed an eleventh-hour request for a continuance of the trial only ten (10) days before it was scheduled to begin so that the defense could have evidence retested. The Court overruled the motion because, it noted, the evidence had been in the possession of the defense for "a significant period of time."

45.) While the State presented eighteen witnesses, the defense only called three, two of which were originally called by the State. Counsel presented this limited defense of the Petitioner even though several other defense witnesses with important rebuttal information had been subpoenaed and many more could have been subpoenaed and were eager to testify on behalf of the Defendant. Many other potential witnesses whose testimony would have benefited Petitioner's defense were brought to the attention of counsel, but they were never even interviewed. The Petitioner also repeatedly told counsel that he wanted to testify in his own defense. Counsel talked Petitioner out of exercising this right at the last moment when they told him that they had not had time to properly prepare for his examination.

46.) Petitioner was prejudiced by these violations of his State and Federal constitutional rights in that counsel's actions fell below a minimal standard of competency and there was a reasonable probability that, but for the deficient performance of counsel, there would have been a coherent investigation and presentation resulting in acquittal.

47.) As a result of these actions, Petitioner' s rights as secured by the following provisions of the United States Constitution, were violated: (1) the prohibition against cruel

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and unusual punishment guaranteed by the Eighth Amendment; (2) substantive due process and other unenumerated rights guaranteed by the Ninth Amendment; (3) the due process and equal protection clause of the Fourteenth Amendment; (4) the right to trial by an impartial jury and the right to effective assistance guaranteed by the Sixth Amendment; (5) the guarantee of procedural and substantive due process protected by the Fifth Amendment; (6) the freedom to petition the government for redress of wrongs as provided for in the First Amendment.

48.) Petitioner's same rights were violated as guaranteed by sections 1, 2, 3, 5, 7, 10, 16, and 20 of Article I of the Ohio Constitution.

49.) Petitioner requires discovery as provided by the Ohio Rules of Civil Procedure in order to fully develop and pursue this claim. Denial of the request for discovery as it is related to this claim would amount to denial of substantive and procedural due process as guaranteed by the aforementioned State and Federal constitutional provisions.

SECOND CLAIM FOR RELIEF

50.) Petitioner hereby incorporates the previous paragraphs of this petition as if fully rewritten.

51.) Petitioner's conviction is voidable because the State of Ohio and Stark County Prosecutor's office knowingly allowed false or misleading testimony in the Petitioner's case. The false and misleading testimony includes, but is not limited to, the testimony of Detective Sampson's testimony that those who know Yvonne Layne originally mentioned only Petitioner Thorne and Eric Cameron's names as possible suspects. Testimony about

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which knife was used to make bloody swipe marks on a pillow case in Yvonne Layne's home was also false or misleading.

52.) As a result of these actions, Petitioner's rights, as secured by the following provisions of the United States Constitution, were violated; (1) the prohibition against cruel and unusual punishment guaranteed the Eighth Amendment; (2) substantive due process and other unenumerated rights guaranteed by the Ninth Amendment; (3) the due process and equal protection clause of the Fourteenth Amendment; (4) the right to trial by an impartial jury and the right to effective assistance guaranteed by the Sixth Amendment; (5) the guarantee of procedural and substantive due process protected by the Fifth Amendment; (6) the freedom to petition the government for redress of wrongs as provided for in the First Amendment.

53.) Petitioner's same rights were violated as guaranteed by sections 1, 2, 3, 5, 7, 10, 16, and 20 of Article I of the Ohio Constitution.

54.) Petitioner requires discovery as provided by the Ohio Rules of Civil Procedure in order to fully develop and pursue this claim. Denial of the request for discovery as it is related to this claim would amount to denial of substantive and procedural due process as guaranteed by the aforementioned State and Federal constitutional provisions.

DEMAND FOR RELIEF

WHEREFORE, Petitioner request the following relief:

A.) That the Court grant Petitioner the benefit of all of the Rules of Civil Procedure and give him the opportunity to conduct discovery to further develop and support his claims for relief prior to disposition of the merits of the claims;

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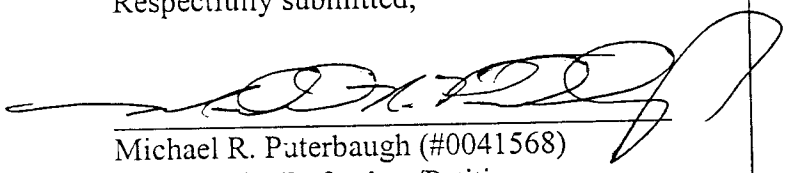
B.) That this Court grant Petitioner an evidentiary hearing pursuant to Ohio Revised Section 2953.21;

C.) As to paragraphs 1 through 54, declare that the convictions and sentences are void or voidable and that the Petitioner either be granted a new trial or a judgment of acquittal; State vs. Turpin (1969) 19 Ohio App. 2d 116.

D.) For such other and further relief as the Court may deem just and proper.

Respectfully submitted,



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