

expecting who?

A He said who it was but I just don't recall what he said or who he said.

Q When did this memory come back to you? You said you didn't recall it. You didn't recall it that night or what?

A What do you mean?

Q You said you didn't recall who it was that Keith was expecting.

A Yes.

Q When did it come back to your recollection that you recall it?

A I don't recall who he said he was expecting. I never said that.

Q All right. Do you remember saying this to the police officer? The question was asked of you, he, meaning Keith, said he was expecting his dad any minute? Do you recall that question?

A Yes.

Q And do you remember your answer being, yes?

A Well, he said that after we were in the trailer and after we was talking for awhile.

Q He did say that, didn't he?

A Yes.

Q He was expecting his dad any moment?

A Yes.

Q He didn't say where his dad was, did he?

A No.

Q He just said that his dad would be home any time, isn't that what he told you?

A Yes.

Q At what time during your visit to Keith's trailer did Jim cut his hand, as you recall it?

A I think it was maybe about 10:00 or 10:15.

Q And what did he do after he cut his hand, do you know?

A I don't remember.

Q How long had you known Jim Shipman?

A Maybe about three weeks.

Q And Mike Johnson?

A About a month.

Q And the junior Shipman boy?

A Maybe about a week.

Q About a week?

A Yes. Two weeks, something like that.

Q Did you pal around with these fellows you just mentioned?

A What do you mean by that?

Q Did you see them often?

A I seen Mike and Jim often.

Q Did you drink with them often?

A No, not that much.

Q Did you smoke with them often?

A Not much.

Q Do you know how it is that little Joey Shipman happened to be with you big boys that night?

A I guess he had to stay with his brother.

Q And his brother took him everyplace that you big boys went?

A Everyplace he went he took his brother.

Q Everyplace you told us about?

A Yes.

Q Jim Shipman and his little brother, Joey, left Keith's trailer before you and Mike Johnson?

A That's right.

Q About what time did they leave?

A About 10:45.

Q You seem to be precise on your times.

A Yes.

Q Is that significant?

A Is that what?

Q Is that significant to you?

A Yes.

Q Did you look at your watch at the time they left?

A I didn't have a watch.

Q And yet you tell us they left at 10:45?

A Yes, because the news came on at 11:00. That's when we left.

It was 10 or 15 minutes before the news came on they left.

Q When you left the trailer, what was Keith doing?

A I don't remember.

Q You don't remember because you had had so much to drink or you were engrossed in the news or what?

A I was watching television as I went out the door. When I seen

the news come on, I told Mike we better go.

Q Which one of your friends was so inebriated they had to go lay down on the bed?

A Jim Shipman.

Q Jim Shipman?

A Yes.

Q And you don't know what Keith was doing when you left?

A No.

Q You and Mike Johnson remained together until early on the next day, is that true?

A No, we didn't remain together. Off and on we did. Not the whole entire until morning.

Q It was about 5:00 o'clock in the morning when you decided to hang it up?

A No. It was about 4:00 o'clock.

Q 4:00 o'clock?

A Yes.

Q You and Mike Johnson were together up until that time?

A No, not up to that time.

Q When was the last time you saw Mike Johnson that night?

A 4:00 o'clock., but we wasn't together until 4:00.

Q Where were you when you separated about 4:00 o'clock?

A At his cousin Judy's. At 4:00 o'clock when we separated we were over at Darrell's, the guy he was going to spend the night with.

Q And would it be fair as a general statement that you and Michael, as far as you know, continued to drink on through the night?

A No. The last time we drunk was at Keith's house. Well, no. The last time we drunk was over at Judy's.

Q I am sorry?

A The last time we drunk was over at Judy's.

Q Was that before or after you left Keith's house?

A After.

Q That would be after, wouldn't it?

A Yes.

Q How many times have you discussed your testimony with anyone?

A Who do you mean anyone? You mean the public or --

Q Let me ask it this way. Have you discussed your testimony with anyone?

A Yes.

Q How many people?

A Three.

Q When was the last time you went over your testimony with anyone?

A Right before we came in here.

Q That was with one of the prosecutors?

A Yes.

Q And before then you discussed it with whom?

A The prosecutors.

Q And how long ago has that been?

A The last time or --

Q The time before last?

A I don't know. A few days.

Q A few days?

A Yes.

Q And before then, which I assume was the first time according to your chronology, you discussed it with whom?

A Langer and Head.

Q Mr. Langer and Mr. Head?

A Yes, sir.

Q So, would it be fair to say that you have discussed your testimony at least on three occasions -- strike that. You discussed your testimony three times with the prosecutors?

A Yes.

Q Did you tell them, young man, the first time, everything you told us here today?

A Yes.

Q Beg pardon?

A Yes.

Q And the second time?

A Yes.

Q And the last time?

A Yes.

Q Do you know why it was necessary for you to go over your testimony at least on three occasions with the prosecutors?

MR. HEAD: Objection.

THE COURT: Overruled. You may answer.

THE WITNESS: No.

BY MR. BOSTICK:

Q Beg pardon?

A No.

Q Did you request to come in to talk to them those three times or did they ask you to come in?

A They asked me to come in.

MR. BOSTICK: No further questions, Your Honor.

THE COURT: Redirect?

MR. HEAD: One moment, Your Honor.

REDIRECT EXAMINATION

BY MR. HEAD:

Q Teddy, each time you talked to myself or Dennis Langer what did we tell you to say?

A The truth.

MR. HEAD: Thank you. We have no other questions.

THE COURT: Any recross?

RECROSS EXAMINATION

BY MR. BOSTICK:

Q Have you told us the truth?

A Yes.

MR. BOSTICK: No further questions.

THE COURT: You may step down.

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WHEREUPON:

ANDREA JEAN RITCHIE

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

DIRECT EXAMINATION

BY MR. HEAD:

Q Ma'am, tell the Jury your name, please?

A Andrea Jean Ritchie.

Q Miss Ritchie, are you related to Ted Ritchie?

A Yes, I am.

Q How?

A He is my step-son.

Q Back in -- let me ask you this way. Where are you living now?

A Orlando, Florida.

Q Back in February, where were you living?

A Gordon's Trailer Park.

Q That is in Moraine City?

A Yes.

Q Do you recall the night or day that the body of David Rowell was found out in that field?

A Yes.

Q Let me take you back to the night before. Were you working that day or that evening?

A Yes.

Q Where were you working?

A Dryden Molders.

Q What did you do there?

A I was a mold, plastic mold injector.

Q What shift were you working, do you recall?

A Second.

Q That is from when to when?

A 3:00 o'clock to 11:30 at night.

Q Were you working that second shift that particular night, that Friday night?

A Yes.

Q Did you get off about 11:30?

A Yes.

Q Where did you go after you got off?

A I come home and Teddy wasn't home. My other son was spending the night in Dayton, and I tried to wake my husband up. He was sound asleep, and so I walked down to Judy's house on the corner to see if Teddy was down there.

Q Judy who, do you know?

A I don't remember her last name.

Q Okay.

A And she said he was walking around with Michael, and I asked if they knew where he was. I was mad because he was supposed to be home. She said, no. I said, well, if he is not back by 12:00, I said, I'm going looking for him. I went back to the

trailer. I walked in. I lit a cigarette. I said, well, I'm going to start out looking for him. It was 11:50 when I opened the door and started to the car. Here come Teddy. I asked where he had been. He said, walking around with Mike. I asked him well, do you want to go get something to eat? He said yes.

Q What did you do?

A Well, we got in the car and we first went to McDonald's and they were closed. Then we went up 25 to see if anything else was open. We started back, and I remembered Frisch's was open. We went to Frisch's in Moraine, and we ate. Then we went up to the 7-Eleven on Stroop Road and got a paper and maybe cigarettes and some pop and come back to the house.

Q About what time did you return home?

A About 1:15.

Q What if anything did your son, Teddy, do after you got home, do you remember?

A He had told me --

MR. BOSTICK: Objection.

THE COURT: Sustained.

BY MR. HEAD:

Q Not what he told you. Did he stay at home?

A He asked if he could go back to --

MR. STEPHAN: Objection.

MR. HEAD: You can't say what he said.

BY MR. HEAD:

Q All I want to know is what you observed him doing if anything?

A He went down to Judy's trailer.

Q Did he return?

A Yes.

Q How soon after he left did he return?

A About five minutes. It wasn't long at all because I told him to come straight back because it was late.

Q After he returned, what if anything did you do?

A I read the paper and drank pop and smoked a cigarette.

Q Then what?

A Talked to him.

Q Did you end up going to bed that evening?

A Yes.

Q About what time?

A I'd say around 2:00.

Q At that time was your son, Ted, at home?

A Yes.

Q Did you know that night or that morning, I guess, that he left the trailer, left your trailer?

A No, I didn't know.

Q Did you have the occasion to get up during that night for any purpose?

A Yes.

Q Do you know about what time it was?

A No, but it was still dark out.

Q That was to go to the bathroom, was it?

A Yes.

Q When you got up to go to the bathroom, did you notice whether or not your son, Ted, was at home?

A Yes. We live in a trailer. It is very wide open. You can see directly through. I seen him laying in the living room.

Q Was he asleep?

A I really couldn't tell if he was asleep or watching TV because the TV was on.

MR. HEAD: No other questions.

THE COURT: Cross examination?

MR. STEPHAN: No questions, Your Honor.

THE COURT: You may step down. Thank you. Ladies and Gentlemen, I think we will take our afternoon recess at this point. Please remember the admonition that the Court gave you before the luncheon recess. We will take approximately twenty minutes or thereabouts and resume the trial.

(Whereupon a recess was had.)

(Whereupon Court reconvened.)

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WHEREUPON:

JUDITH LYNN TABOR

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

DIRECT EXAMINATION

BY MR. HEAD:

Q Ma'am, tell the Jury your name, please?

A Judith Lynn Tabor.

Q Spell your last name.

A T-A-B-O-R.

Q Where do you live?

A 2791 Kreitzer Road.

Q In Moraine?

A Yes.

Q Do you live in a trailer?

A Yes.

Q In a trailer park?

A Yes, sir.

Q What is the name of the park?

A Gordon's Trailer Court.

Q Do you know a Mike Johnson?

A Yes.

Q Is he a relation of yours?

A Yes.

Q What is that relation?

A He's my cousin.

Q Do you recall that Saturday that the police found the body of David Rowell in the field near the trailer court? Do you recall that that happened?

A Yes.

Q Let me take you back to the night before, to Friday night. Okay? Did you happen to see Mike Johnson that night over at your place?

A Yes.

Q Who was he with, do you recall?

A He was with Ted Ritchie.

Q Do you remember about what time this was the first time that you saw him over there?

A I'd say it was about 9:00 or something.

Q Who was all over there, do you recall, at that time?

A Me and Alice Johnson and Teddy Ritchie and Michael.

Q Did you do any drinking over there?

A I might have had a beer or something earlier.

Q How about the other people that were there?

A Far as I know, no, they didn't have, no.

Q How about any marijuana? Did you do any marijuana?

A I might have had a joint or so. I don't remember.

Q I will ask you whether or not Ted and Mike left your trailer around that 9:00 o'clock time period?

A Did they what?

Q Leave your trailer?

A Yes. Me and Alice was walking up the street. They come up to my mom's. They told Alice they was going to --

MR. BOSTICK: We object, Your Honor.

THE WITNESS: -- Andrew's house.

THE COURT: Sustained.

BY MR. HEAD:

Q You can't tell what other people say.

A Okay. Sorry.

Q That's quite all right. Did they return to your trailer later that evening?

A Yes.

Q This is Ted and Mike?

A Yes.

Q About what time did they return, do you recall?

A It was something to 12:00. I'd say about 20 minutes to 12:00.

Q Twenty to 12:00?

A Close to 12:00 I know.

Q After they got to your trailer, what if anything did Ted do?

A Could you say that again?

Q After they got to your trailer about 20 to 12:00 and they were walking about midnight now, right?

A Yes.

Q What if anything did Ted do? Did he stay at your trailer?

A No. He left.

Q Do you know where he left?

A He went home.

Q Did he return to your trailer later on? We are talking about the early morning hours of Saturday.

A Yes.

Q Do you remember what time?

A It was about an hour or something later. I don't remember what time.

Q Do you know why he returned to your trailer?

A Yes. The first time he was there -- Well, after he returned, he left and he went home and then his mom and him left.

MR. BOSTICK: We object, Your Honor. The question was why he returned.

THE WITNESS: He brought a Pepsi back.

THE COURT: We will overrule the objection.

BY MR. HEAD:

Q Okay. How long did he stay when he first got back to your trailer, when he brought the Pepsi back?

A Just about a few minutes; about, I'd say, 10 or 15 minutes.

Q What did he do after that, do you know? Did he stay at your trailer or did he leave?

A No. He left.

Q Did he then once again return to your trailer?

A I am pretty sure he did. He come and went, come and went.

Q Do you remember about what time he returned to your trailer

I guess it would be the third time that evening?

A Yes, probably about something to 3:00.

Q When he returned, who was all there at your trailer at that time?

A Darrell Doan, me, Alice Johnson, and my little girl, and Teddy come in.

Q Was Mike Johnson there, too, at that time?

A Yes.

Q Did Ted and Mike then leave again?

A Yes.

Q Leave your trailer?

A Yes. They went with Darrell to his house or somewhere. They left.

Q What time was that?

A I'd say it would have to be about 3:00 or a little after. I don't remember the right time.

Q Between the time that Ted returned about 2:00 o'clock and the 3:00 o'clock time when he left for the last time that morning, were any of you doing any drinking?

A No. Darrell had a couple beers there. He offered whoever wanted to drink but nobody wanted no beer.

Q Did you -- Let me take you back now to when Ted and Mike got back at your place about 20 till 12:00 or so.

A Yes.

Q Had you talked with Mrs. Ritchie, Ted's mom?

A Yes.

Q What did you tell Ted when he returned about 20 of 12:00?

A I just told him that his mother was looking for him and if he wasn't -- well, she comes in my trailer and said if he wasn't --

Q I don't want to know what she said to you.

A She wanted him.

Q What did you tell Ted?

A Well, me and Alice just told Ted that his mother was looking for him. That is all we told him.

MR. HEAD: No other questions.

THE COURT: Very well. Cross examination?

CROSS EXAMINATION

BY MR. STEPHAN:

Q Is it Miss or Mrs. Tabor?

A I am not married.

Q May I call you Miss Tabor?

A Yes.

Q You say you have a little girl?

A Yes.

Q How old is she?

A She will be four this month. In August.

Q Can I ask you how old you are?

A Yes.

Q How old are you?

A I am 23.

Q Say again?

A Twenty-three.

Q In February, Miss Tabor, who lived with you in that trailer?

A Just me and Michelle. I'd have a boyfriend come in once in awhile. Well, he'd stay there the majority of the time at nights.

Q The boyfriend would?

A Yes.

Q What is Darrell's last name?

A Doan.

Q Doan. What is your relationship with him?

A None. He is just a good friend.

Q How close does he live to you?

A One street over.

Q Do you spend some time at his trailer?

A Yes, I go over.

Q Does he spend time at your trailer?

A Yes.

Q Is it your testimony that when Mike Johnson and Ted Ritchie came to your trailer, they didn't drink any beer?

A As far as I know, they didn't.

Q Were you in the trailer with them?

A Yes. It was at my trailer.

Q If I were to tell you that Ted Ritchie drank beer at your

trailer, would you disagree with me?

A No.

MR. HEAD: Objection. I withdraw the objection.

THE COURT: The objection is withdrawn. The answer will stand.

BY MR. STEPHAN:

Q You wouldn't disagree with that, would you?

A No. As far as I know, I don't remember if he drunk a beer or not.

Q Is it common for you to provide beer to 16 and 15 year olds when they come to your trailer?

A No. No. As far as I know, he didn't drink beer because he went to the store that night with his mother and they brought back a Pepsi, and I remember that he had a Pepsi.

Q Miss Tabor, you know his mother worked until 11:00 o'clock that night and it was much later on, wasn't it?

MR. HEAD: Your Honor, we are going to object. I believe defense counsel is harrassing the witness a little bit anyway. It is argumentative.

THE COURT: All right. Sustained on that basis. You may proceed.

BY MR. STEPHAN:

Q You know Mrs. Ritchie didn't come home from work until 11:00 o'clock that night, right?

A She was at my trailer at something to 12:00.

Q And that is when you are talking about them having the Pepsi over there, isn't it?

A No. Later.

Q Later than 12:00 o'clock?

A Yes.

Q He didn't bring a Pepsi at 8:00 o'clock when he first got there, did he?

A No.

Q Because he was drinking beer, wasn't he?

A I don't even know if he was or wasn't.

Q In any event, your testimony is you smoked a joint there, right?

A I had one. I don't know if I smoked it or not.

Q Did Mike Johnson and Ted Ritchie smoke a joint there?

A No.

Q They did not?

A No.

Q Would you disagree with me if I told you that Ted Ritchie smoked a joint when he was at your trailer?

A Yes.

MR. HEAD: Objection to that.

THE COURT: Overruled. The answer will stand.

BY MR. STEPHAN:

Q Did those boys tell you what they had been doing during the evening when they came back on the last occasion?

A No. Alice asked Michael where he had been. He said Andrew's

and I don't know where else all.

Q Do you know Keith Wampler?

A Yes.

Q Did he tell you they had been at his trailer?

MR. HEAD: Objection. It calls for hearsay.

THE WITNESS: No.

THE COURT: Sustained. Strike the answer. The Jury will disregard the answer of the witness.

BY MR. STEPHAN:

Q The last time that you saw Ted and Mike was at 3:00 o'clock in the morning, is that correct?

A Somewhere around there, yes.

Q And you knew that they were going to Darrell's house or at least --

A Yes.

Q Your cousin, Mike, was going to Darrell's?

A Yes.

Q When you had a conversation with Michael's mother that evening, did she tell you that Michael was to stay with you?

MR. HEAD: Objection.

THE COURT: Sustained.

MR. STEPHAN: Your Honor, I am not asking for that answer for the truth of the matter but simply whether or not the statement was made.

MR. HEAD: It still calls for hearsay, Your Honor.

THE COURT: Not if it is not being offered for the truth.
Is this a predicate to some other line of questioning?

MR. STEPHAN: Yes, Your Honor.

THE COURT: Very well. We will allow the witness to answer this one question. You may answer.

THE WITNESS: Could he repeat it?

(Whereupon the previous question was read by the reporter.)

THE WITNESS: No. Michael has been coming to my house on and off on the weekends. He would come down and stay all night and that night -- well, I'd say at least four or five weekends in a row he had been staying all night with me on the weekends. I don't know why. He'd just get bored where they lived or something. I don't know.

BY MR. STEPHAN:

Q Where did Michael live?

A In West Carrollton.

Q How old was he?

A Fourteen.

Q He would come and stay with you at the trailer. Would he have the run of the trailer so to speak?

A Pardon?

Q Well, could he come and go as he pleased when he stayed with you?

A Well, sometimes when he'd stay all night Alice would be there to look after him because that was his sister.

Q How old is Alice?

A Sixteen or Seventeen.

Q And he is 14?

A Yes.

Q She was taking care of him?

A My mom lives right up the street. She keeps an eye on him, too.

Q At 3:00 o'clock in the morning?

A No.

Q Do you know where Michael went after he left your trailer that morning the very last time?

A Yes. Alice went with him over to Darrell's because I only have a couch and a bed, and me and my boyfriend was staying all night with me and there was a little girl sleeping on the couch. Alice was there. Michael wanted to go to Darrell's and stay all night.

Q Do you know where Ted went?

A Yes. He went home.

Q Did you talk with any police officer or detectives the day that they found that little boy's body?

A No. Yes.

Q Which is it?

A Yes. I don't remember if it was the day after or something. I spoke with Joe Winn.

Q The sergeant with the Moraine Police Department?

A Detective Joe Winn, yes.

MR. STEPHAN: I have no further questions.

THE COURT: Very well. Redirect?

MR. HEAD: No redirect.

THE COURT: You may step down.

THE WITNESS: Where do I go, sitting outside?

THE COURT: Right.

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WHEREUPON:

ANDREW CHOATE

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

DIRECT EXAMINATION

BY MR. LANGER:

Q Will you tell the Jury your name, please?

A Andrew Choate.

Q Andrew, would you spell your last name, please?

A C-H-O-A-T-E.

Q How old are you?

A Fourteen.

Q I want to take you back to February of this year and in February of this year, Andrew, where did you live?

A 2628 Holman.

Q Where is that in relationship to the trailer court up near Kreitzer Road and the Civic Center?

A It is -- you go down to the end of the street where the school is at and you go down the path, the sidewalk.

Q Did you live in a trailer or a house?

A A house.

Q Who else lived in your house there?

A My mother and my step-dad and little sister.

Q Do you remember the day that the body of David Rowell was found out in a field there?

Choate - D

A. Yes, sir.

Q. I want to take you back to the day before, the night before. Were you home that night?

A. Yes, sir.

Q. Sometime that night did you have an occasion to see Ted Ritchie and Mike Johnson?

A. Yes, sir.

Q. Tell the Jury how you knew Mike Johnson and Ted Ritchie?

A. I went to school with Mike Johnson since the fourth grade.

Q. How about Ted Ritchie. Had you met him before that night?

A. No, sir.

Q. You said they came over to your house about what time?

A. It was between 11:00 and 11:15.

Q. Was your mother home?

A. Yes, sir.

Q. How about your dad?

A. Yes, sir.

Q. What did they do when they came into your house?

A. They came in and sat down.

Q. How long did they stay in your house?

A. Anywhere from forty-five minutes to an hour. They left at 12:00.

Q. Did they do anything else while the three of you were ther

A. Watched television.

Q. Where was your mother while you and Ted and Mike were watching TV?

A. In the bedroom.

Q. Did she ever come out of the bedroom?

A. No, sir.

Q. Did Ted and Mike leave together?

A. Yes, sir.

Q. Did you see them anymore that evening?

A. No, sir.

MR. LANGER: No other questions.

THE COURT: Cross examination?

MR. BOSTICK: No questions, Your Honor.

THE COURT: You may step down.

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WHEREUPON:

SHARON GILBERT

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 Sharon Gilbert.

Q Are you the mother of Andrew Choate?

A Yes, I am.

Q In February of this year, Sharon, I will ask where did you reside?

A 2628 Holman in Moraine.

Q Do you recall the day that David Rowell's body was recovered from that field?

A Yes, I do.

Q Taking you back to the night before, do you remember where you were the night before that?

A Yes. I was at home.

Q Who else was home with you?

A My husband, my son, and a boy from next door. He was watching TV.

Q I will ask whether at about sometime after 11:00 o'clock did you go to bed?

A Yes, I did.

Q Did you remain in bed the rest of the evening?

A Yes, I did.

Q Did you hear from the bedroom any voices at anytime after that?

A Yes, I did.

Q What could you hear from the bedroom?

A At about 11:15, somewhere in there, someone hollered, hello, Sherry.

Q Did you recognize that voice?

A Yes, I did.

Q Whose voice did you recognize?

A Mike Johnson's.

Q Your name is Sharon, but he said Sherry?

A He had known my son three years. They had run around together. It was a pet name.

Q Did you hear any other voices you didn't recognize?

A Yes, one other voice.

Q Was that a male or female voice?

A It was a male voice.

Q Did you remain awake while Mike was in the trailer or did you fall asleep?

A I was awake the whole time.

Q Approximately how long did Mike remain in the trailer, judging from the voices?

A It is a house, and it was until midnight.

Q After Mike and the other individual left, did Andrew remain in the house there?

A Yes, he did.

Q Did he remain there the rest of the evening with you?

A Yes, he did.

MR. LANGER: No other questions.

THE COURT: Cross examination?

MR. STEPHAN: No questions, Your Honor.

THE COURT: You may step down.

MR. HEAD: Your Honor, we are out of witnesses.

MR. LANGER: We are well ahead of schedule.

THE COURT: All right. Ladies and Gentlemen, it appears we have come to the end of the proceedings for today with the availability of witnesses having been completed at this time. So, we are going to give you a little edge on the afternoon recess. We will ask that you report to the Jury room by 9:00 tomorrow morning so that we can resume the testimony in the case. During your evening recess, I want to again remind you of all the particulars of the Court's instruction on your conduct. You are not to discuss this case among yourselves or to discuss it with anyone else. Do not permit anyone to discuss this case with you or even to discuss it in your presence. Do not form or express any opinions about this case until it is finally submitted to you. You must explain this rule to your family and to your friends. As I have said, when this trial is over and your Jury service is completed, you will be

released from this instruction and you may discuss your experiences as a Juror with anyone who you wish to discuss it. Until that moment, however, you must control any desire that you would have to discuss this case both here and at home. Do not talk with the attorneys, the parties, or the witnesses during the trial of this action. Likewise, these individuals must not talk with you. If anyone does attempt to discuss this case with you, you should report that at your earliest opportunity to Mr. Findlay or Mrs. Maynard, and the Court then will be informed and the appropriate action taken. Do not investigate or attempt to obtain any additional information about this case outside what is presented to you here in the courtroom. It is highly improper for anyone to attempt to do that. As you know by now, this case is the subject of news broadcasts and of news writings. So, I instruct you that you are not to read, view, or listen to any report in any newspaper, on the radio, or on television on the subject of this trial. Do not let anyone read to you or comment about any news account of this trial. If you acquire any information in this manner, again, report that incident to Mr. Findlay or Mrs. Maynard, and the Court will be informed. If any of you experience any personal problems during the recess period, please, at your earliest opportunity, inform the Court in a like manner.

Anything further by Counsel?

MR. HEAD: No, Your Honor.

MR. BOSTICK: Nothing, Your Honor.

THE COURT: With that admonition, Ladies and Gentlemen, you are excused until 9:00 o'clock tomorrow morning.

(Whereupon a recess was had.)

July 23, 1982

(Whereupon Court reconvened.)

THE COURT: Good morning, Ladies and Gentlemen. You all look nice and rested. I think we can proceed. Mr. Head, your next witness, please.

MR. HEAD: The State calls Robert Wampler.

* * * * *

WHEREUPON:

ROBERT WAMPLER

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

DIRECT EXAMINATION

BY MR. HEAD:

Q Sir, tell the Jury your name, please?

A Robert Wampler.

Q Are you related to Keith Wampler?

A Yes. He is my nephew.

Q You live in Waynesville, do you, sir?

A Yes, sir.

Q Do you recall the day that that little boy was found killed and subsequent to that your nephew was questioned by the police and charged with a crime?

A Yes, sir.

Q That was on Saturday, February 6th, was it?

A No. I found out about it Sunday.

Q Okay. That would be February 7?

A Yes.

Q Taking you back to February 5, 1982, were you at home that evening in Lebanon (sic)?

A In Waynesville.

Q In Waynesville?

A Yes, sir.

Q Was the Defendant's father, Charles Cecil Wampler, with you that evening?

A Yes, sir.

Q About what time did he get there, do you know?

A It was around 7:00 o'clock, 7:00 or 8:00. I am not quite sure.

Q I am sorry.

A I couldn't be sure. 7:00 or 8:00 o'clock.

Q How long did he stay with you that evening?

A He stayed all night.

Q When did he leave your residence, do you recall?

A About 9:00 o'clock the next morning.

Q Did you have the occasion sometime during that evening to attempt to call home or for Cecil Wampler to call home?

A He called twice. He called his next door neighbor. He didn't have a phone.

Q Okay. Who is his next door neighbor, do you know?

A John and Gail. I don't know the last name.

Q John McGarvey?

A Yes, John McGarvey.

Q Any answer at the McGarvey residence?

A No, sir.

MR. HEAD: No other questions, Judge.

THE COURT: Cross examination?

MR. STEPHAN: Your Honor, we have no questions. We would

ask the Court to permit us to reserve Mr. Wampler to be recalled as a Defense witness.

THE COURT: Very well. You may step down, sir.

MR. HEAD: Your Honor, I had told Mr. Wampler he could sit in. I guess he can't now.

THE COURT: The Separation Order would be in effect.

* * * * *

WHEREUPON:

ADRIAN WEST

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

DIRECT EXAMINATION

BY MR. HEAD:

Q Sir, could you tell the Jury your name, please?

A Adrian West.

Q Mr. West, where do you live?

A 2765 Cozy Lane.

Q Is that in Gem City Trailer Park?

A Yes.

Q Moraine City?

A Moraine City.

Q You live in a trailer there, I assume, right?

A Yes, sir.

Q Do you know where Cecil and Keith Wampler's trailer is?

A Yes, sir.

Q Where is that in relation to your trailer?

A Within fifty or sixty feet.

Q Can you see their trailer from your trailer?

A Yes, sir.

Q What window or what room do you have to look at to see
their trailer?

A I can look at my side picture window or my kitchen window.

Q Sir, do you recall the day that the police found the body of David Rowell in the field?

A Yes, sir.

Q Taking you back to the night before, that Friday night, were you home that evening?

A All day.

Q And all night, too?

A All night, too.

Q Were you working at that time?

A No, sir.

Q What were your normal sleeping habits or sleeping hours?

A Well, at that time, I was laid off, drawing unemployment. I was sleeping a whole lot in the daytime. I couldn't sleep at night.

Q Let me call your attention to right around 11:00 o'clock that evening. I will ask you if you heard and/or saw any activity around the Wampler trailer?

A 11:00 o'clock?

Q Yes.

A I seen two boys come out of my driveway going home, five minutes till 11:00 o'clock.

Q Who were those two boys, do you know?

A The two boys that lived across the street in a black and white trailer.

Q Do you know their names?

A Not right off-hand because they hadn't lived there that long.

Q After you saw those two boys leave, were you able to see if there were any other people in the Wampler trailer?

A After they left, I didn't see nobody in the trailer.

Q Could you see the lights were on in the trailer?

A Yes, sir.

Q Where were you seated when you observed the Wampler trailer and the boys leave and the lights on in the trailer?

A At the kitchen, in front of the window.

Q Were your lights on or off?

A My lights were off.

Q How long did you sit there at the kitchen window looking out that window?

A Until I went to bed at 2:00 o'clock.

Q So, you were there in the kitchen?

A All that time.

Q Did you notice the lights go off in the Wampler trailer?

A Yes, sir.

Q About what time was that?

A The lights went out, all lights went out at 1:00 o'clock because I looked at the clock, I mean 1:30 because I looked at the clock.

Q Were there more than -- could you tell if there were more than one light -- if there was more than one light on in the Wampler trailer?

A Well, they had a kitchen light on and I don't know if the kitchen light illuminated the whole trailer or not.

Q Did you notice the lights go on in the back bedroom area?

A Yes, sir.

MR. STEPHAN: We will object to the leading nature of these questions. I don't think it is necessary.

THE COURT: Watch the leading questions. Overruled at this point.

BY MR. HEAD:

Q Did you notice whether or not when the light in the back bedroom went on, the other light or lights in the trailer were on?

A Were on?

Q Yes.

A When the back bedroom light went on, the light in the middle, I am talking about the kitchen, went off almost just like you walked from the bedroom back to the kitchen to turn them out and go straight back to the bedroom.

Q I will ask you whether or not you then saw the back bedroom light go off?

A Yes, sir.

Q This was at what time, sir?

A The back bedroom light went off at 1:30.

Q I will ask you whether or not you had on previous occasions seen light illuminating from the back bedroom that perhaps was not an overhead light?

A It was an overhead light.

MR. STEPHAN: Objection.

THE COURT: Sustained. Refrain from the leading questions, please.

BY MR. HEAD:

Q Let's take you to the next day.

A Okay.

Q Do you remember when the police came out there at that field?

A Yes, sir.

Q Do you remember about what time they left?

A Well, I couldn't tell you the exact time.

Q Okay.

A I would say around, between 3:00 and 4:00 o'clock.

Q Did you notice any activity at the Wampler trailer later on that evening, perhaps 10:00 o'clock or so?

A Around 10:00 o'clock, no.

Q Anytime thereafter?

A Well, I heard -- I just heard that hollering at 11:00 o'clock.

Q We are talking about the next day.

A We are talking about the next day?

Q Yes.

A No.

MR. HEAD: One moment, Judge.

BY MR. HEAD:

Q Sir, I will ask you whether or not you saw the police come back to the Wampler trailer later on that Saturday evening?

A Yes, sir.

Q About what time was that?

A They came to pick the boy up between 10:00 and 11:00 o'clock.

Q All right. I will ask you after they picked the boy up, what else did you observe?

A After --

MR. STEPHAN: Objection. I think that has been asked and answered. This witness has stated he saw nothing after 11:00 o'clock February 15, 1982.

THE WITNESS: No, no, no.

MR. STEPHAN: That question has been asked and answered.

THE COURT: Overruled. You may answer.

THE WITNESS: I saw, after they picked the boy up, Mr. Wampler, John his neighbor, was at John's trailer. After they picked the boy up, Mr. Wampler and John went to the Wampler trailer. John McGarvey come back with something under his coat and Mr.

Wampler come with him.

BY MR. HEAD:

Q Sir, when they left the McGarvey residence to go to the Wampler residence, how was Mr. McGarvey dressed, if you remember?

A Just had on -- he just had on a jacket that come down here around his belt.

Q How was he wearing that jacket?

A Open.

Q When he came back to his trailer from the Wampler trailer, could you describe for the Jury how he was wearing that jacket?

A He just had just an ordinary jacket, something like a Levi jacket. In other words, it just come down belt length, open. He stood up and had one hand down to his side, had one hand folded under like this, and something bulged out here.

Q Underneath the jacket?

A Underneath the jacket.

MR. HEAD: No other questions.

THE COURT: Cross examination?

MR. BOSTICK: Just a minute, Your Honor.

THE COURT: All right.

CROSS EXAMINATION

BY MR. BOSTICK:

Q Mr. West, are you employed now, sir?

A. Yes, sir.

Q. Back at the time that these incidents occurred that you have told us about, did you belong, sir, to some kind of neighborhood watch?

A. No, sir.

Q. Did you watch the other trailers with the same intensity as you watched the Wampler trailer?

A. Well, I was watching all trailers.

Q. Do you spend your time or did you at least at that time watching trailers?

A. Well, I spent quite a bit of time watching my neighbor's trailer and his trailer.

Q. Do you have a TV or did you have at that time in your trailer, sir?

A. Yes.

Q. And you watched that TV, didn't you?

A. I watched the 11:00 o'clock news.

Q. All right. Do you ever watch that TV without the lights being on?

A. Sure. We practically watch it every night without the lights.

Q. Without the lights being on?

A. Yes.

Q. A lot of people do that, don't they?

A. I don't know, but I do.

West - C

Q You do, certainly?

A Yes.

Q How long had you known John McGarvey?

A I met him when he first moved in.

Q Do you know the young lady, Gail, who lives there?

A Well, I never had too much talking to either one of them.

Q As a matter of fact, you don't care for them too much, do you?

A Not since they tried to give me a hard way to go.

Q They tried to give you a hard way to go?

A He still does.

Q He still does?

A That is right.

Q You don't like this young man seated at the table too much, do you?

A I never had no trouble with him.

Q Are you sure about that?

A I am sure about that.

Q Do you remember the time when you raised a ruckus about Gail, who lives with John, backing into your bricks?

A That did not have nothing to do with him.

Q I asked you do you remember it?

A Sure.

Q And you had some words with that young woman, didn't you?

A When he told me -- when he told me that she was reckless and she don't care what she runs into, I told him I don't want her to run into my truck. That's all that was said.

Q Did you hear my question, Mr. West?

A Yes, sir.

Q Did you understand my question?

A Will you repeat it again?

(Whereupon the previous question was read by the Court Reporter.)

THE WITNESS: Yes, I did.

BY MR. BOSTICK:

Q That was my question, and that is your answer?

A That is my answer.

Q Yes you did. And there were some pretty heated words, weren't there, Mr. West?

A Well, I just told her if you back into my truck deliberately, I'm going to skin both of your heads.

Q You threatened her, didn't you?

A Well, I don't know whether you'd call that a threat or not.

Q Well, you meant it as a threat, didn't you?

A Not actually. I was trying to scare her.

Q And all because she accidentally backed her car into some bricks of yours?

A She didn't back no car into no bricks of mine.

Q You have been feuding ever since, haven't you?

A Well, he's been on me ever since. He parked his truck so close to mine that he has got to move my mirror in before he can back out. I never said nothing about that.

Q But you don't like it, do you?

A I didn't say nothing about it, though.

MR. BOSTICK: Would you ask the Reporter to read the question?

(Whereupon the previous question was read by the Court Reporter.)

THE WITNESS: No, I don't.

BY MR. BOSTICK:

Q Thank you for answering the question. Let me ask you this, Mr. West. At the time that you had the incident with Gail Loftis and you threatened her, you tried to scare her, to use your words, and this young man said something to you about that, didn't he; this young man being Keith Wampler?

A No.

Q He didn't come to her defense?

A No.

Q Well, you had words to him about it, too, haven't you?

A No.

Q You haven't said anything to this young man about that incident?

A That is right.

Q He hasn't said anything to you?

A No.

Q Well, in any event, you don't care too much about him?

A I didn't say anything about that.

Q I am asking you.

A Me and him have never had no words as far as I know.

Q You haven't? Everything has just been hunky-dory in the Cozy Lane plat, is that what you want us to believe?

MR. HEAD: Your Honor, we will object. He did say that he had words with Mr. McGarvey.

MR. BOSTICK: I am not talking about Mr. McGarvey.

THE COURT: We will overrule the objection and let the question stand.

BY MR. BOSTICK:

Q Are you understanding my questions?

A I never had no -- I have never had the first problem with him.

Q Who is him?

A Keith Wampler.

Q You call him Keith, don't you?

A Sure.

Q All right.

A That's the only name I know to call him. I don't know him by no other name.

West - C

Q How many times have you talked to the police about this?

A About what?

Q You came in here this morning to testify, did you not?

A Right.

Q And you have testified?

A Sure.

Q I want you to tell me and the members of this Jury how many times you have discussed your testimony with the police?

A One time.

Q Just one time?

A When they come around asking me questions.

Q And that was back in February?

A Yes, sir, I think it was.

Q And you haven't said anything to them since to this day?

A As far as I can recollect.

Q You talked to the Prosecutor about it, haven't you?

A Yes, sir.

Q How many times have you discussed it with him?

A They called me down -- the Prosecutors called me down Sunday; and the detectives, I have talked to them.

Q Are you telling the members of the Jury that the first time you talked to the Prosecutor was this past Sunday?

A That is when they called me down here.

Q That is the first time that you had spoken to them,

Mr. West?

A The Prosecutor?

Q Yes, sir.

A Yes, sir.

Q And would it be fair to say that you waited from February 5 or 6 clear to this past Sunday before you mentioned anything about what you said this morning?

A Yes, sir, but I have talked to the detectives.

Q About what you talked about this morning?

A Yes.

Q What?

A Yes, but I didn't tell the detectives that I had trouble with John McGarvey and his wife.

Q That is the point I am making. You didn't tell the detectives everything you told us this morning?

A I didn't tell them I had trouble with John and his wife. I have told the police because they got a report of it.

Q Mr. West, you didn't tell the members of the Jury you had trouble with the McGarveys, that is, John and Gail Loftis, until I asked you, did you?

MR. HEAD: We will object.

BY MR. BOSTICK:

Q What is your answer, sir?

A No.

MR. BOSTICK: Thank you. That is all.

THE COURT: Redirect?