

MR. HEAD: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MR. HEAD:

Q Mr. West, you were asked on cross examination if you ever watch TV with the light out?

A Yes, sir.

Q Do you know the difference or can you tell the difference between light in a room from a TV and light in a room from an overhead light or a table light?

A Yes, sir.

Q I will ask you whether or not you observed a TV light on in that back bedroom?

A No, sir.

MR. BOSTICK: Objection. He would have no way of knowing that.

THE COURT: You may cross on the point. Overruled. What is your answer, sir?

THE WITNESS: No, sir.

MR. HEAD: Thank you. No other questions.

THE COURT: You may cross.

RECROSS EXAMINATION

BY MR. BOSTICK:

Q Mr. West, you were in your trailer some fifty to sixty feet away?

A Right.

Q And I assume your trailer, like all other trailers, has sides and a top to it?

A I suppose it has.

Q And no one could see your TV if they were outside looking in?

MR. HEAD: We will object to that. How would he know that?

MR. BOSTICK: That is my point.

THE COURT: We will let the question stand.

MR. BOSTICK: Thank you.

THE COURT: Overruled.

BY MR. BOSTICK:

Q Could anyone see your TV if they were standing outside looking in your trailer?

A They couldn't look direct to it. They could see the light of it.

Q Could you see the TV in the Wampler trailer?

A No, sir.

Q Standing outside looking in?

A No, sir.

Q How in the world would you know whether it was on or off?

A Well, by the light of the TV. It brightens and dims when they change pictures.

Q Were you standing, sir, looking in the window of the Wampler trailer?

A Not direct. I was looking on an angle.

Q You were in your trailer looking out the window at another trailer?

A Right.

Q Let me ask you this, sir. Where is your trailer in relation to the McGarvey trailer and the Wampler trailer?

A It is just practically side by side of the McGarvey trailer. I will say there is twenty or twenty-five feet difference. The Wampler trailer I'd say is sixty feet.

Q All right. So, the McGarvey trailer separates your trailer from the Wampler trailer?

A Right.

Q So, you have got to do an awful lot of looking -- you have got to look through or around the McGarvey trailer to the Wampler trailer?

A No. My trailer -- my trailer sits facing the street. You walk off my porch right onto the street. Theirs sits back in the parking lot farther toward the back.

Q Theirs being the Wampler trailer?

A Wampler and McGarvey.

Q In any event, I don't want to belabor this, your trailer is on the other side of McGarvey's?

A The side of it.

Q Yes. Your trailer, McGarvey's trailer, and then the Wampler trailer?

A. Yes.

Q MR. BOSTICK: Thank you.

THE COURT: Anything further?

MR. HEAD: One final question.

REDIRECT EXAMINATION

BY MR. HEAD:

Q I will ask you whether or not you can see all of the Wampler trailer from that kitchen window of yours?

A. The front and the one side.

Q Okay. You can't see the back side?

A. No.

Q Can you see the full frontal?

A. Full front.

Q Can you see the full side?

A. Right.

MR. HEAD: No other questions.

THE COURT: Any further cross?

MR. BOSTICK: We have nothing else, Your Honor.

Thank you.

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

* * * * *

WHEREUPON:

J. J. ARNOLD

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

DIRECT EXAMINATION

BY MR. LANGER:

Q Officer, would you state your name, please?

A J. J. Arnold.

Q You are a Moraine police officer, are you not?

A Yes, sir.

Q Taking you back then to late Friday night February 5
on into the early hours of February 6 this year, were you on duty?

A Yes, sir.

Q When did your shift begin?

A My shift normally starts at 11:00 P.M., which would have
been on the 5th. I received a call and was out a few minutes
earlier than 11:00.

Q You clearly remember the next day as the day the body
was recovered in that field?

A Yes, sir.

Q Was it snowing at anytime the evening of Friday, February
5, in Moraine?

A Yes, sir.

Q How much snow accumulated that evening?

A Approximately a quarter of an inch.

Q When did it stop snowing?

A Somewhere in the vicinity of 10:30 P.M. on the evening of the 5th.

Q Did you receive a message over your radio regarding a missing person's report?

A Yes, sir.

Q And the individual that you were to search for was named whom?

A The Rowell boy.

Q David Rowell?

A Yes, sir.

Q Had you on a previous occasion seen or been acquainted with David Rowell?

A Yes, sir, I have.

Q Did you make an effort to search for him while you were on duty?

A Yes, sir.

Q Where did you look?

A In the general vicinity in which he lived, the Civic Center, the trailer park, Gordon's Trailer Park, Gem City Trailer Park, the Holiday Inn, Save Mart. There is a location on Kreitzer Road which was at the corner of Kreitzer and Dryden. It would be the northeast corner. That is kind of like a little dip off the side of the road and a very small woods, and there were some tool sheds like the type used in construction. I checked that

area, also, in addition to the others that I mentioned.

Q You didn't find him, is that right?

A No, sir, I did not find him.

MR. LANGER: No other questions, Your Honor.

THE COURT: Cross examination?

MR. STEPHAN: Thank you, Your Honor.

CROSS EXAMINATION

BY MR. STEPHAN:

Q Is your rank Patrolman?

A Yes, sir.

Q Patrolman Arnold, you mentioned you knew the Rowell boy previously, is that correct?

A Yes, sir.

Q Is he a friend of your family?

A No, sir.

Q Is your knowledge and familiarity with the Rowell boy as a result of your police work?

A Yes, sir.

Q That is the only capacity that you know the Rowell boy in?

A Yes, sir.

Q Do you recall the first time that you had contact with him?

A I don't recall the date. I recall the occasion.

Q What was that occasion?

A I was dispatched to the Moraine Meadows School, which is relatively close to where he lived, on a burglary alarm. Upon arrival -- this was during the summer months when the school was closed. Upon arrival, I saw him there. At the time, I did not know who he was. Due to the fact that I had received and been dispatched on a burglary alarm, I identified him, asked him who he was, verified it, checked the school and found that one of the janitors had been in the school and left the door open. It is an alarm that picks up voices, movement, conversations, et cetera, and he was over by the door, and the alarm went off which the dispatcher heard, which resulted in my being sent down there.

Q How old was David at that time?

A I don't recall.

Q At the time that his body was found, he was thirteen years old. How much earlier than that?

A I'd say in the vicinity of twelve or thirteen, not knowing when his birthday was. It was the summer just previous to the incident we are talking about.

Q Had you seen him on any other occasion?

A Yes, sir, just routine patrol. I'd be driving around and I have seen him.

Q Had you ever been dispatched on a missing person's report for David Rowell at anytime previously?

A Prior to the night of the 5th?

Q Yes.

A Not that I recall, no.

Q Do you know whether or not the Moraine Police Department ever received a missing person's report for David Rowell prior to February 5?

A Not to my knowledge. I have no knowledge.

Q The locations that you checked the evening of the 5th, and I assume into the morning of the 6th, included the Civic Center, two trailer parks, the Holiday Inn, the Save Mart, and then the northeast corner of Kreitzer and Dryden I believe you mentioned?

A Yes, sir, and on down further south to Northlawn, just the general area in which somebody on foot would be.

Q How far is it to the Holiday Inn from the Gem City Trailer Park?

A Three, approximately three maybe four tenths of a mile.

Q Was it common for young children to go to the Holiday Inn?

A No, sir.

Q Any particular reason that you would have checked the Holiday Inn for a thirteen year old boy at 11:00 o'clock at night?

A Yes, sir. Number One, there is public telephones there and, Number Two, it would be someplace to get in out of the cold.

Q How far is Save Mart from the trailer court area?

A Maybe a tenth of a mile.

Q Is Save Mart open all night?

A. It is open until 12:00 o'clock.

Q Did you determine that it had snowed a quarter of an inch in the Moraine area after the body was found or was that your observation that evening?

A. That was my observation prior to the body being found.

Q Is there any reason you made a special note it snowed a quarter of an inch that particular evening?

A. Yes, sir. Number One, I drove to work in the snow. It was snowing as I drove to work, and I recall wishing it wasn't snowing because of accidents et cetera. Then, earlier, my normal shift starts at 11:00 P.M. and approximately 10:45 I was dispatched to a motor vehicle accident which had just occurred. As I got in my vehicle to drive to the accident, I noticed it had quit snowing.

MR. STEPHAN: That's all. Thank you.

THE COURT: Redirect?

MR. LANGER: Two quick questions, Your Honor.

REDIRECT EXAMINATION

BY MR. LANGER:

Q Officer Arnold, how many times did you go through the trailer park area in your search for David Rowell while you were on duty?

A. Three or four times.

Q Is that in the east side or west side of Moraine, that particular area?

A Well, it is actually the central beat, but east and central overlap in that area. So, it would be actually the north end of Moraine, and it would be the west side of the railroad tracks, which is sometimes used as a means of dividing the beats.

Q Did you patrol further into the east side of the city while on duty that night?

A Within reason, over to the Save Mart and over to the railroad tracks. From the railroad tracks on, there is nothing there, no place to go.

MR. LANGER: Thank you. No other questions, Your Honor.

THE COURT: Any recross?

MR. STEPHAN: No, Your Honor.

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

* * * * *

(Please see Volume II.)

STATE OF OHIO
-VS-
CHARLES KEITH WAMPLER

CASE NO. 82-CR-754
(CA-7965)

VOLUME II OF III II

(Orig. filed in III Volumes)

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WHEREUPON:

JOHN G. BRUN

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

DIRECT EXAMINATION

BY MR. LANGER:

Q Officer, will you state your name?

A John G. Brun.

Q Will you spell your last name?

A B-R-U-N.

Q Officer Brun, you were on duty, were you not, February 6th
of this year in the City of Moraine?

A Yes, I was.

Q Were you called to the area of a field across from a
trailer park in Moraine on that day?

A Yes, sir.

Q About what time did you receive this message to go to
that area?

A I received the call at 3:50 P.M.

Q Specifically what area are we referring to?

A It is a field along Kreitzer Road. It is bordered along
Kreitzer Road and Gem City Trailer Park.

Q What time did you arrive at that area?

A 3:52.

Q What did you first see when you arrived at 3:52?

A When I first arrived there, Mr. Rowell, the father of the victim, was standing alongside the roadway waiting for somebody to show up.

Q Did he direct you to the body?

A Yes, he did.

Q What did you then do after you observed the body?

A When I observed the body, I told Mr. Rowell to go ahead and go back to his house and somebody would be back in touch with him. I then secured the immediate area around the body. I advised our dispatcher what the situation was, and the rest of the area was then secured.

Q Other than yourself and Mr. Rowell initially in that field area, did you see anyone else around that field?

A Not in that area, no.

Q How soon after your call for assistance did assistance arrive?

A One officer arrived along with me and the initial call. He was along Kreitzer Road. He secured that area there so no one could get in the field that way. Approximately one or two minutes later the rest of the area was secured off.

Q Do you have any knowledge regarding a foot path leading from the body to another location?

A Yes, I do.

Q What knowledge is that?

A I was out with the body about forty-five minutes and went

back to where we had cars alongside the trailer park. Someone else had already noticed the footprints. When I got to the car, I noticed them, also.

Q What did you notice of the foot path or footprints?

A The footprints went from the suspect trailer on into the field toward where the victim was.

Q By suspect you mean whom?

A Keith Wampler.

Q Did you or any other officer do anything with respect to protecting that foot path?

A Yes. When I was with the body, there was another officer that protected that area there. He made sure no one crossed the path or went down along that footprint path. I did the same when I got over there, too.

Q And the name of the other officer?

A Robert Schmidt.

MR. LANGER: No other questions.

THE COURT: Cross examination?

CROSS EXAMINATION

BY MR. STEPHAN:

Q Patrolman Brun, is it Brun or Brun?

A Brun.

Q Patrolman Brun, you first saw Mr. Rowell standing where?

A He was alongside the roadway almost in front of his house, across the street.

Q And you and Patrolman Setty --

A Yes.

Q Were traveling together in your cruiser?

A No.

Q You and Patrolman Setty were traveling in your cruiser at the time of the dispatch and you traveled to the area in front of Mr. Rowell's residence on Kreitzer?

A Right. We were both in separate vehicles, though. We both happened to arrive at the same time.

Q Patrolman Setty talked to Mr. Rowell?

A No, he didn't. As soon as we got there, Mr. Rowell told us where the body was out in the field. He pointed to the area of the thorny bushes where the body was found.

Q How did you happen to get from your cruiser to where the body was found?

A I followed Mr. Rowell.

Q He walked in the field with you?

A Yes.

Q As you were walking along, did you observe anything unusual?

A Not at that time, no.

Q When you walked up to the body, was he standing beside you, Mr. Rowell?

A Yes. He stood beside me and then he went up, walked around the body, and I told him to go ahead and go back to his house

at that time and we'd get in touch with him.

Q Do you recall the area out there with some specificity?

A Somewhat.

Q Do you recall that there was a dirt lane that travels behind the trailer park and separates the field from the trailer park?

A Yes, sir.

Q Was that covered in snow?

A I believe it was.

Q Of course, the field itself is very heavy with brush?

A Right.

Q As if it hadn't been cut for quite some time?

A More or less trampled down from the weather.

Q Trampled down from the weather?

A Right.

Q When you left your cruiser and walked to the body, how did you get there?

A We didn't go by the lane, we went through the field.

Q All right. When you got to the body, did you stop and stand still?

A Yes. I stayed approximately fifteen to twenty feet away from it. I didn't go anyplace near it then.

Q Where was Patrolman Setty all of this time?

A Patrolman Setty stayed with his car on Kreitzer Road. He stayed at that dirt lane which came out on Kreitzer Road.

Q You say you stood by the body about forty-five minutes?

A While everybody else was taking pictures and that. It took maybe a couple minutes before my sergeant and lieutenant got there. They also were at the scene.

Q During that forty-five minutes, give me your best estimate how many police officers or evidence technicians or curious bystanders might have approached within fifteen or twenty feet of that body?

A From what I can recall, I believe just the Coroner and our evidence technician that actually went to the body. No one else went closer than I was to the body.

Q Did you have a camera with you that afternoon?

A I did not. The evidence technician took all the pictures.

Q Which officer pointed out to you the set of tracks from the Wampler trailer through the field?

A I know they were discovered beforehand, but I really didn't notice them or I wasn't told about them until I got to that area.

Q When you say they were discovered beforehand, what does that mean?

A Someone, I imagine the officer that originally got to that area is the one that found or saw the footprints or noticed them.

Q Is it your recollection that you saw another officer say something to you across the field, here's a set of prints?

A No. He didn't say anything to me. He didn't say anything to me personally until I got up to where he was.

Q Who was that?

A Robert Schmidt. He was the officer that was over there.

Q Where was he standing when you first talked with him?

A He was probably -- he was just south of the prints, probably twenty or twenty-five feet.

Q Which would have put him where in the field?

A He wasn't on the field. The lane that goes back more or less just encircles the Gem City Trailer Court. He was on that lane itself.

Q Standing on the lane?

A Right.

Q Did you ever go to the Wampler trailer?

A No, I didn't.

Q Did you see Schmidt go to the Wampler trailer?

A No. As far as I know, no one that I know at that time went to that trailer.

Q You didn't look to see where the tracks in the field might have started from?

A When I tried to find that before, we really couldn't see where they started from in the field as far as I could tell. I wasn't really -- I didn't take that much of the investigation. I couldn't tell where the tracks started or stopped in the field itself.

Q You didn't go up to the Wampler trailer?

A No.

Q You don't know where the tracks led except your testimony is that you saw a foot path?

A I just saw tracks going from the trailer into the field, leading into the field, yes.

Q You never went beyond the trailer into the parking area?

A No.

Q In the trailer park?

A No, I didn't.

MR. STEPHAN: That's all. Thank you.

THE COURT: Any redirect?

REDIRECT EXAMINATION

BY MR. LANGER:

Q Officer Brun, other than the Coroner's investigator and the evidence technician coming near the body, was anyone, any spectators or just average citizen allowed near this area at all?

A I don't recall of anybody besides Mr. Rowell. I don't recall of any off-hand.

MR. LANGER: No other questions, Your Honor.

THE COURT: Very well. Any further cross?

MR. STEPHAN: No, Your Honor.

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

MR. LANGER: If I might approach the Bench.

(Whereupon the following was had at the Bench).

MR. LANGER: The next witness is Adkins. We have about sixteen exhibits or so. We would like to line them up and identify them and have them marked.

THE COURT: All right.

MR. LANGER: We would like a break.

THE COURT: No problem.

(Whereupon Counsel returned to their respective tables.)

THE COURT: Ladies and Gentlemen, we are anticipating a number of exhibits to be introduced with the next witness. In order to get that procedure organized, we will give you your morning recess at this time. Rather than go over it in detail, I would remind you that you continue under the Court's instruction and admonishment during the recess period. We will take approximately twenty to twenty-five minutes recess and resume the testimony at that time.

(Whereupon a recess was had.)

(Whereupon Court reconvened.)

(Whereupon State's Exhibits 10 through 52 were marked for identification.)

MR. LANGER: The State calls Officer Adkins.

* * * * *

WHEREUPON:

DENNIS J. ADKINS

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

DIRECT EXAMINATION

BY MR. LANGER:

Q Would you state your full name, please?

A Dennis J. Adkins.

Q You are an officer with the Moraine City Police Department?

A That is correct, sir.

Q How many years have you been a police officer?

A Approximately nine years.

Q What is your current position with the Police Department?

A I am a patrolman. I have a specialized duty as evidence technician for the department.

Q Would you tell us a little about your training?

A Yes, sir. I have been an evidence technician approximately three and a half years now. I went through training through the Miami Valley Regional Crime Laboratory which consisted of 120 hours. I have also had in-service training since that time through the Crime Lab in the areas of collection, preservation of evidence, and photography.

Q How many years have you been an evidence technician?

A Three and a half years.

Adkins - D

Q In those three and a half years, how many homicide cases have you worked on in terms of collecting evidence?

A Actual homicides, approximately seven or eight. There have been several other deaths that I have investigated, suicides and natural deaths that were investigated as homicides at the time.

Q Of course, all other sorts of criminal cases you collect evidence on, is that right?

A Yes, sir.

Q Officer Adkins, you are the evidence technician assigned to this particular case, are you not?

A Yes, sir, I am.

Q During the course of your participation in this investigation, you collected certain items of evidence, is that right?

A Yes, sir.

Q Let's start out with -- first, tell the Jury how many different occasions, separate occasions, did you search for or find evidence in this case? What is the first time and where did you conduct your first search?

A The first time was on Saturday, February 6, 1982. I arrived --

Q February 6?

A I arrived at approximately 3:58 P.M.

Q 3:58 P.M. Was this the field?

A Yes. This is a search that was conducted in the field

where the victim was found.

Q Your next search then would have been what?

A It would have been Sunday, the 7th of February, 1982.

That was at 3:25 A.M.

Q You are very precise in your times. Did you record the times in your report?

A Yes, I did.

Q 3:25 P.M.?

A A.M.

Q Where was that search?

A It was inside the trailer, 2753 Cozy Lane.

Q Is that the Defendant's trailer?

A Yes, it is.

Q Was the Defendant there at the time?

A No, he was not.

Q Your third search?

A It would have been on Tuesday, February 9. That was approximately 3:50 P.M. That was also of the same trailer, 2753 Cozy Lane.

Q Number 4?

A Friday, February 12, around 3:45 P.M. The search was conducted in the field, also, where the victim was found.

Q Any other searches?

A Saturday, February 13, at approximately 7:00 P.M. That was at the trailer, again, 2753 Cozy Lane.

Q Will that do it?

A Yes.

Q We are going to begin then with your first search, Saturday, February 6th, 1982. What time did you arrive at the scene of the recovery of the body?

A 3:58 P.M.

Q Just tell us what you began to do in general terms as you arrived at the scene?

A I first met with Officer Brun, who was the first officer on the scene. He briefly informed me there was a body of a small boy in the field. He pointed the direction where it was. We immediately began to secure the area around the field with other responding officers so it was completely secured. I at that time asked Patrolman Brun if he would watch the immediate area so that nobody would enter it. I then began to process the field for any evidence that may be located.

Q All right. Eventually or at some time that day did you attempt to make accurate diagrams of distances between evidence found and trailers in the area and other objects in the area?

A Yes, sir, I did.

Q Here is State's Exhibit 50 and 51. Here are 50 and 51. Would you identify those exhibits, please?

A These are diagrams that I drew myself and took the measurements of that day, February 6.

Q How did you measure those distances?

A I was assisted by Officer Brun. I used a hundred foot tape measure and measured them.

Q We will come back to those diagrams later when we get into distances, but if you will, put those to your right there. We have already marked State's Exhibit 8, Officer Adkins, and you have seen that exhibit before this morning, have you not?

A The diagram?

Q Yes, sir, the larger one. Were you involved in that in any way?

A Yes. I was the one that drew the diagram.

Q What about the three photographs attached to that diagram. Did you photograph those aerial views?

A Yes.

Q The diagram and the three photographs, are they all fair and accurate depictions seen thereon?

A Yes, they are.

Q Officer Adkins, there has been testimony relative to a path of footprints seen in the area of the body, and I will ask whether or not you have any knowledge regarding those footprints?

A Yes, sir, I do.

Q What knowledge do you have of the foot path?

A There was a set of foot tracks leading from the patio of 2753 Cozy Lane out in the westerly direction toward the field which led in a line to the body and then also back.

Q I am going to ask you to step down to this easel. Did you

personally follow that foot path from its beginning to its end?

A. Yes, sir, I did.

Q. Would you very roughly diagram that foot path and its relationship to the Defendant's trailer and to the body?

A. (Indicating)..

Q. If you could, step just so the Jurors can see. Was that a continuous path from the patio to the body?

A. It was continuous, however, there were breaks in the footprints due to the high grass area. It wouldn't have left any footprints. But, you could determine it was continuous all the way to the body.

Q. The trailer you marked on the diagram, that is the trailer of the Defendant, is it not?

A. Right. This is the trailer of the Defendant. This is the Defendant's patio. This area I have blackened out was garden plots. They have got high corn stalks and weeds which make it difficult to walk through. This area here is also garden plots. but it is all downward, open area you can walk through.

Q. Here is State's Exhibit 10. That is another aerial photograph, is it not?

A. Yes, it is.

Q. Is that a fair and accurate photograph from the air? Did you take that photograph from an airplane?

A. Yes, I did.

Q. When was that photograph taken?

A This was taken on February 23.

Q By that time, the snow evaporated, I guess?

A Right.

Q Would you step up to the area and just again show the path as it would appear on that photograph? Here is a Juror to your left.

A I am sorry. This is the trailer I am referring to here in the photo, and there is an awning on top of the patio here, a concrete patio. Leading approximately in the middle of the patio, a little bit north, is where the footprints started.

Q Let's use a pen here. Where is it?

A This is where it started. It went out through the yard at an angle through here. Then, the open area I am referring to is this part right in here.

Q Okay.

A Each side of here you have got high corn stalks and weeds which would make it difficult to walk through. The body was found at this point right here in the photograph, in these thorns. So, your path leads from here, out here, over to the body; down this path to the body.

Q I will present to you State's Exhibit 11A and 11B. I will ask you to identify those exhibits, please?

A These are photographs I took on February 6th, which show the trail of footprints.

Q Are those fair and accurate photos of the portion of the

trail shown in those photographs?

A Yes, they are.

Q Those two photographs, referring to your diagram, walk up to the diagram, which parts of the path do those photographs show?

A The patio out to the open area here. This particular photo here, this one, shows the open area.

Q Walk up closer to this side of the Jury if you would. Slowly show the photographs to the Jurors.

A Down here. These are the trails here leading up to the open area. This is the same photo showing an overall view.

Q Walk it down slowly, please.

A This was taken from standing on the patio.

Q Standing on the Defendant's patio?

A Yes.

Q In these two photographs, I notice the path is to the left. Then there are prints here sort of in a clump to the right of the path, showing in both photographs. Show that to the Jurors. Did you have an explanation as to those prints?

A Yes, I do.

Q What is that explanation?

A That was Sergeant Wynne of our police department. That is who those footprints belong to.

Q Walk it down. Here is Exhibit Number 12. What is that a photograph of?

A This is a photo that I took at the scene showing from where the clothing was found, looking back toward the Defendant's trailer.

Q In particular, did that show, again, the path of the prints or if it doesn't show the prints, can you see the clear area?

A You can see the clear area. This photo was taken on the 12th. There was a little bit more snow there that particular day.

Q February 12, the photo was taken. With your finger, show the Jury.

A (Indicating).

Q Walk that down quickly, if you would. Here is State's Exhibit 13A and 13B. Will you identify those exhibits, please?

A These are photos I took on February 6th in the field. The photos are of a shoe impression found in the field itself out once you get away from the patio.

Q How far out? Tell me when to stop approximately?

A Approximately in there.

Q If you will, hold those up. Let's see them one at a time. Starting with that, would you circle in ink the print that you attempted to photograph?

A As you can see, from the grass, it made it difficult for a good impression to be left, but this shows here an impression of the heel.

Q Walk it slowly, please. Let's look at 13B. What does that show?

A This is also an impression of a shoe.

Q Could you circle that shoe, please? How about this here?
What is that?

A That is another impression.

Q Okay. Would you walk that?

A This is taken from a higher level than the other ones.

Q Why is that photograph blueish? Any particular reason?

A Really, I have no explanation of it. Several of the photos came out with a blueish tint from the reflection of the cold or coldness. It was nine degrees. It may have had an effect on the film. Right here is the heel.

Q Do you see an angling or how would you describe the shaping of the front part of that print?

A The center of it bevels out at the side, comes out. Then, as it moves toward the front, it curves back in toward the front.

Q Back up to show the Jurors to the right.

A It bevels out and tapers back in this way.

Q Slowly.

A Heel is here. Heel is here.

Q Officer Adkins, at the time you made your observation of the prints, did you then estimate the approximate size of the shoe that would have caused those prints?

A It was hard to determine. I did make an estimate. I took measurements of several of them.

Q What was your estimate?

A. It was somewhere between ten and eleven; somewhere around in there.

Q. From your observation of the prints, could you tell anything about the contour of the bottom side of the shoes?

A. Yes. The bottom side had a slick sole surface. It did not leave any indentation.

Q. I think you can take your seat. Regarding the patio area as you observed it there on Saturday, February 6, what if anything did you -- what objects if anything did you notice on the patio itself?

A. On the patio, I observed a trash bag full of trash, and there was a shovel that was leaning up against the outside of the trailer on the patio.

Q. What kind of shovel?

A. Like a spade shovel, a regular garden shovel.

Q. Did you also notice in front of the trailer any pile of trash anywhere?

A. There was a trash bag sitting on the patio itself full of trash. There was some debris of discarded trash and items out in the yard in front of the trailer, next to the field.

Q. In particular, did you make any observation of a grill in that trash heap?

A. Yes, sir. There was a small barbecue grill that had been discarded on top of the trash heap.

Q. Were you able to determine whether that would have been a

recent discarding of that grill or not?

A. It had to be there for quite awhile.

Q. On what do you base that observation?

A. Well, the whole grill was rusted, weathered from being outside. There was debris that was piled upon it and around it.

Q. How about snow; any snow on it?

A. Yes, there was snow on top of it.

Q. State's Exhibit Number 14, can you identify that exhibit?

A. Yes, sir, I can.

Q. What is it?

A. This is a grocery bag with the writings of Stump's Food Market on it. I found this under the buttocks of the victim, David Rowell, on the 6th of February.

Q. Did you place that paper bag in that plastic bag?

A. Yes, sir, I did.

Q. Did you seal the bag?

A. Yes, I did.

Q. How did you seal it?

A. With evidence tape. I sealed it and across the evidence tape in the bag I wrote my initials and wrote on the bag the location I found it, the date and time and signed my initials.

Q. What did you do with this particular item of evidence?

A. I took this item to the Police Department and locked it in a property room which I have the only key to. I sealed it in there.

Then, on the 8th day of February, Monday, I transported it down to the Miami Valley Regional Crime Laboratory for an analysis.

Q When you first recovered that Stump's Grocery bag, did you notice whether or not there was present on the bag any stains of any sort?

A Yes. There was some reddish brownish stains on it which appeared to be blood.

Q Will you look at this bag? We now see what appears to be purplish discoloration. Can you explain that?

A Yes, sir. That is from a chemical called anhydride which is used to lift fingerprints off the paper object. That was done at the lab.

Q Was it met with any success?

A No prints of value obtained.

Q I will present now State's Exhibit Number 15 and I will ask you to open that particular bag. First of all -- yes, open the bag if you would. I will ask you to examine that. For the record, that is a yellow towel, is it not?

A Yes, it is.

Q All right. And you have looked at the plastic bag, have you not?

A Yes, I have.

Q Can I have that exhibit?

A Yes. This is a yellow towel that I recovered off of the victim's body. It was partially underneath his right arm and

partially hanging on to a thorn bush, on the 6th of February.

Q I notice on this particular towel there are some discolorations. Was that on the towel when you saw it originally?

A Yes, it was.

Q Was it that color when you saw it?

A It had more of a reddish color.

Q There are also holes in this towel. Were they in this towel when you first observed it?

A No.

Q Do you know how they got in this towel?

A Yes, I do.

Q How?

A The Crime Lab cut them out to test for blood.

Q You placed this in that bag and you sealed it, did you?

A Yes, sir, I did. I sealed it with evidence tape and marked it with my initials and date and time.

Q Did you then place it in your locked property room?

A Yes, I did.

Q Did you transport it personally to the Crime Lab?

A Yes, I did.

Q State's Exhibit Number 16, can you identify that exhibit? Pull the items out, please. For the record, we are looking at a pink and white towel with a monogram on the towel, and the other towel is simply a white --

A A white towel.

Q Did you recover these items of evidence from that field?

A Yes, I did.

Q Where?

A These were recovered approximately twenty-two feet away from the victim in an easterly direction, which would have been closer to the trailer, in a pile of thorn bushes; like tossed and hanging on the thorn bushes.

Q Nearby these particular towels, did you find other evidence?

A Yes, a grocery bag which contained several items of clothing.

Q Did you notice red discoloration on these towels or one of the towels?

A Yes, the pink and white towel.

Q The same explanation for the hole in the towel as previously?

A Yes.

Q And you placed it in the sealed plastic bag and you marked it, right?

A Marked it with my initials, date, and time, and transported it to the property room, locked it, and then I transported it personally to the Crime Lab.

Q To avoid repetition as we go through all the evidence, you have seen all the evidence we have marked, have you not?

A Yes, I have.

Q Did you follow that same procedure with respect to every item of evidence you will be identifying?

A Most items from the field and trailer, yes, I did.

Q If there is a variance with the procedure you have described, would you let us know?

A Sure.

Q State's Exhibits 17A, 17B, and 17C, what are those?

A These are Polaroid photos which I took of the pink and white towel we just observed. These were taken at the Crime Lab by myself on the 15th day of February.

Q In the presence of any other officer, did you take these photographs of that pink towel?

A Yes.

Q Who was that?

A Sergeant Fred Shaneyfelt of the Centerville Police Department, and also Larry Dehus.

Q Who then took custody of these photographs?

A Sergeant Shaneyfelt.

Q State's Exhibit Number 18, would you examine that, open it, and tell us what it is inside?

A Inside are two beer cans of Old Milwaukee Light brand. These were recovered on the 6th day of February. They were found in the field along the path of those footprints. They were approximately seventy-seven feet away from the edge of the patio going toward the body. Also inside here is a can that was found in the

outside shed on the 9th day of February.

Q I am going to ask you to step to your diagram and indicate on your diagram where you found those cans?

A Approximately in this area here.

Q Let's put a C for each can.

A They were right next to each other.

Q When you saw the cans, Officer Adkins, when you first laid eyes on them, while they were on the ground, was there any snow on those cans?

A No, there was not.

MR. LANGER: You may resume your seat, please.

BY MR. LANGER:

Q These cans have a blackish material on them. Were they dusted for prints?

A Yes.

Q Any success?

A No.

Q Is that usual in evidence collection to have difficulty recovering prints from items of evidence?

MR. STEPHAN: Objection.

THE COURT: Your grounds?

MR. STEPHAN: Your Honor, I don't believe that is a proper question.

THE COURT: Overruled. You may answer.

THE WITNESS: Yes, it is. It is very common not to recover

prints. It is not like television where you get prints everywhere. It is very difficult to get a useable print.

BY MR. LANGER:

Q You say those are Old Milwaukee Beer cans?

A Old Milwaukee Light.

Q State's Exhibits 19A and 19B, would you identify those exhibits, please?

A Yes. 19A is an empty Old Milwaukee Light Beer carton. This was found on the counter of the Defendant's trailer on Sunday, February 7, in the morning when we entered the trailer.

Q 19B, please?

A 19B is another carton of Old Milwaukee Light Beer. This was located inside the refrigerator of the Defendant's trailer, which contains six unopened cans of Old Milwaukee Light.

Q Did you mark these?

A Yes, I did.

Q 19C?

A These are trash that I recovered from the trailer. 19C was the trash that I found inside the trailer in a trash can in the kitchen area.

Q Let's open that up and let's remove the items.

A There are also some rings.

Q Tabs?

A Yes.

Q Is there another can in there?

A Sorry.

Q Again, these particular items were recovered from the Defendant's trailer what date and time?

A They were recovered on Sunday, February 7, in the early morning hours. I can tell you exactly.

Q For the record, you have pulled out a carton of Old Milwaukee Beer, Old Milwaukee Light, and how many empty beer cans?

A Fourteen.

Q Are they all Old Milwaukee Light?

A Yes, they are.

Q If you would, put those back in the bags, please.
Do the same thing with this one. All right. You recovered these items where and when?

A From the trash bag sitting on the patio of the Defendant's trailer on Sunday the 7th, early in the morning.

Q We have pulled out an empty grocery bag with the wording New Super Strength Extra Heavy Duty, one torn Old Milwaukee carton?

A Right.

Q How many cans of empty Old Milwaukee Light?

A Thirteen.

Q Then we have one Red, White and Blue Beer can?

A Right.

Q Let's put those back.

THE COURT: What exhibit number is that?

BY MR. LANGER:

Q What exhibit is that?

A 19D.

Q You marked those, did you not, the bag?

A Yes. I marked and sealed it. On the beer cans, they were not submitted to the lab. They were taken and placed into the property room and stored there. And the cartons and also the trash.

Q I will present to you State's Exhibits 19E and 19F. Let's begin with 19E, as in Edward.

A 19E is a photograph I took on the early morning hours of February 7 which shows the picture of an Old Milwaukee Light carton sitting on the counter of the Defendant's trailer, which is the same carton.

Q 19F?

A This is a picture of the trash can inside the Defendant's trailer showing the Old Milwaukee Light Beer cans which I took on February 7.

Q Both are fair and accurate photographs?

A Yes.

Q Will you place this back in the envelope, please? I will show these to the Jury. State's Exhibit 20?

A This bag is a grocery bag that I recovered that was lying open on the face of the victim. Inside this particular bag was the set of genitals, inside this bag. This was recovered on February 6

Adkins - D

by myself, and it has the marking of Super Rite Grocery Store.

Q That was submitted to the Crime Lab, was it?

A Yes.

Q You followed the same procedure in terms of sealing and protecting the evidence, is that right?

A Yes, I did.

Q Again, the purplish material indicating an effort to find prints?

A Yes.

Q Was that successful or not?

A No, it was not successful.

Q If you will, just keep that to your left. I will now present State's Exhibit Number 21?

A These are grocery bags that I found inside the trailer of the Defendant on February 7th. There is one Super Rite Food bag and Imperial Foodtown bags.

Q If you will, hold up the bag which is marked State's Exhibit 20 and compare that to 21. Just hold that for the Jury. Okay. If you would, place that back in the bag. State's Exhibit 22. State's Exhibit 22 is another Super Rite bag. Where did you recover that?

A This was recovered at Springboro, the IGA Store in Springboro, Ohio.

Q By yourself?

A Right, by myself. It was given to me by a representative

of the store, Connie Stahl, who took it off of the checkout aisle and gave it to me.

Q The Springboro IGA?

A Right.

Q By the way, when you were searching the Defendant's trailer, did you find any plastic bags that indicated Super Rite or Springboro IGA? Any plastic food bags?

A No, I did not.

Q Here is State's Exhibit 23. Would you unseal that?

A This is an Imperial Foodtown bag that I recovered approximately twenty-two feet away from the victim's body which had clothing inside the bag.

Q If you would, hold that and we will compare it to one of the bags you recovered from the Defendant's trailer, State's Exhibit 21. Would you hold that up, please, and show the Jury? Spread the top. Okay. Again, any success in recovering fingerprints?

A No, there was none. I followed the same procedure on sealing and submitting this to the Crime Lab.

Q State's Exhibit Number 24?

A This is a photograph I took on the 6th of February showing the particular Imperial Foodtown bag with the clothing inside. It also shows the pink and white towel and white towel that were shown earlier.

Q It shows the Imperial marking on the bag?

Adkins - D

A Yes, it does.

Q Is that a fair and accurate photo?

A Yes, it is.

Q State's Exhibit 25?

A This is also an Imperial Foodtown bag which I recovered from the trailer of the Defendant which was laying on top of the counter of the kitchen.

Q This was on top of the counter?

A Yes.

Q Was it arranged in any particular manner?

A It was folded over like this and just kind of laid there loosely.

Q Lay it on your counter as you saw it. Loose like that?

A Yes.

Q Was there anything inside the bag?

A No.

Q You recovered that bag on the 7th?

A Yes, I did.

Q State's Exhibit Number 5, can you identify that exhibit?

A Yes, I can.

Q What is it?

A These are the clothing that I found inside the Imperial Foodtown bag in the field.

Q Did you place that clothing in that sealed bag?

A Yes, along with the Imperial Foodtown bag.

Q You followed the same procedure in getting the evidence to the Crime Lab, right?

A Yes.

Q Number 6?

A These are a pair of cowboy boots. These were also found in an Imperial Foodtown bag.

Q Again, you were careful to place these boots in that plastic bag?

A No. They were placed all together in that plastic bag and submitted.

Q Someone placed them in that bag after you submitted them to the Crime Lab?

A They came back from the Crime Lab in this bag.

Q In the photo of the refrigerator, showing the inside of the refrigerator, we see the Old Milwaukee carton. Were there any other items in there with the markings of Imperial Foodtown depicted in that photograph?

A Yes. There was a gallon carton of milk that said Imperial Foodtown on it.

Q Here is another photograph, State's Exhibit 26. Does that show the Imperial milk carton?

A Yes, an Imperial Foodtown milk carton and Old Milwaukee Light carton with six cans of beer.

Q Is that a fair and accurate photo?

A Yes, it is.

Q State's Exhibit 27, please, would you identify that exhibit?

A This is a City of Moraine Parks and Recreation identification activity card with the name of David Rowell on it. It also has his signature signed David Rowell. This was found in the Imperial Foodtown bag in the field. This was sealed and marked and processed for fingerprints by myself and turned into the property room.

Q Did you find fingerprints on it?

A No.

Q That was with the clothing?

A Yes.

Q How about State's Exhibit 28A?

A This is a book of matches with the markings of Golden Dawn on the outside. This was found inside the Imperial Foodtown bag with the clothing. This, again, was processed for prints by myself without any results.

Q Were any of those matches used? Were there missing matches in the book?

A Yes, a few were missing from the book.

Q 28B, please? If you would, unwrap that and examine the contents.

A This is an Old Milwaukee Light beer can that has been broken in two pieces. This was found in the trash of the Defendant's trailer on the 7th day of February. It had a reddish substance on

it which appeared to be blood. This was sealed and sent to the Crime Lab for analysis.

Q Would you put it back in the box, please? State's Exhibit 29?

A These are a pair of blue jean trousers that I collected from the bathroom clothes hamper of the Defendant's trailer on the 7th day of February. I followed the same procedure of sealing it and submitting it to the Crime Lab.

Q Did you at that time notice present on the jeans any stains of any sort?

A Yes, reddish-brown stains on the front of the trousers.

Q That was recovered in the middle bedroom of the trailer?

A No. That was recovered from the bathroom in the clothes hamper. They were on top of the rest of the clothes in the clothes hamper.

Q Here is State's Exhibit 30. Did you take this photograph?

A Yes, I did.

Q When did you take that photograph?

A This was taken on February 7 of the Defendant's trailer. It shows the back bedroom of the trailer which was identified as the Defendant's father's bedroom.

Q Is that a fair and accurate photograph?

A Yes.

Q While I show this to the Jury, would you look at State's

Exhibit 31? What is State's Exhibit 31?

A These are the items that were on the Defendant's father's bed, including a sheet, electric blanket, a bedspread, and pillow case.

Q You bagged all these, sealed them, locked them in the property room, and took them to the Crime Lab, right?

A Yes, I did.

Q Put those back in there, please. State's Exhibit 32, please?

A These are items that were on the bed in the Defendant's bedroom; a bedspread and multicolored flower sheet.

Q Let's pull out the multicolored blanket, I guess.

A I'm sorry. A blanket.

Q Show that to the Jury. Were you very careful to, again, bag this, seal it, and follow the same procedure as before?

A Yes, I was.

Q Would you put that back in there, please? State's Exhibit Number 33?

A This is the curtains that I recovered off the window of the Defendant's bedroom.

Q When you recovered those from the Defendant's bedroom, did you notice any stains on the curtains?

A Yes. There was a small stain on the curtains, kind of a reddish-brown stain.

Q Were those submitted to the Crime Lab for examination?

Adkins - D

A Yes, they were.

Q Would you put those back in the bag, please? State's Exhibit 34?

A This is a picture I took on February 7. This shows the floor of the Defendant's bedroom. It shows an orange ash tray.

Q I will show that to the Jury. Is that a fair and accurate photo?

A Yes, it is.

Q Will you examine the next exhibit? Is this the ash tray I am pointing to?

A Yes.

Q How far from the bed was that ash tray?

A Sitting right next to the bed.

Q I guess you had already stripped the bed of the sheets and so forth in that?

A Yes.

Q What is State's Exhibit Number 35?

A This is the contents that was in the orange ash tray.

Q Will you describe generally what sort of contents were in that ash tray?

A Numerous cigarettes, Winston cigarettes, a cigarette package, also several tissues, white tissues that were in there, also.

Q There are numerous cigarette butts here. I am pointing to that sort of object in this exhibit. Do you see what I am

Adkins - D

pointing at?

A Yes.

Q Can you make out what that is?

A It looks like a marijuana cigarette.

Q Is this the white item you are referring to?

A Yes.

Q Number 36?

A This is a photograph I took on the 7th day of February, a photo of a red leather strap that was found next to the couch, between the couch and the wall of the living room of the Defendant's trailer.

Q I will have you take out of Number 37 that exhibit and examine it. I will show this to the Jury. Is this a fair and accurate photo?

A Yes, it is. The reason why some are bad is I had some problems with the strobe that night. Sometimes the strobe wouldn't work.

Q As far as depicting the position of that print?

A Yes, it depicts it.

Q What is that exhibit?

A We are looking at 37. That is a red leather strap that I took a photograph of that was laying next to the couch in the living room.

Q 38A and 38B, what do those photographs show?

These are photos that I took on February 9 that shows an