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Stuart Pepper, Esq.
704 SW 6th Street
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Dear Mr. Pepper,

Please find enclosed my synopsis of the Thacker case.

As we discussed some time ago, I am a former Detective Lieutenant with the Lee County, Florida Sheriff's Office. I have advanced experience in investigating cases of complexity and I am a former homicide investigator. As well, I have over 1,900 hours of advanced training over my career to include areas of major case management, homicide investigations, death and injury investigations and interrogation.

Prior to becoming a law enforcement officer, I was a United States Marine. Currently, as I am the owner of a licensed investigative firm in Florida.

In review of the Kevin Thacker case, I found several areas of the investigation that cause sufficient concern such that I expressly recommend that this case be reopened by an empowered investigative body. In reading the trial transcripts, supportive evidence, the statements made and the lack of evidence in the case, I believe this case to have been improperly investigated, if not an example of a cover-up.

Because of the lack of experience on the part of the Marshalltown police department, and because of what appeared to have been a political agenda with the FBI in the early part of the 1980's, I would recommend that the US Senate Judiciary Committee be contacted and petitioned to have this case reopened.

Because of advances in medicolegal death investigation, I would also urge you to contact Dr. Douglas Ubelaker or Dr. Daniel Ortner at the Smithsonian Institute. Dr. Ubelaker is the foremost osteological medicolegal death investigator and exclusively handles the FBI's forensic death investigations pertaining to osteological remains. Dr. Ortner handles Dr. Ubelaker's non-FBI cases and may elect to provide assistance in this case in the absence of FBI investigation.

In regards to the investigation, my first area of concern is the fact that the Marshalltown PD investigated its own case. There are discrepancies in statements made by those involved, particularly those of Detective Templeton and the officer who had Mr. Thacker in custody.

As a homicide investigator, there are two things that are paramount to any death investigation. One is the simple concept that **all deaths must be treated as a homicide investigation until proven otherwise**. This was not the case regarding the investigation of Mr. Thacker's untimely death. Second, one must understand that **what is not present can be more important than what is present**.

I say these things to justify this statement: With the inconclusive timelines contained within the case and the conflicting witness testimony, it is apparent that further investigation was warranted at the scene. True, a scene investigation was conducted but it didn't happen until long after the case was closed. The conflicting testimony about whether or not Mr. Thacker made an inhuman leap from one building to another (while incredibly intoxicated and from a standing position) is justification for a closer medicolegal inspection of this case. Second, physics applies laws that are standardized, and for such small things as cigarettes and a lighter to have landed in the positions in which they did does not warrant the exclusion of a homicide, particularly in light of conflicting statements made by individuals intimately involved in the investigation.

Further, Mr. Thacker suffered comminuted fractures of his skull in what appears to be the temporal and basilar areas. In the region of these fractures, it is my experience that these bones offer strong resistance to fracture. While that is not indicative or exclusive of a fall itself, the argument offered in 1983 was that Mr. Thacker fell 2 stories. If that were the case, any reasonable person would believe that Mr. Thacker would have manifested other injuries consistent with a 20 foot fall and there, to more regions than the lateral part of the cranium. There were no reports of large bruising or other injuries consistent with a fall. Arguably, it is very common for a person to trip and fall and have fractures to the wrist (Smith fractures), bruising to knees, elbows or other points of impact. Further, a fall onto a large area, such as Mr. Thacker's back, would have reasonably been expected to have some form of trauma. In all instances, save for an abrasion and a small bruise, any expected trauma from a 20 foot fall with rapid deceleration were absent. Testimony was entered that Mr. Thacker had bruising from a nurse who pinched him for a response. Common sense explains that the force for a pinch, which resulted in bruising, is less than that of such a fall that curiously did not result in bruising or other soft tissue trauma.

The person performing the autopsy did not explore areas that I would have expected to be examined. The ecchymosis was not lanced, the anterior cervical vertebrae were not examined, and the body was received treated for burial. These practices are not in tandem with proper medicolegal investigation and could have provided insight into the mannerism of death.

In discussion of the brain trauma recorded, that trauma is consistent with a fall. Or with someone banging the decedent's head into the ground. Or impacting their ground after being pushed off the steps of the police station. These options were not explored, leaving the investigation shoddily performed.

Further, the adoption by the detective and in-custody and responsible officer that Mr. Thacker, nearly 3 times the legal limit drunk, and by their own testimony barely able to walk, was able to scale several flights of stairs successfully, traverse a difficult course

over a roof and walk steadily out onto a narrow beam and make a standing long jump (later recanted in conflicting testimony to a run) without tripping over a 6" lip on the end in the dead of night is beyond reason.

In medicolegal perspectives, Occam's razor or the Laws of Parsimony lend to reason when deciphering an unexplained instance. Is it more likely an inebriated man was able to make a standing long jump that trained athletes could not do in a controlled environment, or is it more likely that Mr. Thacker died as the result of unintentional or intentional homicide at the hands of another? The simplest answer often being the correct answer, Mr. Thacker was killed by the very man entrusted to his custody.

In absence of any conclusions made by other persons or bodies, I cannot ignore the fact that the Marshalltown PD, as provided in testimony, issued a press release to the effects of Mr. Thacker's death without knowing the injuries to Mr. Thacker and without review of the booking tape.

I found an absence of forensic analysis of the scene. The extrapolation of Mr. Thacker's final place of rest relative to the claim he fell from a building is not consistent. His positioning - the lack of decorticate, decerebrate, or other indicative postures of severe brain hemorrhage such as Mr. Thacker suffered - is a red flag that perhaps Mr. Thacker's final position of rest was not truly his as well as the fact that he was laying horizontal to the reported building he fell from. No one saw him fall. These circumstances are more indicative of a staged or molested scene.

At this point, I wish to consider the clothing and some curiosities that were not considered or explained. There are marks on the toes of Mr. Thacker's shoes that I might consider to be consistent with a drag mark. However, without being able to physically handle the shoes or subject them to further analysis, I cannot say this with certainty.

It is my earnest opinion that Mr. Thacker's death did not occur in the manner by which the Marshalltown Police Department, and later the FBI, purported it to have occurred. Something else happened in that alley and it was not a fall from an adjacent building.

Mr. Pepper, I believe you have a homicide (intentional or otherwise) in this case. The details suggest it. Further, why cover up an accident if Mr. Thacker fell while running out of the police building? There is no reasonable explanation for members of the Marshalltown PD to expend as much effort and time to create such an elaborate explanation to Mr. Thacker's death other than guilty knowledge.

Respectfully tendered,

Lee Bushong