

Murder 2 plea ends love triangle case

TAYLORVILLE - A 2006 murder case which received national attention because the accused was an Iraqi combat veteran was resolved yesterday by a guilty plea to second degree murder.

Asked by the judge how he wished to plead, Kevin M. Thornton responded with a soldier's respect, "Guilty, sir."

However, Thornton, originally from Nokomis, will be discharged by the U.S. Army for his conviction.

Thornton was originally charged with five counts first degree murder after a fatal struggle December 9, 2006, in a parking lot in Pana. The victim, 29-year-old John A Burkett, Jr., of South Carolina, was pronounced dead from multiple stab wounds to the throat and chest after he was transported to Pana Community Hospital for treatment.

Thornton entered his plea after a lengthy consultation between State's Attorney Tom Finks and defense attorneys Monroe McWard and Mark Wykoff prior to the hearing. When Judge Ron Spears called the case, Finks filed a second degree murder charge and dismissed the first degree murder indictments and charges.

Asked to summarize the state's evidence, Finks recapped a story made for a television drama.

Thornton was stationed in Germany prior to his combat deployment. His wife Sarah and their children stayed on base while he served in Iraq.

Burkett, then an Army staff sergeant, remained on base. His commission was to protect the families of the men in Iraq. Nevertheless, he and Sarah Thornton began an affair.

Technology disclosed their secret to Thornton, who learned of the affair through e-mails. The three parties in the love triangle then exchanged messages through MySpace.com, an Internet socialization site. The two men threatened to kill each other.

According to statements Finks made Tuesday afternoon, the Army shipped Sarah Thornton and her children back to the U.S. when the affair became public. Sarah Thornton returned to Pana on December 5, 2006, to stay with her mother.

Burkett, discharged for his conduct, followed Sarah Thornton to Pana and stayed with her sister and brother-in-law.

When Thornton returned to the states on December 8, 2006, he rented a car and drove to Pana, stopping in Litchfield to buy a knife. During a probable cause hearing after the murder, former State's Attorney Brad Paisley told the court that Thornton had shown the knife to his brother-in-law and said he intended to kill Burkett.



A chance encounter in a Wal-Mart parking lot ended the threats and jealousy. Thornton dropped his wife at the store's entrance and searched for a parking space. He noticed his sister-in-law sitting in another vehicle with an unfamiliar man.

Thornton rammed his vehicle into the other car. Burkett got out, and the two men argued. When Burkett fled, Thornton chased him and tackled him, leading to a struggle, according to witnesses.

The two men fell to the ground, where a witness found Burkett bleeding heavily from throat wounds. Thornton also had stab wounds to his arm.

Responding to a 911 call, the Pana Police Department found Sarah Thornton sitting on her husband to restrain him.

Thornton told officers he had planted an IED (improvised explosive device) in his vehicle. The area was cordoned off and the Illinois State Police Bomb Squad called, but the bomb squad found no device.

Thornton was taken to St. John's Hospital in Springfield for treatment of his wounds before he was incarcerated in Christian County Correctional Center on \$3 million dollar bond. Now 26 years old, he has marked two birthdays in custody.

During initial hearings, Thornton had requested time to solicit a military attorney to defend him. The Army responded that its staff does not argue criminal charges filed in a state court.

Thornton then hired McWard, and the case proceeded through several moves by the prosecution followed by countermoves by the defense. Paisley subpoenaed computers from which MySpace comments were posted; McWard filed a motion to have an outside expert examine the computers for tampering. The Illinois State Police lab provided more than 2,000 pages of downloaded material to both sides.

Wykoff joined the defense in August 2007, after McWard had obtained a psychiatric evaluation to determine if Thornton were fit to stand trial. McWard also asked Springfield psychiatrist Dr. Terry Killian to ascertain if Thornton suffers from post-traumatic stress disorder, a condition with stress-related symptoms exhibited by many Iraq combat veterans.

Killian found Thornton fit to stand trial. He further determined that the soldier does suffer from PTSD, but not to the degree to account for his actions.

In January, after Finks had inherited the case after Paisley was appointed as an associate judge, the defense had requested the court to expedite the release of Thornton's records from Germany. McWard argued that the records would provide new evidence about Thornton's motives, that Sarah Thornton had filed a rape complaint against Burkett and obtained an order of protection against him.

After the hearing yesterday, Wykoff confirmed that the Army had provided some documentation, but none was presented in court. Finks restated the original theory that an affair triggered hostilities between Thornton and Burkett.

Finks then explained his decision to file a second degree murder charge. The evidence, he said, supported a first degree murder charge and conviction as the law requires, but mitigating factors existed.

Thornton, who did not plan the murder, acted after extreme and continued provocation by Burkett, according to Finks. The two men's encounter was accidental, but it triggered Thornton's pent-up rage. The prior exchanges between the two men and Burkett's uninvited appearance in Pana were enough provocation to meet the mitigating factors standard to reduce the charge to second degree murder.

Finks said the victim's family and the Illinois State Police had agreed with a second degree murder plea.

Before accepting Thornton's plea, Spears admonished that, since Thornton had entered an open plea, there were no promises as to the length of his prison sentence. State sentencing guidelines for a Class 1 second degree murder conviction include a prison term from 4 to 20 years, a term of probation, or a combination of both. A prison sentence would be served on day-to-day time, or 50 percent of the sentence.

A first degree murder sentence has no early release option. A conviction requires a prison sentence from a minimum of 20 years to a maximum of 60 years.

Spears ordered the probation department to conduct a pre-sentencing investigation for the court. Thornton will be sentenced on September 16.

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