

L. JAMES MORRIS
CLERK OF COURTS

1982 APR 20 PM 3:27

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
FILED DOM REL-JUV.
COMMON PLEAS
MONTGOMERY COUNTY DIVISION OF DOMESTIC RELATIONS AND JUVENILE

IN RE: : CASE NOS. JC-82-474
CHARLES KEITH WAMPLER, : JC-82-475
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:

1. He is not committable to an institution for the mentally retarded or mentally ill;
2. 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.

532 PAGE 495

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:

1. 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:

1. the diagnosis of conduct disorder, undersocialized, aggressive reflects traits least likely to profit from treatment;
2. 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

532 PAGE 337

L. JUNIOR MORRIS
CLERK OF COURTS

1982 MAR 12 PM 3:04

FILED DOM. REL. DIV.
IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
MONTGOMERY COUNTY
DIVISION OF DOMESTIC RELATIONS AND JUVENILE

IN RE: : CASE NOS. JC-82-474
CHARLES KEITH WAMPLER, : JC-82-475
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.

530 PAGE 34

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

MONTGOMERY COUNTY

DETENTION STAFF

SS:

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

In re: CHARLES KEITH WAMPLER

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 45422 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

to wit: 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.

FILED DOM REL-JUV.
COMMON PLEAS
MONTGOMERY COUNTY
1982 FEB 22 PM 2:47
L. JUNIOR NORRIS
CLERK OF COURTS

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

By

C. Gibson
Deputy Clerk

lsb

SHARON

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

IN RE: Charles Keith Wampler, JUNIOR NORRIS February 22, 1982
CLERK OF COURTS

1982 FEB 24 PM 2:39

FILED DOM REL-JUV.
COMMON PLEAS
MONTGOMERY COUNTY

J.C. NO. 82-474

Order of continuance;

ENTRY

* * * * *

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
AOF

JCE9-9M

 528 PAGE 996

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9

L. JAMES MORRIS
CLERK OF COURTS

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

IN RE:

CHARLES KEITH WAMPLER
An Alleged Delinquent

JUVENILE DIVISION
FILED FOR REL-JUV.
COMMON PLEAS
MONTGOMERY COUNTY

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

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 J. Edelman
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.

Sanford J. Edelman
SANFORD J. EDELMAN

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

RECEIVED
JUL 25 PM 4:30
JUVENILE DIVISION
COMMON PLEAS
MONTGOMERY COUNTY

IN RE:

CHARLES KEITH WAMPLER
An Alleged Delinquent

Case Nos. MC-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. FAIRKE,
Prosecuting Attorney

By Sanford J. Edelman
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.

Sanford J. Edelman
SANFORD J. EDELMAN

62 JUN 18 P 1:44

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

CRIMINAL DIVISION

STATE OF OHIO : CASE NO. 82-CR-764

Plaintiff : (Judge John Kessler)

- vs -

CHARLES KEITH WAMPLER : MOTION TO AMEND INDICTMENT

Defendant :

The State hereby moves the Court to amend Count I of the indictment by deleting the words "fleeing immediately 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..."

RESPECTFULLY SUBMITTED,

LEE C. FALKE,
Prosecuting Attorney

By *[Signature]*
DENNIS J. LANGER
Assistant Prosecuting Attorney

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,

LEE C. FALKE,
Prosecuting Attorney

By *[Signature]*
DENNIS J. 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 on the date of filing.

[Signature] 6/17/82
DENNIS J. LANGER
Assistant Prosecuting Attorney

62 JUN 23

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

STATE OF OHIO, : CASE NO. 82-CR-764
Plaintiff : (Judge John Kessler)
-vs- :
CHARLES KEITH WAMPLER, : NOTICE OF APPEARANCE OF COUNSEL
Defendant :

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. Stephan

WAYNE P. STEPHAN
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 23rd day of June, 1982.

Wayne P. Stephan
WAYNE P. STEPHAN


L. JUNIOR NORRIS
CLERK OF COURTS
FILED

82 JUL 7 P 3: 43

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

STATE OF OHIO : CASE NO. 82-CR-764
Plaintiff : (Judge John D. Kessler)
- vs - :
CHARLES KEITH WAMPLER : E N T R Y
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..."


JUDGE 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 P4:07

STATE OF OHIO

Plaintiff

vs

CHARLES KEITH WAMPLER

Defendant

CASE NO. 82-CR-764

(Judge John Kessler)

CRIMINAL DIVISION

MOTION FOR CHANGE OF VENUE

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

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. Duncan vs Louisiana, 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 State ex. rel Dayton Newspapers, 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 Forsythe vs State of Ohio, 41 O. O. 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:

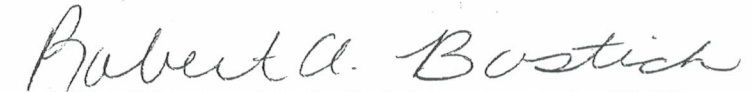
"Faith assures a judge that all jurors can be purged of a prejudicial opinion by instruction. Experience tells him that when a juror says he will disregard such an opinion he really means he will try his best. No defendant should be forced to risk the chance he will not succeed." (Emphasis supplied).

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.


ROBERT A. BOSTICK
Attorney for Defendant
LAW OFFICES
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
CLERK OF COURTS

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

FILED DOM REL-JUV.
COMMON PLEAS
MONTGOMERY COUNTY :

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

IN RE:

CHARLES KEITH WAMPLER
An Alleged Delinquent :

MOTION

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:

LEE C. FALKE,
Prosecuting Attorney

By Sanford J. Edelman
SANFORD J. EDELMAN
Assistant Prosecuting Attorney

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,

Sanford J. Edelman
SANFORD J. EDELMAN
Assistant Prosecuting Attorney

L. JUNIOR MORRIS
CLERK OF COURTS

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
FILED FOR REL. DIVISION
COMMON PLEAS
MONTGOMERY COUNTY

IN RE:

CHARLES KEITH WAMPLER
An Alleged Delinquent

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

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 Sanford J. Edelman
SANFORD J. EDELMAN
Assistant Prosecuting Attorney

FILED
COURT OF COMMON PLEAS
IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, OHIO¹

DOO 2017

2004 OCT 28 AM 11:03

State of Ohio,

Plaintiff,

Case No. 82CR764

v.

Charles K. Wampler
(Name)

Defendant.

APPLICATION FOR DNA TESTING²

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., OHIO

D002017

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

STATE OF OHIO	:	CASE NO. 82-CR-764
Plaintiff	:	(Hon. John W. Kessler)
v.	:	
CHARLES KEITH WAMPLER,	:	<u>DECISION, ORDER AND ENTRY</u>
Defendant	:	<u>REJECTING DEFENDANT'S</u>
	:	<u>APPLICATION FOR DNA TESTING</u>
	:	<u>FILED ON OCTOBER 28, 2004</u>

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

C-FILED
COURT OF COMMON PLEAS
2004 DEC 27 PM 3:14

DAN FOLEY
CLERK OF COURTS
MONTGOMERY CO., OHIO



D002017

IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO

THE STATE OF OHIO,)	
)	Case No. 82-CR-764
v.)	
)	(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 statute requires the state to demonstrate that it 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

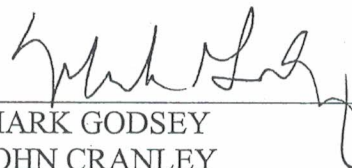
to find it later after a more thorough search. For example, in a recent case in Hamilton County, the evidence custodian indicated that no DNA from the case was still in existence. After the Innocence Project asked probing questions about how evidence was stored back at the time of the original trial 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,

A handwritten signature in black ink, appearing to read "Mark Godsey", is written over a horizontal line.

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

L. JUNIOR MORRIS
CLERK OF COURTS

IN THE COMMON PLEAS-COURT OF MONTGOMERY COUNTY, OHIO
JUVENILE DIVISION

FILED 10th DEL-JUV.
COMMON PLEAS
MONTGOMERY COUNTY

IN RE:

CHARLES KEITH WAMPLER :
An Alleged Delinquent :

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

: 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 11, 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 Sanford J. Edelman
SANFORD J. EDELMAN
Assistant Prosecuting Attorney

CERTIFICATE OF SERVICE

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

Sanford J. Edelman
SANFORD J. EDELMAN
Assistant Prosecuting Attorney

cc: Paul White
Probation Department
Nick Kuntz

L. 88-100 N.E. 1/4 IS
CL. 88-100 N.E. 1/4 IS
CL. 88-100 N.E. 1/4 IS

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
1982 FEB 11

FILED DOUGLAS JUV.
COMMON PLEAS
MONTGOMERY COUNTY

IN RE:

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

CHARLES KEITH WAMPLER
An Alleged Delinquent

ENTRY AND ORDER

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.

APPROVED:

William B. Wink
Judge

LEE C. FALKE,
Prosecuting Attorney

By Sanford J. Edelman
SANFORD J. EDELMAN
Assistant Prosecuting Attorney

CERTIFICATE OF SERVICE

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

Sanford J. Edelman
SANFORD J. EDELMAN
Assistant Prosecuting Attorney

cc: Paul White
Probation Department
Nick Kuntz

L. JUNIOR HARRIS
CLERK OF COURTS
IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
JUVENILE DIVISION

FILED DOM REL - JUV.
COMMON PLEAS
MONTGOMERY COUNTY
Case Nos. JC-82-474
JC-82-476

IN RE: CHARLES KEITH WAMPLER :
An Alleged Delinquent :
: 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 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.


SANFORD J. EDELMAN

1932 FEB 25 PM 4: 18
IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
JUVENILE DIVISION IV.
COMMON PLEAS
MONTGOMERY COUNTY

IN RE: : Case Nos. JC-82-474
 : JC-82-475
 CHARLES KEITH WAMPIER :

CHARLES KEITH WAMPLER
An Alleged Delinquent

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 J. Edelman*
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.

Sanford J. Edelman
SANFORD J. EDELMAN

91.30
MAY 1
THE COURT OF COMMON PLEAS

May Terms in the year Nineteen Hundred and Eighty-Two
MONTGOMERY COUNTY, ss.

THE GRAND JURORS of the County of Montgomery, in the name, and the authority of the State of Ohio, on their oaths do present and find that CHARLES KEITH WAMPLER,

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

SECOND 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 engage in sexual conduct with another, to-wit: Robert D. Rowell, not his spouse, by purposely compelling him to submit by force or threat of force; contrary to the form of the statute (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.

THIRD 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

not his spouse, by purposely compelling him to submit by force or threat of force; contrary to the form of the statute (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 corpse 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 
Assistant Prosecuting Attorney

JOHN MORRIS
CLERK OF COURTS
FILED

COMMON PLEAS COURT

MONTGOMERY COUNTY, OHIO

82 JUL 21 AM 11:28

STATE OF OHIO
CRIMINAL DIVISION

Plaintiff

vs.

JURY EMPANELED JULY 20, 1982

Case No. 82-CR-764

ENTRY

CHARLES K. WAMPLER

Defendant

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 place where the material facts alleged in the pleadings occurred, it is ordered that the said Jury be conducted in a body under the charge of the Bailiff/~~Sheriff~~ to said place, and that the same be shown to them and that they return within (forthwith) to the Court. After being duly cautioned said Jury was so taken by the Bailiff/~~Sheriff~~ to said place and returned to the Court as ordered.

Mastercraft

BOOK 510 PAGE 138

Approved

JOHN W. KESSLER

Judge

THE STATE OF OHIO, } ss.
MONTGOMERY COUNTY }
COMMON PLEAS COURT

82 JUL 21 A 8:49

To Gregg Findlay Bailiff of Common Pleas Court — or
X Clerk of Montgomery County, Greeting:

You are hereby commanded to conduct the twelve jurors named in the panel, to this writ attached, to view the property or premises at 2753 Conlon Memorial Drive

and owned by Unbraten

wherein said State of Ohio is plaintiff and
said Charles K. Wampler, defendants,

on the 20th day of July A.D. 1982, and then and there to view the premises
or property aforesaid:

and you shall make return of the manner you have executed this writ, to this Court, on the 20th day of July A.D. 1982, at forthwith clock M., and have you then and there this writ.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the
seal of said Court, at Dayton, Ohio, this 20th

day of July A.D. 1982.
By *Ann Hoard* Clerk.
ANN HOARD Deputy.

THE STATE OF OHIO, MONTGOMERY COUNTY, ss:

I, *James H. Griffith* Clerk of the Common Pleas

Court of said County, do hereby certify that the following are the names of the jurors, impaneled and sworn in the case now pending in this Court, wherein the said State of Ohio,

plaintiff, and Charles K. Wampler, defendant, to-wit:

1. Linda Sue Enoch 7. Doris N. Haines
2. William Lee Young 8. Henry J.F. Ebright
3. Diana L. Stegemoller 9. Carolyn Sue Basford
4. Risa Charlene Davis 10. Lisa J. Baker
5. Sherry J. Neumaier 11. Kimberly Kay Barker
6. James H. Griffith 12. John C. Bloomstrom
13. Marie E. Bell
14. Carl U. Tobe

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

seal of said Court this 20th July 1982
James H. Griffith

In obedience to the command of the within writ, I took charge of, and conducted the twelve jurors named in the within panel to view the premises sought to be appropriated at 2753 Lerch Road, Norcross, Ohio.

on 7/20 A.D. 1982.

Sheriff.

By

Deputy.

Fees \$

James F. Miller
Bailiff of Common Pleas Court

Transportation Costs \$

(Paid by County. To be Taxed in Costs.)

Case No. 82-CR-764

MONTGOMERY COUNTY

COMMON PLEAS COURT

STATE OF OHIO

vs.

CHARLES K. WAMPLER

Order to the Sheriff to Conduct the Jury

RECEIVED BY CLERK OF COURT

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

CRIMINAL DIVISION

82 JUL 23 PM 2: 49

STATE OF OHIO

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

Plaintiff

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

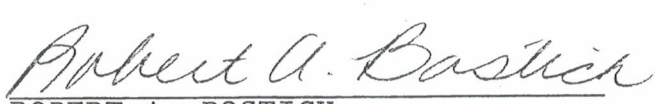
Upon motion of the said Defendant, through his counsel, and for good cause shown, it is hereby ordered that said transcripts be prepared by Ms. Sandy Hohler, Juvenile Court Reporter, and


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 510 PAGE 396


ROBERT A. BOSTICK
604 American Building
Dayton, Ohio 45402
Phone: (513) 224-0332


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 delivered to the Prosecuting Attorney, 41 North Perry Street, Dayton, Ohio 45402, sustaining set motion on the date of filing.

Robert A. Bostick

ROBERT A. BOSTICK
Attorney for Defendant

APPLICATION, ENTRY AND CERTIFICATION FOR ASSIGNED COUNSEL FEES

In the Appeals Court of Montgomery County

STATE OF OHIO,
CITY OF XXXXX

Plaintiff

vs.

CASE NO. CA-7965

CHARLES KEITH WAMPLER

Defendant

145003-720

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 Code.

Date of Appointment: 9/14/82

Hours Worked: In Court -0-

Out of Court 53.75

Legal Fees: \$ 1881.25

Expenses (if any): \$ 25.20 (See attached statement)

Total: \$ 1906.45

DISPOSITION

O. R. C. Charge Section Number and Name:

a) 2903.01 - Agg. Murder

Pleaded Guilty to Indictment

b) 2907.02 - Rape

Pleaded Guilty to Lesser Charge

c) 2905.02 - Abduction

Went to Trial

d) 2927.01 - Abuse of Corpse

Results Convictions Affirmed

Yes No

X

X

X

OFFENSE CLASSIFICATION (Circle Appropriate Classification For Each Charge)

a) F1 F2 F3 F4 M1 M2 M3 M4 MM Agg. Murder

b) F1 F2 F3 F4 M1 M2 M3 M4 MM

c) F1 F2 F3 F4 M1 M2 M3 M4 MM

d) F1 F2 F3 F4 M1 M2 M3 M4 MM

Signature

Steven M. Cox

Name and Address

380 Talbott Tower, Dayton, Ohio 45402

509-54-4781

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 Montgomery 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.

Judge

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: _____

CRIMINAL DIVISION
STATE OF OHIO,
Plaintiff

CASE NO. 82-CR-764

(Judge John W. Kessler)

-VS-

CHARLES KEITH WAMPLER,

Defendant

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.

Respectfully submitted,

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

and

STEWART, FLANAGAN, HOFFMAN & SWAIM
By: *Wayne P. Stephen*
WAYNE P. STEPHEN
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.

The conviction obtained herein and the verdict of the jury 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.

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.

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

Respectfully submitted,

Robert A. Bostick
ROBERT A. BOSTICK

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

and

STEWART, FLANAGAN, HOFFMAN & SWAIN

BY: *Wayne R. Steppan*
WAYNE R. STEPPAN

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

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 6th day of August, 1982.

Wayne R. Steppan
WAYNE R. STEPPAN
Attorney for Defendant

IN RE:

CHARLES KEITH WAMPLER 132 MAR -4 AM 8 49

CASE NO. JC-82-474

PRAECIPE AND SUBPOENA

FILED FOR REL-JUV.
COMMON PLEAS
MONTGOMERY COUNTY

TRIAL

X MOTION

STATE OF OHIO, COUNTY OF MONTGOMERY, SS:

PROBABLE CAUSE HEARING

TO THE CLERK:

The undersigned, Prosecuting Attorney on behalf of the State of Ohio, hereby requests the issuance of the following Subpoena(s) for the hereinbelow named witness(es) to appear in this Court at the time as set forth:

WITNESSES	ADDRESSES	SHERIFF RETURN DATE OF SERVICE	TYPE
Dr. Schaeffer	120 Zeigler St., Dayton, Ohio 45402	3-4-82	R
Larry Dehus	MVRCL, 833 S. Patterson Blvd., Dayton, Ohio 45402	3-4-82	R
Det. Mullins	Moraine Police Department 4200 Dryden Rd., Moraine, Ohio 45439	3-5-82	R
Ptl. Adkins	Moraine Police Department 4200 Dryden Rd., Moraine, Ohio 45439	3-5-82	R
Ptl. J. Brun	Moraine Police Department 4200 Dryden Rd., Moraine, Ohio 45439	3-5-82	R
Jim Shipman	2754 Cozy Ln., Moraine, Ohio 45439	3-5-82	R
Ted Ritchie	2791 Kreitzer Rd., Moraine, Ohio 45439	3-5-82	R
Bobby Jack Rowell	2730 Kreitzer Rd., Moraine, Ohio 45439	3-5-82	R
Mike Rowell	2730 Kreitzer Rd., Moraine, Ohio 45439	3-5-82	R

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 abovesetitled case) and not depart from the Court without leave under PENALTY OF LAW.

REPORT TO: Prosecutor's Office
Room 129LEE C. FALKE,
Prosecuting Attorney
Montgomery County, Ohio

TO THE SHERIFF OF MONTGOMERY COUNTY, OHIO

By Donald A. Chabon
Assistant Prosecuting Attorney

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.

WITNESS my hand and the seal of the said Court at Dayton, Ohio this 4 day of March A.D. 1982.

L. JUNIOR NORRIS
Clerk
Montgomery County Court of Common PleasBy C. Chabon
Deputy

COURT FILED
1983 DEC 6 PM 4:57
MONTGOMERY COUNTY OH
CLERK


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.	:	<u>NOTICE OF APPEAL</u>
	:	

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

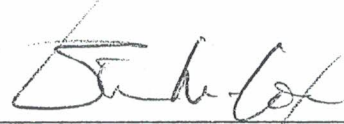


STEVEN M. COX
131 North Ludlow Street
Talbott Tower, Suite 380
Dayton, Ohio 45402
(513) 461-4548
Attorney for Defendant-Appellant

DENNY, MALLOY
& COX
ATTORNEYS AT LAW
SUITE 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.

A handwritten signature in dark ink, appearing to read "Steven M. Cox", is written over a horizontal line.

STEVEN M. COX
Attorney for Defendant-Appellant

CA. 7965

IN THE COMMON PLEAS COURT 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

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

Robert A. Bostick
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 P. Stephan
WAYNE P. STEPHAN

IN THE COURT OF APPEALS OF MONTGOMERY COUNTY, OHIO

STATE OF OHIO

Plaintiff-Appellee

vs.

CHARLES KEITH WAMPLER

Defendant- Appellant :

FILED
COURT OF APPEALS
1983 JUN 8 PM 1 38
CASE NO. CA 7965
JUNIOR CLERK
MONTGOMERY COUNTY OH.

WAIVER OF ORAL ARGUMENT

:

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

David M. Dalton

DAVID DALTON
Attorney for Plaintiff-Appellee
Assistant Prosecuting Attorney
Montgomery County

Steve Cox

STEVE COX
Attorney for Defendant-Appellant
380 Talbott Tower
Dayton, Ohio 45402

cc Auditor 9/23/82
APPL. CATION, ENTRY AND CERT. CATION
FOR ASSIGNED COUNSEL FEES

In the Common Pleas Court of Montgomery County

STATE OF OHIO, State of Ohio
CITY OF Plaintiff

vs.

32 SEP 16 P 3:00

CASE NO. 82-CR-764

Charles Keith Wampler

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 Code.

Date of Appointment: June 22, 1982

Hours Worked: In Court 48 Out of Court 97

Legal Fees: \$ \$4,830.00

Expenses (if any): \$ #4817.50

Total: \$ \$4,830.00

SEP 15 1982

DISPOSITION

RECEIVED

O. R. C. Charge Section Number and Name:

		Yes	No
a) <u>2903.01(B) Murder</u>	Pleaded Guilty to Indictment		X
b) <u>2907.02(A) (1) Rape</u>	Pleaded Guilty to Lesser Charge		X
c) <u>2927.01(B) Abuse of Corpse</u>	Went to Trial	X	
d) <u>2905.02(A) (2) Abduction</u>	Results <u>Jury verdict of Guilty</u>		

OFFENSE CLASSIFICATION (Circle Appropriate Classification For Each Charge)

a)	<u>F1</u>	F2	F3	F4	M1	M2	M3	M4	MM
b)	<u>F1</u>	F2	F3	F4	M1	M2	M3	M4	MM
c)	F1	F2	F3	<u>F4</u>	M1	M2	M3	M4	MM
d)	<u>F1</u>	F2	F3	F4	M1	M2	M3	M4	MM

Signature Wayne P. Stephan

1810 First National Plaza
Name and Address

Dayton, Ohio 45402

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 Montgomery 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.

Judge John W. Kessler

CERTIFICATION

BOOK 514 PAGE 288

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

ASSIGNED COUNSEL ITEMIZED STATEMENT

DATE	ACTIVITY	TOTAL TIME
6-22-82	Conference with Co-counsel	op 1.00
6-22-82	Conference with client	.50
6-22-82	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	op .50
6-30-82	Review Discovery Packet	1.00
7-06-82	Motion Hearing (In Court)	op 2.00 <i>IL</i>
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; Conference with client; conference with witnesses; view of scene	op 7.00
7-12-82	Prepare Motion Opposing Admissibility of Choate and Lombardo	op 3.00
7-14-82	Conference with Keith Brown, Public Def; conference with Bob Head; conf. with Dusty McIntyre; review file; conf. with client	op 5.00
7-15-82	Telephone call with R. Divine (McIntyre, Atty)	op .25
7-15-82	Telephone call with client	op .25
7-15-82	Telephone call with client's father	op .25
7-15-82	File review	1.75
7-16-82	Conf. with Dr. Owen, Psych.; conf. with Dr. Shaffer Coroner; conf. with Bostick	op 4.50
7-16-82	File organization	.75
Sub-total		35.50

I hereby affirm the above is a true and accurate account of the time spent in the preparation of this matter.

Charles Keith Wampler

Party Represented

82CR-764

Case No.

John W. Kessler

Judge

June 22, 1982

Date Assigned

Wayne P. Stephan

Signature of Counsel Wayne P. Stephan

August 27, 1982

Date

ASSIGNED COUNSEL ITEMIZED STATEMENT

DATE	ACTIVITY	TOTAL TIME
7-17-82	Trial preparation - conf. with Co-Counsel & Prosecutor	sp 6.00
7-18-82	Trial preparation - interview witnesses	sp 7.00
7-19-82	(Started 9:00 a.m.) Hearing re: Object to Media; Court (In	sp 7.00 IC
	Voir Dire; concluded 5:30 p.m. - prep. 6-9 Out of Court	sp 4.50
7-20-82	Voir Dire 9:00 - 12:30; view of scene 3:30 - In Court	sp 5.00 IC
	5:30; trial preparation 3.0 Out of Court	sp 3.50
7-21-82	Opening statement 9:00-10:30; trial commence In Court	sp 5.50 IC
	1:00-5:00; trial prep. 6:00-9:30 Out of Court	sp 3.50
7-22-82	9:00-3:30 trial; trial prep. 5:00-10:00 In Court	sp 6.00 IC
	Out of Court	sp 5.50
7-23-82	9:00-4:00 trial Out of Court	sp 1.00
7-24-82	9:00-4:00 trial (Saturday) In Court	sp 5.50 IC
	Out of Court	sp 1.50
7-25-82	11:00-9:00 Interview Defendant; interview	
	witnesses; McGarvey, Loftus & Wampler; trial	10.00 sp
	prep.	
7-26-82	8:00-4:30 prep. & trial; prep. for closing In Court	sp 6.00 IC
	argument; 6:00-7:30; 10:30-1:30 Out of Court	sp 7.00
7-27-82	Closing Argument & Instruction	
	8:30-1:00 In Court	sp 4.50 IC
7-27-82	Deliberations 5:00-1:30	8.50 sp
7-28-82	Conference with client; telephone call with	
	Defendant's father	1.00 sp
8-04-82	Conference with client's father & Uncle	1.00 sp
8-04-82	Conference with Co-counsel	.50 sp
8-05-82	Prep. of Motion for Acquittal & Motion for New Trial conf. w/ client	2.00 sp
8-23-82	Conference w/ client	.50 sp
8-24-82	Sentencing In Court	.50 IC
8-26-82	Notice of Appeal & Request for Appt. of Counsel	.50 sp
	Sub-Total	109.50

I hereby affirm the above is a true and accurate account of the time spent in the preparation of this matter.

Charles Keith Wampler

Party Represented

82CR-764

Case No.

John W. Kessler

Judge

June 22, 1982

Date Assigned

109.50

35.50

TOTAL

145.00

Signature of Counsel

Wayne P. Stephan

August 27, 1982

Date

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

STATE OF OHIO

Plaintiff

-vs-

CHARLES KEITH WAMPLER

Defendant

CASE NO: 82-CR-764

JUDGE JOHN KESSLER

ORDER OF APPOINTMENT

It appearing to the Court that Charles Keith Wampler
being unable to afford counsel the Court does hereby appoint
Wayne Stephan to represent (him/xxx) in the
above captioned matter.

DATE: Nunc Pro Tunc 6/22/82

CHARGE: Murder; Rape; Abuse of
Corpse; Abduction

JUDGE

CPC #109
/kf 3-11-81

BOOK **514** PAGE **639**

APPLICATION, ENTRY AND CERTIFICATION
FOR ASSIGNED COUNSEL FEES

In the Common Pleas Court of Montgomery County
STATE OF OHIO,
CITY OF _____
Plaintiff
vs.
CHARLES KEITH WAMPLER
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 Code.

Date of Appointment: 5-12-82
Hours Worked: In Court 50 X 40 = \$2000 Out of Court 133.75 X 30 = \$4012.50
Legal Fees: \$ 6,012.50 \$150.00
Expenses (if any): \$ +5907.50 (+48.50 hrs in Court)
Total: \$ 6,012.50 \$6057.50 SEP 15 1982

DISPOSITION RECEIVED

O. R. C. Charge Section Number and Name:

	Yes	No
a) <u>AGG MURDER 2903.01(B)</u> Pled Guilty to Indictment		X
b) <u>RAPE (2 CS) 2907.02(A)(1)</u> Pled Guilty to Lesser Charge		X
c) <u>ABUSE / CORPSE 2927.01(B)</u> Went to Trial	X	
d) <u>ABDUCTION 2905.02(A)(2)</u> Results <u>SENTENCED</u>		

OFFENSE CLASSIFICATION (Circle Appropriate Classification For Each Charge)

a)	<input checked="" type="checkbox"/> F2	<input type="checkbox"/> F3	<input type="checkbox"/> F4	<input type="checkbox"/> M1	<input type="checkbox"/> M2	<input type="checkbox"/> M3	<input type="checkbox"/> M4	<input type="checkbox"/> MM
b)	<input checked="" type="checkbox"/> F2	<input type="checkbox"/> F3	<input type="checkbox"/> F4	<input type="checkbox"/> M1	<input type="checkbox"/> M2	<input type="checkbox"/> M3	<input type="checkbox"/> M4	<input type="checkbox"/> MM
c)	<input type="checkbox"/> F1	<input type="checkbox"/> F2	<input type="checkbox"/> F3	<input checked="" type="checkbox"/> F4	<input type="checkbox"/> M1	<input type="checkbox"/> M2	<input type="checkbox"/> M3	<input type="checkbox"/> M4
d)	<input checked="" type="checkbox"/> F2	<input type="checkbox"/> F3	<input type="checkbox"/> F4	<input type="checkbox"/> M1	<input type="checkbox"/> M2	<input type="checkbox"/> M3	<input type="checkbox"/> M4	<input type="checkbox"/> MM

INDIGENT COUNSEL BILL MUST
BE RECEIVED WITHIN 30 DAYS
AFTER FINAL DISPOSITION OR
PAYMENT WILL NOT BE MADE.

Signature

Name 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

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

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

ASSIGNED COUNSEL ITEMIZED STATEMENT

[illegible]

I hereby affirm the above is a true and accurate account of the time spent in the preparation of this matter.

Party Represented

Case No.

Judge

Date Assigned _____

Signature of Counsel

Date _____

ASSIGNED COUNSEL ITEMIZED STATEMENT PAGE 1

DATE	ACTIVITY	TOTAL TIME
5-12-82	CONF W/ CLIENT	.75
5-13-82	TEL CONF W/ CLIENT'S FATHER	op .25
	ARRAIGNMENT (COURT)	.50 TC
	TEL CONF W/ PUB. DEF.	op .25
5-17-82	REV. OF PUB. DEF'S MATERIALS	op 2.0
5-18-82	PRE-TRIAL CONF	.25
5-25-82	STATUS CONF	.50
	TEL CONF W/ CLIENT	op .25
5-26-82	LETTER TO PUB. DEF.	op .25
	CONF W/ CLIENT'S PARENTS & WITNESSES	1.50 op
	TEL CONF W/ CLIENT'S FATHER	op .25
5-31-82	CONF W/ CLIENT	op .25
6-1-82	SCHEDULING CONF (COURT)	.50 TC
6-4-82	TEL CONF W/ CLIENT'S FATHER	op .25
	TEL CONF W/ CLIENT	op .25
6-5-82	REV. OF DISCOVERY PACKET	op 3.0
6-8-82	TEL CONF W/ CLIENT'S FATHER	op .25
6-9-82	TEL CONF W/ CLIENT'S FATHER	op .25
6-10-82	FILE REVIEW	op 1.0
6-14-82	TEL CONFERENCES W/ CLIENT'S FATHER	op .75
	TEL CONF W/ CLIENT	op .25
	TEL CONF W/ BAILIFF	op .25
6-15-82	REV. OF DISCOVERY	.50
6-16-82	TEL CONF W/ PROS	op .25
6-17-82	REV. OF CASE FILE	op 1.0

I hereby affirm the above is a true and accurate account of the time spent in the preparation of this matter.

CHARLES KEITH WAMPLER

Party Represented

87-CR-764

Case No.

JOHN W. KESSLER

Judge

5-17-82

Date Assigned

Robert A. Foster

Signature of Counsel

8-27-82

Date

**APPLICATION, ENTRY AND CERTIFICATION
FOR ASSIGNED COUNSEL FEES**

In the _____ Court of _____ County
STATE OF OHIO,
CITY OF _____,
Plaintiff
vs.
CASE NO. _____
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 Code.

Date of Appointment: _____
Hours Worked: In Court _____ Out of Court _____
Legal Fees: \$ _____
Expenses (if any): \$ _____
Total: \$ _____

DISPOSITION

O. R. C. Charge Section Number and Name:

	Yes	No
a) _____ Pleded Guilty to Indictment	_____	_____
b) _____ Pleded Guilty to Lesser Charge	_____	_____
c) _____ Went to Trial	_____	_____
d) _____ Results _____	_____	_____

OFFENSE CLASSIFICATION (Circle Appropriate Classification For Each Charge)

a)	F1	F2	F3	F4	M1	M2	M3	M4	MM
b)	F1	F2	F3	F4	M1	M2	M3	M4	MM
c)	F1	F2	F3	F4	M1	M2	M3	M4	MM
d)	F1	F2	F3	F4	M1	M2	M3	M4	MM

**DIGENT COUNSEL BILL MUST
RECEIVED WITHIN 30 DAYS
AFTER FINAL DISPOSITION OR
PAYMENT WILL NOT BE MADE**

Signature _____

Name 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 _____ 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.

Judge _____

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 _____

ASSIGNED COUNSEL ITEMIZED STATEMENT

PAGE 2

DATE	ACTIVITY	TOTAL TIME
6-17-82	CONF W/ WITNESSES	OP 3.0
6-19-82	REV. OF DISCOVERY	OP .50
6-21-82	TEL CONF W/ CLIENT'S FATHER	OP .25
6-22-82	CONF W/ PROS & CO-COUNSEL	OP 1.0
	CONF W/ CO-COUNSEL	OP 1.0
	TEL CONF W/ CLIENT'S PARENTS	OP .50
	CONF W/ CLIENT	OP .50
	REV. OF FILE & LETTER TO CO-COUNSEL	OP .50
6-23-82	REV OF PROS' PLEADING & FILE	OP .75
6-24-82	TEL CONF W/ CLIENT'S FATHER	OP .25
6-25-82	TEL CONF W/ CLIENT'S FATHER	OP .25
	TEL CONFERENCES W/ PROS	OP .50
	TEL CONF W/ CO-COUNSEL	OP .25
6-26-82	CONF W/ CO-COUNSEL & CLIENT	OP 1.0
6-28-82	TEL CONF W/ WIT	OP .50
	TEL CONFERENCES W/ CLIENT'S FATHER	OP .50
6-29-82	CONF W/ JUVENILE COURT SEND	OP .75
	CONF W/ PROSECUTORS	OP .50
6-30-82	TEL CONF W/ CLIENT	OP .25
7-1-82	REV. OF CASE FILE & CLIENT'S WIT. LIST	OP .75
7-4-82	REV. OF CASE FILE; LEGAL STUDY	OP 2.0
7-6-82	MOTION HEARING (COURT)	OP 2.0
	CONF W/ JUDGE, PROSECUTORS & CO-COUNSEL	OP 1.5

I hereby affirm the above is a true and accurate account of the time spent in the preparation of this matter.

CHARLES KEITH WHIPPLE

Party Represented

87-CR-764

Case No.

JOHN W. KESSLER

Judge

5-12-82

Date Assigned

Signature of Counsel

Date

[Handwritten Signature]

8-27-82

**APPLICATION, ENTRY AND CERTIFICATION
FOR ASSIGNED COUNSEL FEES**

In the _____ Court of _____ County
STATE OF OHIO,
CITY OF _____, _____
Plaintiff
vs.
CASE NO. _____
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 Code.

Date of Appointment: _____
Hours Worked: In Court _____ Out of Court _____
Legal Fees: \$ _____
Expenses (if any): \$ _____
Total: \$ _____

DISPOSITION

O. R. C. Charge Section Number and Name:	Yes	No
a) _____ Pleded Guilty to Indictment	_____	_____
b) _____ Pleded Guilty to Lesser Charge	_____	_____
c) _____ Went to Trial	_____	_____
d) _____ Results _____	_____	_____

OFFENSE CLASSIFICATION (Circle Appropriate Classification For Each Charge)

a)	F1	F2	F3	F4	M1	M2	M3	M4	MM
b)	F1	F2	F3	F4	M1	M2	M3	M4	MM
c)	F1	F2	F3	F4	M1	M2	M3	M4	MM
d)	F1	F2	F3	F4	M1	M2	M3	M4	MM

**INDIGENT COUNSEL BILL MUST
BE RECEIVED WITHIN 30 DAYS
AFTER FINAL DISPOSITION OR
PAYMENT WILL NOT BE MADE.**

Signature _____

Name 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 _____ 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.

Judge _____

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 _____

ASSIGNED COUNSEL ITEMIZED STATEMENT

PAGE 3

DATE	ACTIVITY	TOTAL TIME
7-6-82	LAW LIBRARY	op .50
	REV. OF PROS DISCOVERY	op .50
	TEL CONF W/ CLIENT'S FATHER	op .25
7-7-82 +		
7-8-82	PREP. MOTION FOR CHANGE OF VENUE	op 2.50
7-9-82	REV OF PROS DISCOVERY	op .50
7-11-82	CONF. W/ CO-COUNSEL, CLIENT & WITNESSES & VISIT TO SCENE	op 7.0
7-12-82	TEL CONF W/ CLIENT'S FATHER	op .25
	TEL CONF W/ CO-COUNSEL	op .25
	TEL CONF W/ PUB. DEF.	op .25
	TEL CONFERENCES W/ JUV. COURT STENO	op .50
7-13-82	PREP OF RULE 16 REQUEST W/ WIT. LIST	op 1.0
	PREP. OF MOTION & ENTRY RE JUV. COURT TRANSCRIPTS	op .50
	TEL CONF W/ CO-COUNSEL	op .25
	TEL CONFERENCES W/ CLIENT	op .50
	CASE FILE REVIEW & TRIAL PREP.	op 9.0
7-14-82	TEL CONF W/ CLIENT'S PARENTS	op .50
	TEL CONF W/ DR. OWENS, COURT PSYCHOLOGIST	op .25
	CASE FILE REVIEW	op .50

I hereby affirm the above is a true and accurate account of the time spent in the preparation of this matter.

CHARLES KEITH WAMPLER

Party Represented

82-CR-764

Case No.

JOHN W. KESSLER

Judge

5-12-82

Date Assigned

Robert J. Porter

Signature of Counsel

8-27-82

Date

**APPLICATION, ENTRY AND CERTIFICATION
FOR ASSIGNED COUNSEL FEES**

In the _____ Court of _____ County
STATE OF OHIO,
CITY OF _____
Plaintiff
vs.
CASE NO. _____
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 Code.

Date of Appointment: _____
Hours Worked: In Court _____ Out of Court _____
Legal Fees: \$ _____
Expenses (if any): \$ _____
Total: \$ _____

DISPOSITION

O. R. C. Charge Section Number and Name:

	Yes	No
a) _____ Pleded Guilty to Indictment	_____	_____
b) _____ Pleded Guilty to Lesser Charge	_____	_____
c) _____ Went to Trial	_____	_____
d) _____ Results _____	_____	_____

OFFENSE CLASSIFICATION (Circle Appropriate Classification For Each Charge)

a)	F1	F2	F3	F4	M1	M2	M3	M4	MM
b)	F1	F2	F3	F4	M1	M2	M3	M4	MM
c)	F1	F2	F3	F4	M1	M2	M3	M4	MM
d)	F1	F2	F3	F4	M1	M2	M3	M4	MM

**INDIGENT COUNSEL BILL MUST
BE RECEIVED WITHIN 30 DAYS
AFTER FINAL DISPOSITION OR
PAYMENT WILL NOT BE MADE**

Signature _____

Name 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 _____ 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.

Judge _____

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 _____

ASSIGNED COUNSEL ITEMIZED STATEMENT

Page 4

DATE	ACTIVITY	TOTAL TIME
7-14-82	CONF w/ CO-COUNSEL; w/ PUB. DEF; w/ PROS; w/ CLIENT; w/ WITNESS	op 3.0
7-16-82	CONF w/ CO-COUNSEL & COURT PSYCHOLOGIST; CONF w/ PROSE- CUTORS & CORONER & CO- COUNSEL	op 4.50
	TEL CONF w/ PROS	op .25
	TEL CONF w/ JUV. COURT STENO	op .25
	TEL CONF w/ CLIENT'S FATHER	op .25
	TEL CONF w/ CO-COUNSEL	op .25
7-17-82	CONF w/ CO-COUNSEL & WITNESSES; CONF w/ PROS	op 6.0
	TRIAL PREP.	op 2.0
7-18-82	CONF w/ CO-COUNSEL; & CLIENT	op 3.0
	TRIAL PREP.	op 7.0
7-19-82	CONF w/ JUDGE, PROSECUTORS & CO-COUNSEL	op .50
	TRIAL (COURT)	op 7.50
	TRIAL PREP	op 3.50
7-20-82	TRIAL (COURT)	op 5.50
	TRIAL PREP	op 3.50
7-21-82	TRIAL (COURT)	op 5.50
	TRIAL PREP	op 3.50
7-22-82	TRIAL (COURT)	op 6.0
	TRIAL PREP	op 3.0

I hereby affirm the above is a true and accurate account of the time spent in the preparation of this matter.

CHARLES KEITH WAMPLER

Party Represented

87-CR-764

Case No.

JOHN W. KESSLER

Judge

5-12-82

Date Assigned

Bruce A. Kessler

Signature of Counsel

8-27-82

Date

**APPLICATION, ENTRY AND CERTIFICATION
FOR ASSIGNED COUNSEL FEES**

In the _____ Court of _____ County
STATE OF OHIO,
CITY OF _____
Plaintiff
vs.
CASE NO. _____
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 Code.

Date of Appointment: _____
Hours Worked: In Court _____ Out of Court _____
Legal Fees: \$ _____
Expenses (if any): \$ _____
Total: \$ _____

DISPOSITION

O. R. C. Charge Section Number and Name:	Yes	No
a) _____ Pleded Guilty to Indictment	_____	_____
b) _____ Pleded Guilty to Lesser Charge	_____	_____
c) _____ Went to Trial	_____	_____
d) _____ Results _____	_____	_____

OFFENSE CLASSIFICATION (Circle Appropriate Classification For Each Charge)

a)	F1	F2	F3	F4	M1	M2	M3	M4	MM
b)	F1	F2	F3	F4	M1	M2	M3	M4	MM
c)	F1	F2	F3	F4	M1	M2	M3	M4	MM
d)	F1	F2	F3	F4	M1	M2	M3	M4	MM

**INDIGENT COUNSEL BILL MUST
BE RECEIVED WITHIN 30 DAYS
AFTER FINAL DISPOSITION OR
PAYMENT WILL NOT BE MADE.**

Signature _____

Name 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 _____ 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.

Judge _____

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 _____

ASSIGNED COUNSEL ITEMIZED STATEMENT

PAGE 5

DATE	ACTIVITY	TOTAL TIME
7-23-82	TRIAL (COURT)	op 6.0
	TRIAL PREP	op 1.0
7-24-82	TRIAL (COURT)	op 5.50
	TRIAL PREP	op 1.0
7-25-82	CONF w/ CO-COUNSEL, WITNESSES & CLIENT	op 6.25
	TRIAL PREP	op 6.0
7-26-82	TRIAL (COURT)	op 6.0
	TRIAL PREP	op 9.50
7-27-82	TRIAL (COURT)	op 4.50
	ALTERNATIVE JURY DELIBERATIONS & VERDICT	op 8.00
7-28-82	CONF w/ CO-COUNSEL & CLIENT	op .75
	TEL CONF w/ CLIENT'S FATHER & CO-COUNSEL	op 1.25
7-29-82	TEL CONF w/ CLIENT'S FATHER	op .25
	TEL CONF w/ CLIENT	op .25
8-4-82	CONF w/ CO-COUNSEL & CLIENT'S FATHER & WITNESSES (UNCLE)	op 1.50
8-8-82	CONF w/ CLIENT & CO-COUNSEL	op .50
8-23-82	CONF w/ CLIENT & CO-COUNSEL	op .50
8-24-82	SENTENCING (COURT)	1.00

I hereby affirm the above is a true and accurate account of the time spent in the preparation of this matter.

CHARLES KEITH WAMPLER

Party Represented

82-CR-764

Case No.

JOHN W. KESSLER

Judge

5-12-82

Date Assigned

Robert A. Foster

Signature of Counsel

8-27-82

Date

**APPLICATION, ENTRY AND CERTIFICATION
FOR ASSIGNED COUNSEL FEES**

In the _____ Court of _____ County
STATE OF OHIO,
CITY OF _____
Plaintiff
vs.
CASE NO. _____
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 Code.

Date of Appointment: _____
Hours Worked: In Court _____ Out of Court _____
Legal Fees: \$ _____
Expenses (if any): \$ _____
Total: \$ _____

DISPOSITION

O. R. C. Charge Section Number and Name:	Yes	No
a) _____ Pleded Guilty to Indictment	_____	_____
b) _____ Pleded Guilty to Lesser Charge	_____	_____
c) _____ Went to Trial	_____	_____
d) _____ Results _____	_____	_____

OFFENSE CLASSIFICATION (Circle Appropriate Classification For Each Charge)

a)	F1	F2	F3	F4	M1	M2	M3	M4	MM
b)	F1	F2	F3	F4	M1	M2	M3	M4	MM
c)	F1	F2	F3	F4	M1	M2	M3	M4	MM
d)	F1	F2	F3	F4	M1	M2	M3	M4	MM

**INDIGENT COUNSEL BILL MUST
BE RECEIVED WITHIN 30 DAYS
AFTER FINAL DISPOSITION OR
PAYMENT WILL NOT BE MADE.**

Signature _____

Name 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 _____ 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.

Judge _____

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 _____

L. JUNIOR NORRIS
CLERK OF COURTS
FILED

STATE OF OHIO
County of Montgomery

82 SEP 2 All: 37

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

CRIMINAL DIVISION

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 offense of abuse of a corpse and a term of not less than life for the offense of aggravated murder. DATE OF ARRIVAL AT COUNTY JAIL: The offense of abduction is to be merged with the rape 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)

135 days total

Date: 09-01-82

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

By: Col. C. E. Turner
Deputy Sheriff

[Signature] Notary Public
In and for Montgomery County, Ohio
My Commission Expires 11-14 1983

SEAL

CC: Montgomery County Common Pleas Court Criminal Clerks Office

INSTITUTION: CCF

TRANSPORT OFFICER: RB

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

STATE OF OHIO

Plaintiff

CASE NO. 82-CR-764

vs

(Judge John Kessler)

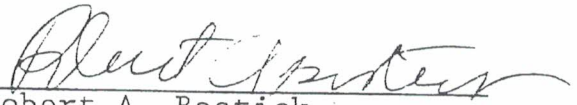
CHARLES KEITH WAMPLER

Defendant

DEFENDANT'S REQUEST FOR
SPECIAL INSTRUCTIONS

Now comes the Defendant, Charles Keith Wampler, through his counsel, and requests the Court, pursuant to Rule 30 of 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 guilt 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 AM: 11

STATE OF OHIO

CASE NO: 82-CR-764

Plaintiff

ORIGINAL: JUDGE

JUDGE

John Kessler

-VS-

Charles K. Wampler

ORDER OF APPOINTMENT

Defendant

It appearing to the Court that Charles K. Wampler
being unable to afford counsel the Court does hereby appoint _____
Robert Bostick to represent (him/~~her~~) in the
above captioned matter.

DATE: May 12, 1982

CHARGE: Agg. Murder (2cts);
Abuse of a Corpse;
Abduction

CPKush
JUDGE

Montgomery County Common Pleas Court

STATE OF OHIO

CASE No. 82-CR-764

AGAINST

CHARLES KEITH WAMPLER

Defendant

VERDICT I

We, the Jury, upon the issues joined
in this case, do find the Defendant, Charles Keith Wampler, GUILTY *
of Aggravated Murder.

* Insert in ink "Guilty" or "Not Guilty"

1 John C. Bloomer

FOREMAN

2 Carolyn Bassford

3 Linda Crook

4 Dee A. Baker

5 Noris N. Harris

6 Marsha Stegmoller

7 Risë C. Davis

8 Thom J. E. L.

9 Sherry J. Neumaier

10 Kimberly Kaye Barker

11 James H. Griffith

12 Bill J. J.

All Jurors concurring in the Verdict

THE STATE OF OHIO

vs.

CHARLES KEITH WAMPLER

ENTRY

No. 82-CR-764

Indictment. Aggravated Murder; Rape; Abuse of a Corpse and Abduction

This day came Robert Head & Dennis Langer Prosecuting 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 Counsel, Robert Bostick &

Wayne Stephan, and this cause coming on to be heard, there came a Jury as follows, to-wit:

1. John C. Bloomstrom
2. Carolyn Basford
3. Linda Enoch
4. Lisa J. Baker
5. Lois N. Haines
6. Diana L. Stegmoller
7. Risa C. Davis
8. Henry J. F. Ebricht
9. Sherry J. Neumaier
10. Kimberly Kaye Barker
11. James H. Griffith
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, 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

We, the Jury, upon the issues joined in this case do find the defendant, Charles Keith Wampler,

Guilty of Aggravated Murder.

/s/ John C. Bloomstrom Foreman.

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

Approved: JOHN W. KESSLER Judge.

Montgomery County Common Pleas Court

STATE OF OHIO

CASE No. 82-CR-764

82 JUL 28 A 10:20

Plaintiff

AGAINST

CHARLES KEITH WAMPLER

Defendant

VERDICT II

We, the Jury, upon the issues joined
in this case, do find the Defendant, Charles Keith Wampler, GUILTY *
of Rape.

* Insert in ink "Guilty" or "Not Guilty"

1 John C. Bloomston

FOREMAN

2 Carolyn Sanford

3 Linda Enoch

4 Lewis J. Baker

5 Lois N. Haines

6 Maria Stegemoller

7 Rube C. Davis

8 Ray H. Elt

9 Sherry J. Neumaier

10 Kimberly Kaye Barker

11 James H. Duffitt

12 William S. Young

All Jurors concurring in the Verdict

82 JUL 28 AIC: 20
Common Pleas Court, Montgomery County, Ohio

THE STATE OF OHIO

vs.

CHARLES KEITH WAMPLER

ENTRY

No. 82-CR-764

Indictment Aggravated Murder; Rape; Abuse
of a Corpse and Abduction

This day came Robert Head and Dennis Langer, Prosecuting Attorney /s
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1. John C. Bloomstrom	7. Risa 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. Lois 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, 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 II

We, the Jury, upon the issues joined in this case do find the defendant, Charles Keith Wampler,
Guilty of Rape.

/s/ John C. Bloomstrom Foreman.

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

Approved 
JOHN W. KESSLER Judge.

Montgomery County Common Pleas Court

STATE OF OHIO

CASE No. 82-CR-764

Plaintiff 128 A: 20

AGAINST

CHARLES KEITH WAMPLER

VERDICT III

Defendant

We, the Jury, upon the issues joined

in this case, do find the Defendant, Charles Keith Wampler, GUILTY *
of Abduction.

* Insert in ink "Guilty" or "Not Guilty"

1 John C. Bloomer

FOREMAN

2 Carolyn Bassford

3 Linda Enoch

4 Ross J. Baker

5 Lois Haines

6 Maria Stegmoller

7 Rose C. Davis

8 Cherry J. Neumaier

9 [Signature]

10 Kimberly Kaye Barker

11 James H. Griffith

12 [Signature]

All Jurors concurring in the Verdict

CLERK OF COURTS
FILED
82 JUL 28 A.M. 10
Common Pleas Court, Montgomery County, Ohio

THE STATE OF OHIO

vs.

CHARLES KEITH WAMPLER

ENTRY

No. 82-CR-764

Indictment Aggravated Murder; Rape; Abuse
of a Corpse and Abduction

This day came Robert Head & Dennis Langer, Prosecuting Attorney/s
on behalf of the State of Ohio, and the defendant, Charles Keith Wampler,
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8. Sherry J. Neumaier

3. Linda Enoch

9. Henry J. F. Ebright

4. Lisa J. Baker

10. Kimberly Kay Barker

5. Lois 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, 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 Keith Wampler,
Guilty of Abduction.

/s/ John C. Bloomstrom Foreman.

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

Approved 
JOHN W. KESSLER Judge.

Montgomery County Common Pleas Court

STATE OF OHIO

CASE No. 82-CR-764

Plaintiff 82 JUL 28 AIO: 20

AGAINST

CHARLES KEITH WAMPLER

VERDICT IV

Defendant

We, the Jury, upon the issues joined

in this case, do find the Defendant, Charles Keith Wampler, GUILTY *
of Abuse of a Corpse.

* Insert in ink "Guilty" or "Not Guilty"

1

John C. Blomster

FOREMAN

2

Carolyn Basford

3

Linda Enock

4

Reese J. Baker

5

Doris H. Haines

6

Thana Stegemoller

7

Robert C. Davis

8

John F. Egan

9

Sherry J. Neumann

10

Kimberly Kaye Barker

11

James H. Griffith

12

Walter J. Long

All Jurors concurring in the Verdict

CLERK OF COURTS
FILED

62 JUL 28 AID: 20

Common Pleas Court, Montgomery County, Ohio

MONTGOMERY COUNTY
CRIMINAL DIVISION

THE STATE OF OHIO

vs.

CHARLES KEITH WAMPLER

ENTRY

No. 82-CR-764

Indictment Aggravated Murder; Rape; Abuse
of a Corpse and Abduction

This day came Robert Head & Dennis Langer, Prosecuting Attorney /s/
on behalf of the State of Ohio, and the defendant, Charles Keith Wampler,
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- | | |
|-----------------------|-------------------------|
| 1. John C. Bloomstrom | 7. Risa 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, 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 IV

We, the Jury, upon the issues joined in this case do find the defendant, Charles Keith Wampler,
Guilty of Abuse of a Corpse.

/s/ John C. Bloomstrom Foreman.

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

Approved  JOHN W. KESSLER Judge.