

Adkins - C

Q Let me show you and ask you to hold State's Exhibit 19D. It is not necessary for my purposes that you open that up. I will tell you that that exhibit contains thirteen Old Milwaukee Light empty beer cans, a bag of some type, a torn beer carton, one Red, White and Blue Beer can, empty.

A Yes, sir.

Q Did you find that Red, White and Blue Beer can in the trash can in the Wampler kitchen?

A No. That was outside.

Q Is that from the trash on the patio?

A Yes.

Q Do you know the origin of the Red, White and Blue Beer can?

A Yes.

Q Where did that come from?

A It came from a trailer in Gordon's Trailer Court. One of the subjects at the Wampler trailer had been earlier drinking a beer and brought it to Wampler's trailer.

Q Would that have been at Darrell's house, do you know?

A Yes.

Q Darrell Doan?

A Correct.

Q Have you ever talked with him?

A Yes, I have.

Q Is that how you determined that the beer can came from

his trailer?

A. No.

Q. How did you determine that?

A. It was the person who brought it over. I believe, I am not positive, but I believe James Shipman or Ted Ritchie, one of the two.

Q. Do you know where the Springboro IGA is located?

A. Yes, I do.

Q. Where is that at?

A. On the corner of State Route 741 and -- I am trying to think of the cross street -- and State Route 73.

Q. 73?

A. Right.

Q. Do you know where there might be an Imperial Foodtown Store?

A. Yes, I do.

Q. Where is one?

A. The one Mr. Wampler said he shopped at is in Centerville.

Q. Is there one located at the intersection of Dixie and Stroop?

A. Kettering Boulevard and Ebert there is one.

Q. Which is not too far from Kettering Boulevard and Stroop?

A. That is right.

Q. That is an Imperial Foodtown Store?

A Yes. There is approximately seven Imperial Foodtown Stores.

Q Would it be fair to say the one on Kettering Boulevard is a couple miles away from the trailer court?

A Yes, sir.

Q I believe you testified on direct examination that in State's Exhibit 26 for identification you photographed a gallon carton of milk from Imperial Foodtown?

A Yes, sir.

Q I am not able to distinguish any marking of Imperial Foodtown on there, are you?

A No, I am not, but it is Imperial Foodtown.

Q Because that is the type of milk they sell?

A It has a marking Imperial Foodtown because I saw it on there. Also, my wife shops there. I am familiar with their brands.

Q Have you determined whether or not that type of milk is sold at any other store, anyplace?

A No, it is not.

Q It is only sold by Imperial Foodtown?

A In that particular carton.

Q But there are seven Imperial Foodtowns within the area?

A I could tell you exactly if I could refer to my notes.

Q That is your recollection?

A Half a dozen or seven.

Q On State's Exhibit 27, which contains or which is the

identification card of the victim for the Civic Center Recreational Facility, did you dust that for prints?

A Yes, I did.

Q Did you refer that to the Crime Lab for additional analysis?

A No, I did not.

Q Did you send that to the FBI for analysis?

A No, I did not.

Q On the Golden Dawn match book that is identified as State's Exhibit 28A, did you dust that for prints?

A No, sir.

Q Did you attempt in any fashion to discern whether or not that contained any fingerprints?

A Yes. I used anhydrite on it, a chemical spray.

Q When you answered on direct examination that you found no prints, is that there were no prints on it or no distinguishable prints?

A There was no print I observed on it.

Q There were no prints at all; no parts of a print?

A No prints at all appeared.

Q Would that have something to do with the method that you used to determine whether or not there were prints?

A No.

Q Let me show you what has been marked for identification

Have you ever seen a dog



leash before?

A Yes.

Q Does that appear to you, in your opinion, to be a dog leash or part of a dog leash?

A No.

Q What does it appear to be to you?

A A leather strap. It has no hook on it or hole in which you put your hand in like a regular dog leash would have.

Q In your opinion, this could not be a part of a dog leash?

A It could have been at one time, yes.

Q Can you identify these gouge marks that are contained there?

A No, I cannot.

Q If those were bite marks, would you be able to identify them?

A I don't believe so, no.

Q Did you say on direct examination whether or not you had removed what appeared to be blood samples from the interior door of the trailer?

A No. I said the storm door.

Q Did you remove anything from the interior door, test the interior door for anything?

A No, I did not.

Q Can you point out to me where the exhibits marked 40A through O would be? Those would be the head hair samples.

A Those laying right on the desk there. That one right there. I'd have to look at them. I can look at them and tell you.

Q Let me show you what is marked 40A, State's Exhibit. That is a head hair sample from the Defendant?

A Yes, it is.

Q When was that taken?

A That was taken February 7th.

Q When I say taken, I mean collected.

A I understand.

Q State's Exhibit 40B, taken from the Defendant. When was that taken?

A On March 2.

Q Thank you. State's Exhibit 40C. Who was this collected from?

A The father of the Defendant.

Q When was that collected?

A On February 9.

Q State's Exhibit 40D. Who is that a head hair standard of?

A James Shipman.

Q When was that taken?

A June 16.

Q June 16?

A Yes.

Q State's Exhibit 40E. Who is that a head hair sample of?

Adkins - C

A Glen White.

Q When was that taken?

A June 19.

Q State's Exhibit 40F, a head hair sample from James Joyce of the Coroner's Office?

A That is correct.

Q When was that taken?

A June 21.

Q State's Exhibit 40G, a head hair sample of Charles David Lett of the Coroner's Office. When was that taken?

A June 21.

Q State's Exhibit 40H, a head hair sample of Sergeant Alexander of the Moraine Police Department, taken when?

A June 22.

Q A head hair standard from yourself?

A Yes.

Q Did you happen to take that?

A Yes, I did.

Q You recovered it yourself?

A Yes, I did.

Q That was collected by you, from you, on June 23, 1982?

A Yes, it was.

Q The same date for Timothy Chambers in State's Exhibit 40J?

A That is correct.

Q June 23. A head hair standard from Keith Vaughn, State's

Adkins - C

Exhibit 40K, taken June 25?

A June 23.

Q June 23?

A Taken to the Lab June 25.

Q Thank you. A head hair standard, 40L, from Patrolman --  
excuse me -- from Joe Shipman, the young boy?

A Correct.

Q Taken June 21?

A 24th.

Q Fairl Byrd, Exhibit 40M, dated June 26th?

A Correct.

Q Here is State's Exhibit 40N recovered from Michael Rowell,  
the older brother?

A Yes, sir.

Q What date was that one collected?

A July 15.

Q Here's one from his father, Bobby Rowell, State's Exhibit  
40O. When was that collected?

A Same day, July 15.

Q And I believe from a witness in this case, Ted Ritchie,  
State's Exhibit 40P. When was that collected?

A July 15.

Q And lastly, 40Q, Michael Johnson. What was the date of  
that collection?

A March 3, 1982.



Q Patrolman, your function in the collection of head hair standards is simply to collect those, is that correct?

A Yes, sir.

Q You don't do any analysis on that?

A No, I do not.

Q Patrolman, would you -- maybe this is it. Let's talk a moment about the blood samples that you recovered. State's Exhibit 41A, a sample of blood from the Defendant. That was recovered what date?

A February 10.

Q A sample of blood in State's Exhibit 41B, recovered from James Shipman, what date?

A February 13.

Q Here's State's Exhibit 41C, blood sample recovered from Charles Wampler, the Defendant's father?

A Yes, sir.

Q What date was that collected?

A July 3.

Q State's Exhibit 41D. Without opening this up, I assume that it's a blood sample in there and it is taken from Bobby Rowell, the victim's father?

A That is correct.

Q What date was that collected?

A July 15.

Q And in Exhibit 41F, Michael Rowell, the brother of the

Adkins - C

victim, when was that taken?

A July 15.

Q A sample taken of Ted Ritchie, 41E?

A The same day, July 15.

Q And lastly, 41G, a blood sample of Michael Johnson.

When was that taken?

A The 3rd day of March.

Q You have also collected saliva samples in this case, Patrolman. State's Exhibit 42A, does that contain the saliva sample from the Defendant?

A Yes, it does.

Q When was that collected?

A 2-10.

Q February 10?

A Right.

Q State's Exhibit 42B, recovered from Joe Shipman, and that was collected on June 24?

A That is correct.

Q 42C, saliva sample from James Shipman, collected June 24?

A Right.

Q 42D, saliva sample from the Defendant's father, Charles Wampler, collected July 3?

A Correct.

Q 42E, a saliva sample from Ted Ritchie, July 15, correct?

A That is correct.

Q And Michael Rowell, July 15, 42F?

A That is correct.

Q Bobby Rowell, the victim's father, collected July 15, a saliva sample, 42G?

A That is correct.

Q And the last saliva sample, from Michael Johnson, collected March 37

A That is correct.

Q That is 42H?

A Yes, sir.

Q Are you finished with all testing that may be necessary to be done to State's Exhibit 35?

A Yes.

MR. STEPHAN: For the record, Your Honor, there is a hole in the bottom of the bag and there seems to be some particles coming out.

THE COURT: I can see that.

BY MR. STEPHAN:

Q Let me show you what has been marked for identification as State's Exhibit 34. Will you tell us what that is to depict?

A A picture of the floor of the Defendant's bedroom.

Q Is there anything significant about that picture?

A The orange ash tray was what those contents were removed from.

Q Does that photograph fairly and accurately represent what

that orange ash tray looked like?

A Yes.

Q Can you see the orange ash tray?

A Yes, I can.

Q All of it?

A No, you can't see all of it.

Q Does it fairly and accurately represent what that orange ash tray would look like if it was here in the courtroom today?

A If you took a picture of half the ash tray, it would.

Q That is half of the ash tray?

A Yes.

Q Is there some significance to showing the floor area?

A Yes.

Q What was that?

A There was a spot in the floor, a brownish-yellow color. We collected it for analysis. It was rust on the floor there that came through. That is what I was taking a picture of.

Q Whose bedroom was that in?

A The Defendant's bedroom.

Q Was that rust spot ground in, Patrolman?

A What do you mean ground in?

Q Well, would you have been able to wipe it up with a rag?

A No.

Q You would not?

A No.



Q When you returned to the Wampler trailer on Tuesday, February 9, did you have any difficulty gaining access to the trailer?

A No. Mr. Wampler gave me a key.

Q And he consented for you to go back into the trailer on a second occasion?

A Yes, sir, he did.

Q What was the purpose of the second visit?

A In order for the Crime Lab personnel to go in; just as another thorough search.

Q There is a department separate from yours when you talk about the Crime Lab, is that correct?

A Yes, it is.

Q They are located downtown and housed in the Safety Building for the Dayton Police Department?

A No. They are located on, I believe, Patterson Boulevard.

Q They moved there how long ago?

A They have probably been there --

Q A year?

A A good year.

Q Patrolman, did you clip any of those thorn bushes around the body and take them as samples of evidence?

A No.

Q After you had this discussion with Keith Wampler about these scratches that were on his hands, did you think to go back in

Adkins - C

the field and clip the thorn bushes to see if there was blood on the thorns?

A Yes. I contacted the Crime Lab and asked if there would have been traces of blood they could have picked up, and they advised there would not have been. If there was any, it would be very minute and there would be no way they could test it.

Q Are you familiar with analysis and testing of blood samples to any degree?

A Very limited.

Q It is possible to test a speck of blood on a strand of thread, isn't it?

A You can test it so far, right.

Q Were you present when State's Exhibit 9, this locked blade knife, was recovered from Mr. McGarvey?

A Yes.

Q Did he identify this as his knife?

A Yes.

Q And it was in his possession when you collected it?

A Yes, sir.

Q Do you have any estimation of how police officers combed that field on February 6, 1982?

A After I completed my investigation, I wanted to make sure that we did a search of the field, and there was approximately six officers that lined up and walked in the field as best we could before we lost daylight.

Adkins - C & RD

Q Can you give me your best approximation of the distance from where you are seated to the back wall of this courtroom?

A I don't understand.

Q How far is it from where you are seated to the back wall of this courtroom?

A Forty feet.

Q And I believe you testified that fifty-nine feet was the distance from the body to the green toilet seat cover, is that correct?

A That is correct.

Q And you found that six days later?

A Yes, sir.

MR. STEPHAN: May I have a moment, Your Honor?

THE COURT: Certainly.

MR. STEPHAN: Thank you, Patrolman. That is all.

THE COURT: Redirect?

MR. LANGER: A couple questions, Your Honor.

REDIRECT EXAMINATION

BY MR. LANGER:

Q Would you step down to the two diagrams, Officer Adkins, and with the red marker, would you dot a path, the footprints, on State's Exhibit 51? Then, also, on State's Exhibit Number 8.

A (Indicating).

Q You may resume your seat. You said that although it was somewhat unclear you thought there might have been two sets of



prints. Did I hear you correctly?

A Yes, sir, that is correct.

Q Could you tell whether or not, just by looking at those prints, whether those prints were caused by two individuals making a trip or by one individual making two trips?

A No.

Q There was no way to determine that?

A No.

Q The knife that you recovered from Mr. McGarvey, where was Mr. McGarvey when you recovered the knife from him?

A In his trailer.

Q Was that knife on his person or did he get it from some location?

A No. He went to a desk and took it out of a desk drawer.

Q That was on what date approximately?

A March, I'd have to say. Let me look at the exhibit.

March 9.

Q March 9. A full month after the homicide, is that right?

A Yes.

Q Last question. You said you can't say these are the boots that caused the prints that you observed, is that right?

A No, I cannot.

Q Are these boots consistent with the prints you observed?

A Yes, they are.



Adkins - RC

MR. LANGER: No other questions, Your Honor.

THE COURT: Very well. Any recross?

RECROSS EXAMINATION

BY MR. STEPHAN:

Q When you say that these boots are consistent with the prints that you saw, what are you excluding, any other non-slick soled footwear?

A Yes. That is one determination.

Q Would other slick soled footwear be excluded?

A If they don't have those rounded ends on the soles, they wouldn't be.

Q We are back to the beveling, aren't we?

A Right.

Q If you will take a moment to look at my shoes, if I were wearing size ten or eleven or whatever your estimate was of the tracks, would this style of shoe make a similar imprint?

A It would be real close.

Q When you say it is consistent with the prints that you saw, you are saying that it is not made by a gym shoe or a treaded soled shoe or any other shoe without a slick sole, is that correct?

A That is correct.

MR. STEPHAN: That is all, Your Honor.

THE COURT: Anything further?

MR. LANGER: No, Your Honor.

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

MR. HEAD: May we approach the Bench?

THE COURT: Yes.

(Whereupon an off the record discussion was had.)

(Whereupon Counsel returned to their respective tables.)

THE COURT: Ladies and Gentlemen, a request has been made to put on a brief witness before our afternoon recess. Before I make that determination, I want to make sure you are not too uncomfortable. Is anybody real uncomfortable who wants to break now? It should be three or four minutes before we can get into our break.

(No hands raised.)

THE COURT: Very well. You may proceed.

MR. HEAD: Thank you, Judge.

\* \* \* \* \*

WHEREUPON:

SCOTT LOMBARDO

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

DIRECT EXAMINATION

BY MR. HEAD:

Q Tell the Jury your name, please?

A. Scott Lombardo.

Q How old are you, Scott?

A. Sixteen.

Q Where do you go to school?

A. Fairmont West.

Q Do you know Keith Wampler?

A. Yes.

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

A. Yes (indicating).

Q What is he wearing?

A. A brown shirt; tan shirt.

MR. HEAD: Indicating the Defendant for the record, Your Honor.

THE COURT: The record may so indicate.

BY MR. HEAD:

Q When did you meet him?

A. Early last summer.

Q Where?

A. King Kwik.

Q Is that in Kettering?

A. Yes.

Q Do you know whether or not Keith was living in Moraine at the time?

A. Yes. He wasn't living in Moraine.

Q About how many times were you with him last summer?

A. Numerous. We were together about every day.

Q For the entire summer?

A. For a good two and a half or three months, yes.

Q I will show you what we have marked State's Exhibit 9.  
Have you seen that before?

A Yes.

Q Where have you seen that?

A There was about four of us that ran around together, and we all carried knives like this. One of them, one of our friends, he had a couple of them. He gave one to Chuck that looked just like this.

Q You said Chuck. Who is Chuck?

A Chuck.

Q He went by Chuck Wampler?

A Yes. That is what we called him, Chuck.

MR. HEAD: No other questions, Judge.

THE COURT: Cross examination?

CROSS EXAMINATION

BY MR. BOSTICK:

Q Scott, can you be more precise as to when you saw this knife?

A When?

Q Yes.

A I don't really remember every day, the dates.

Q When was the last time that you saw a knife similar to that? You didn't testify you saw that knife. You said you saw one similar, right?

A Yes. All of our friends have one like that.



Lombardo - C

Q Let's talk about this knife, for the record, Exhibit 9. You have never seen this knife before, have you?

A Well, I could have and maybe not. It depends on if it's the one Ray gave him.

Q Hold it in your hand. Can you swear under oath you have seen that knife before?

A No, I can't.

MR. BOSTICK: Thank you very much.

THE COURT: Any redirect?

MR. HEAD: No, Your Honor.

THE COURT: You may step down. Thank you. Ladies and Gentlemen, we will take our afternoon recess now. I won't take the time to give you the admonition again. Please recall it during the recess period. We will attempt to resume in the twenty to thirty minute range. If you will, be around the Jury room at about that time.

(Whereupon a recess was had.)

(Whereupon Court reconvened.)

(Whereupon State's Exhibits 53 and 54 were marked for identification.)

THE COURT: Very well. Mr. Langer, you may proceed.

MR. LANGER: The State calls Connie Stahl to the witness stand.

\* \* \* \* \*

WHEREUPON:

CONNIE STAHL

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 Connie Stahl.

Q Your place of employment?

A Springboro IGA.

Q How long have you been employed at Springboro IGA?

A Ten years.

Q Is it Mrs. Stahl?

A Right.

Q Mrs. Stahl, do you recall meeting an officer by the name of Adkins sometime in February?

A Yes, I do.

Q Where did you meet him?

A At the store.

Q At the store. Can you tell us what transpired between you and Officer Adkins back in February?

A I had received a telephone call from Detective Adkins inquiring about --

MR. STEPHAN: Objection.

THE COURT: Sustained on the content of the phone call.

BY MR. LANGER:

Q As a result of the call, what happened?

A He came down to visit the store and pick up one of the grocery sacks that we use.

Q Here is an exhibit marked 22 for identification. I don't know whether you can identify that as the same sack or not, but was it that sort of sack?

A We use sacks that are identical to that.

Q Do you remember the exact date -- did you make a notation as to the date he came by?

A I looked that up when I received the call, from the desk calendar. I had made a notation on Thursday, February 11.

Q Do you know how long the Springboro IGA has been using this identical bag?

A For a long time. There was a period, maybe eight years ago, when we used just plain sacks, without any printing. We have used those for several years.

MR. LANGER: No other questions, Your Honor.

THE COURT: Very well. Cross examination?

MR. STEPHAN: No questions.

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

\* \* \* \* \*

WHEREUPON:

HIRAM GIFFORD

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

DIRECT EXAMINATION

BY MR. LANGER:

Q Would you tell the Jury your name?

A Hiram Gifford.

Q Would you spell your last name?

A G-I-F-F-O-R-D.

Q Your occupation, please?

A Beer sales.

Q What particular beer distributor do you work for?

A United Beverage, Schlitz and Old Milwaukee.

Q Where is United Beverage located?

A 2780 Culver Avenue, Kettering.

Q What exactly is your position with United Beverage?

A Sales representative.

Q Again, United Beverage, that is a wholesale or retail business?

A Wholesale.

Q And you distribute to what sort of market?

A Permit holders like D1, D2, groceries, taverns, carry-outs. They have to have State License 1C, D1, D2.

Q Which beer brands do you distribute?



A Schlitz, Old Milwaukee, Heineken --

Q Are you the exclusive distributor of Old Milwaukee Beer in this area?

A Right.

Q I am presenting to you what has been marked State's Exhibit 18. One of the bags in that exhibit contains two cans, and I want to direct -- well, that is Old Milwaukee Light, am I right?

A Right.

Q You do distribute Old Milwaukee Light?

A Right.

Q The back side of the can is kind of hard to read but it looks like digital printing of numbers. What I want you to do is slowly read each number. I will write it on the chart here as you read it.

A 01172.

Q 01172. What is next?

A The last ones?

Q Yes.

A 6290.

Q 6290?

A Right.

Q The next one?

A You have got to have good glasses. 01182.

Q 01182.

A 6209. 6209 is correct. Wait a minute. These are hard to read.

Q Okay.

A Right.

Q What is the purpose of the numbers on the bottom of a beer can?

A The first five numbers, that is the number that I know, that is the date that beer was put in the can.

Q Why is it necessary to print on the bottom of a beer can the date of its manufacture?

A That is very important. Beer has to be kept fresh. It is very perishable. We do not have old beer in the market. If we do, we catch heck.

Q What is the life span of a can?

A Anything over 180 days has to be dumped. It is no good.

Q You said the first number meant that that one can was manufactured on what date was that?

A January 17, 1982.

Q January 17, '82. And the second can was?

A January 18.

Q January 18, 1982?

A Right.

Q Do you have any idea how many cans of beer were manufactured by Old Milwaukee on January 17 or 18?

A That would be hard to answer. Millions of cans, probably.

Hundreds of thousands of cans. It would be very hard to answer.

Q Do you have any idea how many cans of Old Milwaukee manufactured on the 17th and 18th were sold to persons in the Moraine area on or before February 6?

A Single?

Q Single cans or cartons?

A In Moraine?

Q Yes.

A I'd say at least a thousand, approximately.

Q Here is State's Exhibit Number 19B which contains several full cans of Old Milwaukee Light Beer. Let's pull one of those out. Would you read the digit number that appears at the bottom of the can you are looking at?

A 01182.

Q And the last four numbers?

A 6209.

Q Would they all be the same number? Take a look at a random one.

A Unless they have been changed, they would be 01182, 6209.

Q I notice on the side of the carton there appears a different type of number system. This says A118SV and a few other letters. What does that mean, if anything?

A That means January 18. That is the only thing. '82. These numbers, I cannot read. They go by alphabet on the other

cartons.

Q Here is State's Exhibit Number 19D which is the cans from the trash can outside the trailer. Looking at this package here, can you tell the date of the cans that were in this package and the date they were manufactured?

A It should be January 17, 1982.

Q January 17?

A Yes.

Q Okay. Read the number at the bottom of the empty can.

A 01172, 6290. Yes, 6290.

MR. LANGER: No other questions, Your Honor.

THE COURT: Cross examination?

MR. BOSTICK: No questions, Your Honor.

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

Thank you.

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WHEREUPON:

PEGGY GENNETTE

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

DIRECT EXAMINATION

BY MR. LANGER:

Q Please state your name?

A Peggy Joanne Gennette.

Q It is Mrs. Gennette, am I right?

A Yes.

Q Mrs. Gennette, you are the aunt of Keith Wampler, are you not?

A Yes.

Q You are the sister of his father?

A Yes.

Q Do you recall, Mrs. Gennette, back about February 15, an officer by the name of Sergeant Shaneyfelt coming to your residence?

A Yes.

Q Where did you live back then?

A The same place I do now, 1311 Jordan Avenue.

Q Dayton, Ohio?

A Yes.

Q What did he show to you at that particular time?

A A picture of a towel.

Q When you saw this particular photograph, what did you tell him?

A I recognized the towel.

Q You recognized it as --

A One I had given my brother.

Q That you had given your brother. Did he show you one or several photographs, do you remember?

A I couldn't swear one or two, but it seems to me like more than one.

Q Here are State's Exhibits 17A, B, and C. Do those appear to be the same photographs he showed you?

A Yes.

Q When you recognized the towel as similar to the towel you had given your brother, did you say or do anything else in that regard?

A Well, I just said I thought I had the mate to it down in the basement.

Q Let me show you an exhibit marked as State's Exhibit 53. You went to the basement to recover a towel identical to the one in the photograph?

A Yes.

Q When did you give your brother the towel, this pink towel with the monogram? When did you give him that towel?

A Just a little while after he moved into the trailer.

Q Would that have been 1981 sometime?

A Sometime. I'd say -- I can't remember when he moved into the trailer, but whenever it was, not too long after that.

Q While Sergeant Shaneyfelt was there, you went to your basement?

A He and I both went down the basement.

Q And you searched for the towel that matched the towel you had given your brother?

A Yes.

Q And here we are looking at the pink towel out of --

A I had two sets; pink and blue.

Q Let me show that to you now. Do these appear to be the towels that you gave Sergeant Shaneyfelt?

A Yes.

Q One is a pink with the letter G. The other is a blue with the letter A. What do the initials G and A stand for?

A A. G. Gennette.

Q Who is A. G. Gennette?

A My husband.

Q The photograph that he presented to you shows a pink towel with the initial A?

A This is the pink towel with the G.

Q The other one matches this?

A Right.

MR. LANGER: I have no other questions, Your Honor.

THE COURT: Cross examination?

MR. BOSTICK: We have no questions, Your Honor, but we do reserve the right to recall this witness.

THE COURT: Very well. It will be so reserved. You may step down, Ma'am. Thank you.

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WHEREUPON:

FREDDIE WAYNE SHANEYFELT

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

DIRECT EXAMINATION

BY MR. LANGER:

Q State your name, please?

A Freddie Wayne Shaneyfelt.

Q You are a sergeant with which police department?

A I am Detective Sergeant with the Centerville Police Department.

Q How long have you been with the Centerville Police Department?

A Seventeen and a half years.

Q Sergeant Shaneyfelt, were you requested to assist the Moraine Police Department in the investigation of the death of David Rowell?

A Yes, sir, I was.

Q In particular, did you have an occasion to go to the home of a Peggy Gennette?



A. Yes, sir.

Q. Approximately when was that?

A. That was on February 15, 1982, at 4:40 P.M.

Q. What was your purpose for doing that?

A. I had three Polaroid photographs of a towel which I had received from Police Officer Denny Adkins of the Moraine Police Department to see if we could get that towel identified.

Q. How is it that you knew to go to Mrs. Gennette's house?

A. I had made some previous contact earlier in the day in Waynesville to various different relatives in this, and she was my last stop.

Q. Here are State's Exhibits 17A, B, and C. Were those the photographs you presented to Mrs. Gennette?

A. Yes, sir, they are.

Q. You marked and dated your meeting with her?

A. Yes, sir. That is my mark on the back of the photograph.

Q. Will you tell us what transpired as you presented the photographs to Mrs. Gennette?

A. I knocked on the front door. They answered the door. I identified myself as to who I was, a police officer from the Centerville Police Department. They advised they was also expecting me. I came in, sit down. I advised them I would like them to look at three Polaroid photographs of a towel to see if they could positively identify it. I showed Mrs. Gennette the photograph. At

that time, she stated to me that she was positive that this was her towel. I asked her how she could be positive. She advised that with the letter A, she also had other towels with the initials of A and G, which is her husband's initials.

Q Did you accompany Mrs. Gennette to another part of the house to locate those towels?

A She said she had others in the basement. She went into the basement area and came back a short period of time later and was carrying some other towels.

Q You have before you State's Exhibit 53 for identification. Will you examine each of those towels and determine whether you placed your markings on them?

A Yes, sir.

Q How about the blue towel?

A Yes, sir. Here it is.

Q Are those the towels that Mrs. Gennette turned over to you on that day?

A Yes, she did.

Q What did you do with them after you took custody of the towels?

A Marked them, gave her a receipt for both towels, asked her if I could keep them. She advised, yes, I could. I returned to the Moraine Police Department and turned them back over to Patrolman Denny Adkins of the Moraine Police Department.

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

Schmidt - D

THE COURT: Cross examination?

MR. BOSTICK: Nothing, Your Honor. Thank you.

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

\* \* \* \* \*

WHEREUPON:

ROBERT J. SCHMIDT

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 Robert J. Schmidt.

Q You are a Moraine Police Department officer?

A Yes, I am.

Q I am going to present to you State's Exhibit 54. I will ask you whether or not you can identify that exhibit? You can open it up and look inside.

A Yes, I can.

Q What is that exhibit?

A These are hair standards that I collected.

Q It is now sealed. Let the record show we are unsealing it

Do your marks appear on the outside of this?

A Yes. Right here.

Q You put it right over the seal?

A My initials, date, and time.



Schmidt - D

Q The envelope, the place, time, contains plastic, smaller plastic bags, and some cardboard containers of some sort. Which of these items can you identify?

A These here and this one here.

Q You are pointing to a white cardboard container. What is that white container?

A It is a hair or hairs that were recovered from the victim's calf. I picked that up yesterday from Detective Mullins.

Q Going through these smaller plastic bags, I will ask you to quickly identify the individuals from whom you obtained hair samples?

A Doctor James Davis of the Coroner's Office, Gerald Phipps of the Coroner's Office, Dave Lett of the Coroner's Office, Donald Schaffer of the Coroner's Office, Detective Mullins of our Police Department.

Q How did you proceed to get these hair samples?

A I contacted these individuals and had them actually pull head hair from their hair. I needed the root along with the hair to submit to the lab for comparison.

Q Did you place their samples into envelopes and seal those?

A Yes, individually, the hairs from each individual are in the envelopes and I marked and sealed each package.

Q What did you do with the sealed package?

A Placed them in this envelope.



Q The large envelope?

A Yes, and transported it to the Miami Valley Regional Crime Laboratory.

Q You would have done this when?

A The four samples from the Coroner's officials were obtained yesterday. The one from Detective Mullins was obtained the day before.

MR. LANGER: No other questions, Your Honor.

THE COURT: Cross examination?

MR. STEPHAN: Could we have just a moment, Your Honor?

THE COURT: Yes.

MR. STEPHAN: No questions, Your Honor.

THE COURT: You may step down.

MR. HEAD: Your Honor, that is all the witnesses we have for today.

THE COURT: Ladies and Gentlemen, as I indicated to you during Voir Dire examination, we have determined that in order to conclude this trial within a reasonable period of time we are going to be working on Saturday, which is tomorrow. Arrangements, I believe, have been made to have the building open for you or a guard on duty at the building, because normally the building is closed on Saturday, who will admit you and you will be admitted through the south door of the building. That is the door on that side of the building toward the wall where the clock is at the present time. There is a door there. There will be a guard to admit you. I

don't know how many parking facilities are open on Saturday. The normal Courthouse staff is not usually on duty, so there may be, I don't mean to encourage this necessarily, but there may be a few parking spaces available out here in front of the jail. Normally, those places are reserved for the deputies and other court officials, but you may be able to get lucky and find something there. Otherwise, I am not sure about the policy on metered parking or the availability of parking, but you have been handling it up to now. We will trust those to your decision. I think we will resume the offering of testimony at 9:00 o'clock tomorrow morning. So, if you will, make arrangements to assemble in the Jury room shortly before 9:00, we can hopefully get going. I have no idea how long we will be at it tomorrow. I would tell you that I think you ought to plan for a substantial portion of the day, just as if it was a regular work day in the Courthouse.

During your recess period, I want to remind you again of the Court's instruction. That is, that you are not to discuss this case among yourselves, or to discuss it with anyone else. Do not permit anyone to discuss this case with you or discuss it in your presence. Do not form or express any opinion on this case until it is finally submitted to you. Again, I tell you you must explain this rule to your family and to your friends. When this trial is over and you are released from Jury duty, you may discuss your experiences as a Juror or this case with anyone who you want to, but, of course, you are not required to do that. Until that moment,

you must control any desire that you would have to discuss this case both here and at home. You are not to talk with the attorneys, the parties, or the witnesses during any phase of the trial of this case. Likewise, these individuals must not talk with you. If anyone should attempt to discuss this case or contact you in any way about this case, you are to report that incident at your earliest opportunity to Mr. Findlay or Mrs. Maynard. Do not investigate or attempt to obtain any information about this case outside this courtroom. It is highly improper for anyone to attempt to do that. Again, as you are aware by now, this trial is the subject of news broadcasts and of news writings, and I instruct you, therefore, 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. Further, do not let anyone read to you or comment to you about any news account on the subject of this trial. If you should acquire any information in this fashion, again, please report that to Mr. Findlay or Mrs. Maynard. Likewise, if you should experience any personal difficulties, the same instruction applies.

Anything further by counsel?

MR. HEAD: No, Your Honor.

MR. BOSTICK: Nothing, Your Honor.

THE COURT: We will adjourn then for the evening recess and see you tomorrow morning at 9:00 o'clock.

(Whereupon a recess was had.)



July 24, 1982

(Whereupon Court reconvened.)

(Whereupon State's Exhibits 55 through 59 were  
marked for identification.)

THE COURT: Good morning, Ladies and Gentlemen. I  
hope everyone found a place to park this morning. Mr. Head, you  
may proceed.

MR. HEAD: Thank you. The State will call Bill Mullins.

\* \* \* \* \*

WHEREUPON:

BILL MULLINS

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

DIRECT EXAMINATION

BY MR. HEAD:

Q You are Bill Mullins, are you?

A Yes, sir, that is correct.

Q What is your occupation, Bill?

A I am a detective with the Moraine Police Department.

Q How long have you been a police officer?

A Fifteen years, sir.

Q That is with Moraine?

A Yes, sir.

Q Do you have any law enforcement experience before that  
time?



A Yes, sir, I do.

Q What was that?

A I was with the Military Police in the United States Army for five years.

Q You say you are a detective. How long have you been a detective?

A Approximately six and a half years.

Q What are your duties as a detective for the Moraine Police Department?

A I am assigned to criminal investigation.

Q On February 6, 1982, were you dispatched to the scene of an apparent homicide?

A Yes, sir, I was.

Q Where did you go?

A To a field which is located west of Kreitzer -- correction, north of Kreitzer Road and west of Gem City Estates in the City of Moraine.

Q About what time did you arrive, do you recall?

A About 4:15 to 4:20 P.M.

Q What did you observe upon arrival?

A I came off of I-75, northbound I-75, and turned onto Dryden Road and traveled, that would have been a southerly direction. As I came to the entrance of Gem City, I observed a Moraine Police car with an officer. I drove past him to Kreitzer Road and turned right down to the west end of Gem City Estates where

Officer Setty was parked near a dirt road. I got out and had a brief conversation with Officer Setty. As a result of that conversation, I drove down the dirt road some distance and parked my car and got out and met with Chief Carmichael.

Q He is the Chief of Police for Moraine, is he?

A That is correct.

Q After conferring with Chief Carmichael, what if anything, did you do?

A Chief Carmichael and myself then followed a path out into the field where the body was found.

Q You have been here in Court this week, haven't you?

A Yes, sir.

Q You have heard about a path or two leading out to the body?

A Yes, sir.

Q What path did you take?

A It was a path that had been used by other officers and was pointed out to me by Chief Carmichael. This is the path we took out to where the body was at.

Q When you went out to the body of David Rowell, how close did you get to that body?

A Approximately ten feet.

Q Could you tell from your observation of some ten feet away the cause of death of David Rowell?

A No, sir, I could not.

Q After you got out to David's body, what if anything did you do?

A Observed the scene.

Q Did you have the occasion to look back toward the trailer court?

A Yes, sir, I did.

Q What did you observe if anything?

A Leading from the area where the body was found, I observed, in addition to the set of footprints and the trail that Chief Carmichael and myself had taken, an additional set of footprints leading from the body and back to what I later learned was the Wampler residence.

Q After observing that foot trail, what did you do next?

A Chief Carmichael and myself walked back the same set -- through the same set of footprints or trail we had come in on back to the dirt access road.

Q Okay. Did you have the occasion then to go to the trailer that you later learned was the Wampler trailer?

A Yes, sir, I did.

Q Was anybody home?

A Yes, sir, there was.

Q Did you go inside that trailer then?

A Yes, sir.

Q Who was all there?

A Cecil Wampler, Keith Wampler, Michael Rowell, and there

was a man and his young daughter there, also.

Q Did you have the occasion to talk to Keith Wampler at that time?

A Yes, sir, I did.

Q Was that in the trailer?

A I spoke with him briefly in the trailer. Then, at a later time, I had another conversation with Keith Wampler.

Q Where, in your police cruiser?

A In my car, yes, sir.

Q Why did you go out to your car to talk to Keith?

A Because I had a legal pad out there and pencils and such, and we could sit and be comfortable and talk.

Q How long did that interview with Keith Wampler last at that time?

A About ten minutes.

Q Would you tell us the essence of that interview?

A Yes, sir. Keith told me that he had lived in the Moraine area for about five months and that he had moved there from Waynesville, Ohio; that he lived there at that residence with his father, Cecil Wampler; and that his mother lived in Waynesville, Ohio; and that he knew David Rowell and that David Rowell had been to his residence on Friday, February 5, 1982, in the afternoon hours along with his brother; and that Michael Rowell had left, and that he had run out without a shirt on in order to try to catch up with David (sic) to find -- I mean -- correction -- Michael Rowell



to see why he was leaving, but he was unable to catch up with Michael; and when he returned back to his residence, David was walking out the door and had went over to the Shipman's residence. That is the last time, Keith told me, that he saw David Rowell that day.

Q Did you know where the Shipman's residence was?

A Not at that time, no, sir.

Q Did you go over there?

A Yes, sir.

Q How did you know where the Shipmans lived?

A Keith Wampler took me and showed me where the Shipmans lived at.

Q Did you at that time attempt to contact the Shipmans?

A No, sir.

Q After walking over there, what did you and Keith Wampler do, after walking to the Shipman's residence?

A Walked back to where Keith lived at.

Q Did you have any further conversation with Keith Wampler at that time?

A Yes, sir. Sometime during that time frame, Keith Wampler told me that at about 10:00 P.M. or somewhere in that general area, on the 5th of February that Jim and Joey Shipman, Mike Johnson, and a boy he knew only as Ted came to his residence and that they were quite intoxicated and had been using drugs and were loud. They stayed there for awhile and left. Keith also asked me at this time

not to say anything to anyone about the information he had given me.

Q Did you ask the Defendant to reduce that statement that you just related to us to writing?

A Yes, sir. I asked him if he would write me out a statement. He said, yes. I gave him a sheet of paper to write the statement down on. I told him I would get back to him later that day and pick it up.

Q What did you then do after you gave him this piece of paper?

A I again went out and spoke with Chief Carmichael and several other officers that were in the area and made several assignments as to -- had one officer canvass the area to see if anyone in the area had seen or heard anything that might be helpful. Officer Adkins was assigned to photograph and process the scene and to also take photographs of the footprints and any other items in the area that would be helpful.

Q By the way, do you see Keith Wampler in the courtroom today?

A Yes, sir.

Q Would you identify him for us?

A Yes, sir. The young man seated here with the brown shirt.

MR. HEAD: Indicating, Your Honor, the Defendant for the record

THE COURT: The record may so indicate.

BY MR. HEAD:

Q After you made these assignments to the various other officers, did you have the occasion -- did Keith give that statement to you that he said he would write out for you?

A Yes, sir.

Q I will show you State's Exhibit 55. That is a xerox copy, is it not?

A Yes, sir, it is.

Q What is it a copy of?

A This is a copy of the handwritten statement that Keith Wampler gave to me February 6, 1982, at about 5:23 P.M.

Q Is there anything in that particular statement that you haven't related to us already as to what Keith told you?

A No, sir.

Q All right. After receiving this written statement from Keith Wampler, what did you do next?

A I checked back at the Shipman residence. At that time, they weren't home. I contacted a neighbor and learned in a conversation with a neighbor that they would be home later. I spoke with several officers, the Coroner's investigation officer, and such that were there. I left the area for a short while, went back to the Moraine Police Department, and made several phone calls.

Q Did you have the occasion to, later on that evening,

attempt to contact Keith Wampler once again?

A. Yes, sir, I did.

Q. Where did you find Keith Wampler?

A. At the residence of John McGarvey.

Q. Did you go over to John McGarvey's residence after contacting Keith?

A. Yes, sir, I did.

Q. Was John McGarvey there?

A. Yes, sir, he was.

Q. I will ask you if you learned whether -- was Keith Wampler there?

A. Yes.

Q. I will ask you if you learned of Mr. McGarvey's whereabouts on that Friday night?

A. Yes, sir, I did.

Q. The night before?

A. Yes.

Q. Where was he during that night?

A. He was gone for the night and, as best I can recall, he was in Vandalia, Ohio.

Q. By the way, did you learn the whereabouts of -- did you have an interview with Cecil Wampler during that afternoon when you were there?

A. Yes, sir, I did.

Q. Did you learn his whereabouts?



A Yes, sir.

Q The night before?

A Yes, sir.

Q Where was he?

A In Waynesville, Ohio.

Q You have been out to the trailer park, have you not?

A Yes, sir.

Q And you have been to the Shipman trailer on at least one occasion or more than one occasion?

A Yes, sir.

Q Have you had the occasion to stand on the Shipman's front porch?

A Yes, sir.

Q Have you had the occasion to look back toward the Wampler trailer when you have been on the Shipman's front porch?

A Yes, sir.

Q I will ask you what part, if any, of the Wampler trailer you could observe from the Shipman's trailer?

A From that area, you can observe a portion of the Wampler trailer, which would be the front, and a portion of the east side.

Q Have you been over to the West trailer, Adrian West's, who testified yesterday?

A Yes, I have.

Q Have you had the occasion to be inside that trailer?

A Yes, sir, this past Sunday.

Q Particularly in the kitchen area, have you been in there?

A Yes, sir. I was seated at the kitchen table.

Q Did you have the occasion at that time to look out the kitchen window?

A Yes, sir.

Q I will ask you whether or not you could see the Wampler trailer from Mr. West's window?

A Yes, you can.

Q What portion if any of the trailer, of the Wampler trailer could you see from Mr. West's window?

A The front and the east side.

Q Did you take Keith Wampler down to the station that night?

A Yes, sir.

Q About what time did you arrive back at the station, do you recall?

A At about 11:00 P.M. or shortly thereafter, in that time frame.

Q Where did you take him once you got to the station, Officer?

A We went inside and went to a conference room which is located behind the dispatch center.

Q About what size room is that?

A It is approximately ten by thirty.