

Appellate court upholds Davison murder conviction

Contributed by Elizabeth Larson
 Thursday, 28 August 2008
 Last Updated Thursday, 28 August 2008

THIS STORY HAS BEEN CORRECTED REGARDING THE ATTORNEY WHO REPRESENTED DAVISON.

EDITOR'S NOTE: THIS STORY CONTAINS GRAPHIC DESCRIPTIONS WHICH SOME READERS MAY FIND DISTURBING.

LAKE COUNTY – An appellate court has upheld the conviction in a murder case in which a local man was successfully prosecuted even though the body of his victim was never found.

On Wednesday the First Appellate District Court filed a unanimous, 18-page unpublished decision upholding 37-year-old Nathan Lee Davison's October 2005 murder conviction for the 1998 murder of his wife's stepfather, Tracy Lyons.

Judge Arthur Mann sentenced Davison to 45 years to life in prison for the murder, which was built mostly on circumstantial evidence because Lyons' body was never found, despite the efforts of investigators equipped with cadaver dogs.

Jon Hopkins prosecuted the case while chief deputy district attorney, before his election as district attorney. Davison was convicted in his second trial, after the first resulted in a hung jury.

“This is the right decision by the Court of Appeals,” Hopkins said Wednesday.

It was the testimony of Davison's ex-wife, Jillian, and her mother, Debra Lyons, which had provided the main evidence supporting the case against him, the justices' opinion noted.

Hopkins said Davison appealed on multiple grounds, one of which was that the defense attorney hadn't discovered certain potential witnesses, arguing they would testify that Jillian Davison had made inconsistent statements regarding the Lyons' disappearance.

However, Hopkins pointed out, Jillian Davison testified that she hid her knowledge of the killing by Nathan Davison because she feared him. “The end result of having these friends and relatives of the defendant testify would not have been a different verdict,” Hopkins said.

The motivation for killing Lyons, according to case documents, was Lyons' molestation of Jillian Davison, beginning when she was 5 years old and lasting until she was 9, when she told a teacher. He would later be arrested and convicted of the molestation. Following prison, he returned to live with his wife and stepdaughter.

When Jillian and Davison later began a relationship, she told him about the molestation. “Davison was outraged and told her many times that Lyons should die, and that he would kill him,” the appellate court decision explains.

Based on testimony from the mother and daughter, the murder reportedly took place in January 1998. They recounted that Davison claimed he went to Lyons' Clearlake Oaks ranch and shot him in the head as he was unloading dog food out of the back of his truck, then shot him again once he was on the ground.

Davison is later reported to have cut up Lyons' body with a chainsaw, put it in a 55-gallon drum and loaded it into Lyons' truck, then drove to a wooded area. There Jillian Davison recounted he dug a hole, put the body parts into it and sent them on fire with kerosene before covering the hole with dirt and brush.

In an effort to cover for Lyons' murder, Davison had the women report Lyons missing and he abandoned Lyons' pickup in a Santa Rosa Safeway parking lot.

The Lake County Sheriff's Office tracked Nathan and Jillian Davison to Crescent City in 2000 and confronted them about Lyons' death. Afterward they went to Las Vegas to get married in order to prevent having to testify against each other. They, along with Debra Lyons and Jillian's brother, James, moved to Reno in late 2000 or early 2001. Jillian Davison later became pregnant; she and Nathan Davison split up after the June 2002 birth of their child and they eventually divorced.

In early 2005 sheriff's detectives Dave Perry and Corey Paulich approached Debra Lyons, who agreed to tell them “everything” about the case, according to the appellate opinion. She also convinced her daughter to speak with them and in March 2005 Jillian Davison took the detectives to the area where she said Davison buried Tracy Lyons' body.

In two separate visits to the reported burial site, several cadaver dogs “alerted” that they detected human remains, although no part of Lyons' body was ever found, the court documents state.

In appealing his conviction, Davison said the trial court erred in not granting him a third trial, and claimed his attorney for both trials, Doug Rhoades, was “ineffective in that he did not hire an investigator, failed to investigate potential witnesses who would have testified about Jillian and Debra's motives to lie about Davison killing Lyons. Davison also claimed his attorney failed to interview witnesses who would testify to his nonviolent character.” Following the second trial, he was represented by attorney Mitchell Hauptman, who sought the new trial.

However, the appellate court found no fault with Rhoades' actions, and further ruled that Davison's request for a new trial wasn't justified because he hadn't demonstrated “a reasonable probability of a more favorable result,” despite his earlier jury having deadlocked, 6-6.

E-mail Elizabeth Larson at el Larson@lakeconews.com.

{mos_sb_discuss:2}

