

BEGIN SYNOPSIS

On 02/06/1982 at 15:30 hours, the body of David Rowell (hereafter known as victim) was found in a field along Kreitzer Road in Moraine, Ohio.¹ VICTIM was 13 years old, 4 ½ feet tall weighing 65 pounds. VICTIM was found nude with a paper bag laying on his head. VICTIM's penis was amputated and found in the bag that was placed on his head. Moraine Police Department (MPD) investigation indicates that MPD officers found footprints in the snow coming from 2753 Cozy Lane to the body. The address 2753 Cozy Lane belonged to Charles Cecil Wampler, whose son, Charles Keith Wampler (hereafter known as SUBJECT) also resided at that residence. According to the Montgomery County Coroner, VICTIM died of manual strangulation and the coroner estimated the time of death to be at 01:00 hours on 02/06/1982, plus or minus two hours.² On 02/06/1982 at 23:00 hours, SUBJECT was arrested on failure to appear warrant out of Warren County. SUBJECT was later charged with violating Ohio Revised Code 2903.01 (aggravated murder), Ohio Revised Code 2907.02 (rape), Ohio Revised Code 2905.02 (abduction) and Ohio Revised Code 2927.01 (abuse of a corpse). On 07/28/1982 at 01:15 hours, SUBJECT was convicted of aggravated murder, rape and abuse of a corpse. SUBJECT was immediately sentenced to 20 years to life in the custody of the Ohio Department of Rehabilitation and Corrections (DRC).

END SYNOPSIS

PURPOSE OF INVESTIGATION

On 06/09/2015, Lori Wampler, SUBJECT's spouse, contacted Heartland Investigations LLC, through the website, seeking assistance with an investigation related to SUBJECT. Reporting Investigator (RI) contacted Mrs. Wampler and set up an appointment for 06/16/2015 at 14:00 hours at 317 Nordale Avenue, Dayton, Ohio.

On 06/16/2015, Bruce Anderson and RI met with Mrs. Wampler. She stated that she was seeking someone to investigate the possible wrongful conviction of SUBJECT. Mrs. Wampler stated that she believed SUBJECT did not commit the crime and wanted someone to investigate it. RI agreed to take the case on a pro-bono basis. Mrs. Wampler provided RI with a box that contained police reports and trial transcripts.

¹Moraine Police Report, Case number 82-184

²Montgomery County Coroner's Report, AC-81-82, dated 02/07/1982

From 06/17/2015 to 06/29/2015, RI reviewed the documents provided by Mrs. Wampler. The total amount of time taken to review the documents was 46 ¾ hours. RI was able to establish a timeline based on the review of the documents. The review of these documents and the timeline are the basis for this report.

The purpose of this investigation is to:

- 1) Establish reasonable doubt in SUBJECT's conviction,
- 2) Establish means, motive and opportunity of potential suspect's in this murder investigation
- 3) Possibly identify a suspect or suspects.

The investigation will require review of documents, research and field interviews.

BEGIN DETAILS

Sequence of Events

On 02/05/1982 at approximately 15:30 hours, SUBJECT was seen at his residence.³ John McGarvey told MPD that he saw SUBJECT at 2753 Cozy Lane, SUBJECT's residence. McGarvey said that he was preparing to go to his fiancé's parent's home to do laundry. McGarvey said that his fiancé, Gail Loftus, and he were preparing to leave in his pick-up truck when SUBJECT came out of his residence and gave Loftus a drink. McGarvey said that SUBJECT entered the pick-up truck and moved some wood shelving that McGarvey had in the truck. According to McGarvey, SUBJECT received a splinter in his hand. McGarvey said that he saw SUBJECT remove the splinter and begin to rub his hands on his jeans. McGarvey said that SUBJECT was bleeding.

On 02/05/1982 at approximately 16:00 hours, Mike Rowell, VICTIM's brother, arrived at 2753 Cozy Lane (SUBJECT's residence).⁴ According to Mike Rowell and SUBJECT, the two teenagers drank four or five vodka and grapefruit juice cocktails.

³John McGarvey's court testimony and Moraine Police Report, Case number 82-184, dated 02/15/1982

⁴Mike Rowell's court testimony, Wampler's statement to MPD and State's Opening Arguments

On 02/05/1982 at approximately 16:45 hours, VICTIM visited Lisa Collins' residence at 2754 Quail Lane.⁵ VICTIM was looking for his brother, Mike Rowell and wanted to know if Roy Elam was looking for him. According to Collins, VICTIM told her that he was in trouble over being thrown off the bus. Collins said that the bus driver accused him of something and he told the bus driver, "Fuck you old man." Collins, also, stated that VICTIM said, "***This is the last day you are going to see me. I'm going to die.***" After visiting Collins' residence, VICTIM appears to have returned to his residence, 2970 Kreitzer Road.

On 02/05/1982 at approximately 17:00 hours, the National Weather Service at Dayton International Airport in Vandalia, Ohio reported that snow began to fall and the Dayton area was experienced 10-16 mile per hour winds.

On 02/05/1982 at approximately 17:00 hours, VICTIM is at his residence, 2970 Kreitzer Road. VICTIM asked his mother if he could attend the movie at the Moraine Civic Center. VICTIM's mother told him that he cannot go to the movies. VICTIM left his residence.⁶ This information was provided by Bobby Rowell, VICTIM's father, during court testimony.

On 02/05/1982 at approximately 17:00 hours, VICTIM arrived at 2753 Cozy Lane, (SUBJECT's residence).⁷ According to Mike Rowell and SUBJECT, VICTIM knocked on the door and SUBJECT answered the door. VICTIM entered the trailer. VICTIM took Mike Rowell's drink and took a sip. At that point, VICTIM took a seat in the living room of the trailer.

On 02/05/1982 at approximately 17:30 hours, Mike Rowell departed 2753 Cozy Lane (SUBJECT's residence). SUBJECT exited his residence, chasing Mike Rowell wondering why Mike is leaving. At the same time, VICTIM departed SUBJECT's residence.

On 02/05/1982 at approximately 17:30 hours, while returning to his residence, SUBJECT saw VICTIM at James Shipman's residence.⁸ James Shipman stated that VICTIM asked Shipman for a cigarette. Shipman, also, stated that VICTIM told him that he (VICTIM) was "*going out to get fucked up.*"⁹ (NOTE: Joey Shipman testified that he saw VICTIM return to SUBJECT's residence after

5Moraine Police Report, Case number 82-184, dated 02/10/1982

6Moraine Police Report, Case number 82-184 dated 02/10/1982

7State's Opening Argument and Wampler's Statement to the Police, Shipman's court testimony

8Wampler's court testimony

9James Shipman's court testimony

VICTIM borrowed a cigarette. However, examination of Joey Shipman's testimony indicated his timing and where James and he went that evening does not corroborate James' testimony or statements to MPD.)

On 02/05/1982 at approximately 17:30 hours, SUBJECT returned to his residence. SUBJECT said that he had a headache and went to take a nap.¹⁰

On 02/05/1982 at approximately 17:30 hours, Mike Rowell, VICTIM's brother, arrived at Lisa Collins' residence, 2754 Quail Lane.¹¹ Collins stated that Mike Rowell was intoxicated and came to lay down at her residence. Collins said that Mike Rowell became "rowdy" and she had to throw him out of her residence. According to Mike Rowell's court testimony, he left Collins' residence at approximately 19:00 hours. Collins, also, stated that Mike Rowell returned to her residence later that evening, "when *Fantasy Island* was on."¹² Collins never stated when Mike Rowell subsequently left her residence.

On 02/05/1982 at approximately 18:00 hours, Bobby Rowell, VICTIM's father, arrived home, 2970 Kreitzer Road.¹³ Bobby Rowell stated that his wife, Myrtle, was the only person home when he arrived.

On 02/05/1982 at approximately 19:00 hours, Mike Rowell, VICTIM's brother, arrived home, 2970 Kreitzer Road.¹⁴ Bobby Rowell, VICTIM's father asked Mike Rowell where the VICTIM was. Mike Rowell told his father that the VICTIM was at someone's trailer and he could not remember whose trailer. According to Bobby Rowell, he sent Mike Rowell out to look for VICTIM.

On 02/05/1982 at approximately 19:00 hours, Lori and David Johnson dropped off Alice Johnson and Mike Johnson at Judy Tabor's residence, 2791 Kreitzer Road. Lori and David told the police that VICTIM was walking down the road with Ted Ritchie and Mike Johnson.¹⁵

On 02/05/1982 at approximately 19:00 hours, James Shipman Jr. and Joey Shipman, James' seven year old brother, arrived at Judy Tabor's residence, 2791 Kreitzer Road.¹⁶ Shipman stated that he saw

10Wampler's testimony in court

11Moraine Police Report, Case number 82-184 dated 02/10/1982 (Collins Statement)

12*Fantasy Island* aired from 1978 to 1984 on Saturday nights at 10pm. Per WKEF-TV, *Fantasy Island* was not shown on 02/05/1982.

13Bobby Rowell's court testimony

14Bobby Rowell's court testimony, Mike Rowell's court testimony

15Moraine Police Report, Case number 82-184, dated 02/09/1982

16James Shipman Jr.'s court testimony and Tabor's court testimony

Mike Johnson and Ted Ritchie at Tabor's residence. Shipman said that he drank a couple beers. Shipman claimed that Joey and he stayed at Tabor's for 15 minutes, then they walked to Darrell Doan's residence.

On 02/05/1982 at approximately 19:30 to 21:30 hours, the Moraine Civic Center, located at 3050 Kreitzer Road, showed a movie for the children of Moraine. The movie was *Benji*. VICTIM did not attend the movie this evening. According to David Miller, Director of Parks and Recreation for the City of Moraine, VICTIM was a frequent guest at the movies.¹⁷ Miller stated that after the movie started, his staff locked the doors so they could monitor who entered and who exited the Civic Center.

On 02/05/1982 at approximately 19:30 hours, James Shipman Jr., Joey Shipman and Mike Johnson arrived at the Moraine Civic Center to watch the movie. According to James Shipman Jr., they stayed a few minutes and then left to return to Darrell Doan's residence.¹⁸

On 02/05/1982 at approximately 19:30 hours, Mike Rowell, VICTIM's brother, returned to SUBJECT's residence, 2753 Cozy Lane. Mike Rowell noticed that SUBJECT had washed his hair and changed his clothes. According to SUBJECT, Mike Rowell asked for a cigarette and then left the residence. SUBJECT stated that Mike Rowell never asked about VICTIM. According to Mike Rowell, he left SUBJECT's residence to go to the school and Civic Center looking for his brother.¹⁹

On 02/05/1982 at approximately between 19:30 and 20:30 hours, Mike Rowell returned to his residence, 2970 Kreitzer Road. Bobby Rowell, VICTIM's father, was taking a bath and was not exact on the time that Mike Rowell returned home. Mike Rowell reported to Bobby Rowell that he did not find VICTIM.²⁰

On 02/05/1982 at approximately 19:30 to 21:00 hours, Myrtle Rowell searched for VICTIM. At approximately 21:00 hours, Myrtle Rowell returned home and her search was met with negative results.²¹

On 02/05/1982 at approximately 20:00 hours, Ted Ritchie arrived at Judy Tabor's residence, 2791 Kreitzer Road. Ritchie stated that he saw Judy Tabor, Mike Johnson, Alice Johnson James Shipman Jr.

17David Miller's court testimony

18James Shipman Jr. court testimony

19Mike Rowell's court testimony and Wampler's court testimony

20Bobby Rowell's court testimony

21IBID

and Joey Shipman there. Ritchie said that they drank beer and shared two to three marijuana cigarettes.²² (NOTE: Shipman said he went to Darrell Doan's residence, yet Judy Tabor and Ted Ritchie said that he was at Tabor's residence.)

On 02/05/1982 at approximately 21:00 hours, James Shipman Jr., Joey Shipman, Ted Ritchie and Mike Johnson (the group) arrived at SUBJECT's residence, 2753 Cozy Lane. The group, except for Joey Shipman, was intoxicated and high. The group continued to drink, watch television and listen to music at SUBJECT's residence. During the "party" James Shipman Jr. attempted to tear apart a beer can. This attempt caused him to cut his hand and he began to bleed. James Shipman Jr. went to SUBJECT's bedroom to lay down and Joey Shipman followed him. Joey Shipman noticed the door to the back bedroom was open approximately two inches. This bedroom belonged to SUBJECT's father. Not one member of the group felt they were restricted in their movements at SUBJECT's trailer.²³ While James Shipman Jr. and Joey Shipman were at SUBJECT's residence, Ellen Purvis, a co-worker of Shipman's mother, attempted to reach them by telephone to tell them that Mr. and Mrs. Shipman were on their way to Sidney, Ohio to take care of some business at a SOHIO gas station that Mr. Shipman managed.²⁴

On 02/05/1982 at approximately 21:00 to 22:00 hours, Bobby Rowell, VICTIM's father, began a search, by foot, of the area. Bobby Rowell gave great detail of the areas he searched the Civic Center, the area along I-75 and the Gem City trailer park.²⁵ At approximately 22:00 hours, Bobby Rowell was in the area of where VICTIM's body would be found. This area included the dirt path that separated the trailers from the field.

On 02/05/1982 at approximately 21:15 hours, Brian Canterbury reported that he saw someone, who could have been VICTIM, in the fire pit area of the Civic Center.²⁶ Canterbury stated that someone, possibly VICTIM, yelled "Hello" to him. Canterbury said that the person wore a jacket with red on the bottom and silver at the top. (NOTE: According to MPD, the bag containing VICTIM's clothing, found near VICTIM, contained a silver nylon jacket.) Bobby Rowell said that he found VICTIM smoking cigarettes in this location several times. Officer Arnold, MPD, stated that during the summer of 1981 he encountered VICTIM at this location when officers responded to a silent alarm at the school.

22Ritchie's court testimony and Tabor's court testimony

23State's Opening Arguments, James Shipman Jr. court testimony, Joey Shipman's court testimony, Ted Ritchie's court testimony and Wampler's statement to the police, Moraine Police Report, Case number 82-184, dated 02/06/1982 (Shipman statement)

24Ellen Purvis' court testimony

25Bobby Rowell's court testimony

26Canterbury's written statement to the police dated 02/06/1982

On 02/05/1982 at approximately 22:00 hours, the National Weather Service at Dayton International Airport in Vandalia, Ohio reported that the temperature was 22 degree with 10 to 16 mile per hour winds and that 0.2 inches of snow fell since 17:00 hours. The National Weather Service reported that the snow stopped at approximately 22:30 hours.

On 02/05/1982 at approximately 22:00 hours, Mike Rowell, VICTIM's brother, returned home, 2970 Kreitzer Road, after searching for VICTIM. Rowell stated that Randy Hendricks was with him for part of the search. Rowell said that he went to bed upon arriving home.²⁷

On 02/05/1982 at approximately between 22:30 and 23:00 hours, a scream was heard in the general vicinity of the southern part of Gem City Estates trailer park.²⁸ In Gwen Hudson's statement to MPD on 02/06/1982, the scream woke up her daughter. James Shipman Jr. said that the scream woke him up from an alcohol induced sleep, at which point, Joey Shipman and he left SUBJECT's residence. Adrian West, who was in his residence, 2765 Cozy Lane, said he heard the scream. West was watching television at his kitchen table.

On 02/05/1982 at approximately 22:30 hours, Bobby Rowell, VICTIM's father, leaves his residence, 2970 Kreitzer Road, began another search, by foot, for VICTIM. Rowell checked the field, where VICTIM would later be found, the school and the Civic Center.²⁹ The search was met with negative results.

On 02/05/1982 at approximately 22:50 hours, James Shipman Jr. and Joey Shipman are observed leaving SUBJECT's trailer. Adrian West told MPD that he saw the Shipmans pass his trailer around this time. Ted Ritchie said that it was around 22:45 hours.³⁰ The Shipmans returned home. On 02/06/1982 at approximately 01:00 hours, James Shipman Jr. and Joey Shipman were seen, by James Shipman Sr., in bed and asleep.³¹ James Shipman Sr. and his wife just returned from the trip to Sidney, Ohio.

27Mike Rowell's court testimony

28Moraine Police Report, Case number 82-184, dated 02/06/1982 (Shipman interview), Moraine Police Report, Case number 82-184, dated 02/06/1982 (Initial report), Adrian West's court testimony

29Moraine Police Report, Case number 82-184, dated 02/10/1982 (Bobby Rowell's telephonic interview)

30Moraine Police Report, Case number 82-184, dated 02/12/1982 (West interview), West court testimony, Ted Ritchie court testimony

31James Shipman Sr. court testimony

On 02/05/1982 at approximately 23:00 hours, Myrtle Rowell, VICTIM's mother, called MPD to report VICTIM missing.³² Officer Arnold, MPD, reported that he heard the broadcast about VICTIM being missing over his police radio in his patrol car. Officer Arnold said that he searched the area around the Civic Center and the school because he encountered VICTIM there in summer of 1981. Officer Arnold said that he drove through the Gem City Estates trailer park two or three times looking for VICTIM and the search was met with negative results.

On 02/05/1982 at approximately 23:00 hours, Bobby Rowell, VICTIM's father, searched his residence, 2970 Kreitzer Road, for VICTIM. The search was met with negative results.³³ After the search of the residence, Bobby Rowell departed his residence and conducted another search of the neighborhood. Bobby Rowell concluded this search at 23:30 hours.

On 02/05/1982 at approximately 23:00 hours, Myrtle Rowell and Mike Rowell departed their residence, 2970 Kreitzer Road, to conduct a vehicle search for VICTIM³⁴. The length of the search was not documented.

On 02/05/1982 at approximately 23:00 hours, Mike Johnson and Ted Ritchie departed SUBJECT's residence.³⁵ SUBJECT said that he cleaned up the empty beer cans and placed them in the trash. He said that he took the portable television from the living room to his father's bedroom, where he wrapped himself in an electric blanket. SUBJECT said he was watching television until approximately 00:40 hours on 02/06/1982. In his court testimony, Adrian West said that he saw the lights in SUBJECT's trailer go on and off, as if someone was walking down the hall.

On 02/05/1982 at approximately between 23:00 and 23:30 hours, Mike Johnson and Ted Ritchie arrived at Andy Choate's residence.³⁶ Upon entering the residence, Mike Johnson and Ted Ritchie encountered Sherry Gilbert. At 23:30 hours, Mike Johnson and Ted Ritchie departed Choate's residence and returned to Judy Tabor's residence, 2791 Kreitzer Road. Tabor told Ritchie that his mother was looking for him, so Ritchie departed Tabor's residence. Mike Johnson remained. Ritchie stated that when he arrived at his residence, his mother and he went to Frisch's Big Boy and to a 7-11 convenient store.

32Bobby Rowell court testimony, Officer Arnold court testimony

33Bobby Rowell's court testimony

34Mike Rowell's court testimony

35State's opening arguments, Ritchie's court testimony, Wampler's statement to the police

36Ritchie's court testimony, Choate's court testimony, Gilbert's court testimony

On 02/05/1982 at approximately 23:10 hours, Bobby Rowell, VICTIM's father, began another search, by vehicle, for VICTIM. Bobby Rowell said that he searched the Holiday Inn, T.J. Restaurant, Stone's Sunoco and the Dayton Mall. On 02/06/1982 at approximately 00:35 hours, Rowell terminated the search to assist broken down motorist on Northlawn Avenue³⁷. Barbara Moulney, the motorist, said that Bobby Rowell stopped and offered assistance. According to Moulney, because the vehicle was overheating, Rowell offered to take her to her residence, 4250 Overland Trail, Kettering, Ohio. Moulney said that Rowell told her that he was out looking for VICTIM. Moulney said that they arrived at her residence at 01:00 hours on 02/06/1982. According to Bobby Rowell, after he dropped off Moulney at her residence, he returned home, where he did another search, by foot, of the area. Rowell said that he did search the area in the field where VICTIM would be found later on 02/06/1982 and walked through the Gem City trailer park.

On 02/06/1982 at approximately 01:00 hours, the National Weather Service at Dayton International Airport reported that the temperature in the area was approximately 15 degrees with 10 mile per hour winds.

On 02/06/1982 at approximately 01:15 hours, Ted Ritchie and his mother returned home after a trip to Frisch's Big Boy and 7-11. Upon his arrival home, Ritchie said that he left his residence and returned to Tabor's residence, 2791 Kreitzer Road. Ritchie said he saw Mike Johnson sleeping on the floor. Ritchie stated he stayed for five minutes before returning to his residence.³⁸ Ritchie said that he made several trips between his residence and Tabor's residence. According to Ritchie at approximately 03:30 hours, he left Tabor's residence for the last time. Ritchie said that Mike Johnson, Darrell Doan and he went to Doan's residence, where Johnson was going to spend the rest of the evening. Ritchie said he stayed at Doan's residence for a few moments before returning to his residence for the evening.

On 02/06/1982 at approximately 01:30 hours, the lights in SUBJECT's residence were off, according to Adrian West's court testimony. West said that he was watching television at his kitchen table.

On 02/06/1982 at approximately 01:30 hours, Bobby Rowell conducted another search, by foot, of the Gem City Estates trailer park.³⁹ The search was met with negative results.

37Moraine Police Report, Case 82-184, dated 02/12/1982 (Moulney interview), Bobby Rowell's court testimony, Barbara Moulney's court testimony

38Ritchie's court testimony, Tabor's court testimony

39Bobby Rowell's court testimony

On 02/06/1982 at approximately 02:00 hours, Myrtle Rowell, VICTIM's mother, and Mike Rowell, VICTIM's brother, returned to their residence, 2970 Kreitzer Road., after searching for VICTIM. The search was met with negative results.⁴⁰ Immediately upon arrival at their residence, Myrtle Rowell and Mike Rowell began another search for VICTIM. This search lasted until 02:30 hours. At that time, Myrtle Rowell and Mike Rowell returned home and Mike Rowell went to bed.

On 02/06/1982 between approximately 07:00 and 08:00 hours, Bobby Rowell, VICTIM's father conducted another search, by foot, of the area.⁴¹ Rowell said that he walked through the field and the location, where later in the day VICTIM body is would be found. The search was met with negative results. Bobby Rowell said he returned home.

On 02/06/1982 between approximately 08:00 and 09:15 hours, Bobby Rowell drove his van through the area looking for VICTIM.⁴² The search was met with negative results. Bobby Rowell left the area and took a trip to visit a friend in Huber Heights, Ohio. Bobby Rowell said that he remained at his friend's television shop until 13:00 hours. While at the television shop, Bobby Rowell received a telephone call from Myrtle Rowell at approximately 12:00 hours. According to Bobby Rowell, Myrtle Rowell said that she was leaving the residence to go to Kettering, Ohio.

On 02/06/1982 at approximately 10:00 hours, Mike Rowell visited SUBJECT's residence, 2753 Cozy Lane. Mike Rowell said that he was looking for VICTIM. Mike Rowell said that he spoke with Cecil Wampler, SUBJECT's father. Mike Rowell said that he noticed two small blood stains on the front door of the residence.⁴³

On 02/06/1982 at approximately 10:30 hours, Mike Rowell visited Lisa Collin's residence, 2754 Quail Lane, and stayed until approximately 12:30 hours.⁴⁴ However, in Mike Rowell's court testimony, he said that she stayed until 11:30 hours. In his testimony, Mike Rowell said that he left Tabor's residence to go to Doug Perry's residence.

40Mike Rowell's court testimony

41Bobby Rowell's court testimony

42IBID

43Mike Rowell's court testimony

44Moraine Police Report, Case number 82-184, dated 02/10/1982 (Collins statement)

On 02/06/1982 at approximately 13:00 hours, Bobby Rowell returned home from Huber Heights, Ohio. Bobby Rowell said that nobody was home. Bobby Rowell stated that he made some coffee and went to the basement. According to Bobby Rowell, he was in the basement drinking coffee when he had a vision of “thorny bushes”. Bobby Rowell said that at approximately 15:30 hours, he prepared to leave his residence in order to search the field across the street.⁴⁵

On 02/06/1982 at approximately 15:50 hours, the National Weather Service at Dayton International Airport reported the temperature to be nine degrees and the skies clear.

On 02/06/1982 at 15:50 hours, the body of VICTIM was found among a patch of thorn bushes in a field on Kreitzer Road in Moraine, Ohio.⁴⁶ Bobby Rowell, VICTIM’s father and John Haines, reported finding the body to MPD. According to Officer John G. Brun, MPD, Bobby Rowell led the police to VICTIM’s body.

MPD reports indicate that the body was nude, a brown paper shopping bag from Super Right Grocery Store was laying on the VICTIM’s face and the VICTIM’s penis was amputated. The paper shopping bag contained the victim’s penis. MPD reported bruising around the face and mouth. The body was located 77 feet southwest of 2753 Cozy Lane, a trailer in the Gem City Trailer Court. VICTIM was laying on top of approximately 0.2 inches of snow, which fell during the previous evening. Approximately 20 feet and 4 inches in a north by northeast direction, another shopping bag, from Imperial Foodtown, was found. In this shopping bag, VICTIM’s clothing, a book of matches from Golden Dawn and City of Moraine Parks and Recreation ID card containing VICTIM’s name was found. A set of footprints was found that lead from 2753 Cozy Lane to the body and another set of footprints lead from the body to the shopping bag containing the clothing.⁴⁷ MPD does not report of any footprints going from the body to 2753 Cozy Lane or from the shopping bag containing VICTIM’s clothes to 2753 Cozy Lane. The footprints were secured by Officer Robert Schmidt, MPD.

According to the National Weather Service Office at Dayton International Airport in Vandalia, Ohio, the temperature was nine degrees above zero with 10-15 mile per hour winds when VICTIM was discovered.

⁴⁵Bobby Rowell’s court testimony

⁴⁶Moraine Police Report, Case number 82-184, Officer Brun’s court testimony, Officer Adkins court testimony.

⁴⁷IBID

On 02/06/1982 at 16:00 hours, Officer Dennis J. Adkins, MPD, began a search of the field in an attempt to locate any evidence.⁴⁸ Officer Adkins had collateral duties as MPD's Evidence Technician. Officer Adkins stated that he immediately began to draw diagrams of the area where VICTIM was found.⁴⁹ Officer Adkins stated, in court, that he found a paper shopping bag from Stump's Grocery under VICTIM's buttock. Officer Adkins testified that the bag contained reddish-brown stains, possibly blood. Officer Adkins stated that he, also, found a yellow towel on VICTIM's body. According to Officer Adkins, the towel was underneath VICTIM's right arm and hanging on a thorn bush and had a reddish stain. Officer Adkins said that he recovered a white towel in a patch of thorn bushes. According to Officer Adkins, this towel was located approximately 20 feet, in an easterly direction, from the body. Officer Adkins testified that this towel contained reddish stains. Officer Adkins said that he photographed each piece of evidence and that he was assisted by Sergeant Fred Shaneyfelt, Centerville Police Department (CPD) and Larry Dehus, Technical Supervisor at the Miami Valley Regional Crime Lab (MVRCL). In his testimony, Officer Adkins said that he found two beer cans of Old Milwaukee Light along the footprints that lead from the trailer to the body.

On 02/06/1982 at approximately 16:15 hours, Detective William Mullins, MPD, arrived on the scene to begin the investigation.⁵⁰ After conferring with other officials at the scene, Detective Mullins visited SUBJECT's residence, 2753 Cozy Lane. Detective Mullins stated that SUBJECT agreed to be interviewed and that SUBJECT provided Detective Mullins with a written statement. Detective Mullins said that he first encountered Mike Rowell, VICTIM's brother, at SUBJECT's residence. Detective Mullins described Mike Rowell as being "quiet and withdrawn."

On 02/06/1982 at 16:30 hours, Investigator David C. Lett, Montgomery County Coroner's Office, arrived at the scene. Upon arrival, Investigator Lett said that he was taken to VICTIM's body, where he found the victim laying on top of snow, the body was nude, his penis was amputated and a paper Imperial Foodtown shopping bag was placed on VICTIM's face.⁵¹ Investigator Lett stated that he found VICTIM's penis in the bag. According to Investigator Lett, he removed the penis and sealed it in a plastic evidence bag. Investigator Lett said that he saw the towels referred to by Officer Adkins. Investigator Lett said the towels appeared to have blood stains.⁵²

48Officer Adkins court testimony

49Diagrams were used as State's Exhibit 50 and State's Exhibit 51 at trial.

50Mullins' court testimony

51Investigator Lett's court testimony

52IBID

On 02/06/1982, Mike Rowell and Kenneth White watched MPD recover VICTIM's body from the field. Mike Rowell and Kenneth White observed this from the patio at SUBJECT's residence. According to Mike Rowell, he was on the patio for approximately one hour before SUBJECT exited the residence and asked what was occurring. According to Mike Rowell, SUBJECT said, "Man, that's gross. How could anybody do that?" According to SUBJECT, he only said that after Mike Rowell told him the condition of the VICTIM's body.⁵³

On 02/06/1982 at approximately 17:33 hours, SUBJECT provided MPD with a handwritten statement. The following is a transcription of that statement: "*Mine and his little brother came over about 3:00 or 4:00p.m. and met around tell about 5:30p.m. Mike left. I went out to see why he was leaving and when I was coming back his little brother was at Jim's house and I came home and layed (sic) down about 9:00 or 10:00p.m. Jim and Jim's little brother and Mike Johnson and some big guy named Ted came over they were all really drunk. Jim had to lay down for awhile. Then, they all left around 10:00 or 11:00p.m.*"⁵⁴ The written statement is identical to the verbal statement that SUBJECT gave to a MPD officer who was one of the first to respond to the crime scene.

On 02/06/1982 at approximately 18:00 hours, James Combs claimed to have visited SUBJECT's residence, 2753 Cozy Lane, after coming home from attending a birthday party. In his court testimony, Combs said that SUBJECT told him that VICTIM had been strangled.⁵⁵ However, on 02/09/1982 at approximately 19:00 hours, Combs was interviewed by MPD officials at his residence, 2941 Schoolhouse Lane,⁵⁶ Combs did not mention SUBJECT's statement. In the 02/09/1982 interview, Combs described SUBJECT as being "well-mannered and "didn't think he can hurt anyone." Combs described VICTIM as "mouthy". Combs stated that he could not go anywhere without his parents because he was grounded.

On 02/06/1982 at approximately 22:52 hours, MPD interviewed Roy Elam Jr. at his residence, 2801 Gladstone Street. Elam stated that he was a close friend of VICTIM. Elam said that he last saw VICTIM at approximately 14:15 hours on 02/05/1982. Elam said that he asked VICTIM if VICTIM was going to take the bus home and, according to Elam, VICTIM answered in the negative because he had to serve a detention. Elam stated that the VICTIM did not appear to be troubled and was not acting strangely. Elam said that Langston McQueen, another friend of the VICTIM, may have seen VICTIM more recently. Elam stated that he was at the Moraine Civic Center at 21:00 hours on 02/05/1982 and that

⁵³Wampler's court testimony

⁵⁴Moraine Police Report, Case number 82-184, dated 02/06/1982

⁵⁵Combs' court testimony

⁵⁶Moraine Police Report, Case number 82-184, dated 02/09/1982 (Combs' interview)

he did not see VICTIM. Mrs. Elam, Roy's mother, stated that a member of VICTIM's family visited the Elam residence at 23:00 hours on 02/05/1982 looking for VICTIM.⁵⁷ (NOTE: Roy Elam Jr. was arrested by MPD on 06/15/1981 at 2980 Kreitzer Road and charged with assault.)

On 02/06/1982 at approximately 23:00 hours, MPD arrested SUBJECT on a Failure to Appear warrant out of Warren County Juvenile Court.⁵⁸ SUBJECT was questioned by Detective Mullins, MPD, and Sergeant Wynne, MPD. At approximately 23:44 hours, SUBJECT was given the *Miranda* Warning.⁵⁹ At approximately 02:30 hours on 02/07/1982, SUBJECT requested an attorney. SUBJECT told Gail Loftus, "They think I did this. They're trying to pin this on me."⁶⁰

On 02/07/1982 at approximately 01:15 hours, initial report on latent fingerprint examination on some items found near VICTIM or around 2753 Cozy Lane was received. According to the Moraine Police Report, Case number 82-184, dated 02/07/1982, there were no fingerprints on VICTIM's Moraine Parks & Recreation ID card, Imperial Foodtown shopping bag, Golden Dawn matchbook and two latent prints were lifted from an Old Milwaukee Light beer can that was found approximately 77 feet from SUBJECT's residence. The latent prints were submitted to the Miami Valley Regional Crime Lab for analysis.

On 02/07/1982 at approximately 03:25 hours, MPD conducted a search of 2753 Cozy Lane.⁶¹ The following items were seized by MPD:

1. Leather strap found on couch
2. Several knives and blades found in kitchen drawer
3. Empty Old Milwaukee Light beer carton
4. Carton of Old Milwaukee Light beer containing six cans of beer, in refrigerator
5. Six steak knives
6. Trash can liner containing empty Old Milwaukee Light Beer cans
7. Yellow foam mattress
8. Sheets, bedspread and pillow cases from same room as mattress
9. Contents of orange ashtray from same room as mattress

57Moraine Police Report, Case number 82-184, dated 02/06/1982

58Moraine Police Report, Case number 82-184, dated 02/06/1982

59Mullins court testimony

60McGarvey court testimony

61Moraine Police Report, Case number 82-184, dated 02/07/1982, Officer Adkins court testimony

10. Blue, white and green striped wash cloth
11. A pair of jeans, size 31
12. Yellow and white wash cloth
13. Blue and white striped wash cloth
14. A Howard Johnson's towel
15. Yellow wash cloth
16. Two pink wash cloths
17. Piece of blue vinyl material from bathroom floor
18. A jar of Vaseline
19. A pink electric blanket
20. A multicolored bedspread
21. A green and white striped sheet taken from second bedroom
22. A steak knife from kitchen sink
23. A sweeper bag full of dirt
24. A new sweeper bag containing samples from bedroom
25. An Imperial Foodtown shopping bag
26. A Super Rite grocery bag
27. Two Imperial Foodtown shopping bags
28. A section of carpet between bathroom and second bedroom
29. Blood smear from storm door on front porch
30. Bag of trash
31. Tissue paper with hairs

All items were submitted to the Miami Valley Regional Crime Lab for analysis. At trial, it was revealed that there was no forensic evidence that connected any of the aforementioned items to VICTIM.

On 02/07/1982 at approximately 09:00 hours, Dr. Donald Schaffer, Chief Deputy Forensic Pathologist, Montgomery County Coroner's Office, conducted the autopsy on VICTIM. The autopsy concluded that cause of death was manual strangulation. VICTIM had post mortem scratches as if he was dropped into thorn bushes. Several thorns were recovered from the body. VICTIM had levity on his left side and back indicating that the body's position was changed post mortem. There was bruising in the mouth as if some sort of gag was used. The report indicated blue coloring of the fingernails and toenails indicating that VICTIM was killed in a cold environment. Dr. Schaffer's report indicated bruising around the mouth indicating someone had punched VICTIM in the mouth. The autopsy indicated a blow to the

back of the head which caused unconsciousness. The report stated that VICTIM's blood alcohol level was 0.2%. The report did not indicate any signs of abrasions about the wrists or ankles. Dr. Schaffer's report indicated no signs of sperm in the mouth or the anus. The report indicated that VICTIM suffered slight perineal tears prior to death. The autopsy stated that VICTIM's penis and testicles were amputated post mortem with the cuts coming from several angles. The report stated that VICTIM was in early stages of decomposing. The report indicated that the body was cold to the touch, but not frozen. The report stated that there was no snow on the body and concluded that the body must have been placed in the field sometime after 23:30 hours on 02/05/1982.⁶²

On 02/08/1982, Miami Valley Regional Crime Lab (MVRCL) reported that no conclusions could be made in comparing the hair found on VICTIM's cowboy boots and a hair sample provided by SUBJECT. The report stated there were similarities and differences. The report further stated that the hair recovered from VICTIM's calf had the same microscopic similarities to SUBJECT's hair sample, however the samples did not contain enough individual characteristics to be identified as coming from one individual.⁶³

On 02/08/1982, MVRCL reported that no fingerprints of value for identification purposes were found on various shopping bags and an Old Milwaukee Light beer can. The fingerprints were compared to SUBJECT's finger and palm prints.⁶⁴

On 02/09/1982 at approximately 00:30 hours, MPD received information regarding Mike Johnson. The unnamed source told a sergeant with MPD that Mike Johnson told his mother that he had been at "a scene of a crime".⁶⁵ According to this source, Mike Johnson said that the towel found beside the body was the same one he saw in SUBJECT's trailer. This same unnamed source reported that VICTIM was seen with Mike Johnson and Ted Ritchie walking on Kreitzer Road at approximately 19:00 hours on 02/05/1982.

On 02/09/1982 at approximately 15:06 hours, SUBJECT was arrested at the Warren County Juvenile Detention Facility and transported to the Montgomery County Juvenile Detention Facility. SUBJECT was formally charged with violating Ohio Revised Code section 2903.01 (aggravated murder),

62Montgomery County Coroner's Report, Moraine Police Report, Case number 82-184, dated 02/07/1982, Dr. Schaffer's court testimony

63Miami Valley Regional Lab Report dated 02/08/1982

64Miami Valley Regional Lab Report dated 02/08/1982

65Moraine Police Report, Case number 82-184, dated 02/09/1982

Ohio Revised Code section 2907.02 (rape), Ohio Revised Code section 2905.02 (abduction) and Ohio Revised Code section 2927.01 (abuse of a corpse).⁶⁶

On 02/09/1982 at approximately 15:50 hours, MPD conducted a consent search of SUBJECT's residence, 2753 Cozy Lane. According to the police report, additional items were seized.

On 02/10/1982 at approximately 10:30 hours, an unidentified source contacted MPD to report that the VICTIM's family may have been involved in Satan worshipping. This same source stated that Myrtle Rowell may have asked Mike Rowell if he was involved.⁶⁷

On 02/10/1982 at approximately 14:29 hours, MPD conducted a telephonic interview with Bobby Rowell, VICTIM's father. According to the MPD police report, the Rowell family was in Mobile, Alabama a few days after VICTIM's murder.

On 02/11/1982, MPD interviewed an unnamed source at Moraine Meadow School. The source described VICTIM as having a "dirty mouth". The source stated that VICTIM was afraid to enter junior high school and believed he was afraid that other kids would bully him because of his small size. Source, also, stated that VICTIM desperately wanted a girlfriend. The source described Myrtle Rowell, VICTIM's mother, as being a "religious nut" and possibly mentally unstable. SOURCE told of an incident that occurred around December 1981. According to source, Myrtle Rowell appeared at the school demanding to take VICTIM out of school because "someone is going to kill him." The source said that school officials called Bobby Rowell, who told them not to allow her access to VICTIM.⁶⁸

On 02/12/1982 at approximately 15:45 hours, MPD, with the assistance of the United States Army, conducted a search of the field where VICTIM was discovered. MPD found a green toilet seat lid in the field, approximately 59 feet north of where VICTIM was found. The toilet seat lid was similar in color to the toilet in SUBJECT's residence.⁶⁹ (NOTE: The crime scene, or field, was not secured from the time MPD concluded their initial investigation on 02/06/1982 to when the toilet seat lid was discovered on 02/12/1982.)

66Moraine Police Report, Case number 82-184, dated 02/09/1982

67Moraine Police Report, Case number 82-184, dated 02/10/1982

68Moraine Police Report, Case number 82-184, dated 02/11/1982

69Moraine Police Report, Case number 82-184, dated 02/12/1982 and Officer Adkins' court testimony

On 02/12/1982, Miami Valley Regional Crime Lab (MVRCL) reported that latent prints examination of three Old Milwaukee Light empty beer cans, that were submitted to the lab on 02/10/1982, were not of value for identification purposes.⁷⁰

On 02/15/1982 at approximately 11:44 hours, Cecil Wampler, SUBJECT's father, confronted Ted Ritchie. Cecil Wampler accused Ted Ritchie of stealing towels from SUBJECT's residence. MPD was called to the scene. Cecil Wampler became uncooperative with MPD.⁷¹

On 02/20/1982, MVRCL reported that a blood sample provided to them on 02/15/1982 from James Shipman is type A.⁷²

On 03/02/1982 at approximately 13:45 hours, MPD executed a court order to obtain samples of SUBJECT's hair. The court order was executed at the Montgomery County Juvenile Detention Facility.⁷³

On 03/02/1982, MVRCL reported that hair samples, provided by SUBJECT on 03/02/1982, do not provide for a more definitive comparison than indicated in the MVRCL report dated 02/08/1982.⁷⁴

On 03/03/1982 at approximately 09:34 hours, MPD and Sergeant Steve Walker, Centerville Police Department, interviewed Mike Johnson at the Centerville Police Department, Centerville, Ohio. Sergeant Walker was a polygraph examiner. Johnson agreed to submit to a polygraph examination and provided a written statement. According to Johnson, on 02/05/1982 at approximately 21:00 hours, SUBJECT said, *"Do you want to kill David Rowell tonight?"* and Johnson claimed he responded by saying, *"Man, you're crazy."* Johnson claimed that SUBJECT responded by saying, *"Come back later tonight."* Johnson claimed that he agreed to return to SUBJECT's residence.⁷⁵

On 03/03/1982 at approximately 15:15 hours, MPD arrested Michael Johnson and formally charged with violating Ohio Revised Code section 2903.01 (aggravated murder), Ohio Revised Code section 2907.02 (rape), Ohio Revised Code section 2905.02 (abduction) and Ohio Revised Code section

70Miami Valley Regional Crime Lab Report, dated 02/12/1982 regarding prints

71Moraine Police Report, Case number 82-184, dated 02/15/1982

72Miami Valley Regional Crime Lab Report, dated 02/20/1982

73Moraine Police Report, Case number 82-184, dated 03/02/1982

74Miami Valley Regional Crime Lab Report dated 03/02/1982

75Moraine Police Report, Case number 82-184, dated 03/03/1982

2927.01 (abuse of a corpse). The arrest occurred after Johnson was interviewed at the Centerville Police Department.

In an undated report, MPD took a written statement from Andrew Choate, who resided at 2628 Holman Street. The statement was given to Sergeant Joseph D. Wynne. According to the report, the statement reads: *"I first met Keith when he came to my house with a sword up his sleeve on Halloween night looking for Mike Johnson. Then he came back to the house with me and Mike. Then, in the first part of Nov., I went to his trailer and we were sitting on the couch and he reached over and played with my leg and then I got up and left and I haven't seen Keith since."* In further questioning Choate stated that SUBJECT resided with his father in a trailer. Choate stated that he was alone with SUBJECT when the aforementioned event occurred. Choate further stated that he saw SUBJECT with a knife.⁷⁶

On 04/01/1982, MVRCL reported analysis of items that were submitted to the lab on 03/12/1982. The items were: a lock blade knife with leather pouch, grass samples from the field where the toilet lid cover was recovered, grass samples from where a vehicle was located, grass samples from area around 2753 Cozy Lane, leather strap recovered from 2753 Cozy Lane, an orange and black Kawasaki t-shirt belonging to Michael Johnson, a pair of Wrangler blue jeans belonging to Michael Johnson, a blue denim jacket belonging to Michael Johnson, a pair of hiking boots and two pairs of tube socks belonging to Michael Johnson and a pair of cowboy boots belonging to SUBJECT. The report stated that there were no visible stains on the knife, but chemical tests revealed traces of blood. No blood was found on the leather strap, Kawasaki t-shirt, blue jeans, denim jacket, hiking boots and tube socks or SUBJECT's cowboy boots. Also, the vegetation found on SUBJECT's cowboy boots is similar to the vegetation found around 2753 Cozy Lane and the field.⁷⁷

On 05/07/1982 at approximately 17:00 hours, MPD reported that SUBJECT had scratches on his lower arms and hands. The report stated that Officer Adkins noticed these scratches.⁷⁸ (NOTE: The initial police report regarding SUBJECT's arrest on 02/06/1982 did not mention any scratches. This report is filed three months after SUBJECT's arrest.)

On 06/09/1982, MVRCL reported that blood and saliva collected from Michael Johnson on 03/03/1982 was tested and the test indicated that Michael Johnson has blood type O with enzyme subgrouping ESD:1, PGM: 2;1, Glo: 2, EAP: CA, ADA: 1 and AK:1. The report stated that the hairs

76Moraine Police Report, Case number 82-184, undated

77Miami Valley Regional Crime Lab Report dated 04/01/1982

78Moraine Police Report, Case number 82-184, dated 05/07/1982

taken from Michael Johnson on 03/03/1982 did not match the hairs recovered from VICTIM's body and clothing or the hairs found at SUBJECT's residence.⁷⁹

On 06/10/1982 at approximately 12:50 hours, MPD interviewed Brian Lewis. Lewis stated that he met SUBJECT through Scott Lombardo. Lewis described SUBJECT as a "troublemaker and rowdy." Lewis told MPD that he knew SUBJECT did not attend school.⁸⁰

On 06/10/1982 at approximately 13:11 hours, MPD interviewed Scott Lombardo and Steven Williams. Lombardo identified a photo shown to him as being SUBJECT. Lombardo stated that SUBJECT carried a knife and liked to "do crazy things." Lombardo said that SUBJECT was a homosexual and claimed that SUBJECT tried to rub his leg. Williams claimed that SUBJECT masturbated in front of him. Both Lombardo and Williams knew SUBJECT from when SUBJECT resided in Kettering⁸¹

On 07/28/1982 at approximately 01:15 hours, SUBJECT was convicted of violating Ohio Revised Code section 2903.01 (aggravated murder), Ohio Revised Code section 2907.02 (rape) and Ohio Revised Code section 2927.01 (abuse of a corpse) after a two week trial in Montgomery County Common Pleas Court. SUBJECT was immediately sentenced to 20 years to life in the custody of the Ohio Department of Rehabilitation and Corrections (DRC).

79Miami Valley Regional Crime Lab Report, dated 06/09/1982

80Moraine Police Report, Case number 82-184, dated 06/10/1982

81IBID