

*"An appeal is when you ask one court to show its contempt for another."
Dunne*

Finley Peter

The appeals process is long and arduous. David's current defense team has uncovered numerous inconsistencies in the original investigation and subsequent trial, as well as having experts that have testified that it is not possible for the crime to have been committed as Joseph Wilkes 'confessed' to committing it. We believe that Wilkes was coerced into confessing to a crime that he did not commit.

Even though David's defense has new evidence to support their theories, they have thus far been unable to win a new trial. The prosecutions' view is that Wilkes confessed, so it doesn't really matter if he actually did it or not.

As of this time, David's appeals have reached the Federal Court. It is currently under review, and we are hopeful of a positive outcome.

This is his final chance for justice.

Below is a list of David's appeal history

CASE HISTORY

Conviction

January 25, 2000

Appeals

On Appeal From The Court Of Common Pleas, Stark County, Ohio

August 3, 2000

-Brief Of Defendant/Appellant, David G. Thorne

Attorney Michael R. Puterbaugh

October 10, 2000

-Brief Of Plaintiff-Appellee, The State Of Ohio

Attorney Ronald Mark Caldwell

Post-Conviction Motion

November 11, 2000

-Post-Conviction Petition Of David G. Thorne

Attorney Michael R. Puterbaugh

This petition was filed after the discovery of witness George Hale. George came forward to police after having witnessed a man leaving the premises of the victim before her body was discovered. George gave a good description of the man to police and was shown a line-up which included David Thorne. He did not choose David Thorne from the line-up. His information was not released to the defense.

Opinion- Appellate Appeal

November 20, 2000

Judge William Hoffman

Judge Sheila Farmer

Judge W. Don Reader

Judgment: Affirmed

Amended Post-Conviction Motion

January 4, 2001

-Amended Post-Conviction Petition of David G. Thorne

Attorney Jeffrey W. Pederson

This petition was amended due to clerical errors in the original petition.

Supreme Court Appeal

January 4, 2001

-Notice Of Appeal Of Appellant David G. Thorne

Attorney Jeffrey W. Pederson

Third Amended Post-Conviction Motion

December 27, 2001

-Amended Post-Conviction Petition Of David G. Thorne

Attorney Jeffrey W. Pederson

This petition was amended following the recantation and subsequent affidavit of Joseph I. Wilkes.

Response Of Plaintiff-Respondent, The State Of Ohio

May 9, 2003

Attorney Ronald Mark Caldwell

Attorney Chryssa Hartnett

The prosecution turned this over to the Court at the Post-Conviction Hearing. This is the prosecution's response to a hearing being granted to David G. Thorne.

POST-CONVICTION HEARING

May 12, 2003

Judge Richard Reinbold

Attorney William T. Doyle, Defense

Attorney Jeffrey W. Pederson, Defense

Attorney Ronald Mark Caldwell, Prosecution

Attorney Chryssa Hartnett, Prosecution

The defense brought experts and witnesses to testify on behalf of David G. Thorne. Forensic Scientist Brent Turvey testified that the crime that Joseph Wilkes confessed to did not occur.

Handwriting expert Michael Robertson testified that the prosecution's exhibit of a business card that Joseph reportedly wrote his name and phone number on, was in fact not in Wilkes' handwriting, but he could not rule out the card having been written by the witness who turned it over to police.

George Hale testified to having seen a man leaving the residence of the victim during the hours

before her body was discovered. His description did not match Joseph Wilkes or David Thorne. Mr. Hale did not choose either man out of a line-up.

Victoria Rhodes, Joseph's youth minister, testified that Joseph told her the day before the trial that he was going to lie on the stand and implicate himself and David Thorne in the murder of Yvonne Layne. His reasoning was that he was told if he didn't he would be convicted and put to death, and he was too young to die

Post Hearing Response Of Plaintiff-Respondent, The State Of Ohio

June 2, 2003

Attorney Ronald Mark Caldwell

Attorney Chryssa Hartnett

Prosecutions brief concerning the Post-Conviction Hearing.

Defendant's Brief And Argument

June 12, 2003

Attorney William T. Doyle

Attorney Jeffrey W. Pederson

Defendant's brief concerning the Post-Conviction Hearing.

Judgment Entry

October 15, 2003

Judge Richard Reinbold

The Judge denied David G. Thorne's Petition for Post-Conviction Relief, stating that he believes that if he was correct in his characterization of trial counsel's strategy, it would have been counterproductive to bring in expert testimony. He says:: "who cares about blood stains on couch pillow cases, and who cares about bloody footprints."

In The Court Of Appeals, Fifth Appellate Judicial District, Stark County, Ohio

February 18, 2004

-Appellant's Brief

Attorney William T. Doyle

Attorney Jeffrey W. Pederson

June 25, 2004

-Brief Of Respondent-Appellee, The State Of Ohio

Attorney Ronald Mark Caldwell

Opinion

Judge William B. Hoffman

Judge Julie A. Edwards

Judge John F. Boggins

Judgment: Affirmed

In The Supreme Court Of Ohio

January 28, 2005

-Memorandum In Support Of Jurisdiction Of Appellant David G. Thorne

Attorney William T. Doyle

Attorney Jeffrey W. Pederson

February 9, 2005

-Memorandum In Response Of Respondent-Appellee, State of Ohio

Attorney Ronald Mark Caldwell

Decision

April 13, 2005

Thomas J. Moyer, Chief Justice

Judgment: Affirmed

Habeas Petition

April 13, 2006

-Defendant's Habeas Petition

Attorney Melissa Prendergast

June 27, 2006

-Answer of Respondent

Attorney Steven Eckstein