



## Jury clears Wade on all counts in Decatur slaying

5/15/2009, 4:39 p.m. ET

The Associated Press

(AP) — DECATUR, Ala. - A Morgan County jury on Friday acquitted a man who was on trial for capital murder for the third time in the killing of a psychiatrist's wife who was sexually assaulted and stabbed in their upscale Decatur home in 1999.

Daniel Wade Moore, 34, faced a possible death penalty if convicted in the slaying of Karen Tipton, 39.

Deliberations began May 7 and jurors were in their seventh day of discussions when their decision was read to a stunned courtroom audience that included family members for both the victim and Moore.

Moore was convicted and sentenced to death at his first trial in 2002, but the judge later threw out the verdict because of misconduct by prosecutors, who had not disclosed an FBI report in the case. The second trial ended in a mistrial last year with the jury deadlocked 8-4 for acquittal.

A smiling Moore quoted defense attorney Sherman Powell as he spoke with reporters after the acquittal Friday.

"After seven days with them going through the evidence, it's kind of like Mr. Powell said-if this wasn't reasonable doubt, then reasonable doubt doesn't exist," Moore said. "I'm just glad they found a verdict and it wasn't another hung jury."

Evidence showed the mother of two was raped and stabbed more than two dozen times in a violent struggle on March 12, 1999. Her husband, David Tipton, a psychiatrist who worked in Huntsville, testified he called police after returning home and finding his wife dead in the blood-spattered house.

Authorities testified that DNA found in a bedroom in the home matched hair samples from Moore. Moore had been to the house to install an alarm while working for a security company and prosecutors depicted him as a crack addict who bought drugs shortly after the slaying.

Moore attorney Jake Watson said after the verdict that he didn't know how his client's DNA wound up in the Tipton home but that authorities had not done a good job in collecting evidence.

"First of all, the police work was really shoddy," Watson said. "I don't know how it got there but he had worked in the house around six months before that and it may not even be his hair. It (matches) his profile but it does not mean it's his hair."

The defense contended Tipton was killed by someone who was close to her, not a virtual stranger.

Prosecutors did not immediately return calls for comment Friday. But Assistant Attorney General Corey Maze told jurors during closing arguments it would send the wrong message if they acquitted Moore in Tipton's decade-old killing.

"Ten years is long enough. Don't back down today, or next week. Find him guilty," Maze said.

The defense tried to cast doubt on David Tipton and the best man at the couple's wedding, Mike Ezell. Evidence showed Ezell was questioned because he had a scratch on his forehead when he attended Karen Tipton's funeral. He also testified to having a romantic interest in her but said nothing came of it.

Watson said the "real tragedy is there are no winners in this. (Moore) spent almost 10 years in the penitentiary, he's been through three trials and he is innocent. Twelve people in Morgan County said that today so we would hope that the Decatur Police Department reopen the investigation and find the real killer and bring the real killer to justice."

Copyright 2009 Associated Press. All rights reserved.  
This material may not be published, broadcast, rewritten, or redistributed.

© 2009 al.com All Rights Reserved.