

February 24, 2003

MEMORANDUM

FROM: Brent Turvey, M.S., Knowledge Solutions, LLC, Ph# (907) 747-5121

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

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

This document is a supplement to the original report generated by my office in this case dated January 2, 2003. It is prepared subsequent to a careful examination of the crime scene and autopsy photographs, which were provided my office after the completion of the original report. The purpose of this supplement is to compare statements regarding the crime and the crime scene to the physical evidence documented in the crime scene and autopsy photographs. All conclusions rendered in the original report are reasserted, and a review of this supplement without the original should be considered incomplete.

In advance of rendering these conclusions, this examiner finds it necessary to make the following statement and place it in bold-type so that it will not be missed in a review of this supplement. **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.** Without a full and genuine understanding of the case facts, it seems highly improbable that any jury could make informed decisions about the guilt or innocence of any defendant.

CONCLUSIONS

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

Conclusion #1: According to page 3 of the undated Coroner's Report, signed by PSS Murthy, MD sometime after the autopsy on 4/1/99, the victim, Yvonne Lane, received a "gaping incised wound to the neck extending from left to right and measuring 8" x 4". The Sternomastoid is severed... The trachea is partly severed... The left internal and external carotid artery and the jugular vein are severed."

It is this examiner's conclusion that the victim received this injury while standing very near the sliding glass door opposite the kitchen in her home, while facing it at least partially. Furthermore, that victim was attacked from behind. This conclusion is supported by the following facts, evident in the crime scene photos.

- A. There are strong, distinctive arterial spurt patterns in the crime scene, transferred from the victim to the following surfaces in generally the following sequence: the

sliding glass window; the wood floor in front of the sliding glass window; the kitchen table; the wooden floor between the kitchen table and the couch; and the arm of the couch.









B. The height of the arterial spurt patterns on the sliding glass window are most consistent with a standing victim.





- C. The arterial spurt patterns nearest the sliding glass door are the strongest and come from a standing victim, indicating that they are the first. As blood pressure drops, so does the strength and subsequent volume of any arterial spurting. As the blood pressure drops, so does the ability of the victim to stand upright.



- D. There is an empty space, or a void pattern, in the blood patterns in front of the sliding glass window. This indicates the precise location where the offender and victim were standing when the victim suffered the above-described injury.





Conclusion #2: The offender in this case sustained significant blood transfer from the victim, to the point that it was dripping off of his person. This conclusion is supported by the following facts, evident in the crime scene and autopsy photos.

- A. As already stated in *Conclusion 1D*, there is a void pattern in the blood patterns in front of the sliding glass window, indicative of the precise location where the offender was standing when the victim received the above described injury. This void is created by the offender's body blocking the transfer of gushing blood from the victim onto the wall and floor.





- B. The bottom of the victim's right foot sustained dropped blood transfer as opposed to the smeared/ contact blood transfer covering the bottom of the left foot. This must necessarily have come from blood dripping on to the victim while the bottom of her feet were exposed, very likely in the position she was found. The blood could not have been dripping off of her to land in this location.





- C. There is blood transfer on the skirt of the couch at ankle level just below the location where a bloody knife was apparently wiped off. There are also associated blood patterns on the carpet in the same area. The victim did not make it this far. This indicates that the offender had blood on his pants and shoes.







Conclusion #3: The victim appears to have been partially carried or partially dragged, by the offender, away from the sliding glass window the short distance in to the living room area where she was found. This conclusion is supported by the following facts, evident in the crime scene and autopsy photos.

- A. As already stated in *Conclusion 2B*, the bottom of the victim's right foot sustained dropped blood transfer as opposed to the smeared/ contact blood transfer covering the bottom of the left foot. This indicates that the victim was not fully supporting herself with both feet as she traversed the blood continually spurting out on the floor in front of her.



- B. There is a long smear pattern in the spurted blood beginning in the area near the void pattern and ending at the victim's right calve. This pattern indicates that the victim's right leg was being dragged across the spurted blood. This indicates that the victim was being supported or dragged by someone when that transfer was made.



- C. There is a second long smear pattern inside of the spurted blood beginning in the void pattern and ending at the victim's right thigh. This indicates that the movement of the offender corresponds with the movement of the victim subsequent to her injury.





Conclusion #4: There is no evidence to support the conclusion that the offender was facing the victim at any time during the attack. This conclusion is supported by the following facts, evident in the crime scene and autopsy photos.

- A. As already stated in *Conclusion 1*, the victim was attacked from behind.
- B. There are no defensive injuries sustained by the victim.
- C. The distance traversed from the location where the victim was initially attacked (the sliding glass window) to the victim's final resting place in the crime scene (the floor in front of the couch) is very short. However it does contain all of arterial spurt patterns in the crime scene.
- D. There are no spiraled arterial spurt patterns, suggesting that the victim did not turn to face her attacker after receiving her neck injury.



Conclusion #5: The white dresser in the living room appears to have been pulled down over the victim, possibly to simulate a struggle, after the victim was already on the ground. Moreover, the TV appears to have been placed on her body, as opposed to having fallen on her body. This conclusion is supported by the following facts, evident in the crime scene and autopsy photos.

- A. The TV is too far away from the dresser upon which it had been resting with the cable box to have fallen into the location where it was found.





- B. There is no associated injury/ bruising on the victim from having the TV land on her. Injuries of some kind would be expected at the location of impact from an object this heavy.
- C. The dresser is too close to the wall to have been knocked off balance by an impact to its base.



- D. The base of the dresser is still touching the wall, indicating that it was pulled forward from the top.



- E. There are no bloody handprints evident on the TV, cable, or dresser. Furthermore, this examiner has not read any reports or notes indicating the presence of blood on the TV, cable, or dresser. The victim's hands are covered in blood. The victim's body is covered in blood. If the victim had pulled or knocked the dresser over through bodily contact, there would be blood transfer.





Conclusion #6: Because of the amount blood associated with the floor of the home where the body was found, and the fact that the body blocked access from one side of that floor to the other, it is unlikely that anyone, adult or child, could enter it without receiving blood transfer or changing the scene in some way.





Conclusion #7: An Alliance Police Department (APD) Narrative Supplement dated 7/16/99 by Det. Sampson provides the following summarized account of events by Joseph Wilkes:

When asked to describe what he did [to Yvonne Lane], Wilkes said, “We were sitting on the couch talking. I reached over, grabbed her hair and cut her throat. She tried to run out the door, the big glass door that slides, she turned around and asked me why, I told her David wanted me to, and she fell to the floor, I walked over by her and said I never did it and I walked out and ran.

An APD Narrative Supplement dated 7/21/99 by Det. Sampson provides a similar summarized account of events by Joseph Wilkes:

Due to Wilkes and Layne knowing each other, the two went to the living room and conversed while seated on the couch... While talking, Layne had turned her head away from Wilkes, like she was listening for one of the children. Wilkes has reached into his pocket and pulled out the knife, opened it and with one swift move, grabbed Layne by the hair, pulled and cut the throat with the knife. Layne, after having her throat cut, bounded to her feet in an attempt to get away from her assailant. She runs towards the glass sliding doors but stopped. She turned around to face Wilkes and in her last dying breath asked “Why did you do that?” Wilkes, while looking Layne in the face, told her “David wanted me to.” After that was said, Layne fell over to the floor and died in her living room.

These two summaries are consistent with the Summary of Oral Statements of Defendant (Joseph Wilkes) dated 10/5/99, signed by and agreed to by four different prosecuting attorneys.

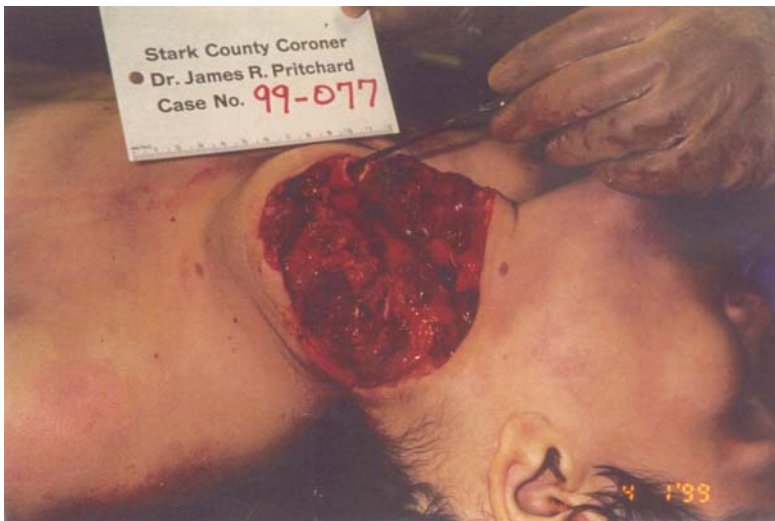
These versions of events as provided by Joseph Wilkes are absolutely contradicted by the physical evidence in this case. Furthermore, these versions of events are by themselves unreasonable and unsupportable. This conclusion is supported by the following facts, evident in the crime scene and autopsy photos.

- A. As provided in *Conclusion #1*, the attack began at sliding glass door. It did not start at or on the couch. Had it began on the couch in the position described by Mr. Wilkes, there would have been arterial gushing along the back of the couch and the wall above the couch, at the very least.





- B. If the victim had run to the sliding glass door and tried to leave, there would be bloody handprints on its surface, or on its handle. No such evidence exists.
- C. If the victim had run to the sliding glass door and tried to leave out of desperation and/ or panic and/ or fear, it defies reason that she would suddenly stop, turn around, and demand an explanation from her assailant. This would increase her danger of being injured again.
- D. Even if the victim had run to the sliding glass door, and suddenly decided to turn around and speak to her assailant, she would not have been able to. She would have been light headed from extreme blood loss, losing her vision and her balance. She would also have found it nearly impossible to speak through her severed trachea.





- E. The victim's neck injury released continual arterial spurts until she collapsed on the floor in front of the couch. As provided in *Conclusion #4D*, there are no spiraled arterial spurt patterns. This indicates that the victim did not turn to face her attacker after receiving her neck injury. She moved in a curved path from the sliding glass window to the living room.



It should be noted at this point that Mr. Wilkes signed an affidavit on July 18th, 2001, denying any involvement in the homicide of Yvonne Layne.

Conclusion #8: According to an Alliance Police Department (APD) Narrative Supplement dated 7/15/99, Joseph Wilkes offered to take police officers “to the location where he had discarded his bloody pants. The Adidas “swooshy” pants were located in a muddy creek bed, in a wooded area adjacent to 4641 Loomis Parkway in Ravenna, Ohio. According to a Canton-Stark County Crime Laboratory report for case no. 99-03469, lab

no. 65339 dated 7/29/99, the same pants were examined and “No blood or trace evidence of value was detected.”



Given the facts and conclusions provided in *Conclusion 2C* of this supplement, and the above crime lab findings, it is the conclusion of this examiner that these pants were not worn during the commission of the crime. Had the offender worn them, they would have been stained with blood, at least in the ankle area. This finding contradicts the statements of Joseph Wilkes.

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