

labeled white tissue with saliva sample from Ted Ritchie.

Q Did you receive that, again, in a sealed condition?

A Yes, I did, and the envelope bears the lab case number, the date, and my initials.

Q To avoid repetition, if at anytime any particular exhibit was not received by you in a sealed condition, will you let us know?

A Yes, sir.

Q Otherwise, we will assume the evidence you received that you are going to testify to was received sealed. All right?

A Correct.

Q You had a chance before this afternoon to look at all the exhibits, have you not?

A Yes, I have.

Q Did you determine whether, based on that sample from Ted Ritchie, he was a secretor or non-secretor individual?

A Based on the sample submitted, I determined he was a type O secretor.

Q Go to the next exhibit, 42H.

A State's Exhibit 42H is labeled one white tissue containing a saliva sample of Michael Johnson.

Q Is he a secretor or non-secretor?

A Based upon my tests, I determined he was a type O secretor.

Q The third exhibit, please?

A The third exhibit is State's Exhibit 42C, labeled

recovered from James Shipman, one white tissue with saliva sample.

Q Your tests indicated what?

A The results of my tests on that sample revealed James Shipman to be a type A secretor.

Q Next exhibit, please?

A The next exhibit is 42D, labeled Charles Cecil Wampler, one white tissue with saliva sample from Charles Cecil Wampler.

Q Your tests indicated what?

A The tests on that sample revealed Charles Cecil Wampler to be a type O secretor.

Q Okay.

A The next item is State's Exhibit 42F, labeled Michael Rowell, one tissue with a saliva sample of Michael Rowell. My serological test revealed Michael Rowell to be a type A secretor.

Q Okay.

A The last item is State's Exhibit 42A and is labeled saliva sample of Charles Keith Wampler. Charles Keith Wampler was determined to be a type A non-secretor individual.

Q You have before you State's Exhibit 41, which has been identified as the sheets and blankets from Cecil Wampler's bedroom. Did you receive that at the Crime Lab and did you examine particularly the sheet for the presence of blood?

A State's Exhibit -- it is marked State's Exhibit 31.

Q I am sorry. Number 31, yes, sir.

A Yes, it was received for examination by myself.

Q Would you pull out that sheet and point to the particular spot in the sheet that you examined for the presence of blood?

MR. STEPHAN: Your Honor, it would be very much appreciated if this witness would identify the date that he conducted the examination so we can follow in some order.

THE COURT: Very well.

MR. STEPHAN: As he goes through the various exhibits.

THE COURT: Very well.

THE WITNESS: What I can do is I can give you the date of the report corresponding to the item.

MR. STEPHAN: That would be fine.

THE WITNESS: This would be reported in the report dated February 8.

MR. STEPHAN: Thank you.

THE WITNESS: There were obviously several areas that were cut out for testing, and tests on the sheet revealed both blood stains and seminal stains.

BY MR. LANGER:

Q With respect to the seminal stains, what findings did you make? Were you able to type or determine whether or not they were secretors or non-secretors?

A The serological tests performed on the seminal stains was determined to come from a type A secretor individual.

Q Did you say there were several blood stains or only one?

A I believe there was one small blood stain.

Q What conclusions were you able to draw from that particular blood stain?

A The blood stain was determined to be -- I believe there was sufficient quantity to determine this was human blood but not enough quantity to do blood grouping.

Q The most you can say is it came from a human being?

A That is correct.

Q State's Exhibit 33, previously identified as the curtain.

MR. STEPHAN: May we approach the Bench?

THE COURT: Yes.

(Whereupon the following was had at the Bench:)

MR. STEPHAN: I would like the record to reflect that pasted on the wall in the courtroom at this point in time are two, two by four charts indicating blood types, head hair samples, and other items on those charts. I anticipate the Prosecutor expects this witness to make some reference to it, but observations have been the Jury seems to be looking at that chart while the witness is testifying. With all due respect, I believe that it is not proper for those charts to be exhibited at this point in time, and we would ask they be taken down until such time as they are going to be used as evidence or some reference made to them. My point is, Judge, I think the Jury may tend to speculate on what that chart means while this witness is testifying before he makes any connection between the two.

MR. LANGER: I am anticipating or intending to specifically ask Mr. Dehus about those in the course of his testimony.

THE COURT: I notice there has been some work applied to them to get them on the wall. If we are going to get to them quickly, I think we will overrule the objection, although if it was going to be some length of time I would find your objection well taken. We will overrule the objection at this time.

(Whereupon Counsel returned to their respective tables.)

BY MR. LANGER:

Q State's Exhibit 33, have you tested that curtain for the presence or absence of blood?

A Yes. The curtain was examined for blood stains, and it was noted that there was a very, very small dilute stain along one edge of the curtain. It was tested and determined to be human blood, but there was not enough there to do any testing beyond that.

Q State's Exhibit 39, would you examine that and tell us whether or not you can identify it?

A State's Exhibit 39, again, I can identify by the lab case number and the date. It is labeled suspected blood spot removed from front storm door.

Q Did you participate in the removal of that spot for testing purposes?

A I did not.

Q Were you present at the time that it was recovered?

A I was not.

Q You received that sealed in that box or how did you receive that particular item of evidence for examination?

A This box was sealed and marked when I received it. It was sealed within a larger package with other evidence.

Q You unsealed it and tested it?

A That is correct.

Q And your results, please?

A The results of those tests were the pieces of fiber that had kind of a light color stain are human blood, but there was not enough blood to determine blood grouping tests on this item.

Q State's Exhibit Number 9?

A State's Exhibit Number 9 is labeled one lock blade knife and contains a knife within a leather sheathe. I can identify it by the markings on the sheathe and my markings on the metal of the knife.

Q Did you determine whether or not there was any blood on that knife?

A I examined the knife, and there was no visible stains on the blade of the knife. However, a test was performed called the Phenolphthalein Test which is an extremely chemical test for traces of blood. This test was positive for blood.

Q Could you determine whether it was human blood?

A Since there was no visible stain, it was impossible to

determine if it was human in origin or animal in origin.

Q To your left on the wall we have a chart which I want to refer you to. You will see on the chart the words type A, type O, PGM, EAP, ADA, and AK. I'd ask you at this time to explain to the Jury what those words or letters mean, please?

A First of all, the letters that are written in blood type A and down in the middle of the chart blood type O those refer to the blood type of certain individuals or blood on certain objects. It refers to the ABO blood system. I think most people are familiar with the fact that they are either type A, they are type B, they are type O, or they are type AB. In this particular case, the blood stains that we worked with were either type A or they were type O. The other abbreviations down further in black, just below where it says blood type O, PGM, EAP, ADA, and AK, these are additional blood grouping tests based upon the fact that people inherit different forms of enzymes in their blood. PGM stands for Phosphoglucomutase. The name is not important. What is important is people inherit that enzyme in different forms that we can detect. The next one, EAP, stands for Erythrocyte Acidphosphatase, which is another enzyme. ADA stands for Adenosine Deaminase, which is an enzyme people inherit in different forms. AK stands for Adenylate Kinase, another enzyme which people inherit in different forms and permits us to break down individualized blood stains.

Q We will come back to that chart in a second. I want to present State's Exhibits 41A, 41B, and 41F. Beginning with 41A,

will you identify that exhibit, please?

A State's Exhibit 41A I can identify by the mark and the case number. It is labeled recovered from Charles Keith Wampler, one vial of blood.

Q Did you determine the blood type of that particular sample?

A Yes, I did.

Q That was what?

A It was determined to be type A.

Q State's Exhibit Number 41B?

A State's Exhibit 41B, again, I can identify by my initials and the case number. It is identified as recovered from James M. Shipman, one vial of blood from James M. Shipman. My blood grouping tests on this item revealed it to be type A blood.

Q 41F, please?

A 41F is labeled Michael Rowell and contains a blood specimen vial. My tests on the blood specimen revealed that blood sample to be type A.

Q State's Exhibit 28B. First, describe -- if you will, pull that out and show it to the Jury. Describe what you are holding?

A State's Exhibit 28B is a beer can that has been twisted and torn in half, having some very sharp, jagged edges. There were several blood stains on both pieces of the beer can, and these stains were tested and determined to be human blood type A.

Q Did you attempt to further sub-type it down into the enzymes?

A No, I did not.

Q Any particular reason why you didn't?

A Well, the type A bloods were eliminated from further study because the blood type of the victim was determined to be type O. I felt it was not relevant.

Q State's Exhibit 29?

A State's Exhibit 29 is labeled collected from clothes hamper in bathroom of 2753 Cozy Lane. I can identify it by my mark and this case number. Examination of this item revealed some blood stains, and serological tests performed on those stains revealed them to be type A blood.

Q I will ask you to step next to that chart for the next series of exhibits. You have examined this chart, have you not, before you came in this afternoon to testify?

A Yes, I have.

Q Does this chart fairly and accurately summarize the findings you also placed into your report?

A That is correct.

Q We are going to begin with State's Exhibit 41G. I will show that to you and I will ask you to tell the Jury about your findings, and refer to the chart if you would.

A State's Exhibit 41G is a blood sample that contains a blood tube drawn from Michael Johnson. The blood specimen of

Michael Johnson was determined to be type O; PGM 2-1; EAP, CA; ADA, 1; AK, type 1.

Q 41D?

A 41D is labeled Bobby J. Rowell and contains a blood specimen tube. The blood group tests performed on this exhibit revealed Bobby Rowell to be type O; PGM, 1; EAP, type B; ADA, type 1; AK, type 2-1.

Q 41C?

A State's Exhibit 41C is identified as a vial of blood from Charles Cecil Wampler. The blood of Charles Cecil Wampler was determined to be type O; PGM, 1; EAP, type BA; ADA, type 1; AK, type 1.

Q 41E?

A State's Exhibit 41E is a blood specimen identified as recovered from Ted Ritchie. Blood grouping tests performed on this exhibit revealed him to be type O; PGM, 1; EAP, type B; ADA, type 1; AK, type 1.

Q State's Exhibit Number 3, please?

A State's Exhibit Number 3 is identified as a blood specimen drawn from David Rowell.

Q You received that along with the rest of the blood specimens and tested it, did you not?

A That is correct. The results of my testing on this exhibit revealed David Rowell is type O; PGM, type 1; EAP, type B; ADA, type 1; AK, type 1.

Q Ted and David have the identical blood groupings and blood types?

A Based on these blood groupings, the blood of Ted Ritchie and David Rowell were not distinguishable.

Q State's Exhibit 43?

A State's Exhibit 43, again, I can recognize by the case number and my initials on the container. It contains a green colored toilet seat cover containing red stains on the top surface.

Q Did you test that for the presence of blood?

A The stains were tested for blood. The stains were determined to be human blood, and they were determined to be type O blood; PGM, 1; EAP, type B; ADA, type 1; and AK, type 1.

Q State's Exhibit Number 38C?

A State's Exhibit 38C is a small pill box which contains my initials and is labeled blood, end table, February 9, 1982. This specimen was recovered from the end table in the living room adjacent to the door in the trailer by myself on February 9 and was subjected to tests. The sample was determined to be human blood. It was determined to be type O, and there was only a sufficient amount of blood to run one enzyme system. It was determined to be PGM type 1.

Q State's Exhibit Number 15?

A State's Exhibit 15 I can identify by the case number and my initials on the container. It is a yellow towel. It contains several blood stains. The blood stains were tested and determined

to be human blood. They were determined to be type O.

Q It indicates no further sub-typing?

A That is correct.

Q Is that because of the insufficient amount or what?

A No. These items were not selected for additional blood grouping tests because they were type O, which was the same blood type as the deceased and closely associated with the body.

Q State's Exhibit Number 16?

A State's Exhibit Number 16, again, I can identify by the case number and my initials on the bag. This contains a pink and white towel which also had some red stains. The red stains were again tested and determined to be human blood and determined to be type O human blood.

Q Number 14?

A State's Exhibit 14, again, I can identify by the case number and my mark. This contains some red stains. The red stains were tested and determined to be human blood type O.

Q Number 20? That was previously identified as a bag containing the genitals, correct?

A Correct. State's Exhibit 20 contains another paper sack which contained blood stains, red stains. Again, these stains were tested and determined to be blood, human in origin, type O.

Q The Coroner in this case, Larry, has estimated that the decedent lost about ten CC's of blood as a result of a post-mortem amputation of his genitals. At our request or the Prosecutor's

request, did you attempt to demonstrate the area that approximately ten cc's of blood would cover on a towel?

A I did.

Q I believe this would be State's Exhibit 60. Is that the towel you worked with?

A Yes, it is.

Q Would you open the towel, please? You placed your markings on that plastic bag, did you not?

A - The plastic bag is labeled ten millimeters of whole blood, 7-21-82, and it has my name. What I did was to purchase a new towel, and I took ten cc's of whole blood and disbursed it over several different areas of the towel, as you can see.

MR. LANGER: Thank you. Take your seat again, please.

BY MR. LANGER:

Q We now have before you State's Exhibit 7. Was that pair of boots presented to you for analysis?

A Yes, they were. I can identify them by the case number and my initials on the bottom.

Q Was it presented in a sealed bag?

A Yes.

Q You unsealed it, did you?

A That is correct.

Q What if anything did you find on or about those boots?

A There was some trace particles of vegetation that was recovered.

Q State's Exhibit 48?

A State's Exhibit 48 is a small pill tin labeled grass from boots, fiber.

Q You removed the fiber from the boots and placed it in the container?

A That is correct.

Q Did you compare that item of evidence, Number 48, to State's Exhibit 52?

A Yes, I did. State's Exhibit 52 is labeled grass sample, area where toilet lid cover was recovered. The vegetation from the boots was also compared to another envelope, part of State's Exhibit 52, grass sample taken from yard at 2753 Cozy Lane, and another sample identified as grass sample from where victim was located.

Q What comparison if any did you make between the samples and the blade recovered from the boots?

A The result of my comparison was that the type of grass that was on the boots is a very common type of grass and could have come from any of the three sources of the samples that are in these envelopes or many different sources.

Q It is not an uncommon type of grass, is that right?

A That is right.

Q I want to re-present State's Exhibit 43 previously identified by yourself, the seat cover to the toilet. Along with that, you have State's Exhibit 45. If you will, pull that out,

please. Did you receive State's Exhibit 45 for your observation?

A I did.

Q Did you initial the exhibit itself?

A The case number and date and my mark are on the back side.

Q How about the top to it or the lid?

A This also contains the same information.

Q I note that there is a hole that appears in the larger part of the seat. Can you explain the hole or was that there when you received it?

A I don't recall. There was a stained area here. I tested these for blood. Not finding blood on these items, I could have made that hole in my testing.

Q Did you conduct any examination to determine whether the material that is part of the seat cover matches in any way the material as to the remainder of the toilet seat?

A Yes. A fiber comparison was done between the toilet lid cover and the tank cover parts. The fibers that make up the green fabric that you see were examined microscopically and tested chemically, and both the fibers from the lid cover and the tank were determined to be nylon fibers. The fibers in the base, the underneath part, the kind of whitish color fiber, these fibers are present in both of the items, and these were tested chemically and microscopically and determined to be polyethylene. The fibers in this item were determined to be identical to the fibers in this item.

Q Here is State's Exhibit Number 61. I will ask you to identify that exhibit, please?

A State's Exhibit 61 is a head hair standard identified to me as recovered from Robert David Rowell.

Q In that connection, here is State's Exhibit Number 4. Did you obtain that head hair standard from a vial inside that Exhibit Number 4 or a bag?

A State's Exhibit Number 4 contained a plastic bag. It is labeled hair plucked and contains numerous hairs. The samples I used for mounting on the microscope slide were obtained from this plastic bag which, again, was identified as hair from Robert David Rowell.

Q 40N?

A State's Exhibit 40N is labeled head hair standard of Michael Rowell and contains several hairs plus another microscope slide mailer like this with hairs mounted on it.

Q 40O?

A 40O is a similar type sample from Bobby Rowell.

Q 40E?

A State's Exhibit 40E is a similar type sample with hair specimen from Glen White.

Q 40J?

A 40J is a similar type specimen, hair specimen from Timothy Chambers.

Q 40F?

A. 40F is a similar type specimen with hair from Jack Joyce.

Q. 40G?

A. 40G is a similar type exhibit with hair samples from Dave Lett.

Q. 40H?

A. State's Exhibit 40H is a similar type exhibit with hair samples from Larry Alexander.

Q. 40I?

A. 40I is a similar type exhibit with hairs from Patrolman Dennis Adkins.

Q. 40K?

A. 40K is hair samples from Keith Vaughn.

Q. State's Exhibit 54?

A. State's Exhibit 54 contains several additional plastic bags containing hair specimens from a Bill Mullins, a Gerald Phipps, a Doctor James H. Davis, a Doctor Donald Schaffer, and Dave Lett. Hairs from these samples were mounted and placed on these microscope slides in the cardboard containers.

Q. 40M?

A. State's Exhibit 40M is a hair specimen from Fairl Byrd.

Q. 40P?

A. 40P is a head hair standard from Ted Ritchie.

Q. 40Q?

A. 40Q is a head hair sample from Michael Roger Johnson.

Q 40L?

A 40L is a head hair standard from Joe Shipman.

Q 40D?

A State's Exhibit 40D is a head hair standard from James Shipman.

Q 40C?

A State's Exhibit 40C is a head hair standard from Charles Cecil Wampler.

Q 40B?

A State's Exhibit 40B is a head hair standard from Charles Keith Wampler.

Q 40A?

A State's Exhibit 40A is also hair samples from Charles Keith Wampler.

Q All of these hair samples you read into the record, did you receive these in sealed envelopes for your own testing purposes?

A Yes, I did.

Q Attached to State's Exhibit 54 is a white cardboard container of some sort. Can you identify that?

A Yes. The cardboard container attached to State's Exhibit 54 is labeled hairs recovered from victim's calf.

Q How is it those hairs appear in the cardboard container?

A The hairs in this container were placed here by myself.

In the items I received from the Coroner's Office in State's Exhibit 4, there was a glass vial labeled loose hair, calf, left leg. There

were two hairs recovered from this glass vial, and they were mounted on microscope slides for examination, and those microscope slides are in this container.

Q One of the two hairs -- did you determine whether one of the two matched the head hair of the decedent?

A That is correct. One of the two hairs that was recovered, identified as recovered from the calf, matched the head hair standard of David Rowell.

Q The other head hair sample did not match Mr. Rowell, David Rowell?

A That is correct.

Q Did you compare that same hair, that second hair, did you compare it to Michael Rowell's hair sample?

A Yes.

Q Did it match Michael Rowell's hair?

A It did not.

Q Did you compare it and did it match Bobby Rowell's hair?

A I did compare it and it does not match the head hair sample of Bobby Rowell.

Q Did you compare it and did it match Glen White's hair?

A I did compare it and it does not match the head hair sample of Glen White.

Q Did you compare it and did it match the hair of Tim Chambers?

A I did compare it and it does not match the hair sample of

Tim Chambers.

Q Did you compare it and did it match the hair sample of Jack Joyce?

A I did compare it and it is dissimilar to the head hair sample of Jack Joyce.

Q Did you compare it and did it match the hair sample of Dave Lett?

A I did compare it, and it is dissimilar to the head hair standard of Dave Lett.

Q Did you compare it and did it match the hair sample of Sergeant Alexander?

A I did compare it, and it is different than Sergeant Alexander's hair.

Q Did you compare it and did it match the hair sample of Dennis Adkins?

A I did compare it, and it does not match the head hair sample of Dennis Adkins.

Q Did you compare it and did it match the hair sample of Keith Vaughn?

A I did compare it, and it is dissimilar to Keith Vaughn's head hair.

Q Did you compare it and did it match the hair sample of Bill Mullins?

A I did compare it and it does not match Detective Mullins' hair.

Q Did you compare it and did it match the hair sample of Gerald Phipps?

A I did compare it and it does not match the hair sample of Gerald Phipps.

Q Did you compare it and did it match the hair sample of Doctor James Davis, the Coroner?

A I did compare it and it does not match Doctor Davis' hair sample.

Q Did you compare it and did it match the hair sample of Doctor Schaffer?

A I did compare it, and it does not match the hair sample of Doctor Schaffer.

Q Did you compare it and did it match the hair sample of Fairl Byrd?

A I did compare it, and it does not match the head hair sample of Fairl Byrd.

Q Did you compare it and did it match the hair sample of Ted Ritchie?

A I did compare it and it did not match the head hair sample of Ted Ritchie.

Q Did you compare it and did it match the hair sample of Michael Johnson?

A I did compare it, and it is dissimilar to the head hair standard of Michael Johnson.

Q Did you compare it and did it match the hair sample of

Joey Shipman?

A. I did compare it, and it does not match the hair sample of Joe Shipman.

Q. Did you compare it and did it match the hair sample of Jim Shipman?

A. I did compare it, and it does not match the hair sample of Jim Shipman.

Q. Did you compare it and did it match the hair sample of Cecil Wampler?

A. I did compare it and it does not match the head hair sample of Cecil Wampler.

Q. Did you compare it and did it match the hair sample of Keith Wampler?

A. My examination revealed that it does match the head hair standard of Charles Keith Wampler.

Q. What characteristics of the second hair that was on the leg of the decedent, what characteristics of that hair did you compare to the Defendant's hair sample?

A. Any of the hair comparisons that have been described involves a very similar type of procedure. It involves, first of all, examining the hair with the naked eye to compare color and the general characteristics of the shaft of the hair. Then the hair is mounted on a microscope slide and is examined on the type of microscope known as a compound comparison microscope. What it is is two separate microscopes with an optical bridge connecting

them together to allow the examiner to view both the questioned hair, in this case the hair from the calf of the victim, and the known hair, in this case, the head hair standard of Charles Keith Wampler. The point of comparison of the microscopic characteristics includes such things as the microscopic color, the diameter of the hair, the structure of the outer layer known as cuticle, the characteristic of the inner structure known as the medulla. It might be more meaningful if I was to draw this comparison in terms of a pencil. If you can visualize a pencil as a hair, okay? The paint on the outside of the pencil would relate to the cuticle on the hair. The lead which goes down the center of the pencil is the area known as the medulla. The medulla is another point of comparison. Some people have a very dark pigmenta continuous medulla. Some have none. Some is interrupted. That is characteristic of a hair. Pigment granules are compared. The texture of the cortex, which would correspond to the wood on the pencil, that is compared. There are approximately ten additional microscopic characteristics that are examined one at a time in making hair comparison.

Q In any of those microscopic characteristics, did the hair recovered from the leg in any way differ from the hair of the Defendant?

A No. The hair recovered from the hair of the victim was microscopically identical to the head hair sample of Charles Keith Wampler.

Q Is a strand of hair similar to a fingerprint? In other words, you can determine, am I not correct, you can determine from a fingerprint the source of the fingerprint to the exclusion of everyone else in the world, am I right?

A That is correct.

Q What about head hair?

A Head hair does not have as many distinguishing characteristics. It is not possible to individualize a single questioned hair as to coming from one person to the exclusion of all others.

Q I will ask you to step down to the chart, Larry. Continuing with your testimony relative to this hair recovered from the decedent's leg, you observed that hair under a microscope, did you not?

A That is correct.

Q I will ask you to draw that hair as you saw it under the microscope.

A The area of interest on the first microscopic examination was the root area. So, I am going to draw just the root area. It would be difficult to draw the entire area. This is the shaft of the hair. Then it ended in a rather jagged, irregular root.

Q What conclusion did you draw from that observation?

A This type of root structure is characteristic of a hair that has been forcefully extracted from the head.

Q To the right of that drawing, will you draw the hair that would not be forcibly extracted, but simply would fall off one's head?

A One is constantly turning over their hairs in the head. They are constantly being replaced. Some of us more quickly than others. Hair that has fallen out naturally will have a ball shape root and will have this appearance. It is very different microscopically than a hair that has been forcefully extracted.

Q Take your seat again, please. The pink towel in State's Exhibit 61, along with examining the towel for the presence of blood, did you examine it for the presence of hair?

A Yes, I did.

Q Did you find any hair on this particular exhibit, the pink towel?

A Yes. There were a couple of head hairs recovered from this exhibit.

Q State's Exhibit 62?

A State's Exhibit 62 is labeled hair from pink towel and contains a microscope slide of the hairs I recovered from this towel.

Q Did you compare those hairs to the hairs of any of the persons we have mentioned here?

A I compared those hairs to all the people mentioned on the list.

Q Did the two hairs from the pink towel you mounted match any of those particular individuals?

A The hairs recovered from the pink towel were found to match the head hair standard of one individual. That individual was Charles Cecil Wampler.

Q State's Exhibit 63?

A State's Exhibit 63 is labeled hair loose in plastic bag with genitals.

Q How is it that hair appears inside that carton?

A Again, this hair I removed from one of the vials in the evidence that was submitted by the Coroner. I took it from the glass vial, placed it on this microscope slide.

Q Did you compare it to all the samples we have listed here?

A Yes, I did.

Q Did it come close to comparing to any particular individual's hair?

A This hair did not positively match any of the individual's on that list. I did find that it had some characteristics in common with the head hair standard of Detective Adkins, but not sufficiently that I would call it a positive identification or positive match.

Q State's Exhibit Number 6 and Number 5, did you receive those items at some point at the Crime Lab for your analysis?

A Yes, I did.

Q When you received that, were they both sealed?

A Yes, they were.

Q Did you unseal those items for purposes of observation and testing?

A Yes, I did.

Q What if anything did you find either on the boots of the decedent or in his clothing?

A The items were examined for trace evidence. The items of significance that I recovered included a fiber tuft from the heel area of the one boot and a fiber tuft from the brown velour type shirt.

Q State's Exhibit 64?

A State's Exhibit 64 contains these trace fibers that I recovered from the boot and from the shirt.

Q How many different fibers did you recover from the boot and shirt?

A Well, the fibers recovered from the shirt and from the boot were identical to each other. There were four different fibers in each. There were two different types of acrylic fiber and two different types of polyester fiber.

Q Are those fibers common or uncommon in your experience?

A Based on my examination of trace fibers, they both are a rather uncommon type of fiber, due to their lack of internal dye or coloring.

Q How many different dyes did you find on those sample

fibers?

A On the surface of the fibers from both the boot and from the shirt, there were traces of a blue dye and traces of a green dye. Again, I felt these fiber tufts were rather unusual because the dye material was on the surface of the fibers, just adhering to the surface and not penetrating into the fibers as it is in most dyed material or fabric.

Q You have been a criminologist or evidence analyst how many years?

A I have been a practicing criminalist for over nine years.

Q Have you ever before seen fiber in which the dye appeared only on the surface of the fiber?

A This is the first time.

Q The first time?

A That is correct.

Q State's Exhibit Number 32, I am going to ask you to pull the blanket out of that. Did you compare the fibers that are on that blanket or that compose that blanket to the fibers that were recovered from the decedent's boots and clothing?

A I did.

Q How did you do that?

A A few test fibers were pulled from the blanket and mounted on a microscope slide and compared; first identified and then compared to the fibers recovered from the boots and the fibers from the shirt, and it was my determination that the fibers in

this blanket, there are four types; there are two acrylic fibers and two polyester fibers, and they are identical to the fiber tuft recovered from the boots and from the shirt. Furthermore, the green dye seen in the leaf design and the blue dye in the flower design is similar to the dye found on the fiber tufts from the boot and from the shirt.

Q Do you have an opinion as to whether or not the fibers recovered from the decedent's boots and clothing came from that blanket?

A It would be my opinion that the fibers on the shoes or boots and on the shirt either came from this blanket or another blanket identical to that.

Q As far as the fibers are concerned, were you able to determine, based on your observation of those fibers, whether or not the decedent would have had to come in direct contact with the blanket or whether it could have been indirect contact such as walking on a carpet and picking up those fibers?

A The fibers on the shirt possibly could have come from indirect contact. The fibers on the boot were stuck, adhering in a little crevice in the boot, and in my opinion would have had to come in contact with the blanket.

Q Larry, lastly, are all of the opinions that you have testified to today based upon reasonable scientific certainty or probability?

A That is correct.

MR. LANGER: No other questions, Your Honor.

THE COURT: Very well. Ladies and gentlemen, I think we will take about a ten minute recess before cross examination just for your comfort. Please remember the admonition of the Court during this brief recess period. We will resume at about 3:00 o'clock.

(Whereupon a recess was had.)

(Whereupon Court reconvened.)

THE COURT: Mr. Dehus, you may return to the stand. Very well. Cross examination, Mr. Stephan?

MR. STEPHAN: Thank you, Judge.

CROSS EXAMINATION

BY MR. STEPHAN:

Q Mr. Dehus, I'd like to touch on a few areas with you. Without going through each of those exhibits individually, in your comparison of the hair that you recovered from the calf of the victim and that which you listed as matching that of Keith Wampler, you testified that it was identical, that the sample recovered and Keith's hair standard were identical, is that correct?

A That is correct.

Q If I use the wrong terminology, will you please correct me?

A Yes.

Q Is it your testimony that the sample recovered from the victim's calf is Keith Wampler's hair and only Keith Wampler's

hair?

A. No, sir.

Q. Your answer is no?

A. That is correct.

Q. Why do you say no, because you have already told us it is identical?

A. That is correct.

Q. Explain why the answer is no?

A. The reason the answer is no is that, as I testified to earlier, there are not a sufficient number of unique characteristics in the hair to identify a single questioned hair as to coming from one person to the exclusion of all others. There are a lot of unique characteristics to allow one to make a comparison and identification, but it is my opinion, as a hair examiner, that it is not possible to say a question hair came from one person to the exclusion of all others.

Q. You are not in a position to even give us what your best estimate would be of how many people that head hair could have come from, are you?

A. I have some opinions as to what I think the distinguishing abilities are in hair comparisons.

Q. Well, let me ask you this. You testified that you examined those many head hair standards by a compound comparison microscope, is that correct?

A. Yes.

Q Are there other methods of comparing a sample hair with a hair standard?

A Yes, there are.

Q Can you tell the Jury what some of those other methods might be?

A The single other method I am aware of is a chemical analysis of the hair by a process known as atomic absorption wherein the trace elements to the hair are determined and compared.

Q Are those facilities available at the Miami Valley Regional Crime Laboratory, the equipment?

A We have an atomic absorption spectrophotometer.

Q Is that the same as conducting a neutron activation analysis?

A No, it is not. A neutron activation analysis is a complete separate technique from the atomic absorption spectrophotometer, but they get the same analytical results.

Q Are you familiar with the neutron activation analysis method?

A Yes, I am.

Q Would you disagree with me if I were to say that hair characteristically contains eighteen different trace elements?

A No, I would not.

Q Is that a fair statement?

A Yes.

Q And you listed six or seven of them on direct examination

and then stated there were approximately ten other characteristics of hair?

A I understood your previous statement to be there are eighteen different elements.

Q All right. Is that something different from what you were testifying to on direct examination?

A Yes.

Q Are the trace elements that I asked you about those types of elements that find their way into someone's head by way of their growth out of the head, out of the scalp?

A Hairs have been found to be an extractory structure of the body wherein the body is able to rid itself of some poisons by laying those poisons out in the hair. Such elements -- we are talking about chemical elements. Such elements as mercury, lead, and all the various trace metals that might be toxic to the body, those are sometimes laid down in hair samples.

Q Those are the trace elements that I asked you about, whether or not there are eighteen.

A Those are the trace elements that could be analyzed by an atomic absorption spectrophotometer analysis.

Q Did you conduct either one of those tests on any of these hair samples?

A No, I did not.

Q You conducted your tests in this case exclusively with the microscope?

A That is correct.

Q Then, of course, that test is limited to your abilities as an examiner through that microscope?

A Yes, that is correct. I chose the method of microscopic analysis in comparison rather than the neutron activation atomic absorption spectrophotometer because the data have shown there is no direct correlation between individualizing the question hair and a known hair based on the trace elements that are present. It was a method that was used by the Alcohol, Tobacco and Firearms Laboratories, and they have since discovered that is not a suitable method for trying to compare a hair to one person.

Q Can you tell the Jury, Mr. Dehus, when it was that you received the saliva specimens from which you typed the various individual bloods?

A There are a large variety of different dates.

Q Let me read a list to you. If you would, refer to your report dated July 23, 1982. Let me ask this question. Did you receive on July 16, 1982, the saliva specimen from Bobby Rowell, Michael Rowell, Ted Ritchie, and that would be it on the saliva specimens?

A That is correct.

Q If you had received the specimens on July 16, and your report is dated July 23, do we know what date you came to your conclusion?

A No. I don't record specifically that date on which the testing was done.

Q Would you have an approximation when you would have concluded your testing had you received these July 16, a week ago Friday?

A July 16 is a Friday?

Q I believe it is.

A It would have been the first part of the following week.

Q It was at that time that you determined that Ted Ritchie and the victim, David Rowell, have the exact same blood type and blood groupings to the extent that you carried them out, is that correct?

A Those are completely unrelated to the saliva specimens.

Q When was it you came to this conclusion?

A The first part of the week following July 16.

Q How did you come to that conclusion?

A The conclusions were based on blood grouping tests performed on blood specimens.

Q Very good. That was when we first learned that Ted Ritchie matched up with David Rowell, the victim?

A That is correct.

Q Is it possible to test this toilet seat cover that you have testified about for age of the fabric?

A No, sir.

Q That is just not a possibility by forensic science?
You may not determine how old this particular item is?

A There is no procedure to my knowledge to determine that.

Q Is there any procedure by which you might have been able to determine how long this item had been exposed to elements, in other words, outside?

A No, there is not.

Q Do you know where this item might have been purchased?

A No, I do not.

Q Do you know how many different toilet seat covers with the same fibers contained on them might have been manufactured?

A No, I don't.

Q Do you know whether or not you conducted an analysis on other items of evidence in this case that you didn't testify to on direct examination?

A Yes, many other items.

Q Many other items?

A Yes, sir.

Q May we assume that the results of those analyses were not conclusive, if that is the proper term?

A Not conclusive or not significant.

Q The blood that you found on Cecil Wampler's sheet which you cut out for testing, I believe your testimony was that it was from a type A secretor, is that correct?

A The blood from the sheet?

Q I am sorry. The seminal stain from the sheet came from a type A secretor?

A That is correct.

Q Does this chart indicate what type of secretor the individuals are?

A No, it does not.

Q If I can back you up, would it be fair to say that Jimmy Shipman and Michael Rowell were type A secretors?

A That is correct.

Q And the blood stain which you extracted from Cecil Wampler's sheet, you indicated that it was human blood but that is as far as you could go with that?

A That is correct.

Q How much blood was there on that sheet, if you can give us an estimate?

A A fraction of the area of a pencil eraser; a very small amount.

Q Like a drop of blood?

A No. A little smear.

Q Is that because you are able to determine forensically what the patterning is of the blood?

A Well, there wasn't a real pattern, but a drop of blood would be absorbed into the cloth and would spread out and probably form a stained area about the size of a dime. This was much less

than that.

Q The blanket which you exhibited to the Jury at the end of your testimony or during your testimony and which you did the fiber comparison from, did you examine that for anything else, any other evidence?

A Yes. It was examined for all types of trace evidence.

Q Other than the fiber comparison, did you find anything else on this blanket?

A Nothing else of significance.

Q When you say nothing of significance, I would ask if you found any blood or semen on it?

A I did not find any blood or semen on it.

Q If I were to hold this up and shake this garment, would fibers come off of it, possibly?

A Possibly, yes.

Q And then they would fall to the floor?

A Yes.

Q Could the fibers be picked up from other things like a table top or a wall or something else or would this fiber, loose fiber fall to the floor?

A I am not sure I understand the question.

Q If I were to shake this above the table, would I end up with some fibers on the table, possibly?

A Possibly, yes.

Q And some on the floor?

A. Yes.

Q. My question I guess is, are there a number of things that I could come into contact with to pick up a fiber from this blanket?

A. Any object that had either direct or indirect contact with that blanket when a fiber was loose, could have.

Q. Transmitted it?

A. Yes.

Q. Did you know whether or not the victim in this case had been in the Wampler trailer on prior occasions?

A. No, I have no knowledge of that.

Q. You are not able to determine the age of that blanket, are you?

A. No.

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

THE COURT: Any redirect?

MR. LANGER: No, Your Honor.

THE COURT: You may step down.

MR. HEAD: We have no more witnesses today, Your Honor.

THE COURT: Very well. Ladies and Gentlemen, that concludes the presentation of evidence for today. We are going to resume on Monday. I would like Counsel in the case to report to the Court at approximately 8:30 on Monday morning. You, Ladies and Gentlemen, can take until 9:30 to report. We are at a stage

in which certain legal matters must be determined outside of your presence, and I think we can get that accomplished within the hour's differential time period. If you will, make your plans accordingly. We will see you at 9:30 on Monday morning. Before you go today, I want to repeat the recess instruction to you so that you have that fresh in your mind for the balance of today and for Sunday. 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 to discuss it in your presence. Do not form or express any opinion on this case until it is finally submitted to you. Please explain this rule to your family and to your friends. As you know, when the case is over, you will be released from this instruction and then you can discuss the case, if you wish to. Do not talk with the attorneys, the parties, or the witnesses at anytime. Likewise, these individuals must not talk with you. Do not investigate or attempt to obtain any additional information about this case outside what has been presented to you and what will be presented to you in this courtroom. If there are any violations of any of these instructions or these rules, please report these matters to the Court's officials that I have designated for you. Again, I can tell you that it is quite likely this case will be the subject of news broadcasts or news writings, and you are, therefore, instructed not to read, view, or listen to any accounts on the subject of this trial in the newspaper, radio, or television.

Further, do not let anyone comment to you about these news accounts on the subject of this trial or to comment about a news item in your presence. Again, if you acquire any information in this regard, please report that at your earliest convenience to Mr. Findlay or Mrs. Maynard. If any personal problems arise during your recess period, again, report those in a like manner.

Anything further by counsel?

MR. HEAD: No, Your Honor.

THE COURT: Thank you. With that admonition, then, you are excused for the balance of the day. We will see you on Monday morning.

(Whereupon a recess was had.)

* * * * *

July 26, 1982

(Whereupon the following was had in Chambers:)

THE COURT: The record should reflect that we are in Chambers with the Defendant's presence having been waived by Counsel.

MR. BOSTICK: That is correct, Your Honor.

THE COURT: For the purpose of entertaining objections that the Defense would wish to make to the State's Motion for the introduction of their exhibits as identified through the testimony of several witnesses. You may proceed.

MR. HEAD: Your Honor, we have no more evidence to put on and would move the Court for the admission of the various

exhibits that we have introduced.

THE COURT: Any objection?

MR. BOSTICK: To which we object, Your Honor...

THE COURT: All right. The Court has reviewed the exhibits as offered by the State and finds that each has been properly identified, the chain of custody has been adequately sustained and established, and that the items should be introduced for consideration by the Jury subject, of course, to their determination as to the weight and credibility to be assigned to each item. The objections are overruled. Any other Motions? Did the State wish to rest at this time?

MR. HEAD: Yes. The State will rest.

THE COURT: Very well. Any other Motions?

MR. STEPHAN: If it please the Court, we would move for a verdict of acquittal on all counts contained in the indictment on the basis, first of all, and generally, that there has been a decidedly lack of evidence establishing the elements of each and every one of the crimes alleged in the indictment. Specifically, with regard to the rape count, I believe there is no evidence before the Court or before the Jury at this time to indicate that this victim was forcibly raped by anyone. The statute specifically requires that there be evidence of force or threat of force, and I believe that there has been no evidence regarding that particular element. Likewise, with the count of abduction, there is nothing before the Court or the Jury at this point in time to show whether

or not the elements as set forth in that particular count have been established and, particularly, whether or not the victim was taken anyplace against his will. As to the aggravated murder and the abuse of a corpse count in the indictment, we would submit to the Court that no identity has been proven with respect to those two counts and certainly not the identity of this Defendant, and that the slim and thin amount of circumstantial evidence before the Court and the Jury is insufficient to overcome the State's burden at this point in time. Anything else, Mr. Bostick?

MR. BOSTICK: That is all.

THE COURT: Does the State wish to argue the Motion?

MR. LANGER: With respect to the rape count, there is evidence relating to force in the form of bruises on the body. As regarding the count of abduction, there is the evidence that this boy was unaccountably missing for several hours. Of course, we do have some evidence of a gag applied to his mouth. All of which together would lead to a reasonable inference by the Jury that the decedent had to have been abducted during that time period. As far as the abuse to a corpse count is concerned and the identification of the decedent, we do have the testimony of Mr. Rowell, who identified his boy in that field. We have the photograph of the boy in that field and the testimony is that the body was identified by Mr. Rowell, was transferred to the Coroner's Office, and photos of that autopsy have been marked, and the same

individual appears in the photographs in the autopsy as in the field.

THE COURT: The Court finds from the evidence presented that reasonable inferences can be drawn to establish all the elements required for a conviction on the crimes of rape and kidnapping. Likewise, the Court finds that the identities of the Defendant and of the deceased have been adequately shown by the evidence. The Motion for acquittal under Rule 29 of the Ohio Rules of Criminal Procedure is hereby overruled.

MR. BOSTICK: The record should show that none of our witnesses want to be photographed.

THE COURT: Very well. The objection is sustained and the media will be so instructed.

(Whereupon an off the record discussion was had.)

(Whereupon Court reconvened.)

THE COURT: Good morning, Ladies and gentlemen. I hope you had a nice weekend, what there was of it. Anything further to present by the State of Ohio?

MR. HEAD: No, Your Honor. Thank you. At this time, the State will rest.

THE COURT: Very well. Is Defense ready to proceed?

MR. STEPHAN: Yes, Your Honor.

THE COURT: You may proceed.

MR. STEPHAN: Defense calls Robert Wampler to the witness stand.

WHEREUPON:

ROBERT WAMPLER

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

MR. STEPHAN: Let the record show the witness has been previously sworn.

THE COURT: Mr. Wampler, you may be seated. You do understand you are under oath from the former proceedings in this Court?

THE WITNESS: Yes, sir.

DIRECT EXAMINATION

BY MR. STEPHAN:

Q Would you be kind enough to tell us your full name?

A Robert Wampler.

Q Mr. Wampler, do you know the Defendant in this case, Keith Wampler?

A Yes, I do. He is my nephew.

Q Are you related to Keith's father?

A He is my brother.

Q What is Keith's father's name?

A Charles Wampler.

Q Do you call him something other than Charles?

A Cecil.

Q You call him Cecil?

A Yes.

Q What do you call your nephew?

A Charlie.

Q Do you call him Keith on occasion?

A I never did. I call him Charlie.

Q Mr. Wampler, where do you live?

A In Waynesville.

Q Tell the Jury what type of property you own?

A Well, it is a farm house, twenty-seven acres. When my mother died, she left it to five of us kids, Cecil and myself and my other brother and sisters, and I am staying at the farm. I maintain it.

Q But you are not the sole owner?

A No, I am not. All five of us own it.

Q Who lives on the farm with you?

A My wife and kids.

Q How many children do you have?

A Three.

Q How old are your children?

A Twenty and fifteen and seven.

Q Who is the fifteen year old?

A My son.

Q What is his name?

A Mark Wampler.

Q Is Mark here today?

A Yes, he is.

Q Is he in the courtroom?

A Yes, he is.

Q Do you have occasion on any regular basis to see Cecil Wampler, the Defendant's father?

A I see him at least four times a week, three to four. Sometimes more. Usually always three times.

Q At those times that you have occasion to see Cecil Wampler, do you have occasion to see Keith Wampler?

A Yes. They are always, most of the time, together.

Q Are there times when they are not?

A Sometimes. I mean most of the time when he is leaving, if he knows nobody is going to be around, Keith comes with him.

Q When you say he leaves, you are talking about Cecil?

A Yes. When my brother -- if there is nobody going to be at the trailer, his son comes with him.

Q When Cecil and Keith come to visit the farm, what do they do?

A Well, sometimes if I got any electrical trouble or cars break down, Cecil works on them. He is a good mechanic. Then, we sit around and play chess or cards.

Q Who plays?

A My son and Charlie and my brother and myself.

Q Let me ask you about February 5, 1982. Did you have occasion to see Cecil Wampler that evening?

A Yes, I did. He come up probably about 7:00 or 8:00

o'clock. I am not sure. He had been to my sisters' and he had some beer with him. He come out and was drinking beer. He come in and said --

MR. HEAD: Objection.

THE COURT: As to the statement of a party not in Court, the objection is sustained.

BY MR. STEPHAN:

Q Is there anybody else that Cecil visits with regularity in Waynesville?

A Yes. He goes down to see his family. His wife lives there at Waynesville, downtown.

Q Is he married now, Cecil?

A Yes.

Q During the evening of February 5, 1982, do you know whether or not Cecil tried to get in touch with Keith?

A He called the neighbor or John's twice.

Q What is John's last name?

A McGarvey.

Q He called him twice?

A He called him twice. He didn't get no answer.

Q What did Cecil do the rest of the evening?

A We watched television, talked, and my wife and the kids, we was all there.

Q Where did he sleep that night?

A He slept on the couch.

Q. He was at your place?

A. Yes, he was at my place.

Q. You mentioned Cecil came over and brought beer with him?

A. Yes.

Q. Have you seen Cecil drinking beer on other occasions?

A. Quite often.

Q. Does he show some preference for any particular brand of beer?

A. Yes. He likes Old Milwaukee Light.

Q. Mr. Wampler, did you have occasion to bring any item with you today?

A. Yes, I did.

Q. What is it that you brought with you today?

A. A pocket knife or a knife. I don't carry it, but it's one my brother give me last June or July.

Q. Which brother?

A. Charles.

Q. Would that be Cecil?

A. Yes, Cecil.

Q. Do you have that knife with you now?

A. Yes, I do.

Q. Would you take it out of your pocket?

(Whereupon Defendant's Exhibit A was marked for identification.)

MR. HEAD: May I see it?

MR. STEPHAN: Certainly.

BY MR. STEPHAN:

Q Let me show you what has been marked for identification as Defendant's Exhibit A. Is this the knife you just took out of your pocket?

A Yes, it is.

Q Will you hold it for a moment? Where did you get that from?

A My brother, Cecil, brought it over, like I say, in June or July. I couldn't tell you the exact date.

Q What year?

A '81. He said his son had found it.

MR. HEAD: Objection.

THE COURT: Sustained.

BY MR. STEPHAN:

Q You can't tell us what somebody else told you.

A Oh.

Q What did you do with that knife after he gave it to you?

A My wife had it. I forgot all about it. She put it up.

Q Where?

A On the book shelf behind the picture.

Q Why would it be there?

A She put it up so the kids couldn't get ahold of it.

Q Has it been there since you received it?

A Yes.