

January 2, 2003

MEMORANDUM

FROM: Brent Turvey, M.S., Knowledge Solutions, LLC, Ph# (907) 747-5121;  
Det. John J. Baeza, NYPD (ret.), Ph# (907) 747-5121

TO: Jeffrey Pederson & William "Bud" Doyle, Attorneys for David Thorne

SUBJECT: *Ohio v. David Thorne*, Case #1999CRA00750

At the request of Jeffrey Pederson & William "Bud" Doyle, Attorneys for convicted defendant David Thorne, the available case material and evidence related to the above mentioned case was reviewed with the purpose of attempting, to the extent feasible, determine whether or not sufficient attention was given to the physical evidence in this case. To this end, the following materials were reviewed: available investigative reports, available police interviews, available crime lab reports, coroners report and available court transcripts.

It should be noted that not all of the evidence in this case was made available to these examiners, owing in part to the lack of discovery sought and acquired by the original counsel in this case. The available evidence was sufficient to reach the conclusions provided below. Furthermore, the nature of the available evidence strongly suggests that the unexamined portions would reveal a great deal more evidence in support of the defendant's request for a new trial if examined by independent, objective experts.

**BACKGROUND:**

(Taken entirely from *Ohio v. David Thorne*, No. 2000CA00067, Nov. 20, 2000)

On September 15, 1999, a Stark County Grand Jury indicted David Thorne with one count of aggravated murder. The grand jury also added the specification David Thorne conspired to committed the murder for hire. At his September 16, 1999 arraignment, David Thorne plead not guilty to the charge.

David Thorne was charged with hiring Joseph Wilkes to kill his ex-girlfriend, Yvonne Layne. Ms. Layne was the mother of five children. David Thorne was the father of one of Ms. Layne's children, Brandon. Mr. Wilkes confessed he killed Ms. Layne in her home on March 31, 1999. Mr. Wilkes agreed to testify truthfully about the crime and David Thorne's involvement in the planning of the murder in exchange for a life sentence with possibility of parole after thirty years.

A jury trial commenced on January 18, 2000, at which time the following evidence was adduced:

On April 1, 1999, Tawnia Layne, the victim's mother, went to Yvonne Layne's home to take one of her grandchildren to school. When she arrived, Tawnia found her daughter's body. Yvonne's throat had been cut, and her body was lying in a pool of blood. Yvonne's five young children were awake in the house. Tawnia Layne called the police.

While there were two partial bloody footprints at the scene, there was little other physical evidence. The police were unable to recover any usable fingerprints. Although a knife was recovered from a nearby storm sewer, the knife had been wiped clean. As part of the investigation, the police discovered Yvonne had recently implemented paternity proceedings for her son, Brandon.

As a result, David Thorne was ordered to pay child support in the amount of \$358 per month with weekly payroll deductions beginning in March, 1999. By the time of his first payment, David Thorne owed more than \$700 in back support. The Alliance police learned of Mr. Wilkes through Rose Mohr. Ms. Mohr contacted the police to tell them she and her boyfriend, Chris Campbell, had spoken with Mr. Wilkes at the Carnation Mall in Alliance on the night of March 31, 1999.

According to Ms. Mohr, Mr. Wilkes told her and Mr. Campbell he was in Alliance because he had been hired to kill a woman. Mr. Wilkes made statements he had purchased a knife at Walmart and showed Ms. Mohr and Mr. Campbell the knife. Ms. Mohr remembered Mr. Wilkes saying he was hired for money to commit the murder "for a guy."

In contrast, Mr. Campbell recalled Mr. Wilkes to state his "girlfriend" had paid for a room for him at the adjoining Comfort Inn, this girlfriend had dropped him off, and the girlfriend had asked Mr. Wilkes to commit the murder.

Note: This is taken from the court record which has these statements transposed. According to our documentation, Ms. Mohr states that it was a girlfriend and Campbell states that it was a guy.

In July 1999, Mr. Wilkes confessed to the murder and implicated David Thorne, claiming David Thorne paid Mr. Wilkes to kill Ms. Layne. Mr. Wilkes gave details: how David Thorne planned the murder; provided an alibi for himself; provided Mr. Wilkes with a place to stay before and after the murder; provided transportation to and from that location; and provided money to purchase the batting gloves and the knife used in the murder. Mr. Wilkes testified David Thorne wanted custody of his son, Brandon, and did not want to pay child support to Ms. Layne. Mr. Wilkes testified he rented a room at the Comfort Inn at Carnation Mall in Alliance on March 31, 1999. He then purchased batting gloves and later a knife at the K Mart in the mall, walked to Ms. Layne's residence, and committed the murder. He told the police he threw the knife in a storm sewer near the house, and disposed of his gloves in a McDonald's dumpster. The next morning, he claimed David Thorne picked him up at the hotel and took him to a friend's house. Mr. Wilkes hid his black nylon pants in the woods near his friend's house. He could not recall what he did with his shoes or his shirt.

After five days of testimony and deliberation, the jury found David Thorne guilty of aggravated murder and guilty of the specification David Thorne conspired to commit murder for hire.

## CONCLUSIONS

After a careful review of the available case material, the following are our conclusions and their basis:

**Conclusion #1:** There is no physical evidence that directly or indirectly implicates Mr. Thorne in this crime. The record does not dispute this fact. The only evidence connecting David Thorne with the commission of this crime, the murder of Yvonne Layne, is the testimony of Joe Wilkes, Rose Mohr, and Chris Campbell. These statements are inherently unreliable.

- a) The statements and testimony of Joe Wilkes is inherently unreliable. He is a known drug addict and convicted criminal who has given multiple versions of events. This includes the entire spectrum of possibilities, from his direct involvement at David Thorne's instruction, to his involvement at his girlfriend's instruction, and finally to not having been involved in perpetrating the homicide at all.
- b) Rose Mohr states that Joe Wilkes told her that he intended to kill a woman later identified as Yvonne Layne at the direction or request of his unidentified girlfriend. Rose Mohr states that she was told this in front of Chris Campbell. Her version of Mr. Wilke's statement contradicts that of Mr. Campbell.
- c) Chris Campbell, a convicted cocaine dealer, stated that Joe Wilkes told her that he intended to kill a woman later identified as Yvonne Layne at the direction of an unidentified male. This statement was made this in front of Rose Morh. His version of Mr. Wilke's statement contradicts that of Ms. Mohr.

**Conclusion #2:** The defense in this case failed to have the evidence related to the criminal investigation examined by an independent crime investigation / police policy and procedures expert. Subsequently, potentially exculpatory evidence and circumstances have gone unviewed and unexamined by the defense. Furthermore, it has become clear to these examiners that the police gave uncritical acceptance to the inculpatory statements of Joe Wilkes, and made little effort to test them against the results of a criminal investigation. It is also clear that other logical suspects and leads were not followed. The following is a list of primary examples, and is certainly not meant to be exhaustive:

- a) In many of the police interviews, only the last interview is taped. No information from prior or pre-interviews was requested, provided to, or examined by the defense. Information and material relating to these pre-interviews could be potentially exculpatory in nature.

- b) The chief of police responded to the scene while out on a date, and brought his date with him in to the crime scene. The potential for contamination is increased by such laxes in scene integrity.
- c) As evidenced by item 2b, there was little control over who entered and exited the crime scene. A security log was kept, but far too many people were traveling in and out of the scene to prevent harmful transfer of evidence in and out of the scene.
- d) The police covered the victim's body with a blanket from the house, and then later removed it. They did this to conceal the victim's body from the children as they left the home. All they need have done is hold it up as a barrier, or use the back entrance to the home as the exit. This negligent act transferred unknown material from the blanket on to the body, potentially fouling any future examination.
- e) The police failed to return to the Comfort Inn room where Joe Wilkes claimed to be staying before, during, and after Yvonne Layne's murder and examine it for evidence relating to the victim, the crime, or the crime scene.
- f) The police failed to follow-up and find the gloves alleged disposed of by Joseph Wilkes in a dumpster behind a McDonalds. Obviously, they would have needed to visit the landfill to do this, but it is not an impossible task in such a small town.
- g) Once David Thorne was identified as a suspect by police, and subsequently refused to speak with them, the police stopped looking at all other suspects and focused directly on him.
- h) Amy Davis, the girlfriend of David Thorne, did not like Yvonne and the fact that David had to make custody payments to her. She had a strong motive to have Yvonne killed, and was also an acquaintance of Joe Wilkes.
- i) Fred Cameron, a close friend and "guardian" to Yvonne Layne, who frequented her home and sometimes spent the night, was also never examined as a suspect. This would seem only reasonable given the rage evident in the crime scene and his domestic relationship with her.
- j) Eric Cameron, Fred Cameron's son, did not approve of Yvonne Layne's friendship with David Thorne. Though he was in jail, he also may have had a motive to direct the murder of Yvonne Layne.
- k) Alliance Police Officer Quintin Artis had issued Yvonne Layne a summons prior to her death. He took her driver's license and returned it at a later date while apparently off duty. It has been stated by various witness that Yvonne Layne claimed that Officer Artis wanted sexual favors in return for the license. This does not appear to have been investigated.

- 1) There were many opened and unopened packs of condoms lying in plain sight in Yvonne Layne's bedroom area. This should have clued investigators in to the possibility that this victim may have been engaging in prostitution. There is, in fact, little investigation into the victim's background at all. If the victim were engaged in prostitution, this would put her at extremely high risk for suffering injury or death related to criminal activity. It would also dramatically increase the suspect pool in this case.

**Conclusion #3:** The defense in this case failed to have the physical evidence and circumstances related the crime scene examined by independent forensic experts. Subsequently, potentially exculpatory evidence and circumstances have gone unviewed and unexamined by the defense. Furthermore, damaging testimony by unqualified experts was allowed without objection. The following is a list of primary examples, and is certainly not meant to be exhaustive:

- a) Independent criminalists were not called by the defense to review and /or rebut the work product and testimony of the state's criminalists. Had such an expert been employed, the following issues would have been elucidated by the defense:
  - The state's criminalists were not qualified as experts in bloodstain pattern analysis when they gave testimony. They did opine in this area, however. They were qualified as experts in hair and fiber evidence. These two areas of expertise differ greatly.
  - The state's criminalists were not qualified as experts in footwear pattern analysis when they gave testimony. They did opine in this area, however. They were qualified as experts in hair and fiber evidence. These two areas of expertise differ greatly.
  - The state's criminalists were not qualified as experts in wound pattern analysis when they gave testimony. They did opine in this area, however. They were qualified as experts in hair and fiber evidence. These two areas of expertise differ greatly.
  - Without a thorough examination of these issues by independent experts in the respective areas described above, there is no telling what other facts and opinions may be revealed.
- b) An independent Board Certified Medical Examiner was not called by the defense to review and /or rebut the work product and testimony of the state's coroner, Dr. Sreenivasa Murthy. Had such an expert been employed, the limited qualifications of Dr. Murthy could have been elucidated. Furthermore,

the failure of Dr. Murthy to follow proper procedure (i.e. – made no record of the sexual assault kit collection) could have been elucidated. Without a thorough examination by an independent Board Certified Medical Examiner, there is no telling what other facts and may be revealed.

- c) There was no DNA testing done on any of the biological evidence collected and examined by the state, only ABO/ PGM blood grouping. The defense failed to call a DNA expert to explain the severe limitations of such tests. Undoubtedly, such an expert would have further demanded DNA testing be done so that conclusive results alone would find their way in front of the jury.

**Conclusion #4:** The defense in this case engaged in a pattern of behavior that was negligent and prejudicial to his client. This amounts to nothing short of incompetence. The following is a list of primary examples, and is certainly not meant to be exhaustive:

- a) The defense failed to call independent forensic experts to examine and explain physical evidence in the case to prepare for trial and testimony of state experts.
- b) The defense subsequent failure to adequately examine, critique and impeach the multiple unreliable statements of Joseph Wilkes, Rose Mohr, and Chris Campbell. The failure to do this by the defense could only have had a devastating effect of the verdict rendered by the jury.
- c) The defense agreed to allow the state to display weapons in the courtroom that were agreed by all to be unrelated to the crime at hand. The prejudicial effect of this act by the defense is immeasurable.
- d) The defense did not challenge the results of ABO/PGM blood grouping results provided by the state to identify biological material. The year 2000 is well within the age of DNA, making this failure on the part of the defense quite basic.
- e) David Thorne's defense attorney would often get lost or begin rambling while speaking during the trial. This was noted several times by the judge. This in combination with his DUI and loss of driver's license suggests that he was mentally impaired when acting as defense counsel in this case.

A thorough and competent analysis of the physical evidence can provide an objective view of the demonstrable facts relating to a crime. The utility of that analysis is found in establishing the circumstances of a crime, demonstrating links between victims, suspects, and offenders, the corroboration of witness or defendant statements, providing investigative leads, and identifying alternative suspects. Without this type of knowledge, it is extremely doubtful that a defense attorney can have a grasp on the facts and circumstances surrounding the crime that their client is charged with. It is also doubtful

that a defense attorney will understand what has, and has not, been established by the state, and what evidence remains to be examined that may be exculpatory in nature.

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Brent E. Turvey, MS  
Forensic Scientist

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Det. John J. Baeza, NYPD (ret.)

**"Perhaps the single-most important factor in the disposition of this case has been the chronic failure of professionals to actually read through and examine the case material to develop a genuine understanding of the case facts. This includes those charged with doing so for the prosecution of the defendant, and those charged with doing so on his behalf."**

**Brent Turvey, M.S.  
Knowledge Solutions, LLC**

**..."who cares about the blood splatter, who cares about blood stains on couch pillowcases, and who cares about bloody footprints."**

**-Post-Conviction hearing opinion  
Judge Richard Reinbold**

**"Mr. Wilkes confessed to the murder and implicated appellant..."**

**-Appellate Court opinion, page 3**

**"In essence, the trial court found Mr. Wilkes was not credible."**

**-Appellate Court opinion, page 7  
Judge Julie Edwards**