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1982 APR 20 PM 3: 27

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO COUNTY, OHIO CONMON PLEAS.

CONMON PLEAS.

MONTGOMERY DEVISION OF DOMESTIC RELATIONS AND JUVENILE

IN RE:

CASE NOS.

JC-82-474

JC-82-475

CHARLES KEITH WAMPLER,

An Alleged Delinquent Child. :

FINDING AND ORDER

A complaint was filed in this court alleging that Charles Keith Wampler, a minor, about 15 years of age, appears to be a delinquent child in this, that on or about February 5, 1982, in the County of Montgomery, State of Ohio, the subject did engage in sexual conduct with another, to-wit: Robert David Rowell, not his spouse, by purposely compelling him to submit by force; contrary to Section 2907.02 (A, 1) of the Ohio Revised Code and in violation of Section 2151.02 of the Ohio Revised Code.

A complaint was filed in this court alleging that Charles Keith Wampler, a minor, about 15 years of age, appears to be a delinquent child in this, that on or about February 5, 1982, in the County of Montgomery, State of Ohio, the subject purposely, and while committing rape, did cause the death of Robert David Rowell; contrary to Section 2903.01 (B) of the Ohio Revised Code and in violation of Section 2151.02 of the Ohio Revised Code.

These cases were set for hearing to determine whether they should be transferred for criminal prosecution or disposed of

in the Juvenile Court.

The child and his parents were present and he was represented by competent counsel.

Upon hearing the testimony presented, the court finds that the case is properly before this court and that this court has jurisdiction of the subject matter and of the child.

The court finds that notice in writing of the time, place and purpose of this hearing was given to the child's parents and counsel more than three days prior to the hearing.

The court finds that the offenses alleged would be felonies if committed by an adult.

The court finds that there is probable cause to believe that the child committed the acts alleged in the complaints.

The court finds, after an investigation including an examination by Dr. James Owens, Director of Psychological Services of this Court, that there are reasonable grounds to believe that:

- He is not commitable to an institution for the mentally retarded or mentally ill;
- He is not amenable to care or rehabilitation in any facility designed for the care, supervision and rehabilitation of delinquent children; and
- 3. The safety of the community requires that he be placed under legal restraint, including, if necessary, for the period extending beyond his majority.

IT IS, THEREFORE, ORDERED that these cases and the said CHARLES KEITH WAMPLER be and the same are hereby transferred to

the Criminal Division of the Court of Common Pleas of Montgomery County, Ohio, for criminal prosecution as an adult.

The court, in determining the child is not amenable to treatment and rehabilitation in a juvenile facility available to the court, has considered:

- the child's age and his mental and physical health;
- 2. the child's prior juvenile record;
- 3. the efforts previously made to treat or rehabilitate the child;
- 4. the child's family environment; and
- 5. the child's school record.

The report of Dr. Owens indicates that:

- the diagnosis of conduct disorder, undersocialized, aggressive reflects traits least likely to profit from treatment;
- he is not suffering from symptoms, that is, guilt, anxiety, depression;
- 3. he shows no motivation whatsoever for treatment. Further, that he presents poor therapeutic potential for rehabilitation in a maximum security juvenile facility, and he constitutes such a social risk to the community as to require his incarceration for a very, very extended period of time beyond his majority.

Nor does the social history give any indication that there is hope for rehabilitation in the juvenile facility.

Considering the above factors, the court has certified Charles Keith Wampler to the adult court.

No bond.

IT IS SO ORDERED.

APPROVED:

Arthur O. Fisher, Judge

Lee C. Falke, Prosecuting Attorney by Sanford J. Edelman, Counsel for the State of Ohio

Public Defender Association by Keith Brown and Brown Pettit Counsel for Charles Keith Wampler

Paul White Assistant Chief Probation Officer



L. JUNIOR MORE CLERK OF COURTS 1902 MAR 12 PM 3: 04

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO THE COUNTY COUNTY OF DIVISION OF DOMESTIC RELATIONS AND JUVENILE

IN RE:

CASE NOS. JC-82-474

JC-82-475

CHARLES KEITH WAMPLER,

An Alleged Delinquent Child. :

ENTRY AND ORDER

This matter came on to be heard by the court on March 11, 1982, upon the motion of the State of Ohio that this court relinquish jurisdiction, pursuant to Rule 30 of the Ohio Rules of Juvenile Procedure.

The court finds that there is probable cause to believe that the child, Charles Keith Wampler, committed the act alleged in Case No. JC-82-475.

The court further finds that there is, before the court, an oral motion of the alleged delinquent, through counsel, for dismissal of the rape charge, Case No. JC-82-474.

Based on the testimony of Donald E. Schaffer, M.D., of the Montgomery County Coroner's Office, and State's Exhibit #9, which evidences penetration of the anus of the deceased, the court finds probable cause that the alleged delinquent committed the act alleged in the above-captioned case.

Further, this court finds that written notice was given as required, that all parties necessary were present, and that the child was represented by an attorney, who was present. Further,

this court finds that the above child is more than fifteen years of age and that the acts alleged in the complaints would be felonies if committed by an adult.

It is, therefore, the ORDER of this court that a physical and mental examination be made by Dr. James Owens of Psychological Services Department.

At the conclusion of said examination, it is further ordered that reports of these examinations be submitted to the court.

IT IS SO ORDERED.

APPROVED:

HON ARTHUR O. FISHER

Arthur O. Fisher, Judge

Lee C. Falke, Prosecuting Attorney by Sanford J. Edelman, Counsel for the State of Ohio

Public Defender Association by Keith Brown and Brown Pettit. Counsel for Charles Keith Wampler



Dr. James Owens Psychological Services Department

Paul White Assistant Chief Probation Officer

Nick Kuntz Director of Legal Services

SUMMONS

Court of Common Pleas, Montgomery County, Juvenile Division

THE STATE OF OHIO

SS:

CASE JC# 82-474; JC# 82-475

MONTGOMERY COUNTY

In re: CHARLES KEITH WAMPLER

DETENTION STAFF

To: The Sheriff of said County, or to Constable or any Probation Officer of said Court, Greetings:

Whereas, the Judge of the said Court has ordered that a summons be issued in this case,

You are commanded to cite herewith Charles Keith Wampler, 303 West Second Street, Dayton, Ohio to personally appear before the Juvenile Division of the said Court at the Family Court Center, 303 West Second Street,

Dayton, Ohio, (Room 118

) on the 11th

day of

March, 1982

at 1:30 P.M. in the matter of

Alleged delinquencies

the subject did engage in sexual conduct with another, to wit: Robert David Rowell, not his spouse, by purposely compelling him to submit by force; contrary to Section 2907.02(A)(1) of the Ohio Revised Code and in violation of Section 2151.02 of the Ohio Revised Code; to wit: the subject purposely, and while committing rape, did cause the death of Robert David Rowell; contrary to Section 2903.01(B) of the Ohio Revised Code and in violation of Section 2151.02 of the Ohio Revised Code.

A person so cited to appear and who fails to do so, may be punished for contempt of Court. Children or adults appearing before the Court have a right to employ and be represented by legal counsel.

The Official serving this writ will make due return thereof not later than one day preceding above date.

See Reverse Side for Notice

of

Legal Rights and Privileges

WITNESS my hand and the seal of said Court, at Dayton, Ohio this

22nd day of February, 1982

L. JUNIOR NORRIS

Clerk of Court of Common Pleas, Montgomery County, Ohio

1sb

This day this case came before the Court in the matter of the said child's alleged delinquency;

and for good cause shown, it is ordered that the same be and hereby is continued until March 11, 1982 at 1:30 P.M. before Judge, Arthur O. Fisher.

JUDGE

JCE9-9M

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8

CLERY OF COURTS

IN THE COMMON PLEASUCOURTY, OHIO JUVENILE DIVISION
FILED BOM REL-JUV.
COMMON FLEAS
COMMON FLEAS
NORFECHER COURTY Case Nos. JC-82-474>

IN RE:

CHARLES KEITH WAMPLER An Alleged Delinquent

Case Nos. JC-82-474

MOTION

Now comes the State of Ohio through the office of Prosecuting Attorney and asks the Court to issue an order permitting the Moraine Police to obtain additional hair samples from the above named juvenile. Such additional samples are necessary for the police to complete their investigation.

Respectfully submitted,

SANFORD JUEDELMAN

Assistant Prosecuting Attorney

CERTIFICATE OF SERVICE

same date as filing. Brown, Attorney for Defendant, 379 West First St., Dayton, Ohio 45402, on the This is to certify that a copy of the foregoing Entry was delivered to Keith

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO ALMOS AMBROSINON SPTTA KISHINGS

IN RE:

CHARLES KEITH WAMPLER An Alleged Delinquent

Case Nos. (C-82-474) JC-82-475

ENTRY

Upon Motion and for good cause shown the Moraine Police, using accepted medical techniques are permitted to obtain hair samples of the above named juvenile.

APPROVED:

LEE C. FALKE, Prosecuting Attorney

SANFORD J. EDELMAN
Assistant Prosecuting Attorney

CERTIFICATE OF SERVICE

Brown, Attorney for Defendant, 379 West First St., Dayton, Ohio 45402, on the This is to certify that a copy of the foregoing Entry was delivered to Keith

same date as filing.

P 1: 44

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

CRIMINAL DIVISION

STATE OF OHIO

Civilian

CASE NO. 82-CR-764

(Judge John Kessler)

Plaintiff

- VS -

MOTION TO AMEND INDICTMENT

Defendant

CHARLES KEITH WAMPLER

RESPECTFULLY SUBMITTED,

The State hereby moves the Court to amend Count I of after so that the charge will read as follows. "...did purposely and while committing the offense of Rape, cause the death of another, to wit: Robert D. Rowell, then and there being a living human being..."

LEE C. FALKE, Prosecuting, Attorney

Assistant Prosecuting Attorney DENNIS J. LANGER By

MEMORANDUM

The proposed amendment is in accordance with Criminal Rule 7(D) in that it corrects a variance between the charge and the evidence, but does not alter the name or identity of the crime charged.

RESPECTFULLY SUBMITTED,

Prosecuting, Attorney LEE C. FALKE,

By Control By Denvis U. LANGER Assistant Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was delivered to Robert A. Bostick, Attorney for Defendant, 604 American Building, Dayton, Ohio 45402 of /hte_date of filing.

Assistant Prosecuting Attorney

82 JUN 118

P 4: 12 THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

STATE OF OHIO,

Plaintiff

-8A-

CHARLES KEITH WAMPLER,

Defendant

NOTICE OF APPEARANCE OF COUNSEL

(Judge John Kessler) CASE NO. 82-CR-764

Now comes the undersigned attorney at law and hereby enters his appearance as co-counsel of record on behalf of the Defendant, said appearance pursuant to appointment of the Common Pleas Court.

STEWART, FLANAGAN, HOFFMAN & SWAIM

WAYNE (P. STERHAN

Attorney for Defendant 1810 First National Plaza Dayton, Ohio 45402 223-5200

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF APPEARANCE OF COUNSEL was mailed by ordinary U.S. Mail to Robert A. Bostick, Attorney at Law 604 American Building, Dayton, Ohio 45402; Dennis Langer, Prosecuting Attorney, County Courts Building Suite 300, 41 North Perry Street, Dayton, Ohio 45402; and Robert Head, Prosecuting Attorney, County Courts Building, Suite 300, 41 North Perry Street, Dayton, Ohio 45402 on this 23 day of June, 1982.

62 JUN 23

STEWART, FLANAGAN. HOFFMAN & SWAIM . JUNIOR NORRIS LERK OF COURTS

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

JUURT CRIMINAL DIVISION

CRIMINAL DIVISION

:

STATE OF OHIO

Service SHOT

CASE NO. 82-CR-764

Plaintiff

(Judge John D. Kessler)

- VS -

CHARLES KEITH WAMPLER

ENTRY

Defendant

The Court hereby sustains the Prosecutor's "Motion to Amend Indictment", filed June 18, 1982. The Court Orders the words "fleeing immediately after" be deleted from Count I, so that the charge will now read "...did purposely and while committing the offense of Rape, cause the death of another, to wit: Robert D. Rowell, then and there being a living human being ... "

JOHN D. KESSLER

CC: Robert Bostick Attorney for Defendant

> Wayne Stephan Attorney for Defendant

Robert D. Head Assistant Prosecuting Attorney

Dennis J. Langer Assistant Prosecuting Attorney IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

CRIMINAL DIVISION

82 JUL 8 P4: A

STATE OF OHIO

CASE NO. 82-CR-764 (Judge John Kessler)

Plaintiff

ORIMINAL LIVISION

VS

CHARLES KEITH WAMPLER

MOTION FOR CHANGE OF VENUE

Defendant

Now comes the Defendant, Charles Keith Wampler, through his counsel, and moves this Court to transfer the above-styled case to another forum.

This Motion is made pursuant to Criminal Rule 18.

ROBERT A. BOSTICK

Attorney for Defendant 604 American Building Dayton, Ohio 45402 Phone: (513) 224-0332

MEMORANDUM

Ohio Criminal Rule 18 (B) provides:

"Upon the motion of any party or upon its own motion the Court may transfer an action to any other Court having jurisdiction of the subject matter outside the county in which trial would otherwise be held, when it appears that a fair and impartial trial cannot be held in the Court in which the action is pending." (Emphasis supplied).

Article 1, Section 10 of the Constitution of Ohio provides that an accused has a right to a fair and impartial trial by jury.

The Sixth Amendment of the United States Constitution guarantees to the Defendant the right to trial by an impartial

jury. The United States Supreme Court has held that the due process clause of the Fourteenth Amendment of the Constitution guarantees a right of jury trial in all state criminal cases.

<u>Duncan vs Louisiana</u>, 391 U.S. 145 (1968)

Section 2901.12 (I), Ohio Revised Code, provides:

"Notwithstanding any other requirement for the place of trial, venue may be changed upon motion of the prosecution, the defense, or the Court, to any Court having jurisdiction of the subject matter outside the county in which trial would otherwise be held, when it appears that a fair and impartial trial cannot be held in the jurisdiction in which trial would otherwise be held, or when it appears that the trial should be held in another jurisdiction for the convenience of the parties and the interests of justice." (Emphasis supplied)

The United States Supreme Court decided in Sheppard vs Maxwell, 384 U.S. 333, 35 O. O. 2d 431 (1966), that where there is a likelihood that prejudicial news prior to the trial will prevent a fair trial, the judge should continue the case until the threat abates, or transfer it to another county not so permeated with publicity.

It has also been recognized by the United States Supreme

Court that a showing of actual prejudice need not be established

by the movant to entitle him to a venue change. It has been

explained in the area of prejudicial publicity that logic and

experience can be substituted for proof. Estes vs Texas, 381 U. S. 532

(1965); Rideau vs Louisiana, 373 U. S. 723 (1963); Irvin vs Dowd,

366 U. S. 717 (1961); and Turner vs Louisiana, 379 U. S. 466.

In support of this position, Justice Stern, in a concurring opinion in <u>State ex. rel Dayton Newspapers</u>, Inc. vs Phillips, 46

Ohio St. 2d 457, 75 O. O. 2d 511 (1976), stated at page 518:

"...the pervasive and ubiquitous influence of modern forms of communication pose clear dangers of inflaming or prejudicing public opinion, or of subverting the rights of a defendant by revealing 'evidence' which may never be introduced at trial and which may be doubly damaging because it is subject to none of the judicial tests of reliability. The nature of the pretrial publicity in the case may involve such a probability of prejudice that an inherent lack of due process must be presumed." (Emphasis supplied)

Additionally, Judge Stern, states at page 521:

"Experience also has shown us some of the limitations and failings of human nature which must be given their due. We cannot, for example, expect jurors to be impartial who are aware that a defendant has confessed to a crime, even if the confession is excluded and they are instructed to disregard it."

In <u>Forsythe vs State of Ohio</u>, 41 0. 0. 2d 104 (1967), the defendant made a claim of prejudicial publicity both before and during the trial. In reversing the conviction for first degree manslaughter, the Court stated at Page 109:

"Faith assures a judge that all jurors can be purged of a prejudicial opinion by instruction. Experience tells him that when a juror says he will disregard such an opinion he really means he will try his best. No defendant should be forced to risk the chance he will not succeed." (Emphasis supplied).

From the foregoing, it is requested that this Court take judicial notice of the fact of the pervasive and prejudicial publicity regarding this case, and that venue be changed to a forum which has not been tainted by such publicity.

Publick a. Bustich
ROBERT A. BOSTICK

Attorney for Defendant

ROBERT A. BOSTICK

PROOF OF SERVICE

This will certify that a copy of the foregoing Motion for Change of Venue was served upon the Prosecuting Attorney, Montgomery County Common Pleas Court, 41 North Perry Street, Dayton, Ohio, on the date of filing.

ROBERT A. BOSTICK

Attorney for Defendant

L. JUNIOR NORRIS

IN THE COMMOREPHEASE OUB BOOK MONTGOMERY COUNTY, OHIO JUVENIA DIVISION

FILED DOM REL-JUV. (COMMON PLEAS MONTGOMERY COUNTY

IN RE:

CHARLES KEITH WAMPLER An Alleged Delinquent

MOTION

Case No. JC-82-474>

Now comes the State through the office of the Prosecuting Attorney and asks this Court for an order authorizing the Moraine Police Department to obtain blood and saliva samples of the above named juvenile as well as photograph the juvenile in order to continue their investigation of a felony.

Respectfully submitted:

Prosecuting Attorney LEE C. FALKE,

Assistant Prosecuting Attorney By Linford | Elelina-SANFORD J. EDELMAN

MEMORANDUM

This Motion is brought pursuant to \$2151.313 Ohio Revised Code as to the photograph of the juvenile. The blood and saliva samples are requested due to the evidence which indicates a possible sexual assault, plus the blood found in the trailer of the alleged delinquent and on the delinquent's clothing. See US v. Robinson (1973) 414 US 218, 94 S. Ct. 467.

Respectfully submitted,

J. RDELMAN SANFORD J.

Assistany Prosecuting Attorney

L. JUNIOR NORRIS GLERIC'OF SCURTIS

IN THE COMMON PLEABSCEGERHOOF WENGOMERY COUNTY, OHIO FLUYSIGN COMMON PLEAS ROMNON PLEAS.
MONTGUNERY COUNTY

Case Nos. JC-82-474

CHARLES KEITH WAMPLER An Alleged Delinquent

IN RE:

ENTRY

Pursuant to a Motion filed by the Prosecuting Attorney and for good cause shown the Moraine Police are hereby empowered to photograph the above named juvenile, and using acceptable medical procedures obtain a blood saliva sample of the above named juvenile.

APPROVED: <

Judge

LEE C. FALKE, Prosecuting Attorney

By Rule 3 Ell SANFORD J. EDELMAN Assistant Prosecuting Attorney

528 FACE



IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, OHIO1

DOO 201

State of Ohio.

Plaintiff, Y CO., OHIO

2004 OCT 28 AMII: 03

Case No. 82CR764

V

Charles K. Wampler (Name)

Defendant.

APPLICATION FOR DNA TESTING 2

Inmate Number: A169-755

Address where currently incarcerated: Oakwood Correctional Facility 3200 Northwest St. Lima, OH 45801

Social Security Number

For what offense or aggravating circumstance are you requesting a DNA test? Aggravated Murder, Rape, Abduction, Abuse of a Corpse

Date of Conviction: August 24, 1982

Sentence: Life without parole, 7-25 years, 2-5 years, consecutively

If you are serving a sentence of incarceration, how much time is remaining on your sentence? Life

Were you convicted as a result of a:	Jury	Trial?	_X	Judge	Trial?	
Plea of Guilty or No Contest?						

¹ This Application must be filed in the court where you were convicted on or before October 29, 2004. Any Application submitted after that date will not be considered.

² In the event that any governmental organization receives this Application, please notify the Ohio Attorney General at (614) 644-7233.



FILED COURT OF COMMON PLEAS

2004 DEC 29 AM 9: 52

DAN FOLEY CLERK OF COURTS MONTGOMERY CO., ONO D00201

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO CRIMINAL DIVISION

STATE OF OHIO

CASE NO. 82-CR-764

Plaintiff

(Hon. John W. Kessler)

٧.

.

CHARLES KEITH WAMPLER,

DECISION, ORDER AND ENTRY

REJECTING DEFENDANT'S

Defendant

APPLICATION FOR DNA TESTING

FILED ON OCTOBER 28, 2004

This matter is before the Court upon the Application for DNA Testing filed by the Defendant on October 28, 2004, and the report of Prosecuting Attorney's Determination filed December 9, 2004 under R. C. 2953.75(A). This matter is now ripe for decision.

The Montgomery County Prosecuting Attorney, having used due diligence, has reported to the Court that there does not exist biological material which was recovered from the crime scene or the victim in this case.

The Court, after considering the Application of the Defendant, the Court records, and the report of the Prosecutor filed herein, makes the following findings:

1. The Defendant was found guilty of the felony charges of Aggravated Murder, Rape, Abduction and Abuse of a Corpse and was sentenced to prison prior to October 29, 2003, and there is at least one year remaining on his term of imprisonment. Thus, the Defendant is an eligible inmate, under O.R.C. Section 2953.72, to file his application for DNA testing.

- 2. The Defendant has submitted his application on a form created by the Attorney General and the Montgomery County Prosecutor's Office has timely responded to the application by filing a report of the Prosecuting Attorney's determination under R. C. 2953.75(A).
- 3. The report of the Prosecuting Attorney indicates that he has used due diligence in making a determination as to whether biological material was collected from the crime scene or victim of the offense and whether the parent sample of that biological material still exists. The report clearly established that no biological material collected from the crime scene or the victim exists.

There being no biological material in existence which was collected, either from the crime scene or the victim, DNA testing is not possible in this matter and therefore, Defendant's application must be rejected.

It is therefore, Ordered, Adjudged and Decreed that the Application for DNA Testing, filed on October 28, 2004, is **REJECTED**.

APPROVED:

JUDGE JOHN W. KESSLER

COPIES TO:

James R. Levinson, Assistant Prosecuting Attorney, Montgomery County Prosecutor's Office

Diane Mallory, Assistant Attorney General, Office of the Attorney General, 150 E. Gay Street, Columbus, OH 43215

Charles K. Wampler, A169-755, Oakwood Correctional Facility, 3200 Northwest Street, Lima, OH 45801

Professor Mark Godsey, University of Cincinnati College of Law, P. O. Box 210040, Cincinnati, OH 45221-0040

Richard Iddings, Bailiff

2004 OEC 27 PM 3: 14

2004 OEC 27 PM 3: 14

MONTGOMERY COUNTY, OHIO



D00Z017

THE STATE OF OHIO,)	
)	Case No. 82-CR-764
7.)	
)	(John W. Kessler)
Charles Wampler)	

REPLY TO STATE'S DNA BRIEF

The State has replied to Mr. Wampler's petition for DNA testing by providing a memorandum suggesting that the DNA from the case no longer exists. The statue requires the state to demonstrate that is has used "reasonable diligence" to discover any biological materials from the case. Mr. Wampler respectfully submits that the memorandum provided by the State is not sufficient to allow that determination to be made. The memorandum does not indicate how DNA evidence is tracked in each department, and what efforts were made to discover it.

Diligence is important in attempting to locate DNA from old cases. The Innocence Project has learned from experience that evidence storage facilities in this State tend to be disorganized in their records when it comes to old cases. The Innocence Project has handled a large number of cases where an evidence custodian initially indicated that no DNA exists, only

to find it later after a more thorough search. For example, in a recent case in Hamilton County, the evidence custodian indicated that no DNA from the case was still in existence. After the Innocence Project asked probing questions about how evidence was stored back at the time of the original trial in the case, and asked the custodian to look into such storage systems, it was determined that the case had been re-indexed at some point in the past. Thus, the evidence in the case had been assigned a new number, which is why it was not discovered at first glance.

The conclusory nature of the memorandum in this case simply is not satisfactory, as it cannot be determined how diligent the various custodians searched for the evidence. It does not, for example, indicate whether the custodians researched filing systems for an earlier era to determine if the evidence in the case was re-indexed or sent to another location. Indeed, the memorandum states that the evidence in the Court of Common Pleas was destroyed. Yet it does not indicate if the biological evidence in this case was part of the evidence that was destroyed. If an index of what was destroyed is provided, and the biological evidence is on that list, then that would end the inquiry in this case. If the biological evidence is not on that list, however, no indication exists that it was destroyed, which means it must be in existence.

Mr. Wampler respectfully requests that the relevant custodians in this case provide affidavits outlining what steps they took to determine if the evidence still exists, so that a determination of reasonable diligence can be made. This is what has been required in similar cases in Hamilton and Clermont counties, for example. In the alternative, Mr. Wampler requests a hearing so that he can question the custodians on what steps were taken, and can ask probing questions that may

result in the biological evidence in his case being found.

Respectfully submitted,

MARK GODSEY

JOHN CRANLEY

Ohio Innocence Project University of Cincinnati

P.O. Box 210040

Cincinnati, OH 45221-0040

Phone: (513) 556-0752

Fax:

(513) 556-1236

CERTIFICATE OF SERVICE

I, Mark Godsey, Esq. hereby certify that on this 24th day of December 2004, the foregoing was mailed to: James R. Levinson, Assistant Prosecuting Attorney, Montgomery County Prosecuting Attorney, 5th Floor, Dayton-Montgomery County Courts Building, 301 W. Third Street, Dayton, Ohio 45422, (937) 225-5602.

Mark Godsey

IN THE COMMON PLEAS. COURT, OR MONTGOMERY COUNTY, OHIO

IN RE:

Case No. JC-82-474

ZELED LOH REL-JUV. DOLD ON PLEAS

CHARLES KEITH WAMPLER

CHARLES KEITH WAM An Alleged Delinquent MOTION TO TRANSFER

Now comes the State of Ohio, by and through the office of the Montgomery County Prosecuting Attorney, and respectfully moves the Court pursuant to Rule 30A of the Ohio Rules of Juvenile Procedure to consider relinquishment of jurisdiction so that the above named defendant can be tried as an adult. In accordance with said motion, the State requests that this matter be set for a probable cause hearing.

MEMORANDUM

On February II, 1982, complaints were filed in Juvenile Court charging the defendant with Rape and Aggravated Murder, which offenses would be felonies if committed by an adult.

The defendant is fifteen (15) years of age. Further the State alleges that due to the gravity of the offenses that said defendant is not amenable to care and rehabilitation in a juvenile facility and the safety of the community requires the defendant's incarceration beyond the age of majority.

Respectfully submitted,

LEE C. FALKE, Prosecuting Attorney By San Far S Ellia SANFORD J'EDELMAN Assistant Prosecuting Attorney

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Mction was mailed on the same date as filing to Keith Brown, Attorney for Defendant, 379 West First St., Dayton, Ohio 45402.

SANFOKD J. KDELMAN Assistant Prosecuting Attorney

> cc: Paul White Probation Department

Nick Kuntz

IL JUNES RESPONS FILES COUNT OF MONTGOMERY COUNTY, OHIO BEE FILE UNTENTED BUILDINGS

IN RE:

FILES DOLY (ES) JUV. COPINGN PLEAS MONTSON/CRY COUNTY

Case No. JC-82-474 JC-82-475

ENTRY AND ORDER

CHARLES KEITH WAMPIER An Alleged Delinquent

APPROVED:

Pursuant to the Motion to Transfer filed by the State of Ohio in the above-captioned matter, this case is hereby set for probable cause hearing on the 11th day of March, 1982, at 9:30 o'clock.

IT IS SO ORDERED.

LEE C. FALKE, Prosecuting Attorney

By Sengher J Kelma SANFORD J. EDELMAN Assistant Prosecuting Attorney

CERTIFICATE OF SERVICE

same date as filing to Keith Brown, Attorney for Defendant, 379 West First Street, This is to certify that a copy of the foregoing Entry was mailed on the Dayton, Ohio 45402.

SANFORD J. EBELMAN Assistant Prosecuting Attorney

cc:

Paul White Probation Department

Nick Kuntz

100 me 38%

L. JUNIOR HORRIS CLERK OF COURTS

IN THE COMMON PLEAS COLIRT, OF MONTGOMERY COUNTY, OHIO

IN RE:

FILED DOM REL-JUY. COMMON PLEAS MONTCOMERY GOUNTY

Case Nos. JC-82-474 JC-82-475

CHARLES KEITH WAMPLER An Alleged Delinquent

Now comes the State of Ohio through the office of Prosecuting Attorney and asks the Court to issue an order permitting the Moraine Police to obtain. additional hair samples from the above named juvenile. Such additional samples are necessary for the police to complete their investigation. MOTION

Respectfully submitted,

Surful Ellas SANFORD JUEDELMAN Assistant Prosecuting Attorney

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Entry was delivered to Keith Brown, Attorney for Defendant, 379 West First St., Dayton, Ohio 45402, on the same date as filing.

L. JUNIOR NORRIS CLEPK OF CHURTS

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO JUVENILE UNIVISIONUV.
COMMON PLEAS
NORFICENSTY LOUNTY

IN RE:

CHARLES KEITH WAMPLER An Alleged Delinquent

Case Nos. JC-82-474 JC-82-475

ENTRY

Upon Motion and for good' cause shown the Moraine Police, using accepted medical techniques, are permitted to obtain hair samples of the above named juvenile.

APPROVED:

Judge

LEE C. FALKE, Prosecuting Attorney

By Sanford Salura Sanford J. Edelman Assistant Prosecuting Attorney

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Entry was delivered to Keith Brown, Attorney for Defendant, 379 West First St., Dayton, Ohio 45402, on the

same date as filing.

THE COURT OF COMMON PLEAS

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L. MAY I

Virtinity,

Terms in the year Nineteen Hundred and Eighty-Two May

MONTGOMERY COUNTY, ss.

THE GRAND JURORS of the County of Montgomery, in the name, and the authority of the

CHARLES KEITH WAMPLER.

State of Ohio, on their oaths do present and find that

the form of the statute (in violation of Section 2903.01(B) of the Ohio Revised (of the Ohio Revised Code) in such case made and provided and analysis the case made and provided analysis the case made and analysis the case m County of Montgomery, aforegaid , and State of Ohio, did purposely and while fleetingimmediately after committees of Rape, cause the death of another, to-wit: Robert D. Rowell, then and there being a living human being; contrary to in the year Code) in such case made and provided, and against the peace and dignity of the February eighty-two day of 6th one thousand nine hundred and State of Ohio. on or about the

MOT ALA

SECOND COUNT:

Ohio Revised Code) in such case made and provided, and against the peace and dignity State of Ohio, did engage in sexual conduct with another, to-wit: Robert D. Rowell, AND the grand jurors of this County, in the name and by the authority of the State of Ohio, upon their oaths, do find and present that: CHARLES KEITH WAMPLER, on or not his spouse, by purposely compelling him to submit by force or threat of force; about the 6th day of February, 1982, in the County of Montgomery, aforesaid, and contrary to the form of the statute (in violation of Section 2907.02(A)1) of the of the State of Ohio.

THIRD COUNT

AND the grand jufors of this County, in the name and by the authority of the State of Ohio, upon/their oaths, do find and present that: CHARLES KEITH WAMPLER, on about the 6th day of February, 1982, in the County of Montgomery, aforesaid, not his spouse, by purposely compelling him to submit by force or threat of force; contrary to the form/of the systute (in violation of Section 2907.02(A)1) of the Ohio Revised Code) in such case made and provided, and against the peace and dignity of the State of Ohio.

FOURTH COUNT:

AND the grand jurors of this County, in the name and by the authority of the State of Ohio, upon their oaths, do find and present that: CHARLES KEITH WAMPLER, on or about the 6th day of February, 1982, in the County of Montgomery, aforesaid, and State of Ohio, not being authorized by law, did treat a human corpose in a way that would outrage reasonable community sensibilities; contrary to the form of the statute (in violation of Section 2927.01(B) of the Ohio Revised Code) in such case made and provided, and against the peace and dignity of the State of Ohio.

FIFTH COUNT:

AND the grand jurors of this County, in the name and by the authority of the State of Ohio, upon their oaths, do find and present that: CHARLES KEITH WAMPLER, on or about the 6th day of February, 1982, in the County of Montgomery, aforesaid, and State of Ohio, did without privilege to do so, knowingly by force or threat, restrain Robert D. Rowell of his liberty, under circumstances which created a risk of physical harm to the said Robert D. Rowell, or place him in fear; contrary to the form of the statute (in violation of Section 2905.02(A)2) of the Ohio Revised Code) in such case made and provided, and against the peace and dignity of the State of Ohio.

Respectfully submitted,

LEE C. FALKE,
Prosecuting Attorney
Montgomery County, Ohio

By Chosecuting Attorney

A TOP MORRIS COMMON PLEAS COURT

MONTGOMERY COUNTY, OHIO

82 JUL 21 All: 28	
STATE OF OHIO	JURY EMPANELED JULY 20, 1982
- UNITAL DIVISION Pla	intiff
vs.	Case No. 82-CR-764
	ENTRY
CHARLES K. WAMPLER	fendant
De	jenaani
On application of the State of Ohio,	and it being proper in the
opinion of the Court, for the Jury to have a view of the	e place where the material facts alleged in the
opinion of the Court, for the daily so that	and and a hody under the charge of the
pleadings occurred, it is ordered that the said Jury be	conducted in a body under the
Bailiff/Shexist to said place, and that the same be shown to	them and that they return within (_forthwith)
Barliff/SASSAN to said place, and that	1 1 the Pailiff Showith to said place and re-
to the Court. After being duly cautioned said Jury was so	taken by the Bally / AKKKAKO Galla Palla
turned to the Court as ordered.	
Appro Mastercraft BOOK 510 PAGE 138	ved JOHN W. KESSLER Judge
18	

THE STATE OF OHIO, MONTGOMERY COUNTY

COMMON PLEAS COURT

82 JULŽĮ A8: 49 Bailiff of Common Pleas Court — or XXXXXXXX Montgomery County, Greeting:

view the property or premises _______ and owned by __LLAN PARACETY day of _____July or property aforesaid; ... on the ___20th___ day of wherein said there this writ. and you shall make return of the manner you have executed this writ, to this Court, on the $_{--}$ You are hereby commanded to conduct the twelve jurors named in the panel, to this writ attached, to Grammar The many A.D. 19_82_, at _forthwortho'clock ____M, and have you then and YING · ------A.D. 19_82, and then and there to view the premises Charles K. Wampler, State of Ohio JA 500 00 is plaintiff and _20th_ defendants,

day of ... seal of said Court, at Dayton, Ohio, this ----THOARD LOCK 20th

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the

THE STATE OF OHIO, MONTGOMERY COUNTY, 59:

in the case now pending in this Court, wherein the said ___State_of_Ohio1. 6. 4. plaintiff ___, and Court of said County, do be breby certify that the following are the names of the jurors, impaneled and sworn 100 Diana L. Stegemoller Linda Sue Enoch William Lee Young Sherry J. Neumaier Risa Charlene Davis James H. Griffith Abrito House 12. John C. Bloomstrom
13. Marie E. Ball
13. Tobe
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this ---Charles K. Wampler 20th 11. Kimberly Kay Barker 9. 100 10. Doris N. Haines Lisa J. Baker Henry J.F. Ebright Carolyn Sue Basford ... Clerk of the Common Pleas __ defendant___, to-wit: 194 82

Marcha Marking.

Case No. 82–CR–764 MONIGOMERY COUNTY COMMON PLEAS COURT		(Paid by County.	Fees \$Transportation Costs		n 7/20	In obedience to the in the within panel to vie
STATE OF OHIO vs. CHARLES K. WAMPLER		To be Taxed in Costs.)	S. Change	Ву	A.D. 1942.	command of the within writ, I sew the premises sought to be ap
Order to the Sheriff to Conduct the Jury			 Bailiff of Common Pleas			In obedience to the command of the within writ, I took charge of, and conducted the within panel to view the premises sought to be appropriated 12, 275.2
Reduces (cons grid sent)			s Court	Деригу.	Sheriff.	twelve jurors named

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

CRIMINAL DIVISION
82 JUL 23 PI2: 49

STATE OF OHIO

CASE NO. 82-CR-764 (Judge John Kessler)

Plaintiff

JAIMINAL DIVISION

VS

CHARLES KEITH WAMPLER

ENTRY AND ORDER

Defendant

It appearing to the Court that the Defendant, Charles Keith Wampler, is indigent and without funds to pay for the preparation of certain transcripts of the Probable Cause Hearing and Ameanability Hearing in Case No.'s 82-474 and 82-475, being In Re Charles Keith Wampler, and the Motion to Suppress Hearing in Case No.'s 82-754, 82-755, 82-797 and 82-798, being In Re Michael Roger Johnson, in the Montgomery County Common Pleas Court, Juvenile Division, and

Upon motion of the said Defendant, through his counsel, and for good cause shown, it is hereby ordered that said transcripts be prepared by Ms. Sandy Hohler, Juvenile Court Reporter, and

It is further ordered that the costs of preparation of said transcripts be paid by the State of Ohio through the Office of the Auditor of Montgomery County, Ohio to the said Ms. Sandy Hohler, Juvenile Court Reporter, and that the same be taxed as costs herein.

APPROVED:

JUDGE JOHN KESSLER

BOOK 510PAGE 396

ROBERT A. BOSTICK

604 American Building

Dayton, Ohio 45402

Phone: (513) 224-0332

LAW OFFICES ROBERT A. BOSTICK Wayne P. STEPHAN

WAYNE P. STEPHAN
1810 First National Bank Building
Dayton, Ohio 45402

Attorneys for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing Motion and Entry and Order were delievered to the Prosecuting Attorney, 41 North Perry Street, Dayton, Ohio 45402, sustaining set motion on the date of filing.

ROBERT A. BOSTICK

Attorney for Defendant

APPLICATION, ENTRY AND CERTIFICATION FOR ASSIGNED COUNSEL FEES

In the _		Appeals				Co	urt of _		Mon.	gomer	Y ·		Coun
STATE OF	CHIO,									×			
THE REPORT OF THE PERSON OF TH		Plair	ntiff			,						,	
		V	в.					CASE	E NO.	CA-79	965	2	
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<u> </u>	HARLES	KEITH W.		R		,					#	-1450	03 -
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Hours Wo	ked: In C	ourt	0-				Out of	Court .	53.	75		47 E. X. L.	
Legal Fees	: \$188	1.25				*****					100-		
Expenses	if any): \$	25.20	(See	attacl	ned s	tatemer	nt)				133 N	046	7473
Total: \$	1906.45			8 1						,		V 141 .	
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b) _29	07.02	- Rape				Pleaded	-			ge		- White	X
c) _29	05.02	- Abduc	tion			Went to				-		X	AND THE PERSON NAMED IN COLUMN
d) 29	27.01	- Abuse	of C	orpse	- Company	Results .		onvi	ctior	s Affi	rmed	Address to the second and the second	
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		FICATION											
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The Co	urt finds	that counse	el perfo	med th	e legal	empione of	at family	on the	attach	ed itemiz	ed Stater	nent; and that t	he fees ar
expenses, se	t forth on	said State Mont	ement a	re reaso	nable,	and are in	accord	ance w	ith the	resolutio	n of the	Board of Comm syment of assign	issioners
IT IS T	HEREFO	RE. ORDE	ERED t	hat such	fees a	nd evnens	ad ha	nd ana	homah	/ approve	ed. It is fi	lyment of assign arther ordered th	ed counse at the sa
amount be,	and helen	y 18, Cercine	ea by th	e Court	to the (ounty Au	ditor for	r paym	ent.		(,	
						Judge	1	-	715	parametrica construction of the second	1		
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County Nur	nber:	G.											
County Nur Check Num												80 PAGE 4	r70

County Auditor

Form Prescribed by Ohio Public Defender Commission

ORIM NSTATE SENOHIO, אדמוויים אמייי

Plaintiff

CASE NO. 82-CR-764 (Judge John W. Kessler)

-VS-

CHARLES KEITH WAMPLER,

MOTION FOR ACQUITTAL

Now comes Defendant, by and through his Attorneys, pursuant to Criminal Rule 29(C) and moves this Court to ORDER a Judgment of Acquittal because the evidence is insufficient to sustain a conviction and Defendant is entitled to such Judgment of Acquittal as a matter of law. Defendant

Respectfully submitted

604 American Building Dayton, Ohio 45402 (513) 224-0332 Attorney for Defendant ROBERT A. BOSTICK

and

STEWART, FLANAGAN HOFFMAN & SWAIM

WAYNE PASTEPHEN A Attorney for Defendant 1810 First National Plaza Dayton, Ohio 45402 (513) 223-5200

MEMORANDUM

Defendant submits that he is entitled to a Judgment of Acquittal since the evidence produced is insufficient to sustain a conviction as a matter of law.

is based totally and wholly upon circumstantial evidence which, according to the Court's own instructions, was totally consistent with the theory of innocence of the Defendant and therefore the jury should have arrived at a verdict of Not Guilty, notwithstanding their verdict of Guilty. The conviction obtained herein and the verdict of the jury

Alternatively, Defendant submits that he is entitled to have the Counts of Abduction and Rape as alleged in the Indictment merged into a single count since the acts described therein arise from the same operative facts and the elements of abduction are inherent in the elements constituting rape.

alternatively that the Court merge the Counts of Abduction and WHEREFORE, Defendant prays for a Judgment of Acquittal or

STEWART, FLANAGAN FIRST NATIONAL PLAZA HOFFMAN & SWAIM ATTORNEYS AT LAW 513/223-8200 SUITE 1810

Rape into a single Count.

STEWART, FLANAGAN HOFFMAN & SWAIM ATTORNEYS AT LAW SUITE ISIO

FIRST NATIONAL PLAZA

513 / 223-5200

I hereby certify that a copy of the foregoing was served upon DENNIS LANGER and ROBERT HEAD, Assistant Prosecuting Attorneys, Montgomery County Prosecutor's Office, 41 North Perry Street, Suite 300, Dayton, Ohio, 45402, this 6th day of August, 1982.

CERTIFICATE OF SERVICE

WAYNE P. STEPHAN Attorney for Defendant

WAYNE PI STEPPAN / Attorney for Defendant 1810 First National Plaza Dayton, Ohio 45402 (513) 223-5200

By: Waynet X

and

STEWART, FLANAGAN, HOFFMAN & SWA

ROBERT A. BOSTICK
Attorney for Defendant
604 American Building
Dayton, Ohio 45402
(513) 224-0322

Respectfully submitted,

You are commanded to summon the witness(es) whose name(s) and address(es) are set forth above to be and appear before this Court at the time and place set forth above for said witness(es) to appear and further to ORDER said witness(es) not to depart said Court without leave UNDER PENALTY OF LAW. TO THE SHERIFF OF MONTGOMERY COUNTY, OHIO You are required to be and appear before the JUVENILE DIVISION of the said Common Pleas Court, FAMILY COURTS BUILDING, 303 W. Second Street, Dayton, Ohio, on March 11,1982 at 1:00 o'clock p. m. to testify as a witness on behalf of the State of Ohio (Plaintiff in the abentitled case) and not depart from the Court without leave under PENALTY OF LAW. REPORT TO: STATE OF OHIO, COUNTY OF MONTGOMERY, SS: WITNESSES TO THE CLERK: time as set forth: IN RE: issuance of the following Subpoena(s) for the hereinbelow named witness(es) to appear in this Court at the Ptl. J. Brun Mike Rowell Ted Ritchie Bobby Jack Rowell Jim Shipman Ptl. Adkins Det. Mullins Larry Dehus Dr. Schaffer CHARLES KEITH WAMPLER 132 HAR -4 AM 8: 49 The undersigned, Prosecuting Attorney on behalf of the State of Ohio, hereby requests the Room 129 Prosecutor's Office 2791 Kreitzer Rd., Moraine, Ohio 45439 Moraine Police Department Moraine Police Department Moraine Police Department 2754 Cozy Ln., Moraine, Ohio 45439 4200 Dryden Rd., Moraine, Ohio 45439 MVRCL, 833 S. Patterson Blvd., Dayton, Ohio 45462 + 12 4200 Dryden Rd., Moraine, Ohio 45439 120 Zeigler St., Dayton, Ohio 45402 4200 Dryden Rd., Moraine, Ohio 45439 2790 Kreitzer Rd., Moraine, Ohio 2790 Kreitzer Rd., Moraine, Ohio 45439 3 - S - 8 -HOWIGOLEIK COMILY SYSTA NOVINGE HITED DOM BET-JAN CLERY OF CASETS ADDRESSES Montgomery County, Ohio Prosecuting Attorney 45439 3-5- 52 LEE C. FALKE, PROBABLE CAUSE HEARING SHERIFF RETURN DATE OF SERVICE CASE NO. JC-82-474 PRAECIPE AND SURPOENA Assistant Prosecuting Attorney (h 4 3-5-82 3-5-カーナーぶ 3-5-82 25 - 5 2-8-2 MOTION TRIAL 2

JUVENILE DIV SION

The court of contract

WITNESS my hand and the scal of the said Court at Dayton, Ohio this

A.D. 19 12.

Montgomery County Court of Common Pleas L. JUNIOR NORRIS IN THE MONTGOMERY COUNTY COURT OF APPEALS
SECOND APPELLATE DISTRICT OF OHIO

STATE OF OHIO,

Plaintiff-Appellee,

Case No. CA-7965

(Montgomery County Common

VS.

Pleas Court Case No. 82-

: CR-764)

CHARLES KEITH WAMPLER,

Defendant-Appellant.

NOTICE OF APPEAL

Now comes Defendant-Appellant, CHARLES KEITH WAMPLER, by and through counsel, and hereby gives notice of appeal to the Supreme Court of Ohio from the judgment entered in the Court of Appeals of Montgomery County, Second Appellate District of Ohio, in the above-captioned case, on November 11, 1983; that the case is one which did not originate in the Court of Appeals; and that the case involves a substantial constitutional question.

Respectfully submitted,

DENNY, MALLOY & COX

STEVEN M. COX

131 North Ludlow Street Talbott Tower, Suite 380

Dayton, Ohio 45402

(513) 461-4548

Attorney for Defendant-Appellant

DENNY, MALLOY & COX ATTORNEYS AT LAW JITE 380 TALBOTT TOWER 1 NORTH LUDLOW STREET DAYTON. OHIO 45402 (513) 461-4548

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Appeal was delivered to Mr. Lee C. Falke, Montgomery County Prosecuting Attorney, 41 North Perry Street, Dayton, Ohio 45402, Attorney for Plaintiff-Appellee, on the date same was filed.

STEVEN M. COX

Attorney for Defendant-Appellant

IN THE COMMON PLEAS GOORT OF MONTGOMERY COUNTY, OHIO

STATE OF OHIO,

CASE NO. 82-CR-764

Plaintiff

Judge John Kessler

-vs-

CHARLES KEITH WAMPLER,

Defendant

NOTICE OF APPEAL AND REQUEST FOR APPOINTMENT OF COUNSEL

Notice is hereby given that Charles Keith Wampler, Defendant herein, appeals to the Court of Appeals of Montgomery County, Ohio, Second Appellate District, from the Judgment, Entry and Final ORDER finding him Guilty as charged in the Indictment as ORDERED by this Court on the 24th day of August, 1982.

Defendant further requests that counsel be appointed to represent him in said appeal and that Defendant is and remains indigent as previously determined in the Trial Court.

Respectfully submitted,

STEWART, FLANAGAN, HOFEMAN & SWAIM

WAYNE P. STEPHAN
Attorney for Defendant
1810 First National Plaza
Dayton, Ohio 45402
(513) 223-5200

ROBERT A. BOSTICK Attorney for Defendant 604 American Building Dayton, Ohio 45402 (513) 224-0332

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon DENNIS LANGER and ROBERT HEAD, Assistant Prosecuting Attorneys, Montgomery County Prosecutor's Office, 41 North Perry Street, Suite 300, Dayton, Ohio, 45402, this 27th day of August, 1982.

WAYNE PO STEPHAN

HOFFMAN & SWAIM ATTORNEYS AT LAW SUITE IBIO FIRST NATIONAL PLAZA DAYTON, OHIO 45402 513 / 223 - 5200

IN THE COURT OF APPEALS OF MONTGOMERY COUNTY, OHIO

STATE OF OHIO

Plaintiff-Appellee

vs.

CHARLES KEITH WAMPLER

Defendant- Appellant

CASE NO. CA 7965

WAIVER OF ORAL ARGUMENT

I hereby waive oral argument in the above-referenced case.

DAVID DALTON Attorney for Plaintiff-Appellee Assistant Prosecuting Attorney

Montgomery County

STEVE COX Attorney for Defendant-Appellant 380 Talbott Tower

Dayton, Ohio 45402

on Auditar 91 CATION, ENTRY AND CERT. FOR ASSIGNED COUNSEL FEES Montgomery Common Pleas Court of In the STATE OF OHIO, State of CITY OF Plaintiff Charles Keith Wampler Defendant The undersigned having been previously appointed counsel for the Defendant moves this Court for an order approving payment of fees and expenses as indicated below and in the attached its mized statement, pursuant to section 2941.51 and 120.33 of the Ohio Revised Code. June 22, Date of Appointment: Out of Court Hours Worked: In Court Legal Fees: \$ \$4,830 SEP 15 1982 Expenses (if any): \$ -RECEIVED DISPOSITION O. R. C. Charge Section Number and Name: Pleaded Guilty to Indictment a) 2903.01(B) Murder X b) 2907.02(A)(1) Rape Pleaded Guilty to Lesser Charge Abuse of Corpse Went to Trial Results Jury verdict of OFFENSE CLASSIFICATION (Circle Appropriate Classification For Each Charge) M2MS MA MM FA MI a) MA MM M2 M3 F1 F2 F3 M1 b) MA MIM M2M3 M1 F2 F3 c) MIZ MI Wayne Signature P NDIGENT COUNSEL 1810 First National RECEIVED WITHIN Name and Address Dayton, Ohio 45402 AFTER FINAL DISPOSITION PAYMENT WILL NOT BE MADE. Social Security Number: ENTRY The Court finds that counsel performed the legal services set forth on the attached itemized Statement; and that the fees and expenses, set forth on said Statement are reasonable, and are in accordance with the resolution of the Board of Commissioners of County, Ohio, relating to payment of assigned counsel. Montgomery

IT IS THEREFORE, ORDERED that such fees and expenses be, and are hereby approved. It is further ordered that the said amount be, and hereby is, certified by the Court to the County Auditor for payment.

> Judge Kessler CERTIFICATION

The County Auditor in executing this certification attests to the accuracy of the figures contained herein. A subsequent audit by the Ohio Public Defender Commission and/or the Auditor of State which reveals unallowable or excessive costs may result in future adjustments against reimbursement or repayment of audit exceptions to the Ohio Public Defender Commission.

County Number:					
Check Number:					
Check Date:	**	County Auditor			

J L. Ohio Dublic Defender Commission

ASSIGNED COUNSEL ITEMIZED STATEMENT

DATE	ACTIV	TTY	TV	OTAL TIME
6-22-82	Conference with Co-counsel			
6-22-82	Conference with client		(2) J	1.00
6-22-82		Despera		.50
	Conference with Court and	Prosecutor		.50
6-24-82	Review Discovery Packet			1.50
6-26-82	Conference with client & Co	-counsel	OP	1.00
6-26-82	Review Discovery Packet			1.00
6-29-82	Conference with Prosecutor		00	-50
6-30-82	Review Discovery Packet			1.00
7-06-82	Motion Hearing (In Court)		RP	2.001
7-06-82	Conference with Court and	Prosecutor in Chambers	OP	1.50
7-08-82	Review Discovery Packet		,	1.00
7-09-82	Review Discovery Packet			1.50
7-11-82	Conference with Bostick; Co	nference with client;		
	conference with witnesses;		RP	7.00
7-12-82	Prepare Motion Opposing Adm			
	and Lombardo		OP	3 - 0.0
7-14-82	Conference with Keith Brown	. Public Def: conference	-	
	with Bob Head; conf. with			
	file; conf. with client		20	5.00
7-15-82	Telephone call with R. Divi		WP.	.25
7-15-82	Telephone call with client		7	
-15-82	Telephone call with client's		00	25
' - 15 - 82	File review	s racher	NA	25
-16-82				1.75
10.02	Coroner; conf. with Bostic		r	
7-16-82	File organization	C K	(A)	4.50
10 02	Tile Organization	Sub-total .		.75 35.50
Charle: Party Represe		I hereby affirm the above is a true and accurate the preparation of this matter.		
Case No.		11 14	,)	
John W Judge	Kessler	Wayset Kly	Man	
June 2	197	Signature of Counse Wayne P. August 27, 1982	Steph	nan
Date Assigned	and the second s	Date	***************************************	

August Date

ASSIGNED COUNSEL ITEMIZED STATEMENT

DATE	ACTIN	TTY	TOTAL TIME
7-17-82	Trial preparation - conf. w	Prosecutor ith Co-Counsel &	r SP 6.00
7-18-82	Trial preparation - intervi	ew witnesses	~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~
7-19-82	(Started 9:00 a.m.) Hearing		/To
	Voir Dire; concluded 5:3		Out of Court 04.50
7-20-82	Voir Dire 9:00 - 12:30; vie		In Court 5.007C
***************************************	5:30; trial preparation 3		of Court 3.50
7-21-82	Opening statement 9:00-10:3		In Court 5.50 TC
A STATE OF THE PROPERTY AND ADDRESS AND AD	1:00-5:00; trial prep. 6:	,	of Court 3.50
7-22-82	9:00-3:30 trial; trial prep	F 00 10 00	In Court 6.00 PP TO
7-23-82	9:00-4:00 trial		In Court 6.00 FC Co
7-24-82	9:00-4:00 trial (Saturday)		In Court 5.50 F Co of Court 1.50 P
7-25-82	11:00-9:00 Interview Defend		
	witnesses; McGarvey, Loft		10.00
	prep.		
7-26-82	8:00-4:30 prep. & trial; pre	on for alogina	In Court 6 00 1.0 0
	argument: 6:00-7:30: 10:30	· · · · · · · · · · · · · · · · · · ·	
7-27-82	Closing Argument & Instruct		of Court 7.00 OP
	8:30-1:00		To Complete To To Resident
7-27-82	Deliberations 5:00-1:30		In Court 4.50 - Coj
7-28-82	Conference with client; tele	ophone 11 - '-1	8.50 RP
	Defendant's father	ephone call with	
8-04-82		1	1.000
8-04-82	Conference with client's fat Conference with Co-counsel	ther & Uncle	1.00 RP
8-05-82		conf. w/ clien	.50 AP
8-23-82	Prep. of Motion for Acquitta Conference w/ client	al & Motion for New	Trial 2.00 P
8-24-82 8-26-82	Sentencing		.50 c/3
0-20-02	Notice of Appeal & Request f		
		Sub-To I hereby affirm the above is a true and	
Charles	s_Keith Wampler	the preparation of this matter.	109.50
Party Represe			35.50
82CR-70) 4	TOT	AL 145.00
	Kessler	(Na. D. V	to bla
Judge	WCDSTCI	Signature of Counsel Ways	aprilan
June 2	2, 1982	August 27, 1982	me P. Stephan
Date Assigne	d	Date	

P

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIC

GESEPPP P2.	
STATE OF OHIO	CASE NO: 82-CR-764
Plaintif	JUDGE JOHN KESSLER
-vs-	
CHARLES KEITH WAMPLER	ORDER OF APPOINTMENT
Defendant :	
	ASSEATMENTANCIA PATRIAGORICOTO
It appearing to the Court that Ch	narles Keith Wampler
being unable to afford counsel the Cour	t does hereby appoint
Wayne Stephan to	represent (him/kkk) in the
above captioned matter.	
DATE: Nunc Pro Tunc 6/22/82	
CHARGE: Murder; Rape; Abuse of Corpse; Abduction	

ZUDGE

CPC #109 /kf 3-11-81

BOOK 514 PAGE 639

APPLICATION, ENTRY AND CERTIFICATION FOR ASSIGNED COUNSEL FEE? STATE OF OHIO. CITY OF Plaintiff VS Defendant APPLICATION The undersigned having been previously appointed counsel for the Defendant moves this Court for an order approving payment of fees and expenses as indicated below and in the attached itemized statement, pursuant to section 2941.51 and 120.33 of the Ohio Revised Date of Appointment: X40-#2000 Out of Court 133.7 Legal Fees: \$ Expenses (if any): \$ Total: \$ _ DISPOSITION O. R. C. Charge Section Number and Name: Yes No フタの3, 0 / (B) Pleaded Guilty to Indictment 2907.02(47)(/) Pleaded Guilty to Lesser Charge 2927.01(B) Went to Trial 905,02(A1(2) Results SENTA OFFENSE CLASSIFICATION (Circle Appropriate Classification For Each Charge) a) F2 F3 F4 M1 M2**M**3 M4MM b) F2 F3 F4 M1M2 **M**3 **M**4 MM c) F2F3 M1 M2**M**3 MM F2 F3 F4 M1M2**M**3 Signature O RName and Address Social Security Number: ENTRY The Court finds that counsel performed the legal services set forth on the attached itemized Statement; and that the fees and expenses, set forth on said Statement are reasonable, and are in accordance with the resolution of the Board of Commissioners of MUNTGOMER County, Ohio, relating to payment of assigned counsel. IT IS THEREFORE, ORDERED that such fees and expenses be, and are hereby approved. It is further ordered that the said amount be, and hereby is, certified by the Court to the County Auditor for payment. CERTIFICATION The County Auditor in executing this certification attests to the accuracy of the figures contained her Ohio Public Defender Commission and/or the Auditor of State which reveals unallowable or excessive costs may result in future adjustments against reimbursement or repayment of audit exceptions to the Ohio Public Defender Commission. County Number: Check Number: Check Date: County Auditor Form Prescribed by Ohio Public Defender Commission

CPC #116 /kf 5-4-81

ASSIGNED COUNSEL ITEMIZED STATEMENT

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ASSIGNED COUNSEL ITEMIZED'S ATEMENT PAGE 1

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5-17-82	REU. OF DUB, DEF & MATERIALS	ep 2.0	
1-18-82	PRK-TRIAL CONF	, 7	
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5-26-82	LETTER TO PUB. DEF.	ap, a	7.5
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6-5-82	REV. OF DISCOUERY PACKET	xp 3,0	
6-8-82	TEL CONF W/ CLIENTS FATHER	D	
6-9-82	TEL CONF W/ CLIENT'S FATHER	OP , 7	_
6-10-82	FILE REVIEW	QP 1.0)
6-14-82	TEL CONFERENCES W/CLIENTS	V	
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APPLICATION, ENTRY AND CERTIFICATION FOR ASSIGNED COUNSEL FEES

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CPC #116 /kf 5-4-81

Form Prescribed by Ohio Public Defender Commission

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6-19-82	REV. OF DISCOVERY	2P	e V 70
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6-22-82	CONF W/ PROS & CO-COUNSE.	L OP	1.0
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7-4-82	Del DE CASC CULLINGO	OP	070
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APPLICATION, ENTRY AND CERTIFICATION FOR ASSIGNED COUNSEL FEES

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Form Prescribed by Ohio Public Defender Commission

County Auditor

ASSIGNED COUNSEL ITEMIZED S_ATEMENT

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7-6-82	LAW CIBRARY	no ,50
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	TEL CONF W/ PUB, DEF,	RP, 25
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Party Represented	I hereby affirm the above is a true and accurate a the preparation of this matter.	•
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Judge \(\sqrt{-/2-\delta}	Signature of Counsel	
Date Assigned	Date 8-27-82	

APPLICATION, ENTRY AND CERTIFICATION FOR ASSIGNED COUNSEL FEES

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CPC #116 /kf 5-4-81

ASSIGNED COUNSEL ITEMIZED S_TEMENT

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7-17-87	CONF W/ CO-ROUNSEL &	V
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7-19-82	ONE W/ JUDINE, PROSECUTOR	2.8
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Party Represented	I hereby affirm the above is a true and accurate the preparation of this matter.	
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APPLICATION, ENTRY AND CERTIFICATION FOR ASSIGNED COUNSEL FEES

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County Auditor

CPC #116 /kf 5-4-81

Form Prescribed by Ohio Public Defender Commission

ASSIGNED COUNSEL ITEMIZED S_ATEMENT

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DATE	ACTIVITY	TOTAL TIME
7-23-82	TRAC (WIRT)	op 6.07
	TRIAL PREP	xp 1.0
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	I hereby affirm the above is a true and accurate ac	count of the time spent in
Party Represented	first with the preparation of this matter.	×
82-CR-	764	
Case No.	VESULED OF A CO.	•
Judge	ment of the	tur
_J-12-8-	Signature of Counsel	
Date Assigned	Doto	

APPLICATION, ENTRY AND CERTIFICATION FOR ASSIGNED COUNSEL FEES

				,			C	ourt of .					Coun
STATE (F OHIO,												
			Plai	ntiff	4.		,						
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IT IS	THERI	EFORE	C, ORDI	ERED 1	that such	n fees a	nd exper	ises be, a	and are here	y, Ohio, relating by approved. I	t is further o	ordered th	nat the said
tilloully t	c, and n	ereby is	s, cerum	ea by tr	ie Court	to the (County A	uditor fo	or payment.				
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Form Prescribed by Ohio Public Defender Commission

CPC #116 /kf 5-4-81

JUNIOR NORRIS OLERK OF COURTS

STATE OF OHIO County of Montgomery

All: 37 82 SEP 2

The following information is provided for the purpose of crediting time spent in confinement by the individual designated below on the CRIMINAL DIVISION case designated below:

NAME: Wampler, Charles Keith

CASE NUMBER: 82-CR-764

CHARGE: Aggravated Murder, 1 Count of Rape, Abuse of a Corpse and Abduction

SENTENCE: (Minimum & Maximum) Term of not less than 7 yrs. nor more than 25 yrs. for the offense of rape and a term of not less than 2 yrs. nor more than 5 yrs. for the off OF ARRIVAL AT COUNTY JAIL: The offense of abduction is to be merged with the ra sentence. The sentences are to run consecutive with each other.

04-20-82 to 09-01-82

TOTAL CUMULATIVE TIME IN CONFINEMENT: (Includes time, if any, spent in State Hospital)

days total

Date: 09-01-82

L. THOMAS WILSON, SHERIFF County of Montgomery, State of Ohio

Notary Public

In and for Montgomery County, Ohio

SEAL

CC: Montgomery County Common Pleas Court Criminal Clerks Office

INSTITUTION: CCF

TRANSPORT OFFICER: BB

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

STATE OF OHIO

Plaintiff

CASE NO. 82-CR-764

VS

(Judge John Kessler)

CHARLES KEITH WAMPLER

Defendant

DEFENDANT'S REQUEST FOR SPECIAL INSTRUCTIONS

Now comes the Defendant, Charles Keith Wampler, through his counsel, and requests the Court, pursuant to Rule 30of the Ohio Criminal Rules, to instruct the jury in accordance with the following:

Proof of motive is not required. However, in the event you find that the evidence is wholly or substantially circumstantial, you shall consider motive or lack thereof, together with all the other evidence, in determining the quilt or innocence of the defendant.

Robert A. Bostick

Wayne P. Stephan

Attorneys for Defendant

CERTIFICATE OF SERVICE

A copy of the foregoing was delivered to Dennis Langer and Robert Head, Attorneys for the State, 41 N. Perry St., Dayton, Ohio, this 27th day of July, 1982.

Robert A. Bostick

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

82 MAY 13 AIL: 11

STATE OF OHIO : CASE NO: 82-CR-164
Plaintiff Omnower: 1. 100 Judge Ophic Kassler
-vs-
Charles K. Wampler: ORDER OF APPOINTMENT
Defendant :
It appearing to the Court that <u>Charles K. Wampler</u>
being unable to afford counsel the Court does hereby appoint
Palest Bosticia to represent (him/less) in the
above captioned matter.
DATE: May 12, 1982
CHARGE: agg, Murder, Pape (OCts);
alluse of a corpse;
abduction
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Montgomery County Common Pleas Court

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CITIA MINI ON OVER O		OURTS - (S	
STATE OF OHIO	, , 1, 1, 1		CASE No. 82-CR-764
	0 mm 20	A10: 20	
AGAINST	- Highning	10- Att: 20	
9			
	Company of the Compan	1	DICT I
CHARLES KEITH WAMPLER	CHIMINAL	_ DIV.O.	
	Defendant_		
			TWO ALL Towns and All the second
			We, the Jury, upon the issues joined
in this case, do find the Defendant,	Charles	Keith Wamp	ler, GUILIY *
of Aggravated Murder.			
	* a		
* Indost in int UC:: lt	The Hart of		
* Insert in ink "Guilty" o	or "Not G	ullty"	
00000		, /).	010
Mu C Doonelow		7 Fock	e C. Klavis
	OREMAN	7/	
2 Carryn Basford		8 den	18 Elyil
3 (Linda) Croak			0 \$.
3 Junda Crock		9 Where	J. J. Mussacer
4 Rusa A Baker		King	son New York Break 1
Di (1)		10 1 Juny	serly Saye Barkel
5X Vais notari		11 ^ - 4	1/ 2h ///
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6 Maria Stommoller)	12 Della	121-
All Jur	ors concurri	ng in the Verdi	ot /
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MONTGOMERY COUNTY OFFICE SERVICES

BOOK 510 PAGE 741

CHARLES KEITH WAMPLER

ENTRY

No.___82-CR-Z64____

Indictment_Aggravated Murder; Rape: Abuse of a Corpse and Abduction

so help you God.	State of Ohio, and the prisoner at the bar,Charles_Keith_Wampler,	who were duly empaneled and sworn to well and	6. Diana L. Stegemoller	5Dois_NHaines	4. Lisa J. Baker	3. Linda Enoch	2. Carolyn Basford	1. John C. Bloomstrom	Wayne Stephan, and this cause coming	being brought into Court in charge of the Sheriff	on behalf of the State of Ohio, and the defendant, Charles Keith Mampler.	This day cameRobert Head & Dennis
	arles_Keith_Wampler,	who were duly empaneled and sworn to well and truly try and true deliverance make between The	12. William L. Young	ll. James H. Griffith	10. Kimberly Kaye Barker	9. Sherry J. Neumaier	8. Henry J. F. Ebright	7. Risa C. Davis	and this cause coming on to be heard, there came a Jury as follows, to-wit:	being brought into Court in charge of the Sheriff, and with his Counsel_Robert_Bostick &	Charles Keith Wampler,	Langer , Prosecuting Attorney /s

time returned into open Court, with their certain verdict clothed in the words and figures following, thereupon the Jury returned to their room in charge of the Sheriff for deliberation, and in a short The testimony being all in, the argument of Counsel heard, the charge of the Court delivered,

VERDICT

____Guilty_of_Aggravated_Murder. We, the Jury, upon the issues joined in this case do find the defendant, __Charles_Keith_Wampler,

/S/ John C. Bloomstrom ____Foreman.

Thereupon the Court dismissed the Jury from further consideration of this cause

Approved JOHN W. KESSLER Judge.

BOOK 510 PAGE 742

Montgomery County Common Pleas Court

	I. EQ
STATE OF OHIO	82-CP-764
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AGAINST Plaint	if
AGAINSI	and the same of th
CHARLES KEITH WAMPLER	UNICIONAL VIOLENTE II
CHILLIE WHILLIAM	The second secon
Defenda	rea t
Dojonati	
	We, the Jury, upon the issues joined
in this case, do find theDefendant, Char	rles Keith Wampler, GUILTY *
of Rape.	
0.2.200	
* Insert in ink "Guilty" or "Not	Guilty"
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Som C Bloomston	7 Chipe C. Mairo
2 Carolyn Basford	The Ell
3 Linda Eroch	9 Sherry J. Neumaier
4 Luin A Baler	10 Kimberly Kaye Barker
5 Dais, n Daines	11 Dames H. District
6 Mani Sterenollo	12 peller J. Hang
All Jurors cond	curring in the Verdict
GOMERA COUNTA OFFICE SERVICES	BOOK 510 PAGE 743

Common Pleas Court, Montgomery County, Ohio

Cistolorial wister. UN	
THE STATE OF OHIO	ENTRY
vs.	No82-CR-764
CHARLES KEITH WAMPLER	Indictment Aggravated Murder: Rape; Abus of a Corpse and Abduction
Military Pohort Head and D. 1	
	s Langer, Prosecuting Attorney /s
	Charles Keith Wampler,
	, and with his Counsel, Robert Bostick &
	on to be heard, there came a Jury as follows, to-wit:
1. John C. Bloomstrom 2. Carolyn Basford	7. Rise C. Davis
	8. Henry J. F. Ebright
3. Linda Enoch	9. Sherry J. Neumaier
4. Lisa J. Baker	10. Kimberly Kay Barker
5. Dois N. Haines	ll. James H. Griffith
6. Diana Stegemoller	12. William L. Young
who were duly empaneled and sworn to well and t	ruly try and true deliverance make between The
State of Ohio, and the prisoner at the bar,Chan	les_Keith_Wampler,
so help you God.	
The testimony being all in, the argument of C	ounsel heard, the charge of the Court delivered,
thereupon the Jury returned to their room in char	
time returned into open Court, with their certain	
to-wit:	in the second and figure to following,
VERI	DICT
0.11.	ase do find the defendant, _Charles_Keith_Wampler,
	/0/ 112 2 2 2
	/S/ John C. BloomstromForeman.
Thereupon the Court dismissed the Jury from	m further consideration of this cause.

Montgomery County Common Pleas Court

STATE OF OHIO	
STATE OF OHIO	CASE No. 82-CR-764
Plaintiff	28 Ail: 20
AGAINST	
	VERDICT III
CHARLES KEITH WAMPLER Onlin	MAL DIVISION
	We, the Jury, upon the issues joined
in this case, do find theDefendant, Charles	s Keith Wampler, GUILTY *
of Abduction.	
* Insert in ink "Guilty" or "Not Gu	ilty"
1 Shu C Bladwslow FOREMAN	7 Risse C. Davis
2 Parolyn Bastard	8 Merry A. Neumaier
3 Linda Eroch	
Q: 410 A	by the state of th
6	10 Bimberly payer burker
5 Nais Xaines	11 Sames &b. Driffith
6 Diana Stegamoller	12 fill- f you
All Jurors concurr	ing in the Verdict

Common Pleas Court, Montgomery County, Ohio

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THE STATE OF OHIO	
THE STATE OF OHIO	
vs. No. 82-CR-764	
CHARLES KEITH WAMPLER Indictment Aggravated Murder; of a Corpse and Ab	<u>Rape: Ab</u> us duction
This day came_ Robert Head & Dennis Langer, Prosecuting	a Attorney/s
on behalf of the State of Ohio, and the defendant, Charles Keith Wampler,	
being brought into Court in charge of the Sheriff, and with his Counsels Robert Bosti	
Wayne Stephan, and this cause coming on to be heard, there came a Jury as follows:	
1. John C. Bloomstrom 7. Rise C. Davis	
2. Carolyn Basford 8. Sherry J. Neumaier	
3. Linda Enoch 9. Henry J. F. Ebright	
4. Lisa J. Baker 10. Kimberly Kay Barker	
5. Dois N. Haines 11. James H. Griffith	
6. Diana Stegemoller 12. William L. Young	
who were duly empaneled and sworn to well and truly try and true deliverance make be	
State of Ohio, and the prisoner at the bar, Charles Keith Wampler,	
so help you God.	
The testimony being all in, the argument of Counsel heard, the charge of the Court	delivered,
thereupon the Jury returned to their room in charge of the Sheriff for deliberation, and	in a short
time returned into open Court, with their certain verdict clothed in the words and figures	following,
to-wit:	
VERDICT III	
We, the Jury, upon the issues joined in this case do find the defendant, _Charles_Ke	255
Guilty of Abduction.	
/S/ John C. Bloomstrom	$_Foreman.$
Thereupon the Court dismissed the Jury from further consideration of this cause.	

BOOK 510 PAGE 746

Montgomery County Common Pleas Court

demonstration of the second control of the s	THE ROOM
	ALED
STATE OF OHIO	CASE No. 82-CR-764
Distriction	12 JUL 28 A10: 20
AGAINST	
	The second secon
	Change VERDICT A IV
CHARLES KEITH WAMPLER	
Defendant_	
	We, the Jury, upon the issues joined
in this case, do find the Defendant, Charles	Keith Wampler GUILTY *
	The second of th
of Abuse of a Corpse.	
* Insert in ink "Guilty" or "Not Gu	uilty"
1 Hu C Bloomston	7 Chine C. Dister
2 Paralyn Bactard	Jun 1 / - 4/1
3 Sinda Euroh	9 (Sherry J. Heympier)
4 Besi A Baker	10 Kimberly Kaye Barker
5 Day of Haines	11 James H. Liffield
6 Diana Stegemoller	12 Wille I For
All Jurors concurr	ring in the Verdict

Common Pleas Court, Montgomery County, Ohio

and the second s	7'~
THE STATE OF OHIO vs. CHARLES KEITH WAMPLER	ENTRY No. 82-CR-764 Indictment Aggravated Murder; Rape; Abuof a Corpse and Abduction
Debank Hand C. D. and J. L.	
	anger, Prosecuting Attorney
	Charles Keith Wampler,
and the second s	, and with his Counsel & Robert Bostick &
	on to be heard, there came a Jury as follows, to-wit:
1. John C. Bloomstrom	7. Rise C. Davis
_2. Carolyn Basford	8. Henry J. F. Ebright
3. Linda Enoch	9. Sherry J. Neumaier
4. Lisa J. Baker	10. Kimberly Kay Barker
5. Dois N. Haines	11. James H. Griffith
6. Diana Stegemoller	12. William L. Young
who were duly empaneled and sworn to well and	truly try and true deliverance make between The
State of Ohio, and the prisoner at the bar,Char	les Keith Wampler,
so help you God.	
The testimony being all in, the argument of C	Counsel heard, the charge of the Court delivered,
thereupon the Jury returned to their room in char	rge of the Sheriff for deliberation, and in a short
time returned into open Court, with their certain	verdict clothed in the words and figures following,
$to ext{-}wit:$	
	DICT IV
	case do find the defendant, Charles Keith Wampler
	/0/11 0 01
Thereupon the Court dismissed the Jury fro	om juriner consideration of this cause.

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