

**BEGIN SYNOPSIS**

On 07/14/2015, Bruce Anderson and Reporting Investigator (RI) visited Gem City Estates Trailer Park in Moraine, Ohio in an attempt to reconstruct where the David Rowell's (hereafter known as VICTIM) body was found.

**END SYNOPSIS**

**PURPOSE OF INVESTIGATION**

The purpose of this phase of the investigation was to create a visual diagram of the "crime scene."

**BEGIN DETAILS**

On 07/14/2015, Bruce Anderson and RI visited Gem City Estates Trailer Park in Moraine, Ohio, in an attempt to reconstruct the crime scene and to diagram where VICTIM's body and various pieces of evidence were discovered.

In February 1982, Gem City Estates Trailer Park had a nearly 100% occupancy rate. Over the past 33 years, this trailer park has deteriorated. At present, many trailer pads are vacant and several trailers are abandoned. In 1982, the immediate area near 2753 Cozy Lane (Charles Keith Wampler's, hereafter known as SUBJECT, residence) was surrounded by other trailers. SUBJECT's residence was a single wide trailer. At present, a double wide trailer sits on the pad. In February 1982, John McGarvey's residence, 2759 Cozy Lane, was a single wide trailer. Today, that location is a vacant pad.

In 1982, the field adjacent to Gem City Trailer Park was vacant. Thorn bushes, rabbit traps and garbage was in the field. Today, the field is a light industrial complex. The location where VICTIM's body was discovered is part of the complex's driveway.

Exhibit 1, which is attached, is the map of Gem City Estates Trailer Park. The red numbers indicate where evidence was discovered. The black numbers indicate key addresses. Small numbered traffic cones were used to illustrate evidence that was discovered. Cone 1 represents VICTIM's body, Cone 2 represents the bag containing VICTIM's clothing and Cone 3 represents the green toilet seat lid.



Photo 1

Photo 1 represents the view of the crime scene from what would have been SUBJECT's patio, which would have been SUBJECT's front door at 2753 Cozy Lane, to where VICTIM's body and the bag containing VICTIM's clothes were found on 02/06/1982 at approximately 15:50 hours. Cone 1 is to the left and Cone 2 is to the right. It is important to note that this was a vacant field in 1982. Where Cone 1 is located thorn bushes would have existed. This view is looking in a southwest direction. The building, the wire fence, the trailer and the vehicles would not have been here in 1982.

Cone 1 is 77 feet, in a southwest direction from SUBJECT's patio and represents the location where VICTIM's body was located<sup>1</sup> Cone 2 is 20 feet 4 inches north, northeast from VICTIM's body and represents the location.<sup>2</sup> According to Moraine Police (MPD), there were footprints in the snow that went from SUBJECT's residence to VICTIM (Cone 1) and another set of footprints in the snow that went from the body to the bag containing VICTIM's clothes (Cone 2). Yet, there is no mention of footprints going from the bag of clothes to SUBJECT's residence.

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<sup>1</sup>Moraine Police, Case number 82-184.

<sup>2</sup>IBID

On 02/06/1982 at approximately 15:50 hours, this field was covered with 0.2 inches of snow, according to the National Weather Service at Dayton International Airport in Vandalia, Ohio. The temperature was near 9 degrees above zero and there was a 10 mile per hour wind. It snowed in the Dayton area on 02/06/1982 from 17:00 hours to 22:30 hours.

**Question 1**

*If SUBJECT murdered VICTIM and placed the body at the location of Cone 1 and the bag containing VICTIM's clothes at the location of Cone 2, then how did he return to his residence without leaving footprints?*

The prosecution's theory of the crime is that SUBJECT murdered VICTIM and dumped VICTIM in the field and dumped the bag containing the clothes in the field on his way back to his residence. However, there is not any documentation of footprints leading from the bag to the residence.

The wire fence is where a dirt path was in 1982. As the photo illustrates, the fence (path) runs north to south. The path is mentioned in several police reports and contained numerous footprints.

**Question 2**

*If SUBJECT murdered VICTIM, why would SUBJECT dump the body only 77 feet from his residence?*

At trial, the prosecution hinted that the crime occurred in SUBJECT's residence. Yet, there was no evidence to support that claim. The prosecution indicated that SUBJECT cleaned up after committing this crime. If that is the case, then VICTIM's body should have been placed someplace else, rather than in SUBJECT's "front yard." On top of that, at the time the prosecution said this crime was committed, there was a witness who was able to see anyone going from the direction of SUBJECT's residence to the field. In that witness' testimony, he makes no mention of seeing anyone going from the direction of SUBJECT's residence to the field.



Photo 2

Photo 2 represents the view of the crime scene from Kreitzer Road. Cone 1, closest one to Kreitzer Road, represents VICTIM and is located 279 feet from the road. Cone 2, to the right and northeast of Cone 1, represents the bag containing VICTIM's clothes. Cone 3, the furthest cone from Kreitzer Road and is located 59 feet from VICTIM, represents the toilet seat lid. This view is looking in a northern direction. In 1982, this area was a field covered with thorn bushes, litter and sections were used as a garden. On 02/06/1982 at 15:50 hours, this field was covered with 0.2 inches of snow.

On 02/06/1982 at approximately 15:30 hours, Bobby Rowell, VICTIM's father, exited his residence, 2970 Kreitzer Road, crossed the street and entered the vacant field at approximately this location. In his testimony, Bobby Rowell had a "vision of thorn bushes."<sup>3</sup> According to statements, the field had numerous spots where thorn bushes existed. Yet, Bobby Rowell appears to have gone directly to this location. In his statements to MPD and in his court testimony, Bobby Rowell searched this field several times during the evening of 02/05/1982 and morning of 02/06/1982. It was this field where Bobby Rowell walked his dog. Bobby Rowell stated that he had taken his dog for a walk in this field at 07:00 hours on 02/06/1982. Yet, the body was not found until 15:50 hours. VICTIM was placed at this

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<sup>3</sup>Bobby Rowell's court testimony.

location sometime after 22:30 hours on 02/06/1982 because that was when it stopped snowing. There was no snow reported on VICTIM.

In MPD reports, there is no documentation of how many sets of footprints went from Kreitzer Road to VICTIM. MPD documented the footprints along the path that separated Gem City Estates Trailer Park and the field.

**Question 3**

*How many sets of footprints lead from Kreitzer Road to VICTIM?*

MPD focused on SUBJECT because of the set of footprints that went from his residence to VICTIM, yet MPD made no mention of or documentation of footprints going from Kreitzer Road to VICTIM. \_

**Question 4**

*Is it possible that a suspect could have entered the field from Kreitzer Road and dumped VICTIM at the location where he was found and the bag of clothes at the location where it was found?*

This possibility cannot be ruled out because of the lack of documentation on the number of sets of footprints going from Kreitzer Road to VICTIM and vice versa. MPD focused on the set of footprints going from SUBJECT's residence to VICTIM, yet MPD did not entertain the possibility of VICTIM being carried from Kreitzer Road to where he was discovered.

**Question 5**

*How long was VICTIM in the field?*

The prosecution's theory is VICTIM was placed in the field shortly after death at approximately 01:00 hours on 02/06/1982. It is possible that is the case, but there is no hard evidence to support that theory. Investigator Lett, Montgomery County Coroner's Office, did not take a body temperature, according to his report and testimony.<sup>4</sup> VICTIM was described as "cold to the touch, but not frozen." If

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<sup>4</sup>Montgomery County Coroner's Report, AC-81-82

the prosecution's theory is correct and VICTIM was placed shortly after death around 01:00 hours, then one could conclude that VICTIM would be close being frozen because at 01:00 hours, the temperature was 15 degrees with a 0 degree wind chill. Almost 15 hours later, at 15:50 hours, the temperature was 9 degrees with a wind chill near -7 degrees. Yet, the body was "cold to the touch, but not frozen."



Photo 3

Photo 3 represents the view of VICTIM and the bag containing VICTIM's clothes from a distance of 50 feet to the west. Cone 1, which is to the right, represents VICTIM. Cone 2, which is to the left, represents the bag containing VICTIM's clothes. The trailer closest to VICTIM belonged to Adrian West. 2765 Cozy Lane. This view is in an eastern direction. In 1982, the fence was not there. The vacant trailer pad shown to the left of West's residence had a trailer on it that belonged to John McGarvey, 2759 Cozy Lane. SUBJECT's residence, 2753 Cozy Lane, is on the other side of the storage trailer to the left.

In 1982, this area was covered with thorn bushes, litter and grass. This is the area where, in his testimony, John McGarvey had rabbit traps.<sup>5</sup>

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<sup>5</sup>McGarvey's court testimony



Photo 4

Photo 4 represents the view of crime scene from 50 feet to the south. Cone 1, which is to the closest, represents VICTIM. Cone 2, which is to the right, represents the bag containing VICTIM's clothes. Cone 3, which is the furthest, represents the green toilet seat lid. SUBJECT's residence, 2753 Cozy Lane, is on the other side of the storage trailer to the right of the storage trailer This view is in a northern direction.

**Question 6**

*When was the toilet seat lid put in the field?*

In the prosecution's theory, the toilet seat lid was evidence. However, there is no mention of the toilet seat lid in the initial MPD reports dated 02/06/1982. The toilet seat lid was not discovered until 02/10/1982. If the prosecution's theory is correct, then the toilet seat lid had to have been placed in the field after the murder. However, MPD missed it on the day VICTIM was discovered. If the prosecution believes this was evidence in the murder and was missed because it was covered with snow, then it stands to reason that the toilet seat lid was placed in the field prior to 17:00 hours on 02/05/1982, when the snow

began to fall. On the day VICTIM was discovered, a green toilet seat lid would have been a sharp contrast to the white snow that was on the ground.

**Question 7**

*What other evidence was lost by not properly securing the field?*

In their own reports, MPD stated that they did not conduct a thorough search of the field until 02/10/1982. That is when they found the toilet seat lid. Based on their reports, MPD broke down security of the crime scene after VICTIM was removed. Granted, the sun was beginning to set and sundown was at approximately 18:05 hours on 02/06/1982. However, MPD made no attempt to secure the scene until the next morning, when they had plenty of light to search the field. A thorough search of the field was not conducted until 02/10/1982, which is four days after VICTIM was discovered. It is not known what, if any, other evidence was in the field.

As stated earlier, MPD failed to properly document the sets of footprints leading into the field from Kreitzer Road. Now, MPD failed to secure the crime scene, yet believed they found evidence (e.g. toilet seat lid). One can ask what evidence was lost in the four days it took MPD to conduct a proper search of the field?

In the prosecution's theory, the green toilet seat lid was evidence. Photo 5 depicts the green toilet seat lid in relation to SUBJECT's residence. The lid is represented by Cone 3 and the residence is on the opposite of the white van. Again, it is important to remember that this was a field and there was not a wire fence that separated the Gem City Estates Trailer Park and this field. As the photo depicts, there is little distance between SUBJECT's residence and where the toilet seat lid was discovered on 02/10/1982. Not one officer at MPD could state with certainty when the toilet seat lid was placed in the field.

It should also be noted that this area of the field was littered with garbage. It could be possible that the previous owners of 2753 Cozy Lane disposed of this toilet seat lid prior to Charles Cecil Wampler, SUBJECT's father, purchasing this residence in 1981.





Photo 5

It also needs to be emphasized that on 02/06/1982 there was 0.2 inches of snow on the ground when VICTIM was discovered.

**Question 8**

*How could a greet toilet seat lid be missed in the initial review of the crime scene?*

As earlier stated, if this toilet seat lid was disposed of after the murder, then there should not be any snow on it. If it was disposed of prior to 17:00 hours on 02/05/1982, then it would be covered with snow as a result of the overnight snow fall. Ergo, it was placed in the field prior to the murder and is of no evidentiary value.



Photo 6

Photo 6 depicts the crime scene from the north and is looking at a southern direction. Cone 3, the closest, represents the green toilet seat lid. Cone 2, the cone to the left, represents the bag that contained VICTIM's clothes. Cone 1, furthest cone, represents VICTIM. VICTIM's residence, 2970 Kreitzer Road, is located approximately 500 feet southeast of Cone 1, VICTIM.

According to the National Weather Service, 02/06/1982 was a clear day with sunrise being at 07:38 hours. During the evening of 02/05/1982, witnesses reported that it was "bright" due to the reflection of the newly fallen snow. Between 21:00 hours and 22:00 hours on 02/05/1982, Bobby Rowell searched this area for VICTIM. According to Bobby Rowell, he searched this field as far I-75 to the west and Gem City Trailer Park to the east.<sup>6</sup> Bobby Rowell further stated that he returned to this area at approximately 23:30 hours on 02/05/1982 and at sunrise on 02/06/1982. VICTIM was not discovered until 15:50 hours on 02/06/1982.

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<sup>6</sup>Bobby Rowell's court testimony

The prosecution's theory is that VICTIM was placed in the field shortly after death. Montgomery County Coroner estimated the time of death around 01:00 hours on 02/06/1982, plus or minus two hours.<sup>7</sup> However, it needs to be noted that estimating the time of death is not an accurate science. The time of death could have occurred outside the speculated window of 23:00 hours on 02/05/1982 and 03:00 hours on 02/06/1982. Because the time of death was not challenged by defense, this review will use the prosecution's theory on the time of death being between 23:00 hours on 02/05/1982 and 03:00 hours on 02/06/1982.

### **Question 9**

*When was VICTIM placed in the field?*

If the prosecution's theory is accepted and VICTIM was placed in the field shortly after death, then it should not have taken until 15:50 hours on 02/06/1982 to discover VICTIM. Using the prosecution's theory, the earliest time the VICTIM could have been killed was around 23:00 hours. So, using the prosecution's theory, the VICTIM was placed in the field soon after that. Yet, Bobby Rowell was in this area at approximately 23:30 hours and did not report seeing anything. If VICTIM was placed in the field after 23:30 hours, then he should have been discovered around sunrise, when Bobby Rowell returned to the field to walk his dog. The bag, containing VICTIM's clothes, would have been visible. Yet, Bobby Rowell reported nothing.

It is difficult to comprehend, using the prosecution's theory, how VICTIM could have been missed after Bobby Rowell's three trips to the field and possibly other trips made to the field by other individuals. Again, MPD reported a dirt trail that separated Gem City Estates Trailer Park and the field and that this field contained many footprints. VICTIM and the bag containing his clothes would have been visible from this trail. It is also difficult to accept that a "vision of thorn bushes" lead to VICTIM being discovered.<sup>8</sup>

### **Question 10**

*What was the actual time of death?*

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<sup>7</sup>Montgomery County Coroner's Report, AC-81-82

<sup>8</sup>Bobby Rowell's court testimony

This question is somewhat unfair because we may never know, unless someone confesses to murdering VICTIM and says what time he or she did it. The Montgomery County Coroner estimated the time of death to be around 01:00 hours, plus or minus two hours. It is not clear how forensic pathologist determined that. The autopsy hints that the forensic pathologist used rigor as a reference point. Yet, there is no report of a body temperature being taken, either at the scene or at the morgue. Today, the time of death is when the body is discovered and reported by first responders or medical personnel.

There are some key points that need to be addressed regarding the autopsy and the possible determination in the time of death.

1. The first point is livor mortis, also known as lividity or the pooling of blood. Lividity occurs within two hours of death and causes dark blue/purple coloration of the skin where the blood is pooling. Lividity lasts between two and eight hours. The discoloration of the skin will disappear in the areas where the skin is pressed. VICTIM had lividity on his left side and on his back, indicating that the body was moved post mortem and within two to eight hours after death.
2. The second point is algor mortis, also known as “death heat”. This is the body’s temperature. Environmental factors influence the loss of body temperature. Two key environment factors are the exterior temperature and whether or not the body is clothed. In the first 12 hours of post mortem, the body loses an average of 1.4 degrees Fahrenheit per hour. After the first 12 hours, the body loses 0.7 degrees Fahrenheit per hour. The body temperature is taken by the use of a rectal thermometer and/or the temperature of the liver at the autopsy. In this case, the Coroner’s Investigator and the Forensic Pathologist did not take a body temperature.
3. The third point is rigor mortis, also known as “death stiffness”. In this phase, the muscles begin to contract due to the release of calcium from cell membranes. Stiffness occurs due to the skeletal muscles being locked in place and are unable to relax. This phase begins within two hours after death and starts in the head, particularly the face, and neck areas. Rigor is at its peak 12 hours after death. At approximately 15 hours after death, the muscle fibers begin to break down. Rigor normally disappears 36 hours after death, but can last for up to 48 hours after death. Several factors influence the rate of rigor mortis: A) ambient temperature, B) clothing, C) sun exposure, D) activity and E) body weight. In this case, VICTIM was 4 ½ feet tall and weighed 65 pounds. He was found nude and the outside temperature was falling from the teens to the single digits with wind chills at or near zero degrees. When VICTIM was found, it was sunny and clear.
4. The fourth point is contents of stomach and intestines. If undigested food is found in the stomach, then death occurred within two hours of the person’s last meal. If stomach is empty, but

food is found in the small intestine, then death occurred at least four to six hours after the last meal. If small intestine is empty, but waste is found in the large intestine then death may have occurred 12 or more hours after last meal. In this case, VICTIM had “green food substance” in his stomach, which indicates that VICTIM ate something approximately two hours prior to death.

The Montgomery County Coroner’s autopsy report lists the possible time of death as being 01:00 hours, plus or minus two hours, yet there is no scientific facts entered in as evidence to support that conclusion. What is entered in as evidence is VICTIM ate something within two hours prior to death. Exactly what was eaten is not clear because the “green food substance” was not tested. A body temperature was not taken, either at the crime scene or at the morgue. The autopsy was not clear on whether or not the Forensic Pathologist took into account the environmental conditions that existed on 02/05 and 02/06/1982.



Photo 7

Photo 7 depicts the view from what was James Shipman’s front porch at 2754 Cozy Lane. The photo is looking west, northwest to what was SUBJECT’s residence, 2753 Cozy Lane. The location of the red pick-up truck is 2753 Cozy Lane. In 1982, SUBJECT’s residence was a single wide trailer with

the front door and patio facing west towards the field. In 1982, all of the trailer pads were full in this section. A trailer was located on the opposite side of the row of bushes. Another trailer, McGarvey's residence, was located on the other side of that trailer.

On 02/05/1982 at approximately 17:30 hours, Mike Rowell, VICTIM's brother, and VICTIM departed SUBJECT's residence. Mike Rowell passed Shipman's residence, going in a southern direction along Cozy Lane to Lisa Collins' residence, 2754 Quail Lane. SUBJECT exited his residence to see where Mike Rowell was going and was wondering why Mike Rowell left. VICTIM came to Shipman's residence, 2753 Cozy Lane, and spoke to James Shipman Jr.<sup>9</sup> According to Shipman, VICTIM "bummed" a cigarette. In his court testimony, Joey Shipman, James' 7 year old brother, said that he saw VICTIM go to SUBJECT's residence.<sup>10</sup>

The prosecution's theory is this was the last time anyone, except SUBJECT, saw VICTIM alive. After reviewing the trial transcripts, it is clear that the prosecution relied on the testimony of a 7 year old boy in establishing that VICTIM returned to SUBJECT's residence. Photo 7 raises doubt to that theory.

### **Question 11**

*How could Joey Shipman or James Shipman Jr. see VICTIM enter SUBJECT's residence?*

Photo 7 was taken in 2015. However, one has to picture this location as it appeared in February 1982 with several more trailers what currently are vacant trailer pads. Gem City Estates Trailer Park was at near 100% occupancy rate. It is obvious that the Shipmans did not have an obstructed view of SUBJECT's residence. Also, they did not have any view of the entrance to SUBJECT's residence, which was located on the west side of the trailer, facing the field. Ergo, Joey Shipman's testimony was inaccurate because it was impossible for him to see anyone enter SUBJECT's residence.

The prosecution believes that VICTIM returned to SUBJECT's residence when SUBJECT came back from chasing Mike Rowell. The prosecution's theory has VICTIM at SUBJECT's residence until VICTIM is murdered and placed in the field. However, the prosecution did not explain why, at 21:00 hours on 02/05/1982, several people arrived at SUBJECT's residence and none of this group stated that they saw VICTIM at SUBJECT's residence. This group of people consisted of Joey Shipman, James

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<sup>9</sup>James Shipman Jr.'s court testimony and Moraine Police Report, Case number 82-184

<sup>10</sup>Joey Shipman's court testimony

Shipman Jr., Ted Ritchie and Mike Johnson. Everyone, except Joey Shipman, was intoxicated and/or high. James Shipman Jr. was not feeling well and went to lay down in SUBJECT's bedroom, with Joey standing in the doorway to the bedroom. Everyone else was in the kitchen, living room or using the bathroom, which was between SUBJECT's bedroom and the master bedroom. At 22:30 hours, James Shipman Jr. heard a scream. He gathers his brother and leaves SUBJECT's residence. James Shipman Jr. did not say whether or not the scream came from inside SUBJECT's residence. Shortly after the Shipmans left, Mike Johnson and Ted Ritche depart SUBJECT's residence.

In the prosecution's theory, VICTIM was being restrained in the master bedroom of SUBJECT's residence. There is no evidence to support this theory. There is no eyewitness statement or testimony. There is no forensic evidence. The autopsy did not report any ligature marks around the wrists or ankles that would have supported the claim that VICTIM was restrained. In short, the prosecution relied upon the testimony of a 7 year old boy, who, according to the prosecutor, saw VICTIM enter SUBJECT's residence. As depicted in Photo 7, that was not possible.

### **Question 12**

*Is it possible that VICTIM was wondering the neighborhood immediately prior to his death?*

The answer to this question is that it is possible. VICTIM may have been spotted at approximately 19:00 hours on Kreitzer Road with Mike Johnson and Ted Ritchie.<sup>11</sup> Also, Brian Canterbury stated that he saw someone matching VICTIM's description near the fire pit at the Moraine Civic Center at 21:15 hours.<sup>12</sup> There is no documentation that MPD attempted to prove or disprove these possible sighting of VICTIM. Trial testimony later revealed that VICTIM was not inside the Moraine Civic Center watching "Benji", but nobody said anything about VICTIM possibly being outside. VICTIM was known to go to the fire pit to smoke cigarettes.

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<sup>11</sup>Moraine Police Report, Case number 82-184

<sup>12</sup>Canterbury's written statement to MPD dated 02/06/1982



**Photo 8**

Photo 8 depicts the view from Adrian West's residence, 2765 Cozy Lane, towards SUBJECT's residence, 2753 Cozy Lane, which was a single wide trailer in 1982. The concrete in the foreground is a trailer pad, which in February 1982 was the location of the McGarvey residence, 2759 Cozy Lane. Adrian West testified that he could see SUBJECT's residence from his picture window or his kitchen window.<sup>13</sup> West said that he was in his residence with the lights off.

**Question 13**

*How could Adrian West see SUBJECT's residence with the McGarvey residence blocking his view?*

The answer to this question, as Photo 8 clearly depicts, is he could not have possibly seen SUBJECT's residence. The McGarvey residence was a single wide trailer and it sat where the concrete pad is today. It is possible that Adrian West did see the Shipman brothers walking through his driveway towards their residence, but he could not see if they came out of SUBJECT's residence. West further

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<sup>13</sup>West's court testimony



testified that he saw nobody else in SUBJECT's residence. The prosecutor wanted the jury to believe that West could see SUBJECT's residence. The fact is that was not possible. Adrian West testified that he saw the lights at SUBJECT's residence go off at approximately 01:30 hours on 02/06/1982. Again, that is not possible given the McGarvey residence blocked the view.



Photo 9

Photo 9 depicts the view from Adrian West's residence to the field where VICTIM was discovered. Cone 1, on the left, represents VICTIM, and Cone 2, on the right, represents the bag containing VICTIM's clothing.

The significance of Photo 9 is that it shows that Adrian West had a view of anyone coming from the direction of SUBJECT's residence and going towards the field. West did not mention that he saw anyone going from SUBJECT's residence to the field. West testified that he heard the loud music coming from SUBJECT's residence and he saw the Shipman brothers leave. Again, he did not provide any testimony to indicate that he saw anyone going from SUBJECT's residence to the field.

Using West's testimony to further the prosecution's theory, West testified that the lights went out in SUBJECT's trailer at 01:30 hours. West went to bed at 02:00 hours. The prosecution contended that VICTIM was placed in the field shortly after death. The prosecution used the autopsy report as a guideline in establishing when this crime was committed. Staying with the prosecution's theory, then VICTIM was murdered around 01:00 hours and was placed in the field shortly after that. The prosecution believes that SUBJECT carried VICTIM from SUBJECT's residence to the field. Yet, the one witness who had a front row seat in viewing anyone entering the field from the trailer court did not provide any testimony regarding to that effect.

### **Conclusions**

This report documents serious flaws in the prosecution's theory of the crime and in the prosecution's case. This report, also, documents the inaccuracies of police reports, court testimony and the autopsy. These flaws and inaccuracies do create an aura of reasonable doubt as to SUBJECT's guilt in this case.

The prosecution relied on a single set of footprints going from SUBJECT's residence to VICTIM, then to the bag containing VICTIM's clothes. However, there is no report indicating any footprints from the crime scene back to the residence. The prosecution failed to explain how SUBJECT returned to his residence after placing VICTIM in the field. Also, there was a lack of documentation or examination of the footprints along the trail that separated Gem City Trailer Park with the field, as well as the lack of documentation or examination of footprints going from Kreitzer Road to VICTIM. It is possible that the perpetrator of this crime left his or her footprints along the trail or from Kreitzer Road to VICTIM. Ergo, the footprints from SUBJECT's residence to VICTIM may or may not be relevant to the crime, thus creating an aura of reasonable doubt.

The prosecution used a toilet seat lid as evidence in an attempt to connect SUBJECT to the crime. However, the prosecution's own documentation raises serious doubt about the toilet seat lid's evidentiary value. VICTIM was found on 02/06/1982 and this piece of "evidence" was not discovered until 02/10/1982. In those four days, the crime scene was not secured. Anyone could have gained access to the field. There is no explanation as to why the toilet seat lid was missed on 02/06/1982. One possible theory is it was covered with snow. If that was the case, then it was clearly placed in the field prior to 17:00 hours on 02/05/1982, which is also prior to VICTIM's death. The prosecution failed to establish when this toilet seat lid was placed in the field. Other than it may have come from SUBJECT's bathroom,

there is no indication that this toilet seat lid is related to the crime. Ergo, its evidentiary value is questionable, at best, thus creating an aura of reasonable doubt.

The prosecution used the autopsy report as a guideline in establishing when this crime was committed. It appears that MPD and the prosecutor zeroed in on 01:00 hours as being the time when this crime was committed. However, as this report points out, the methods used to determine the time of death were incomplete. In the autopsy report and in court testimony, the Montgomery County Coroner's Office mentioned livor mortis being present and that it appeared VICTIM was moved within two hours of death and the autopsy report, supported by court testimony, emphasized rigor mortis as determining the time of death. However, there is no discussion of algor mortis, "death heat", which is body temperature. There is no documentation to indicate that a body temperature was taken. Also, there is no documentation indicating that the Montgomery County Coroner took into account the environmental conditions when attempting to establish time of death. Though, VICTIM did give the investigators a clue and it was clearly missed. The "green food substance" in the stomach indicates that VICTIM ingested it two hours prior to death. Was this "green food substance" a vegetable from dinner or was it some marijuana that he was forced to ingest? Because the Montgomery County Coroner failed to test it, we will never know. However, this is significant because it gives us a clue as to where VICTIM may have been two hours prior to death. By the Montgomery County Coroner not taking a body temperature, documenting the environmental conditions and indicating if they were taken into account and not examining the "green food substance" in VICTIM's stomach, the window of the time of death, 01:00 hours plus or minus two hours, comes into question. Ergo, with the accuracy of the time of death being questioned, an aura of reasonable doubt is created.

Finally, the accuracy of witness statements and court testimony comes into question. As the crime scene investigation pointed out, Joey Shipman could not have possibly seen VICTIM enter SUBJECT's residence. Several residences would have blocked his view. Also, Adrian West did not have an unobstructed view of SUBJECT's residence. The McGarvey's residence blocked the view. This report brings up questions as to the accuracy of these witnesses' statements. This report is not accusing these witnesses of perjury. It only questions the accuracy. These witnesses were used by the prosecution in an attempt to establish SUBJECT's residence as the place the crime occurred. With the accuracy of the statements in testimony in question, the prosecution failed to establish SUBJECT's residence as the crime scene. Ergo, with the accuracy of these statements being questioned, an aura of reasonable doubt is created.