Supreme Court of Ohio Clerk of Court - Filed October 07, 2016 - Case No. 2016-0423

In the Supreme Court of Ohio

State Of Ohio,	:	
Plaintiff-Appellee,	:	
	:	**Case No. 2016-0423**
vs.		
	:	**This Is A Capital Case.**
Jeffrey Wogenstahl,	:	
Defendant-Appellant.	:	

Volume 1 of Appendix to Appellant Jeffrey Wogenstahl's Motion to Remand Case to the Trial Court

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Exhibits to Appellant Jeffrey Wogenstahl's Motion to Remand Case to Trial Court:

1. Testimony of Assistant Prosecuting Attorney Mark Piepmeier from *Jamison v. Collins.*

2. Discovery request pursuant to Crim. R. 16

3. Bill of particulars

4. An order to compel the investigating officers to provide the prosecution with all of their investigatory files

5. Pretrial disclosure of witness statements

6. An order directing that a sealed copy of the prosecution's file be made part of the record for review on appeal

7. Notice of Intention to Use Evidence, pursuant to Crim. R 12(D)(2)

8. Disclosure of favorable evidence

9. Disclosure of Impeaching Evidence

10. Prosecution's response opposing Wogenstahl's motion to require pretrial disclosure of witness statements

11. Prosecution's response to Wogenstahl's motion to compel the investigating officers to provide entire copies of their files to the prosecution

12. Prosecution's response opposing the motion that a sealed copy of its file be made of record for appellate review

13. a. Harrison Police Department (HPD) reports regarding placing Peggy Garrett and Eric Horn under hypnosis
    b. HPD After-action Report

14. FBI report re: Justin Horn

15. HPD report re: Wogenstahl's car

16. HPD voluntary statement of Troy Russell

17. Portions of Amber Garrett's Diary

18. HPD handwritten notes re: interview with Gil Reuhle

19. FBI report re: Amber staying elsewhere on weekends

20. HPD handwritten notes re: Amber running away

21. HPD handwritten notes/reports re: Amber's glasses

22. HPD handwritten notes re: all three kids

23. HPD handwritten notes re: information from April Kennedy

24. HPD report re: Donald B. Ellis

25. Documents from the Indiana Highway Patrol re: Peggy Garrett

26. Peggy Garrett Motion for Modification of Sentence

27. HPD handwritten notes re: Eric Horn statement concerning Justin

28. Eric Horn Polygraph documents

29. HPD handwritten notes re: Eric Horn as suspect

30. HPD voluntary statement of Steven Kemper

31. HPD reports re: Chris Brickner and Daniel Brock

32. HPD handwritten notes re: Eric Horn left house from 3:30 a.m. through 5:00 a.m.

33. HPD handwritten notes re: Eric Horn's description of Wogenstahl's clothes

34. Documents related to Eric Horn's drug charges/sexual battery conviction

35. Two Affidavits of Bruce Wheeler

36. Letter to parole board on Bruce Wheeler's behalf

37. Bruce Wheeler's Grand Jury Testimony

38. HPD voluntary statement of Michelle Hunt

39. FBI report re: Michelle Hunt

40. HPD handwritten notes re: Bryan Noel

41. HPD handwritten notes re: Diane Fritz

42. HPD report re: unknown female caller re: rape of Amber

43. Affidavit of Martha Phillips

44. Importuning Complaint re: Amber Garrett

45. HPD handwritten notes re: Barb Goins and Jeff Ertzel

46. HPD voluntary statement of Douglas Dalton

47. HPD voluntary statement of Robert Hess

48. FBI report and HPD handwritten notes re: Loretta Garrett

49. FBI report re: Kim Bischoff

50. FBI report re: Rilda Kaiser

51. HPD handwritten notes re: Peggy Garrett owing $8,000 for drugs

52. HPD handwritten notes re: Peggy Garrett owing money

53. HPD handwritten notes re: Peggy Garrett selling Amber to dealer

54. HPD handwritten notes re: Amber raped by "one of the men"

55. HPD handwritten notes re: Amber treated for sex abuse/interview with Charlene Macaluso

56. HPD handwritten notes re: Ms. Burke

57. HPD report re: Russell Holton

58. HPD report re: "he wasn't going to beat her that bad."

59. HPD handwritten notes re: Jamie Wiemeyer

60. HPD handwritten notes re: Interview with Peggy Garrett

61. HPD missing person report of Patrolman Lindsey

62. HPD voluntary statement of Cheryl Hadley

63. HPD voluntary statement of Brenda Philpot

64. HPD voluntary statement of Michelle Bickel

65. HPD handwritten notes re: Charlene Macaluso

66. HPD handwritten notes re: Matt Barnes

67. HPD handwritten notes re: Susan Crowder

68. HPD handwritten notes re: interview with Amanda Beard

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73. Paperwork regarding testing done on Wogenstahl's cat

74. HPD Official Crime Laboratory report

75. SERI Laboratory Report

76. Affidavit of Teresa Smith

77. Affidavit of Carmen Pittman

78. Newspaper article

79. Affidavit of Roberta Venturini

80. Report of Harvey G. Shulman, Ph.D.

81. Affidavit of Chris Marshall

82. Affidavit of Carl J. Schmidt, M.D., M.P.H.

83. Report of Gary A. Rini, M.F.S.

84. US Department of Justice cover letter

85. Letter re: Appeal from U.S. Department of Justice

86. Handwritten notes re: no blood on jacket

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

- - -

DERRICK JAMISON,	CIVIL ACTION NO. C-1-94-175
Petitioner,	Cincinnati, Ohio
- v -	Thursday, July 8, 1999 9:07 a.m. Hearing
TERRY J. COLLINS,	
Respondent.	Second Day of Evidentiary Hearing Pages 232 - 531

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE S. ARTHUR SPIEGEL, SENIOR JUDGE
TRANSCRIPT ORDERED BY: Counsel for the Parties

APPEARANCES:

For the Petitioner: SCHOTTENSTEIN, ZOX & DUNN CO., L.P.A.
BY: John P. Gilligan, Esq.
and Andrew Stark, Esq.

William Lazarow, Esq.
Assistant State Public Defenders
Ohio Public Defender Commission

For the Respondent: OHIO ATTORNEY GENERAL'S OFFICE
BY: Stuart A. Cole, Esq.
and Sharon McClellan, Esq.
and Jonathan R. Fulkerson, Esq.

Also Present: Mr. Derrick Jamison
Two Prison Guards
Dep. Marshal Christine Kusiak
Chris A. Riley (U.S. Marshal)
Claude N. Crowe, Esq. (Morning only)
Frank H. Prouty, Jr., Esq.

Law Clerk: Cindy Baraban, Esq.
Courtroom Clerk: Vicki Penley
Court Reporter: Mary Ann Ranz

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EXHIBIT A

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Mr. Piepmeier.

MR. GILLIGAN: Your Honor, just so the record's clear, as I understand, this witness is being called as part of the warden's case-in-chief. He's being called out of order to accommodate his schedule, which we're happy to do. Is that correct?

MR. COLE: That's correct.

THE COURT: Okay.

THE CLERK: Please raise your right hand.

(Duly sworn by the Clerk.)

THE COURT: Will you state your full name, please, and spell your last name for court reporter?

THE WITNESS: Mark Piepmeier; P as in Paul, I-E-P-M-E-I-E-R.

THE COURT: Thank you. You may proceed.

MARK E. PIEPMEIER

a witness herein, having previously been sworn, testified as follows:

DIRECT EXAMINATION

BY MR. COLE:

Q. Mr. Piepmeier, how are you currently employed?

A. As an Assistant Hamilton County Prosecutor.

Q. And how long have you been employed with the Hamilton County Prosecutor?

A. Since 1981.

1 Q. What was were duties from 1981 through the time of the
2 Jamison trial?
3 THE COURT: To the time of what?
4 MR. COLE: To the time of the Jamison trial.
5 THE COURT: Okay. Keep your voice up, Mr. Cole.
6 A. I was a trial prosecutor in Juvenile Court when I began
7 with the office, and then in Municipal Court, and then in
8 Common Pleas Court. And at the time of the Jamison trial, I
9 had been in Common Pleas Court for a couple of years.
10 Q. And what is your current position?
11 A. As a Chief Assistant Hamilton County Prosecutor.
12 Q. And what kind of cases are you currently handling?
13 A. Mostly capital murder cases.
14 Q. Okay. You were involved with the Derrick Jamison case;
15 is that correct?
16 A. Yes.
17 Q. Prior to the Derrick Jamison case, had you handled any
18 other murder cases?
19 A. I think I had handled one other murder case that was a
20 noncapital defendant in a capital murder case. John Byrd was
21 a capital defendant and there were two other codefendants
22 that were noncapital. I believe I tried that before Jamison
23 and I might have had a capital case before Jamison. I'm not
24 sure.
25 Q. And approximately how many capital cases have you now

1 handled?
2 A. Probably 20 to 25.
3 Q. You recall how you became involved in the Jamison
4 prosecution?
5 A. Derrick Jamison had been involved in a series of
6 robberies in Downtown Cincinnati and I had tried that case.
7 And at some point in that process, I'm not clear when, he
8 also was charged with a capital murder case and believe that
9 since I had handled the first case against him, that I was
10 assigned as a second chair on the capital murder case
11 involving him.
12 Q. And do you recall who the first chair was?
13 A. Dan Reif; R-E-I-F.
14 Q. What would be your responsibilities as second chair?
15 A. In our office, it's pretty much an equal responsibility.
16 Second chair does most of the legwork before trial as far as
17 preparing discovery, making sure the witnesses are there,
18 making sure we have the exhibits marked in the exhibits and
19 so forth. When we get to trial, though, it's pretty much
20 shared responsibility, 50/50.
21 Q. Would you have received or had possession of the full
22 police files as a prosecutor?
23 A. Not their full file. We would receive what we called a
24 Homicide Book, which is they would prepare a file for us
25 which was basically everything we needed for trial and that's

1 the material we would get from the Police Department.
2 Q. And who decides what is in the Homicide Book?
3 A. The Police Department that's preparing that report for
4 us.
5 Q. Do you recall who was in charge in terms of preparing the
6 Homicide Book in the Jamison case?
7 A. I'm not sure who was in charge of preparing it. I
8 remember dealing with Bill Davis a lot on this case, so it
9 may have been him.
10 MR. GILLIGAN: Objection; move to strike in terms
11 of speculation.
12 THE COURT: Sustained.
13 Q. Do you recall if there was a discovery request in this
14 case?
15 A. Yes.
16 Q. I would ask that you look at the book in front of you.
17 Is there a book in front of you? Oh, it was there.
18 MR. GILLIGAN: Are you looking for the Petitioner's
19 Exhibit?
20 MR. COLE: Yes.
21 THE COURT: Petitioner's Exhibit book.
22 MR. GILLIGAN: Your Honor, we have no objection to
23 their borrowing our exhibit book.
24 MR. COLE: Again I like to thank Mr. Gilligan.
25 THE COURT: For the convenience of everybody.

1 Thank you.
2 Q. If you would look at Exhibit 35 and ask if you would
3 identify that document.
4 A. Yes.
5 Q. And that was the document that was filed, to the best of
6 your knowledge?
7 A. Best of my knowledge, this would be the discovery demand
8 filed on behalf of Derrick Jamison.
9 Q. And would you have been responsible for responding to
10 this motion?
11 A. Yes.
12 Q. I would ask that you look at Exhibits No. 36 and 37 and
13 tell me if you could identify what those exhibits are.
14 MR. GILLIGAN: Your Honor, at this time I'd like to
15 object to the use of these exhibits as part of the warden's
16 case-in-chief. The parties were asked to provide a list of
17 the exhibits that they were going to use as part of their
18 case-in-chief. And the warden filed on April the 30th, 1999
19 a listing of the witnesses that they expect to call and the
20 exhibits that they were going to use. The only exhibit that
21 they indicated that they would use in their case-in-chief is
22 the transcript of the Jamison-Central Bar murder trial.
23 Therefore, any reference to any of these other exhibits
24 should not be permitted since it's not in compliance with the
25 Court Order, or with the discovery response or notice which

1 was filed by the warden.
2 MR. COLE: Your Honor, I believe these exhibits --
3 THE COURT: How about it, Mr. Cole?
4 MR. COLE: I believe these exhibits are before this
5 Court. They've been filed many times in many different
6 pleadings put together by Mr. Gilligan. And right now he's
7 -- he used them all day yesterday.
8 THE COURT: Well, they used them in the plaintiff
9 -- in the Petitioner's case, but I don't see how the
10 Petitioner is going to be prejudiced because they are before
11 the Court. I've seen them in support of other motions in
12 other parts of the pleadings in these proceedings and they
13 are in this case. So, I'm going to -- you should have
14 complied with our Order the way it was set up, because I
15 think Mr. Gilligan and his crew have been doing it --
16 laboring mightily to try to do so, and I expect the state to
17 do the same thing. There is no privileged position in this
18 case.
19 MR. COLE: Yes, sir.
20 THE COURT: The same as any other litigant. All
21 right. Go ahead.
22 Q. I asked if you could identify Exhibits 36 and 37 -- 36
23 and 37.
24 A. Yes, I can.
25 Q. And what are they?

1 A. State's -- or Petitioner's Exhibit 36 is a discovery
2 response by the State of Ohio prepared by myself. Appears it
3 was filed on April 2nd, 1985. And State's Exhibit 37 or
4 Petitioner's Exhibit 37, excuse me, is Supplemental Discovery
5 filed on August 22nd, 1985.
6 Q. And how would you go about preparing your response, or
7 how did you go about preparing this response?
8 A. I take the Homicide Book or the materials given to me by
9 the Police Department and I go through that and I prepare my
10 discovery based on that. Supplemental discovery -- from time
11 to time a name will come from some source: Either we will
12 get a call in the office or the Police Department might call
13 and say, "We received a new witness," or we may question
14 someone and they may say you might want to talk to
15 so-and-so. And if we have new information, then it would be
16 supplied as it was in Petitioner's No. 37 which is
17 Supplemental Discovery.
18 Q. In Exhibit 36, the second page you write under Evidence
19 Favorable: None Known. How is it you went around -- you go
20 about and determine what constitutes favorable evidence?
21 MR. GILLIGAN: Objection to the form of the
22 question, Your Honor. It is unclear as to time. Is he
23 asking about the time of the Jamison case or now? -- because
24 now is not relevant.
25 MR. COLE: I'm asking at the time of the Jamison

1 case.
2 THE COURT: Okay. All your questions are relating
3 to the time of the trial?
4 MR. COLE: Certainly, sir.
5 THE COURT: Back in 1985?
6 MR. COLE: Yes, sir.
7 THE COURT: Okay. With that caveat, go ahead.
8 Remember the question?
9 THE WITNESS: Yes, sir.
10 THE COURT: Item 8.
11 A. In reading through the Homicide Book or the materials
12 presented to me, if anything came out that I felt was
13 evidence favorable, that's where I would list it. Or again
14 in interviewing witnesses, in talking to the Police
15 Department, if there's anything came out that I felt was
16 favorable, that's where I would get that information.
17 THE COURT: Are you presently the chief trial
18 counsel in capital cases for the County Prosecutor?
19 THE WITNESS: We don't really have such a position,
20 Judge, but I'm one of the people that tries most of the
21 capital cases. We don't have a particular person.
22 THE COURT: I've been trying to restrain myself,
23 but tell me about this Homicide Book. You're not still using
24 that, are you?
25 THE WITNESS: We still receive a Homicide Book, but

1 -- I don't know when we changed our process, but over the
2 years we now, when we meet with the police for the first
3 time, we ask them to bring their entire file to our office
4 and we go through that. They prepare the Homicide Book more
5 as a courtesy to us, which is -- it's very organized and it
6 really does contain everything I feel we need. But at the
7 same time we've gotten in the practice to ask for everything
8 they have just so we make sure we have everything. And I
9 believe we've come to the point where we feel that we better
10 know what we may need at trial than they do, and in the past
11 we would rely solely on what they feel we need at trial.
12 THE COURT: And the past would be any time from
13 1985?
14 THE WITNESS: Certainly in 1985 we relied on what
15 they gave us. Again, I'm not sure, but I'd say for the last
16 at least five years, at least personally, I asked to see
17 everything.
18 THE COURT: Go ahead.
19 MR. GILLIGAN: Excuse me, Your Honor. I didn't
20 hear that date since --
21 THE COURT: Please?
22 THE WITNESS: I'd say for probably at least the
23 last five years.
24 THE COURT: Last five years.
25 THE WITNESS: I can't be more specific.

1 Q. Did their come a time when you were deposed in this
2 federal habeas corpus action which has been brought by
3 Derrick Jamison?
4 A. Yes.
5 Q. And do you recall who deposed you?
6 A. I believe Mr. Gilligan.
7 Q. I'm going to read a question that Mr. Gilligan asked you
8 at Page 54 of your deposition and ask if you recall --
9 THE COURT: What's the date of the depo?
10 MR. GILLIGAN: Your Honor, I would object to the
11 form of this question. This is improper.
12 THE COURT: I think it is, too. Just ask him a
13 question. You don't have to ask the deposition. He's your
14 witness.
15 MR. COLE: Okay.
16 THE COURT: Are you trying to rehabilitate him from
17 something --
18 MR. COLE: No, Mr. Gilligan asked him a
19 hypothetical and I --
20 THE COURT: Go ahead.
21 MR. COLE: -- want to quote his response and see if
22 it's the same today.
23 THE COURT: Go ahead and ask the question.
24 Q. Okay. Let me give you this hypothetical then: If an
25 eyewitness saw two individuals, one of whom was carrying a

1 stick, pipe, or club, leaving the Central Cafe -- in other
2 words, running out of the door of the Central Cafe at or
3 about the time that the offense was committed and neither of
4 those individuals met the physical description of Jamison,
5 would you have considered that to be evidence favorable to
6 the defense which should have been disclosed to the defense
7 prior to trial?
8 A. I remember -- again, I can't say word for word, but that
9 question does sound familiar, yes.
10 THE COURT: I'm not interested in who asked the
11 question. I'm interested in your answer now and as it
12 related to 1985.
13 A. Yes, I believe that would be evidence favorable.
14 Q. Yes.
15 A. That statement in and of itself, yes.
16 Q. Now, what if the investigative report in that
17 hypothetical were followed up and it was discovered that the
18 witness who made the initial statement openly admitted that
19 he lied and in fact he saw nothing at all: Would it then
20 constitute exculpatory evidence?
21 MR. GILLIGAN: Your Honor, object to these
22 hypothetical questions. This is not an expert witness. He's
23 not been qualified as an expert witness. It is improper to
24 be asking him hypothetical questions.
25 THE COURT: I'm going to overrule the objection

1 because I have a little problem with the hypothesis.
2 MR. GILLIGAN: Also no factual basis for the
3 hypothesis.
4 THE COURT: That may be true. But are you going to
5 put in factual basis to establish --
6 MR. COLE: Certainly, Your Honor. We have a
7 statement later to offer in this hearing of Greg Mapp in
8 which -- the investigative report -- in which he did in fact
9 admit that he lied.
10 THE COURT: All right. Let's hear the hypo again.
11 Q. If the investigative report were followed up and it was
12 discovered that the witness who made the initial statement
13 openly admitted that he lied and he in fact saw nothing --
14 MR. GILLIGAN: Objection to the form of the
15 question, Your Honor.
16 THE COURT: Overruled.
17 Q. (Continuing) Would that still constitute exculpatory
18 evidence?
19 A. I'd probably want to know a little bit more about the
20 witness and the circumstances under which he said, "I made
21 this up." I don't know just on the basis of that if I could
22 say whether I would still consider that exculpatory or not.
23 I probably would want to know more than just this witness
24 said this and now he's saying, "I lied." I'd want to know a
25 little bit more how it came about that he's now saying, "I

1 lied."
2 MR. COLE: Okay. Thank you very much.
3 THE COURT: Does that complete your questioning,
4 Mr. Cole?
5 (Mr. Cole and his cocounsel conferred privately.)
6 MR. COLE: If I may have a minute, Your Honor.
7 (Mr. Cole and his cocounsel continued to confer
8 privately.)
9 THE COURT: Would you like a cup of water?
10 THE WITNESS: No, thank you, Your Honor.
11 (Mr. Cole distributing a document to counsel, The Court,
12 and the witness.)
13 MR. GILLIGAN: Your Honor, Mr. Cole just handed me
14 an Exhibit A, and I would renew my objection which I made
15 before. This is a document which is not contained in the
16 disclosure that was made by the warden. There is no
17 reference at all to this document. This document is
18 certainly not part of the trial transcript, and I would
19 object to its use here in these proceedings. It is offered
20 in violation of the Court's Order, Disclosure of Exhibits,
21 and I believe it is unfair and improper. And I would ask the
22 Court not to permit the warden to elicit testimony about this
23 document or any other exhibits which they are now going to
24 pull out of the police file which they have not disclosed to
25 us previously.

1 THE COURT: You've never seen this before?
2 MR. COLE: Ah --
3 THE COURT: Excuse me. You've not seen this
4 before?
5 MR. GILLIGAN: I have seen it before, Your Honor.
6 I have seen a lot of the documents from the police file. But
7 the Court asked, in fact ordered, the litigants to disclose
8 what exhibits they were going to use as part of their
9 case-in-chief. And the warden chose to disclose solely the
10 transcript. This is not part of the transcript. This is
11 part of the police file. And it is improper to allow them
12 now to bring in, after we have gone through the discovery and
13 the Court has issued a discovery Order in terms of disclosure
14 of witness and materials to be used at this hearing, to let
15 them simply ignore that Order and bring in these exhibits in
16 the second day of the hearing.
17 THE COURT: Is this the way you plan to present
18 your case, Mr. Cole?
19 MR. COLE: No, Your Honor. If I --
20 THE COURT: Why can't you follow the rules the way
21 we set them up? I tried to set up a procedure to accommodate
22 everybody, and now I don't think this is fair to the --
23 MR. COLE: Okay.
24 THE COURT: -- Petitioner to be springing things
25 like this which you didn't indicate was going to be a

1 document that you were going to use in the preparation of
2 your case.
3 MR. COLE: Could I state our position, Your Honor?
4 THE COURT: Sure.
5 MR. COLE: With respect to it being unfair,
6 Mr. Gilligan had full access to the police file and he's
7 certainly seen this document, so it's not unfair.
8 As far as for being improper and being sprung on, this is
9 in rebuttal to the implication from the questioning which
10 Mr. Gilligan made yesterday to Mr. Flax, which strongly
11 implied that Mr. Mapp made one investigative report saying
12 there was somebody else other than Jamison who had seen
13 commit the crime.
14 It's hard to anticipate that when Mr. Gilligan has seen
15 both reports he was going to choose to only put on one report
16 and not the one that directly rebuts the first report that he
17 choose to put on. Under those circumstances, the state does
18 not believe that it is either unfair or improper.
19 MR. GILLIGAN: Your Honor, if I could respond, this
20 is not rebuttal. This is their case-in-chief. That's what
21 we just established 15 minutes ago when they called
22 Mr. Piepmeier out of order. We're perfectly happy to
23 accommodate them on it, but this is their case-in-chief. If
24 they're going to use exhibits as part of their case-in-chief,
25 this Court ordered them to disclose what the exhibits are.

1 And I think it is really -- it's unfair and misrepresents
2 what --
3 THE COURT: Well, I want to find out something
4 about --
5 MR. GILLIGAN: -- what the state of the situation
6 is.
7 THE COURT: Mr. Gilligan, I want to find something
8 out about this document.
9 MR. GILLIGAN: Excuse me, Your Honor?
10 THE COURT: Was this included in the homicide
11 file?
12 THE WITNESS: No, Your Honor.
13 THE COURT: Well, I want to hear more about the
14 homicide file and how your office operates.
15 You're familiar with the Supreme Court decision of Brady
16 and its progeny, so to speak?
17 THE WITNESS: Yes, Your Honor.
18 THE COURT: Don't you have an obligation to
19 investigate to find out all the information that there was
20 that is within the possession of the Police Department,
21 exculpatory and inculpatory?
22 THE WITNESS: Yes, sir.
23 THE COURT: And so the fact that they withhold
24 evidence from the prosecutor, doesn't excuse the prosecutor
25 from responding to a discovery order, does it, in your view?

1 THE WITNESS: No, Your Honor.

2 THE COURT: All right. As far as I'm concerned, I

3 think the material that was brought out yesterday was

4 discovery material that should have been furnished under

5 Brady. And this may be something else that may -- but you're

6 trying to neutralize some of that material through this

7 memorandum. But at least counsel for the defendant should

8 have had an opportunity during the course of the trial, the

9 course of the Jamison trial, to have the material available

10 to decide how he wanted to proceed with regard to a witness

11 who allegedly lied.

12 Now, this document is not a statement of the individual

13 himself. It's somebody that interviewed him who's giving his

14 opinion of what the other person said. I'm going to let it

15 in for what it's worth, but I don't like these tactics,

16 Mr. Cole. I think you're supposed to comply just like they

17 try to.

18 MR. COLE: I apologize, Your Honor. I appreciate

19 you letting it in.

20 THE COURT: You've got Exhibit A?

21 THE WITNESS: Yes.

22 MR. COLE: And to respond to what you just said,

23 you're correct: To the best of my knowledge, Greg Mapp never

24 made a statement. You have two police reports referring to

25 Greg Mapp, but there was no statement, and I think you fairly

1 summarized what the issue is before this Court.
2 Jamison, his position would be that these two
3 investigative reports should have been turned over to the
4 defense.
5 And the next step in a Brady determination by this Court
6 would be whether or not that constitutes exculpatory evidence
7 as defined by Brady and most recently by the United States
8 Supreme Court in Strickland. But I would agree with the
9 Court's comments as to what is the issue before it.
10 THE COURT: All right. So, go ahead with your
11 question.
12 Q. I would ask if you would read what's been marked as
13 Exhibit A.
14 A. Yes, I have.
15 Q. Having read that, would you have a further opinion on
16 whether or not the investigative report regarding Gregory
17 Mapp would constitute exculpatory evidence?
18 MR. GILLIGAN: Your Honor, let me object to the
19 question. It calls for a legal conclusion. There is no
20 foundation. There is no indication that this gentleman has
21 ever seen this document before this moment. In fact, he
22 indicated, I believe, in response to your question that it
23 was not part of the police homicide file which was furnished
24 to him. So, I think the question is improper on at least
25 three grounds.

1 THE COURT: You know, I think there's merit to what
2 Mr. Gilligan said. You say you didn't see this at the time
3 of the Jamison trial?
4 THE WITNESS: Yes, Your Honor.
5 THE COURT: And you did see the other thing, the
6 other material which was not turned over?
7 THE WITNESS: Not at the time of the trial, Judge.
8 THE COURT: All right. Okay.
9 THE WITNESS: Subsequently I did.
10 THE COURT: Okay. So, I certainly think that
11 material, Mr. Mapp's original statement, would be exculpatory
12 material that should have been turned over under Brady.
13 THE WITNESS: In and of itself, had I received
14 that, I believe it was a two- or a three-page document --
15 THE COURT: Uh-huh.
16 THE WITNESS: -- I would have listed all the names
17 in that, which I believe was Greg Mapp, his father, and a
18 neighbor. And I also, based on the description that was in
19 that, I would have listed that as evidence favorable, had I
20 just seen that document itself, yes, Your Honor.
21 Q. Having seen both Exhibit 12, which is the original
22 investigative report regarding Greg Mapp and Exhibit A which
23 you have in your hand, would you have listed these two
24 exhibits as exculpatory evidence in the Jamison trial?
25 THE COURT: He's already testified -- I think that

1 he's already testified to your hypothetical, and this is --
2 your hypothetical is based on this. I have his answer with
3 regard to that, that it may well be exculpatory. It may be
4 something that defense counsel, in a situation like this,
5 wanted to know why he said one thing and then he's lying --
6 says that he lied, what kind of pressures and all that.
7 That's all material that may go to the issue of
8 identification. So, I'm going to sustain the objection.
9 Let me put it this way: Mr. Piepmeier, you're an officer
10 of the Court. You seem like a fair-minded man. Do you think
11 what I just said is a fair approach to how a defense lawyer
12 in a case such as the Jamison case would have handled this
13 kind of information, both this memorandum and the original
14 memorandum where the man testified to something which was
15 exculpatory and then this memorandum where a police officer
16 interviews him and so forth, that that would be something
17 that defense counsel would want to know about and decide how
18 to handle?
19 THE WITNESS: I believe they would, Judge. And one
20 of the things that I said earlier is, I would want to know
21 the circumstances under which a person retracted. And it's
22 my understanding here that this was a 12-year-old boy that,
23 without any pressure from the police, basically indicated --
24 and at this point I know the police had no one in custody and
25 they certainly weren't trying to steer this investigation

1 towards Derrick Jamison or anyone. They had an unknown. And
2 as far as they knew, this description given by Mr. Mapp was
3 the person they were looking for. I believe it was a short
4 person with a pole. But when this 12-year-old boy
5 acknowledged to them that, without any pressure, that "I lied
6 about this" and the reason he did was to help Gary, who was
7 the victim in the case, then I personally no longer feel that
8 this really was evidence favorable. I still would have
9 listed their names on our witness list, because the one thing
10 I do religiously is go through the Homicide Book, and any
11 time that appears in there, I list under the theory that
12 somebody may want them as a witness at a later date.
13 But based on, I guess, my working relationship with Bill
14 Davis, who I have great respect for and the fact that this is
15 a 12-year-old boy that on his own admits "I made this up, I
16 was just trying to help out Gary," then I would see no reason
17 to believe that this second statement is not the true
18 statement. And so, I really would not feel it would be
19 favorable at that point, but again I would still list the
20 names, had I had them in my discovery response.
21 MR. GILLIGAN: Your Honor, I did not mean -- did
22 not want to interrupt Mr. Piepmeier, but I would object and
23 move to strike his testimony based on his understanding of
24 what he read in that report. It's multiple hearsay. It's --
25 he's regarding what Greg Mapp supposedly said to Bill Davis

1 which Bill Davis wrote down and Mr. Piepmeier is
2 interpreting. It is three or four levels of hearsay and
3 speculation.
4 THE COURT: It's a very obvious case of hearsay,
5 and for the very reason that Mr. Piepmeier said he'd want to
6 know why the youngster changed his tune -- changed his story,
7 what the circumstances were, what kind of pressures were put
8 on him, I take that all into consideration.
9 MR. GILLIGAN: Thank you.
10 THE COURT: So, let's move on to the next point.
11 MR. COLE: I have no further questions.
12 THE COURT: You may cross-examine.
13 MR. GILLIGAN: Thank you, Your Honor.
14 CROSS-EXAMINATION
15 BY MR. GILLIGAN:
16 Q. Mr. Piepmeier, we met before when I took your deposition;
17 didn't we, sir?
18 A. I believe so. A couple years ago.
19 Q. That was back in March of 1996. Does that refresh your
20 memory, sir?
21 A. Yes.
22 Q. And, sir, let me ask you to turn to Petitioner's Exhibit
23 12. You did not see that document as part of the homicide
24 file, did you, sir, or Homicide Book?
25 A. No, this is the other document I was referring to when

1 Mr. Cole was examining me. And no, I had not seen this. I
2 think the first time I saw this was within the last couple of
3 years, but I had not seen this at the time of the Jamison
4 trial, no.
5 Q. And you've already testified you did not see warden's
6 Exhibit A at the time of the Jamison homicide trial?
7 A. Correct.
8 Q. And certainly didn't see either of those documents when
9 you were preparing the discovery responses and indicating
10 that there was no favorable evidence for Mr. Jamison; is that
11 correct, sir?
12 A. That's correct.
13 Q. And you indicated that at the time of the Jamison trial,
14 the police would provide you only the Homicide Book which
15 they had prepared; is that right?
16 A. Yes.
17 Q. And it contains the information that you would need; is
18 that right?
19 A. Yes.
20 Q. And "you" is the prosecution or prosecutors; isn't that
21 right, sir?
22 A. Yes.
23 Q. Help you present your case; isn't that right?
24 A. Yes.
25 Q. That procedure has now been changed; is that right?

1 A. Personally, I have -- I no longer do that, no.
2 Q. You want to see everything that's in the police file?
3 A. Yes.
4 Q. Because you understand as an Officer of the Court you
5 have an obligation to turn over to the defense any evidence
6 which is favorable to the defense; isn't that right, sir?
7 A. Yes.
8 Q. And "favorable to the defense" means exculpatory
9 evidence; doesn't it, sir?
10 A. Yes.
11 Q. It also means evidence that could be used by the defense
12 to impeach any of the witnesses called by the prosecution;
13 isn't that right?
14 A. Yes.
15 Q. And back in 1985 on the Jamison case, which was either
16 your first or maybe second involvement in a capital murder
17 case, you had no training on how to decide what was Brady
18 material; had you, sir?
19 A. I had no formal training. I'm sure other prosecutors
20 told me how to prepare discovery. But, no, I received
21 nothing formal.
22 Q. And there was no written guidelines at the Hamilton
23 County Prosecutor's Office to provide you with some
24 assistance in terms of what you should be looking for; isn't
25 that right?

1 A. That's correct.
2 THE COURT: Who was the prosecutor then?
3 THE WITNESS: When I started it was Si Leis, and
4 Art Ney was the prosecutor in 1984, Your Honor.
5 THE COURT: Okay. Thank you.
6 Q. And what you would do when you went through the Homicide
7 Book is try to imagine yourself in the role of the defense
8 lawyer and try to think about what the defense lawyer may
9 want, is that right, in terms of your looking for Brady-type
10 information?
11 A. I would, although the difficult part of that was knowing
12 where the defense was coming from: If it was going to be an
13 alibi; if it was going to be insanity; if it was going to be
14 a situation where they're going to claim it was a
15 manslaughter as opposed to a homicide. So, keeping that in
16 mind, yes, I tried to look at it as if I was representing
17 this person, what kind of things would I use. But that was
18 the difficulty there, not knowing what to look for.
19 Q. The other part of the difficulty is you had never been a
20 defense lawyer up until that time of your career; isn't that
21 right?
22 A. I don't know that that presented a problem. I mean, I
23 feel that a defense attorney can prosecute a case and I feel
24 a prosecutor can defend a case. But that's correct: I had
25 never been a defense attorney.

1 Q. Sir, it would be fair to say that your memory of the --
2 let me ask it this way --
3 THE COURT: Whenever a lawyer starts with "fair to
4 say," you'd better get on -- better be on your mettle. Go
5 ahead with your question.
6 (Laughter.)
7 THE COURT: From a judge's point of view, it's sort
8 of amusing to watch lawyers examine each other.
9 THE WITNESS: Not when you're here.
10 MR. GILLIGAN: I thought you were going to say it's
11 time to reach for your wallet when the lawyer says, "Is it
12 fair to say?"
13 THE COURT: Go ahead. Your turn.
14 Q. Let me ask you to turn to Exhibit 24 in the Petitioner's
15 Exhibits. Have you seen these photographs before, sir?
16 A. I do not believe so, no.
17 Q. Let me represent to you that Officer Davis -- the same
18 Bill Davis that you described earlier as the person you
19 worked on this case with -- has testified previously in
20 deposition that the Petitioner's Exhibit 24 is copy of a
21 photograph which was selected by James Suggs, an eyewitness
22 to individuals fleeing from the Central Bar homicide
23 location, and that the photograph on the first page of
24 Petitioner's Exhibit 24, which contains handwriting, those
25 are the handwritten notes of Officer Davis, indicating

1 "Picked by Mr. Suggs as a look-alike for the taller
2 suspect." Do you see that, sir?
3 A. Yes.
4 Q. All right. And to your knowledge, this information was
5 not provided to you as part of the Homicide Book; was it,
6 sir?
7 A. I don't believe so, no.
8 Q. And the fact that an eyewitness had picked a photograph
9 as a look-alike for the taller of the suspects -- the
10 photograph not being Derrick Jamison and not looking like
11 Derrick Jamison -- would that have been evidence that you
12 would have disclosed to the defense as favorable evidence?
13 A. If the person said, "That person looks like the person
14 that did it," yes. If the witness said, "This isn't him, but
15 it's a look-alike," then I would say no, if you understand
16 what I'm saying. If this person said, "I know that's not the
17 guy, but this person is a look-alike for him," then I would
18 say no, that's not favorable. If the person said, "That
19 looks like him," which I know is a small difference in terms,
20 but then I would say yes, it would be evidence favorable.
21 Q. And even in the second scenario that the witness says,
22 "That's not him but he looks like this person" --
23 A. Yeah.
24 Q. -- and the depicted in the photograph does not look like
25 the defendant, isn't that evidence that is favorable to the

1 defense and should be disclosed to the defense?
2 A. Yes, in that situation if he's picking someone out that
3 does not look like the defendant and says, "That's not him,
4 but whoever did it looks like this person," then yes, I would
5 think so.
6 THE COURT: Regardless, if this material had been
7 furnished to you at the time of the trial, at the time you
8 were preparing your discovery, would you have turned it over
9 as exculpatory?
10 THE WITNESS: If there was a lineup, I always give
11 out lineups, just whether --
12 THE COURT: No, no, I'm talking about this
13 particular document in the police files.
14 THE WITNESS: Yes, Judge, under those
15 circumstances, if the person said, "Whoever this is, the
16 person that did it looks likes this person" and it doesn't
17 resemble the defendant, yes, that's --
18 THE COURT: I'm only talking about the document
19 itself, Exhibit 24.
20 THE WITNESS: I'd want to know more about it.
21 Again, I'd want to ask the questions; what's this person
22 saying? And once we arrested someone, and if it didn't look
23 like this person and if we have a witness that says, "I saw
24 the guy that did it and it looks just like this guy," then,
25 yes, I would consider that evidence favorable.

1 Q. But at the very least, having seen this photograph with
2 the testimony that Officer Davis gave about this photograph,
3 you, as a prosecutor in charge of responding to discovery,
4 would have wanted more information to determine whether this
5 was favorable evidence that should have been turned over at
6 the very least; isn't that right?
7 A. Yes.
8 Q. And let me ask you to turn to Petitioner's Exhibit 30,
9 which is a three-page document, and I apologize for the
10 quality.
11 A. I was going to say, I can't --
12 THE COURT: Which one is this, Exhibit 30?
13 MR. GILLIGAN: Yes, Your Honor; three zero.
14 Q. It's a three-page document. I apologize for the quality
15 of the photocopy, but these are photocopies taken from the
16 Cincinnati Police Department files. And I will represent to
17 you that Officer Hoffman -- do you know Joe Hoffman?
18 A. Yes.
19 Q. He was a Police Officer who worked with Officer Davis in
20 investigating the Mitchell homicide at the Central Bar; isn't
21 that right?
22 A. Yes.
23 Q. And he has testified in his deposition that he showed an
24 array of photographs to Mr. Suggs, and Mr. Suggs picked this
25 photograph. And you can see on the third page of the

1 exhibit, Officer Hoffman has testified -- let me let you get
2 to the -- the handwriting at the bottom. This is in Officer
3 Hoffman's own handwriting: "James Suggs picked this photo
4 out of seven photos and said he thinks this was the shorter
5 of the two suspects in the Central Cafe robbery; just passed
6 over the picture of Greg Ivory." Do you see that, sir?
7 A. Yes.
8 Q. You did not see this at the time you were preparing your
9 discovery responses to Mr. Jamison's counsel; did you?
10 A. I don't believe so, no.
11 Q. And similarly to Exhibit 24, you would have either turned
12 this over or, as favorable evidence, or had done further
13 inquiry; would you not, sir?
14 A. I'm just looking on the second page where it says,
15 "Charles Howell." Was that -- if I could clarify, was that
16 the codefendant?
17 Q. Do you know who the codefendant was in the Jamison case?
18 A. I don't remember the name offhand. I think it was
19 Howell. But if that's the case, then I would not consider
20 that evidence favorable. I would just consider that he
21 picked out the witness that ultimately was the codefendant,
22 so it's actually correct about it.
23 Q. It says, "Alias, Charles Howell." It's actually a photo
24 of Eugene Vassar, who is a different individual than --
25 A. Okay. That's why I wanted to clarify.

1 Q. -- the accomplice.
2 A. If that's the case, then yes.
3 Q. Yeah. And you would have either turned this information
4 over to the defense as favorable evidence, or -- let me ask
5 it that way: You would have turned this over as favorable
6 evidence that Mr. Suggs had picked out a photo of an
7 individual who was neither Mr. Jamison or Charles Howell, the
8 accomplice -- the alleged accomplice in the Mitchell
9 homicide; isn't that right?
10 A. If that is the case, yes. That's why I asked the
11 question is Vassar actually Charles Howell.
12 Q. Okay. There were witnesses called in the homicide case
13 who were victims or witnesses to the so-called similar
14 robberies; is that correct, sir?
15 A. Yes.
16 Q. And do you recall that one of those victims was a woman
17 by the name of Joanne Davidson?
18 THE COURT: What was the name?
19 MR. GILLIGAN: Joanne Davidson.
20 THE COURT: Oh.
21 A. That name sounds familiar, but, again, I don't know
22 specifically.
23 Q. Let me ask you to turn to Exhibit 2 in Petitioner's
24 Exhibits. Do you have it in front of you, Mr. Piepmeier?
25 A. Yes.

1 Q. And, sir, I will represent to you that Petitioner's
2 Exhibit 2 is a two-page document produced to us from the
3 files of the Cincinnati Police Department pursuant to our
4 subpoena, marked as CPD 121 and 122, which is an offense
5 report on the Sav-All drugstore robbery. And do you see
6 Joanne Davidson listed there --
7 A. Yes.
8 Q. All right. -- as a complainant?
9 A. Yes.
10 Q. And do you see an arrow that goes up to a printed "Cannot
11 I.D.;" do you see that, sir?
12 A. Yes.
13 Q. Sir, did you have a copy of this offense report when you
14 prepared your response to the Jamison discovery request?
15 A. I may have. I can't say one way or the other just in
16 looking at this.
17 Q. Sir, you understood that part of the case that the
18 prosecution would be presenting in the homicide trial was to
19 bring in a series of victims and witnesses to other robberies
20 to have them testify to help convict Mr. Jamison of the
21 homicide; isn't that correct?
22 A. Yes.
23 Q. And you understood that if there was favorable evidence
24 on any of those similar so-called similar robberies, that you
25 were obligated to provide that favorable evidence as well to

1 Mr. Jamison's defense lawyers, isn't that right, because that
2 was going to be part of your case-in-chief in the homicide
3 case? Is that --
4 A. Yes.
5 Q. Okay. And, sir, if you had a copy of a -- of this police
6 report, Exhibit 2, which indicates that Joanne Davidson
7 cannot I.D., would you not have turned that over to the
8 defense counsel as favorable evidence to the defense if
9 Joanne Davidson were going to testify as part of your
10 case-in-chief?
11 A. No, I don't consider that evidence favorable.
12 THE COURT: I'm sorry?
13 THE WITNESS: I said no, Your Honor, I do not
14 consider the fact -- if I have a witness that says,
15 "I'm unable to identify the person that did it," for
16 whatever reason, and I know some of these people were elderly
17 and struck from behind, I'm not going to ask them to come
18 into court to identify anyone. And the fact that they can't
19 do that, I don't consider that evidence favorable. If
20 they've looked at the person and says, "That's not him,"
21 that's one thing. But if they just say, "I won't be able to
22 identify whoever did it, no matter who it is," then, no, I've
23 never considered that evidence favorable.
24 Q. Let me give you some additional facts.
25 A. Okay.

1 Q. (Continuing) That Joanne Davidson did come in and testify
2 in the homicide trial and did in court point out Derrick
3 Jamison as the person who had robbed and kicked her. Isn't
4 it fair to say, sir, that this police report would have been
5 helpful to the defense to help impeach her testimony at
6 trial?
7 A. At that point, if she had previously said, "I'm not going
8 to be able to identify anybody" and she walks into court and
9 "Oh, my God. There he is" -- and that's happened before --
10 then, yes, I can see at that point someone being able to
11 cross-examine her on the fact that she previously said, "I'm
12 not going to be able to identify anyone."
13 Q. And that's what this Exhibit 2, this offense report,
14 appears to indicate: That she cannot identify the person who
15 robbed and beat her; isn't that right, sir?
16 A. That's what it says on there, yes.
17 MR. GILLIGAN: I have nothing further, Your Honor.
18 Thank you.
19 THE COURT: So, I guess the bottom line is your
20 answer's yes, that should have been turned over, too? If you
21 knew you were going to bring her in and you were trying the
22 case, you knew you were going to bring her in as a witness.
23 THE WITNESS: If we knew we were going to bring her
24 in and we knew that --
25 THE COURT: Well, you did.

1 THE WITNESS: -- she can't -- we knew she could
2 identify the person in court -- I've had some people, Judge,
3 that --
4 THE COURT: No, I understand that. We're not
5 talking about what happened in other cases. We're talking
6 about material that was in the Police Department's files
7 which was impeaching-type material that should have been
8 turned over under the Discovery Order. You were going to use
9 a witness where you had evidence in your file which indicated
10 that the witness testified or had indicated a time more
11 recent to the event involved that couldn't I.D. or couldn't
12 identify someone; you're going to bring that witness in to
13 identify them in open court, that that material that's in
14 your file certainly should have been turned over to the
15 defense.
16 THE WITNESS: Yes, if we knew when we were bringing
17 her into court that she could now identify the person.
18 THE COURT: The Police Department may not have
19 provided you with this, is what you're saying. But if you
20 had had that in your possession, you would have realized that
21 that should have been turned over to the defense.
22 THE WITNESS: Yes, if I knew she was now going to
23 come into court and say, "I can identify him."
24 THE COURT: Well, who brought her in? You were
25 trial counsel.

1 THE WITNESS: Yes. But, Judge, what I'm saying is,
2 and it may have happened in this situation, sometimes people
3 have seen a photo lineup and been able to identify anyone --
4 THE COURT: I well understand. My point is this:
5 Under Brady, any exculpatory information or information that
6 would lead to possible impeachment of prosecution witnesses
7 is material that should be turned over to the defense.
8 THE WITNESS: Yes, sir.
9 THE COURT: And this is a piece of evidence that
10 was in the Police Department's files which would be at least
11 of an impeaching quality to Ms. Davidson's testimony. And if
12 you had known that, I'm asking --
13 THE WITNESS: If I knew it and I knew she could now
14 identify the person, yes. Yes.
15 THE COURT: Okay. That gets into the obligation of
16 the Prosecutor's Office to get all the information together,
17 both exculpatory and inculpatory, in preparing a case --
18 THE WITNESS: Yes, sir.
19 THE COURT: -- what you're now doing. But at that
20 time you were just taking the testimony given to you by the
21 Police Department and not inquiring to find out if there was
22 any exculpatory information or impeaching information in the
23 hands of the Police Department which would have assisted the
24 defense.
25 THE WITNESS: That's correct. We relied on what

1 they gave us.
2 THE COURT: All right.
3 MR. GILLIGAN: I have nothing further, Your Honor.
4 THE COURT: Thank you.
5 MS. McCLELLAN: One --
6 THE COURT: Anything else, Mr. Cole?
7 MR. COLE: One moment.
8 (Mr. Cole and his colleagues conferred privately.)
9 MS. McCLELLAN: Could I just ask one question, Your
10 Honor, with the Court's permission?
11 THE COURT: Please?
12 MS. McCLELLAN: Could I ask one question with
13 the --
14 THE COURT: Sure. You're Ms. McClellan? Do you
15 know Mr. Piepmeier?
16 MS. McCLELLAN: I think I've met him on one earlier
17 occasion. We have not spoken --
18 THE COURT: You have no objection, do you,
19 Mr. Gilligan?
20 MR. GILLIGAN: Your Honor, this is a little
21 unusual --
22 THE COURT: I know it is, but I'd like to
23 accommodate her.
24 MS. McCLELLAN: Yeah.
25 THE COURT: Thank you very much.

1 MR. GILLIGAN: Thank you.
2 MS. McCLELLAN: I understand, Your Honor.
3 THE COURT: Okay. Go ahead with your question.
4 MS. McCLELLAN: I'll just ask a really brief
5 question.
6 REDIRECT EXAMINATION
7 BY MS. McCLELLAN:
8 Q. Do you specifically recall, Mr. Piepmeier --
9 THE COURT: Now, can you use the microphone,
10 please?
11 MS. McCLELLAN: I'm sorry.
12 THE COURT: Take it off.
13 MS. McCLELLAN: It's going to fall again.
14 Q. Do you recall, Mr. Piepmeier, whether or not the trial
15 attorneys, trial counsel on this case, ever asked for prior
16 inconsistent statements with respect to Ms. Davidson after
17 she testified?
18 A. I don't recall them doing that. And if they would have
19 done it, it would have been -- normally Judge Crush would
20 call us to the side and, after direct examination, and he
21 would examine the -- any prior statements we had at their
22 request, and then at that point he would make a
23 determination.
24 Q. Right.
25 A. So, if it was done, it would be on the record.

1 Q. There would have been an in camera inspection likely for
2 any inconsistent statements pursuant to Criminal Rule
3 16(b)(1)(G) --
4 A. Yes.
5 Q. -- correct?
6 A. And that was always Judge Crush's procedure to put on the
7 record that I've reviewed it and either I have or have not
8 found anything inconsistent.
9 Q. But at that point, it would have been initially incumbent
10 upon counsel to have asked for those?
11 THE COURT: Are you testifying or asking?
12 MS. McCLELLAN: I'm sorry.
13 Q. Who would make the first request for that type of
14 material?
15 A. Defense counsel would have, and some do it religiously
16 and some never ask to review prior statements after direct
17 examination. It depends on the attorney.
18 Q. Okay. It's just a matter of course?
19 A. Correct.
20 Q. Okay. And, of course, in this particular setting you did
21 not have that material in your file anyway --
22 MR. GILLIGAN: Objection.
23 Q. -- is that correct?
24 THE COURT: Overruled.
25 MR. GILLIGAN: It's leading.

1 MS. McCLELLAN: Well, you brought that out.
2 THE COURT: You're testifying again. Just ask him
3 questions.
4 MS. McCLELLAN: I'm sorry.
5 THE COURT: He's your witness.
6 Q. Did you have the Davidson statement that she said she
7 could not identify anyone?
8 A. In looking at this, I cannot say whether I had this or
9 not. Whatever I had would have been in the Homicide Book
10 provided by the Police Department.
11 Q. Okay. And you don't recall if --
12 THE COURT: Well, excuse me. I'd like to ask a
13 question about the Homicide Book. Does the Homicide Book
14 just relate to the specific crime -- the specific homicide,
15 or did the Homicide Book take into account seven or eight
16 other same and similar?
17 THE WITNESS: It did not, but I had tried the
18 earlier case, so we probably had material from that case
19 also, Judge.
20 THE COURT: You mean you tried the Sav-All Drug
21 case?
22 THE WITNESS: If this was one of the ones Jamison
23 -- I tried him on all his other cases first. I don't know
24 if the Sav-All Drugstore was one of those or not. There were
25 so many that I can't -- I know there were some he was

1 identified in but not even tried on, Judge. So, I don't know
2 if that's one of the ones he actually went to trial on or
3 not. So, I may have had it from an earlier case. But in
4 looking at this document, I can't say if we had it or not.
5 Q. Was it your recollection that Mr. Flax religiously asked
6 for 16(b)(1)(G) material?
7 THE COURT: Are you asking him a question?
8 MS. McCLELLAN: Yes, Your Honor.
9 A. Some witnesses they asked to see prior statements, I
10 believe, and some they didn't. But I don't believe Mr. Prem
11 or Mr. Flax asked that on every single witness, no.
12 Q. Okay.
13 THE COURT: Under the federal system, we have the
14 Jencks Act. Are you familiar with the Jencks Act?
15 THE WITNESS: No, Your Honor.
16 THE COURT: It's a statute which requires, at the
17 request of defense counsel, to provide to the defense all
18 statements, interviews, and so forth which have either been
19 written down, affirmed, or the actual statements of witnesses
20 who testified, so that counsel on cross-examination can use
21 them, if necessary, for whatever purpose they find them to be
22 of value. And the rule is that we generally ask the
23 prosecution to furnish those materials, Jencks Act materials,
24 to the defense counsel at least the morning of the trial.
25 Under the statute, it doesn't have to be provided until

1 actually when direct examination has been completed.
2 THE WITNESS: We have a similar rule that after
3 direct examination -- and some judges also require us to
4 provide it to defense counsel --
5 THE COURT: Ahead of time?
6 THE WITNESS: -- actually before trial. Judge
7 Nadel does.
8 THE COURT: We try to do that, too, so we don't
9 have to interrupt the trial. All right. Let's move on.
10 MS. McCLELLAN: One quick question.
11 THE COURT: One more question.
12 Q. All right. Do you have a specific recollection of a
13 discovery request that was filed in this case, Mr. Piepmeier?
14 A. I remember one thing in particular about it --
15 Q. What would that be?
16 A. -- because I felt I was kind of snookered. But the
17 defense never asked for our witnesses, which is always No. 1
18 in the Rule 16 discovery request, is your witnesses and their
19 records. And it's reciprocal: Once they ask for something
20 and we give it out, then they have to give it in return. And
21 I know when I saw the rule, the 16 discovery request. I
22 didn't -- I just assumed it was form discovery request; I put
23 down our discovery, gave it to defense counsel, including our
24 witnesses, and continually -- I think up until, I think, the
25 date of trial -- we constantly asked for their witness list

1 and they kept saying, "You're going to get it, you're going
2 to get it," and finally we asked for a cutoff and Judge Crush
3 said, "Enough's enough. They've been asking for this for
4 months now. You've got to give them your witness list." And
5 at that point I remember Mr. Prem pointed out the fact that,
6 "Well, Judge, we don't have to give them our witness list."
7 MR. GILLIGAN: Judge, it's hearsay.
8 THE COURT: Let him finish.
9 THE WITNESS: He said, "We don't have to give them
10 our witness list" and we're jumping up and down "What do you
11 mean?" And he said, "Well, look at our discovery request.
12 We specifically never asked for your witnesses. We
13 appreciate you giving them to us, but as a result, we don't
14 have to give you ours." So, it's never happened to me before
15 or since, but that's -- the only reason I remember it is
16 because Cal kind of pulled one on us there and I don't know
17 that it matters any in the course of things, but I felt kind
18 of snookered there, I guess.
19 Q. But you gave him a complete witness list; is that
20 correct?
21 THE COURT: He's already testified to that.
22 A. Yes.
23 THE COURT: You don't have to summarize his
24 testimony. I heard it.
25 MS. McCLELLAN: Thank you, Your Honor.

1 THE COURT: Anything else?
2 MS. McCLELLAN: I don't have anything further and I
3 thank you for the Court's indulgence.
4 THE COURT: All right. Mr. Gilligan, you can have
5 another crack at him, if you like.
6 MR. GILLIGAN: Just very briefly.
7 RECROSS EXAMINATION
8 BY MR. GILLIGAN:
9 Q. Mr. Piepmeier, you understand that as a prosecutor you
10 have a constitutional obligation to provide evidence that is
11 favorable to the defense; isn't that right?
12 A. Yes, even if there's no discovery demand filed. I
13 understand that.
14 Q. So, whether they -- if the defense asks for it or not,
15 you are obligated to provide it?
16 A. Yes.
17 Q. Isn't that right?
18 A. Evidence favorable, correct.
19 Q. And "evidence favorable" includes exculpatory evidence or
20 impeachment evidence; isn't that right?
21 A. Yes.
22 Q. And in this case it would include not only exculpatory
23 evidence or impeachment on the homicide itself, but on the
24 so-called similars; isn't that right?
25 A. Yes.

1 Q. And your obligation to provide favorable evidence to the
2 defense is not excused by the fact that the police didn't
3 provide you everything that was in their file; is it, sir?
4 A. No --
5 Q. It's your obligation?
6 A. No, I accept that, I understand that it's our obligation,
7 yes.
8 MR. GILLIGAN: Thank you.
9 THE COURT: Any other witness -- thank you, sir.
10 Did you have anybody else or are we ready to go? You're
11 excused, Mr. Piepmeier.
12 THE WITNESS: Thank you. I appreciate you
13 accommodating me out of order, and Mr. Gilligan.
14 MR. GILLIGAN: Have a nice vacation.
15 (Witness excused.)
16 MR. GILLIGAN: Your Honor --
17 THE COURT: Ms. Ranz, like to take a brief recess?
18 (The Court and court reporter conferred privately.)
19 THE COURT: Have you got somebody ready to go?
20 MR. GILLIGAN: I believe so, if I could go out in
21 the hallway and get him, Your Honor.
22 THE COURT: We'll take a recess now for
23 approximately 10 minutes.
24 MR. GILLIGAN: Thank you, Your Honor.
25 THE COURT: And get your witnesses ready.

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JAMES [illegible]
CLERK OF [illegible]
HAMILTON [illegible]

COURT OF COMMON PLEAS
CRIMINAL DIVISION
HAMILTON COUNTY, OHIO

STATE OF OHIO : CASE NO. B926287
Judge Nadel

Plaintiff :

vs. : DEMAND FOR DISCOVERY

JEFFREY A. WOGENSTAHL :

Defendant :

Defendant, through his attorney, hereby demands that the prosecuting attorney:

1. Permit the Defendant:

(a) to inspect and copy or photograph any of the following which are available to, or within the possession, custody, or control of the state, the existence of which is known or by the exercise of due diligence may become known to the prosecuting attorney:

(i) Relevant written or recorded statements made by the Defendant or Co-Defendant or copies thereof;

(ii) Written summaries of any oral statement, or copies thereof, made by the Defendant or Co-Defendant to a prosecuting attorney or any law enforcement officer;

EXHIBIT
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(iii) Recorded testimony of a Defendant or Co-Defendant before a grand jury.

(b) To inspect and copy or photograph books, papers, audio and video tape recordings, documents, photographs, tangible objects, buildings or places or copies or portions thereof, available to or within the possession, custody or control of the state, and which are material to the preparation of his defense, or are intended for use by the prosecuting attorney as evidence at the trial, or were obtained from or belong to the Defendant.

(c) To inspect and copy or photograph any results or reports of physical or mental examinations, and of scientific tests or experiments, made in connection with the particular case, or copies thereof, available to or within the possession, custody or control of the state, the existence of which is known or by the exercise of due diligence may become known to the prosecuting attorney.

2. Furnish Defendant:

(a) A copy of the Defendant's prior criminal record, which is available to or within the possession, custody or control of the state.

(b) A written list of the names and addresses of all witnesses whom the prosecuting attorney intends to call at trial, together with any record of prior felony convictions of any such witnesses, which record is within the knowledge of the prosecuting attorney.

3. Disclose to counsel for the Defendant all evidence, known or which may become known to the prosecuting attorney favorable to the Defendant and material either to guilt or punishment.

All pursuant to Rule 16, Ohio Rules of Criminal Procedure

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Dale G. Schmidt S-045/0033028
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1071 Celestial Street
Cincinnati, Ohio 45202
(513) 621-8688

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by regular U.S. mail service to the office of the Hamilton County Prosecutor, 1000 Main Street, Cincinnati, Ohio 45202 this 11 day of Sept, 1992.

Dale G. Schmidt (S-045)

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

STATE OF OHIO	:	CASE NO. B926287 Judge Nadel
Plaintiff	:	
vs.	:	REQUEST FOR BILL OF PARTICULARS
JEFFREY A. WOGENSTAHL	:	
Defendant	:	

Defendant, through his attorney, request a Bill of Particulars in the above-captioned case setting up specifically the nature of the offense charged, and the conduct of defendant alleged to constitute the offense.

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Attorneys for Defendant

FILED
SEP 11 9 59 AM '92
JAMES CISSELL
CLERK OF COURTS
HAMILTON COUNTY, OHIO

Authority: Ohio Rules of Criminal Procedure 7E.

EXHIBIT
3

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the within paper was delivered to the office of the Hamilton County Prosecutor, Criminal Division, this 11 day of Sept, 1992.

Dale G. Schmidt (S-045)

COURT OF COMMON PLEAS
CRIMINAL DIVISION
HAMILTON COUNTY, OHIO

FILED
SEP 30 10 31 AM '92
JAMES C. SAYRE
CLERK OF COURTS
HAMILTON COUNTY, OHIO

STATE OF OHIO : CASE NO. B926287

: (J. Nadel)

vs. :

JEFFREY A. WOGENSTAHL :

Defendant :

MOTION TO COMPEL LAW ENFORCEMENT OFFICIALS TO TURN OVER AND ADVISE PROSECUTING ATTORNEY OF ALL INFORMATION ACQUIRED DURING THE COURSE OF INVESTIGATION

Now comes Jeffrey A. Wogenstahl, by and through counsel, and hereby moves this Court to order all law enforcement officials involved in the investigation of the case herein to turn over and advise the prosecuting attorney of all information obtained during the course of this investigation for the reasons set forth below.

Respectfully submitted,

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Attorneys for Defendant

EXHIBIT
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MEMORANDUM IN SUPPORT

This motion is a necessary corollary to the "Brady Motion" which has been filed herein. Technically, the knowledge of the prosecutor's agents will be imputed to him. As a practical matter, however, the defense will simply not get the material if the attorneys for the other side are not aware of said material.

Counsel for the defense desires proper discovery, not an appellate issue. Due Process, the Sixth Amendment right to the effective assistance of counsel, and the proscription against cruel and unusual punishments contained in the Ohio and United States Constitutions all require this result.

Respectfully submitted,

Dale G. Schmidt S-045/0033028

Mark S. Krumbein K-334/0016983

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was delivered to the office of the Hamilton County Prosecutor this 30 day of SEPTEMBER, 1992.

Dale G. Schmidt S-045/0033028

FILED

SEP 30 10 33 AM '92
JAMES CISSELL
CLERK OF COURTS
HAMILTON COUNTY, OHIO

COURT OF COMMON PLEAS
CRIMINAL DIVISION
HAMILTON COUNTY, OHIO

STATE OF OHIO	:	CASE NO. B926287
Plaintiff	:	(J. Nadel)
vs.	:	
JEFFREY A. WOGENSTAHL	:	
Defendant	:	

MOTION FOR DISCLOSURE OF
WITNESS STATEMENTS PRIOR TO TRIAL

Jeffrey A. Wogenstahl through his attorneys, respectfully requests this Court to order the County Prosecutor to disclose prior to trial all statements of witnesses whom he intends to call at trial.

Disclosure of witness statements prior to trial would avoid any unnecessary and lengthy continuance taken after direct examination of State's witnesses for the purpose of inspecting the statements to determine the existence of inconsistencies. In addition, the granting of this motion is consistent with previous rulings by this Court in this case.

In the alternative, Jeffrey A. Wogenstahl requests that the Court allow an in camera inspection of the witnesses' statements prior to trial in the presence of defense counsel at which the Court will inform counsel of the substance of the statements. This is consistent with the spirit of Ohio Criminal Rule 16 (B)(1)(g).

EXHIBIT
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In addition, pretrial disclosure of these statements is required by R.C. 149.43, the Public Records Act. Finally, judicial economy would be served by the early disclosure of those statements. The reasons in support of this motion are set out in the accompanying memorandum.

Respectfully submitted,

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Attorneys for Defendant

MEMORANDUM IN SUPPORT

Ohio Criminal Rule 16(B)(1)(g) provides for the defense's inspection of a witness's written or recorded statements to determine the inconsistencies between the testimony of a witness and such prior statement. Ordinarily this inspection occurs upon completion of the witness's direct examination. However, under the circumstances of this lengthy and complex case, this court should permit defense counsel the opportunity to examine the statements of State's witnesses prior to trial.

process. Trial will be unnecessarily delayed and this Court's time wasted and docket crowded.

A sound alternative is the disclosure of such statements to defense counsel prior to trial. This procedure will eliminate the extensive amount of time necessary for on-the-spot inspection. Instead, the court need merely consider any claim of inconsistency raised by defense counsel following direct examination, and immediately rule on the defense right to cross-examine regarding the alleged inconsistency.

The disclosure of prior witness statements before trial would not create an unfair advantage in favor of the Accused and is consistent with other parts of Crim. R. 16(B). The witnesses' prior statements would not be subject to use in cross-examination unless "The court determines that inconsistencies exist." Defense would not be able to use the prior statement to discredit a witness unless the Court decides that the prior statement is inconsistent with testimony given in direct examination.

The granting of this motion is consistent with this Court's prior course of conduct. Because counsel for Jeffrey A. Wogenstahl plans to request examination of each witness's statements, the delay created by these mandatory inspections will be substantial. The granting of disclosure now would speed up the trial process by eliminating these delays.

Additionally, because this is a capital prosecution, the

reliability of the guilt, Beck v. Alabama (1980), 447 U.S. 625, 637-638, and sentencing, Lockett v. Ohio (1978), 438 U.S. 586, determinations is essential. The United States Supreme Court has stated more process is due the capital defendant in order to assure reliability. Under the Eighth and Fourteenth Amendment to the United States Constitution and Sections 9 and 16, Article I of the Ohio Constitution, the capital defendant must be fully assured a fair and adequate opportunity to defend against the State's charges. It will thus be very likely that substantial investigation will follow disclosure of witnesses' statements. The substantial delays which would be occasioned by such recesses for investigation will only serve to disrupt the presentation of evidence. This burden is unnecessary and can easily be avoided.

Further, disclosure of the witnesses' statements prior to trail may reveal evidence of a possible exculpatory nature, which the defense is entitled to under Brady v. Maryland (1963), 373 U.S. 83, and several courts have held that disclosure of such information should be made prior to trial in order to permit adequate investigation. United States v. Bonnano, (C.A.2, 1970), 430 F.2d 1060, certiorari denied (1970), 400 U.S. 964; United States v. Elmore (C.A.4. 1970), 423 F.2d 775; United States v. Eley (N.D. Ga., 1972), 335 F. Supp. 353; United States v. Five Persons (D.N.J. 1979), 472 F. Supp. 64, 67; United States v.

Pollaek, (C.A.D.C. 1976), 534 F. 2d 964 certiorari denied (1976), 429 U.S. 924.

If this Court refuses to allow disclosure of witnesses' prior statements to defense counsel, Jeffrey A. Wogenstahl requests that this Court conduct, in the presence of the defense counsel, an in camera inspection of the prior witness statements within a reasonable time before trial. At this inspection, the Court should fully inform defense counsel of the substance of the witnesses' statements so that defense counsel will be able to notice any inconsistencies in the witnesses' testimony as they testify. If defense counsel notice any inconsistencies, a short conference can be held before cross-examination begins. Any inconsistencies can be confirmed at the conference by reference to the statements, and then cross-examination can quickly commence.

This is consistent with the language in Crim. R. 16(B)(1)(g) regarding the manner of disclosure of prior witness statements and would facilitate a speedy transition from direct to cross-examination during the trial, thereby preventing unnecessary delay.

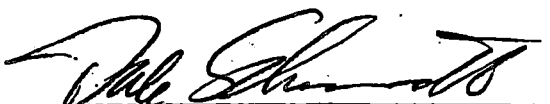
Independent of the foregoing authority, Jeffrey A. Wogenstahl is entitled to the pretrial disclosure of witness statements under R.C. 149.43, the Public Records Act. The Act has been interpreted to require the disclosure of any objective facts or observations recorded by any law enforcement

investigator or governmental body, such as witness statements. State, ex rel. National Broadcasting Co., v. Cleveland (1988), 38 Ohio St. 3d 79.

In Sanford v. Kelly (1989), 44 Ohio App. 3d 30, the Court held that the trial court has a greater responsibility than that which it has under Crim. R. 16. Under NBC and Sanford, a trial court is required to examine all potential witness statements to determine which portions of the statements are discoverable. The Court is required to redact any portions which are specific investigatory work product under R.C. 149.43 (A)(2)(c), otherwise excerpted from disclosure under R.C. 149.43(A)(2), or specifically compiled in reasonable anticipation of a criminal proceeding under R.C. 149.43(A)(4). However, the Court is required to order the State to disclose all other statements.

For these reasons, Jeffrey A. Wogenstahl requests the Court to enter an order directing the State to deliver the statements of the prosecuting witnesses to the defense at a reasonable time before trial.

Respectfully submitted,



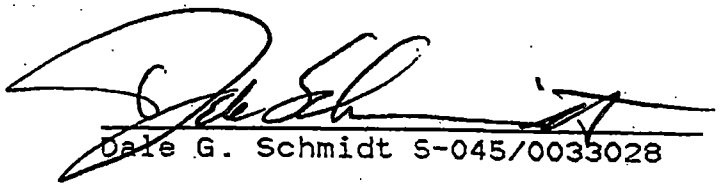
Dale G. Schmidt S-045/0033028

Mark S. Krumbein K-334/0016983

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was delivered to the Hamilton County Prosecuting Attorney this 30 day of SEPTEMBER, 1992.



Dale G. Schmidt S-045/0033028

COURT OF COMMON PLEAS
CRIMINAL DIVISION
HAMILTON COUNTY, OHIO

STATE OF OHIO	:	CASE NO. B926287
Plaintiff	:	(J. Nadel)
vs.	:	
JEFFREY A. WOGENSTAHL	:	
Defendant	:	

MOTION FOR AN ORDER DIRECTING THAT A COMPLETE COPY OF THE PROSECUTOR'S FILE BE MADE, TURNED OVER TO THE COURT FOR REVIEW AND SEALED FOR APPELLATE REVIEW, IF NECESSARY

Now comes Jeffrey Wogenstahl, by and through counsel, and requests the issuance of an order requiring the following:

1) That a complete copy of the entire prosecutor file be made, said copy to include the information turned over to the prosecutor by the law enforcement personnel as requested by the MOTION TO COMPEL LAW ENFORCEMENT OFFICIALS TO TURN OVER AND ADVISE PROSECUTING ATTORNEY OF ALL INFORMATION ACQUIRED DURING THE COURSE OF INVESTIGATION;

2) That said copy be sealed for the purpose of subsequent appellate review.

FILED
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JAMES [illegible]
CLERK OF [illegible]
HAMILTON CO. [illegible]

The Defendant further requests that this Court independently review this file and turn over to the defense all evidence and any other materials that are exculpatory, impeaching, or relevant to the penalty as mitigating the crime or extenuating the

EXHIBIT
6

circumstances thereof.

Respectfully submitted,

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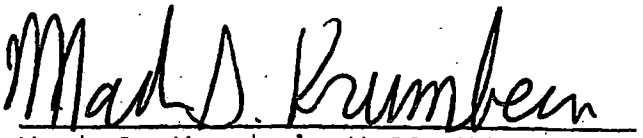

Mark S. Krumbein K-334/0016983
511 Walnut Street
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Cincinnati, Ohio 45202
(513) 241-4480

Attorneys for Defendant

MEMORANDUM IN SUPPORT

As counsel has respectfully pointed out to the Court in numerous prior motions, penalties in capital cases are different from other forms of punishment. Because of this undeniable fact, more process is due in a capital case than other types of criminal litigation. Thus, while this remedy would not be appropriate in another type of case, it must be granted in a case where the state seeks the ultimate sanction against the defendant.

In a normal criminal case, "business as usual" prevails and it is perfectly reasonable to rely on the normal professional courtesies to assure adequate discovery and pretrial exchanges of information. This is what the system is well-designed for and

regularly accomplishes. In a death case, however, the "business as usual" approach would require the defendant to rely on the professional integrity of attorneys whose express intent and desire is to cause the death of the defendant.

Under such circumstances, it is wholly unreasonable to expect the defense to rely upon a bland assertion by the prosecution that there exists no material in its file either exculpatory as to guilt, impeaching its position, or which mitigates the crime or extenuates the circumstances.

THEREFORE, counsel requests that this Court review the complete file to determine the existence of such information, and seal a complete copy of the file to preserve same for appellate review.

Respectfully submitted,

Dale G. Schmidt

Dale G. Schmidt S-045/0033028

Mark S. Krumbein

Mark S. Krumbein K-334/0016983

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was delivered to the office of the Hamilton County Prosecutor this 2nd day of December, 1992.

Dale G. Schmidt

Dale G. Schmidt S-045/0033028

COURT OF COMMON PLEAS
CRIMINAL DIVISION
HAMILTON COUNTY, OHIO

STATE OF OHIO	:	CASE NO. B926287
Plaintiff	:	Hon. N. Nadel
vs.	:	REQUEST FOR NOTICE OF INTENTION TO USE EVIDENCE O.R. Cr. P. 12 (D) (2)
JEFFREY A. WOGENSTAHL	:	
Defendant	:	

Defendant, having been arraigned, through counsel, hereby requests the Prosecuting Attorney to provide Defendant's Counsel notice of the Prosecuting Attorney's intention to use evidence in chief at the trial, which evidence the Defendant is entitled to discover under O.R. Cr. P. 16, in order that Defendant may raise objections prior to trial under Subsection (B) (3) of O.R. Cr. P. 12.

FILED
DEC 18 3 47 PM '92
JAME[illegible]
CLERK OF
HAMILTON C[illegible]

Mark S. Krumbein (0016983/K-334)
Attorney for Defendant
2104 Fifth Third Center
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(513) 241-4480

Dale G. Schmidt (0033028/S-045)
Attorney for Defendant
904 Highland Towers
1071 Celestial Street
Cincinnati, Ohio 45202
(513) 621-8688

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Request For Notice of Intention To Use Evidence was hand delivered to the Office of the Hamilton County Prosecutor this 18th day of December, 1992.

Mark S. Krumbein (0016983/K-334)
Attorney for Defendant

Dale G. Schmidt (0033028/S[illegible])
Attorney for Defendant

EXHIBIT
7

COURT OF COMMON PLEAS
CRIMINAL DIVISION
HAMILTON COUNTY, OHIO

STATE OF OHIO	:	CASE NO. B926287
Plaintiff	:	Hon. N. Nadel
vs.	:	DEFENDANT'S DEMAND FOR DISCLOSURE OF FAVORABLE EVIDENCE
JEFFREY A. WOGENSTAHL	:	
Defendant	:	

Defendant demands that the Prosecutor disclose to the Defendant's counsel all evidence, known or which may become known to the Prosecutor, which is favorable to the Defendant and material either to the issue of guilt or punishment.

Compliance with Defendant's demand is requested within ten (10) days.

FILED
DEC 18 3 47 PM '92
JAMES ... CLERK OF ... HAMILTON ...

Mark S. Krumbein (0016983/K-334)
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Dale G. Schmidt (0033028/S-045)
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MEMORANDUM

Crim. Rule 16 (B)(1)(f).

CERTIFICATE OF SERVICE

A copy of the foregoing "Defendant's Demand For Disclosure of Favorable Evidence" was served upon the Prosecuting Attorney for Hamilton County, 4th Floor, Hamilton County Court House, by hand carrying a copy to that office on this 18th day of December, 1992.

Mark S. Krumbein (0016983/K-334)
Attorney for Defendant

Dale G. Schmidt (0033028/S
Attorney for Defendant

EXHIBIT
8

FILED

FEB 4 9 17 AM '93

COURT OF COMMON PLEAS
CRIMINAL DIVISION
HAMILTON COUNTY, OHIO

JAMES ... CLERK OF COURTS
HAMILTON ...

STATE OF OHIO	:	CASE NO. B926287 Judge Nadel
Plaintiff	:	
vs.	:	MOTION FOR DISCLOSURE OF IMPEACHING INFORMATION
JEFFREY WOGENSTAHL	:	IMPEACHING
Defendant	:	

Jeffrey A. Wogenstahl, by and through his attorneys, respectfully moves this Court for an Order directing the State to investigate and disclose all of the following information and evidence within the possession, custody, control or the existence of which is known or by the exercise of due diligence could become known to the State:

1. Any and all consideration or promise of consideration given to or made on behalf of State's witness. By "consideration", Accused refers to absolutely anything of value or of personal use for the witness. Anything the witness may have to gain by presenting testimony against the defendant. Any assistance to members of witness' family or associates of witness, assistance or favorable treatment with respect to any criminal, civil or administrative dispute with the State or the United States, and anything else which could arguably create an interest or bias in the witness in favor of the State or against

EXHIBIT 9

the defense or acts as an inducement to testify or to color or possibly alter testimony;

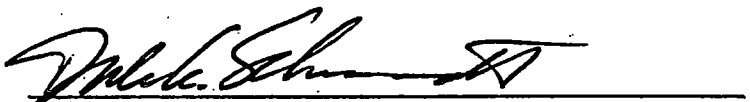
2. Any and all prosecutions, investigations or possible prosecutions pending or which could be brought against the witness and any probationary, parole, or deferred prosecution status of the witness;

3. Any and all records and information revealing felony convictions attributed to the witness;

4. Any and all records and information showing prior misconduct or bad acts committed by the witness;

5. Any and all personnel files concerning witnesses.

FILED AT THE REQUEST AND DIRECTION
OF JEFFREY A. WOGENSTAHL



Dale G. Schmidt S-045/0033028
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(513) 621-8688

MEMORANDUM IN SUPPORT

Due process requires that the government not suppress evidence favorable to the Accused or discrediting to its own case and, upon request, that it disclose to the defense all such information. Brady v. Maryland (1963), 373 U.S. 83. See, also, Mooney v. Holohan (1935), 294 U.S. 103; Pyle v. Kansas (1942), 317 U.S. 213; Banks v. State (1975), 235 Ga. 121. This requirement of candor by the sovereign encompasses information which bears upon the credibility of its witnesses as well as matters more directly material to guilt or innocence. Napue v. Illinois (1959), 360 U.S. 264; Giglio v. United States (1972), 405 U.S. 150. "[D]ue process can be denied by failure to disclose alone." United States v. Hibler (C.A.9, 1972), 463 F. 2d 455, 459 (collecting cases). And, since the prosecution is more likely than the defense to be aware of information impeaching as to its own witnesses, it is only fitting that it have the duty to disclose.

The government's duty to disclose impeaching information, of course, extends to the full range of permissible inquiry by defense counsel upon cross-examination.

A classic avenue of impeachment is proof of a prior felony conviction, which is regarded as discrediting the witness' character. Sometimes it is overlooked, however, that evidence of wrongdoing, even though not amounting to a felony conviction or comparable evidence of moral turpitude, may nonetheless be adduced when relevant to show the bias or self-interest of the witness. McCormick, Evidence, (2 Ed. 1972), Section 40 at 78-80. The United States Supreme Court, speaking through Chief Justice Burger, has underscored the importance of the accused's right to exact a searching cross-examination of his accusers and the legitimacy of searching out possible biases, prejudices,

and ulterior motives of the witness:

> A more particular attack on the witness' credibility is effected by means of cross-examination directed toward revealing possible biases, prejudices, or ulterior motives of the witness as they relate directly to issues of personalities in the case at hand. The partiality of a witness is subject to exploration at trial, and is 'always relevant as discrediting the witness and affecting the weight of his testimony'. 3A J. Wigmore, Evidence Section 940, p. 775 (Chadbourn rev. 1970). We have recognized that the exposure of a witness' motivation in testifying is a proper and important function of the constitutionally protected right of cross-examination. Green v. McClory (1959), 360 U.S. 474, 496.

Davis v. Alaska (1974), 415 U.S. 308, 316. (Footnote omitted.)

The government has an institutional obligation to disclose any and all consideration which it has held out to a witness or which the witness anticipates since such consideration directly gives rise to the inference of bias or interest. A common example of such matters which must be disclosed to the defense is the making or promises, including "unwritten" or tacit promises and understandings, or the holding out of other inducements of a witness to cooperate and testify against the accused. In Giglio v. United States (1972), 405 U.S. 150, the Supreme Court made plain that this duty is an affirmative one which the government must discharge responsibly and that the ignorance of one prosecutor as to the promises made a government witness by another prosecutor does not excuse the failure to disclose. In the instant case, the prosecution is obliged to make appropriate inquiry and search to determine what consideration, broadly defined, it has offered to its witnesses, including, but not limited to, any beneficial treatment granted by implication.

In addition to promises or consideration which might promote a witness' cooperation with the government, Accused is entitled to be advised of any matter which might cause a witness to color his testimony in favor of the

government out of fear or interest in self-preservation. Typical of this category is information concerning the witness' possible vulnerability to prosecution, parole or probation revocation, or other sanction by the State. In United States v. Bonnano (C.A.2, 1970), 430 F. 2d 1060, certiorari denied (1971), 400 U.S. 964, the court condemned the government's failure to disclose an outstanding indictment against its witness since the pendency of the charge would have shown "possible motivation of the witness to testify favorably for the government," 430 F. 2d at 1062. And, in United States v. Padgent (C.A.2, 1970), 432 F. 2d 701, the court reversed the defendant's conviction because his counsel had been denied the right to question a government witness on cross-examination with regard to the witness' vulnerability to indictment for bailjumping. See, also, Davis v. Alaska, supra.

Accused's request for information regarding felony convictions of the witnesses has a clear foundation. Ohio's Evidence Rule 609 makes such information admissible. See, also, Rule 609, Rules of Evidence for United States Courts and Magistrates; and "Historical Note," Conference Committee Notes, H. Rep. No. 93-1597, which speaks of,

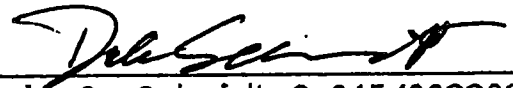
> the need for the trier of fact to have as much relevant evidence on the issue of credibility as possible.

In addition see, United States v. Michaelson (C.A.9, 1972), 453 F. 2d 1248; Nutter v. United States (C.A.9, 1969), 412 F. 2d 178, certiorari denied (1970), 397 U.S. 927; Craft v. United States (C.A.9, 1968), 403 F. 2d 369.

It has also been held that where a government employee serves as a prosecution witness, the accused is entitled to have access to his or her government personnel file in order to ascertain whether there is information within it which could be of an impeaching nature. United States v. Deutsch (C.A.5, 1973), 475 F. 2d 55. This duty of disclosure and production should

obviously extend to any personnel files of a witness which the State itself has access to.

FILED AT THE REQUEST AND DIRECTION
OF JEFFREY A. WOGENSTAHL



Dale G. Schmidt S-045/0033028
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was delivered to the office of the Hamilton County Prosecutor this 4th day of Feb, 1993.

Dale G. Schmidt S-045/0033028
Attorney for Defendant

THE STATE OF OHIO, HAMILTON COUNTY

COURT OF COMMON PLEAS

CRIMINAL DIVISION

STATE OF OHIO	:	NO. B926287
Plaintiff	:	(Judge Nadel)
vs.	:	
JEFFREY WOGENSTAHL	:	STATE'S RESPONSE TO DEFENDANT'S MOTION FOR DISCLOSURE OF WITNESS STATEMENTS PRIOR TO TRIAL
Defendant	:	

Defendant, through his counsel, has cited no law, case, statutory, or other, to require the disclosure of witnesses statements prior to trial.

The matters raised by this motion are covered by Rule 16 of the Ohio Rules of Criminal Procedure. It is the intention of the State of Ohio to fully and liberally comply with that rule. The Defendant shall receive all information to which he is lawfully entitled.

Accordingly, this motion should be overruled.

Respectfully submitted,

Mark E. Piepmeier (P280)
Reg. No. 0006894
Chief Assistant Pros.Atty.
Hamilton County Courthouse
1000 Main St., Rm. 411
Cincinnati, Ohio 45202
(513) 632-8534

Richard G. Gibson (G485)
Reg. No. 0022613
Assistant Prosecuting Attorney
Hamilton County Courthouse
1000 Main St., Rm. 411
Cincinnati, Ohio 45202
(513) 632-6893

FILED
Oct 1 1 02 PM '92
JAMES CISSELL
CLERK OF COURTS
HAMILTON COUNTY, OHIO

CERTIFICATION

I hereby certify that a copy of this document was served upon each party or the attorney of record in the proceedings for each party by (ordinary U.S. Mail) (Personal delivery) on the 1 day of October, 1992

Mark E. Piepmeier
Assistant Prosecuting Attorney

EXHIBIT
tabbies
10

THE STATE OF OHIO, HAMILTON COUNTY

COURT OF COMMON PLEAS

CRIMINAL DIVISION

STATE OF OHIO	:	NO. B926287
Plaintiff	:	(Judge Nadel)
vs.	:	
JEFFREY WOGENSTAHL	:	STATE'S RESPONSE TO DEFENDANT'S MOTION TO COMPEL LAW ENFORCEMENT OFFICIALS TO TURN OVER AND ADVISE PROSECUTING ATTORNEY OF ALL INFORMATION ACQUIRED DURING THE COURSE OF INVESTIGATION
Defendant	:	
	:	

The matters raised by this Motion are covered by Rules 12 and 16 of the Ohio Rules of Criminal Procedure. It is the intention of the State to fully and liberally comply with those rules. The Defendant shall receive all information to which he is lawfully entitled.

Accordingly, this Motion should be overruled.

Respectfully submitted,

Mark E. Piepmeier (P280)
Reg. No. 0006894
Chief Assistant Pros.Atty.
Hamilton County Courthouse
1000 Main St., Rm. 411
Cincinnati, Ohio 45202
(513) 632-8534

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FILED
OCT 1 1 02 PM '92
JAMES CISSELL
CLERK OF COURTS
HAMILTON COUNTY, OHIO

CERTIFICATION

I hereby certify that a copy of this document was served upon each party or the attorney of record in the proceedings for each party by (ordinary U.S. Mail) (Personal delivery) on the 1 day of October, 1992

Mark E. Piepmeier
Assistant Prosecuting Attorney

EXHIBIT
tabbies
11

THE STATE OF OHIO, HAMILTON COUNTY

COURT OF COMMON PLEAS

CRIMINAL DIVISION

STATE OF OHIO	:	NO. B926287
Plaintiff	:	(Judge Nadel)
vs.	:	
	:	STATE'S RESPONSE TO DEFENDANT'S MOTION FOR AN ORDER DIRECTING THAT A COMPLETE COPY OF THE PROSECUTOR'S FILE BE MADE, TURNED OVER TO THE COURT FOR REVIEW AND SEALED FOR APPELLATE REVIEW
JEFFREY A. WOGENSTAHL	:	
Defendant	:	
	:	

Defendant, through his Counsel, has cited no law, case, statutory, or other, to require the Prosecutor to copy his file.

The matters raised by this Motion are covered by Rules 12 and 16 of the Ohio Rules of Criminal Procedure. It is the intention of the State to fully and liberally comply with these rules. The defendant shall receive all information to which he is lawfully entitled.

Accordingly, this Motion should be overruled.

Respectfully submitted,

Joseph T. Deters (D324)
Reg. No. 0012084
Prosecuting Attorney

Richard G. Gibson (G485)
Reg. No. 0022613
Assistant Prosecuting Attorney

Mark E. Piepmeier (P280)
Reg. No. 0006894
Chief Assistant Pros.Atty.

FILED
DEC 14 10 [illegible]
JANE [illegible]
CLERK
HAMILTON

CERTIFICATION

I hereby certify that a copy of this document was served upon each party or the attorney of record in the proceedings for each party by (ordinary U.S. Mail) (Personal delivery) on the 14 day of Dec, 1992

Mark E. Piepmeier
Assistant Prosecuting Attorney

EXHIBIT
tabbies
12

42

PAGE / OF / PAGES SUPPLEMENTARY REPORT HARRISON, OHIO POLICE DEPARTMENT OH0311600 COMPLAINT NO 2144-91

2. [ ] FORM USED AS CONTINUATION SHEET FOR CURRENT REPORT
3. [X] FORM USED TO REPORT FOLLOWUP INVESTIGATION OR SUPPLEMENTAL INFORMATION
4. DAY: Sat DATE OF THIS REPORT: 11/30/91 TIME: 1945 HRS. AM PM
5. NAME OF COMPLAINANT-REPORTING PERSON: Ptl. TM Fowry
6. KIND OF REPORT CONTINUED: [ ] OFFENSE [ ] TRAFFIC/ACCIDENT [ ] ARREST [X] FOLLOWUP OR SUPPLEMENTARY
7. CORRECT OFFENSE OR INCIDENT CLASSIFICATION: Kidnapping / Homicide CHANGED [ ] YES
8. STATUS (CHECK ONE): CLD. 1 UNFD. 2 NOT CLD. 3 CLD. EX. 4
9. IS FURTHER POLICE ACTION REQUIRED? [X] YES 1 [ ] NO 2
10. IF CASE IS CLEARED, HOW CLEARED? (USE CLEAR-UP LIST.) [ ] ARREST & PROSECUTE [ ] COMPLAINANT DIRECTED TO PROSECUTOR [ ] COMPLAINANT REFUSED TO TO PROSECUTE [ ] STATION ADJUSTMENT [ ] OTHER EXCEPTIONAL BOX FOR SINGLE CLEAR-UP OR FIRST CLEAR-UP OF MULTIPLE
11. INSTRUCTIONS FOR FOLLOWUP OR SUPPLEMENTAL USAGE.
12. RECORD ALL DEVELOPMENTS IN THE CASE SINCE THE LAST REPORT WAS FILED. IF THE CLASSIFICATION IS CHANGED, EXPLAIN WHY. GIVE THE DESCRIPTION, DISPOSITION, & INVENTORY NUMBERS OF ALL PROPERTY RECOVERED.
13.
14.

R/O did Hypnosis on Peggy Ann Garrett 308 Harrison Ave #3 Harrison OH 45030 DOB: 9/4/53 SSN: [redacted], to obtain a clothing description of Jeffrey Wagenstahl. Peggy was able to reminicate the night of 11/24/91. She relived the night to the point where the kids were all in bed. After that point, she started speaking in past-tense.

Her clothing description is: Off-white sweater, blue jeans and brown bomber jacket. The blue jeans, she stated, were odd to see him in, as she had always seen him wearing dress pants. She remembered the jacket because, "he showed me a spot on it and asked me if it could be fixed."

27. FILE NO.

EXHIBIT 13a

16. EXTRA COPIES REQUIRED (NO. & RECIPIENT)
17. ARREST MADE? YES [ ] NO [X] ARREST NO.
18. TOW BY
20. LEADS NCIC NO.
21. SENT DATE TIME HRS. AM PM
22. CANCELLED DATE TIME HRS. AM PM
23. [ ] CONT. ON SUP. FORM
24. SUPERVISOR APPROVING: Jack Freeman DATE 12-1-91 TIME AM PM
25. REPORTING OFFICER: Ptl. Terrence M. Fowry BADGE NO. 290
26. REPORTING OFFICER BADGE NO.

2144-91

HPD FORM 2 P. O. BOX 286, 200 HARRISON AVENUE, HARRISON, OHIO 45030-0286 (513) 367-4320

PAGE 1 OF 1 PAGES **SUPPLEMENTARY REPORT** HARRISON, OHIO POLICE DEPARTMENT OH0311600 COMPLAINT NO 2144-91

2. [ ] FORM USED AS CONTINUATION SHEET FOR CURRENT REPORT
3. [X] FORM USED TO REPORT FOLLOWUP INVESTIGATION OR SUPPLEMENTAL INFORMATION
4. DAY: Thu DATE OF THIS REPORT: 11/28/91 TIME: HRS. AM PM
5. NAME OF COMPLAINANT-REPORTING PERSON: Ptl. TM Fourry
6. KIND OF REPORT CONTINUED: [ ] OFFENSE [ ] TRAFFIC/ACCIDENT [ ] ARREST [X] FOLLOWUP OR SUPPLEMENTARY
7. CORRECT OFFENSE OR INCIDENT CLASSIFICATION: Kidnapping / Homicide CHANGED [ ] YES
8. STATUS (CHECK ONE) CLD. [1] UNFD. [2] NOT CLD. [3] CLD. EX. [4]
9. IS FURTHER POLICE ACTION REQUIRED? [1] YES [2] NO
10. IF CASE IS CLEARED, HOW CLEARED (USE BOX FOR SINGLE CLEAR-UP OR FIRST CLEAR-UP OF MULTIPLE CLEAR-UP LIST.) [ ] ARREST & PROSECUTE [ ] COMPLAINANT DIRECTED TO PROSECUTOR [ ] COMPLAINANT REFUSED TO PROSECUTE [ ] STATION ADJUSTMENT [ ] OTHER EXCEPTIONAL

11. INSTRUCTIONS FOR FOLLOWUP OR SUPPLEMENTAL USAGE.

12. RECORD ALL DEVELOPMENTS IN THE CASE SINCE THE LAST REPORT WAS FILED. IF THE CLASSIFICATION IS CHANGED, EXPLAIN WHY. GIVE THE DESCRIPTION, DISPOSITION, & INVENTORY NUMBERS OF ALL PROPERTY RECOVERED.

13.

14.

R/O did hypnosis on Eric Daniel Horn, 308 Harrison Ave #3 Harrison OH 45030; DOB: 11/30/74 UNKNOWN SSN; to obtain a clothing description of the suspect, Jeffrey Wogenstahl at the time he came to Eric's residence to lure him away. Eric did go into a very light trance, thus; he was remembering and not revivicating the events.

His clothing description is: White sweater, blue jeans, white gym shoes and a wine colored ~~jr~~ windbreaker type jacket. He also stated that the suspect exited the residence after Eric and didn't close the door tightly. Eric then returned and pulled and locked the door. Eric was dropped off a Broadway and S. State and told that Jeff would be circling the block and would pick him back up. That was the last time he saw Jeff that morning, at approximately 0305AM.

27. FILE NO.

15. STATE FORM TO FOLLOW [ ] YES [ ] NO

28. COMPLAINT NO. 2144-91

16. EXTRA COPIES REQUIRED (NO. & RECIPIENT)

17. ARREST MADE [ ] YES [ ] NO ARREST NO.

18. TOW BY

19. PROP. INV. NO.

20. LEADS NCIC NO.

21. SENT DATE TIME HRS. AM PM

22. CANCELLED DATE TIME HRS. AM PM

23. [ ] CONT. ON SUP. FORM

24. SUPERVISOR APPROVING

25. REPORTING OFFICER: Ptl. Terrence M. Fourry BADGE NO. 290

26. REPORTING OFFICER BADGE NO.

DATE

TIME HRS. AM PM

000815

HPD FORM2

P. O. BOX 286. 200 HARRISON AVENUE. HARRISON. OHIO 45030-0286 (513) 367-4320

COMPLAINT NO. 2144/2220-91

000023

PAGE 1 OF PAGES **SUPPLEMENTARY REPORT** HARRISON, OHIO POLICE DEPARTMENT OH0311600

[XX] FORM USED AS CONTINUATION SHEET FOR CURRENT REPORT	3. [ ] FORM USED TO REPORT FOLLOWUP INVESTIGATION OR SUPPLEMENTAL INFORMATION	4. DAY Fri	DATE OF THIS REPORT 31 Jan,92	TIME 1000 HRS. AM PM	5. NAME OF COMPLAINANT-REPORTING PERSON Kidnapping/Aggr.Murder

KIND OF REPORT CONTINUED: [XX] OFFENSE [ ] TRAFFIC/ACCIDENT [ ] ARREST [XXX] FOLLOWUP OR SUPPLEMENTARY

7. CORRECT OFFENSE OR INCIDENT CLASSIFICATION: Det.Sgt.Ed Bettinger,S/70 — CHANGED [ ] YES

8. STATUS (CHECK ONE): CLD. [ ] 1, UNFD. [ ] 2, NOT CLD. [X] 3, CLD. EX. [ ] 4 — INSTRUCTIONS FOR FOLLOWUP OR SUPPLEMENTAL USAGE.

9. IS FURTHER POLICE ACTION REQUIRED? [X] 1 YES [ ] 2 NO

10. IF CASE IS CLEARED, HOW CLEARED? (USE BOX FOR SINGLE CLEAR-UP OR FIRST CLEAR-UP OF MULTIPLE CLEAR-UP LIST.) [ ] ARREST & PROSECUTE [ ] COMPLAINANT DIRECTED TO PROSECUTOR [ ] COMPLAINANT REFUSED TO TO PROSECUTE [ ] STATION ADJUSTMENT [ ] OTHER EXCEPTIONAL

12. RECORD ALL DEVELOPMENTS IN THE CASE SINCE THE LAST REPORT WAS FILED. IF THE CLASSIFICATION IS CHANGED, EXPLAIN WHY. GIVE THE DESCRIPTION, DISPOSITION, & INVENTORY NUMBERS OF ALL PROPERTY RECOVERED.

13.

14.

Time and date based on telephone conversation w/Ham.Cnty.Asst.Prosec;Mark Peipmeier,

R/O supplied 4 VHS Tape recordings;

#1) Polygraph, Erick Horn/Peggy Garrett

#2) Hypnosis; Eric Horn/Mathew Garrett

#3) Hypnosis, Peggy Ann Garrett

#4) Peg Garrett interview at H.P.D.(R/O) 11-30-91

and additionally a copy of Eric Horn's written statement to R/O

27. FILE NO.

16. EXTRA COPIES REQUIRED (NO. & RECIPIENT)

17. ARREST MADE [ ] YES [ ] NO — ARREST NO.

18. TOW BY

18. STATE FORM TO FOLLOW [ ] YES [ ] NO

28. COMPLAINT NO.

. LEADS — NCIC NO.

21. SENT — DATE — TIME — HRS. AM PM

22. CANCELLED DATE — TIME — HRS. AM PM

23. [ ] CONT. ON SUP. FORM

19. PROP. INV. NO.

24. SUPERVISOR APPROVING

REPORTING OFFICER: et.Sgt.Ed Bettinger,S/70 — BADGE NO. S/70

26. REPORTING OFFICER: Richard D Bobson — BADGE NO. — DATE 1/31/92 — TIME — HRS. AM PM

Received 4 tapes

D FORM 2

P. O. BOX 286, 200 HARRISON

From: HARRIS::LOWRY 6-DEC-1991 18:40:18.79
To: KEENAN,LOWRY
CC:
Subj: AFTER ACTION REPORT

EXHIBIT
136

On 11/24/91, at about 2230 hrs, Sgt. Bettinger contacted me looking for a report that I had taken back in May. The report was from Amber Garrett and dealt with importuning. At that time, Sgt. Bettinger told me that Amber was missing and had apparently been missing for several hours. They were looking for my report to find leads. At approximately 2345, I hadn't heard anymore and called him back. He advised me that he couldn't find the report. I responded to the station to assist with finding the report. It was located in my bin. I ended up staying to assist in anyway that I could. Mostly placing phone calls and doing paperwork relevant to the case.
At 0630 hrs, I drove the department's crime scene van to the suspect's residence and assisted in the service of the search warrant. Myself and Officer Lindsey began to collect all of the evidence that was designated to be collected.
At 0740 hrs, I responded to HPD to log all of the evidence that we had earlier collected. This task was completed at approx. 1030 hrs.
On 11/26/91, I was working in uniform and advised to go to Johnson Fork R. to pick up the officers that had been searching the river area that day. I then responded to Clinker's Run and was advised to stand by to assist the news media.
At 1915 hrs, I was assignedd to assist S/A Richard Rybolt in canvassing the area of S. Sycamore to the 300 block of Broadway to the 100 block of S. Vine. Then we were sent to 310 S. State, to check with officers canvasing in the apartment building. From there we went to 127, 129, 131 Etta. No one saw anything.
On 11/27/91, I responded to the department and was assigned to go with a search team and search the area of West Harrison, from Mill St. south along State to Clinker's Run. The search went from S. State, west to a cornfield then south to Clinker's run. After that search we went to the station and were briefed what we were to do next. I then took another search party and went back to Mill St. and we searched north, covering the entire community of West Harrison to just north of the corp line. Then we crossed over State St. and search south to 310 S. State.
At 2140 hrs. I was instructed to go to the impound lot and have the suspect's vehicle towed to the HFD, bay #1, which was completed.
On 11/28/91, I hypnotized Eric Horn, to get a clothing description of the suspect the night of 11/24/91. I next hypnotized matthew Garrett to see if he could tell us anything that happened out of the ordinary on the same night. As a result of the hypnosis, Eric was able to give a clothing description. Matthew saw, nor heard nothing.
At 1745 hrs, I was advised to go to 310 S. State St. Apt#4, and relieve the officer that had been stationed there to keep the search warrant open. I left there at approximately 0505 hrs, at which time I responded to the fire department and was told to stay with the vehicle, reference an open search warrant on it, as well. I was relieve from that post at approx. 0655 hrs.
On 11/29/91, I responded to HPD and was assigned to stay with the vehicle. Then at approx. 1500 hrs, I was advised to assist Dep. Lundsford, of the Clermont Co. S.O., and his blood hound in an article search. We went to the "drop site" and the dog searched south along an ATV trail to a gravel road then west along the gravel road to an apparent gravel pit pond. We then searched the area around where the body was found and then north along the base of the hill. We came up empty. We then headed back towards Harrison, and stopped at several turn-offs along Jamison Rd. We searched these areas and found nothing. After responding back to HPD, we responded to 310 S.State to search the grounds, specifically, the field area behind IGA. Upon arriving in the parking lot off of S. Walnut, I showed Dep. Lunsford a vehicl that was said to be the suspect's girlfriend's vehicle. As we approached the vehicle, I looked into the vehicle and saw a tire tool laying on the front passenger side floor. I then had a unit come to sit on the vehicle while we went back to the station to advise Sgt. Bettinger. It was then decided to tow the vehicle into the Red Barn for evidence. This was done by 8H83. Dep. Lunsford and I then went out to Lawrenceburg Rd. and searched the area of the bridge, but we found nothing.

On 11/30/91, at 1453 hrs, I responded to 310 S. State #6, to speak with Mrs. Couls. She advised that she has seen Amber in the hallways of the apartment building. The info from her was noted, however not taken very seriously.
At 1635, I responded to the station to take a written voluntary statement from Raymond Borgman, the gentleman who advised where the body was found.
At 1945, I hypnotized Peggy Garrett to get a description of the clothing that the suspect was wearing on the night in question. This was obtained. I then did supplementary reports on all of the hypnosis, relative to this case.
At 2243, I went to 310 S. State #4 and dropped off the returns on the search warrant.
On 12/2/91, I took the cellular phones back to 8075 Reading Rd.
At 2005, I resonded to Mrs. Couls' residence for the same as earlier reported. I then went to the station and made a pass down entry in reference to Mrs. Couls.
On 12/4/91, I was assigned to stay at Minges Funeral Home for the entire visitation services of Amber.
On 12/5/91, I repsonded to the funeral services for Amber with other members of the department.
On 12/6/91, Dep. Lunsford, Off. Benjamin, Sgt. Tremain and myself responded to the drop site on Jamison Rd. and did another article search, finding nothing.

I feel that as a whole the investigation has moved along as well as can be expected. The areas that we have had to search for the missing articles are like trying to find a needle in a hay stack, thus, the only hinderence that I am aware of; atleast from my stand point as a patrolman.
I know that our department has a serious manpower shortage, and this incident as been proof positive of that fact. In the year that I have been here, I have watched and learned alot from and about the people that I work with. And eventhough we do have a manpower shortage, I think that Steve Matthews should stay where he is as an investigator. I know that I am not in the position to make that decision and I'm not saying that this must be done, or that it can be done for that matter. I have just seen him work so well with Sgt. Bettinger and they almost always produce.
Further, the best thing that can happen here would be to have more work room, more telephones and more officers. I also know that these things take time and are being worked on.

bridge construction, and searched there. Again, we found nothing. We responded to HPD and Dep. Lunsford

I-45-14

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/2/91

JUSTIN RYAN HORN, white male, date of birth March 7, 1976, was interviewed at the Harrison, Ohio, Police Department, by Special Agents (SAs) RONALD L. DANIELSON and DOUGLAS R. KNIGHT. HORN was advised that he was being interviewed in reference to the disappearance of his half sister AMBER GARRETT.

JUSTIN stated that on Saturday, November 23, 1991, he left at about twelve noon and went to the apartment of CHRIS MARSHAL, apartment 6, ADAIRE Apartments, Harrison, Ohio. At this apartment was also his friend STEVE, age 14, last name unknown (LNU) and JEFF LNU, white male, age 19 or 20, who resides with CHRIS MARSHAL. At MARSHAL's apartment they played the game Dungeons and Dragons till early Sunday morning. JUSTIN believes that approximately 7 to 10 p.m., more likely around 8:30 to 9:00 p.m., he returned to his mother's apartment to get something to eat. At this time his brother, ERIC HORN, the three kids, including AMBER, and his mother were at the apartment. JUSTIN remembers that AMBER was there because he heard her talking to SHAINA and MATT in the living room. JUSTIN stated there was very little to eat therefore he left.

On Sunday morning at approximately 8:00 a.m. he returned to his mother's apartment and went to bed. He remembers seeing his mother, PEGGY GARRETT, sleeping on the sofa. He woke her up when he came in and said hi to her and goodnight. At this time, STEVE was also with him and STEVE laid down and went to sleep at their apartment. At 11:00 a.m., he and STEVE got up and went to STEVE's house and watched a movie. STEVE lives in an apartment somewhere around SIEFERMANS INSURANCE in Harrison, Ohio. JUSTIN stated that STEVE had left his apartment about 10:00 a.m. because STEVE was supposed to be home at 8:00 and had failed to wake up and go back to his home. JUSTIN stated that is the reason he went over to STEVE's house at 11:00 a.m. to make sure that STEVE had not gotten into any trouble. JUSTIN stated he remained at STEVE's apartment until his (JUSTIN's) mother PEGGY came by and stated that AMBER was missing. This was sometime in the afternoon.

At this point a photograph was shown to JUSTIN. JUSTIN identified the photograph as JEFFREY WOGENSTAHL. JUSTIN stated he knew him as JEFF WOGEN or WOGENSTAHL or something to that effect. JUSTIN stated he met JEFF a couple of weeks, maybe as much as six weeks ago. JEFF appeared to be more of a friend of ERIC's and his mother, PEGGY.

Investigation on 11/26/91 at Harrison, Ohio File # 7-CI-59885-

by DOUGLAS R. KNIGHT and SAs RONALD L. DANIELSON:jlm Date dictated 11/29/91

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

EXHIBIT
number 14

JUSTIN stated that his brother, ERIC, has resided and been raised by his aunt, BARB GOINS, at Big Cedar Trailer Court near Brookville, Indiana. JUSTIN stated that ERIC has lived with her since he was a couple of months old. JUSTIN stated that his mother, PEGGY, had suffered from cancer within the short period of time and he had quite school. JUSTIN advised that he dropped out of school to help the family earn money and take care of his mother. JUSTIN stated that he is currently back in school and doing very well.

JUSTIN stated that when his mother came to him she had already been trying to locate JEFF WOGENSTAHL through the help of ERIC and others. PEGGY had told him that she was worried at approximately 1:00 p.m. when she felt AMBER would have returned from church. JUSTIN stated that PEGGY had already told him that she had been at the Police Department and no one was there. They all went to JEFF's apartment, he feels at about 1:30 to 2:00 p.m. JUSTIN stated that since his mother came to him at STEVE's apartment everything seems to run together because of lack of sleep and the situation. JUSTIN stated that a guy by the name of HOAGY and SIM BUSSELL were also with PEGGY and the others trying to locate AMBER. JUSTIN stated he felt that there was always someone left at JEFF's apartment to make sure that he did not leave. JEFF also would not answer his apartment door. JUSTIN felt there were two or three cars in the parking lot belonging to JEFF. One car had been rolled over and was wrecked.

JUSTIN stated that JEFFREY WOGENSTAHL would stop by for a few minutes about everyday. He would take PEGGY to the grocery store or make little trips for her. JEFF appeared to JUSTIN as being kind of a stupid type, but on the other hand seemed nice. JUSTIN stated he has seen JEFFREY totally drunk and he appears to be about the same personality drunk as when sober. On one occasion JEFFREY was to get a tattoo and came to their apartment really drunk in order to have enough courage to get the tattoo by TOBY FRANKENSTEIN, a tattooist. JUSTIN stated though when JEFFREY WOGENSTAHL got mad, he really flew off quickly. On one occasion he lost his temper and became extremely mad and talked about shooting people. JUSTIN stated it seemed like he just snapped and flew off, became very mean. JUSTIN stated he and JEFFREY were never close and did have a couple arguments over cigarettes and lighters. Most of the time JEFFREY WOGENSTAHL would come to see his mom or his brother, ERIC. JEFFREY was new to the area and seemed not to know very many people and was trying to catch on by knowing PEGGY and ERIC. JEFFREY would never spend any time with the other kids. JUSTIN stated that his mother PEGGY used to call JEFFREY WOGENSTAHL "the canadian JEFF"

because she felt he was from Canada. She also referred to him as being from the city and that he worked in the city. JUSTIN stated he would classify JEFFREY as strange but could not pinpoint what it was that made him strange. JUSTIN stated in reference to AMBER that when she is asleep she is like a zombie. AMBER's real father only dropped in on occasion and was not around very much. In addition they all were very aware of keeping the windows and doors locked at their apartment.

JUSTIN advised that he could provide no further information in reference to the disappearance of his half sister AMBER. The following physical description was obtained by observation at interview:

Name:	JUSTIN RYAN HORN
Sex:	Male
Race:	White
Date of Birth:	March 7, 1976
Place of Birth:	Cincinnati, Ohio
Social Security Account Number:	[redacted]
Residence:	Apartment 3, 308 Harrison Avenue, Harrison, Ohio
Mother:	PEGGY GARRETT
Father:	KENNETH R. HORN, Reedly, California
Education:	Currently in ninth grade, Harrison, Ohio.

1-5-B

7-CI-59885

CHRIS T. BRICKNER, date of birth December 3, 1971, Route 3 Box 385, West Harrison, Indiana, [redacted]

HANNAH D. RUSSELL and MISTY L. AUER, both stated they never heard or saw anything during the early morning hours of November 24, 1991, but did recognize the brown 1975 Oldsmobile Omega, four door. They stated they have seen this vehicle parked in the alley behind 308 Harrison Avenue, the GARRETT residence, several times in the past. They last saw this vehicle parked in the alley on Saturday afternoon, November 23, 1991.

CHRIS T. BRICKNER was interviewed at RUSSELL's and AUER's residence. He stated that at approximately 2:30 a.m., on November 24, 1991, he was with a friend by the name of DANNY BROCK, 321 Weathervane, telephone number 367-0177. They were driving down the street when they observed ERIC HORN standing on the corner at 100 Harrisons Avenue. As they drove by, HORN waved at them.

MB72

EXHIBIT
15

VOLUNTARY STATEMENT

DATE 9 Dec 91 PLACE Dearborn Cnty Jail TIME STARTED 1601

I, the undersigned Troy B. Russell, am 19 years of age, my date and place of birth being the 7 day of 7 1972, at Cinc Ohio

I now live at 21915 Salt Fork Rd

Before answering any questions or making any statements, Ed Bettinger a person who identified himself as a Det. Sgt Harrison Police Dept. duly warned and advised me, and I know and understand that I have the following rights: That I have the right to remain silent and I do not have to answer any questions or make any statements at all; that any statement I make can and will be used against me in a court or courts of law for the offense or offenses concerning which the following statement is hereinafter made; that I have the right to consult with a lawyer of my own choice before or at anytime during any questioning or statements that I make; that if I cannot afford to hire a lawyer, I may request and have a lawyer appointed for me by the proper authority, before or at anytime during any questioning or statements that I make, without cost or expense to me; that I can stop answering any questions or making any statements at any time that I choose, and call for the presence of a lawyer to advise me before continuing any more questioning or making any more statements, whether or not I have already answered some questions or made some statements.

I do not want to talk to a lawyer, and I hereby knowingly and purposely waive my right to remain silent, and my right to have a lawyer present while I make the following statement to the aforesaid person, knowing that I have the right and privilege to terminate any interview at any time hereafter and have a lawyer present with me before answering any more questions or making any more statements, if I choose to do so.

I declare that the following voluntary statement is made of my own free will without promise of hope or reward, without fear or threat of physical harm, without coercion, favor or offer of favor, without leniency or offer of leniency, by any person or persons whomsoever.

Q1) Is it your Statement To me That one week night in Early November, You witnessed Peggy Sarratt and Jeffrey Wogenstahl doing Crack in Peggy's Apt. At 308 Harrison Ave #3.

A1) Troy Russell

Q2) Is it further your statement To me That you have Seen Jeffrey Wogenstahl in Peggy's Apartment on More Than One Occasion.

A2) Troy Russell

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct. I further certify that I made no request for the advice or presence of a lawyer before or during any part of this statement, nor at any time before it was finished did I request that this statement be stopped. I also declare that I was not told or prompted what to say in this statement.

This statement was completed at 1607 P M. on the 9th day of Dec 1991

WITNESS: [signature] 5/20

Troy Russell
Signature of person giving voluntary statement

WITNESS:

EXHIBIT 16

To

Date 12/14 Time 5:54 AM PM

WHILE YOU WERE OUT

M Ken Greves

of Indiana State Police

Phone ( ) 637-5386

Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL

Message Troy Russell use to link with the Barrets. Knows all about the murder

Operator

AMPAD EFFICIENCY®

000448

REORDER #23-000

5

COMPLAINT NO

PAGE 1 OF PAGES SUPPLEMENTARY REPORT HARRISON, OHIO POLICE DEPARTMENT OH03116002144/2220-91

2. [XXX] FORM USED AS CONTINUATION SHEET FOR CURRENT REPORT
3. [ ] FORM USED TO REPORT FOLLOWUP INVESTIGATION OR SUPPLEMENTAL INFORMATION
4. DAY: Mon DATE OF THIS REPORT: 9 Dec.91 TIME: 1500 HRS. AM PM
5. NAME OF COMPLAINANT-REPORTING PERSON: Det.Sgt.Ed Bettinger,S/70

6. KIND OF REPORT CONTINUED: [XXX] OFFENSE [ ] TRAFFIC/ACCIDENT [ ] ARREST [XXX] FOLLOWUP OR SUPPLEMENTARY
7. CORRECT OFFENSE OR INCIDENT CLASSIFICATION: Kidnapping/Aggr.Murder CHANGED [ ] YES

8. STATUS (CHECK ONE): CLD. 1 UNFD. 2 NOT CLD. 3 [X] CLD. EX. 4
9. IS FURTHER POLICE ACTION REQUIRED? [X] 1 YES [ ] 2 NO
10. IF CASE IS CLEARED, HOW CLEARED? (USE BOX FOR SINGLE CLEAR-UP OR FIRST CLEAR-UP OF MULTIPLE CLEAR-UP LIST.) [ ] ARREST & PROSECUTE [ ] COMPLAINANT DIRECTED TO PROSECUTOR [ ] COMPLAINANT REFUSED TO TO PROSECUTE [ ] STATION ADJUSTMENT [ ] OTHER EXCEPTIONAL

11. INSTRUCTIONS FOR FOLLOWUP OR SUPPLEMENTAL USAGE.
12. RECORD ALL DEVELOPMENTS IN THE CASE SINCE THE LAST REPORT WAS FILED. IF THE CLASSIFICATION IS CHANGED, EXPLAIN WHY. GIVE THE DESCRIPTION, DISPOSITION, & INVENTORY NUMBERS OF ALL PROPERTY RECOVERED.
13.
14.

Time and date R/O responded to the Dearborn Cnty. Justice Center in Lawrenceburg Ind. and Post Maranda interviewed Mr.Troy Russell as to his possible involvement in the Amber Garrett case.

Several sources had indicated that Mr.Russell had been a frequant guest in the residence at 308 Harrison Ave.

Mr.Russell stated catagorically that he had no participation in or knowledge of the Kidnappin or Murder other than that which was common knowledge around town, but was aware and had been present on several occasions when Jeffrey Woganstahl was visiting at the Garrett residence and additionally had on one occasion wittnessed Peggy Garrett and Jeffrey Wogenstahl doing CRACK.

27. FILE NO.

15. STATE FORM TO FOLLOW [ ] YES [ ] NO

28. COMPLAINT NO.

16. EXTRA COPIES REQUIRED (NO. & RECIPIENT)
17. ARREST MADE [ ] YES [ ] NO ARREST NO.
18. TOW BY
19. PROP. INV. NO.

20. LEADS NCIC NO.
21. SENT DATE TIME HRS. AM PM
22. CANCELLED DATE TIME HRS. AM PM
23. [ ] CONT. ON SUP. FORM
24. SUPERVISOR APPROVING

25. REPORTING OFFICER: Det.Sgt.Ed Bettinger,S/70 BADGE NO. S/70
26. REPORTING OFFICER BADGE NO.
DATE TIME HRS. AM PM

000805

My Thoughts

9-27-91

Dear Miss B.

I do not feel happy talking about this but I will write it down for you. One day me and my friends were in the parking-lot and a guy came up behind me and started chasing me and he threw me on the ground twice and pulled out his you know what and told me to put a tatoo on it but I said no and started running and he caught me and threw me down again and he got on top of me and my friend Amber & Handi got him off of me and I ran and got my mom and my two older brothers and we went to the police station and we have not found him yet and it was three month's ago.

PS. he is 17teen and his name is Doug.

BOO HOO!

Love
Amber

EXHIBIT
17

My Thoughts

-30-9 I hate myself. I hate my life. I hate my classmates. I hate to be around anyone alone because they are to nosy. The only people that I like to be around is Miss. Bischoff and Mrs. Koehler. Because they are not so nosy. Sometimes I just feel like running away or killing myself. Or anything just to get away for about 3 years then come back and maybe people will start paying more attention to me or start caring about me. Just yesterday before I came to school my mom beat me she was punching me in the back. She just would not stop.

Love,
Amber
Garrett

Tell Mrs Cre
Hoex this
Ok.

D-302 (REV. 3-10-82)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/3/91

[redacted] HARRISON ELEMENTARY SCHOOL, Broadway Street, Harrison, Ohio, was interviewed at her place of employment, also present during the interview was [redacted] of HARRISON ELEMENTARY SCHOOL. [redacted] provided the following information: b b

[redacted] stated that she is AMBER GARRETT's [redacted] feels that AMBER is more emotionally attached to her than most of her other students. This may be due to the fact that AMBER seems to have a rough home life which causes her a certain amount of stress. Despite those circumstances, AMBER is always "happy go lucky" and positive. She loves school and will often try to stay late in order to help her teacher. b6 b7

Early in the school year, [redacted] had the students in her class begin writing a journal. In this journal, which was written in daily, the students could record their personal thoughts and feelings and anything else that they might want [redacted] to read. Most of the time, the journal entries would concern school or class activities, things that happened at home, relationships with other students, etc. b b

During the interveiw, [redacted] read the contents of AMBER GARRETT's journal to the interviewing agent. Although most of the entries were like those memtioned above, some were not. The following are excerpts from AMBER's journal: b b

September 27, 1991: This is the first day in which AMBER wrote in her journal. Here she described how she was attacked by a man. (This incident actually took place in MAY, 1991.) AMBER did not go into much detail. She simply described what happened.

October 8, 1991: Entry: [redacted] "She loves me, too, I hope." b b

October 23, 1991: After describing some things she did not seem to be happy with , concerning boys and school, AMBER wrote: "I hate my cruel life."

Investigation on 11/27/91 at Harrison, Ohio File # 7-CI-59885 - 18

by SA [redacted] jlm Date dictated 12/2/91 b b

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

SEARCHED INDEXED SERIALIZED FILED
DEC 3 1991
FBI — CINCINNATI

 b b

October 30, 1991:

Entry: "I hate myself. I hate my life. I hate my classmates. I hate to be around anyone alone because they are nosy. The only people I like to be around is [redacted] b
[redacted] Because they are not so nosy. b
Sometimes I feel like running away or killing myself. Or anything just to get away for about 3 years. Then come back and maybe people will start paying more attention to me or start caring about me. Just yesterday before I came to school [redacted] beat me. She was punching me in the back. She just would not stop.

Love,
Amber Garrett

Don't tell anyone about this. OK."

AMBER's journal is presently in the custody of [redacted] b
[redacted] b

GiL ~~Rauull~~ G.
RUEHLE PlumBing
11035 SAND RUN RD.
~~307~~ 353-1625

[redacted]

FROM SECRETARY
CANDY SEAL - 385-3850

MOTHER TOLD HER SISTER
TOLD CANDY'S-DAUGHTER in LAW.
NICKNAME. PORKY. PEGGY TOLD
SISTER THAT AMBER & PEGGY
GOT INTO AN ARGUMENT, AND HIT
DAUGHTER 3 TIMES IN THE HEAD,
it HAPPENED THE NIGHT BEFORE
SHE WAS MISSING,

EXHIBIT
tabbies
18

7-CI-59885
EPW:jlm

The following investigation was conducted by Special Agent (SA) [redacted] on the dates indicated, in Harrison, Ohio:

b6
b7

A neighborhood investigation was conducted in the vicinity of [redacted] on November 26, 1991, with negative results except as noted below.

The following individuals were contacted along with a physical search of each residence and the surrounding property to include trash receptacles, dumpsters, etc:

FIRST PRESBYTERIAN CHURCH OF HARRISON, 115 Vine Street, Harrison, Ohio, KATHLEEN WATERS minister.

LA ROSA's PIZZA, 316 Harrison Avenue.

[redacted] date of birth [redacted]

b6
b7

[redacted] (telephonically contacted). [redacted] advised for several weekends during approximately [redacted] AMBER GARRETT had stayed at her apartment. [redacted] understood from AMBER GARRETT that [redacted] would not let her in the house, which forced AMBER GARRETT to stay elsewhere on several weekends.

[redacted]

The following investigation was conducted on November 27, 1991, in the vicinity of the apartment building located at [redacted] West Harrison, Indiana:

The following individuals were contacted with negative results regarding any information concerning the disappearance of AMBER GARRETT:

[redacted]

7-CI-59885-63

SEARCHED INDEXED
SERIALIZED FILED
DEC 3 1991
FBI — CINCINNATI

EXHIBIT
tabbies 19

FRIENDS OF Amber
SAY she has been
talking About running
AWAY Alot lately

EXHIBIT
20

Kim Garrett advises Amber can be without eyeglasses.
advises that Peggy is in Devil Worship and said
Peggy told Kim she would have a child every
year to sacrifice the children. Child would
be 9-11 yrs old for sacrifice. Has to be 1st born
daughter or 1st born son. Barb Goins told Kim
that Peggy was going to sacrifice Eric Horn
Eric was cut or hit when he was younger and Eric
was sent to Barb Goins. Kim does not like Peggy.
Kim thinks Peggy had Amber kidnapped by Cult

Lives Mt. Carmel (Barb Goins) Ind. Husband Jay Goins.

Ambers cats name is "KURGAN" (sic) per Kim Garrett
Neither shoes recovered is Ambers

Loretta Garrett
Advises that Barb Goins told her that Peggy
gave Eric Horns soul to devil. Barb found
Devil Worship Books when Peggy went to prison.
Did anyone check basement of Apt. Complex?

EXHIBIT
21

PAGE | OF | PAGES **SUPPLEMENTARY REPORT** HARRISON, OHIO POLICE DEPARTMENT OH0311600 · COMPLAINT NO. 2144-91

2. FORM USED AS CONTINUATION SHEET FOR CURRENT REPORT	3. FORM USED TO REPORT FOLLOWUP INVESTIGATION OR SUPPLEMENTAL INFORMATION	4. DAY	DATE OF THIS REPORT	TIME	HRS.	5. NAME OF COMPLAINANT-REPORTING PERSON
	X	Sun	12-01-91	1345	AM PM	Mathews/Ptl.

6. KIND OF REPORT CONTINUED: XX OFFENSE ___ TRAFFIC/ACCIDENT ___ ARREST XX FOLLOWUP OR SUPPLEMENTARY

7. CORRECT OFFENSE OR INCIDENT CLASSIFICATION: Agg. Murder/Kidnapping — CHANGED X YES

8. STATUS (CHECK ONE): CLD. 1 ___ UNFD. 2 ___ NOT CLD. X ___ CLD. EX. 4 ___

9. IS FURTHER POLICE ACTION REQUIRED? X YES ___ NO

10. IF CASE IS CLEARED, HOW CLEARED? (USE CLEAR-UP LIST.) ___ ARREST & PROSECUTE ___ COMPLAINANT DIRECTED TO PROSECUTOR ___ COMPLAINANT REFUSED TO PROSECUTE ___ STATION ADJUSTMENT ___ OTHER EXCEPTIONAL

11. INSTRUCTIONS FOR FOLLOWUP OR SUPPLEMENTAL USAGE.

12. RECORD ALL DEVELOPMENTS IN THE CASE SINCE THE LAST REPORT WAS FILED. IF THE CLASSIFICATION IS CHANGED, EXPLAIN WHY. GIVE THE DESCRIPTION, DISPOSITION, & INVENTORY NUMBERS OF ALL PROPERTY RECOVERED.

13. CONFIDENTIAL

14.

On 11-26-91 Ptl. Steve Mathews and S/A Mark Rogers responded to the 800-1100 block of Pinhook Rd. to followup on the interviews on the neighbors. Both officers were at that location because a neighbor had advised the Garrett household that they saw a vehicle pull into the corn field on 11-24-91 at approx. 0300-0400. Furhter that the vehicle pulled inthe field without its headlights on and stayed back there for approx. 10 minutes. There were several old abandone camp houses alongt the riverbank. The Garrett's had responded there and found that the first camp house had a ladder covering the front door and a shovel leaning against the front door from the interior. Justin Horn, half brother to Amber, said he saw a pair of gymshoes inside the house that looked like a pair that Amber owned. On 11-25-91 at approx. 2000 hours, Det. Sgt. Bettinger and Ptl. Steve Mathews responded to the scene and meet Dearborn Co.S.O. and Indiana State Police. All the officers stayed there until 11-26-91 0300 hours. Sgt. Jack Tremain and Ptl. Don Benjamin and Rex responded to scene to see if a trail was made. When the investigators and officers left Indiana State Police left a marked vehicle at the scene to protect the sight. On 11-26-91 Mathews and Rogers interviewed: Rita Kocher of 870 Pinhook Rd West Harrison Indiana 637-3495. Kocher advised she did not see or hear anything. Also interviewed was: Allyson M. Franks, 1070 Pinhook Rd 637-2632, who also advised she did not see or hear anything. Reva J. Flieghman, 900 Pinhook Rd. 637-2616, advised that an older vehicle, possibly and Olds Cutlass, with loud exhaust and drivers taillight out, pulled into her driveway and turned around. The vehiclepulled into the barn area next to her residence and turned off the vehicle and a short time later turned on the vehicle again and headed towards Harrison. Mathews and Rogers responded back to the camp house and recovered the white shoes from the house. Mathews and Rogers responded to Kim Garrett's residence at 11029 SR128 Harrison Ohio TX-738-0678. Kim Garrett is Amber's aunt. Kim and her daughter April were both requested to look at the shoes seperately. Both advised that these werenot the shoes that were given to Amber by April. April described the shoes as: White gym shoes with pink trimming around the ankles, and the left shoe had a rip on the front left side. Kim also advised that Amber is very capable to be without her eyeglasses and has on several occassions. Kim also advised that Peggy Garrett is or has been involved in "Devil worsh Kim advised that Peggy had told her that Peggy was going to have a child every year to sacrific the children. That the Child would have to be 9-11 Years old to sacrifice. The first born male and female child was to be sacrificed. Kim advised that Barb Goins, Peggy's sister, told Kim that Peggy was going to sacrifice Eric Horn when he was younger. Furhter that Eric was hit or cut and Eric was sent to live with Barb Goins. Kim readily admits that she does not like Peggy Garrett. Kim thinks that Peggy has something to do with this offense. Kim advised to check with Lorretta Garrett, Amber's grandma, for more information. Loretta advised that Barb Goins told her that Peggy gave Eric's soul to the devil. Barb also told her that when Peggy went to prison, she found Devil Worship books in Peggy's house. Mathews and Rogers responded to 308 Harrison Ave and received permission to search the public areas of the apartment complex from Rock Adams, owner of the building. Mathews and Rogers checked the basement and Roof attic's and found nothing. On 11-27-91 Mathews transported Eric Horn to Hamilton CO. S.O. headquarters and had Eric take a polygraph test after receiving written permission from Peggy Garrett and Eric Horn. Eric passed his polygraph test.

27. FILE NO. 24199

28. COMPLAINT NO. 2144-91

15. STATE FORM TO FOLLOW ___ YES ___ NO

16. EXTRA COPIES REQUIRED (NO. & RECIPIENT)

17. ARREST MADE ___ YES ___ NO — ARREST NO.

18. TOW BY

19. PROP. INV. NO.

20. LEADS — NCIC NO.

21. SENT — DATE — TIME — HRS. AM PM

22. CANCELLED DATE — TIME — HRS. AM PM

23. ___ CONT. ON SUP. FORM

24. SUPERVISOR APPROVING

25. REPORTING OFFICER: Ptl Steve Mathews — BADGE NO. 289

26. REPORTING OFFICER — BADGE NO. — DATE — TIME — HRS. AM PM

000867

P.O. BOX 286, 200 HARRISON AVENUE, HARRISON, OHIO 45030-0286 (513) 367-4320

1-C-A

Memorandum

To : SAC, CINCINNATI (7-CI-59885) (P) Date 12/2/91

From : SA MARK S. ROGERS

Subject: AMBER NICOLE GARRETT-VICTIM (DECEASED);
November 23-24, 1991,
KIDNAPPING;
OO: CI

On November 26, 1991, Special Agent (SA) MARK S. ROGERS and Police Officer STEVEN G. MATHEWS, from the Harrison Police Department, responded to an abandoned house located along the great Whitewater River across from 900 Pinhook Road, West Harrison, Indiana, for the purpose of recovering a pair of white tennis shoes which may have belonged to the victim. This area was previously searched by the Indiana State Police (ISP) and family and friends of the vicim's family for the victim. During this search by either ISP or family and friends of the victim, a pair of white tennis shoes was located inside the vacant house. The description of these shoes were similar to a pair of shoes owned by the victim. SA ROGERS and Police Officer MATHEWS responded to the area and located a pair of white tennis shoes on a table just inside the vacant house. These shoes were white slip on style tennis shoes with laces around the top and sides of the shoes. These shoes were taken and kept in possession of the Harrison Police Department.

It was later learned that the shoe's recovered by SA ROGERS and Officer MATHEWS were not the same shoes located by ISP or family members of the victim. At approximately 9:30 p.m., on November 26, 1991, SA ROGERS, SA RICHARD W. LUNN and Officer MATHEWS responded back to the vacant house and met the victim's father ROBERT GARRETT. GARRETT stated he was one of many people who searched this area on November 25, 1991, for the victim. GARRETT located two tennis shoes, one in front of the vacant house and the second in the woods behind the vacant house, which he thought may have belonged to his daughter. These shoes were also taken and held by the Harrison Police Department.

At approximately 11:05 p.m. on November 26, 1991, SA ROGERS and Police Officer MATHEWS contacted KIM GARRETT, an aunt to the victim, and APRIL GARRETT a cousin to the victim, at their residence, 11029 State Route 128, Harrison, Ohio, telephone number 513-738-0678. KIM and APRIL GARRETT were the people who gave the victim a pair of white tennis shoes approximately one to two years ago. It was not unusual for KIM GARRETT to purchase items of clothing for her daughter APRIL and then give them to the victim after they no longer fit APRIL. Approximately one to two years ago, APRIL and KIM gave the victim a pair of white 7-CI-59885-76

2-Cincinnati
MSR:jlm
(2)
MSR

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
DEC 2 1991
FBI CINCINNATI
000723

tennis shoes and a pair of white vinyl flat shoes. The shoes given to the victim were either size 6 or 6½.

Both KIM and APRIL reviewed the shoes recovered by SA ROGERS and Officer MATHEWS at the vacant house off Pinhook Road. After viewing both pair's of shoes, both KIM and APRIL stated that neither pair of shoes were the shoes given to the victim by them at an earlier date.

Both KIM and APRIL advised that even though the victim wore glasses, she was able to see without them.

Jeff came by about 4, and left about 4:30 (Said he was going to get something to eat)

Peggy & Lynn ran into him @ Hornsby's about 1:00

Came over and sat w/them Peggy & Lynn danced a few dances

They all left (Lynn Peg & Jeff) in Lynn's car about 2:15 and drove to Flicker Inn.

Flicker Inn closed about 3:00 and they drove him back to his car at Hornsby's

(Try'd to bum some money from Peg)

* Jeff must have gone directly from Hornsby's back to Peg's apartment where he told Erick the story about Peg needing help at Troy Bezards Apartment.

* Lynn has been seeing Troy for about a mo.

Lynn lives on N. Dearborn Rd. and works @ PFC's

Peg says Jeff "had a pretty good buzz on."

Peg also advises Amber is a very heavy sleeper and would probably go w/any one that would wake her.

EXHIBIT 22

Pes say's She got home about 5^05 from Troy's (Troy and Lynn rode her home) Pes looked in and thought she saw all three Kidd's in there

Pes crashed on the couch till about 9^30 when Mat and Shawna woke her for some breakfast it was at this time that Pes discovered Amber was missing

Pes first thought that Amber had walked down to Brenda Phillpot's Apt. @ Harrison and Walnut to go to church in Brisht (Amber routinely goes to church on Sunday's with them)

About 12^30 or 1^00 Pes sent Mat(8) to Brenda's to check cause she was worried that church would have been over and Amber still was nowhere to be found

At this time Pes mobilized Justin and a few friends and checked all of Ambers friends and no one had seen or heard from her

At about 17^30 hrs. Pes attempted to contact H.P.D., finally succeeding @ about 18^00 hrs - at which time the entire incident was reported to Pfc Lowry (O/R# 2144-91)

Mr. Wosanstahl was contacted by Pth Lowney and issued a written statement acknowledging the "Prank" as concerns the Erroneous notification of Erick Horn (the brother/baby sitter) concerning

Doug Knight
Father: Allen Wosenstahl 11023 Colerain 385-9239
Mother: Vera Wosenstahl

Sister: Janice K Wosenstahl 858-2589
#15 Hefron Ct
Fairfield Ohio 86 Toy Cp.

Ms. Sandy Bockhorst (AKA. Ackers)
8854 De Soto Drive
Mt Heathy 729-2908
Son: Dep. Tim Ackers (HCJC)

Cousins: Ms. Beverly Linz (K. Schillowak @ 948-1066)
1324 Parkway Ct.
Fairfield Ohio, 45014
T/x 858-3630

S/A Mike Murphy
(H) 232-8733
(W) 677-3399

J.D. Stump
741-4814

April Kenney
941-7065
Saw Pessy doing Coke Sat. Eve (Sun. Morn)
24 Nov @ 1230/ w/2 Guys: "Bikers" @ Escape

EXHIBIT
tabbies
23

CONFIDENTIAL

PAGE OF PAGES **SUPPLEMENTARY REPORT** HARRISON, OHIO POLICE DEPARTMENT OH0311600 COMPLAINT NO 2144-91

2. [ ] FORM USED AS CONTINUATION SHEET FOR CURRENT REPORT
3. [X] FORM USED TO REPORT FOLLOWUP INVESTIGATION OR SUPPLEMENTAL INFORMATION
4. DAY: TH DATE OF THIS REPORT: 11-28-91 TIME: 0900 HRS. AM PM
5. NAME OF COMPLAINANT-REPORTING PERSON: GARRETT, PEGGY
6. KIND OF REPORT CONTINUED: [ ] OFFENSE [ ] TRAFFIC/ACCIDENT [ ] ARREST [X] FOLLOWUP OR SUPPLEMENTARY
7. CORRECT OFFENSE OR INCIDENT CLASSIFICATION: MISSING CHANGED [ ] YES
8. STATUS (CHECK ONE): CLD. [ ] 1 UNFD. [ ] 2 NOT CLD. [X] 3 CLD. EX. [ ] 4
9. IS FURTHER POLICE ACTION REQUIRED? [X] 1 YES [ ] 2 NO
10. IF CASE IS CLEARED, HOW CLEARED? (USE BOX FOR SINGLE CLEAR-UP OR FIRST CLEAR-UP OF MULTIPLE CLEAR-UP LIST.) [ ] ARREST & PROSECUTE [ ] COMPLAINANT DIRECTED TO PROSECUTOR [ ] COMPLAINANT REFUSED TO TO PROSECUTE [ ] STATION ADJUSTMENT [ ] OTHER EXCEPTIONAL
11. INSTRUCTIONS FOR FOLLOWUP OR SUPPLEMENTAL USAGE.
12. RECORD ALL DEVELOPMENTS IN THE CASE SINCE THE LAST REPORT WAS FILED. IF THE CLASSIFICATION IS CHANGED, EXPLAIN WHY. GIVE THE DESCRIPTION, DISPOSITION, & INVENTORY NUMBERS OF ALL PROPERTY RECOVERED.
13.
14.

REF CASE #2144-91. R/O RECEIVED A PUBLIC SERVICE TO CALL 756-1903 UPON SPEAKING W/ THE SUBJECT HE STATED HIS NAME WAS DONALD B. ELLIS, SSN# [redacted] DOB: 11-18-61, CTLNO# 961 240, AND HE STATED ON 11-24-91 AT APPROX 0300-0330 HRS. HE OBSERVED PEGGY GARRETT AT THE WAFFLE HOUSE IN HARRISON AND WAS WITH A M/W SUBJECT SHORT HAIR POSS. BLY HAVING A MUSTACHE AND APPRO 602. MR. ELLIS COULD NOT GIVE ANY MORE INFO ON THE SUBJECT.

CONFIDENTIAL

CONFIDENTIAL

27. FILE NO.

28. COMPL. 21

15. STATE FORM TO FOLLOW [ ] YES [ ] NO

16. EXTRA COPIES REQUIRED (NO. & RECIPIENT)
17. ARREST MADE [ ] YES [X] NO ARREST NO.
18. TOW BY
19. PROP. INV. NO.

20. LEADS NCIC NO.
21. SENT DATE TIME HRS. AM PM
22. CANCELLED DATE TIME HRS. AM PM
23. [ ] CONT. ON SUP. FORM
24. SUPERV

25. REPORTING OFFICER: Ptl. C. Petty BADGE NO. 288
26. REPORTING OFFICER BADGE NO. DATE

EXHIBIT 24

HPD FORM 2 P.O. BOX 986, 200 HARRISON AVENUE, HARRISON, OHIO 45030-0986 (513) 367-4

INDIANA STATE POLICE
INITIAL CASE REPORT

State Form 33666R2/Stock 573 Revised 11/80

This Agency is requesting your Social Security No. only to expedite the processing of this form. You are not required to provide this information and cannot be penalized for declining to provide it.

Code No. (Cont. Rec. Only) | 1. Page 1 Of 2 | 2. Case No. 42-7504

4. Supervisory Correction No. 2 or 3 2-J

3. Offense: Dealing in Schedule II Controlled Substance - Methaqualone

5a. Responsible Party

5. Victim Name (or if Business list Incorporated Name): State of Indiana

7. Home Phone

8. Business Phone

6. Victim's Address (Street, City, State, Zip)

15. Place of Treatment

9. Victim's Sex | 10. Race | 11. DOB | 12. Age | 13. SSN

14. Describe Injury

20. Month Reported | 21. Day | 22. Year | 23. Military Time

24. How Reported? In Person

25. [X] Rural [ ] Urban

16. Month of Occurrence: February | 17. Day: 25 | 18. Year: 82 | 19. Military Time: 2213

28. Address of Reporter (Include Street, City, State, Zip): ISP, Box 431, Versailles, Indiana 47042

26. Received by: PE 2820

27. Reported By (Name): Tpr. S. E. Todd PE 2820

29. Home Phone

30. Business Phone: 689-5000

31. Exact Location of Offense: 1.4 mile north of Pinhook Road on North Dearborn Road

32. City: Harrison

33. Township: Harrison

34. County: Dearborn

35. State: Indiana

36. Was there a witness to the crime? [ ] No

37. Witness/Neighborhood Check (Circle one)

38. Address (Incl. Street, City, State, Zip)

39. Home Phone

40. Business Phone

41. [ ] Interviewed [ ] Statement

37a.

38a. Address

39a. Home Phone

40a. Business Phone

41a. [ ] Interviewed [ ] Statement

42. Suspect? [X] Named [ ] Known [ ] Known Location [ ] Identified [ ] Previously Seen [ ] Description [ ] No

43. Suspect (Alias): Peggy Garrett

44. DOB: 9-4-53

43a. Suspect (Alias)

44a. DOB

45. Location/Address: Box 16, N. Dear. Rd., W. Harrison, Ind. [redacted]

46. SSN

45a. Location/Address

46a. SSN

47. Description-Use Sex, Race, Hgt., Wgt., Hair, Eyes, Scars, Tattoos, Clothing: F/W, 5-3, 180, brown, brown

48. Identified By: #27

47a. Description-Use Sex, Race, Hgt., Wgt., Hair, Eyes, Scars, Tattoos, Clothing

48a. Identified By

49. Arrested? [ ] Yes [X] No

50. I.D. No.

51. [ ] Mug [ ] Print

52. C.R. Check [ ] Yes [ ] No

49a. Arrested? [ ] Yes [ ] No

50a. I.D. No.

51a. [ ] Mug [ ] Print

52a. C.R. Check [ ] Yes [ ] No

53. Vehicle Identified? [ ] Suspect [ ] Stolen [ ] Recovered [ ] Other [X] No

54. Veh. Make | 55. Color | 56. Yr. | 57. Model | 58. Body S. | 59. Lic. Yr. | 60. Lic. St. | 61. Lic. No. | 62. Where Held | 63. VIN

64. [ ] Significant M.O. or [ ] Limited Opportunity to Commit the Crime? [X] No

65. Describe Significant M.O. and/or Limited Opp. Use Block Space in Narrative, if necessary.

66. Motive

67. Was there? [ ] Traceable Property [ ] Significant Physical Evidence? [ ] No

68. Scene Processing [ ] Photo [ ] Fingerprint [ ] Other

69. Scene Tech. [ ] Yes [ ] No

70. PE No. Tech.

71. Property Form No. 35840

[ ] Recovered [X] Collected Evidence

72. Instrument, Force, Weapon

73. Property Stolen/Property Recovered Stolen (Circle appropriate one): 5 White tablets with Lemon 714 stamped on them

74. Identification No.: Item # 1

75. Value: $15.00

73a.

74a. Identification No.

76a. Value

73b.

74b. Identification No.

76b. Value

76. [ ] IDACS Entry [ ] NCIC Entry

77. Total Value Recovered/Stolen

78. Total Value Stolen

BLOCK SPACE

NARRATIVE: N=narrative for use in block space, block numbers will otherwise be used to further detail sequence of events or to expand on information in any block.

See supplement

79. Signature Victim/Reporter (Circle appropriate one) *See reverse side of Victim's Copy.*

X

80. Initial Officer Status [X] Active [ ] Suspended [ ] Unfounded [ ] Cleared

81. Recommend to Continue [ ] Field [ ] Investigation

82. Initial Officer's Name, PE, Date: Tpr. S. E. Todd PE 2820 2-26-82

83. Field Supervisor Status [ ] Agree [ ] Disagree

84. Recommend to Continue [ ] Field [ ] Investigation [ ] Suspend

85. Field Supervisor's Name, PE, Date

86. Investigative Coordinator Status [ ] Field [ ] Investigation

87. Investigative Coordinator Initial, PE, Date, Status 11/3/82 3/1/82

88. Assigned Investigator

EXHIBIT 25

INDIANA STATE POLICE
SUPPLEMENTAL CASE REPORT
State Form 20663R/Stock 625 Revised 6/80

1. Page	of	2. Case No.
2	2	42-7504

3. Offense: Dealing in Schedule II Controlled Substance-Methaqualone

4. Supervisory Correction No. 2 or 3:

5. Victim Name (or if Business list Incorporated Name): State of Indiana

5a. Responsible Party:

BLOCK SPACE — NARRATIVE: N=narrative for use in block space, block numbers will otherwise be used to further detail sequence of events or to expand on any information in any block. List the property form number. List the value of stolen/recovered property only in block six(6). List name, I.D. number, and description of all arrested subjects.

N

On Thursday, 2-25-82, I(PE 2820) went to the suspect's home at approximately 2209 hour
~~I (PE 2820) was introduced as Tom. The person I (PE 2820) was with asked the suspect~~
if she had any beans. She said ludes. I nodded yes. She said how many do you want
and I (PE 2820) raised my hand indicating 5 (five). She picked up a bluish-green cer-
amic type pint sized jar. This jar was on a lamp stand next to the couch. She was
taking care of a baby and putting another child to bed. She returned to the living
room and removed a carmel colored plastic container with a white cap out of the jar.
She put 5 white tablets in her hand. I reached my right hand out with a $20.00 (twent
dollar bill) with serial # O 02531315D. She put the 5 white tablets identified as
Item # 1 in my hand as she took [redacted] dollar bill. She then gave me a five dolla
bill back, serial # D73749602A, 1977 series. I (PE 2820) put the articles of Item #1
in my pants pocket. There was a brief exchange of small talk. The baby was crying
and I said later and left.
Form 533 Receipt # 35840 was filled out and Item # 1 mailed to Indiana State Police.

6. Total Value Recovered (Stol

7. Initial Officer's Status: [X] Active [ ] Suspended [ ] Unfounded [ ] Cleared

8. Recommend to Continue: [ ] Field [ ] Investigative

9. Initial Officer's Name, PE, Date: Tpr. S. E. Todd PE 2820 2-26-82

10. Field Supervisor Status: [ ] Agree [ ] Disagree

11. Recommend to Continue: [ ] Field [ ] Investigative [ ] Suspend.

12. Field Supervisor's Name, PE, Date:

13. Investigative Coordinator Status: [ ] Field [ ] Investigative

14. Investigative Coordinator's Initials, PE, Date: [illegible]

15. Assigned Investigator's Initials, PE, Date:

16. Assigned Investigator Status: [ ] Active [ ] Suspended [ ] Unfounded [ ] Cleared

17. Final Status (Investigative Coordinator): /

INDIANA STATE POLICE
SUPPLEMENTAL CASE REPORT

State Form 20663R/Stock 625 Revised 6/80

1. Page 1 of 1

2. Case No. 42-7504

3. Offense: Dealing in Schedule II Cont. Sub.-Methaqualone

4. Supervisory Correction No. 2 or 3

5. Victim Name (or if Business list Incorporated Name): State of Indiana

5a. Responsible Party

BLOCK SPACE	NARRATIVE: N=narrative for use in block space, block numbers will otherwise be used to further detail sequence of events or to expand on any information in any block. List the property form number. List the value of stolen/recovered property only in block six(6). List name, I.D. number, and description of all arrested subjects.
N	This unit and Tpr. Tim Kaiser PE 3702 were surveillance units on a drug detail
	involving Tpr. Steve Todd PE 2820 and Peggy Garrett of R # 5, Harrison. This unit
	observed Tpr. Steve Todd enter the Peggy Garrett residence at 10:09 PM on 2-25-82.
	At approximately 10:14PM, 2-25-82, we observed Tpr. Todd leave the residence.
	We were assisted by Patrolman Ed Bettinger and Patrolman John Klump of Harrison
	Police Department, West Harrison Marshal Gary Noel also assisted.
	No arrests have been made, but charges will be filed.

6. Total Value Recovered (Sto

7. Initial Officer's Status: [X] Active [X] Suspended [ ] Unfounded [ ] Cleared

8. Recommend to Continue: [X] Field [ ] Investigative

9. Initial Officer's Name, PE, Date: Tpr. James Hickerson PE 3494 2-26

10. Field Supervisor Status: [ ] Agree [ ] Disagree

11. Recommend to Continue: [ ] Field [ ] Investigative [ ] Suspend.

12. Field Supervisor's Name, PE, Date

13. Investigative Coordinator Status: [ ] Field [ ] Investigative

14. Investigative Coordinator's Initials, PE, Date: 10A 1482 3-9-82

15. Assigned Investigator's Initials, PE, Date

16. Assigned Investigator Status: [ ] Active [ ] Suspended [ ] Unfounded [ ] Cleared

17. Final Status (Investigative Coordinator): 2

BUY

INDIANA STATE POLICE, DIVISION OF INVESTIGATION, CASE No. 42 7504

REPORT OF LABORATORY EXAMINATION

Trooper S.E. Todd - Indiana State Police - PE 2820

SUBMITTED BY: Certified Mail P77 5009199 DATE 3-1-82 HOUR 1030

RECEIVED BY: ~~Arson V Lab~~ DATE HOUR

~~RETURNED TO:~~

MATERIAL SUBMITTED:
Describe Markings and Wrapping.

Item #1 - One sealed plastic bag containing 5¼" x 3" manila envelope containing 5 white tablets with LEMMON 714 stamped on them.

EXAMINATION REQUESTED:

Identify

RESULTS OF EXAMINATION:

Item #1 was found to contain Methaqualone.

Fred Huttsell PE 2690
Technician, Indiana State Police

REVIEWED BY:

#613-S

State Form 3303

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☐ Show to whom and date delivered ..... —¢
☐ Show to whom, date, and address of delivery .. —¢
2. ☐ RESTRICTED DELIVERY —¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $ ____

3. ARTICLE ADDRESSED TO:
Indiana State Police Laboratory
8500 E. 21st St.
Indianapolis, In. 46219

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
P 27 500 9199

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

5. DATE OF DELIVERY

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE INITIALS

MANAGER

41

P27 5009199

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO
Indiana state Library
STREET AND NO.
850 West 21st St
P.O., STATE AND ZIP CODE
Indianapolis IN 46219

POSTAGE	$ 37
CERTIFIED FEE	75 ¢
SPECIAL DELIVERY	¢
RESTRICTED DELIVERY	¢
SHOW TO WHOM AND DATE DELIVERED	60 ¢
SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢
SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES	$ 1.72

CONSULT POSTMASTER FOR FEES
OPTIONAL SERVICES
RETURN RECEIPT SERVICE

POSTMARK OR DATE

VERSAILLES, IN
FEB 26 1982
USPO

PS Form 3800, Apr. 1976

4-2-75-d

INDIANA STATE POLICE
INITIAL CASE REPORT

State Form 33666R2/Stock 573 Revised 11/80

This Agency is requesting your Social Security No. only to expedite the processing of this form. You are not required to provide this information and cannot be penalized for declining to provide it.

Code No. (Cent. Rec. Only) | 1. Page 1 Of 2 | 2. Case No. 42-7531

3. Offense: Dealing in a Controlled Substance -- L.S.D.

4. Supervisory Correction No. 2 or 3: 4-N

5. Victim Name (or if Business list Incorporated Name): State of Indiana

5a. Responsible Party:

6. Victim's Address (Street, City, State, Zip):

7. Home Phone:

8. Business Phone:

9. Victim's Sex | 10. Race | 11. DOB | 12. Age | 13. SSN | 14. Describe Injury | 15. Place of Treatment

16. Month of Occurrence: March | 17. Day: 5 | 18. Year: 82 | 19. Military Time: 2027

20. Month Reported: March | 21. Day: 5 | 22. Year: 82 | 23. Military Time: 2027

24. How Reported? In Person

25. [X] Rural [ ] Urban

26. Received by: PE 2820

27. Reported By (Name): Tpr. S. E. Todd

28. Address of Reporter (Include Street, City, State, Zip): ISP, P.O. Box 431, Versailles, In. 47042

29. Home Phone:

30. Business Phone: 689-5000

31. Exact Location of Offense: North Dearborn Road, 1/4 mile north of Pinhook Road

32. City: Harrison

33. Township: Harrison

34. County: Dearborn

35. State: Indiana

36. Was there a witness to the crime? [ ] No

37. Witness/Neighborhood Check (Circle one): R. E. Ball PE 1574

38. Address (Incl. Street, City, State, Zip): #28

39. Home Phone:

40. Business Phone:

41. [X] Interviewed [X] Statement

37a.

38a. Address:

39a. Home Phone:

40a. Business Phone:

41a. [ ] Interviewed [ ] Statement

42. Suspect? [X] Named [ ] Known [ ] Known Location [ ] Identified [ ] Previously Seen [ ] Description [ ] No

43. Suspect (Alias): Peggy Garrett | 44. DOB | 43a. Suspect (Alias) | 44a. DOB

45. Location/Address | 46. SSN | 45a. Location/Address | 46a. SSN

47. Description-Use Sex, Race, Hgt., Wgt., Hair, Eyes, Scars, Tattoos, Clothing | 47a. Description-Use Sex, Race, Hgt., Wgt., Hair, Eyes, Scars, Tattoos, Clothing

48. Identified By | 48a. Identified By

49. Arrested? [ ] Yes [ ] No | 50. I.D. No. | 51. [ ] Mug [ ] Print | 52. C.R. Check [ ] Yes [ ] No

49a. Arrested? [ ] Yes [ ] No | 50a. I.D. No. | 51a. [ ] Mug [ ] Print | 52a. C.R. Check [ ] Yes [ ] No

53. Vehicle Identified? [ ] Suspect [ ] Stolen [ ] Recovered [ ] Other [X] No

54. Veh. Make | 55. Color | 56. Yr. | 57. Model | 58. Body S. | 59. Lic. Yr. | 60. Lic. St. | 61. Lic. No. | 62. Where Held | 63. VIN

64. [ ] Significant M.O. or [ ] Limited Opportunity to Commit the Crime? [ ] No

65. Describe Significant M.O. and/or Limited Opp. Use Block Space in Narrative, if necessary.: Hand to hand sale of L.S.D.

66. Motive

67. Was there? [ ] Traceable Property [X] Significant Physical Evidence? [ ] No

68. Scene Processing [ ] Photo [ ] Fingerprint [ ] Other

69. Scene Tech. [ ] Yes [ ] No

70. PE No. Tech.

71. Property Form No. 35848 [ ] Recovered [X] Collected Evidence

72. Instrument, Force, Weapon

73. Property Stolen/Property Recovered Stolen (Circle appropriate one): 2-Small light blue tablets

74. Identification No.: Item # 1

75. Value: $18.00

73a.

74a. Identification No.

75a. Value

73b.

74b. Identification No.

75b. Value

76. [ ] IDACS Entry [ ] NCIC Entry

77. Total Value Recovered/Stolen

78. Total Value Stolen

BLOCK SPACE

NARRATIVE: N=narrative for use in block space, block numbers will otherwise be used to further detail sequence of events or to expand on information in any block.

See supplement

79. Signature Victim/Reporter (Circle appropriate one) See reverse side of Victim's Copy

X

80. Initial Officer Status [ ] Active [ ] Suspended [ ] Unfounded [ ] Cleared

81. Recommend to Continue [ ] Field [ ] Investigation

82. Initial Officer's Name, PE, Date: Tpr. S. E. Todd PE 2820 3-8-82

83. Field Supervisor Status [ ] Agree [ ] Disagree

84. Recommend to Continue [ ] Field [ ] Investigation [ ] Suspend

85. Field Supervisor's Name, PE, Date

86. Investigative Coordinator Status [ ] Field [ ] Investigation

87. Investigative Coordinator Initial, PE, Date, Status

88. Assigned Investigator Initial, PE, Date

INDIANA STATE POLICE
SUPPLEMENTAL CASE REPORT
State Form 20663R/Stock 625 Revised 6/80

1. Page 2 of 2 | 2. Case No. 42-7531

3. Offense: Dealing in a Controlled Substance - L.S.D.

4. Supervisory Correction No. 2 or 3

5. Victim Name (or if Business list Incorporated Name): State of Indiana

5a. Responsible Party

BLOCK SPACE — NARRATIVE: N=narrative for use in block space, block numbers will otherwise be used to further detail sequence of events or to expand on any information in any block. List the property form number. List the value of stolen/recovered property only in block six(6). List name, I.D. number, and description of all arrested subjects.

N

On Friday, 3-5-82, at approximately 2025 hours, this unit (PE 2820) stopped in the suspect's driveway and went to the door of the suspect's home. The person this unit was with asked if the suspect had any beans. She said that she did not have any ludes, but had some acid. I said, okay, give me a couple. She put some small light blue tablets in an approximately one inch square piece of aluminum foil. The tablets were $3.00 each. I asked how many, and she said six. This unit paid her with a ten dollar bill, serial # C08013175 Star, Series 1977A, a five dollar bill, Serial # D24482593B, Series 1977A, and three one dollar bills, Serial # K14683070D, 1977A series, D44884424A Series 1977, and F72236087G, Series 1977A. I said thanks and left at approximately 2029 hours.

Item # 1 was put in a plastic sandwich bag and initialed. Form 533 was filled out, Receipt # 35848. Item # 1 was mailed to Chemist Fred Huttsell at the Indiana State Police Laboratory for analysis by Certified Return Receipt mail, Receipt # P275009238.

6. Total Value Recovered (Sto

7. Initial Officer's Status: [X] Active [ ] Suspended [ ] Unfounded [ ] Cleared

8. Recommend to Continue: [ ] Field [ ] Investigative

9. Initial Officer's Name, PE, Date: Tpr. S. E. Todd PE 2820 3-8-82

10. Field Supervisor Status: [ ] Agree [ ] Disagree

11. Recommend to Continue: [ ] Field [ ] Investigative [ ] Suspend

12. Field Supervisor's Name, PE, Date

13. Investigative Coordinator Status: [ ] Field [ ] Investigative

14. Investigative Coordinator's Initials, PE, Date

15. Assigned Investigator's Initials, PE, Date

16. Assigned Investigator Status: [ ] Active [ ] Suspended [ ] Unfounded [ ] Cleared

17. Final Status (Investigative Coordinator)

PS Form 3811, Dec. 1983

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one)

☐ Show to whom and date delivered ..... ___¢

☐ Show to whom, date, and address of delivery .. ___¢

2. ☐ RESTRICTED DELIVERY ___¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $ ___

3. ARTICLE ADDRESSED TO:
Indiana State Police Lab.
85 W. E. 21st St.
Indianapolis, In. 46219

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
P273 00 9238

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent
Lisa Mirda

5. DATE OF DELIVERY

POSTMARK
INDIANAPOLIS MAR 15 1 EAST STA.

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

P27 5009238

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO
Indiana State Police
STREET AND NO.
85 E 21st St.
P.O., STATE AND ZIP CODE
Indianapolis, In. 46219

POSTAGE		$ 37
CERTIFIED FEE		75 ¢
SPECIAL DELIVERY		¢
RESTRICTED DELIVERY		¢
RETURN RECEIPT SERVICE: SHOW TO WHOM AND DATE DELIVERED		60 ¢
RETURN RECEIPT SERVICE: SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY		¢
RETURN RECEIPT SERVICE: SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY		¢
RETURN RECEIPT SERVICE: SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY		¢
TOTAL POSTAGE AND FEES		$ 1.72

CONSULT POSTMASTER FOR FEES

OPTIONAL SERVICES

POSTMARK OR DATE

VERSAILLES, IN
MAR 12 1982

4-2-7-3-31

PS Form 3800, Apr. 1976

Buy
Dearborn County
42 7531

INDIANA STATE POLICE, DIVISION OF INVESTIGATION, CASE No. _____

REPORT OF LABORATORY EXAMINATION

Trooper S.E. Todd - Indiana State Police - PE 2820

SUBMITTED BY: Certified Mail #P27 5009238 DATE 3-15-82 HOUR 1025

RECEIVED BY: Area V Lab

RETURNED TO: _____ DATE _____ HOUR _____

MATERIAL SUBMITTED:
Describe Markings and Wrapping.

Item #1 - One sealed plastic bag containing a clear plastic sandwich bag containing a folded piece of aluminum foil containing 2 small light blue tablets

EXAMINATION REQUESTED:

Identify

RESULTS OF EXAMINATION:

Item #1 was found to contain LSD (Lysergic Acid Diethylamide).

Fred Huttsell PE 2690
Technician, Indiana State Police

REVIEWED BY: [signature]

#613-S

State Form 3303

16-127-83D

OF INDIANA)
) SS:
UNTY OF DEARBORN)

IN THE DEARBORN CIRCUIT COURT
GENERAL TERM, 1986

STATE OF INDIANA,)
PLAINTIFF)
VS.) CAUSE NO. 9588
PEGGY GARRETT,)
DEFENDANT)

FILED
FEB 10 1986
Harry Lanning
CLERK DEARBORN CIRCUIT COURT

MOTION FOR MODIFICATION OF SENTENCE

Comes now the Defendant, Peggy Garrett, by counsel, Robert E. Brown, Public Defender, and moves the Court to suspend or reduce the sentence imposed upon the Defendant in this cause, pursuant to I.C. 35381-17, for the following reasons:

1. On July 6, 1983, this Honorable Court imposed sentence on the Defendant for the Crimes of Dealing in a Schedule I Controlled Substance and Dealing in a Schedule II Controlled Substance, both being Class B Felonies. The Court imposed a sentence of ten (10) years incarceration on both crimes, with two (2) years of each sentence being suspended, and that said periods of incarceration were to be served concurrently.

2. The Petitioner feels that her best interests and the best interest of society would be served best by suspension of the remainder of her sentence, with the imposition of probation if the Court sees fit, or by reductiton in the terms of years imposed, in that:

(a) Your Petitioner has been incarcerated in the Dearborn County Jail and the Indiana Penal System for a period of time sufficient to pay her debt of punishment owing to society.

(b) Your Petitioner is most likely to respond affirmatively to short imprisonment and probation.

(c) The character and attitude of the Petitioner indicates that it is unlikely that she would commit additional crimes, and, further, that she would lead a law-abiding and exemplary life.

(d) Suspension of the Petitioner's sentence and the imposition of probation upon your Petitioner, would have the rehabilitative effect of encouraging your Petitioner to continue to lead a law-abiding and exemplary life.

(e) Your Petitioner is genuinely shocked by her incarceration in the Indiana Penal System, and prays for an opportunity to prove her rehabilitation and accomplishments to herself, her family, her children and to society in general.

(f) Your Petitioner has a loving and caring family to which she can return if the remainder of her sentence is suspended.

EXHIBIT
26

State of Indiana, Dearborn County, ss:

I, Phillip D. Weaver, Clerk of the Dearborn Circuit Court of Dearborn County, Indiana, hereby certify that the above and foregoing is a full, true, complete and correct copy of Motion For Modification Of Sentence in the cause of State of Indiana v. Peggy Garrett, #9588 as the same appears of record in my office in Order Book 16 at page 566 of the records of said Court.

IN ATTESTATION WHEREOF, I have hereunto set my hand and the seal of said court at my office in the Court House, of Dearborn County, at Lawrenceburg, Indiana, this 3rd day of December, 19 91

Clerk Dearborn Circuit Court

JUDGE'S CERTIFICATE UNDER THE ACT OF CONGRESS

State of Indiana, Dearborn County, ss:

I, Anthony C. Meyer, sole Judge of the Dearborn Circuit Court, and Judge of the Seventh Judicial Circuit of the State of Indiana, do hereby certify that Dearborn County in the State of Indiana, is comprised within and is a part of the Seventh Judicial Circuit of State, and that the foregoing attestation and certificate of Phillip D. Weaver, Clerk of the Dearborn Circuit Court, are in due form of law, and that said Phillip D. Weaver is and at the time of making of said certificate and attestation, was the Clerk of said Dearborn Circuit Court of said State, and is, and at said time was, proper officer to make such attestation and certificate, and that his signature, thereto, is genuine, and that as such Clerk he is sole custodian of the papers, documents, records and seals pertaining to said Court.

WITNESS, my hand and seal of the said Court, affixed at Lawrenceburg, this 3rd day of December, 1991.

Judge of the Dearborn Circuit Court

CLERK'S CERTIFICATE UNDER ACT OF CONGRESS

State of Indiana, Dearborn County, ss:

I, Phillip D. Weaver, Clerk of Circuit Court of Dearborn County, in the State of Indiana, do hereby certify that Anthony C. Meyer, whose signature appears to the foregoing certificate is and was at the time of signing said certificate, the presiding Judge of said Court, duly commissioned and qualified, in accordance with the laws of the State of Indiana.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of said Court, at Lawrenceburg this 3rd day of December A.D., 1991.

Phillip D. Weaver

Clerk Dearborn Circuit Court

EXHIBIT
27

At Approx 0315 Jeff Showed up at Pes's apartment stating to Erick,
Your mom is in some kind of an emergency at Troy's (Beard) apartment.
Erick said he could Tell Jeff had been drinking but didn't really appear to be "Fucked-up"
Erick asked Jeff for a ride and Jeff said "No she doesn't want me to ride you down there"
Erick responded "That's ok ride me down there any way"
Erick destinctly remembers locking the door and says that he was the first one out and Jeff was right behind him, And Jeff closed the door but didn't pull it shut hard enough to catch the latch.
Erick reached around Jeff and secured the door
Jeff rode Erick down and dropped him off at Broadway & State (Troy Beard lives at Harrison & State)
When Erick finally succeeded in waking Troy, Troy stated that he didn't Know anything about the incident.
Jeff had Told Erick that he would Just drive around the block and ride them home but when Erick found out from Troy

that Pes was not in trouble, Jeff was no where to be found.

Erick walked back to the apartment (308 Harrison) and upon his return found the door unlocked and also the bedroom door that the three kids had been sharing was open.

Erick checked and saw Mat and Shanna but did not see Amber (this was about 3^30/ or 3^45/

Justin came home about 4^45/ and Erick left about 0500.

Erick walked down to his granpa's trailer, arriving about 0515.

Erick went to sleep and didn't wake up until 1530 hrs. at which time he returned to Pes's apartment arriving about 1600hrs and it was at this time that Pes advised him that Amber was missing.

It was at this time that Erick told Pes for the first time about Jeff's coming to the apartment and scamming him out of the apartment to go to Troy Beard's

Pes and Erick and Justin then came to H.P.D. in an effort to report the incident but "couldn't find the cops".

They (Erick and Peg) walked down to Jeff's apartment @ 304 S/State St. #4
After considerable difficulty they finally succeeded in getting Jeff to answer the door.
Peg immed barged in and started screaming at Jeff.

City of Cincinnati

Department of Safety
Division of Police

310 Ezzard Charles Drive
Cincinnati, Ohio 45214
513-352-3536

Lawrence E. Whalen
Police Chief

May 27, 1992

TO: Joseph Deters
Prosecutor, Hamilton County

COPIES TO: Mark Piepmeir
Asst. Prosecutor
Hamilton County

Rick Gibson
Asst. Prosecutor
Hamilton County

Lt. Ed Bettinger
Harrison Police Dept.

FROM: Polygraph Unit

EXAMINER: Timothy T. Tighe

REFERENCE: Eric Horn - 92-078

On May 26, 1992, at approximately 2:00 p.m., Eric Horn voluntarily received a Polygraph Examination to determine if he has held back any information which would assist in the investigation of the Amber Garrett Homicide case.

During the examination, Eric Horn was asked the following questions (also listed are the answers to these questions).

Q: Is today Tuesday?
A: Yes.

Q: Is your last name Horn?
A: Yes.

Q: Did you lie about your involvement in Amber's death?
A: No.

EXHIBIT
28

Q: Is your first name Eric?
A: Yes.

Q: To the best of your knowledge, were you in the apartment when Amber was taken?
A: No.

Q: Between the age of 13 and 15 have you ever seriously hurt someone you loved?
A: No.

Q: Is this the month of May?
A: Yes.

Q: Did you lie to me today about knowing who took Amber?
A: No.

Q: Do you know for sure who took Amber out of Peggy's apartment?
A: No.

Q: Other than what you told me before 1990 have you ever hurt someone because you lost your temper?
A: No.

There were significant emotional and physiological disturbances indicative of deception in Eric Horn's polygraph when he answered the aforementioned questions.

During the interrogation phase of the polygraph examinations, Eric Horn made the following statement:

Examiner: Eric, you had some problems with your exam. The results show that you did not tell me the truth. Now I'm not saying you did this to your sister, but you know who took her out of Peggy's apartment.

Horn: I didn't lie.

Examiner: Look Eric, I'm not saying you did this to Amber, but I know you are holding back information that will help us clear this case up.

Horn: I didn't lie about anything.

Examiner: Look, I know you didn't do this to your sister but you have information that will help us put the person who did this to Amber in jail for the rest of their life. Let us help you put an end to this. You had no idea what was going to happen to Amber, but you do know who took her out of Peggy's apartment on the night in question. Isn't that right Eric?

Horn: I swear to God I didn't lie.

Examiner: Eric, don't bring God into this. All I need is the total truth from you and we can close this case.

Horn: Fuck you, fuck the machine.

(Eric get out of chair and walks back and forth)

Horn: I swear to God.

Examiner: Eric, I know you didn't do this but you have to help us put the person who did this away.

Horn: Am I under arrest?

Examiner: No.

Horn: Then fuck you, fuck the machine and I'm out of here.

End of interrogation.

Respectfully
Timothy T. Tighe
Cincinnati Police Division
Polygraph Unit

MGQT

DATE: 5-26-92

TIME: 1600

EXAMINEE: ERIC HORN

1. Is Today Tuesday

2. Is Your Last Name Horn

★ 3. Did You ~~(participate)~~ lie about your involvement in Amber's Death

4. Is Your First Name ERIC

★ 5. ~~Did You~~ TO THE BEST OF YOUR KNOWledge. ~~Did~~ were you in the apt. when Amber was taken

6. Between the Age of 13 and 15 have you ever SERIOUSLY hurt someone you loved

7. Is This the Month of May

★ 8. Did You lie to me today about knowing who took Amb

★ 9. ~~Did~~ DO You Know for sure who took Amber out of Peggy's Apt.

* WYTM 10. ~~Prior To~~ Before 1990 have you ever hurt someone because you lost your temper

* OTHER THAN WHAT YOU TOLD ME

ANS. 1. Yes 6. NO

2. Yes 7. Yes

3. NO 8. NO

4. Yes 9. NO

5. NO 10. NO

DOC. 2

VOLUNTARY STATEMENT
(not Under Arrest)

I, ERIC D. HORN, am not under arrest, nor am I being detained for any criminal offenses concerning the events I am about to make known to PFC C.R. Lindsey
Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 16 years of age, and I live at 308 Harrison Ave APT 3
I was Watching My 2 sisters Amber Garret, Shaina Perkins and my Brother Matthew Garret. At 3:00 AM, Jeff W Knocked on the door. I opened the door and he said My Mom Wanted me at my Friends House. I Locked the door and he Gave Me A Ride to his house. I Knocked on His door and he said he had not seen Her that night. I walked back to the apartment and when I got there the door was Unlocked and she was gone.

CL Q. What time did you Know Amber was gone?
E.H A: 3:30 AM

Q: Why didn't you call the police about the unlocked door and Amber missi
E.H A: I Thought that My mom Might have come home

Q: When did you tell Peggy Garrett that Amber was missing?
E.H A: 4:00 P.M. Sunday

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at 200 Harrison Ave, this 24 day of 11 19 91

WITNESS: PFC C.R. Lindsey

WITNESS: [illegible] 8/20

Eric Horn
Signature of person giving voluntary statement.

HPD Form 26

Mike Oppen,

Contents of Stomach

12-7-91 0030

- 1st Baptist of Bright
  on N. Dearborn Rd
  went w/ Brenda Philpot's Kids
  Amber would go to Brenda's
  Church van or Chuck (man From Church)

- NEED TO TALK TO ERIC AGAIN
- How would ERIC Get her to Jamison Rd
- Should we charge Peggy - Child endangering

24
8
16

EXHIBIT
tabbies
29

Blk P/U w/Skull on hat

He & Erick Came out
of Bedroom
Grey Jacket w/Glasses
Indiana Jones Hat
He had A Knife he
was closing at the
Time

12

2144-91

COMPLAINT NO.

PAGE 1 OF 1 PAGES **SUPPLEMENTARY REPORT** HARRISON, OHIO POLICE DEPARTMENT OH0311600

2. [ ] FORM USED AS CONTINUATION SHEET FOR CURRENT REPORT

3. [X] FORM USED TO REPORT FOLLOWUP INVESTIGATION OR SUPPLEMENTAL INFORMATION

4. DAY: Tues | DATE OF THIS REPORT: 11-26-91 | TIME: 1030 HRS. AM PM

5. NAME OF COMPLAINANT - REPORTING PERSON: Pat J. Jenkins R/O

6. KIND OF REPORT CONTINUED: [ ] OFFENSE [ ] TRAFFIC/ACCIDENT [ ] ARREST [X] FOLLOWUP OR SUPPLEMENTARY

7. CORRECT OFFENSE OR INCIDENT CLASSIFICATION: CHANGED [ ] YES

8. STATUS (CHECK ONE): [ ] CLD. 1 [ ] UNFD. 2 [ ] NOT CLD. 3 [ ] CLD. EX. 4

9. IS FURTHER POLICE ACTION REQUIRED? [ ] YES 1 [ ] NO 2

10. IF CASE IS CLEARED, HOW CLEARED? (USE BOX FOR SINGLE CLEAR-UP OR FIRST CLEAR-UP OF MULTIPLE CLEAR-UP LIST.) [ ] ARREST & PROSECUTE [ ] COMPLAINANT DIRECTED TO PROSECUTOR [ ] COMPLAINANT REFUSED TO TO PROSECUTE [ ] STATION ADJUSTMENT [ ] OTHER EXCEPTIONAL

11. INSTRUCTIONS FOR FOLLOWUP OR SUPPLEMENTAL USAGE.

12. RECORD ALL DEVELOPMENTS IN THE CASE SINCE THE LAST REPORT WAS FILED. IF THE CLASSIFICATION IS CHANGED, EXPLAIN WHY. GIVE THE DESCRIPTION, DISPOSITION, & INVENTORY NUMBERS OF ALL PROPERTY RECOVERED.

13.

14.

ON 11-26-91, Edward Emley (1404 Stone Rd) came to HPD and advised that his Daughter Lisa Emley goes to School with Eric Horn (Brother to missing) and that Eric had been acting "WIERD" in school prior to this incident. She stated that Eric had been carrying around "Satanic Bibles" and Satanic items. She was a little reluctant to get involved w/ the situation. Her father stated he would attempt to find more out from her & would advise.

27. FILE NO. 23374

15. STATE FORM TO FOLLOW [ ] YES [ ] NO

28. COMPLAINT NO. 2144-91

16. EXTRA COPIES REQUIRED (NO. & RECIPIENT)

17. ARREST MADE [ ] YES [X] NO — ARREST NO.

18. TOW BY

19. PROP. INV. NO.

20. LEADS — NCIC NO.

21. SENT — DATE — TIME — HRS. AM PM

22. CANCELLED DATE — TIME — HRS. AM PM

23. [ ] CONT. ON SUP. FORM

24. SUPERVISOR APPROVING

25. REPORTING OFFICER: [signature] — BADGE NO. 18

26. REPORTING OFFICER — BADGE NO. — DATE — TIME — HRS. AM PM

2144-91

Home - No Phone
Landlord Message - 353-1555
(Norm Meyer) 462-1427
Doc. 23

VOLUNTARY STATEMENT
(not Under Arrest)

I, Steven E. Kemper, am not under arrest, nor am I being detained for any criminal offenses concerning the events I am about to make known to Officer Steve Matheus
Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 26 years of age, and I live at 6849 SR128 Miamitown, Ohio 45041 Apt. 2.

Not that it made any significance at the time; but two weeks ago (approximately) Eric Hood; had told me that he hate hated his sister, and that he wished she was dead.

Later; maybe the next day; Justin and I were talking about the way that Eric would flick Amber when she was out of line.

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at HPD, this 5th day of December 19 91

WITNESS: Pt. Steve Matheus

Steven E. Kemper
Signature of person giving voluntary statement.

WITNESS:

HPD Form 26

EXHIBIT
30

7-CI-59885

CHRIS T. BRICKNER, date of birth December 3, 1971, Route 3 Box 385, West Harrison, Indiana, [redacted]

HANNAH D. RUSSELL and MISTY L. AUER, both stated they never heard or saw anything during the early morning hours of November 24, 1991, but did recognize the brown 1975 Oldsmobile Omega, four door. They stated they have seen this vehicle parked in the alley behind 308 Harrison Avenue, the GARRETT residence, several times in the past. They last saw this vehicle parked in the alley on Saturday afternoon, November 23, 1991.

CHRIS T. BRICKNER was interviewed at RUSSELL's and AUER's residence. He stated that at approximately 2:30 a.m., on November 24, 1991, he was with a friend by the name of DANNY BROCK, 321 Weathervane, telephone number 367-0177. They were driving down the street when they observed ERIC HORN standing on the corner at 100 Harrison Avenue. As they drove by, HORN waved at them.

EXHIBIT

31

16

PAGE . OF PAGES **SUPPLEMENTARY REPORT** HARRISON, OHIO POLICE DEPARTMENT OH0311600 COMPLAINT NO 2144-91

2. [ ] FORM USED AS CONTINUATION SHEET FOR CURRENT REPORT
3. [X] FORM USED TO REPORT FOLLOWUP INVESTIGATION OR SUPPLEMENTAL INFORMATION
4. DAY: TUE | DATE OF THIS REPORT: 11-26-91 | TIME: 2100 HRS. AM PM
5. NAME OF COMPLAINANT - REPORTING PERSON: STOCKSDILL
6. KIND OF REPORT CONTINUED: [X] OFFENSE [ ] TRAFFIC/ACCIDENT [ ] ARREST [ ] FOLLOWUP OR SUPPLEMENTARY
7. CORRECT OFFENSE OR INCIDENT CLASSIFICATION: MISSING PERSON | CHANGED [ ] YES
8. STATUS (CHECK ONE) CLR. [X] 1 UNFO. [ ] 2 NOT CLD. [ ] 3 CLD. EX. [ ] 4
9. IS FURTHER POLICE ACTION REQUIRED? [X] YES 1 [ ] NO 2
10. IF CASE IS CLEARED, HOW CLEARED? (USE BOX FOR SINGLE CLEAR-UP OR FIRST CLEAR-UP OF MULTIPLE CLEAR-UP LIST.) [ ] ARREST & PROSECUTE [ ] COMPLAINANT DIRECTED TO PROSECUTOR [ ] COMPLAINANT REFUSED TO TO PROSECUTE [ ] STATION ADJUSTMENT [ ] OTHER EXCEPTIONAL

11. INSTRUCTIONS FOR FOLLOWUP OR SUPPLEMENTAL USAGE.

12. RECORD ALL DEVELOPMENTS IN THE CASE SINCE THE LAST REPORT WAS FILED. IF THE CLASSIFICATION IS CHANGED, EXPLAIN WHY. GIVE THE DESCRIPTION, DISPOSITION, & INVENTORY NUMBERS OF ALL PROPERTY RECOVERED.

13.

14.

THROUGH THE DOOR TO DOOR QUESTIONING W/ S.A. MARK ROGERS WE FOUND OUT THAT CHRIS BRICKNER & DANIEL A. BROCK SOC# [redacted] TX# 3070177 WERE OUT DRIVING AROUND EARLY SUNDAY I INTERVIEW DANIEL & HE STATED HE NEVER SAW THE SUSPECTED VEHICLE

27. FILE NO. 22417

15. STATE FORM TO FOLLOW [ ] YES [ ] NO

16. COMPLAINT NO. 2144-91

17. ARREST MADE [ ] YES [ ] NO ARREST NO.

18. TOW BY

19. PROP. INV. NO.

21. DATE | TIME | HRS. AM PM | 22. CANCELLED DATE | TIME | HRS. AM PM | 23. [ ] CONT. ON SUP. FORM | 24. SUPERVISOR APPROVING: Sgt. [signature]

25. BADGE NO. 199 | 26. REPORTING OFFICER | BADGE NO. | DATE 11/26/91 | TIME 2330 HRS. AM PM

200 HARRISON AVENUE. HARRISON. OHIO 45030-0286 (513) 367-4320

Ruth Ann 637-3466

Westenhoffer

Amber F/W 10 yo

Justin

Erick 16 @ 9⁰⁰/PM

Mat 8

Shenna 4

Peggy left @ 10⁴⁵/ checked and

Jeff A Wagenstahl W/M 31

Debby Beard

Left @ 3⁰⁰/ and left the door locked
returned @ 5⁰⁰/ and the door was not locked
Mom returned @ 5⁰⁵/

Loretta Garrett.

Bud's T/x # 729-2908

EXHIBIT
32

All 3

Copy of Warrant ✓ (traps From sinks + Tub) ✓

Copy of Return For 1st Warrant ✓

Peggy (info to Chief

* - Trash P/U Dates Mon + Thurs

✓ - Know Family Dr + Dentist. name + TX ✓

* - Why mention PBJ Jelly - Loves

Lab 221 - 4528 Annette Davis ✓

will need some of her blood to ID blood sample to victim

✓ - DR Witt (Dentist) near Zarrocco's Rest

✓ - Ludlow Hill Clinic 537-0465 (Betty) Amber - not a patient Faxx 1-812-537-2897

- Dr Dennis J. WITT 637-5647

Advised last seen 8-86

Pair Pants Blue Jeans w/ lines + Pair of Panties

Ludlow Woods - Sleepy Hollow Rd Landfill

August Seibert 491-2767

2766 Dakota Ave Latonia Ky 41017

Dr. Bauman? Dr. Kim's

What Wogenstahl wearing

BRC - Possibly Wht Sweater + Jeans

Hypnosis

EXHIBIT

33

1394

GENERAL CASE REPORT — 0H0311600 HARRISON, OHIO POLICE DEPARTMENT

1. DAY	DATE OCCURED	TIME	HRS.	2. NATURE OF COMPLAINT	3. CLASSIFICATION	4. COMPLAINT NO.
Fri	21 Aug.92	2030	AM PM	TRAFFICKING IN DRUGS 2925.03	(1800)	1319-92

5. DAY	DATE REPORTED	TIME	HRS.	6. COMPLAINANT NAME LAST	FIRST	MIDDLE	7. CONTROL NO.
Fri	21 Aug 92	2030	AM PM	DET. LT. BETTINGER	EDWARD		---

8. DAY	DATE DISPATCHED	TIME	HRS.	10. ADDRESS OF COMPLAINANT	APT. NO.	11. COMPL. SOC. SEC. NO.
			AM PM	200 HARRISON AVE. HARRISON, OHIO	45030	-- -- --

12. DAY	DATE ARRIVAL	TIME	HRS.	13. SEX	RACE	D.O.B.	HOME PHONE	BUS. PHONE-OTHER PHONE	14. CRIME LAB NOTIFIED
			AM PM	M	W	---	367-4320	367-4320	[XX] YES [ ] NO

15. DAY	DATE COMPLETED	TIME	HRS.	16. LOCATION OF INCIDENT	FLOOR	ROOM	APT. NO.
Sat	22 Aug 92	0200	AM PM	308 Harrison Ave. APT#3 Harrison, Ohio 45030			

17. VICTIM'S NAME (FIRM NAME IF BUSINESS)	SEX	RACE	D.O.B.	HOME PHONE	BUS. PHONE-OTHER	18. NO. OF VICTIMS
STATE of OHIO						one

19. ADDRESS OF VICTIM — APT. NO. — 20. VICTIM'S SOC. SEC. NO.

21. TYPE OF THEFT

[ ] LARCENY FROM AUTO [ ] AUTO ACCESSORIES [ ] FROM ANY COIN OPERATED DEVICE OR MACHINE [ ] LARCENY FROM PERSON [ ] FROM BUILDING [ ] SHOP-LIFTING [ ] BICYCLE [ ] OTHER THEFT (SPECIFY)

22. PROPERTY DAMAGE: [ ] AUTO [ ] EQUIP. [ ] OTHER (SPECIFY) [ ] LANDSCAPING [ ] LIGHTS [ ] MAIL BOXES [ ] MISC. PRI. PRTY. [ ] WINDOW [ ] BRD. OF ED. [ ] CONST. SITES [ ] RESIDENCE — AMOUNT OF DAMAGE $

23. NAME OF PERSON WHO DISCOVERED CRIME (IF VICTIM, WRITE "VICTIM")	SEX/RACE	HOME ADDRESS (IF VICTIM, WRITE "ONA")	APT. NO.	HOME PHONE	BUS. PHONE-OTHER
Dep.J.Breightfelder,H.C.S.O.		H.C.S.O Dist.#1			825-1500

24. WITNESSES: NAME (IF MORE THAN ONE, USE NARRATIVE)	SEX/RACE	HOME ADDRESS	APT. NO.	HOME PHONE	BUS. PHONE-OTHER	CAN IDENTIFY YES	NO

25. DESCRIPTION OF OFFENDER (IF MORE THAN 2 OFFENDERS, USE NARRATIVE)	SEX	RACE	D.O.B.	AGE	HEIGHT	WEIGHT	HAIR	EYES	COMP.	NAME-ADDRESS OF OFFENDER(S) IF KNOWN, OR OFFENDER(S) CONTROL NO.	26. ARREST MADE	ARREST NO.
1	M	W	11/30/74	6	1	230	Bro	Bro		ERICK D. HORN	[XX] YES [ ] NO	3-70-92
2										308 Harrison Ave. #3 Harrison, Ohio 45030	27. ARREST MADE [ ] YES [ ] NO	ARREST NO.

28. TOOL OR WEAPON USED: Marajuana

29. TYPE OF LOCATION WHERE OCCURED: [ ] STREET [ ] PARKING LOT [X] OTHER (SPECIFY) residence at 308 Harrison Ave #3

30. UNUSUAL CHARACTERISTICS OF CRIME (TRADEMARK): on-going for some time

31. NAME OF DET. OR J.O. NOTIFIED TIME HRS. AM PM: Det.Lt.Ed Bettinger 2030

32. VEHICLE WHICH THEFT OCCURRED	VEH. (KEY)	LIC. PLATE NO.	STATE	YR. EXP.	NON-PASS	YEAR	MAKE	MODEL	BODY STYLE	COLOR	IDENTIFYING MARKS

33. OFFENDER'S VEH. [ ] USED BY [ ] STOLEN	VEH. (KEY)	LIC. PLATE NO.	STATE	YR. EXP.	NON-PASS	YEAR	MAKE	MODEL	BODY STYLE	COLOR	IDENTIFYING MARKS

34. PROPERTY TAKEN (DESCRIBE IN NARRATIVE ALL PROPERTY TAKEN): MONEY [ ] JEWELRY [ ] FURS [ ] CLOTHING [ ] OTHER [ ] NONE [X]

35. PROPERTY RECOVERED (DESCRIBE IN NARRATIVE ALL PROPERTY RECOV.): MONEY [ ] JEWELRY [ ] FURS [ ] CLOTHING [ ] OTHER [ ] NONE [ ]

36. COMPLAINT RECEIVED: [ ] [XX] [ ] [ ] 1. RADIO 2. PERSON 3. TTY 4. F.O.P. [ ] [ ] 5. SIGN 6. OTHER (EXPLAIN)

37. NARRATIVE: (GIVE DESCRIPTION BELOW OF HOW CRIME WAS COMMITTED, RECORD CHARACTERISTICS OF SUSPECTS

Based on info.developed from Dep.J.Breightfelder,R/O interviewed witt who acknowledged having purchased 1/8oz.baggie of POT from Eric D.Horn at the residence he shares w/his mother;Peggy Garrett at 308 Harrison Ave rear at approx. 1730hrs date. Based on this R/O drew up a search warrant and submitted it to Judge Mestamaker at his residence. Judge Mestamaker signed the warrant and R/O contacted the Comm.Center and securred the use of their K-9 dog and handler (Dep.Hartzler) and W/Sgt.Kercheval and Ptl.Petty responded to the suspect's resid.and served the warrant.At the time of the service,Ms.Garrett,Justin and Erick Horn and Sheana Perkins were present in the resid.

cont.on Suppl.#1

38. EXTRA COPIES REQUIRED (NOTE RECIPIENT): 1961 A/C

39. PROD. INV. NO.

50. 16999

51. COMPLAINT 1319-9

40. STATUS (CHECK ONE): [XX] CLEARED [ ] NOT CLEARED UNFOUND [ ] CLEARED EXCEPT. [ ]

41. IS FUTURE POLICE ACTION REQUIRED? [XX] YES [ ] NO

42. IN CASE IS CLEARED, HOW CLEARED? (USE THIS BOX FOR SINGLE CLEAR-UP OR FIRST CLEAR-UP ON MULTIPLE CLEAR-UP LIST): [XX] ARREST & PROSECUTE [ ] COMPLAINANT DIRECTED TO PROSECUTOR [ ] STATION ADJUSTMENT [ ] OTHER

43. LEADS NCIC NO. — 44. SENT DATE TIME HRS. AM PM — 45. CANCELLED DATE TIME HRS. AM PM — 46. [ ] CONT. ON SUP. FORM — 47. SUPERVISOR APPROV.

48. REPORTING OFFICER — BADGE NO. — 49. REPORTING OFFICER — BADGE NO. — DATE

EXHIBIT 34

PAGE 1 OF PAGES SUPPLEMENTARY REPORT HARRISON, OHIO POLICE DEPARTMENT OH0311600 COMPLAINT NO 1319-92

2. FORM USED AS CONTINUATION SHEET FOR CURRENT REPORT [XXX]
3. FORM USED TO REPORT FOLLOWUP INVESTIGATION OR SUPPLEMENTAL INFORMATION [ ]
4. DAY: Sat. DATE OF THIS REPORT: 22 Aug, 92 TIME: 0100 HRS. AM PM
5. NAME OF COMPLAINANT-REPORTING PERSON: Det.Lt.Ed Bettinger,L/70

KIND OF REPORT CONTINUED: OFFENSE [XXX] TRAFFIC/ACCIDENT [ ] ARREST [XXX] FOLLOWUP OR SUPPLEMENTARY [ ]

7. CORRECT OFFENSE OR INCIDENT CLASSIFICATION: Trafficking in Drugs (Marajuana) 2925.03(F-4) CHANGED YES [ ]

8. STATUS (CHECK ONE) CLD. [XXX] UNFO. [ ] 2 NOT CLD. [ ] 3 CLD. EX. [ ] 4
9. IS FURTHER POLICE ACTION REQUIRED? YES [XXX] NO [ ] 2
10. IF CASE IS CLEARED, HOW CLEARED? (USE THIS BOX FOR SINGLE CLEAR-UP OR FIRST CLEAR-UP OF MULTIPLE CLEAR-UP LIST.) ARREST & PROSECUTE [ ] COMPLAINANT DIRECTED TO PROSECUTOR [ ] COMPLAINANT REFUSED TO TO PROSECUTE [ ] STATION ADJUSTMENT [ ] OTHER EXCEPTIONAL [ ]

11. INSTRUCTIONS FOR FOLLOWUP OR SUPPLEMENTAL USAGE.

12. RECORD ALL DEVELOPMENTS IN THE CASE SINCE THE LAST REPORT WAS FILED. IF THE CLASSIFICATION IS CHANGED, EXPLAIN WHY. GIVE THE DESCRIPTION, DISPOSITION, & INVENTORY NUMBERS OF ALL PROPERTY RECOVERED.

13.

14.

cont.from face sheet....After identifying ourselvs to Ms.Garrett and giving her a copy of the Warrant,Ms.Garrett and Justin and Eric were all set on the couch in the living room (Eric in the center of the couch) and Dep.Hartzler and his dog ARKO began a systematic search of the apt. beginning w/the first bedroom off of the kitchen (this is the bdrm.the C/I advised Eric had gone to to get POT) ARKO immed.KEYED on the foot of the bed and a search of the foot-locker there was begun by Ptl.Petty. ARKO then physically went ender the bed and backed out with a CUT tray with approx 63 grams of Marajuana in two seperate plastic baggies in his mouth.Cont. the search of that same bedroom revealled only additional trace amounts of Marajuana how ever sitting on an end table to the right side of the bed was a BONG pipe approx.24"high.

After leaving that bedroom the occupants were shifted around and the dog immediatly keyed on the couch where they had been sitting and P/U'd a man's brown leather bill-fold which a subsequar search revealled contained $769.00 in assorted denominations of U.S.Currancy and a Ohio State I/D card made out to Eric D.Horn.

At this time R/O directed Ptl.Petty to place Horn under arrest for Trafficking in Marajuana and transport him to H.P.D. to begin processing.

At the time of our initial arrival,aware that Ms.Garrett was keeping a gun in the house,R/O securred from her a sawed off 20ga.Stevens single barrell (Unloaded)which was also included in th property R/O removed from the residence.

After returning to H.P.D. R/O questioned (Post Maranda) Eric Horn w/his mother present and he acknowledged having purchased 3 oz's of Marajuana the preceeding Wed,Aug.19th.for re-sale.

At 0900,Sat,22 Aug,R/O made the return on the search warrant to Judge Nadine Allen in Court Room "A" and had the S/W sealled at the Clerk's office.

27. FILE NO. 16999

15. STATE FORM TO FOLLOW YES [ ] NO [ ]

16. EXTRA COPIES REQUIRED (NO. & RECIPIENT)

17. ARREST MADE YES [XX] NO [ ] ARREST NO. 3-70-92

18. TOW BY

19. PROP. INV. NO. 1961 A/G

20. LEADS NCIC NO.

21. SENT DATE TIME HRS. AM PM

22. CANCELLED DATE TIME HRS. AM PM

23. CONT. ON SUP. FORM [ ]

24. SUPERVISOR APPROVING

25. REPORTING OFFICER BADGE NO.

26. REPORTING OFFICER BADGE NO. DATE TIME HRS.

28. COMPLAINT NO. 1319-92

HAMILTON COUNTY JUVENILE COURT RECORD OF COMPLAINTS AS OF 10/01/2002 09:31

PERSONAL INFORMATION

Name: ERIC D HORN DOB: 11/30/1974 Race: W Sex: M
ID: 105220 SSN: [redacted] License:
Alias:
Classification:
Phone: 000-0000
Addr: 308 HARRISON #3 AV HARRISON OH 45030
Mother PEGGY GARRETT Livewith?
308 HARRISON #3 AV HARRISON OH 45030

Delinquent: 1 Adj: 1 Unruly: 0 Adj: 0 Traffic: 0 Adj: 0 FTA: 0
CURRENT STATUS

PENDING HEARINGS:

********** DELINQUENT / UNRULY INFORMATION **********

Case No: /92/011851 Z Date of Filing: 08/22/1992
Complaint: DRUG TRAFFICKING Offense Date: 08/22/1992
Degree: F4 Section: 2925.03 ORC
Amended: DRUG ABUSE
Degree: M1 Section: 2925.11 ORC
Fingerprint Date: Agency: HARR
Remarks: FB
Probation Officer: Jim Olthaus

DATE	DESCRIPTION	JUDGE/MAGISTRATE
08/22/1992	Detention Release	Holtmeier, Denis
08/22/1992	Counsel present.	Holtmeier, Denis
08/22/1992	Place on house arrest until 08/27/1992.	Holtmeier, Denis
08/22/1992	Bond set at HOLD $.	Grossmann, David
08/28/1992	Admit.	Holtmeier, Denis
08/28/1992	Continued for possible bind over to 08/28/1992.	Holtmeier, Denis
08/28/1992	Adjudged delinquent.	Holtmeier, Denis
08/28/1992	Place on probation for investigation.	Holtmeier, Denis
08/28/1992	Bind over proceedings dropped.	Holtmeier, Denis
09/18/1992	Continue for disposition to 09/18/1992.	Holtmeier, Denis
09/22/1992	Continue for disposition to 09/22/1992.	Holtmeier, Denis
09/22/1992	Court costs.	Grossmann, David
09/22/1992	Fine of $50.00 imposed.	Grossmann, David
09/22/1992	Place on probation.	Grossmann, David
09/22/1992	Terminate probation for pre-sentence investigation.	Grossmann, David
01/04/1993	Terminate probation.	Judge, Visiting

********* END OF RECORD

CERTIFIED COPY
I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court.
Date: 10/1/02
Judge, Juvenile Court
By: Deputy Clerk

EXHIBIT
A

DRUG TRAFFICKING
(Prepare, Distribute)

COMPLAINT

CASE NO. #92-1185 "Z"
Bond = Hold

COURT OF COMMON PLEAS OF HAMILTON COUNTY, OHIO

JUVENILE DIVISION

In Re: ERIC DANIEL HORN

PEGGY GARRETT
Parents or Guardian

308 HARRISON AV. #3
Address

HARRISON, OH, 45030

LT. E. BETTINGER being first duly cautioned and sworn, deposed and alleges that (s)he has knowledge, information and belief that ERIC DANIEL HORN, born 11-30-74, is a delinquent child, as provided in Section 2151.02 ORC, in that on or about 8-22-92, in Hamilton County, State of Ohio, (s)he did knowingly * DISTRIBUTE a schedule ** I, controlled substance, to wit:*** MARIJUANA, when offender knows or has reasonable cause to believe such drug is intended for sale or resale, contrary to and in violation of 2925.03 (2) of the Ohio Revised Code, a felony of the **** FOURTH degree.

CERTIFIED COPY
I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court.
Date: 10/1/02
Judge, Juvenile Court
By: Deputy Clerk

*"prepare for shipment" "ship" "transport" "deliver" "prepare for distribution" or "distribute"

**Insert schedule number

***Insert name of controlled substance

****"third" if schedule I or II (except marihuana)
"fourth" if schedule III, IV, V or marihuana

ROBERT A. KERCHEVAL
Notary Public, State of Ohio
My Commission Expires Jan. 27, 1994

Sworn to and subscribed fore me this 22nd day of August, 19 92.

Robert A. Kercheval

DAVID E. GROSSMANN — JOHN P. O'CONNOR
Judge — ExOfficio Clerk — Notary Public

By _____
Deputy Clerk

Complainant

2925-03/ORCN

200 HARRISON AV. HARR, OH, 45030

(Form 458)

FORM 527 (7/85)

ARREST AND INVESTIGATION REPORT

SHADED AREAS MUST BE COMPLETED

HAM. CO. CASE NO. #92-11851 "Z" CONTROL NO. ARREST REPORT NO. 3 70-92

NAME OR ARRESTED - LAST, FIRST, MIDDLE	TITLE	ADDRESS - NUMBER, STREET, CITY, STATE, ZIP CODE, APT. NO.
HORN, ERIC DANIEL		308 HARRISON AV. HARR OH 45030 #3

TELEPHONE NO.	NICKNAME OR ALIAS	SEX	RACE	HEIGHT	WEIGHT	HAIR	EYES	AGE	DATE OF BIRTH	PLACE OF BIRTH
( ) NONE	NONE	M	W	601	230	BRO	BRO	17	11-30-74	HAMILTON, OHIO

MARITAL STATUS	SOCIAL SECURITY NO.	DESCRIPTION OF CLOTHING AT TIME OF ARREST	MARKS, SCARS, DEFORMITIES, TATTOOS
S	[redacted]	BLKT-SHIRT BLUE JEANS WHT GYM SHOES	R/OR ARM TATOO - SKULL/FLAMES

DRIVER'S LICENSE NO STATE, YEAR OF EXP	VEHICLE - YEAR, MAKE, MODEL, COLOR	VEHICLE LICENSE NO STATE, YEAR OF EXPIRATION
N/A	N/A	N/A

VISIBLE SIGNS OF ILLNESS, INJURY, OR MENTAL DISORDERS ☐ YES ☒ NO EXPLAIN

DOES ARRESTED HAVE ANY HEALTH PROBLEMS WE SHOULD KNOW ABOUT (ASK ARRESTED TO EXPLAIN)

MILD ASTHMA

NAME OF SPOUSE/NEXT OF KIN - EMERGENCY NOTIFICATION	NAME AND ADDRESS OF EMPLOYER (IF MINOR, NAME OF SCHOOL)	EMPLOYER'S TELEPHONE
PEGGY GARRETT	NONE	N/A

PLACE OF ARREST (NUMBER, STREET, CITY, STATE, ZIP CODE	DISTRICT	DATE OF ARREST	TIME OF ARREST	OFFENSE OR ACCIDENT NO.
308 HARRISON AV. HARRISON, OH 45030 #3	HARR	8-22-92	0045	1319-92

LOCATION OF OFFENSE (NUMBER, STREET, CITY, STATE, ZIP CODE)	DISTRICT	DATE OF OFFENSE	TIME OF OFFENSE	I.D. JACKET NO.
308 HARRISON AV HARRISON, OH 45030	HARR	8-22-92	0040	

CHARGES (INCLUDE SECTION NO.)	COMPLAINANT'S NAME
1. DRUG TRAFFICKING 2925.03	LT. E. BETTINGER
2.	MEANS OF ARREST: PHY / WARRANT/CAPIAS NO. / CONFIRMED BY

ARRESTING OFFICER(S)	BADGE NO.	AG/DIST.	NEEDED FOR COURT	PRISONER SEARCHED BY
1. LT. E. BETTINGER	191	HARR	☒ YES ☐ NO	PTL. C. PETTY
2. PTL. C. PETTY	288	HARR	☒ YES ☐ NO	CASE SUMMARY? ☒ YES ☐ NO / OPTIONAL DEPARTMENTAL INFO.

FACTS OF ARREST

SUBJ WAS ARRESTED AFTER SEARCH WARRANT WAS SERVED ON 308 HARRISON AV. #3. APPROX 63 GRAMS OF MARIJUANA SIZED W/ PLASTIC BAGGIES, TRAYS AND $769.00 IN U.S. CURRENCY.

CIC	BADGE NO.
LT. E. BETTINGER	191

I AGREE TO APPEAR IN COURT

☐ ROOM A ☐ ROOM B

☐ HAMILTON CO. MUNICIPAL CT
1000 SYCAMORE ST.
CINCINNATI, OHIO

☐ HAM. CO. JUV. CT.
3rd FLR.
222 E. CENTRAL PKWY.
CINCINNATI, OHIO

☐ OTHER

ON: DATE

☐ WHEN NOTIFIED BY COURT

☐ O.R. BOND

CERTIFIED COPY
I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court.
Date/Time 10/1/02
Judge, Juvenile Court
By: Deputy Clerk

DEFENDANT'S SIGNATURE

FAILURE TO APPEAR WILL CAUSE A WARRANT TO BE ISSUED FOR YOUR ARREST

TELEPHONE CALL MADE? ☐ YES ☐ NO EXPLAIN:

TELEPHONE NO. CALLED	PERSON CONTACTED:

DISPOSITION (ARRESTED RELEASED TO OTHER AGENCY)

TO:

AGENCY	DATE

SIGNATURE OF ACCEPTING OFFICER DATE 8-22-92 TIME 0400

FORM 527A (7/85)

CASE INFORMATION AND BOND INFORMATION SHEET

HAM. CO. CASE NO #92-11851 "Z" CONTROL NO. _____ COURT DATE _____

NAME OF DEFENDANT – LAST, FIRST, MIDDLE	SOCIAL SECURITY NUMBER	SEX	RACE	AGE	DATE OF BIRTH
HORN, ERIC, DANIEL	[redacted]	M	W	17	11-30-74

COMPLAINANT'S NAME	TELEPHONE NO.	CHARGES (INCLUDE SECTION NO.)	PRIOR CONVICTIONS (NUMBERS) PCIC VERIFICATION
LT. E. BETTINGER	367-4320	1 DRUG TRAFFICKING 2925.03 F4	
COMPLAINANT'S ADDRESS – NUMBER, CITY, STATE AND ZIP CODE		2	Misdemeanor / Felony
200 HARRISON AV. HARR, OH, 45030			

CONDITION AND AGE OF VICTIM	DEFENDANT CITED TO COURT?	RECOMMENDED BOND
17 YRS OLD O.K.	☐ YES ☐ NO	☐ HIGH ☐ NO PREFERENCE ☐ LOW

REASONS FOR RECOMMENDED BOND

☐ WANTED BY OTHER AUTHORITIES ☑ RESIDES IN ANOTHER STATE ☑ WEAPONS INVOLVED ☐ POSSIBILITY OF HARM TO THREATENING OF WITNESSES

☐ PREVIOUS CRIMINAL CONVICTION(S) RECIDIVIST ☐ HISTORY OF FAILING TO APPEAR FOR TRIAL ☐ PRESENTLY ON PROBATION PAROLE OR PRESENTENCE INVESTIGATION ☐ CRIMINAL HISTORY

☐ AWAITING GRAND JURY ACTION ON OTHER CHARGES ☐ MENTALLY DISTURBED; MAY HARM SELF OR OTHERS ☐ INVESTIGATION IN PROGRESS ☐ OTHER (Explain)

BRIEF STATEMENT OF FACTS: (INCLUDE FACTS SUPPORTING RECOMMENDED BOND)

SUBJ WAS ARRESTED AFTER SEARCH WARRANT EXECUTED FOUND 63 GRAMS OF MARIJUANA, PLASTIC BAGGIES, TRAYS ALSO $769.00 IN U.S. CURRENCY. ALSO SUBJECT PERIODICALLY RESIDES IN INDIANA WILL PROBABLY RUN IF RELEASED W/O HIGH BAIL/BOND.

DEFENDANT ADVISED OF HIS RIGHTS?	RIGHTS WERE ADVISED BY	DEFENDANT INTERVIEWED BY	STATEMENT ORAL OR WRITTEN EXPLAIN:
☐ ~~YES~~ ☐ NO	LT. BETTINGER	SAME	YES

BRIEF SUMMARY OF ANY STATEMENT BY DEFENDANT:

Acknowledged Possession and Purchase of 3 oz's on Wed, the 19th of Aug 92.

PROPERTY AND/OR EVIDENCE RECOVERED (DESCRIPTION AND HOW MARKED FOR I.D.)

PROPERTY #1961 KEPT AT HARRISON P.D. PROPERTY.

IF PROPERTY WAS SUBMITTED TO SOME AGENCY FOR EXAMINATION, TO AND BY WHOM

HAMILTON COUNTY CORONER'S LAB.

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court

IF PHOTOS WERE TAKEN, GIVE BRIEF DESCRIPTION (INCLUDE WHERE PHOTOS WERE TAKEN, BY WHOM TAKEN, AND PRESENT LOCATION)

PHOTO'S OF MARIJUANA TAKEN AT 208 HARRISON AV. KEPT AT H.P.D.

Date: 10/1/02

ARRESTING OFFICER	BADGE NO	AGENCY/DIST
PTL. C. PETTY	288	HARR
OIC	BADGE NO	
LT. E. BETTINGER	191	HARR

Judge, Juvenile Court

By: _____ Deputy Clerk

WITNESSES: PH – PRELIMINARY HEARING
CIRCLE IN CODE BOX AS REQUIRED

GJ - GRAND JURY

CP - COMMON PLEAS

CODE	NAME	ADDRESS	TELEPHONE
PH GJ CP	1. LT. E. BETTINGER	200 HARRISON AV.	367-4320

BRIEF SUMMARY OF TESTIMONY EXPECTED:
INVESTIGATING OFFICER

CODE	NAME	ADDRESS	TELEPHONE
PH GJ CP	2. SGT. R. KERCHEVAL	200 HARRISON AV.	367-4320

BRIEF SUMMARY OF TESTIMONY EXPECTED:
EXECUTED SEARCH WARRANT

CODE	NAME	ADDRESS	TELEPHONE
PH GJ CP	3. PTL. C. PETTY	200 HARRISON AV.	367-4320

BRIEF SUMMARY OF TESTIMONY EXPECTED:
EXECUTED SEARCH WARRANT

CODE	NAME	ADDRESS	TELEPHONE
PH GJ CP	4. DEPUTY M. HARTZLER	11021 HAMILTON AV.	825-1500

BRIEF SUMMARY OF TESTIMONY EXPECTED:
UTILIZED K-9 UNIT IN SEARCH WARRANT

CODE	NAME	ADDRESS	TELEPHONE
PH GJ CP	5.		

BRIEF SUMMARY OF TESTIMONY EXPECTED:

CODE	NAME	ADDRESS	TELEPHONE
PH GJ CP	6.		

BRIEF SUMMARY OF TESTIMONY EXPECTED:

CERTIFIED COPY
I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court.
Date: 10/1/03

Judge, Juvenile Court

By: Deputy Clerk

COURT OF COMMON PLEAS OF HAMILTON COUNTY, OHIO

JUVENILE DIVISION

WARRANT

NAME ERIC D HORN

DOB _____ SEX ____

ADDRESS _____

CASE NO. #92-11851 "Z"

BOND HOLD

TO AN OFFICER, AS DESIGNATED IN SECTION 2151.19 OHIO REVISED CODE:

We command you to take into custody ERIC D. HORN if (s)he may be found within your baliwick and bring his or her body before the Hamilton County Court of common Pleas, Juvenile Division forthwith to answer to the charge of Unruly or Delinquency, to wit: DRUG TRAFFICKING.

Witness my hand and seal of said Court this date of AUG. 22, 1992.

F. Barth
Deputy Clerk

DAVID E. GROSSMANN JOHN P. O'CONNOR
Judge and Ex-Officio Clerk of the Court of Common Pleas of Hamilton County, Ohio, Juvenile Division

I have the within named ERIC D. HORN in my custody and have served him/her with a copy of the complaint on this date of AUG. 22, 1992.

F. Barth
Arresting Officer

CERTIFIED COPY
I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date: 10/1/02

Judge, Juvenile Court

By: _____
Deputy Clerk

Form 680 (Revised 9Apr90)

92-118512

92-118512
DAVID E. GROSSMANN

COURT OF COMMON PLEAS OF HAMILTON COUNTY, OHIO

JUVENILE DIVISION
105220

Eric Horn
Traff in Drugs

ENTRY
APPROVE AND ENTER

FINDINGS AND RECOMMENDATIONS OF REFEREE
THIS MATTER WAS HEARD BY ME ON THE FOLLOWING DATES, THE PROPER PARTIES HAVING BEEN DULY SERVED. THE FOLLOWING ARE THE FINDINGS AND RECOMMENDED DISPOSITION.

OCKET DATE	ACTION	JUDGE'S SIGNATURE
8-22-92	Continue for possible fundings.	
20-4905	G Sprauel appears. Continue to 8-28-92 at 10:30 (J. Grossman) Release to mother on house arrest	
	Glenn Nottingham	
AUG 28 1992	Retain Jurisdiction. Plea admit to poss. under Bulk (M4) adj Del. Conts for Investigation to 9/18/92 C9 Room	
SEP 18 1992	Reset to 9/22/92 @ 9:00am at the Request of Atty Sprauel, and by agreement of all parties.	
SEP 22 1992	Terminate RTB Place on Probation Fine $50.00 + Costs	

CERTIFIED COPY
I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date: 10/1/02
DAVID E. GROSSMANN
Judge, Juvenile Court
By: Deputy Clerk

Form 414

THE STATE OF OHIO, HAMILTON COUNTY

COURT OF COMMON PLEAS
JUVENILE DIVISION

IN RE: Eric D. Horn, a Juvenile	:	CASE NO. 92-11851
	:	(Judge Grossmann)
	:	REPORT OF DISTRIBUTION OF UNITED STATES CURRENCY
	:	

Comes now the Hamilton County Prosecuting Attorney and reports to the Court that contraband ordered forfeited in the above matter was distributed as follows:

1. $615.20 (80%) to the Harrison Police Department

2. $153.80 (20%) to the Hamilton County Prosecutor's Office.

3.

Receipts and verification of the Distribution are attached hereto as Exhibit A through Exhibit B.

Respectfully submitted,

Mark G. Waters W636 0028693
Assistant Prosecuting Attorney

FILED
COURT
92 SEP 29 A 8:55

CERTIFIED COPY
I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court.
Date: 10/1/02
Judge, Juvenile Court
By: Deputy Clerk

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO
JUVENILE DIVISION

IN RE: Eric Horn : CASE NO. 92-11851

: (Judge Grossmann)

: ENTRY OF FORFEITURE

This matter came on for hearing on this 28 day of Aug, 1992. The Court finds that the following property, to wit: $769 U.S. CURRENCY

seized from the Defendant by HARRISON P.D., on 8/22/92, 199_, is contraband and therefore shall be forfeited as contraband, pursuant to Ohio Revised Code Section 2901.01(M) and Section 2933.43.

It is therefore ORDERED that the above property be forfeited to the following agencies in their respective proportions:
80% Harrison Ok, P.D.

and 20% to the Hamilton County Prosecutor's Office.

It if further ORDERED that the above property be delivered to the Hamilton County Prosecutor's Office for distribution.

Judge

APPROVED:

Assistant Prosecuting Attorney

Stephen G Spiral 0025796
Attorney for Defendant

Peggy Hart
Eric Horn

CERTIFIED COPY
I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court.
Date: 10/1/02
DAVID E. GROSSMANN
Judge, Juvenile Court
By: Deputy Clerk

EXHIBIT A

Form 49

HAMILTON COUNTY, OHIO

Dept. No. 31

REPORT OF REMITTANCE TO COUNTY TREASURER

To the County Auditor:

Date 9-15-92

I hereby certify that the following is a complete and accurate statement of the cash received by this office during the period from 9-24-92 to 9-15-92 in the amount of One Thousand One Hundred Forty and 32/100 Dollars $

Prosecutor — Name of Dept. Office or Institution — Signature — Clerk — Title

DESCRIPTION	FUND	SUBFUND	AMOUNT
901352 Robey	21	18	21.60
920844 Dickens	21	18	167.00
922160 Freeman	21	18	316.80
923920 Grubbs	21	18	32.20
890778 Jackson	21	18	23.30
916495 Reese	21	18	24.60
918743 Robertson	21	18	15.51
John Reid 921340 CK-Delhi Township	21	18	145.00
Hoser 9200277 CK-Springfield Township	21	18	107.11
Horn 9211851 - Harrison P.D.	21	18	153.80
Chris A. Wininger - Sr. Park	21	18	133.40
		TOTAL $	1140.32

SYSTEM DATA:

LINE NO.	TRANS CODE NO.	R.	S	CURRENT DATE MO	DA	YR	INDEX CODE	OBJ CODE	COST ACCT.	PROJ.	WK PH	DOLLARS
				9	15	92	210129	376				1140.32

No. RR 5839

THE TREASURER OF HAMILTON COUNTY IS AUTHORIZED TO RECEIVE THE ABOVE REMITTANCE TO THE Law Enforcement Trust FUND

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in Hamilton County Juvenile Court.

DATE 10/1/02

Judge, Juvenile Court

By: Deputy Clerk

DUSTY RHODES, Hamilton County Auditor

BY

RECEIPT IS HEREBY ACKNOWLEDGED IN THE SUM OF $ 539.31 CKD 601.01 Cash FOR CREDIT TO THE FUND AND ACCOUNT SHOWN.

ROBERT A. GOERING, Hamilton County Treasurer

DEFENDANT: ERIC HORN | B- 92-11851

PROPERTY RECEIVED	DATE	FROM	AGENCY	LOC.
1 CASH: ($)				
2				
3 check from HARRISON Ohio	9-8-92	BETTINGER	HARRISON	
4 P.D. for $153.80				F1
5 (FORFEITURE 20%)				
6 (JUVENILE CASE)				
7				
8				
9				
10				
11				
12				
13				
14				

PROPERTY RECORD Hamilton County Prosecuting Attorney

THIS CHECK IS VOID IF COLORED BACKGROUND IS ABSENT

73-119
421

THE FIFTH THIRD COMPANY

OFFICIAL CHECK

0832676

DATE 9/8 19 92

PAY TO THE ORDER OF HAMILTON COUNTY PROSECUTOR OFFICE * * * * * * * * $ 153.80

153.80DS

DRAWN ON: FIFTH THIRD BANK OF CENTRAL KENTUCKY, N.A. PARIS, KENTUCKY

PURCHASED BY HARRISON P.D.

Karen J. Jackson
AUTHORIZED SIGNATURE

8317
COST CENTER

⑈0832676⑈ ⑆042101190⑆ 825⑈11110⑈

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court.

Date: 10/1/02

Judge, Juvenile Court

By: Deputy Clerk

EXHIBIT B

DAVID E. GROSSMANN

COUNTY OF HAMILTON

COURT OF COMMON PLEAS

JUVENILE DIVISION

JAN 04 1993

J.C. NO. 92-11851-Z :

IN RE: :

Eric Horn :

: ENTRY

THIS DAY THE ABOVE CAPTIONED CASE WAS BEFORE THE COURT, AND THE COURT AFTER FULL CONSIDERATION AND INVESTIGATION, ORDERS SAID JUVENILE RELEASED FROM OFFICIAL PROBATION. SUBMIT TO THE LAWFUL CARE, CUSTODY AND CONTROL OF PARENT, GUARDIAN, CUSTODIAN AND TEACHERS.

Form 108 (Revised Aug. 8, '83)

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court.

Date: 10/1/02

DAVID E. GROSSMANN

Judge, Juvenile Court

By: Deputy Clerk

Ex. 7

September 29, 1993 | Harrison Police Dept. Incident Report | 1903-93 Wednesday 17:5

CONFIDENTIAL

INCIDENT/ PRIORITY/ ACC COM	ACTIVITY/ ADDRESS/ DISPOSITION	OFFICER(S)	RECEIVED/ DISPATCHED/ ARRIVED/CLEARED	DISPATCHER/SUPER/ NATURE/ TYPE
I9305637 9 No Yes	INVESTIGATION 308 HARRISON AVENUE, #3 ARREST	LINDSEY	09/29/1993, 09:00 09/29/1993, 09:00 09/29/1993, 09:00 09/29/1993, 15:00	NO DISPATCHER KEENAN RAPE FELONY ARREST

Caller's Info: RICHARD PERKINS
Domestic Abuse: No

Remarks: RICHARD PERKINS REPORTS THAT HIS 13 YEAR OLD DAUGHTER HAD BEEN RAPED BY ERIC HORN

Persons:

ARRESTED (Male) M9201984
HORN, ERIC DANIEL
308 HARRISON AVENUE Apt: 3
CITY OF HARRISON OH 45030
Phone: 376-0891 DOB: 11/30/1974
Commt: ARRESTED: FELONY ARREST
License: [redacted] (OH)
SSN: [redacted]

COMPL (Male) M9200225
LINDSEY, DET.
200 HARRISON AVENUE
CITY OF HARRISON OH 45030
Phone: 367-4320 DOB: No date
Commt: INVESTIGATION OF RAPE
License: None

VICTIM (Female) M9302654
[redacted]
Phone: [redacted] DOB: [redacted]
Commt: JUVENILE RAPE VICTIM
License: None
SSN: [redacted]

WITNESS (Male) M9203822
PERKINS, ROBERT LEE
308 HARRISON AVENUE Apt: 3
CITY OF HARRISON OH 45030
Phone: 367-5566 DOB: 04/25/1956
Commt: WITNESS
License: [redacted]
SSN: [redacted]

WITNESS (Male) M9202624
[redacted]
Phone: [redacted] DOB: [redacted]
Commt: WITNESS
License: None
SSN: [redacted]

WITNESS (Female) M9201754
PERKINS, CAROLYN
407 HARRISON AVENUE
CITY OF HARRISON OH 45030
Phone: 367-1407 DOB: 08/09/1974
Commt: WITNESS
License: None

21853 1903

CONFIDENTIAL

CONFIDENTIAL

INCIDENT/ PRIORITY/ ACC COM	ACTIVITY/ ADDRESS/ DISPOSITION	OFFICER(S)	RECEIVED/ DISPATCHED/ ARRIVED/CLEARED	DISPATCHER/SUPER/ NATURE/ TYPE

Incident I9305637 (continued)

Persons:

Narrative 1 By: PTL. MARVIN GAMBILL
Title: Court complaint
Status: Open

Narrative PAMINC:N9302802.WX not on file

Narrative 2 By: DET. CHUCK LINDSEY
Title: RAPE
Status: Open

RAPE 2907.02 BLOTTER:21853 RPT#1903-93

CONFIDENTIAL***JUVENILE VICTIM***CONFIDENTIAL***JUVENILE VICTIM***CONFIDENTIAL

ON 09/29/93 AT 0900HRS RICHARD AND MELANY PERKINS RESPONDED TO HPD WITH THEIR 13 YEAR OLD DAUGHTER, [redacted]. ON ARRIVAL RICHARD STATED THAT HIS DAUGHTER HAD TOLD HIM THAT ERIC HORN HAD RAPED HER SATURDAY NIGHT. DET. LINDSEY INTERVIEWED [redacted] IN THE PRESENCE OF HER PARENTS AT WHICH TIME SHE STATED THAT ON 09/25/93 AT APPROXIMATELY 2200HRS SHE HAD BEEN WITH ERIC HORN IN HIS BEDROOM AT 308 HARRISON AVE #3. [redacted] STATED SHE HAD BEEN AT THE RESIDENCE EARLIER WITH [redacted] AND HEATHER BOLTWRIGHT AND HAD LEFT HER WALLET AND ADDRESS BOOK IN ERIC HORN'S BEDROOM. [redacted] STATED THAT SHE HAD RETURNED TO ERIC'S APARTMENT TO PICK UP HER WALLET AND ADDRESS BOOK. [redacted] STATED THAT ERIC TURNED OFF THE LIGHTS IN THE BEDROOM AND CLOSED THE DOOR. [redacted] STATES THAT ERIC REMOVED HER CLOTHES AND HAD INTERCOURSE WITH HER ON HIS BED. [redacted] STATES SHE TOLD ERIC, "NO" AND EARLIER IN THE EVENING ERIC HAD TOLD HER SHE DID NOT LOOK THIRTEEN AFTER [redacted] HAD STATED HER AGE. [redacted] STATES THAT ERIC HAD BEEN DRINKING BEER FROM A CLEAR BOTTLE WITH A MOUNTAIN ON THE LABEL AND HAD USED A CONDOM WHEN HE RAPED HER. [redacted] STATES SHE LAST SAW THE CONDOM ON ERIC'S DRESSER IN HIS BEDROOM. [redacted] STATES SHE WAS SCARED TO TELL HER PARENTS OF THE INCIDENT AND SHOWERED ON HER ARRIVAL HOME THAT NIGHT. RICHARD AND MELANY WERE ADVISED TO TRANSPORT [redacted] TO THE U.C.E.R. TO BE EXAMINED. DUE TO INSURANCE COVERAGE THE PERKIN'S TOOK [redacted] TO GOOD SAM WHERE DR.BAIN CONDUCTED A RAPE EXAMINATION. DR.BAIN STATED THAT THE HYMEN OF [redacted] WAS NOT PRESENT AND THAT HE FOUND NO BRUISES/MARKS.

DET.LINDSEY AND PTL WILSON RESPONDED TO 308 HARRISON AVE #3 AND AFTER OBTAINING A PERMISSION TO SEARCH FROM PEGGY GARRETT SEARCHED THE BEDROOM OF ERIC HORN. RECOVERED FROM THE DRESSER IN THE BEDROOM WAS A EMPTY MT.EVEREST MALT LIQUOR BOTTLE CONTAINING ONE USED CONDOM. ALSO ON THE DRESSER WAS A WALLET AND ADDRESS BOOK CONTAINING PHOTOS AND LETTERS OF [redacted]. A PARTIAL MARIJUANA CIGARETTE BUTT WAS ALSO RECOVERED FROM THE DRESSER. PHOTOS OF ALL EVIDENCE WERE TAKEN AND ENTERED INTO HPD PROPERTY AS PR#2415.

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INCIDENT/ PRIORITY/ ACC COM	ACTIVITY/ ADDRESS/ DISPOSITION	OFFICER(S)	RECEIVED/ DISPATCHED/ ARRIVED/CLEARED	DISPATCHER/SUPER/ NATURE/ TYPE

Narrative 2 (continued) By: DET. CHUCK LINDSEY Incident I9305637

DET.LINDSEY INTERVIEWED ROBERT PERKINS WHO STATED THAT ERIC HAD BEEN IN THE APARTMENT WITH [redacted] AND TWO GIRLS ON SATURDAY NIGHT AND THAT CAROLYN PERKINS HAD COME LOOKING FOR ONE OF THE GIRLS LATE SATURDAY NIGHT.

ERIC HORN RESPONDED TO HPD FOR QUESTIONING AT 1200HRS. ERIC STATED THAT HE HAD BEEN WITH [redacted] IN HIS BEDROOM AT APPROXIMATELY 2200HRS ON 09/25/93. ERIC STATES THAT [redacted] WANTED TO RETRIEVE HER WALLET AND ADDRESS BOOK. ERIC STATED HE DOES LIKE [redacted] AND HAD HELD HER HAND WHILE IN HIS BEDROOM. ERIC DENIES HAVING INTERCOURSE WITH [redacted] AND ADMITS THAT THE CONDOM IS HIS. ERIC STATES THAT HE USED THE CONDOM, BUT TO MASTURBATE AND HAD EJACULATED INTO THE CONDOM ON A DIFFERENT DATE. ERIC STATES HE WILL NOT TAKE A POLYGRAPH IN REFERENCE TO THIS REPORT. ERIC ALSO IDENTIFIED THE WALLET AND ADDRESS BOOK TAKEN FROM HIS BEDROOM DRESSER AS THE PROPERTY OF [redacted].

DET.LINDSEY PLACED ERIC UNDER ARREST AT 1245HRS FOR RAPE. THE RAPE KIT FROM GOOD SAM HAS BEEN ENTERED INTO HPD PROPERTY AND TRANSPORTED TO THE CORONER'S LAB FOR PROCESSING. THE CONDOM HAS ALSO BEEN TURNED OVER TO THE CORONER'S LAB FOR PROCESSING. FURTHER TO BE SUPPLEMENTED ON CONTACT WITH ADDITIONAL WITNESSES.

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Single Narrative

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INCIDENT/ PRIORITY/ ACC COM	ACTIVITY/ ADDRESS/ DISPOSITION	OFFICER(S)	RECEIVED/ DISPATCHED/ ARRIVED/CLEARED	DISPATCHER/SUPER/ NATURE/ TYPE

Incident I9305637 (continued)

Persons:

Narrative 1 By: DET. CHUCK LINDSEY
Title: SUPPLEMENT Status: Open

INJURIES:NONE VISIBLE
HOSPITALIZED: SENT TO GOOD SAM E.R. FOR RAPE EXAM
CORONER NOTIFIED: N/A
WEAPON/MEANS OF ATTACK: PENIS/ FORCIBLE RAPE
HOW ATTACKED: RAPED WHILE LYING IN BED
OFFENDER APPROACHED: LAID ON TOP OF VICTIM
WORDS USED BY OFFENDER: N/A
LOCATION OF VICTIM ON PREMISES: IN BEDROOM OF ERIC HORN
DAMAGE TO VICTIM'S CLOTHING/PROPERTY:NONE
EVIDENCE: USED CONDOM, VICTIM'S UNDERWEAR, COMPLETED RAPE KIT, WALLET/ADDRESS BOOK
PROPERTY #:PR#2415 A,B,C,D,E

PHOTOS BY: DET.LINDSEY
GBDC SENT: BY/TIME/DATE:N/A

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INCIDENT/ PRIORITY/ ACC COM	ACTIVITY/ ADDRESS/ DISPOSITION	OFFICER(S)	RECEIVED/ DISPATCHED/ ARRIVED/CLEARED	DISPATCHER/SUPER/ NATURE/ TYPE

Incident I9305637 (continued)

Persons:

Narrative 1 By: DET. CHUCK LINDSEY
Title: SUPPLEMENT
Status: Open

CONFIDENTIALCONFIDENTIAL***CONFIDENTIAL***CONFIDENTIAL***CONFIDENTIAL***

INTERVIEW WITH ERIC HORN

ON 09/29/93 AT 1219HRS DET.LINDSEY INTERVIEWED ERIC HORN AT HPD. ERIC WAS READ HIS MIRANDA RIGHTS AND WAIVED SAME. ERIC STATED THAT ON SATURDAY HE AND [redacted] HAD MET [redacted] AND HEATHER BOATWRIGHT NEAR LAROSA'S ON HARRISON AVE. ERIC STATED THAT THEY ALL THEN WENT TO HIS BEDROOM TO LISTEN TO MUSIC. ERIC STATES THEY STAYED ABOUT 15 OR 20 MINUTES AND THEN THEY ALL WALKED TO HEATHER HITES HOUSE. ERIC STATES THEY ALL THEN LEFT AND AT ABOUT 2200HRS THEY ALL AGAIN RETURNED TO HIS BEDROOM. ERIC STATES THAT [redacted] AND HEATHER THEN LEFT TO GO TO [redacted] HOUSE TO GET SOME MUSIC TAPES. ERIC STATES THAT HE AND [redacted] THEN WALKED DOWN TO FRED'S HOUSE AND THEN THEY WALKED BACK TO HIS BEDROOM. ERIC STATED THAT WHILE IN HIS BEDROOM WITH [redacted] THAT THE DOOR HAD REMAINED OPEN AND THAT ALL HE HAD DONE WAS HOLD HER HAND. ACCORDING TO ERIC THE LIGHT IN THE ROOM REMAINED ON THE ENTIRE TIME. ERIC STATES HE HAD NEVER MET [redacted] BEFORE SATURDAY BUT DID LIKE HER. ERIC DENIES DRINKING ANY ALCOHOL SATURDAY AND STATED THE MT. EVEREST MALT LIQUOR BOTTLE WAS PROBABLY HIS FROM AN EARLIER DATE. WHEN ASKED ABOUT THE CONDOM ERIC DENIED ANY KNOWLEDGE OF IT. ERIC ALSO DENIED ANY KNOWLEDGE OF THE MARIJUANA CIGARETTE. SEVERAL MINUTES LATER ERIC THEN TOLD DET.LINDSEY THAT THE CONDOM WAS HIS AND THAT HE HAD EJACULATED IN IT. ERIC STATED THAT SEVERAL DAYS AGO HE HAD MASTURBATED WEARING THE CONDOM AND HAD EJACULATED. ERIC STATES HE DID NOT HAVE SEXUAL INTERCOURSE WITH [redacted] AND STATES HE WILL NOT TAKE A POLYGRAPH TEST CONCERNING THIS INCIDENT. ERIC DID MAKE A WRITTEN STATEMENT AS TO THIS INCIDENT STATING THAT HE WAS ALONE WITH [redacted] AND THAT THE CONDOM FOUND IN HIS BEDROOM WAS HIS AND THAT HE HAD EJACULATED INTO IT.

WHEN ADVISED THAT HE WAS UNDER ARREST FOR RAPE ERIC BECAME EXTREMELY UPSET AND ASKED TO SPEAK TO HIS MOTHER, PEGGY GARRETT. ON SPEAKING WITH PEGGY, ERIC ASKED HER TO GO AND SPEAK TO [redacted] AND HER PARENTS AND TELL THEM TO CHANGE THEIR STORY. ERIC ALSO STATED THAT HE WOULD SAY THE WRITTEN STATEMENT HE MADE WAS A LIE. ERIC HORN MAINTAINS THAT HE IS A VIRGIN AND HAS NEVER HAD SEX WITH A FEMALE.

BEFORE ERIC HORN WAS TRANSPORTED TO HCJC HIS BROTHER, JUSTIN HORN, ARRIVED AT HPD AND SPOKE WITH HIM. DET.LINDSEY,SGT.TREMAIN AND PTL LOWRY HEARD ERIC TELLING JUSTIN TO FIND [redacted] AND HAVE HER TELL THE POLICE HE DID

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INCIDENT/ PRIORITY/ ACC COM	ACTIVITY/ ADDRESS/ DISPOSITION	OFFICER(S)	RECEIVED/ DISPATCHED/ ARRIVED/CLEARED	DISPATCHER/SUPER/ NATURE/ TYPE

Narrative 1 (continued) By: DET. CHUCK LINDSEY Incident I9305637

NOT RAPE HER. BOTH PEGGY GARRETT AND JUSTIN HORN WERE WARNED OF THE CONSEQUENCES OF ATTEMPTING TO INFLUENCE THE FUTURE COURT TESTIMONY OF THE VICTIM.

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INCIDENT/ PRIORITY/ ACC COM	ACTIVITY/ ADDRESS/ DISPOSITION	OFFICER(S)	RECEIVED/ DISPATCHED/ ARRIVED/CLEARED	DISPATCHER/SUPER/ NATURE/ TYPE

Incident I9305637 (continued)

Persons:

Narrative 1 By: DET. CHUCK LINDSEY Status: Open
Title: SUPPLEMENT

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INTERVIEW OF [redacted]

[redacted] STATES THAT ON SATURDAY AT APPROXIMATELY 2000HRS SHE AND HEATHER BOATWRIGHT WERE WALKING IN DOWNTOWN HARRISON ACROSS FROM LASROSA'S WHEN THEY MET ERIC HORN AND [redacted]. [redacted] STATES SHE HAD NOT MET ERIC HORN BEFORE SATURDAY. [redacted] STATES THEY ALL THEN WENT TO 308 HARRISON AVE #3 TO ERIC'S BEDROOM TO LISTEN TO MUSIC. [redacted] STATES THAT BOBBY PERKINS WAS SITTING ON THE COUCH WATCHING T.V. WHEN THEY ENTERED THE APARTMENT. SHE STATES THEY WENT INTO THE 1ST BEDROOM ON THE RIGHT WHICH SHE WAS TOLD WAS ERIC'S BEDROOM. [redacted] STATES THAT SEVERAL TIMES HEATHER ASKED HER IF SHE WOULD GO OUT WITH ERIC AND STATED THAT ERIC GRABBED HER AND PULLED HER ONTO THE BED SEVERAL TIMES. [redacted] STATES THAT [redacted] TOLD ERIC THAT SHE WAS THIRTEEN AND THAT ERIC HAD REPLIED THAT SHE DIDN'T LOOK THIRTEEN. [redacted] ALSO STATES THAT ERIC WAS DRINKING BEER FROM A CLEAR BOTTLE WITH A PICTURE OF A MOUNTAIN ON IT.

AFTER APPROXIMATELY 20 MINUTES THEY ALL LEFT AND WENT TO HEATHER HITES HOUSE ON VINE STREET. [redacted] STATES SHE REMEMBERED THAT SHE HAD LEFT HER WALLET AND ADDRESS BOOK IN ERIC HORN'S BEDROOM. AFTER STAYING A SHORT TIME THEY ALL LEFT AND WALKED AROUND DOWNTOWN HARRISON RETURNING TO ERIC'S BEDROOM AT APPROXIMATELY 2200HRS. [redacted] STATES THAT [redacted] STATED HE NEEDED TO GET SOME MORE MUSIC TAPES AND LEFT. [redacted] STATES SHORTLY AFTER THAT HEATHER STATED SHE WAS GOING TO GET A GLASS OF WATER AND LEFT THE ROOM. AFTER SEVERAL MINUTES [redacted] STATES SHE LEFT THE ROOM TO CHECK ON HEATHER AND STATES THAT BOBBY PERKINS TOLD HER THAT HEATHER HAD LEFT WITH FRED. [redacted] STATES SHE WENT BACK INTO ERIC'S BEDROOM AND WAS SITTING ON THE BED ARRANGING PHOTOS FROM HER WALLET WHEN THE LIGHTS WERE TURNED OFF. [redacted] STATES IT WAS VERY DARK AND THAT ERIC THEN BEGAN KISSING HER NECK AND CALLING HER "BABY". [redacted] STATES SHE TOLD ERIC, "NO", AT WHICH POINT HE THEN REMOVED HER TWO PAIRS OF SHORT PANTS AND UNDERWEAR. [redacted] STATES THAT ERIC THEN ATTEMPTED TO SPREAD HER LEGS. [redacted] STATES SHE WAS SCARED AND HELD HER LEGS TOGETHER TIGHTLY AND AGAIN TOLD ERIC, "NO". [redacted] STATES THAT ERIC SAID, "WHY ARE YOU FIGHTING ME?", AND CONTINUED TO ATTEMPT TO SPREAD HER LEGS. [redacted] STATES THAT ERIC THEN SPREAD HER LEGS, HELD HER ARMS DOWN AND PUTTING HIS PENIS INSIDE HER VAGINA, RAPED HER. [redacted] STATES THAT SHE HAD JUST FINISHED GETTING DRESSED WHEN SHE HEARD BOBBY PERKINS ANSWER THE DOOR AND HEARD CAROLYN PERKINS KNOCKING ON ERIC'S BEDROOM DOOR LOOKING FOR HER. [redacted] STATES THAT AS SHE WAS LEAVING SHE NOTICED A WET CONDOM ON ERIC'S BEDROOM DRESSER. [redacted] STATES SHE DOES NOT KNOW IF ERIC USED A CONDOM OR NOT WHEN HE RAPED HER.

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Narrative 1 (continued) By: DET. CHUCK LINDSEY Incident I9305637

[redacted] STATES SHE WALKED HOME WITH CAROLYN PERKINS AND IMMEDIATELY TOOK A SHOWER. [redacted] STATES SHE WAS SCARED AND AFRAID TO TELL ANYONE ABOUT WHAT HAD HAPPENED.

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INCIDENT/ PRIORITY/ ACC COM	ACTIVITY/ ADDRESS/ DISPOSITION	OFFICER(S)	RECEIVED/ DISPATCHED/ ARRIVED/CLEARED	DISPATCHER/SUPER/ NATURE/ TYPE

Incident I9305637 (continued)

Persons:

Narrative 1 By: DET. CHUCK LINDSEY Status: Open
Title: SUPPLEMENT

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INTERVIEW WITH FRED KELLY

ON 09/30/93 AT 1950HRS PTL LOWRY INTERVIEWED [redacted]. [redacted] STATED THAT HE HAD BEEN IN ERIC'S BEDROOM WITH HEATHER BOATWRIGHT, ERIC HORN AND [redacted] ON SATURDAY NIGHT. [redacted] STATES THAT HE NEEDED TO GO HOME FOR A FEW MINUTES AND LEFT 308 HARRISON AVE. APT#3 WITH HEATHER BOATWRIGHT, LEAVING [redacted] AND ERIC ALONE IN THE BEDROOM. [redacted] STATES THAT LATER THAT NIGHT HEATHER BOATWRIGHT STATED TO HIM THAT THEY SHOULD GO BACK AND GET [redacted] AS HER SISTER WAS LOOKING FOR HER. FRED STATES HE AND [redacted] WENT TO 308 HARRISON AVE. APT#3 AND FOUND THAT ALL THE LIGHTS WERE OUT AND SO THEY LEFT.

NOTE: THE ENTRY DOOR TO 308 HARRISON AVE. APT#3 HAS TWO WINDOWS ON EITHER SIDE OF IT. THE WINDOW ON THE LEFT IS TO THE KITCHEN AND THE WINDOW ON THE RIGHT IS TO ERIC'S BEDROOM.

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INCIDENT/ PRIORITY/ ACC COM	ACTIVITY/ ADDRESS/ DISPOSITION	OFFICER(S)	RECEIVED/ DISPATCHED/ ARRIVED/CLEARED	DISPATCHER/SUPER/ NATURE/ TYPE

Incident I9305637 (continued)

Persons:

Narrative 1 By: PTL. STEVE WILSON Status: Open
Title: SUPPLEMENT

ON 09/29/93 DET. LINDSEY REQUESTED THAT I RESPOND WITH HIM TO 308 HARRISON AVE #3 FOR AN INVESTIGATION. UPON ARRIVAL AT THE SCENE, PEGGY GARRETT WAS NOT AT HOME. ROBERT PERKINS, WHO WAS AT THE APARTMENT, ADVISED THAT PEGGY WAS AT THE HARRISON ELEMENTARY SCHOOL. DET. LINDSEY REQUESTED ME TO RESPOND TO THE ELEMENTARY SCHOOL AND REQUEST PEGGY TO SIGN A PERMISSION TO SEARCH HER APARTMENT, INCLUDING ERIC'S BEDROOM. PEGGY INQUIRED AS TO WHY WE WANTED TO SEARCH AND WHAT WE WERE INVESTIGATING. I ADVISED PEGGY THAT I WAS NOT ADVISED WHAT THE INVESTIGATION WAS ONLY THAT DET. LINDSEY WAS LOOKING FOR A WALLET AND NOTEBOOK THAT BELONGED TO A YOUNG FEMALE, AND TO REQUEST THE PERMISSION TO SEARCH BE SIGNED. PEGGY ADVISED THAT SHE WOULD NEED TO CALL ERIC AND ASK HIM IF HE WANTED HER TO SIGN THE PERMISSION TO SEARCH. PEGGY CALLED ERIC AND AFTER A BRIEF CONVERSATION, ERIC REQUESTED TO SPEAK TO ME. UPON CONTACT WITH ERIC, HE INQUIRED WHY HPD WANTED TO SEARCH HIS ROOM. I ADVISED ERIC THAT DET. LINDSEY WAS LOOKING FOR A NOTEBOOK AND WALLET THAT BELONG TO A THIRTEEN YEAR OLD FEMALE THAT STATED SHE LEFT THEM IN HIS ROOM. ERIC ASKED WHAT HPD WAS INVESTIGATING AND I ADVISED HIM I WAS NOT ADVISED, THAT I WAS ONLY ASKED TO GET THE PERMISSION TO SEARCH SIGNED. ERIC ADVISED THAT PEGGY COULD GO AHEAD AND SIGN THE PERMISSION TO SEARCH. I ADVISED ERIC THAT I WOULD PUT PEGGY ON THE TELEPHONE SO HE COULD TELL HER. PEGGY AGAIN SPOKE TO ERIC AND ACKNOWLEDGED THAT ERIC WANTED HER TO SIGN THE PERMISSION TO SEARCH AND PEGGY HUNG UP THE TELEPHONE AND STATED SHE WOULD SIGN THE FORM. I CALLED THE COUNSLER WHO WAS HELPING PEGGY WITH HER FORMS BACK INTO THE OFFICE AND SAT WITH BOTH AND READ AND SHOWED THE PERMISSION TO SEARCH FORM TO PEGGY AND ADVISED HER THAT ANY AND ALL EVIDENCE DISCOVERED FOR ANY OFFENSE UNDER INVESTIGATION WOULD BE TAKEN. AFTER READING AND EXPLAINING, PEGGY SIGNED THE PERMISSION TO SEARCH, AND THE COUNSLER SIGNED AS A WITNESS. I RESPONDED BACK TO 308 HARRISON AVE #3 AND DELIVERED THE PERMISSION TO SEARCH TO DET. LINDSEY.

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INCIDENT/ PRIORITY/ ACC COM	ACTIVITY/ ADDRESS/ DISPOSITION	OFFICER(S)	RECEIVED/ DISPATCHED/ ARRIVED/CLEARED	DISPATCHER/SUPER/ NATURE/ TYPE

Incident I9305637 (continued)

Persons:

Narrative 1 By: DET. CHUCK LINDSEY Status: Open
Title: SUPPLEMENT

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INTERVIEW WITH CAROLYN PERKINS

ON 09/39/93 AT 1052HRS DET.LINDSEY INTERVIEWED CAROLYN PERKINS AT HER RESIDENCE AT 407 HARRISON AVE. APT#1. CAROLYN STATES THAT ON SATURDAY SHE WAS AT 308 HARRISON AVE. APT#3 WATCHING T.V. WITH BOBBY PERKINS. CAROLYN STATES SHE SAW ERIC HORN, [redacted], HEATHER BOATWRIGHT AND [redacted] ENTER THE APARTMENT AND GO INTO ERIC HORN'S BEDROOM. CAROLYN STATES SHE WENT INTO THE BEDROOM AND SAW ERIC AND [redacted] SITTING ON THE BED AND THE TWO GIRLS STANDING IN THE ROOM. CAROLYN STATES WHEN SHE LEFT THE ROOM SHE HAD CLOSED THE DOOR. CAROLYN STATES WHEN SHE LEFT THE APARTMENT ALL 4 WERE STILL IN ERIC'S BEDROOM. CAROLYN STATES THAT AT APPROXIMATELY 2230-2300HRS SHE SAW MELANY PERKINS WALKING ON HARRISON AVE. CAROLYN STATES THAT MELANY STATED SHE WAS LOOKING FOR [redacted]. CAROLYN STATES SHE TOLD MELANY SHE WOULD GET HER AND WENT BACK TO 308 HARRISON AVE. APT#3. ON ARRIVAL BOBBY PERKINS ANSWERED THE DOOR AND LET HER IN. CAROLYN STATES SHE ASKED BOBBY IF [redacted] WAS STILL WITH ERIC AND THAT BOBBY HAD TOLD HER HE DID NOT KNOW. CAROLYN STATES THAT THE BEDROOM DOOR TO ERIC'S BEDROOM WAS CLOSED AND THE LIGHTS WERE OUT. CAROLYN KNOCKED ON THE DOOR AND ERIC ASKED WHO IT WAS. AFTER STATING HER NAME ERIC OPENED THE DOOR AND SHE ASKED FOR [redacted]. CAROLYN STATES THAT [redacted] WALKED OUT OF THE ROOM AND SHE THEN WALKED HER HOME. OUTSIDE OF THE APARTMENT CAROLYN STATES SHE ASKED [redacted] IF ANYTHING HAD HAPPENED AND THAT IF SHE HAD SEX WITH ERIC SHE WAS GOING TO SLAP HER. CAROLYN STATES THAT [redacted] DENIED THAT ANYTHING HAPPENED BETWEEN HER AND ERIC. ON ARRIVAL AT [redacted] HOUSE CAROLYN STATES [redacted] IMMEDIATELY TOOK A SHOWER. CAROLYN COMPLETED A WRITTEN WITNESS STATEMENT.

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CONFIDENTIAL

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Single Narrative

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INCIDENT/ PRIORITY/ ACC COM	ACTIVITY/ ADDRESS/ DISPOSITION	OFFICER(S)	RECEIVED/ DISPATCHED/ ARRIVED/CLEARED	DISPATCHER/SUPER/ NATURE/ TYPE

Incident I9305637 (continued)

Persons:

Narrative 1 By: DET. CHUCK LINDSEY Status: Open
Title: SUPPLEMENT

ON 10/05/93 MELANY PERKINS AND [redacted] RESPONDED TO HPD. MELANY PERKINS GAVE DET.LINDSEY A TYPEWRITTEN LETTER FROM MARY FRIEL, A HAMILTON COUNTY SCHOOL PSYCHOLOGIST AND COUNSELOR. MELANY STATED THAT [redacted] HAD DICTATED THE ACCOUNT OF WHAT HAPPENED IN ERIC'S BEDROOM TO MARY FRIEL WHO HAD THEN TYPED IT ON PAPER.

ON 10/06/93 DET.LINDSEY SPOKE TO MARY FRIEL AT 396-5940. MARY STATED THAT SHE HAS KNOWN [redacted] FOR 3 YEARS AND THAT SHE HAS A SEVERE BEHAVIOR HANDICAP AND HAS AN I.Q. OF APPROXIMATELY 75. MARY STATES THAT [redacted] IS RATED IN THE BOTTOM 15% OF CHILDREN HER OWN AGE IN INTELLIGENCE. DET.LINDSEY CONTACTED BILL ANDERSON AND ADVISED HIM OF THE NEW INFORMATION AND FAXED A COPY OF THE LETTER TO 632-5287. FURTHER TO BE SUPPLEMENTED.

CONFIDENTIAL

Single Narrative

INCIDENT/ PRIORITY/ ACC COM	ACTIVITY/ ADDRESS/ DISPOSITION	OFFICER(S)	RECEIVED/ DISPATCHED/ ARRIVED/CLEARED	DISPATCHER/SUPER/ NATURE/ TYPE

Incident I9305637 (continued)

Persons:

Narrative 1 By: DET. CHUCK LINDSEY Status: Open
Title: SUPPLEMENT

ON 10/07/93 AT 1300HRS DET.LINDSEY APPEARED BEFORE THE GRAND JURY AND TESTIFIED IN REGARDS TO THIS CASE. FURTHER PENDING GRAND JURY DECISION.

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n support of the foregoing Motion, defendant submits the ...
is in favor of his being granted "Shock Probation."

Dear, Sir

I would like to start off by saying I did not intend to cause harm o anyone. I was under the influence of drugs and alcohol which clouded my udgement. Under any other circumstances it would never have happened.

I would also like to add mine was a case of consenting sex The only ossible explanation being after her parents found out they pressured her into aying what she said so they could avoid the appearence of they're daughter eing of easy virtue.

I have been incarcerated for three months at the justice center and over one ionth at C.R.C. In that time I feel I have been able to overcome my ddictions. I feel if granted probation I will be able to lead a drug free ife and without that influence will be able to avoid any further incedents.

I had never been in trouble till I was 17 years old. Which was after my isters murder and my drug problems that occured shortly after.

I realize drugs have ruined my life and caused me and my family great pain. If ranted probation I would respond well to drug and alcohol treatment and ny other programs offered. I would welcome the chance to change my life.

In closing I would like to say that all I want is a second chance to rove myself and again be a productive member of society. I feel I will e able to hold a job and meet any requirements made by you or the robation department.

Respectfully submitted,

Eric Daniel Horn

date: 12/21/93
code: GJEI
judge: 014
form: B

* * * * * * * * * * *
* ENTERED *
* DATE : 12-21-93 *
* IMAGE: 163 *
* * * * * * * * * * *

THE STATE OF OHIO, HAMILTON COUNTY

COURT OF COMMON PLEAS

ENTER
12-21-93

Judge: THOMAS C. NURRE

NO. B 937096

THE STATE OF OHIO
VS.

ERIC D HORN

JUDGMENT ENTRY : SENTENCE:

INCARCERATION

Defendant was present in open Court with Counsel EDWARD KELLER on the 21st day of December 1993 for sentence.
The court informed the defendant that, as the defendant well knew, the defendant had pleaded guilty and had been found guilty of the offense(s) SEXUAL BATTERY, 2907.02(A)(2) (F-3) IN COUNT ONE (REDUCED); CORRUPTION OF A MINOR, 2907.04 R.C. (F-3) IN COUNT TWO.

The Court afforded defendant's counsel an opportunity to speak on behalf of the defendant. The Court addressed the defendant personally and asked if the defendant wished to make a statement in the defendant's behalf, or present any information in mitigation of punishment.

Defendant is sentenced to be imprisoned in Department of Corrections for a period of ONE AND ONE-HALF (1-1/2) YEARS DEFINITE ON EACH OF COUNTS #1 AND #2 TO RUN CONCURRENTLY TO EACH OTHER BUT CONSECUTIVELY TO ANY TIME BEING SERVED WITH CREDIT OF FOURTEEN (14) DAYS GIVEN FOR TIME SERVED. DEFENDANT TO PAY COURT COSTS.

Defendant was notified of the right to appeal as required by Crim. R 32(A)(2)

EXHIBIT
35

State of Ohio)
) SS:
County of Franklin)

AFFIDAVIT OF Bruce M. Wheeler

I, Bruce Wheeler, being duly sworn according to law, state the following:

1. Even though I did not want to, I testified in Jeffrey Wogenstahl's Capital trial. I was called by the State of Ohio as a witness against Mr. Wogenstahl.

2. I contacted the prosecutor's office in Mr. Wogenstahl's case before Mr. Wogenstahl went to trial and before I entered a plea in my case.

3. I met with prosecutors in the case a total of approximately four times to prepare my testimony. Each time I met with them it was for about forty-five minutes. I met with Prosecutor Deters the last time. He is an intimidating person.

4. The other three times I met assistant Prosecutor Gibson.

5. I felt that the prosecutors were going to help me with my case I testified. It was implied that I would do less time in prison if I testified.

6. I asked the prosecutors to get me to Ross Correctional as opposed to one of the institutions that was considered more dangerous, if I helped them in Wogenstahl's case. I ended up at Ross Correctional and I believe it was because of my testimony.

7. The prosecutors promised if I testified they would write a letter to the Parole Board on my behalf.

8.

9. B.M.W.

10.

Further Affiant sayeth naught.

Bruce M. Wheeler

Sworn to and subscribed in my presence this 3rd day of September 2014.

NOTARY PUBLIC

MARTHA J. PHILLIPS
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 5/25/16

State of Ohio)
) SS:
County of Franklin)

AFFIDAVIT OF Bruce Wheeler

I, Bruce Wheeler, being duly sworn according to law, state the following:

1. My attorney may have been present the first time I met with the prosecutors in Wogenstahl's case following me enteering a plea on my case.
2. My attorney was not present at the following meetings with the prosecutors.
3. I did not disclose this earlier because I was locked up and I was in a different place in my life.
4. I was not promised anything or coerced or threatened or given anything for either this statement or the statement I provided on September 3, 2014.
5. B.M.W.
6.

7.

8.

9.

10.

BMW

Further Affiant sayeth naught.

Bruce M. Wheeler

Sworn to and subscribed in my presence this 13 day of November, 2014.

Martha Phillips

NOTARY PUBLIC

NOTARY SEAL STATE OF OHIO

MARTHA J. PHILLIPS
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 5/25/16

JOSEPH T. DETERS
HAMILTON COUNTY PROSECUTING ATTORNEY
APPELLATE DIVISION
HAMILTON COUNTY COURTHOUSE
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CINCINNATI, OH 45202
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WRITER'S DIRECT DIAL NUMBER
632-8831

September 27, 1995

(.io Parole Board
Adult Parole Authority
1050 Freeway Drive, North
Columbus, Ohio 43229

Re: Bruce M. Wheeler
Institution No. A266169
Case No. B-925576
Institution: Ross Correctional Inst.

To the Members of the Parole Board:

We are in receipt of your August 28, 1995 notification of release hearing scheduled for October, 1995, on the above named inmate. Our records indicate that this defendant is serving a sentence of 5 to 10 years following conviction for involuntary manslaughter in the above case number.

For your consideration, I have enclosed a copy of our prior letter dated May 24, 1993, written by Richard G. Gibson, the trial prosecutor in this case.

Respectfully,

Ronald W. Springman, Jr.

Ronald W. Springman, Jr.
Assistant Prosecuting Attorney

RWS/mak

EXHIBIT
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May 24, 1993

Ohio Adult Parole Authority
1050 Freeway Drive
Columbus, Ohio 43229

Re: Bruce M. Wheeler, #266169

Dear Sir:

The purpose of this letter is to document for your consideration the assistance which Bruce M. Wheeler provided as a State's witness in the capital murder prosecution of Jeffrey Wogenstahl in case B-926287. While incarcerated in the Hamilton County Justice Center on his pending indictment, Wheeler came into contact with Wogenstahl, who made incriminating statements to him about the kidnapping and murder of a ten-year old Harrison, Ohio girl. Wheeler reported these statements to law enforcement officials and subsequently testified against Wogenstahl at trial; further, Wheeler did so without making any request for leniency or preferential treatment on his own behalf, as is evidenced by the fact that he pleaded guilty as charged and received a maximum sentence.

While we in no way wish to condone or minimize the criminal conduct of Bruce Wheeler which resulted in his incarceration, we did want to make sure that the Board was aware of the fact that, at some personal risk to himself and with no promise of favorable treatment, Bruce Wheeler came forward and gave some very powerful testimony which was helpful in obtaining the capital murder conviction of a cold, brutal murderer. We believe this information will be relevant when Bruce Wheeler is considered for parole. Enclosed is a transcription of

Bruce Wheeler's initial statement to the Prosecutor's Office relating the contact he had with Wogenstahl.

Sincerely,

Joseph T. Deters
Prosecutor, Hamilton County, Ohio

Richard G. Gibson
Assistant Prosecuting Attorney

JTD/RGG/gmo

Encl.
cc: Bruce Wheeler, #266169
Peter Pandilidis, Esq.

Certificate of Service

I hereby certify that a copy of the foregoing **Volume 1 of Appendix to Appellant Jeffrey Wogenstahl's Motion to Remand Case to the Trial Court** was served by U.S. mail addressed to Phillips Cummings, Hamilton County Assistant Prosecuting Attorney, 230 East Ninth Street, Suite 4000, Cincinnati, Ohio 45202 on this 7th day of October, 2016.

By: /s/ Kimberly S. Rigby
Kimberly S. Rigby (0078245)
Counsel for Appellant