

A To go over there, do the laundry, visit, and come back home.

Q Did you come back home?

A No.

Q Why not?

A Too tired. I was too tired, and he was too tired to drive. So, we stayed.

Q When you saw Keith at the truck before you left, did you say anything to him about what you were going to do that evening?

A No. He knew where we were going.

Q How did he know?

A Because every Friday we do laundry.

Q Had you seen him on other Friday evenings?

A Oh, yes.

Q Before you would go to your parents?

A Yes.

Q Was there any specific significance about February 6?

A Like what?

Q Was that any day of celebration?

A Yes. It was his birthday. We were getting ready to celebrate for his birthday on Saturday.

Q You are talking about Keith?

A Right.

Q And you expected his birthday on Saturday?

A. Right. I made a cake and took it over to my mom's so I could frost it.

Q. That would have been Friday?

A. Yes.

Q. You took it to your mother's with you?

A. Yes.

Q. Did Keith see that cake?

A. No.

Q. Was that cake a surprise?

A. Yes.

Q. Tell the Jury what type of cake it was?

A. Oh, God. A boob cake.

Q. What kind?

A. A boob cake.

Q. Tell us what it was?

A. It was like -- it was one of the cake pans you make these dolls out of. I made it, and I frosted it a flesh color and put nipples on it.

Q. Who was that cake for?

A. For Keith.

Q. Did he see it Friday night?

A. No, not until Saturday.

Q. When did you give it to him?

A. That night, when we were celebrating his birthday. I said, I got something for you. I set it in a pan on his lap. I

had it covered so he opened it up. He opened it up and looked at it. He said, I don't believe this.

Q Did you do any other preparation for Saturday night and Friday night?

A Well, his dad got some liquor and that for us.

Q You said liquor. Anything in particular?

A Well, the Vodka was for me because I don't drink beer.

Q Did they provide beer, also?

A Oh, yes, we had beer.

Q Gail, I am going to show you what has been marked for identification as Defendant's Exhibit B. How did you happen to come to Court today?

A What do you mean?

Q How did you get here today?

A Car.

Q Who did you come with?

A With John.

Q Did John McGarvey bring anything to Court?

A Yes, this.

Q Did you see him get this bottle this morning?

A What do you mean see him get it?

Q Where did this bottle come from?

A In my house.

Q Is this the bottle of Vodka that was brought over to your apartment on the 6th of February?

A Yes.

Q Excuse me. Your trailer.

A Yes.

Q How do you know that?

A Because it was bought for me.

Q Do you have other bottles of Vodka there?

A Smaller, that I have gotten.

Q Is there something different about the smaller bottle  
of Vodka?

A It is diluted.

Q How is it diluted?

A It is like a twenty proof or something like that; not  
a high proof Vodka. Real cheap.

Q Where did you buy the other one?

A Revco.

Q And you have had that bottle at your trailer for the  
past six months?

A Yes.

Q Did any police officer ever ask you for that bottle?

A No.

Q Did you have any of the Vodka out of that bottle on  
Saturday?

A Yes.

Q Did you have any on Friday?

A Yes.



Q When did you have some on Friday?

A Going to my mom's house. Keith fixed me up a drink.

Q What type of drink did he fix?

A Vodka and grapefruit juice.

Q How did he know to fix that type of drink for you?

A Because that is what I drink. That is what I like.

Q Did you have that drink then Friday night?

A Yes.

Q When was it that Keith gave you that drink?

A Before I left for Mom's house.

Q Between 5:00 and 6:00 sometime?

A Yes.

Q Did you see anything unusual happen to Keith as he was helping you around the truck?

A When he moved this board out of the way, he cut his finger.

Q Do you know how?

A On the board, a sliver of board.

Q Gail, let me ask you about February 6, on Saturday. Did you work that day?

A No.

Q Did you see Keith that morning?

A Yes.

Q Do you recall what time?

A It was around lunchtime.

Q Did you see him for any particular reason?

A No. He just comes over.

Q Did he do that regularly?

A Oh, yes.

Q Did you ever go over to his trailer?

A Yes.

Q Would you go over there unannounced?

A Yes.

Q How would you get in?

A You knock on the door.

Q After you saw Keith Saturday morning at about noon, did you do anything else in the afternoon?

A We went to the movie later on that night.

Q What about the afternoon, did you have an argument that afternoon?

A Yes.

Q Who did you have an argument with?

A With John.

Q As a result of that, did John leave the trailer for awhile?

A Yes.

Q What did you do?

A Well, Keith was there, and he had just come over. We were arguing about something. I don't know what it was. He goes, come on, you guys; stop arguing. This is my birthday, you

know. We don't want you fighting on my birthday. He just wanted everybody to have a good time on his birthday. John had left to cool down for awhile. Then, Keith left. I asked him to leave. I went in and took a shower.

Q Had you been talking with Keith about the plans for the evening of his birthday?

A We weren't really sure what we were going to do; just everyone come over, whoever wanted to come over, and sit around and talk and drink.

Q When you say come over, do you mean to your trailer?

A Yes.

Q Why were you having it at your trailer?

A Because we are usually over there.

Q Was it at your invitation?

A No. We just planned on having it, and having it there.

Q You mentioned that you took a shower after Keith left?

A Yes.

Q What happened next, if anything?

A I got out of the shower. When I was going to the back bedroom, I seen police cars outside. I was looking out the window.

Q Which direction were you looking?

A Toward the field.

Q Gail, how old are you now?

A Twenty-two.

Q What did you see in the field?

A People taking pictures. I didn't know they were taking pictures. I thought they were doing some kind of lab tests or something and they used the field.

Q Gail, did anybody come to your door?

A No.

Q After you saw that activity in the field, what did you do?

A Every now and then I'd look out the window. Then, I had seen Keith and other boys standing around there. I got curious. I knocked on the window. I told Keith to come on in.

Q Did anybody come in with Keith?

A No.

Q Did you know any of the other boys that were around the outside?

A No.

Q Did Keith come in the trailer?

A Yes.

Q What did he tell you?

A I asked him --

MR. HEAD: Objection.

THE WITNESS: What was going on.

THE COURT: I am sorry. Is there an objection.

MR. HEAD: Yes. On hearsay grounds.

THE COURT: We will overrule the objection. You may



answer the question.

THE WITNESS: I asked him to come in. I said, what is going on out there? He said, they found that little Rowell boy out in the field, dead.

BY MR. STEPHAN:

Q Do you know how long he stayed with you then?

A No. Just a couple minutes, I think, because I was going over to his trailer and talk to his dad.

Q Did somebody else come to your trailer then?

A No.

Q Did you call anybody?

A My dad.

Q What did your dad do as a result of the phone call?

A He came over.

Q To your trailer?

A Yes.

Q Did you wait for him?

A Yes.

Q Then, where did you and your father go?

A To the Wampler house.

Q The two of you went over to the trailer?

A Yes.

Q Who was over there when you arrived?

A A lot of people I didn't know. I know the Rowell boy was there and --



Q Which Rowell boy?

A The oldest one.

Q Michael?

A I don't know which one is which. The oldest one.

Q Who was he with?

A He was with a friend of his, and I think there was two other boys there because I know the Rowell boy kept on following Keith around. I asked him who was that boy there. He told me, that is the boy's brother. That was the oldest brother. Then, I thought, what is he doing here? Why isn't he home? Then I watched him after that.

Q Did the Rowell boy ever say anything to you?

A No.

Q Did you see the police talking with Keith?

A Yes.

Q Did they talk with you?

A Yes.

Q Did you make it back to your trailer then?

A Oh, yes.

Q What did you do that evening, Gail?

A Well, after all the police left and all that, Keith come over and we were all sitting around talking about this. John had got home. He didn't know what was going on. My dad left later. Mike and Missy come over.

Q Who is that?

A Mike is John's brother and Missy is his girlfriend.

Q Why did they come over?

A To celebrate Keith's birthday.

Q Did you go someplace?

A To the movie.

Q Who went to the movie?

A Mike, Missy, Me, John, and Keith.

Q What movie did you go to?

A I don't know.

Q Where did you go to the movie?

A Loew's Ames.

Q Is that on North Main Street?

A I don't know where it is at.

Q Is there anything special about the movie?

A No. It was boring.

Q It was boring?

A Yes.

Q Did you have occasion to leave early?

A Yes, we left early.

Q Is that the eighty cent movie?

A Yes.

Q Did you stop anyplace on the way back to the trailer  
after the movie?

A At a Stop-N-Go place.

Q Did anything unusual happen at the Stop-N-Go?

A Yes. We were watching this. There was a boy in there talking to the cashier lady when John went in to buy his beer. When she was ringing John's bill, the boy took cigarettes and took off out of the store. Keith said, did you see that? I said, yes. He said, I better go in and tell. He got out of the car and went up there. He said, I ain't touching nothing, but you just got ripped off. The lady didn't do nothing. She turned around like nothing happened.

Q Did Keith then return to the car?

A Yes.

Q Did you all return to your trailer?

A Yes.

Q When you returned to the trailer, what did you do?

A We had the TV on. We were watching TV and eating a bunch of junk food; sitting around talking and watching TV, I guess.

Q When was it you gave Keith the cake?

A I don't remember.

Q Would it have been before or after the movie, do you know?

A I think it was before.

Q Gail, did you see anybody go to Keith's trailer that evening after you returned from the movie?

A When we got back from the movie?

Q Yes.

A Yes. Policemen went to the trailer.

Q Did you see them out the window?

A Yes.

Q Gail, let me ask you this. Did you get a phone call from the Moraine Police Department between the time that you returned from the trailer (sic) and the time you saw the police arrive -- from the time you returned from the movie and the time the police arrived at the Wampler trailer?

A No.

Q Are you sure of that?

A Positive.

Q Were you in the trailer that period of time?

A Yes.

Q And the phone never rang?

A No.

Q Gail, would Keith help you around the trailer regularly?

A All the time.

Q Did you ever have any trouble with him?

A No.

Q Any problems?

A No, never.

MR. STEPHAN: That's all the questions I have, Your Honor.

THE COURT: Cross examination?

MR. HEAD: Thank you, Your Honor.



CROSS EXAMINATION

BY MR. HEAD:

Q Miss Loftis, where was this Stop-N-Go that you went to?

A It was coming back from the movie. I think it was on the same road.

Q Which would be what road?

A I don't know.

Q Just a Stop-N-Go?

A Yes.

Q You said that Keith told the cashier, I didn't touch anything but I want to point out this boy?

A That you got ripped off.

Q And you were in the car at that time, weren't you?

A Yes.

Q Were the doors open? Is that how you heard him say that?

A No. You could see him.

Q You could see him say those words?

A Well, you could see him from a distance. I asked him when he got in the car, I said, what did you tell her?

Q You didn't hear him say that?

A No.

Q How old is John McGarvey?

A Twenty-two.



Q How far in feet is your trailer from Keith Wampler's trailer?

A It's not far, about five feet, I guess.

Q You said that you had a drink out of this Vodka bottle or a drink of Vodka on Friday before you went to Vandalia to do your laundry?

A Went to Huber Heights.

Q You had a drink of Vodka then?

A Yes.

Q Did you see the bottle at that time?

A No.

Q And you were sitting around having your birthday party with Keith or his birthday party with you on Saturday, and you are all sitting around drinking and eating cake and everything, right?

A No, we didn't eat the cake.

Q You were saving it for posterity or something?

A No. Nobody was hungry for it.

Q Were you drinking your Vodka then?

A No. I think I was drinking it later.

Q So, at your party when Keith got the Vodka for you for that party, you weren't drinking the Vodka?

A I drank it that night.

Q At the party?

A Yes.

Loftis - C & RD

Q When Keith was there?

A Yes.

Q If your boyfriend, John McGarvey, said he got the bottle of Vodka after they took Keith to the Police Station, would he be accurate?

A No, I don't think so.

Q Have you talked to anybody about this case concerning your testimony?

A About what I am saying up here?

Q Yes.

A Yes.

Q Who was that?

A His attorneys.

Q How many times did you talk to them?

A Two, three times.

MR. HEAD: No other questions, Judge.

THE COURT: Redirect?

REDIRECT EXAMINATION

BY MR. STEPHAN:

Q Gail, you have seen Mr. Bostick about this case three times, haven't you?

A I don't know how many times I have seen him about this. I have talked to many people.

Q Have you talked to me on two occasions?

A Yes.

Q What did we ask you to do when you came to Court today?

A Tell the truth.

Q Are you telling the truth?

A Yes, I am.

MR. STEPHAN: That's all.

THE COURT: Recross?

MR. HEAD: No. Thank you, Judge.

THE COURT: You may step down. Ladies and Gentlemen, I think we are in to the luncheon period, so we are going to recess at this time for lunch. During the luncheon recess, I want to remind you in specific about the Court's instructions to you; that is, that you are not to discuss this case among yourselves or to discuss it with anyone else. Do not permit anyone to discuss the case with you or discuss it in your presence. Do not form or express any opinion on the case until it is finally submitted to you. Do not talk to the attorneys, the parties, or the witnesses at anytime. Likewise, these individuals must not talk with you. If anyone should attempt to talk with you or contact you in any way about the case, please report that at your earliest opportunity to the Court's officials that have been identified to you. Do not investigate or attempt to obtain any additional information about this case outside that which is presented to you in the courtroom. If any personal problems arise during the recess period, please again report that to Mr. Findlay or Mrs. Maynard and they will share those matters

with the Court. We will reconvene the trial of this action at approximately 1:30. If you can, make your plans accordingly.

Anything further by Counsel?

MR. HEAD: Not by the State, Judge.

MR. BOSTICK: Nothing. Thank you.

THE COURT: The Court is in recess.

(Whereupon a recess was had.)

(Whereupon Court reconvened.)

THE COURT: Good afternoon, Ladies and Gentlemen. Is Defense ready to proceed?

MR. BOSTICK: We are, Your Honor.

THE COURT: You may proceed.

MR. BOSTICK: Defense will call the Defendant to the stand.

\* \* \* \* \*

WHEREUPON:

CHARLES KEITH WAMPLER

the witness, having been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. BOSTICK:

Q Will you tell us your name for the record?

A Charles Keith Wampler.

Q Keith, over the past few months I have been calling you Keith, is that all right?



A. Yes.

Q. I understand that your uncle, Bob, calls you Charlie?

A. Yes.

Q. I will just call you Keith, okay?

A. Okay.

Q. Did you know David Rowell?

A. Yes, sir.

Q. Did you kill David Rowell?

A. No, sir.

Q. Do you know who did?

A. No, sir.

Q. Did you in any way abuse or mutilate his body?

A. No, sir.

Q. Do you know who did?

A. No, sir.

Q. Were you, Keith, connected in any way with his disappearance and what happened to him?

A. No, sir.

Q. When was the last time that you saw David Rowell alive?

A. Around 5:30 the afternoon of the 5th.

Q. Tell the members of this Jury where you last saw him?

A. Standing on the porch of Jim Shipman.

Q. Jim Shipman's porch is located where?

A. Across the street from mine.

Q. That is in the trailer park out there?



A. Yes, sir.

Q. Keith, has your hair been a longer length than we all see it now?

A. Yes.

Q. How did you use to wear your hair?

A. Feathered back.

Q. Feathered back?

A. Yes.

Q. Like many of the young people do nowadays?

A. Yes.

Q. When did you cut your hair?

A. About four weeks ago.

Q. You are now confined, of course, in the County Jail?

A. Yes.

Q. And you have been for some time?

A. Yes.

Q. Keith, may I show you what has been marked Plaintiff's Exhibit Number 9 or State's Exhibit Number 9? We can use both terms interchangeably in the Courtroom. I will ask if you will hold that for a moment. Can you identify this knife?

A. It looks like my neighbor's, but there is a lot of them that look like that.

Q. Which neighbor are you making reference to?

A. John McGarvey.

Q. He was the young man that testified for us before lunch?

A Yes.

Q When was the last time you saw John's knife?

A I don't remember.

Q Did you ever have John's knife in your possession?

A No.

Q At no time?

A No.

Q Keith, I'm going to hand you what has been marked Defendant's Exhibit A for identification purposes. I will ask if you will hold that for a moment. Have you ever seen this item before?

A I believe so.

Q This is a knife, is it?

A Yes.

Q Tell the members of the Jury where you think you saw Defendant's Exhibit A?

A It was mine at one time, I believe.

Q Keith, when did you first come into possession of the second knife that I showed you?

A Early summer when I lived in Kettering.

Q Of 1981?

A Yes.

Q Tell the members of the Jury what happened to that knife, that is, Defendant's Exhibit A, if you remember?

A I believe I give it to my dad and he got rid of it.

Q We know that your dad didn't care for you to have a knife?

A Right.

Q Had you given your dad other knives that you may have come into contact with?

A Yes.

Q You gave an interview to the Moraine Police Department, did you not?

A Yes.

Q About what time did they come for you on Friday, February 5?

A I think it was about 11:00, but I am not sure.

Q 11:00 A.M. or P.M.?

A P.M.

Q Where were you when the officers came to the trailer court?

A At my next door neighbor's, John McGarvey.

Q His name again?

A John McGarvey.

Q What was going on at that time?

A We was celebrating my birthday, drinking and watching TV and stuff.

Q Which birthday would this be for you?

A My sixteenth.

Q When were you sixteen?

Wampler - D

A. February 6th.

Q Had you planned for that sixteenth birthday very long before it occurred?

A Yes.

Q When was the last time, Keith, that you had had a real birthday?

A The year before.

Q The year before. Had you made the same kind of plans for the fifteenth as you did for this, your sixteenth?

A Not exactly the same.

Q What was different about this birthday?

A Well, I didn't have liquor at my fifteenth birthday. I didn't have no liquor on my fifteenth birthday.

Q Your sixteenth birthday was a birthday of meaning to you?

A Yes.

Q And so, therefore, you were looking forward to it?

A Yes.

Q With whom were you going to celebrate this very special birthday?

A My dad and my next door neighbors, John and Gail, and his brother, John's brother.

Q Had the Moraine Police Department called before they came to your trailer?

A I didn't hear nobody answer any phone call.

Q At that time, Keith, did you have a phone? Did your dad

have a phone in your trailer?

A. No, sir.

Q. The address of that trailer is?

A. 2753 Cozy Lane.

Q. Where was the nearest phone to your trailer?

A. My next door neighbor, John McGarvey's trailer.

Q. Do you know the address of the McGarvey trailer?

A. 2759 Cozy Lane.

Q. You took your calls, you and your dad, over there?

A. Yes.

Q. Any reason why, if you know, your dad didn't have a phone at his place?

A. I don't know.

Q. Do you have one now?

A. Yes.

Q. So, you were saying that there was no word that came over the telephone with respect to the police coming?

A. No.

Q. When did you first know they were there?

A. When John said something about somebody going over to my trailer. I said, let's go outside and see who it was. When I got to the parking lot, Detective Mullins was out there.

Q. Detective Mullins?

A. Yes.

Q. Is he the gentleman who is seated on the other side of



the Assistant Prosecutor here, Mr. Head?

A. Yes.

Q. This Mr. Mullins here?

A. Yes.

Q. What did Mr. Mullins say to you and what did you say to him?

A. He asked me would I come down to the Police Station and answer some questions. I said, yes. Let me go in and get my jacket.

Q. You did not have your jacket on?

A. No.

Q. How were you dressed at that time, a shirt and a pair of pants?

A. Yes.

Q. Was it cold outside?

A. Yes.

Q. This was in February?

A. Yes.

Q. Do you often go outside without your outer clothing on, like a coat or jacket?

A. Yes, if I am just going a short distance.

Q. When you go back and forth to the McGarvey trailer?

A. Yes.

Q. Are there occasions when you go out without a shirt on, just your bare skin top side, is that true?

A. Yes.

Q. For short distances?

A. Yes.

Q. Was Detective Mullins by himself?

A. I don't remember.

Q. To your knowledge, was anything said to your father about where you were going?

A. Not except by me. I said I was going down to answer some questions.

Q. Did the officer say anything to your father?

A. No, sir.

Q. Where was your father at this time?

A. Sitting in John McGarvey's trailer.

Q. Where you had been?

A. Yes.

Q. You went into your trailer, you got your jacket, and you went with the officers?

A. No. I went into John's trailer. I had it over to John's house. We just come back from the movie.

Q. Let's back up a moment if we can, Keith. You had just returned from the movie?

A. Yes.

Q. Where did you go to the movie?

A. At Loew's Ames.

Q. With whom did you go?

A John McGarvey, Gail Loftis, and John's brother, Mike and Mike's girlfriend.

Q Was this a part of your Saturday evening birthday activities?

A Yes.

Q Did you stay for the full movie?

A No.

Q Any reason why not?

A It wasn't any good.

Q When you left the Loew's Ames Movie Theater, did you come directly back to the trailer park?

A No. We stopped at a Stop-N-Go so John could pick something up.

Q Do you recall what took place at that Stop-N-Go?

A Yes. There was some guy in there talking to the lady at the counter. At the same time, he was sticking cigarettes in his pocket, while he was talking to her. I was sitting in the car. I went in and I told her right there in front of her face she just got ripped off. She was staring at him at the same time. She said, thank you. I went back to the car. We all came back to John's trailer.

Q How long had you been back to John's trailer before the officers arrived?

A Probably around an hour.

Q Where did the officers take you?

A The Moraine Police Department.

Q Where at the Moraine Police Department?

A In a room. I don't know what it was called, but it was a room.

Q It has been described in these proceedings this week, that room?

A Yes.

Q Is your recollection pretty much the same as the way the room has been described this week?

A Yes.

Q A conference room?

A It could have been a conference room.

Q With a conference table?

A Yes.

Q Overhead lights similar to what we have here?

A Yes.

Q In that room, Keith, I will ask you whether or not you answered each and every question that the officers asked you?

A Yes.

Q In that room, were there more than one officer who asked you these questions?

A Yes.

Q How many?

A Two that asked me questions, Detective Mullins and Sergeant Wynne.



Q The last name?

A Sergeant Wynne.

Q Keep your voice up. I want everyone on this Jury to hear everything you have got to say.

A Okay.

Q The questioning started about 11:19, according to the tape?

A Yes.

Q Is that your recollection?

A Yes.

Q You weren't wearing a watch that day?

A No, but I think I took a glance at the clock before I came in. I think that is about right.

Q And we have heard in this courtroom this week your voice come out over that tape recorder. You heard that, didn't you?

A Yes.

Q And you answered all the questions that the officers asked you?

A Yes.

Q And did you truthfully answer all their questions?

A Yes.

Q About the beginning of the tape there was a discussion about you being in school?

A Yes.

Q And you indicated, and I am not quoting you, we have all heard it, that you were attending school in Waynesville?

A Yes.

Q Was that an accurate statement?

A No.

Q And you indicated to the officers that you had just quit school that day?

A Yes.

Q Do you remember that?

A Yes.

Q Was that an accurate statement?

A No.

Q When was the last time that you attended school anywhere before that evening?

A About eleven months before that evening.

Q Where had you spent your last classroom hours?

A Waynesville.

Q Ohio?

A Yes.

Q Will you tell the members of this Jury, when asked about the school, and I don't think that the officers brought it up, you did, that you indicated to the officers that you were going to school in Waynesville?

A Yes.

Q Do you understand the question?

A. No.

Q. Tell us why you told the officers that you were attending school in Waynesville?

A. Because I was afraid I'd get in trouble for truancy.

Q. Truancy?

A. Yes.

Q. You knew you weren't in school and that your questioning might lead to the fact that you weren't in school?

A. Yes.

Q. So, the statements that you made about school were inaccurate, is that true?

A. Yes.

Q. Anything else about your statement that went on from 11:19, with certain breaks, up to 1:31 that was not accurate?

A. No, sir.

Q. Do you know what the term accurate means?

A. The truth.

Q. All right. I will ask you whether or not you had given a statement to Detective Mullins before you went to the Police Station with him?

A. Yes.

Q. That was early on in the afternoon?

A. Yes, sir.

Q. And did you answer in that car, as we have heard, the police cruiser, all the questions that Detective Mullins asked you?

A. Yes, sir.

Q. And then he gave you a piece of paper?

A. Yes.

Q. And I suppose a pen or pencil?

A. Yes.

Q. And you wrote out what he had asked?

A. Yes.

Q. Do you know, Keith, why, after having given a statement early on in that afternoon, they took you downtown, as it were, that evening, they took you to the Police Station?

A. I figured it was just to ask me statements about my statement.

Q. We learned the other day that your statement was terminated about 1:31 A.M. You heard that on the tape being spoken by Detective Mullins?

A. Yes.

Q. Is that about the time, as far as you know, that tape recorder was shut off for the last time?

A. I am not sure. Not that I recall, there wasn't no clock, so I couldn't tell you.

Q. You mentioned earlier you had glanced at a clock and that is how you knew it was 11:19?

A. That was before I left the house.

Q. But in the room where you were finally answering these questions, there was no clock?



Wampler - D

A. Not that I know of.

Q. Keith, did you remain at that conference table in that room after the tape recorder was turned off at 1:31 A.M.?

A. Yes, sir.

Q. How long did you remain in that room?

A. To my best guess, it would be over an hour.

Q. What took place in that room for the period of time, about an hour after the tape recorder was turned off?

A. They asked me some more questions. Then they left the conference room and come back and got me later and took me back to a cell.

Q. Keith, do you have any reason, do you know of any reason why the tape recorder was turned off at 1:31 and you were allowed to remain in that room and were asked more questions by the police officers?

A. No.

Q. I will ask you whether or not they were more questions like the ones they asked you when the tape recorder was on?

A. Yes.

Q. Were your answers the same?

A. Yes.

Q. Are you sure about that?

A. Yes.

Q. Of course, we will never know. Did you hear Detective Mullins say earlier on in this trial that you asked for a lawyer?

A Yes.

Q Did you ask for a lawyer at anytime that the tape recorder was being played and we heard here in the courtroom?

A No, sir.

Q May I assume the lawyer was asked for after it was turned off?

A Yes, sir.

Q Do you know of any reason why the tape recorder was not turned back on during that conversation?

A No, sir.

Q You did make a call to your friends, John McGarvey and Gail Loftis, did you not?

A Yes.

Q About what time?

A I couldn't tell you.

Q Was it after your interview with the officers was completed?

A Yes.

Q In the early morning hours of Sunday?

A Yes.

Q Did you dial the phone?

A Yes.

Q Do you know to whom you spoke on the other end?

A I don't remember.

Q What did you say, do you recall?

A I just asked them, I said to get me a lawyer because they was asking me a bunch of questions and trying to get me for this. I said for them to get me a lawyer.

Q At the time that you called your good friends and suggested that they get a lawyer for you, had you answered all the questions put to you by the Moraine Police Department, these two officers?

A Yes.

Q It didn't appear on the tape, but let me ask you, was there ever a time during which we are discussing that one of the officers accused you of this horrible crime?

A Yes.

Q Which officer?

A Detective Mullins.

Q And this accusation was made when the tape recorder was off?

A I believe so.

Q We didn't hear it?

A No.

Q In this room this week. I will ask you whether or not you did not indicate to Detective Mullins that you had nothing to do with this?

A Say that again.

Q Did you indicate to Detective Mullins when he accused you of having something to do with this terrible crime that you had

nothing to do with it?

A I told him it was his opinion.

Q Had you denied it before he asked you that question?

A Yes.

Q The same as you told us this morning?

A Yes.

Q Did he ask you again or accuse you again?

A No.

Q Did you ever threaten David or Keith (sic) Rowell?

A No, not me. I told him one time, the day I asked him about them traps, I said that John, just to scare them away from the trap, I said John had a gun. If he caught anybody out there, he was going to shoot them.

Q You were present during the incident that John McGarvey described so vividly for us this morning about the nunchakues?

A Yes.

Q Were you there at that time?

A Yes.

Q Is that the occasion of which you are speaking now?

A Yes.

Q Did you have anything to do with those nunchakues?

A Just I held the stick while he broke it.

Q I will ask you whether or not on that occasion there was a demonstration of sorts going on?

A Like breaking cigarettes.



Q With the nunchakues?

A He broke the sticks with the nunchakues. We were breaking cigarettes with the piece of leather.

Q How much time did you spend over at Gail and John's from the time that you moved into that trailer court until February 5?

A Probably like -- I really couldn't tell you. Probably as much time as I spent at my house.

Q You were living with your dad at that time?

A Yes.

Q And your mom stayed where?

A In Waynesville.

Q Would you travel back and forth with your dad to Waynesville?

A Yes.

Q On a weekly basis?

A Yes.

Q Usually when your dad went to Waynesville, I will ask you were you with him?

A Most of the times.

Q When you weren't with him, where would you be?

A Most likely over at John's house.

Q On February 5, 1982, did you know that your dad would not be coming back?

A No.

Q He usually came back?

A Yes.

Q Do you often take the TV into your dad's bedroom where the electric blanket is during those wintry days and go to sleep?

A Yes, when I am tired and he is not home or if he is not going to bed for awhile, I will.

Q When he is not home and when he is home sometimes you do?

A Yes.

Q Did you do this on this evening of February 5?

A Yes.

Q What time did you wake up the next day, Keith?

A I don't know.

Q Was it daylight out?

A Yes.

Q I will ask you whether or not it was before or after 12:00 noon?

A I believe it was after.

Q Had anyone come to your trailer to your knowledge from the time that you last laid down and went to sleep until you woke up the following day on Saturday?

A Not that I know of.

Q What did you do after you got up on Saturday?

A Got up and made me some breakfast and ate. Then I walked over to James Combs' house to see if he was allowed out.

Q What did you have for breakfast?

A I am not sure. I think it was scrambled eggs.

Q Then you went to James Combs' house?

A Yes.

Q For what purpose?

A Just to see if he was allowed out.

Q To see if he was allowed out?

A Yes.

Q Why would he not be allowed out?

A A lot of times his mom and dad, he will be sitting there getting ready to go out of the house and they will say, no, you can't go out. You got to stay here and do something.

Q Did he come out of the house that day, on Saturday?

A No.

Q What did you do?

A I stayed there for about five or ten minutes. He said he had to go to somebody's birthday party. I went back over to my house.

Q When you went back to your house, did you find anyone there?

A Yes. My dad and John and Gail was all home.

Q Your dad was at your home?

A Yes.

Q You mentioned John and Gail. Where were they?

A They was at their house.

Q Did you go then to your house or the house of John and Gail?

A I don't remember which one I went to first.

Q In any event, did you people that you have described and mentioned get together shortly thereafter at one or the other's home?

A Not for awhile, you know. I went there a couple times, but we didn't get together for the party or nothing until a little while later.

Q I will ask you whether or not anything unusual happened at or about the trailer park there after you got back from James Combs' place?

A Well, after I was getting ready to get up and take the bottle of Vodka to Gail's house, when I opened up the back door, there was a bunch of policemen all around the back of the field and everything. I backed up, put the bottle down on the counter, went back out. Mike Rowell was out there. I started talking to him and asked him what was going on.

Q You say you took the bottle of Vodka and put it back inside the house. Do you recall where you put it?

A On the counter by the refrigerator.

Q Keith, this has been marked as Defendant's Exhibit B. I will ask you if that looks -- first of all, what is that as you see it?

A Eighty proof Vodka.



Q Do you know whether or not you have ever seen that bottle of eighty proof Vodka before?

A I don't know whether it was that bottle, but it is a bottle just like the one I am talking about.

Q The birthday Vodka?

A Yes.

Q How about the bottle of Vodka that you stepped back in with after you saw the field with police officers and put on the table, did it look like that bottle?

A Yes.

Q You mentioned Michael Rowell. Where did you see him?

A He was standing by the tree in my front yard, the yard facing the field.

Q What?

A He was standing by the tree in my yard, front yard of the trailer.

Q The front yard of your trailer would be on the field side or on the driveway side?

A On the field side.

Q How many trees do you have out there?

A Just one.

Q The Rowell boy was standing next to the tree?

A Yes.

Q What did you do?

A I just went out there and asked him what was going on.

He said his brother was out there in the field. I asked him what happened. He said his brother had been cut up. I asked him who did it. He said he didn't know. Then a police officer come up and started talking to us.

Q Keith, was this the first time that you had ever heard about what had happened to little David?

A Yes.

Q When Michael Rowell told you?

A Yes.

Q That he was out in the field?

A Yes.

Q And he had been all cut up?

A Yes, sir.

Q Were there others of the trailer home, people out in that area?

A I think there was a few people walking around from the trailer park, but I didn't recognize anybody from the trailer park in my yard.

Q Let me ask you this. With the appearance of so many police cruisers and officers and activity, did people come out to see what was going on?

A Yes.

Q A lot of people?

A There was quite a few.

Q All right. After this conversation with the Rowell boy,

the older Rowell boy, what if anything did you do?

A I went -- Gail knocked on the window and motioned for me to come over. I went over there and told her what he had told me, and then went back over to the house, over at my house. A little while later, I talked to Detective Mullins. I told him about what had happened with me that night, everything that I did that night. Then he came in the house for a little while and we talked. Then we went out to his car and talked. Then he gives me a paper and told me to go in the house and fill out a statement.

Q You told us about that. During this activity that you have told us about, was the Rowell boy near you? Where was he in relation to you and the officer?

A He was sitting in my house on the couch.

Q You went into the house, and the Rowell boy went in?

A Yes, sir.

Q Did you go someplace else and the Rowell boy followed you?

A I don't remember.

Q Let me ask you this. Was there anything that the Rowell boy said to you that you were to do or not to do with respect to the police?

A Yes. When we got to talking, I told him about Mike Johnson and Ted Ritchie and all of them coming over there and being drunk. He told me not to tell them. He told me not to tell the police about it.

Q Did he say why?

A No.

Q Do you know why?

A No.

Q Were you planning to tell the police anyway?

A Yes.

Q And you did, didn't you?

A Yes.

Q No reason not to tell the police?

A Right.

Q Were the officers asking for statements from other people other than yourself?

A I don't know.

Q This is at the time that you were inside your house writing on the paper?

A Yes.

Q Keith, you didn't attend school, you have told us. How did you spend your days when you were there in the trailer park from the time up until February 5?

A For the first little while I lived there, maybe a couple weeks, I mostly just stayed in the trailer all day unless I had to go to the store and get cigarettes or something. After I met John, I'd get up about 5:30 in the morning and go to the Union Hall with him and help him around the house all day. If he needed help, I'd help him with it. He'd do the same with me. If I needed help,



work on the car, he'd give me help.

Q Would you get paid for this help that you did?

A No.

Q Would you help with his automobile?

A Yes.

Q Do you know about automobiles?

A A little bit.

Q Like what?

A How to change the oil. We took the cam shaft out and changed the cam shaft. Mostly, my dad supervised it. I was taking what he told me off.

Q What you learned, you learned from your dad with respect to those vehicles?

A Yes.

Q What else did you help John and Gail with?

A During Christmastime, I helped him build a few things for his relatives and helped him unthaw his pipes and realigning the door for his office; just little things around the house like that.

Q Would you go to the rabbit traps with him?

A Yes.

Q How about the snowmobile, did you help fix that, too?

A Yes.

Q Whose snowmobile was it?

A John's.

Q Did you ever drive that snowmobile?

A Yes.

Q With John's permission?

A Yes.

Q Keith, there has been a strap mentioned in these proceedings. It is somewhere down on the floor. I won't take the time to look for it. You know what strap we are talking about?

A Yes.

Q Tell the members of the Jury where you got that strap.

A Out in the shed when I was cleaning out the shed. It was a dog leash, but the end had been chewed off it.

Q I can't hear you, son.

A I got it out of the shed when I was cleaning out the shed. It was a dog leash, but the end had been chewed off it.

Q What would you do with that little thin dog leash?

A I just made a handle on it and put it in the house. I didn't use it for anything except the day they came over and we were breaking cigarettes with it.

Q You would snap the end of the cigarette?

A Yes.

Q Tell us about that. How did that work?

A You crack it and break a cigarette with it.

Q Where did you ever see that done?

A Just like on TV.

Q You and the other fellows watched TV, did you, quite a bit?

Wampler - D

A Yes.

Q Who would you be snapping?

A Me and Mike.

Q Mike who?

A Mike Rowell.

Q Who would do the holding?

A Me, Mike Rowell, and David Rowell.

Q When I say holding, what was being held?

A Cigarettes.

Q And you would try and snap the end off?

A Yes.

Q Did you do anything else with that dog strap?

A No.

Q Are you sure about that?

A I'm positive.

Q There has been a lot of talk this week about that dog strap, and you heard it. Did you ever strike any of these other fellows with that long strap?

A No.

Q Are you sure about that?

A I am positive.

Q The officers asked you about certain items when you were over there at the Moraine Police Department. Do you remember that?

A Yes.

Q As a matter of fact, I think the tape reveals they asked

three or four times about those items. Remember that?

A Yes.

Q Have you any idea why they kept asking you over and over again about those items?

A I assume they were trying to find out was they mine.

Q You gave them the same answer each time?

A Yes, sir.

Q Truthful answers?

A Yes.

Q If they asked you today, would they be the same answers?

A Yes.

Q Did you identify any of the towels that they showed you?

A No.

Q When was the last time that you bought a wash cloth and a towel?

A Never that I can remember.

Q You never bought one, right?

A No.

Q Like so many young people, you just reach and there it is?

A Yes.

Q That is what you did in your trailer; you just reached someplace and there was the towel?

A Yes.

Q And wash cloth?

A Yes.



Q And you used them, didn't you?

A Yes.

Q And then the officers kept asking you about the knife?

A Yes.

Q Did you know what they were talking about?

A They just kept asking me did I have a knife. I said, I used to but that I had gotten rid of it.

Q And your testimony with the officers went along the same line as your testimony with the members of the Jury today, didn't it?

A Yes.

Q About those knives?

A Yes.

Q Did they ever ask you about the Vodka?

A No.

Q When you first went into the Moraine Police Department to that conference room with lights like the courtroom here, did the officers say anything about your wearing apparel, what you had on?

A They asked me to take my boots and hat off and put them on the floor by the door.

Q Take your boots off and your hat off and put them on the floor near the door?

A Yes.

Q Did you ask them why?

Wampler - D

A. No. I just did what they said, took them off.

Q. You just did what they said. As a matter of fact, throughout that entire interview until 3:00 o'clock in the morning, you did what the officers said?

A. Yes.

Q. Was your dad ever in that room?

A. No.

Q. Detective Mullins told us from the witness stand where you are now about that statement that he read to you. Remember that?

A. Which statement?

Q. Your Rights Statement?

A. Yes.

Q. And he read it to you, too, didn't he?

A. Yes.

Q. Did he read it right away, as soon as you got to the Police Station?

A. No.

Q. Do you remember how much longer into the evening it took before he brought out that statement and read it to you?

A. Not exactly.

Q. Well, why don't you give us a guesstimate?

A. Probably about an hour or a little longer than an hour.

Q. You weren't looking at a watch?

A. Right.