

THE COURT: You are welcome.

BY MR. BOSTICK:

Q The Prosecutor called to your attention and to our attention the fact that in the same interview you changed and said that you did remember going back to Keith's trailer?

A Yes.

Q And the Prosecutor said that you did that in the same interview. Remember him saying that?

A Yes.

Q And you readily agreed with him, didn't you?

A Yes.

Q Do you know what that means, to readily agree with somebody?

A Yes.

Q All right. Michael, you didn't say that in the same interview, did you?

A Yes.

Q Are you sure about that?

A Yes.

Q Well, let me read from the same transcript the Prosecutor read from. The officer, William Mullins says -- well, let's go up further. They are asking you, what do you mean you don't know? You say, I can't remember but I don't think I went back. Officer Wynne said, why don't we take a break right now. He needs to talk to you. Remember that was said to you?

A Yes.

Q Say yes or no, Son.

A Yes.

Q And then Detective Mullins, who is seated here as the State's Representative, said into the tape recorder, time is 11:19 A.M. and we are going to shut the tape off and talk with -- and he mentioned a person's name -- for a minute in reference to another matter. You may or you may not have heard that. I won't ask you about that because it wouldn't be fair. This interview was February 8, 1982. Remember that?

A Yes.

Q And then you are pretty good at times, so I will ask you whether or not it started about 10:40 A.M. or 10:30?

A I think so.

Q In the morning?

A Yes.

Q So, Detective Mullins is turning the tape off at 11:19 and then words are spoken by Detective Mullins with you being present, and I'll ask you whether or not you remember this. We are still on February 8 and the time is 4:09 P.M. Since the last time we stopped the interview, Mike has been given something to eat, he has met with his father and his mother, and talked with several other people here about this incident, and before we start again, do you feel okay now? Do you remember that going on?

A Yes.

Q So, it wasn't in the same interview, was it, as the Prosecutor mentioned?

A As a whole, it was.

Q As a whole, it was. It was some four hours later?

A Yes.

Q After you had met with your father, your mother, and talked to several other people?

A Yes.

Q All that is true, isn't it?

A Yes.

Q And then you remembered that you had been to Keith's house at 7:30 or so that evening?

A I guess.

Q You guess.

MR. BOSTICK: No further questions, Your Honor.

THE COURT: Very well.

MR. LANGER: No other questions.

THE COURT: You may step down, sir. Ladies and gentlemen, perhaps this would be a convenient time for the morning recess. We will take about a twenty minute or thereabout recess. Rather than go through the usual admonition, I trust that you remember all the details of that and that you will abide by the same during the recess period. We will resume at approximately twenty minutes till the hour.

(Whereupon a recess was had.)



(Whereupon the following was had in Chambers:)

MR. LANGER: My Motion is that I renew our Motion relating to the proposed testimony of Andrew Choate and Scott Lombardo on the grounds that Mr. Bostick, on cross examination, has opened this area by delving into whether or not Keith talked about girls, establishing an interest generally in girls and, therefore, he wouldn't be interested in any sexual way in the decedent, David Rowell.

THE COURT: The Court will overrule the Motion at this time, again, and I am sure Counsel understands that the original ruling of the Court was directed to evidence in the State's case in chief. Certainly if the Defendant's character and habits would become a matter of proof offered by the Defense or put in issue by the Defense, then perhaps the Court would permit this testimony under those circumstances. Overruled at this time.

MR. HEAD: Judge, we will renew our objection and ask the Court to strike the testimony of both Mr. Rowell and Mike Rowell vis-a-vis the threatening phone calls for the reasons stated. I think I stated it yesterday. There is a remoteness in the time issue here. The last call made was sometime between eight months and a year prior to the killing of David Rowell. It happened at New Carlisle. There was another incident that didn't have anything to do with the threatening phone calls at least from what I can garner from cross examination of Mike Rowell today. That happened in the trailer park, but that was not related to these phone calls.



Once again we ask the Court to exclude that testimony and admonish the Jurors accordingly.

THE COURT: I think the facts of the time on the threatening calls, the nature of, and precautions are in front of the Jury and they can handle and give whatever weight the testimony deserves in their minds. I think the matter is a question of the weight to be assigned to it as admissibility. Therefore, that Motion is overruled.

MR. STEPHAN: We will waive the Defendant's presence in this hearing.

(Whereupon Court Reconvened.)

THE COURT: You may proceed.

MR. LANGER: The State calls David Miller to the stand.

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WHEREUPON:

DAVID MILLER

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

DIRECT EXAMINATION

BY MR. LANGER:

Q Your name is David Miller, is it not?

A That is correct.

Q What is your occupation, please?

A I am the Director of Parks and Recreation for the City  
of Moraine.

Q In that position, do you have supervisory authority over  
the Moraine Civic Center?

A That is correct.

Q What is the Moraine Civic Center?

A That is a recreational center located on eighteen acres  
at the end of Kreitzer Road.

Q What activities or facilities are available for teenagers  
there at the Civic Center?

A We have classrooms for athletic classes, arts and crafts  
classes, a game room that is open seven days a week which the youths  
can visit. We have special events on Friday nights, dances and  
movies and such.

Q Did you know David Rowell?

A Yes.

Q How often would David Rowell come into the Civic Center?

A He was a quite frequent patron; three or four times a week at least.

Q How about particularly on Friday nights? How often would he come on Friday nights?

A He was there basically about every Friday night for special events.

Q Do you remember the day that the body of David Rowell was recovered from the field across from the trailer?

A Yes.

Q On that day, did you have occasion to think to the night before, Friday night, and attempt to recall whether or not you had seen David at the Civic Center?

A Yes, I did.

Q What was your recollection on Saturday as to whether or not he had been there Friday?

A My recollection was he was not there at all Friday night.

Q You were there Friday yourself?

A That is correct.

Q What was going on Friday night there at the Civic Center?

A We had a featured length movie, Benji, from 7:30 to 9:30.

Q Did you keep your eyes on every kid who came in and came



out that night?

A Not every kid, but the way our set-up is at the Civic Center when the movies start or special events on Friday, we lock the front doors. It is a way of monitoring who comes in and who leaves. From 7:30 on, whoever came into the facility had to knock on the door. Then our supervisor at the front desk would have to let them in, let the person in, or I would because my responsibilities that night was to monitor the front hallway and room over the movie so we knew who came in and who left.

Q What movie was played that night?

A Benji.

Q Do you charge the kids who come in?

A No. It is free admission.

MR. LANGER: No other questions.

THE COURT: Cross examination?

CROSS EXAMINATION

BY MR. STEPHAN:

Q Sir, could I ask your name once more?

A Dave Miller.

Q Did you know David's older brother?

A Yes.

Q Did you know that they were constant companions?

A Yes.

Q Did you see the older brother that evening?

A Yes, I did.

Q Apparently David, the younger boy, was not with him?

A That is correct.

Q Did that strike you as unusual?

A Yes. At that time, yes, because we had received a couple phone calls at the Center during the course of the movie to find out where David was.

Q Who originated the phone call?

A I believe that was his mother.

Q Did you have any conversation with the older Rowell boy about David's whereabouts at the Civic Center?

A No. I said hi to him. I saw him on his way out.

Q He didn't take it upon himself to ask where his younger brother was or whether you had seen him?

A Not of me personally.

Q Can you give the Jury an estimation of how many young people might attend one of those movies on Friday night?

A On our attendance log we had 160 there that night.

Q Do the children sign in?

A No.

Q When you say attendance log, it is just a head count?

A Yes.

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

Thank you.

THE COURT: Redirect?

MR. LANGER: No, Your Honor.

THE COURT: You may step down, sir. Thank you.

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WHEREUPON:

PEGGY BOND

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

DIRECT EXAMINATION

BY MR. LANGER:

Q Please state your name?

A Peggy Bond.

Q Is it Mrs. Bond?

A Yes.

Q Mrs. Bond, are you employed at the Moraine Civic Center?

A Yes, I am.

Q What is your capacity at the Moraine Civic Center?

A Supervisor.

Q Do you recall being on duty at the Moraine Civic Center the night before the body of David Rowell was recovered?

A Right, I do.

Q What night of the week was that?

A It was a Friday night.

Q What time did you come on duty there?

A 5:00.

Q What were your responsibilities that night?

A To supervise the children in the commons where we show the movies.

Q Did you know David Rowell?

A Yes, I did.

Q How often would David Rowell come into the Civic Center?

A Probably three or four times a week.

Q How about particularly on a Friday night?

A No, sir. Generally, he was there for our movies or dances.

Q Did you see him that night in the Civic Center?

A No, I did not.

MR. LANGER: No other questions.

THE COURT: Very well. Cross examination?

MR. STEPHAN: No questions, Your Honor.

THE COURT: Very well. You may step down. Thank you.

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WHEREUPON:

MARTHA SMITH

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

DIRECT EXAMINATION

BY MR. LANGER:

Q Would you state your name, please?

A Martha Smith.

Q Is it Mrs. Smith?

A Yes, sir.

Q You are employed, also, are you not, at the Moraine Civic Center?

A Yes, sir.

Q Were you employed there on Friday, February 5, of this year?

A Yes, sir.

Q What was your position there?

A I am a desk supervisor.

Q Did you know David Rowell?

A Yes, sir.

Q How long have you worked at the Civic Center?

A Since it opened in '76.

Q How often would, in your experience, David Rowell come to the Civic Center during a week?

A Three or four times.



Q Particularly on Friday nights?

A Yes, sir.

Q Would he come just about every Friday night?

A Yes, sir.

Q Do you recall the day that his body was recovered from the field the next day?

A Yes, sir.

Q Did you think back to the previous night and try to recall whether or not you had seen him at the Civic Center?

A No, sir, I did not see him.

Q He was not there?

A No, sir.

Q Did you receive any calls relating to David Rowell that night?

A Yes, sir.

Q From whom?

A His mother.

Q You can't tell us what she said to you, but what did you say to her?

A That David wasn't there.

MR. LANGER: No other questions.

THE COURT: Cross examination?

MR. STEPHAN: No questions, Your Honor.

THE COURT: You may step down, Ma'am. Thank you.

(Whereupon State's Exhibit Number 9 was marked for identification.)

WHEREUPON:JAMES MATTHEW SHIPMAN

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

DIRECT EXAMINATIONBY MR. HEAD:

Q Tell the Jury your full name?

A James Matthew Shipman.

Q You will have to speak up. How old are you, Jimmy?

A I am sixteen.

Q Where do you live now?

A Piqua, Ohio.

Q How long have you lived up there?

A About a couple months.

Q Where did you live back in February of '82, this year?

A Moraine.

Q Did you live in that trailer park?

A Yes, I did.

Q What is the name of that trailer park?

A Gem City Estates.

Q Do you know or can you tell us your address back in February at the trailer park?

A I don't remember.

Q What was the color of your trailer?

A Brown and white, I think. I don't remember.

Q The one that has Fairmont on it? Do you remember that?

A I don't know if that was the name of it or not.

Q Do you remember the day that the police or Mr. Rowell found his son's body out there in the field?

A Yes, I do.

Q That was on a Saturday, was it not?

A Yes, it was.

Q Let me take you back to the day before, Friday, along about 5:00 or 5:30 or thereabouts. Were you at home at that time?

A Yes, I was.

Q By the way, do you know Keith Wampler?

A Yes.

Q I will have you look around the courtroom and see if you can see him?

A Right over there (indicating).

Q What is he wearing?

A A blue shirt.

MR. HEAD: May the record reflect, Your Honor, the witness has identified the Defendant?

THE COURT: The record may so indicate.

BY MR. HEAD:

Q How do you know Keith Wampler?

A I met him when I was living in Moraine.

Q Was he a neighbor of yours?

A Yes.



Q Did you see him about 5:30 or so on Friday evening?

A Yes, I did.

Q Where did you see him and what was he doing?

A He was running toward his trailer without a shirt.

Q I am sorry?

A He was running toward his trailer, right by my trailer to his trailer, across Cozy Lane.

Q What was he wearing?

A Pants. He wasn't wearing no shirt.

Q He wasn't wearing a shirt?

A No.

Q Did you ask him what he was doing?

A Yes.

Q What did he say?

A He didn't say nothing to me.

Q He kept on going back to his trailer?

A Yes.

Q Did you know David Rowell?

A Yes.

Q About that same time that you saw Keith running toward his trailer, did you see David Rowell?

A Yes, I did.

Q Where did you see him?

A He was on my porch.

Q What was he doing?

A He bummed a cigarette off of me.

Q What did he do after he bummed the cigarette?

A Then he said he was going to get drunk somewhere.

Q Did he then leave?

A Yes.

Q Did you see which way he left?

A I went in the house right after that.

Q Was your brother, Joe, with you at the time?

A Yes.

Q How old is Joe?

A He is seven years old.

Q What did you do after that, after you went back inside?

A Sit down and watched some TV.

Q Did you end up going out later on that evening?

A Yes.

Q Where did you go?

A Over in the trailer park, Gordon's Trailer Park.

Q What did you do over there?

A I seen some people I knew over there.

Q Who were they, do you know?

A A lady named Judy at some guy's trailer, Darrell.

Q Are these people good friends of yours?

A I just met them not too long ago before that.

Q Are they about your age?

A No.

Q Are they older or younger than you?

A Older.

Q How old, do you know?

A I'd say Darrell is around twenty-one, twenty-five, I don't know.

Q How about Judy?

A Late twenties.

Q Were you drinking any beer over there?

A Yes.

Q Who was all over there besides you and Judy? Were you with your brother, Joey?

A Yes, I was.

Q The two of you went there. Who else was all there?

A Mike Johnson, Judy, Ted Ritchie, that's all I can remember.

Q How long did you stay there?

A Where, at Judy's?

Q Yes.

A Just about fifteen minutes or so.

Q Did you have a beer there?

A I had a couple.

Q Where did you go after that?

A Went over to Darrell's trailer.

Q This is the Darrell who was there with Judy?

A Yes. They all went there. They left. We all left Judy's.

Q And how long were you at Darrell's?

A Twenty minutes or so.

Q Did you have anything more to drink over there?

A Yes.

Q Were you smoking any marijuana that night?

A No.

Q Was your little brother, Joey, there drinking?

A No, he wasn't drinking.

Q Did he smoke marijuana?

A No.

Q After Darrell's, where did you go, do you remember?

A The Civic Center.

Q What did you do over there?

A We was going to watch a movie, but we only stayed about a few minutes.

Q Then you left the Civic Center, did you?

A Yes.

Q Where did you go after that?

A Back to Darrell's.

Q Who had all gone to the Civic Center, the whole group or part of the group?

A Just part.

Q Who went to the Civic Center, do you remember?

A Mike Johnson, me, and my brother.

Q You mentioned Ted Ritchie. Did he go with you to the



Civic Center?

A. No. He stayed at Darrell's.

Q. After you left the Civic Center, you went back to Darrell's, did you say?

A. Yes.

Q. How long did you stay there?

A. A few minutes, fifteen minutes.

Q. Did you do another beer?

A. Yes.

Q. About what time is it now?

A. Let's see. Around 8:30, I think.

Q. You left Darrell's, I take it?

A. Yes.

Q. Where did you go?

A. Me, Mike Johnson, Ted Ritchie, and my brother went out walking, and Mike Johnson said let's go over to Keith's. So, we went over to Keith's.

Q. Keith Wampler's?

A. Yes.

Q. What time did you get there, do you recall?

A. I don't know. 9:00, I guess.

Q. Who did you see in the trailer? Was Keith there at the trailer?

A. Yes.

Q. Did you all go in?

A. Yes.

Q Besides the four of you and Keith, was there anybody else in the trailer that you saw?

A. No.

Q Do you know who he was living with there in that trailer at the time?

A. His dad.

Q Was his dad at home?

A. I didn't see him.

Q What did you do when you went to Keith's, when you got inside?

A. I sat down on the couch in the front room.

Q Did you have anything more to drink?

A. Yes, I had one beer.

Q How about anybody else? Was anybody else drinking?

A. Yes.

Q Everybody else?

A. Everybody except my brother.

Q Joey wasn't drinking?

A. No.

Q I will ask you whether or not you had an unfortunate accident with a beer can?

A. Yes, I did.

Q What did you do?

A. I cut my hand.

Q How did you do it?

A I was twisting the beer can.

Q After cutting your hand, what did you do?

A I didn't cut my hand bad, but it was bleeding. I stopped it somehow.

Q Do you remember how?

A No.

Q Would it be fair to say you were under the influence?

A Yes, I was.

MR. BOSTICK: Again, I object to the leading nature of the question. I think peremptorily they are all leading, but it is on and on and on.

THE COURT: We will allow this part. Overruled.

MR. BOSTICK: Thank you.

BY MR. HEAD:

Q After you cut your hand and stopped the bleeding, Jimmy, what did you do?

A Well, I was getting drowsy, sleepy.

Q What did you do?

A I went in Keith's bedroom and laid down for a little while.

Q All right. By the way, what kind of beer were you drinking, do you remember?

A Old Milwaukee Light.

Q You went in and laid down?

A. Yes.

Q. Where?

A. In Keith's bedroom.

Q. Had you been in Keith's trailer before?

A. Yes.

Q. How many times would you say?

A. Two or three.

Q. And when you say Keith's bedroom, what bedroom was that?

A. Down the hall, the first door on the left.

Q. Do you know where the bathroom is in that trailer?

A. Yes. It is the next room down on the left.

Q. The bathroom is the next door down from Keith's bedroom?

A. Yes.

Q. Is there a room down past that?

A. Yes.

Q. Were you in that anytime that night?

A. No.

Q. You laid down in Keith's bedroom?

A. Yes.

Q. How long did you stay there?

A. Fifteen or twenty minutes.

Q. Anybody go back in the bedroom with you?

A. They were at the doorway, talking.



Q What did you do after the fifteen or twenty minute period in that bedroom?

A Well, I got up and I was thinking it was getting late. My mom and dad were probably out looking for me. I decided to go on home.

Q About what time was this?

A I don't know. Around 11:00, I guess.

Q When you got home, were your folks at home?

A No.

Q You live with your folks, I take it, in that trailer?

A Yes.

Q What was your dad doing? Where was he employed at the time?

A He was working for Standard Oil.

Q He ran a gas station?

A Yes.

Q Do you know where the gas station was?

A Germantown.

Q What was your mom doing? Was she employed?

A Save Mart.

Q Do you know what shift she worked?

A I don't remember.

Q Did she work days or nights, do you remember?

A She worked days.

Q After you got home, did you happen to receive a phone

call?

A. Yes.

Q. Who was it that called you?

A. Ellen Purvis.

Q. Who is she?

A. She works at Save Mart.

Q. She works with your mom, does she?

A. Yes. Excuse me. My mom was working for Standard Oil at that time, too.

Q. Okay.

A. But she had worked for Save Mart before.

Q. Okay. After that phone call, what did you do, do you remember?

A. I went to bed, me and my brother.

Q. Your brother went home with you?

A. Yes.

Q. Do you sleep in the same room or separate bedrooms?

A. Same room.

Q. What kind of beds?

A. Bunk beds.

Q. Who has the top?

A. He did.

Q. Do you recall talking to the detective from the Moraine Police Department?

A. Yes.

Q Shortly after they found David's body?

A Yes.

Q Do you remember telling him that you had seen the whole movie, Benji?

A Yes.

Q Were there some things that you told the police officers the first time that you later retracted?

A Yes.

Q I am sorry?

A Yes.

Q You didn't tell them the whole truth the first time?

A No, I didn't.

Q What was the reason for that?

A I was afraid my mom and dad would find out about me being out drinking.

Q Okay. This Ritchie fellow, did you know him before that night?

A Yes.

Q Do you know if he knew David Rowell?

A No, he didn't.

Q Do you know if he knew Keith Wampler?

A That night, Friday night, was the first time he met him.

Q What kind of boy was David Rowell?

A He was all right.

Q Did you get along with him pretty good, did you?

A Yes.

Q Did you ever have the occasion to talk to Keith Wampler about knives?

A He showed me a knife one time.

Q A knife of his?

A Yes.

Q I will hand you what we have marked as State's Exhibit 9 for identification purposes. Would you open that up and tell us what is inside?

A A knife.

Q Could you pull that knife out and open it up?

A (Indicating).

Q Have you seen that knife before?

A It looks like the one Keith showed me.

Q It came encased in a black leather sheath of some kind?

A Yes, it did.

Q Have you seen that sheath before?

A It looks familiar, yes.

Q What do you mean it looked familiar?

A It looks like the one he showed me his knife was in; the knife he showed me was in.

Q When you went to Keith's that night, what did you guys do? Do you remember? You were there an hour and a half or two hours, right?



A. Yes.

Q. What did you do?

A. Just sit around and watch television.

Q. Was the stereo on, also?

A. I think it might have been. I am not too sure. I was pretty drunk.

Q. On any occasion -- how long had you known Keith?

A. A month or two.

Q. Had you ever seen him mad or angry?

A. No.

Q. I will ask you if you ever saw a leather strap over at Keith's trailer?

A. Yes.

Q. Could you describe that for us?

A. It was about this wide and about that long (indicating).

Q. Okay. Did it appear to be something that could be used as a leash for a dog?

A. I don't know.

MR. HEAD: I don't have any other questions, Judge.  
Thank you.

THE COURT: Cross examination?

MR. STEPHAN: Thank you, Judge.

CROSS EXAMINATION

BY MR. STEPHAN:

Q. Jimmy, you say you are sixteen today?

A. Yes.

Q. How old were you in February?

A. Fifteen.

Q. What was your birth date?

A. July 19th.

Q. You just had a birthday this week?

A. Yes.

Q. How old is your brother, Joey?

A. He is seven.

Q. Does he pal around with you pretty much?

A. Yes.

Q. When you go out after school, does he go with you generally?

A. Not too much no more, but my mom and dad was working. I usually took him with me.

Q. When you were living in Moraine in the trailer court, were your mom and dad both working at the gas station in Germantown?

A. No. At this time, they had been transferred to Piqua. Mom was working.

Q. Let me ask you another question. In February, when this happened, were your mom and dad working in Germantown at a gas station?

A. No.

Q. Where were they working then?

A Piqua and Sidney.

Q When were they working in Germantown?

A Just a few weeks before that they got transferred.

Q How would they get from your trailer to Piqua?

A They would drive I-75.

Q On Friday night, the night that we have been talking about, did your parents go to work that night?

A No. They worked days.

Q Were they working in Piqua?

A Yes.

Q Do you know what time they left for work?

A They left in the morning, early.

Q What time did you expect them home Friday night?

A Around 6:30 or 7:00.

Q Did they come home at that time?

A It was about 7:30 that I was waiting around for them, but they never showed up, so I left.

Q Is that when you went to Judy's trailer?

A Yes, it is.

Q Did they call you that night?

A No.

Q Did anybody bring a message to tell you where they were at?

A No.

Q You said earlier that you left Keith's trailer. Do you

remember that?

A Yes.

Q Are you sure of the time that you left?

A No, I am not sure, but it was around 11:00, approximately 11:00.

Q Why did you leave at 11:00?

A Well, it was getting late.

Q 10:00 was getting late? Wasn't it?

A Yes.

Q 9:00 would have been late for you, wouldn't it?

A Yes.

Q But you waited until 11:00?

A Yes.

Q You are sure of that time?

A Approximately around 11:00.

Q Where did you go?

A I went home.

Q Did your brother go with you?

A Yes, he did.

Q Were your parents at home then?

A No.

Q Do you know when they came home?

A Sometime that night.

Q How do you know that?

A Because, well, they told me. See, I went to bed as soon



as I got home, a little bit after I got home.

Q You don't know what time they came home?

A No. They come home sometime that night.

Q Your testimony is as soon as you got home, you went to bed?

A A few minutes after I got home.

Q How late did you sleep the next morning?

A Around 10:00.

Q 10:00?

A Yes.

Q So, you slept for eleven hours, is that right?

A (Indicating yes).

Q Was Joey with you when you went to bed?

A Yes.

Q Did you get up after you went to bed?

A Yes. I got sick.

Q What happened then?

A I vomited.

Q Where were you, in the bathroom of the trailer?

A Yes.

Q What did you do after you vomited?

A Went back to bed.

Q Did you look at the clock?

A No.

Q Did you see if your mom and dad were home?

A. No.

Q Did anybody get up with you?

A. No. Joey was asleep.

Q And you don't know what time that was?

A. 11:15, approximately.

Q By the time you got to Keith's trailer, would it be fair to say you had had enough beer so you were almost passed out or were you sleepy?

A. Just sleepy.

Q Did you know what you were doing?

A. Yes, I knew what I was doing.

Q When you went in and laid down in Keith's bedroom, did you go to sleep?

A. No.

Q What did you do?

A. I just laid there.

Q And you rested for how long?

A. Fifteen or twenty minutes.

Q Did Joey come into the bedroom with you?

A. Yes.

Q Did he lay down with you?

A. No.

Q What did he do?

A. He was in the doorway.

Q Just standing there?

A. Yes.

Q. Jimmy, let me back you up again and ask you about when it was that you saw Keith running between these trailers without a shirt on. Where were you standing?

A. I was standing on my porch.

Q. Was your trailer black and white? Does that sound right?

A. No. Maybe brown and white.

Q. Do you remember one way or the other?

A. No.

Q. As you face your trailer, if you are walking to go to your trailer, which side of the trailer is the porch on?

A. The left side.

Q. So, you were standing on the porch on the left side?

A. Yes.

Q. Where did you see Keith run by?

A. Right through between our trailer and near the trailer next to us on the left side.

Q. The trailer to the left of you if you were facing your trailer?

A. Yes.

Q. It was cold out that night?

A. Yes.

Q. Did you see the older Rowell boy at anytime?

A. Mike?

Q. Yes.

A. I seen him a couple times. Not that night.

Q. About 5:30?

A. No, not that day.

Q. While you were out on your porch?

A. No, I didn't see him.

Q. Where had you been or what caused you to be on your porch just as Keith was running by? Do you understand that question?

A. I was looking out the window. I was looking out my front door when Keith ran by.

Q. I thought you yelled to him?

A. I did.

Q. When you were looking out the front door, I am assuming you are inside, if you are looking out the front window?

A. I was looking out the front door in my doorway, but I was out on the porch, too, either before or after that.

Q. Well, which was it, before or after?

A. I am not too sure about that. I don't remember.

Q. Well, let's start this again. Where were you when you saw Keith running through or between the trailers?

A. I was in my doorway, the front door.

Q. Is there a screen door there?

A. Yes.

Q. Is it a storm door or a screen door?

A. It was a storm door.



Q Were there windows on top and bottom?

A Yes.

Q Which way did you see Keith running, toward the trailer or away from it?

A Toward his trailer.

Q How far past your front door was he?

A He was just going by, just going by our trailer.

Q So, when you saw Keith, you weren't on the porch, as you testified earlier; you were inside the trailer, behind the door?

A Yes, I was.

Q Did you then come out on the porch?

A Yes, because David Rowell come over to bum a cigarette from me.

Q You are getting ahead of me, Jimmy.

MR. HEAD: Excuse me. If the witness could finish his answer, it might clear matters up.

THE COURT: You may finish your answer.

THE WITNESS: I am not too sure if it was before or after, but I seen Keith Wampler running without a shirt on, and I seen David Rowell as he come to bum a cigarette, either before or after. I don't know which order it was, but it was around the same time.

BY MR. STEPHAN:

Q Let me ask you a question. When you saw Keith run past,

you were inside the trailer, right?

A Yes.

Q Didn't you say earlier that you yelled to him?

A Yes, I did.

Q How did you do that?

A Put my head out the door and yelled at him.

Q Okay. Where was he when you yelled at him?

A Running past.

Q How far past?

A Not too far.

Q What did you want him for?

A I just asked him what he was doing out without a shirt on and what he was running for.

Q Are those about the words you said?

A Yes.

Q You said, Hey, Keith, what are you doing out there running around without a shirt on? Is that what you said?

A Something like that.

Q Are you sure?

A Yes.

Q Okay. Did you ask him where he was going?

A No. I don't remember.

Q Could David Rowell have been there bumming a cigarette before you saw Keith?

A Could have.

Q And it could be David was there after you saw Keith?

A Yes.

Q Did you talk with David?

A Yes.

Q Did Joey talk with David?

A He was inside, I think. I don't think he talked to him.

Q As a matter of fact, Jimmy, and you remember as best you can, you told Detective Mullins that David Rowell said to you at about 5:30 that he was going to get fucked up, flipped, didn't he?

A Yes.

Q Is that what he said to you?

A Yes.

Q When Mr. Head asked you the question what David said, you told the Jury that David said that he was going to get drunk, right?

A Right.

Q But what he said to you was that he was going to get fucked up, flipped, didn't he?

A It was either that or drunk.

Q Well, what did you tell the detective?

A I don't remember; fucked up, drunk, flipped.

Q Did David tell you that he had gotten kicked off the school bus that day?

A Yes.

Q Did David tell you that he had gotten his report card that day?

A I don't remember that.

Q Did you know David's parents were pretty strict with him?

A No, I never met his parents before.

Q Did David mention to you that he was going to be in a lot of trouble at home for getting kicked off the bus?

A He was kind of worried.

Q Kind of worried?

A Yes, a little bit.

Q When you first went to Keith's, what time of the night was that? That was about 9:00 or 9:30?

A Yes.

Q Let me back you up. Before then, you had been at Darrell's trailer?

A Yes.

Q Before that, you were at the Civic Center?

A Yes.

Q Before that, you were at Darrell's trailer?

A Yes.

Q Before that, you were at Judy's trailer?

A Yes.

Q And other than the Civic Center, did you have beer at each one of those places?



A Yes.

Q Did you smoke some pot at some of those places?

A No.

Q Say again?

A No.

Q None of them?

A None of them.

Q Was anybody smoking pot at any of those places?

A I didn't see nobody.

Q You didn't see anybody?

A No.

Q You understand, Jimmy, that you are not going to get in trouble for telling me the true answer today? You understand that?

A Yes, I understand that.

Q Do you remember having a discussion with Detective Mullins on February 6th at about 6:25 in the evening at the Moraine Police Department?

A Yes.

Q Do you remember Detective Mullins saying to you, okay, what type of drugs were being used? And your answer was, just pot and beer. Do you remember that better now? Do you remember telling Detective Mullins that somebody had pot that night?

A I don't know if anybody had pot that night or not. I know I was drinking beer. That is all I did.

Q My question was do you remember telling Detective Mullins that night that somebody had some pot?

A No.

Q You don't remember making that statement?

A No.

Q When he talked to you, that was the evening after they found David's body, wasn't it?

A Yes.

Q Jimmy, can you tell me who a girl by the name of Cheryl is that you might have seen that Friday night?

A Yes.

Q Who is Cheryl?

A She is Ted Ritchie's sister.

Q Did you see her that night?

A Yes, I think I seen her.

Q Where did you see her?

A I think it was over at Darrell's.

Q Is there a reason that you didn't tell Mr. Head that she was at Darrell's when you were there?

A No, no reason.

Q But she was there?

A She might have been. I think I might have seen her.

Q Do you remember telling Detective Mullins Cheryl was there on February 6th when you talked with him?

A Yes, I think so.

Q Who is Donald?

A He is going with her or something.

Q With Cheryl?

A Yes.

Q Did you see Donald that night, February 5?

A Yes. He might have been over there. There was a lot of people over there.

Q Were they having a party there?

A You could call it that if you want to.

Q Well, what would you call it?

A A party.

Q How did you know -- strike that. Why did you go to Darrell's?

A To get drunk.

Q Well, you said you didn't know Darrell very well, didn't you?

A I just met him about a week before that.

Q How did you know Friday night to go to Darrell's house?

A I figured he'd have beer or something.

Q Did you know that he was going to have a little get together or party?

A No. I figured he'd be doing something. It was a Friday night.

Q Who did you go to Darrell's with besides Joey?

A When we left Judy's, it was Ted Ritchie.

Q And Judy?

A Judy, yes.

Q Who did you go to Judy's trailer with?

A My brother.

Q Anybody else?

A No.

Q Ted Ritchie was already at the trailer?

A Yes.

Q Tell the Jury, Jimmy, how old is Ted Ritchie?

A Sixteen or seventeen.

Q What do you know about him?

A What do you mean? Explain.

Q Well, do you know where he lives?

A Yes.

Q Where does he live?

A Gordon's trailer park.

Q Where does he go to school?

A He doesn't.

Q He doesn't go to school?

A I don't think so.

Q Is he of age that he should be in high school?

A Yes.

Q Does he work?

A No.

Q What does he do all day?



A I don't know.

Q You don't know?

A No.

Q Does he live with his parents?

A Yes.

Q Do you know his parents?

A Yes.

Q Does he have a brother or sister?

A Yes.

Q Is there anything else you can tell me about him?

A No.

Q Was he drinking beer with you at Judy's and Darrell's  
and then back at Darrell's and then when you were at Keith's?

A Yes.

Q Was Mike Johnson with you at Judy's?

A Yes, he was there.

Q He was already there when you arrived?

A Yes.

Q Did you know Mike Johnson or Ted Ritchie were going to  
be at Judy's before you went over there?

A No.

Q You just went over there?

A I figured they might be.

Q A chance somebody might be there?

A Yes.

Q How old is Mike Johnson?

A Fifteen.

Q What do you know about him?

A Let's see. He was living in West Carrollton at the time, I think.

Q Do you know his parents?

A No.

Q Do you know if he goes to school?

A Yes.

Q He does? In West Carrollton?

A Yes, I think he was.

Q Who does he know in Moraine that would bring him from West Carrollton to Moraine?

A He used to live in Moraine.

Q I am sorry?

A He used to live in Moraine.

Q He apparently knew Darrell or Judy?

A I think Judy was his aunt.

Q His aunt?

A I think so.

Q His aunt was having a little get together at her trailer first and you guys were drinking beer there?

A Yes.

Q You hadn't seen Keith Wampler until 9:30 that night, had you?

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A. No.

Q Did Keith Wampler invite you to come to a party at his house?

A. No.

Q Do you know if he invited any of the other boys to come to a party at his house?

A. No.

Q That was just an afterthought, wasn't it, that everybody went to Keith's trailer?

A. Yes.

Q Do you remember Keith talking about his birthday being the next day, February 6th?

A. I don't remember.

Q You don't remember that?

A. No.

Q Do you remember much of anything after 9:30 when you laid down?

A. Bits and pieces, but I remember a lot of things. I don't remember everything.

Q You what?

A. I don't remember everything.

Q Did Cheryl have a brother named Teddy?

A. Yes.

Q Is that Ted Ritchie?

A. Yes.

Q How big is Ted Ritchie?

A Five, seven.

Q How big?

A Five, seven.

Q When you talked with Detective Mullins on February 6th, on Saturday, Jimmy, do you recall telling Detective Mullins that he is about six, two?

A He is bigger than I am. I know that.

Q You know there is a big difference between six feet two inches and five feet seven inches?

A Yes.

Q At 11:00 when you left Keith's trailer, you went home, right?

A Right.

Q Where did the other boys go?

A I don't know. I just left. They was there when I left.

Q They were still at Keith's?

A Yes. When I walked out the door, they was.

Q Did they tell you they were going someplace else?

MR. HEAD: Objection.

THE COURT: Sustained.

MR. STEPHAN: Excuse me. What were you going to say?

THE COURT: The objection is sustained.

MR. STEPHAN: I didn't know if he was going to answer the question or explain an answer.



BY MR. STEPHAN:

Q When you were at Keith's, and you arrived there about 9:30, did he tell you that you couldn't go in the back bedroom?

A No, I don't remember him saying that.

Q You know what I am talking about when I mean the back bedroom, don't you?

A Yes.

Q Because you have talked to the Prosecutor and Detective Mullins about this case on a couple occasions, haven't you?

A Yes.

Q What do you know about the back bedroom?

A It was his dad's bedroom.

Q Was your testimony earlier that the door was closed back there?

A It could have been. It could not have been.

Q You don't remember?

A I don't remember.

Q The door might have been wide open?

A It might have.

Q Keith never said anything to you about, Jimmy, don't go in that back bedroom?

A I don't remember him saying that.

Q He let you sleep in his bed, didn't he?

A I didn't sleep in his bed. I just laid down in his bed.

Q You rested in his bed?

A Right.

Q Did you use the bathroom there?

A Yes, a couple times.

Q Of course, you were in the kitchen and living room area?

A Yes.

Q Did you feel that you could come and go in that little trailer as freely as you wanted to?

A I guess.

Q You had been in that trailer before, hadn't you

A Yes.

Q Did you hear any noises from the back bedroom?

A No.

Q Jimmy, let me ask you about the beer can that you twisted.

A Okay.

Q Was it one of these Old Milwaukee Light beer cans?

A Yes.

Q Did you do that as soon as you got to Keith's or later on?

A Later on, after I finished drinking it.

Q Say again?

A Later on, after I finished drinking it.

Q Speak up a little bit for me.

A It was later on, after I finished drinking the beer.

Q Before you rested in Keith's bed?

A Yes.