

The Crime Scene

***Who discovered the murder?-** The victim's mother found Yvonne's body when she came to her house to pick up her son for school. When she didn't get an answer to her knock she entered the unlocked front door. Two of the victim's children were locked in a 2nd floor bedroom, one was in a crib on the 3rd floor and the other was found wandering around the house. None of the children were harmed.

Where were the children?- Two of the children were locked in a 2nd floor bedroom, one was in a crib on the 3rd floor and one was wandering the house. All of the children were unharmed.

***Was there forced entry into the home?-** No. There were no broken doors, windows or locks. The lock on the sliding glass door on the front of the 2nd floor was broken. The victim reportedly did not usually lock her 1st floor front door.

Was the crime scene preserved?- No. Many, many mistakes were made and before the crime scene was secured, it was irrevocably compromised.

***Was the victim's body properly processed?-** No. When the cause of death is murder, the focus should be on finding the person who committed the crime. The body IS the evidence. This victim's hands and bare feet were not bagged to preserve defensive wounds and evidence, and her body was moved around without guarding against contamination.

Did police have a reason to focus their investigation on David Thorne?- No. The victim's parents both said he and Yvonne had a good relationship and that they didn't think David would hurt their daughter. No one mentioned David as someone that should be investigated.

Did David refuse to be interviewed?- No. Detectives went to the home of David Thorne the night the body was discovered. Detectives told David's grandparent's that he was their "#1 suspect". David wasn't home, but went to the police station the next day to be interviewed.

Did the interview happen?- No. Before David arrived at the police station his grandfather called an attorney, who stopped the interview before it could begin. It was the attorney's suggestion that David have an attorney present for the interview, and the family attorney was unavailable.

***Was David's right to counsel respected?-** No. Although David's grandfather's family attorney advised the police not to talk to David until he could be present, detectives pushed him into a room and interrogated him anyway. They phoned his attorney for permission to take photos of his body, fingerprinted him and confiscated his vehicle. They referred to him as a "spoiled brat rich kid". Later they would say it aroused their suspicions of him as a suspect when he "lawyered up".

Did David have an alibi?- Yes. David was taking shoot-fighting classes at Tracey's Dojo over an hour away at the time the police suspect the murder happened.

***Was David a logical suspect?-** Only because he had a child with the victim. Husbands, boyfriends and close family members are generally considered the first suspects. The victim's parents both told the

police that David and Yvonne had a good relationship and that they didn't think David would hurt her. Additionally, he had an alibi the night of the murder, as he was at a shoot-fighting class over an hour away from town.

***Were the fathers of any of the other children interrogated?-** The victim had five children by (reportedly) five men. The only other father contacted was the father of her third son, who was incarcerated at the time of the murder, so he was not interrogated as much as interviewed.

***Were any other suspects considered?-** No. An APB was put out on one man, but was never followed up on. Another man was asked to be interviewed, but refused to waive his right to counsel. He was released and never interviewed. A close family friend was interviewed at length, but released without further interaction.

Were other suspect leads followed?- No. Many leads were phoned in or given to police during the investigation, but were ignored.

***Was evidence collected from the crime scene?-** Yes.

- The crime scene yielded only two fingerprints;
- Cigarette butts;
- The pillow that the perpetrator wiped the bloody blade of the murder weapon off on;
- The blanket from the victim's bed;
- Bloody footprints that detectives cut from the wooden floorboards at the crime scene;
- A piece of paper found on the victim's refrigerator that had writing on it dividing \$8,000,000 between friends and family; and
- A video camera with 3 video cassettes.

***Was there evidence that was not collected?-** Yes.

- A wad of chewed gum and a men's pinky ring was on the railing beside the victim's bed, which suggested someone had been in the victim's bed recently;
- A bleach bottle, a pair of rubber gloves and the cap from a second bleach bottle were on the kitchen counter, suggesting a clean-up;
- Many footprints were pictured on the living room carpet, suggesting more than one perpetrator;
- The victim's trash was removed from the can and sitting in the middle of the kitchen floor;

- The bathroom was not processed, despite an empty open condom wrapper and a very bloody scene; and
- NO DNA TESTING WAS DONE AT ALL.

Were any search warrants issued?- Yes. There was a search warrant issued for David Thorne's vehicle on April 2nd. The warrant listed specific items, said to be relevant to "the commission of a criminal offense".

What items recovered in the search were turned in to the crime lab for testing?- Color 35mm photographs (of the vehicle and its contents), one hunting knife, several human head hairs, and one gray "Pittsburg Steelers" sweatshirt.

Were any of these recovered items connected to the crime?- No. The hunting knife was a gift and was still in factory packaging, the human head hairs belonged to David's current girlfriend, and the "Pittsburg Steelers" sweatshirt, after being recovered by Detective Lloyd Sampson, became a "Harley Davidson" sweatshirt with animal blood on it before it arrived at the lab.

Were photos taken of the autopsy?- Yes. Photos were taken of the a) body clothed, b) unclothed body and still bloody, and c) of the body cleaned.

***What were the findings of the autopsy?**- The decedent was a victim of murder from an incised wound to her neck. Other injuries suffered at or around the time of death were a bruise to her right upper thigh and a bump on the top left side of her head.

Was there an autopsy report written?- Yes. A 9-page report was written describing the autopsy process, although only one photo was taken after the process began. That photo is of the victim lying on her back, with what appears to be her breasts having been cut off.

Were there any problems with the autopsy?- Yes. Once the coroner was to have opened the body of the victim, no further photos were taken. He listed all of her internal organs as "unremarkable" despite many health issues. On the autopsy table, the victim was 27 pounds heavier than her normal weight.

***Did anyone notice people around the house before the crime was discovered?**- Yes. Two reports were given to detectives on the day the body was discovered. One neighbor saw a man entering the house the evening the victim was murdered and one neighbor saw a man exiting the house the morning the body was discovered. Neither matched the description of David Thorne or Joseph Wilkes.

***Were line-ups shown to these witnesses?**- A photo line-up was shown to only one of the witnesses. He was shown a six man photo line-up, from which he picked a suspect. He was told he was mistaken, that the man he chose was an Alliance police officer. He was shown another photo line-up the following day with the police officer's photo removed and David Thorne's photo in its place. He did not pick a suspect from this line-up.

***Were fingerprints run through CODIS?-** Other than the two fingerprints belonging to the victim, the only other fingerprint was a remarkably clear print on the hilt of the butcher knife found in the roadway. When asked if this was run through CODIS, the reply given was “Yes”. Then they qualified their answer with information that they had checked it through the Alliance, Canton and Massillon CODIS, and only checked offenders 55 years of age or younger. To date, the print has not been identified.

Was the thumbprint ever identified?- To date, no.

***Were any experts brought in to evaluate the scene or the evidence?-** No. The only outside “expert” consulted was a psychic. Detectives Sampson and Mucklo drove to Cleveland and met with a psychic. They had run out of ideas and thought she could provide some insight.

***Did the detectives provide any physical items from the scene for the psychic use?-** Yes. They took with them the victim’s bloody clothes, which they let the psychic remove from the bags and handle. She said the dried blood felt like “pot”. They also took crime scene photos for her to evaluate.

***How did detectives tie David Thorne to the crime?-** David had a good relationship with the victim and a solid alibi for the time of the murder. In order to tie David to the crime, he needed an accomplice. Joe Wilkes had met the victim through David. According to Joe, he had been to the victim’s house the last night of her life to invite her to a party. She told him she was expecting company and to come back in an hour. When he arrived back, she was dead. To tie David to the crime, the police coerced Joe into confessing and implicating David. They did this by saying that David was in the next room implicating Joe. Although this was absolutely not true, Joe decided that if David was implicating him for something he didn’t do, he’d do the same to David.

***How was this story supported?-** Joe saw a guy he knew from high school on the way to the victim’s house and they spoke briefly. Three months later the man’s girlfriend called police to say that Joe told them he was in town to kill someone and that he had written his name and pager number on a business card and gave it to them. The pair had differing stories of the conversation and even of what Joe was wearing. The girl turned the business card over to police and gave a statement concerning how she came to have it. She testified at trial to the same. Since the trial, a CIA trained handwriting expert conclusively ruled Joe out as the writer of the card. He could not rule out the girl who called the police and gave them the card as the writer. She later admitted she had written the information herself.

***How was it suggested that the crime was planned?-** Once Joe was offered a deal to implicate David, he was willing to lie to enhance his story. He made a deal with police and the prosecutor for a better sentence. Joe said David picked him up and that they planned the murder. When it was proven that David and Joe had not spent time together, Joe changed his story and said they planned the murder during phone conversations. Joe had recently been thrown out of his girlfriend’s house, and had called David over a dozen times on one morning a week before the murder in the early morning hours. David unplugged his phone after the first call without answering it. An Ameritech employee testified that in his opinion all of the calls were answered by an answering machine.

***Why did Joe implicate himself and David Thorne?-** Detectives told Joe they would blame him for the crime whether he cooperated or not, and they would be believed over him. Feeling he had no choice and believing the detectives when they told him David was implicating him, Joe took a deal of 30 years, with a promise that he'd serve 7. Thinking that was better than being "lit up like the 4th of July in Ohio's electric chair", which they also offered him, Joe agreed and implicated David in a crime that neither of them committed. For his efforts Joe was given 30 years to life. No mention was ever made again of the 7 years.

***When was David arrested?-** David was arrested on July 14, 1999. After Joe's confession and implication, detectives and officers from three counties went looking for David Thorne. When they found he was not at home, they went to his girlfriend's house to arrest him. David's grandfather called ahead and warned David that they were coming, asking him to remove the garage door opener and ignition keys from his vehicle. David did as he was asked, and left them and his personal effects with his girlfriend for safe keeping. He then stood against the vehicle and waited for the police to arrive to arrest him. David Thorne was taken to the Stark County jail and held on \$1,000,000 bond pending trial.

***Did David have court appointed counsel?-** No. David's grandfather called their family attorney and asked him to take David's case. He wasn't death penalty certified, which in a murder case would be required. He recommended George Keith, who said he'd do it if they'd hire Jeffrey Haupt as co-counsel. The pair charged David's family \$100,000.00 to represent David.

Was a strategy planned and discussed with David?- No. David saw his attorney for the first time at his arraignment. After that Jeffrey Haupt came to the Stark County Jail once to meet with him, smelling strongly of alcohol.

***Did Haupt vigorously represent David throughout his trial?-** No. During the trial, David smelled alcohol on his attorney every day. Once he came to court in the same clothes he'd had on the day before, looking as if he'd slept in them. He called one witness and re-called two prosecution witnesses. He was chastised by the presiding judge multiple times throughout the trial for talking to himself, mumbling and not making sense.

Did the jury deliberate for a reasonable amount of time?- No. The jury was back in 3 hours.

***What was the verdict and sentence?-** After 3 hours of deliberating, the jury returned a verdict of guilty. During the sentencing phase, there was a hung jury, as they could not agree on a sentence. The judge declared a hung jury and sentenced David to life without parole.

***Were charges filed against Jeffrey Haupt for his poor representation?-** Yes. He was brought before the Bar Association, who refused to reprimand him. At David's Post-Conviction hearing in 2003, Jeffrey Haupt testified *against* David. Jeffrey Haupt was found years later dead in his back yard, where he'd stumbled home drunk and died (to read a newspaper article about Jeffrey Haupt's death - <http://www.cantonrep.com/news/x1749106120/Coroner-rules-Haupt-death-due-to-intoxication-hypothermia>).

***Has David filed any appeals?**- Yes. David has appealed his conviction and filed for Post-Conviction relief after new evidence was uncovered supporting his claim of innocence.