

In the Supreme Court of Ohio

State Of Ohio, :

Plaintiff-Appellee, :

vs. :

Case No. **2016-0423**

:

This Is A Capital Case.

Jeffrey Wogenstahl, :

Defendant-Appellant. :

**Volume 2 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
69. Harrison, Ohio Blotter re: Amanda Beard
70. HPD voluntary statement of Mary Jo Puckett
71. HPD voluntary statement of JoAnn Black
72. HPD report re: all witnesses who saw a car on Jamison Road
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

1 Grand Jury, Friday, August 21, 1992 a.m.
Barbara A. Thacker, Reporter

2 B-925576 ;
3 State of Ohio ; Involuntary Manslaughter
4 vs. ;
5 Bruce Wheeler ;

7 MR. GIBSON: This is an involuntary
8 manslaughter, B-925576, the defendant is Bruce
9 Wheeler. This involves a two year old girl whose
10 mother is in love with a Bruce Wheeler, big, strong
11 young kid who was a high school wrestler.

12 They had been out for the evening.
13 They came home, mom takes this young child, Kayla
14 in and lays her down on the bed, to take a nap.
15 This guy comes in, lays down next to mom, and he
16 and mom begin to have sex.

17 The child tries to get up where they
18 are, get to her mom, and the guy, Bruce Wheeler
19 hits her.

20 I think you are going to hear, he hits
21 her with his left hand, kind've back hands her in
22 the stomach and knocks her up against the wall. At
23 which point they stop, they check on her. She
24 seems to be okay, so they take her out of the room
25 and they finish their business, so-to-speak.

1 The evening goes on. She's quiet,
2 she's not eating, but they don't sense anything
3 wrong. Then, as night comes, she goes to bed for
4 the evening, and the defendant, Bruce Wheeler, and
5 mom, begin to drink, and drink, and drink, and
6 drink.

7 Sometime during the night he wakes up
8 to find the baby vomiting profusely, just
9 constantly throwing up.

10 He tries to get her calmed down, tries
11 to put her in the bathtub and wash her off, get her
12 cleaned up, comfort her.

13 Says he tries to wake mom, but she's
14 too intoxicated to get up and check on the
15 daughter. Eventually gets the vomiting stopped,
16 gets her cleaned up, lays her back down.

17 A couple hours later she starts to
18 vomit again. Eventually he goes and manages to get
19 mom awake.

20 By this time the little girl is
21 dehydrated, she's very pale, and they call 911 and
22 run across the street to a firehouse, where the
23 ambulance responds and the girl ends up dying.

24 We have had a postmortem examination
25 done by Lee Lehman. He ruled it is a homicide.

1 That the cause of death is this blunt trauma to the
2 stomach which caused internal bleeding, which
3 caused the throwing up and that, too.

4 So, you are going to hear about this.
5 We have got mom here, and we can call her to the
6 stand, if you want to hear from her.

7 I don't know how candid mom is going
8 to be, because she tells the same story as he does,
9 except she says she doesn't know anything about him
10 hitting the child. She just remembers him picking
11 the child up and putting the child on the floor.

12 Which doesn't make a whole lot of
13 sense. They hadn't been drinking at that time. I
14 don't understand how he can back hand this child
15 with this kind of force and not know how it
16 happened. It stretches the bounds of credibility.
17 Quite frankly, I just don't believe it. But be
18 that as it may, that's what we have.

19 Let me bring Specialist Davis in.
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SPECIALIST WILLIAM DAVIS

Homicide Squad

being first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. GIBSON:

Q. First thing I would like you to do is to introduce yourself, and tell the grand jurors your name, and spell your last name, please.

A. ~~Specialist William Davis~~, I am with the Cincinnati ~~Homicide Squad~~. Last name, D-a-v-i-s. Phone number 352-6956.

Q. Did you have an occasion to be called out to investigate the death of a two-year old child named Kayla Balsters, it would have been on or about July 24, of 1992?

A. Yes. I was notified at home at ~~approximately 8:00 in the morning~~, that there had been an infant taken to the hospital, ~~Anderson Mercy Hospital~~.

~~Anderson Mercy Hospital~~ to that location. I made contact with the doctor there and responded to the office and began our investigation.

Q. Just so we all know what we are talking about, Kayla Balsters, that's B-a-l-s-t-e-r-s, first

Dr. William Lovette, Anderson Mercy ER

1 name is K-a-y-l-a; is that correct?

2 A. That's correct.

3 Q. She would be described as ~~female white~~.

4 ~~Age 11~~

5 A. Two.

6 Q. I show a date of birth, ~~June 10, 1990~~

7 A. That's correct.

8 Q. I have on the summary listed an address of
9 2302 Salvador Avenue, apartment one?

10 A. That's correct.

11 Q. That's over in the Mt. Washington area?

12 A. It is.

13 Q. She lived at that address with her mother;
14 is that correct?

15 A. That's correct.

16 Q. The mother being Angela Balsters?

17 A. That's correct.

18 Q. Anybody else that she lived with?

19 A. No. And Angela and Kayla were ~~born~~

20 ~~born and raised at 2302 Salvador Avenue~~

21 ~~born~~ This is ~~born~~. This is
22 where the child was when it was taken to the
23 eventually to the hospital.

24 Q. This is also in the Mt. Washington area?

25 A. It is.

1 Q. You got involved -- the child's been taken
2 to the hospital, the child is, what, dead on arrival at
3 the hospital?

4 A. For all intents and purposes she was dead.
5 ~~They worked on her for quite a while.~~

6 Q. Efforts were made to revive the child but
7 ~~not successful?~~

8 A. That's correct.

9 Q. Subsequently, the body would have been
10 ~~transported to the coroner's Lab, where Dr. Joe [redacted]~~
11 performed the ~~post-mortem~~

12 A. Yes.

13 Q. Tell us how your investigation proceeded
14 from there.

15 A. Angela Balsters and the defendant, Bruce
16 Wheeler, were ~~both interviewed at [redacted]~~. While we
17 were in process of interviewing them, ~~we received [redacted]~~
18 ~~from Dr. [redacted] that the child had died as a result of~~
19 ~~internal bleeding, an injury to the [redacted] area.~~

20 Q. Initially, what is the story they are
21 telling you?

22 A. Well, basically their stories were
23 conflicting. Without going into a bunch of detail,
24 what occurred is that ~~they both were drinking~~, they
25 both were ~~playing [redacted] where you~~

1 bounce a quarter into a jar or glass and you drink
2 these, you shoot these beers.

3 The baby was in bed, the mother apparently
4 passed out on the couch. The infant had been laying on
5 a makeshift bed, at the bottom -- on the floor at the
6 bottom of the bed.

7 Sometime during the night, according to
8 Mr. Wheeler, he heard the baby vomiting. He got up, he
9 went in and woke up Angela, who had passed out on the
10 couch. Told her that the baby was sick. She stumbled
11 from the living room into the bedroom, where she laid
12 back down on the bed, and he said, what do you want me
13 to do? Do you want me to give the baby a bath or what?
14 And apparently he did that, by his own admission.

15 While he was giving the baby the bath she
16 vomited again, and was nodding off.

17 He took the vomited bed clothing and
18 folded it up, laid it by the front door. He made her a
19 new little bed. He again was awakened sometime later
20 and subsequently he woke the mother up again, and at
21 that point realized that the baby was near death, if
22 not dead at that point.

23 They called 911. She waited very briefly
24 for 911 emergency services to respond. She grabbed the
25 baby up and ran across the street to the firehouse and

1 this is how the child ended up to the hospital.

2 The stories were, like I said, a little
3 different. We thought at that point that the child had
4 been struck by one, either these two or perhaps some
5 other people, you know, because the child was in the
6 care of the father at one point.

7 Q. That was earlier in the day?

8 A. Earlier in the day. The Coroner couldn't
9 give us an idea, with the extent of the injuries, so it
10 was open to anybody.

11 We asked him to take a ~~polygraph exam~~.
12 The polygraph exam was administered to him ~~by~~
13 ~~himself~~. It showed that he was not being totally
14 truthful with us.

15 We questioned him further, and he finally
16 ~~admitted that he had struck the infant at approximately~~
17 ~~1:00 p.m. on the evening of the~~.

18 His statement, and we took ~~it~~
19 ~~from him~~ from him, was, basically, at about 4 o'clock
20 in the afternoon, Angela and him were in the bedroom,
21 they were in the process -- they were making love. ~~At~~
22 ~~the time of the~~, there was some covers involved,
23 they were ~~partially covered~~ and so forth.

24 The infant was alongside them, between
25 them and a wall that the bed was pushed up against.

1 The infant kept crawling on the mother. He indicated
2 that he took his left hand and he demonstrated this to
3 us, in our interview room, and he swung it at the
4 infant.

5 He said he wanted to hit the infant in the
6 shoulder to knock the baby back and away from them two
7 while they were in the process of making love. Instead
8 of hitting the infant in the shoulder, he hit it in the
9 abdominal area.

10 This is how the infant became injured. He
11 indicated he knew he hit the baby, and he was in his
12 pants and that when he did so, she was struck,
13 and she went back against the wall; and, according to
14 the Coroner, she does have an injury to the
15 which would be consistent.

13

16 Q. So he says he struck the baby with the
17 back of his left fist?

18 A. That's correct.

19 Q. He struck her in the area where the
20 Coroner said would be consistent with the injury?

21 A. He demonstrated it. He meant to hit the
22 child in the shoulder and actually hit her in the
23 stomach.

24 Q. He said, also, when the baby fell back the
25 baby fell back against the wall?

1 A. Right.

2 Q. What other injuries did the Coroner find
3 that would be consistent with that?

4 A. Well, the autopsy report has not been
5 signed off on. The only thing I have is the death
6 record report, ~~blunt force trauma to the abdomen and~~
7 ~~head.~~

8 So, it would be consistent with what he
9 said, the back of her head struck the drywall wall
10 alongside the bed, where the bed had been pushed up
11 against.

12 Q. Was -- from that point on, where he admits
13 striking the baby late in the afternoon, before the
14 baby died, was the story consistent, then?

15 A. Pretty consistent, yes, it was.

16 Q. They thought the baby was okay?

17 A. It differs from hers, though. Like I
18 said, that's where the conflict arose. He said when he
19 did so they ~~both stopped what they were doing and took~~
20 ~~care of the child,~~ and they looked at the baby, and,
21 according to him, mom looked at it, and mom said,
22 ~~indicating that the baby is okay.~~ She totally denies
23 seeing him strike her at all.

24 Q. Now, both Wheeler and Angela Balsters,
25 they deny drinking at this time?

1 A. Right. Totally sober.

2 Q. The drinking started later that night,
3 after the baby went to bed?

4 A. That's correct.

5 Q. Okay. Anything else, Billy, that we
6 haven't covered, that you want to add that you think
7 might be helpful?

8 A. No. I think he's being truthful. I don't
9 see why he would make this up. His story is consistent
10 with the injury. The injury is to the abdomen. He
11 admitted striking the baby in the abdomen, and he
12 indicates that the baby's head was struck against the
13 wall when he did so, and this is something that the
14 Coroner found. This is the same type of injury.

15 Q. Can you give the grand jurors some idea
16 what kind of a person is Bruce Wheeler?

17 A. He is [REDACTED]. He [REDACTED] in
18 high school. [REDACTED] He is a
19 [REDACTED]. He lifts weights as a hobby and weights
20 are present in the apartment.

21 Alcohol contributed, no doubt, to this.
22 They both were drinking quite heavily, her more than
23 him. And, like I said, the baby showed signs of being
24 very sick at 2 o'clock in the morning, and I feel like
25 he's truthful. I feel like the baby was throwing up,

1 and I feel that if they both would have had their heads
2 together maybe him, her and him together, they would
3 have sought some medical help together. She probably
4 might have made it.

5 Q. After this incident you indicated that you
6 interviewed the mother of the child, Angela Balsters?

7 A. Right.

8 Q. We just interviewed her again this
9 morning, did we not?

10 A. That's correct.

11 Q. Tell the grand jurors what she indicates
12 about this, or what she was able to tell us?

13 A. She admits they were drinking after the
14 baby was put in bed, they both started drinking. She,
15 by her own admission, passed out on the couch and she
16 was awakened at 4:00 in the morning.

17 I asked her, where were you at when you
18 were awakened by him at 4:00 in the morning? She said,
19 I was in bed. Well, his story is that he woke her up
20 at 2 o'clock, off the couch, and she moved from the
21 couch into the bed. So, I feel that his story is
22 consistent. I feel that he's telling the truth, you
23 know.

24 I think that he did, he woke her up, in
25 fact, at 2:00 in the morning, and told her that her

1 baby was sick, and he, at that point, actually did more
2 than she did, to care for the infant.

3 Q. She, in our interviews with her, we talked
4 to her about when the incident would have occurred,
5 according to Bruce Wheeler, during this love making
6 incident. What does she tell us about that?

7 A. ~~She says it was 4:00, 4:30 in the~~
8 ~~afternoon on the twenty-third.~~

9 Q. Was she able to say whether affirmatively,
10 yes, during this she saw Bruce Wheeler strike the baby?

11 A. No. ~~She denies seeing Bruce strike her,~~
12 ~~ever. She remembers them stopping what they were~~
13 ~~doing, and him removing her from the bed, and placing~~
14 ~~her on the floor.~~ This is after he says he
15 struck her.

16 Q. But she doesn't -- she says she doesn't
17 recall seeing a back-handed blow and seeing the child
18 knocked against wall?

19 A. That's correct. Nor hearing the baby
20 strike the wall.

21 Q. Let me ask you this. Given the way it has
22 been described, does it sound like to you that she is
23 being candid about what she saw and what she knows?

24 A. She is consistent, I must say that. She
25 stuck to her guns, after interviewing her, after he

1 admitted what he had done. Even gave her her
2 constitutional rights at that point and she still said
3 that I didn't see him hit her, nor do I remember
4 hearing her hit the wall.

5 Q. Okay. Anything else that we haven't
6 covered?

7 A. No, that's about it.

8 MR. GIBSON: Do you all have any
9 questions?

10 A JUROR: Did she take a polygraph
11 test?

12 THE WITNESS: No, ma'am. No. The
13 only thing we would have with her would be an
14 abuse, and --

15 A JUROR: I mean to see if she was
16 lying about being aware of this.

17 THE WITNESS: It wouldn't have gotten
18 us anywhere. He admitted what he had done and he's
19 the one that caused the injury.

20 MR. GIBSON: I think the problem we
21 have with her are two things. First off, her
22 saying that there was no drinking when the blow was
23 inflicted, according to both of them. And that he
24 hit her with enough force. And then them being
25 right there together, and she doesn't, she can't

1 tell us affirmatively that he struck the child.
2 That just doesn't sound believable to me.

3 Secondly, that she's too intoxicated,
4 you know, later that night, early the next morning
5 to care for her baby. That maybe if he had been
6 able to wake her up at 2 o'clock and get her to the
7 hospital, then maybe something could have been
8 done.

9 THE WITNESS: Yeah. It's hard to get
10 in this kid's mind and see if he can, you know, at
11 2 o'clock in the morning, does he relate to two
12 problems, him striking the baby, and the baby's
13 sickness. Does he relate that. I don't know, you
14 know, and I'm sure he was beginning to.

15 MR. GIBSON: That's one of the things
16 we were talking about when we talked about the
17 baby, him awakening to find the baby throwing up.
18 The baby is vomiting, it is not that the baby is
19 throwing up blood?

20 THE WITNESS: If it is not vomit, if
21 it was just bloody, ~~if it was blood he would have~~
22 ~~been~~ ~~seriously~~ ~~concerned~~.

23 MR. GIBSON: ~~Which would have caused~~

24 ~~such a quick response to what happened, or relation~~
25 ~~to the two events?~~

1 A JUROR: Where was the baby sleeping
2 when he woke up? Was the baby in the same room
3 with them?

4 THE WITNESS: It is in the same room,
5 sir, but it's on a makeshift little bed, a folded
6 up comforter laying not on the bed but at the foot
7 of the bed, on the floor.

8 A JUROR: So they were both in the
9 same room?

10 THE WITNESS: Yeah. This baby, when I
11 went to the hospital -- I don't know if you want to
12 get into this or not, but when I went to the
13 hospital that morning this child had an old bruise,
14 a good sized bruise on her side, and her forehead
15 was all out of proportion. All these were
16 apparently some sort of injuries that this baby has
17 had prior to her being struck in the stomach.

18 A JUROR: How old was the baby, again?

19 THE WITNESS: Two. The injury to the
20 head, ~~her head looked deformed, the forehead~~
21 ~~was very prominent.~~ That's the first thing I
22 noticed when I went to the hospital. She was dead
23 at that point.

24 MR. GIBSON: But there was some
25 checking on that. They found out she had been

1 taken to the hospital about two weeks before?

2 THE WITNESS: For falling out of bed.

3 MR. GIBSON: Falling out of bed and
4 striking her head on the dresser drawer, which is
5 next to the bed?

6 THE WITNESS: Right. And there is no
7 way we can disprove that.

8 A JUROR: Is there any talk about, was
9 the child crying afterwards, or crying throughout
10 the evening, or anything like that?

11 THE WITNESS: No. The only thing that
12 the child did ~~abnormally~~, according to mother, is
13 ~~didn't eat some pizza~~, and had some milk to drink.
14 Apparently she loves pizza and really didn't eat
15 much.

16 MR. GIBSON: And kind've was quiet
17 that night?

18 THE WITNESS: ~~kind've quiet~~. By his
19 own admission, when he was giving the baby the
20 bath, cleaning the vomit out of her hair and so
21 forth, that she was basically nodding off, and he
22 tried to stand her up and she wouldn't stand. For
23 all intents and purposes she was dying at that
24 point.

25 A JUROR: Did she live in an

1 apartment?

2 THE WITNESS: Yes, sir. it's an
3 apartment building, yes, sir.

4 A JUROR: No neighbors or nothing in
5 the past heard anything, that you know?

6 THE WITNESS: No. You wouldn't have
7 heard anything, this is not -- it's not the baby
8 crying or, I mean the smacking of a kid with your
9 hand. It's not like you hear a gunshot or nothing
10 like that. It's just nothing.

11 MR. GIBSON: Anybody else?

12 Okay. Thanks.

13 THE WITNESS: Do you want mom?

14 MR. GIBSON: Let me see what they want
15 here.

16 (Witness excused.)

17 MR. GIBSON: If you all are
18 interested, we can also call the mother in this
19 case, Angela Balsters. I think you heard what she
20 is going to say, she didn't see it happen, she's
21 convinced he did it but somehow she was right there
22 and didn't see it happen.

23 A JUROR: Is this charge against one
24 or both?

25 THE WITNESS: Only charge against him,

1 because of his admission that he struck the child.
2 There was some talk about bringing charges against
3 her, and there may be charges brought against her
4 yet.

15
5 Let me tell you why there hasn't been
6 to this point. First off, if you believe her
7 story, she didn't see him strike the baby, and the
8 first time she knew anything was wrong with the
9 baby was the next morning, when he woke her up at
10 4:00 in the morning, to say that the baby was very
11 sick, and the baby was vomiting.

12 At that point she did what she was
13 supposed to do. She tried to call 911, and went
14 right to the hospital. So, I mean, she's obviously
15 not a very good mother, apparently, but, there's no
16 way to prove that she was involved in actually
17 inflicting the injury.

18 But, the other thing is this, is that
19 I don't know if this is going to go to trial or
20 not. If we charge her we lost a witness. If we
21 charge her we can't make her testify against him,
22 in the event we need her as a witness against him.

23 Not that she is going to be that great
24 a witness anyway. If we have to try her we are
25 certainly going to call her as a witness. She is

1 here if you want to hear from her.

2 If you think you heard enough as it
3 relates to Bruce Wheeler, I will let it go at that.
4 If you want to hear from her, she's here.

5 THE FOREPERSON: I don't think we need
6 to hear from her.

7 MR. GIBSON: Okay. We are presenting
8 this as one case of, one count of involuntary
9 manslaughter. Involuntary manslaughter, you don't
10 have to intend to cause death, just that you
11 proximately caused the death of another while
12 committing some other type of offense. Obviously
13 he caused the baby's death during his commission of
14 child endangering, or striking the child.

15 If you all have any questions I will
16 be available.

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VOLUNTARY STATEMENT
(not Under Arrest)

I, Michelle Hunt, am not under arrest, nor am I being detained for any criminal offenses concerning the events I am about to make known to Officer Wilson.
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 22 years of age, and I live at 101 N. State W. Harrison. Ind.

On Nov. 23. I was working at Waffle House. Peggy ~~Barrett~~ arrived between 2-2:30 with another girl named Lee. She stayed there til at least 4-5 o'clock. In the morning she sat and drank coffee with her friend. Then they had left together.

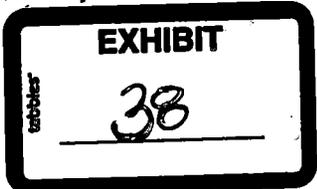
I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at Harrison Police Station this 25 day of 11 19 91

WITNESS: PIC Squibb #489

Michelle Hunt
Signature of person giving voluntary statement.

WITNESS: [Signature] 9/20



FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 12/3/91

MICHELLE HUNT, Apartment #1, 101 North State Street, Harrison, Ohio, was interviewed regarding her knowledge of the disappearance of AMBER GARRETT.

HUNT stated that she works at the WAFFLE HOUSE RESTAURANT on New Haven Road, Harrison, Ohio, and was working Saturday night, November 23, 1991, from midnight through 7:00 a.m. Sunday morning. HUNT recalled that between the hours of approximately 2 and 4:00 a.m., Sunday morning, she saw PEGGY GARRETT and LYNN WILLIAMS at the WAFFLE HOUSE RESTAURANT. HUNT believes that GARRETT and WILLIAMS arrived and departed alone in WILLIAMS white Chevrolet Cavalier. HUNT described GARRETT as not loud or drunk, and who she believed was drinking coffee during the morning hours. HUNT learned of the abduction of AMBER GARRETT Sunday evening from LORETTA GARRETT, AMBER GARRETT's grandmother.

HUNT also recalled that her boyfriend, ANDREW SLATER, told her that PEGGY GARRETT has a tattoo of a five pointed star on her chest.

Investigation on 11/27/91 at Harrison, Ohio

File # 7-CI-59885 - 6/ W/L

by SA EDWARD P. WOODS: jlm

Date dictated 11/29/91

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

EXHIBIT

tabbles
39

#1 Fred Harris
367-4576

#2 Kathy S Roth
637-5307
Jeb -

345 / A 350

W/M Standing at rear

2' from R/R Quarter Started
Acc on Flat. "Almost Stopped"
10' from Suspect ^{Harris's Chevlot} Steer's
Turned & Squared himself for
a "Belliscent Stance" which
Scared BRYAN so much he took-off
BRYAN NOEL

637-1580

23585 MAPLE RIDGE Dr.
Lubus Ind

000497

P.O. Box 286, 200 Harrison Avenue, Harrison, OH 45030



PAGE OF PAGES SUPPLEMENTARY REPORT HARRISON, OHIO POLICE DEPARTMENT OH0311600

| | | | | | | | | | | |
|--|--|---|---|--------|---------------------|--|------|---|--|--|
| 2. FORM USED AS CONTINUATION SHEET FOR CURRENT REPORT <input type="checkbox"/> | | 3. FORM USED TO REPORT FOLLOWUP INVESTIGATION OR SUPPLEMENTAL INFORMATION <input checked="" type="checkbox"/> | | 4. DAY | DATE OF THIS REPORT | TIME | HRS. | 5. NAME OF COMPLAINANT/REPORTING PERSON | | |
| | | | | WED | 11-27-91 | 0425 | AM | PTL TODD ANDERSON | | |
| 6. KIND OF REPORT CONTINUED | | | 7. CORRECT OFFENSE OR INCIDENT CLASSIFICATION | | | 8. STATUS (CHECK ONE) | | | | |
| OFFENSE <input type="checkbox"/> TRAFFIC/ACCIDENT <input type="checkbox"/> ARREST <input type="checkbox"/> | | | FOLLOWUP OR SUPPLEMENTARY <input checked="" type="checkbox"/> | | | MISSING JUVENILE | | | | |
| CLD. UNFD. NOT CLD. E.T. | | | 9. IS FURTHER POLICE ACTION REQUIRED? | | | 10. IF CASE IS CLEARED, HOW CLEARED? (USE CLEAR-UP LIST.) | | | BOX FOR SINGLE CLEAR-UP OR FIRST CLEAR-UP OF MULTIPLE | |
| <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> | | | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | | | <input type="checkbox"/> ARREST & PROSECUTE <input type="checkbox"/> | | | <input type="checkbox"/> COMPLAINANT REFUSED TO PROSECUTE <input type="checkbox"/> | |
| 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 PTL STOGSDILL REQUESTED THAT THE RIO STOP BY 106 S. SYCAMORE TO TALK TO DIANE FRITZ. PTL STOGSDILL AND SPECIAL AGENT ROGERS HAD TALKED TO STEPHEN FRITZ EARLIER IN THE EVENING AND HE STATED THAT HIS WIFE, DIANE, WOULD BE HOME AROUND MIDNIGHT AND SHE HAD INFORMATION ABOUT THE CASE. ON 11-27-91 AROUND 0005HRS THE RIO TALKED TO DIANE FRITZ. DIANE STATED THAT LAST SUMMER AMBER WAS A VICTIM OF AN ATTEMPT RAPE BY 14 YOA MIW. THE MIW WAS UNSUCCESSFUL AND SHE STATES HAD SHOULD HAVE A REPORT ABOUT THE INCIDENT BECAUSE THE K-9 UNIT SEARCHED THE NEIGHBORHOOD FOR THE SUSPECT. DIANE WAS UNSURE IF THE INCIDENTS WERE RELATED BUT SHE FELT WE SHOULD KNOW. DIANE AND STEPHEN STATED THEY HAD NO FURTHER INFORMATION

EXHIBIT
41

27. FILE NO. 21436
28. COMPLAINT NO. 2144-91

| | | | | | | |
|---|----------|---|-----------------------|------------|------------------------------|------|
| 16. EXTRA COPIES REQUIRED (NO. & RECIPIENT) | | 17. ARREST MADE | | ARREST NO. | 18. TOW BY | |
| | | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | | | | |
| 20. LEADS | NCIC NO. | 21. SENT DATE | TIME | HRS. | 22. CANCELLED DATE | TIME |
| | | | | AM | | |
| 29. REPORTING OFFICER | | BADGE NO. | 28. REPORTING OFFICER | | 23. SUPERVISOR APPROVING | |
| PTL Todd Anderson | | 186 | | | [Signature] | |
| | | | | | DATE: 11-27-91 TIME: 2100 AM | |

| | | | | | | | |
|--|--|---|--|--|--------------------------|---|--|
| 2. FORM USED AS CONTINUATION SHEET FOR CURRENT REPORT <input type="checkbox"/> | | 3. FORM USED TO REPORT FOLLOWUP INVESTIGATION OR SUPPLEMENTAL INFORMATION <input checked="" type="checkbox"/> | | 4. DAY | DATE OF THIS REPORT TIME | HRS. 5. NAME OF COMPLAINANT-REPORTING PERSON | |
| | | | | Fri | 11-29-91 0919 | Peggy Garrett | |
| 6. KIND OF REPORT CONTINUED | | | | 7. CORRECT OFFENSE OR INCIDENT CLASSIFICATION | | | |
| <input checked="" type="checkbox"/> OFFENSE <input type="checkbox"/> TRAFFIC/ACCIDENT <input type="checkbox"/> ARREST <input type="checkbox"/> FOLLOWUP OR SUPPLEMENTARY | | | | Missing Person <input type="checkbox"/> CHANGED YES | | | |
| 8. STATUS (CHECK ONE) | | 9. IS FURTHER POLICE ACTION REQUIRED? | | 10. IF CASE IS CLEARED, HOW CLEARED? (USE CLEAR-UP LIST.) | | 11. BOX FOR SINGLE CLEAR-UP OR FIRST CLEAR-UP OF MULTIPLE | |
| <input type="checkbox"/> CLO. UNFR. NOT CLO. E.C. | | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | <input type="checkbox"/> ARREST & PROSECUTE <input type="checkbox"/> COMPLAINANT DIRECTED TO PROSECUTOR <input type="checkbox"/> COMPLAINANT REFUSED TO PROSECUTE <input type="checkbox"/> STATION ADJUSTMENT <input type="checkbox"/> OTHER EXCEPTIONAL | | <input type="checkbox"/> | |
| 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. | |

11-29-91 0919 - Unknown F/W Adult called + stated that she had recieved information from [Amber's] cousin that approx one month ago [Amber] was raped by one of the men who came to the house. The female refused to identify herself or provide any additional information.



| | | | | | | | |
|---|--|--------------------------|--|--------------------------|--------------------|------------|-------|
| 16. EXTRA COPIES REQUIRED (NO. & RECIPIENT?) | | | 17. ARREST MADE | | ARREST NO. | 18. TOW BY | |
| | | | <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | |
| 20. LEADS NCIC NO. | | 21. SENT DATE | TIME | HRS. | 22. CANCELLED DATE | TIME | HRS. |
| | | | | AM PM | | | AM PM |
| 23. <input type="checkbox"/> CONT. ON SUP. FORM | | 24. SUPERVISOR APPROVING | | [Signature] 12-1-91 1500 | | | |
| 25. REPORTING OFFICER | | 26. REPORTING OFFICER | | | | | |
| P. Gambill | | #187 | | | | | |

27. FILE NO.
28. COMPLAINT NO. 2144-91

THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

STATE OF OHIO, : CASE NO. B 9206287
Plaintiff-Respondent, : JUDGE DINKELACKER
vs. :
JEFFREY WOGENSTAHL, : Death penalty case
Defendant-Petitioner. :

Affidavit of Martha Phillips

STATE OF OHIO)
) ss:
COUNTY OF FRANKLIN)

I, Martha Phillips, after being duly sworn, hereby state as follows:

1. I am presently employed by The Office of the Ohio Public Defender as a mitigation specialist and investigator. I have worked as a mitigation specialist and investigator for approximately 16 years. Three of those years were in private practice, while the rest was with the Office of the Ohio Public Defender.
2. As a part of my job duties I was assigned to investigate Jeffrey Wogenstahl's case. I conducted a full investigation of the case. During this process, I conducted interviews with several people, many of whom had never been interviewed about this case.
3. Due to the time that has passed since this case began in 1991, many witness names have changed and people of interest have moved out of the area, or have died. This made the investigation very time consuming and difficult.
4. Peggy Garrett died in August 2015. I interviewed her on June 3, 2015, at her Harrison, Ohio, home:
 - I told Peggy who I was and why I was there, and she invited me in to sit down. Peggy was in a wheelchair, and she told me that she had broken her foot.
 - Peggy said that when she got home in the early morning hours of Sunday morning, November 24, 199 , she looked into the bedroom and saw a tangle of



legs. She assumed Amber was there at that time. Amber and her sister slept in the same bed .

- Peggy told me that she knew Amber had been taken when she saw her glasses sometime later on Sunday morning.
- Peggy told me that Jeff must have changed Amber's clothes before he took her out of the house because Amber was wearing a Loretta Lynn t-shirt when she went to bed Saturday night. The dress Amber was found in had been hanging in the closet.
- Peggy was unaware of a strange man hanging outside of Amber's bedroom window, but she did recall that people often cut through her yard.
- I asked Peggy if she thought it was odd that Eric didn't tell her that Amber wasn't home when they walked past each other on Sunday morning. Peggy told me "No, Eric was only fifteen."
- Peggy told me Justin wasn't home the weekend that Amber went missing. Justin was staying with a friend a couple of streets over.
- Peggy indicated she didn't want to talk anymore, so I thanked her for her time and left.

6. On March 26, 2015, I interviewed Loretta Garrett at her home in Harrison, Ohio:

- Loretta is Amber's paternal grandmother. Loretta had custody of Amber and her brother Matthew while Peggy and her son, Bud Garrett, were in prison.
- Loretta said that even after Peggy regained custody of the children, Amber and her younger siblings would frequently stay with Loretta on weekends.
- Loretta told me that Peggy had exaggerated when she talked about Amber's eyesight. Loretta said that Amber only wore her eyeglasses about half the time.
- Loretta's relative, Ashley, called me after the interview and told me to leave her grandmother alone.

7. On November 14, 2014, and June 3, 2015, I interviewed Brenda Gatliff at her home in Miamitown, Ohio:

- In 1991, Brenda went by Brenda Philpot and lived in Harrison, Ohio, on Harrison Avenue on the corner of Walnut Street. Her apartment was above a laundromat and close to the fire station. The apartment was also about a block from Peggy Garrett's apartment.

- Brenda said that her daughter, Annette, was best friends with Amber Garrett. Brenda said that Annette went by Ida when she was a child.
 - Brenda said her son Ricky was friends with Justin and Eric Horn.
 - Brenda told me that most Sundays, her daughter, Annette, and her son, Allen, attended church in Bright, Indiana. The church sent a bus to pick them up in front of her house. Brenda said she recalled on the morning that Amber disappeared, her daughter went to church on the bus. Brenda could not remember the name of the church.
 - Even though Brenda's kids were friends with Peggy's children, Brenda told me that she would never let them go over to Peggy's house because there were always people in and out of Peggy's apartment, and they used drugs. Brenda didn't want her children around that.
 - Brenda told me that she recalled that she and some other people were going to go search for Amber in the area where Amber's body was eventually found. Eric and Peggy told her they had already searched that area.
 - Brenda told me she didn't recall Peggy coming to her house the Sunday Amber went missing.
 - Brenda told me that she doesn't recall the Harrison Police asking her or her kids anything about Amber. Brenda said her daughter did identify the dress Amber was wearing when she was found as one Annette had lent to Amber to wear to church.
 - Brenda also told me that when Annette was a child, some man was stalking her in his car. The man would follow Annette around in his car. Annette took down his license plate number and reported it to the police. Brenda thought it was reported to Steve Matthews, who was the neighborhood cop. Brenda said the license plate was an Indiana one.
 - Brenda told me that she had never been contacted by Jeffrey Wogenstahl's attorneys. If she had, she would have told them what she told me.
 - Brenda told me she didn't want to sign an affidavit not because what she had said wasn't true but because she didn't want to be involved. It's a small community, and she knows Amber's family.
2. I interviewed Annette Knox (formerly known as Ida Philpot) on November 19, 2014, when she stopped by her mother's house, Brenda Gatliff, whom I was interviewing. I interviewed Annette again on January 22, 2015, at her house, and via phone on February 15, 2015:

- Annette told me that Amber had been one of her best friends. Annette said she and Amber would frequently attend church together on Sunday and usually rode the church bus. She could not remember the name of the church.
- Annette recalled that the church bus usually stopped at Amber's house and picked up Amber and then went on to Annette's to pick up her and her brother, Allen.
- Annette said she didn't like riding the church bus without her brother because the church bus driver, Chuck Pennington, was odd.
- Annette said she remembered November 24, 1991, like it was yesterday. She recalled that the church bus driver was late picking her up that day. According to Annette, the bus would usually arrive at her house between 8:45 and 9:00 a.m., but that day he didn't arrive until 9:30 a.m. Annette said that he was also driving his personal vehicle instead of the bus.
- Annette said when she got on the bus she realized Amber wasn't there and asked Chuck if they could drive back by Amber's house. He did, and Annette knocked on Amber's door, but no one answered.
- Annette said she got home from church that day around 12:00 p.m., changed clothes, and went to see if Amber was home. Peggy came to the door and told her Amber wasn't home and that she'd gone to church. Annette told Peggy Amber hadn't gone to church. Annette said that Peggy told her Amber must be playing with a friend.
- Annette said she walked back to her house to see if Amber had gone to her house. Amber wasn't there, so she walked back to Peggy's house and knocked on the door again. This time Eric Horn answered the door. There was also a third person Annette didn't know in the apartment this time. Annette said Eric told her they assumed Amber was out with her friends.
- Annette also recalled that her brother, Ricky, and Justin Horn were friends and had been hanging out earlier that weekend. Annette said that it was odd that she didn't see Justin that day with her brother because they were usually together.
- Annette told me that her mother, Brenda, never let her go inside Peggy's house because her mother didn't like that there so many people in and out of there and there was a lot of alcohol and drug use. Annette said her mother also thought they were selling drugs out of the apartment.
- Annette also told me that after Amber's body was found she went to the police station to identify the dress Amber was wearing. Annette had lent the dress to Amber to wear to church because Amber didn't have any dresses. This was the only time Annette spoke to the police about Amber.

- Annette told me that in 1991, the police station was in the same building as the fire station. Annette recalled there was a phone outside the office and someone would always answer it.
- Annette told me she was never contacted by Jeffrey Wogenstahl's attorneys at trial or after. She stated that she would have spoken to them if they had contacted her.

3. I interviewed Pam Petti (formerly known as Pam Reamer) via phone on April 15, 2015:

- Pam told me that she lived in Harrison, Ohio, on Kater Avenue a few blocks away from Amber Garrett in November of 1991. Pam said that Amber was one of her closest friends.
- Pam said that Amber was at her house almost every day. Pam said she would occasionally spend the night at Amber's house, but Amber's mother, Peggy Garrett, was often away, so Amber usually stayed with her instead.
- Pam recalled that Amber looked out for her younger siblings, Matthew and Shaina. Pam recalled that Shaina and Matt's dad, Bobby Perkins, was very protective of them. Pam said that Shaina spent a lot of time with Bobby. Pam also recalled that Amber and Justin were close, but Amber and Eric didn't get along.
- Pam recalled an incident in 1991, she thought around July 4th, when she and Amber were playing in the woods behind the Community Center. They saw a man watching them. He started to walk towards them, and she and Amber ran. Pam said Amber tore her shirt on a thorn bush. Pam didn't recognize the man.
- Pam said that she had the same fifth grade teacher as Amber. She recalls they had to keep a journal. She also recalled Amber was very depressed at that time.
- Pam also recalled that during the summer of 1991, there was some creepy guy who frequently stood outside of Amber's bedroom window. Pam said that one time Amber's window was open, and the man tried to talk to her. According to Pam, Amber told Bobby Perkins about it, and he chased the man away. Pam said Bobby called the police to report the man. Pam never saw the man's face, but Steven Matthews of the Harrison Police Department came to Peggy's apartment to investigate. As far as Pam knew, the man was never caught. Pam said that Amber was afraid to stay in her bedroom, and that was another reason why she stayed at Pam's house so often.
- Pam said she would go to church with Amber occasionally. She would catch the bus at Amber's house because it didn't go to her house. The church was in Bright, Indiana. She could not remember the name of the church.

- Pam recalled that when Amber went missing, Peggy sent Matthew Garrett to her house to try to find her. Pam said her dad helped in the search.
- Pam told me that she had never been contacted by Jeffrey Wogenstahl's attorney's at trial or later. Pam said no one from the police, FBI, or prosecutor's office ever contacted her, either. Pam said if she had been contacted she would have spoken with them.
- Pam told me she didn't want to sign an affidavit.

4. On June 23, 2015, I interviewed Tammy Schuck (formerly known as Tammy Reamer):

- Tammy is the daughter of Diane Reamer and the younger sister of Pam Patti (fka Reamer).
- Tammy told me that she grew up living near the Garretts and her sister, Pam, was friends with Amber Garrett. Tammy said although she wasn't close to Amber she saw her often because of Amber and Pam's friendship.
- Tammy said that Amber spent a lot of time at their house. Tammy felt that Peggy never cared where Amber was or when she got home. Tammy said Peggy was usually drunk or high.
- Tammy told me that she would occasionally go over to Amber's apartment with Pam to get Amber. She said they would wait outside for Amber.
- Tammy said that Peggy was a known drug user and there was always a massive amount of people in her apartment. The back door to Peggy's apartment was usually open, and there were frequently a lot of motorcycles parked outside.
- Tammy said she vividly remembered one time she and Pam went to get Amber. She said she looked through the door and saw Peggy and group of people sitting around a table. There was a mirror with white powder, a straw, and a razor on it.
- Tammy told me Amber would complain about some of the men who were hanging out inside the apartment. One time, Tammy said she watched as Amber walked by them on her way outside, and some of them rubbed her hair and legs. Tammy didn't feel that it was normal even at the time. She said it looked like pedophile stuff to her. Tammy said they were adult men doing that. Amber told Tammy her mother saw the men doing that to her but would just laugh about it.
- Tammy was aware that Eric Horn sold drugs back in 1991. She also recalled seeing Peggy and Eric sharing a joint on their front porch one time.
- Tammy said she was never contacted by the police, but they did come to her house to take a bottle of her sister's nail polish.

- Tammy said her sister was really affected by Amber's death since she was so close to Amber.
- Tammy said that she was never contacted by the prosecutor or Jeff's attorneys. She told me she would have talked to either if they had contacted her.

5. On May 5, 2015, and June 16, 2015, I interviewed Delores Reed over the phone:

- Delores served as a juror on Jeffrey Wogenstahl's capital murder case.
- Delores told me that she took her duty as a juror very seriously and listened to everything presented in the case very, very carefully.
- Delores told me she thought the victim's mother was definitely involved and that she'd probably sold Amber for drugs or money in the past. She told me that she recalled other jurors felt the same way and wanted the mother charged. She said it was her belief that the mother and brother had probably gotten their story together to cover up that the mother was drunk.
- Delores told me that had she known the brother was lying about selling drugs her verdict may have been different. She said that Eric Horn's story about how Mr. Wogenstahl tricked him to get him out of the house was one of the most important pieces of evidence. She said at the time she thought Mr. Wogenstahl was despicable for playing that trick.
- Delores also recalled that she and another juror were initially not going to vote for the death penalty and that if life without parole had been an option it may have changed her verdict.
- Delores told me that she couldn't be certain because the trial was so long ago but the new mitigation evidence that I relayed to her about Wogenstahl's childhood also may have made a difference in her verdict.
- Delores told me that she had never been contacted about her service as a juror in this case since the trial. She told me that if she had been contacted she would have talked about it as she did with me.
- I asked Delores to sign an affidavit about what she told me. Delores told me that the information was accurate but that she did not want to be involved and would not sign an affidavit.

6. On September 8, 2016, I interviewed Kathy Roth on her front porch along with another investigator, Annette Hall:

- Kathy said she remembered the case well. We asked her how she felt about her experience as a witness in the case, and she somewhat angrily replied that it was bad.
 - When asked if she remembered how many times she talked to the police and prosecutors, she said “It’s been 25 years.”
 - Kathy told us that she still works at the same Skyline Chili in Harrison although the restaurant is now located down the road from its 1991 location.
 - We asked her about the photo arrays she was shown by the police. She recalled them and added that she wasn’t sure about her identification and said that “they knew.” When asked when she was sure about her identification, Kathy said that she was only sure when she saw Wogenstahl in court.
 - During approximately the middle of the interview, Kathy said she will never testify again in this case.
7. I tried to interview Ricky Philpot but he told his mother he would not talk to me if I was working for Jeff Wogenstahl.
 8. I tried to interview Allen Philpot but was told by his mother and sister that he did not want to talk to me.
 9. I tried to interview Robert Perkins, Barbara Goins, Jay Goins, Robert Brock, Vicki Mozena, and Martha M. Myers but records indicate they are deceased.

Further affiant sayeth naught.

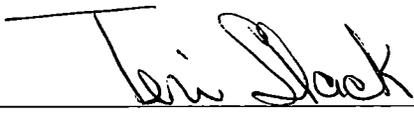


 Martha Phillips

Sworn to and subscribed before me on this 5th day of October, 2016.



TERI SLACK
 NOTARY PUBLIC, STATE OF OHIO
 MY COMMISSION EXPIRES Apr 9, 2017



 Notary Public

COMPLAINT NO. 877-91
 NAME OF COMPLAINANT - REPORTING PERSON Amber N. Harrett
 CORRECT OFFENSE OR INCIDENT CLASSIFICATION Importuning 2907.07

**PRELIMINARY INVESTIGATION
 Solvability Factors Checklist**

- | | Yes | No |
|---|-------------------------------------|-------------------------------------|
| 1. Can the suspect be named? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Can the suspect be identified | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Is the address of the suspect known? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Can the suspect be located? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Is the suspect's license plate number known? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Was there a identifiable vehicle used? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Is there traceable property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. Were there identifiable latent fingerprints? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9. Is there a significant or distinct modus operandi? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 10. Was there a limited opportunity to commit the crime? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 11. Is there reason to believe that the crime will arouse such public interest that public assistance will lead to a solution of the crime? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 12. Are there other reasons to believe that further investigative efforts would lead to the solving of the crime? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

INSTRUCTIONS: If ANY of the above solvability factors have a "yes" answer, an investigative supplement must be completed and a follow-up investigation will be conducted.

If ALL of the solvability factors are checked with a "no" response, the reporting officer shall immediately advise the complainant or victim that the case will be suspended inactive unless or until investigative leads develop, at which time the case will be reopened and a follow-up investigation conducted.

FOLLOW-UP INVESTIGATIVE CHECKLIST

INSTRUCTIONS: Officers assigned to conduct a follow-up investigation must complete the following investigative checklist prior to closing or suspending the investigation of the case.

- | | Yes | No |
|--|--------------------------|--------------------------|
| 1. A "second contact" was made with the victim. | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. All witnesses, suspects & other persons having knowledge of the crime have been interviewed. | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. All physical evidence has been collected, preserved, processed, analyzed, and results reviewed. | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. All identifiable stolen property has been entered into NCIC. | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Victim has been apprised of change of status (closing or suspension in an "inactive" status) in the case. | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Department files and reports have been reviewed to discover any similar "modus operandi" cases | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. All other investigative leads have been exhausted. | <input type="checkbox"/> | <input type="checkbox"/> |

CASE STATUS

Officer Assigned to Follow-up Investigation _____
 Date by which second contact must be made _____
 Criminal Investigative Section
 Officer Reviewing Report _____

Case closed: (Suspended)
 Cleared: _____
 BY EXCEPTION



IMPORTANT MESSAGE

FOR Ed
DATE 1-7-93 TIME _____ A.M.
M. Peggy Barrett P.M.
OF _____
PHONE 367 0891
AREA CODE NUMBER EXTENSION

| | | | |
|--------------------|-------------------------------------|-------------------|-------------------------------------|
| TELEPHONED | <input checked="" type="checkbox"/> | PLEASE CALL | <input checked="" type="checkbox"/> |
| CAME TO SEE YOU | <input type="checkbox"/> | WILL CALL AGAIN | <input type="checkbox"/> |
| WANTS TO SEE YOU | <input type="checkbox"/> | RUSH | <input type="checkbox"/> |
| RETURNED YOUR CALL | <input type="checkbox"/> | SPECIAL ATTENTION | <input type="checkbox"/> |

MESSAGE _____

Barb. Soins RE:
Jeff Entzel "Older Boy friend
of Amber's"

SIGNED _____
LITHO IN U.S.A.

EXHIBIT
45

Barb. 738-0583

Barb Goins said that Peggy had a stroke and is in Providence Hosp.

Barb Goins also advised that Amber told her about 2 weeks before she was killed that she had a boyfriend named Jeff and she wasn't allowed to tell what the last name was. Blond hair girl was there with Amber. Barb is going to find out the girls name.

PT Mathews

VOLUNTARY STATEMENT
(not Under Arrest)

I, DOUGLAS DAULTON, am not under arrest, nor am I being detained for any criminal offenses concerning the events I am about to make known to HARRISON POLICE DEPARTMENT
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 23 years of age, and I live at 6959 MORGAN ROAD CLEVELAND, OHIO 44102

On or about the 3rd of October 1992 at 6:30-7:45 PM, I was standing in front of 117 Harrison Avenue (Harrison Karate & Judo) talking with Bob Hess.

We heard a young child screaming a few seconds later a girl, with blond hair (shoulder length) glasses, wearing a pink and white shirt, and 3/4 length pedal pusher type pants (possibly with a flower design on them), ran out of the alley between two stores across the street from the Karate dojo. She was between 8-10 years of age. She crossed the street and started to run by myself and Bob. Because she was screaming so loudly we stopped her and asked her what was wrong. She was crying and said something like "nothing, nothing, nothing" and then pulled away and ran east on Harrison Avenue until the corner of Harrison & Walnut then turned north on Walnut, still screaming. As she turned the corner, 2 teenage males came across Harrison Avenue on Walnut at a full run right behind her. The teens were between 13 & 16. One had spiky blond hair, the other longish (shoulder length) dark hair. They were both wearing jeans, the blond had a blue & white shirt. When we saw the boys chasing her, we dropped all of our stuff and chased after them. By the time we turned the corner of Harrison & Walnut, the girl and the boys were gone. We could hear her yelling but could not see her. We asked some people who were sitting on the porch of the house next to the Savings & Loan. They said they had not seen anything. I went back to Bob and called either 911 or direct to Harrison Police Dept and Bob continued to look for her. The police officers took our information and continued to look around the neighborhood. We left it to the police. When we saw the picture of Amber Garnett in the newspaper, it looked like the girl that we saw almost dead on the street, so we decided to come down and file an official statement.

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 11-29-91 ^(CNO) Harrison Police Dept, this 29 day of NOVEMBER 19 91

WITNESS: [Signature]
WITNESS: [Signature] 3/70

[Signature]
Signature of person giving voluntary statement.

EXHIBIT
46

Phone # (513) 353-2770 (Home)
(513) ~~226~~ 4606 (WORK)

VOLUNTARY STATEMENT
(not Under Arrest)

I, Robert Hess, am not under arrest, nor am I being detained for any criminal offenses concerning the events I am about to make known to Harrison P.D.
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 41 years of age, and I live at 6235 Morgan Rd. Cleves, Ohio
45002 Ph. 353-1530

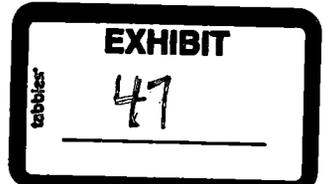
On about the 3rd of Oct. At 6:15 to 6:30 there was a little blonde headed girl that came running out of the alley across from the Dojo. She was crying and screaming. We tried to talk to her for a second and she ran to the corner. We just stood there for a second and then two young men ran across the street chasing her. We took off running and when we ran the corner there was no one in sight.

One of the young men had long brown hair & jeans the other had blonde hair & jeans.

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 29th day of Nov 1991

WITNESS: [Signature]
WITNESS: [Signature] 9/30
Robert P. Hess
Signature of person giving voluntary statement.



FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 12/3/91

LORETTA GARRETT, white female, date of birth September 26, 1935, was interviewed regarding the disappearance of her granddaughter, AMBER GARRETT. Present during the interview was Patrolman STEVE MATTHEWS, Harrison Police Department.

GARRETT stated that she is the natural grandmother of AMBER GARRETT. Her daughter-in-law, is PEGGY GARRETT, who is married to her son, ROBERT J. GARRETT, also known as (AKA) BUD.

ROBERT GARRETT is the father of AMBER and MATTHEW.

GARRETT stated that she first learned of the disappearance of AMBER GARRETT from her son, at approximately 10:00 p.m., on Sunday evening, November 24, 1991.

GARRETT was questioned as to whether she had any knowledge of a small ruby birthstone-style ring, which had been found on AMBER GARRETT. LORETTA GARRETT stated she had no knowledge of this ring or of the red puffy-sleeved blouse with yellow pattern, which had also been worn by AMBER GARRETT.

GARRETT stated she had heard from her other daughter, BARBARA GOINS, that she had found a book on the occult in a box of items which were cult related in the apartment of PEGGY and ROBERT GARRETT when they were both arrested in 1983. After this arrest, LORETTA GARRETT had custody of AMBER and MATTHEW for three and a half years.

LORETTA GARRETT stated that AMBER GARRETT had told her in the past that her mother, PEGGY GARRETT had "drugs" in the house.

GARRETT stated that she has no knowledge of JEFFREY WOGENSTAHL.

Investigation on 11/27/91 at Harrison, Ohio

File # 7-CI-59885-59

by SA EDWARD P. WOODS:jlm

Date dictated 11/29/91

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EXHIBIT

48

11-27-91 1934

Loretta Garrett G-MA

Matthew Garrett Brother (8)

Matt

went to bed at 8:30pm woke at 8:00am

Sleeps on fold out chair

Mommy brought in Shannon approx 1hr later already asleep

Amber went to bed at 8:30pm on Big Bed next to wall

Matt watch Pin + Snippy (sic) Nickelodeon

1st Inspector Gadget

Mother ~~is~~ in her bedroom asleep got out of bed at 11:00am

Amber was not there

Mom asked Matt why didn't he tell her Amber wasn't there

Matt advised she usually sleeps on floor of Mom's bedroom

is not in Amber's bed.

Loretta

Advised Matt cried 1st time tonight

Bio is father of Amber + Matt

1st learn Amber missing Sun. night 10:00pm

Never gave Ruby colored Ring

Never seen anything reference Satanic (Peggy)

Adv. Barb Coats seen boxful of Satanic Items in 1983

Adv. Amber told her Peggy brings in drugs

Being
35 with
A 1:1

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 12/2/91

Miss KIM BISCHOFF, #4 South Timber Hollow Drive, Apartment 417, Fairfield, Ohio, telephone number 829-9536, was telephonically contacted at her residence. She was advised of the identity of the interviewing agent and the nature of the investigation. She advised that she is a fifth grade teacher at the Harrison Elementary School in Harrison, Ohio, telephone number 367-4161. BISCHOFF stated that she is the homeroom teacher for AMBER NICOLE GARRETT.

Miss BISCHOFF described AMBER as a very smart, neat and studious little girl with excellent work habits. She advised that AMBER usually maintained an A average in her work, however had problems with bringing homework back to school.

Miss BISCHOFF also further described AMBER as a leader and indicated that she considered AMBER to be very serious concerning her work.

Miss BISCHOFF advised that she had spoke to PAM REAMER, a friend of AMBER's, who had stated that AMBER had told her that her mother, brother, and her mother's boyfriend engages in dealing drugs. BISCHOFF advised that her brother had wanted AMBER to get a tatoo with the word ICE in the tatoo.

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

by SA DOUGLAS R. KNIGHT:jlm Date dictated 11/29/91

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EXHIBIT

49

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 12/3/91

RILDA KAISER, 505 Pinhook Road, West Harrison, Indiana, date of birth April 6, 1970, Social Security Account Number [REDACTED] was interviewed at her residence and provided the following information:

KAISER stated that she met JEFFREY WOGENSTAHL approximately three months ago at a bar called HORNSBY's in Miamitown, Ohio. He told her that he was a truck driver who had just moved into the area and did not know anyone. KAISER described him as a "loner."

KAISER agreed to go out with WOGENSTAHL and did so on two occasions. On their first date, KAISER and WOGENSTAHL went to some local bars. On their second one, they went to his apartment. KAISER described WOGENSTAHL as "weird" and stated that she did not like him. He has an "odd character" and something did not seem right." Despite his advances, KAISER stated that she was not interested in him.

On the second occasion, at his apartment, KAISER engaged in sexual activity with WOGENSTAHL. She described him as forceful and stated that he "wouldn't take no for an answer." He talked about ropes and tying her up. He asked her for anal intercourse but she refused. He seemed to get more forceful when she said no. However, he made no threats and did not hurt her.

KAISER stated that she introduced WOGENSTAHL to PEGGY GARRETT several months ago, sometime between the two times she went out with him. The introduction took place at a bar called THE ESCAPE in Harrison, Ohio. PEGGY GARRETT's sister, BARBARA, is KAISER's great aunt.

KAISER stated that WOGENSTAHL never came to her house although he knew that she lived on Pinhook Road. She stated that she never saw WOGENSTAHL around any of GARRETT's children. The last time that KAISER saw WOGENSTAHL was several days after he had been arrested for driving under the influence (DUI).

KAISER stated that WOGENSTAHL liked to drink and she had seen him smoke pot. He also had told her that he uses cocaine.

KAISER stated that she had heard rumors about PEGGY GARRETT being a drug supplier, but could not confirm that. She said that GARRETT "knows everybody" and has a lot of "biker-type" friends who hang out in Miamitown.

Investigation on 11/27/91 at West Harrison, Indiana File # 7-CI-59885-27 W/C

by HARRY M. BOYD, JR. and SAS RICHARD A. RYBOLT:jlm Date dictated 12/2/91

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EXHIBIT

50

Gerhard E. Ullmann
10071 Duck Rd

367-2884 home

(812) 537-8220 224 ext
(Dearborn Co. Hospital)

Tues/Wed night

8-9 yrs. boy

\$8000 left at hosp. for P.U.

Joe Bauer be present

(David Buddenburg)
on tape

Peggy Garrett owed \$8,000.00
for drugs

Harrison School

Lawrenceburg P.D. possible
took report + has tape

5:45 pm Tue/Wed



1-71 Jamison Ref

12-3-91

- ✓ - TALK to Harrison Motors ref. JEFF'S CAR - JACK 367-5553
- ✓ - Polygraph Peggy - setup w/ Engle ~~man~~ 2:00pm
- ✓ - Find Beth Long + speak to parents about JEFF 367-6249 Left messages
- ✓ - Ask Peggy
 - ✓ - NAMES + TX'S OF ALL uncles about ring (Shawn Garsett 738-0844) JEFF GOINS ?
 - ✓ - Who's Toby (FRANKENSTEIN) Any mud on pants of JEFF when last seen (No) (Booker) (BAOGOR)
 - ✓ - Name bartender's Hornsby's + Flicker
- ✓ - NAME, Address, TX girl Skyline who saw JEFF on Jamison Creek
- ✓ - Check Carpet Cleaner no answers
 - NAMES w/ stars by them
- ✓ - Return TX messages
 - TX Shawn Donovan ref still Photo's of lineup (763-4647) no answer
- + - Get statement Barb Goins?

Jessica Terry Troy Russel told boys of anonymous caller that Peggy owes money for drugs. (2107 hours)

- ✓ ^{Homes} 367-6815 367-5553 Robert Snyder Harrison Auto + Truck Sales - Mgr unknown
 - 831-5060 Ron Smith - ex mgr unknown
 - WAS NOT CLEANED / Had been cleaned, then bought
 - Bought Cinti Auction - Toyota had prior ~~15~~ Oct.
 - Just swepted not WASHED by Auction

Dan's Junkyard

scissor Jack handle

Kathy Ross 1108 hrs

TX Harrison Counseling Center 367- 0294

Phillips



12-5-91

Check UOF Roof

New Haven to Edgewood (L)
1st intersection Baughman (R)
Deadends Oxford (L)
(R) onto Willey Rd
Deadends 128 (R)
Turn (L) Trailer Park R-hand side

Buo Garrett

Girlfriend's sister Linda Campbell 931-9720

Heard from friend, DEALS DRUGS IN HARRISON
Peggy got in too deep in debt. and sold her car
to Dealer.

367-9495

11-6-91 0025

Jeff Smyth advised Wogenstahl TX'd him and wanted him
to witness that the car parked in lot has been there for
a couple months. Said he did not do this, the cops have very
little to link him. Wants Smyth to talk w/ Enquirer.

EXHIBIT

53

COUSIN:

SHE WAS ROPED
BY ONE OF MEN WHO
CAME IN THERE.

EXHIBIT

54

exhibits

GNEEDAK Office's wife
Worked Emmerson Nottosp.
Believes Amber was treated for
SEX Abuse about 6 mo ago

Charlene MacCalloso
(Phil Withholder) driving
To church believes she saw
A w/m in Field Jacket, dark blue
stocking cap
Wht/2dr, Trunk open, standing
there w/ his back to her
At exact 8³⁰

P.O. Box 286, 200 Harrison Avenue, Harrison, OH 45030

EXHIBIT

55

Ms. Burke (Volo Money for Amber Garrett)
751-3023

Water

Metal Det "Throw a Tire Iron"
bodies.

Mark Rogers - 2 guy's

Knows a lady whose husband
Roger Biddle works at Ford

Sandy's Sister works at a Book Store

Pessy Supposedly at Waffle House crying
that she had really F/U'd cause she had sold
for Amber \$1,500.00,

Sandy Ackers'

EXHIBIT

tabler

56

| | | | | | | |
|--|--|---|--|--|---|--|
| 2. FORM USED AS CONTINUATION SHEET FOR CURRENT REPORT <input type="checkbox"/> | | 3. FORM USED TO REPORT FOLLOWUP INVESTIGATION OR SUPPLEMENTAL INFORMATION <input checked="" type="checkbox"/> | | 4. DAY DATE OF THIS REPORT TIME | 5. NAME OF COMPLAINANT-REPORTING PERSON | |
| | | | | Fri 11-29-91 1100 AM | Peggy Garrett | |
| 6. KIND OF REPORT CONTINUED | | | | 7. CORRECT OFFENSE OR INCIDENT CLASSIFICATION | | |
| <input checked="" type="checkbox"/> OFFENSE <input type="checkbox"/> TRAFFIC/ACCIDENT <input type="checkbox"/> ARREST <input type="checkbox"/> FOLLOWUP OR SUPPLEMENTARY | | | | Missing Person <input type="checkbox"/> CHARGED YES | | |
| 8. STATUS (CHECK ONE) | | 9. IS FURTHER POLICE ACTION REQUIRED? | | 10. IF CASE IS CLEARED, HOW CLEARED? (USE CLEAR-UP LIST.) | | 11. BOX FOR SINGLE CLEAR-UP OR FIRST CLEAR-UP OF MULTIPLE COMPLAINTS |
| <input type="checkbox"/> CLD. UNFD. NOV. CLD. <input type="checkbox"/> CLD. <input checked="" type="checkbox"/> | | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | <input type="checkbox"/> ARREST & PROSECUTE <input type="checkbox"/> COMPLAINT DIRECTED TO PROSECUTOR <input type="checkbox"/> | | <input type="checkbox"/> COMPLAINT REFUSED TO PROSECUTE <input type="checkbox"/> STATION ADJUSTMENT <input type="checkbox"/> OTHER EXCEPTIONAL |
| 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 11-29-91 at approx. 1030 Hrs while I was picking up copys of rental contracts of carper cleaners. I obtained information that Russell Holton of L+B Equipment Rental may have information relevant to the case. At 1100 Hrs I responded to L+B advised Russell of his rights. He (Russell) provided me with a verbal + written statement. That (Julie) a waitress from the Waffle House told him Russell that Peggy Garrett was in Waffle House the day before [Amber] disappeared + was broke. then two days later. Peggy returned + claimed to have \$1500.00 in her purse.

| | | | | | | | | |
|---|--|--|--|------------------------------|--|--|--|----------------|
| 16. EXTRA COPIES REQUIRED (NO. & RECIPIENT) | | 17. ARREST MADE | | 18. TOW BY | | 15. STATE FORM TO FOLLOW | | 27. FILE NO. |
| | | <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | <input type="checkbox"/> YES <input type="checkbox"/> NO | | |
| 20. LEADS NCIC NO. | | 21. SENT DATE TIME HRS. | | 22. CANCELLED DATE TIME HRS. | | 23. CONT. ON SUB. FORM | | 28. COMPL. NO. |
| | | | | | | <input type="checkbox"/> | | |
| 25. REPORTING OFFICER | | 26. REPORTING OFFICER | | 24. DATE | | 29. EXHIBIT | | |
| A. M. R. Cambill #187 | | | | 12-1-91 | | 57 | | |

| | | | | | | | | |
|--|--|---|--|--|---------------------|---|---|---|
| 2. FORM USED AS CONTINUATION SHEET FOR CURRENT REPORT <input type="checkbox"/> | | 3. FORM USED TO REPORT FOLLOWUP INVESTIGATION OR SUPPLEMENTAL INFORMATION <input checked="" type="checkbox"/> | | 4. DAY | DATE OF THIS REPORT | TIME | 5. NAME OF COMPLAINANT - REPORTING PERSON | |
| | | | | TU | 12-10-91 | 1815 | Mathews / PH | |
| 6. KIND OF REPORT CONTINUED | | | | 7. CORRECT OFFENSE OR INCIDENT CLASSIFICATION | | | | CHANGED |
| OFFENSE <input type="checkbox"/> TRAFFIC/ACCIDENT <input type="checkbox"/> ARREST <input type="checkbox"/> FOLLOWUP OR SUPPLEMENTARY <input checked="" type="checkbox"/> | | | | AGE Murder / Kidnapping | | | | <input type="checkbox"/> YES |
| 8. STATUS (CHECK ONE) | | 9. IS FURTHER POLICE ACTION REQUIRED? | | 10. IF CASE IS CLEARED, HOW CLEARED? (USE THIS BOX FOR SINGLE CLEAR-UP OR FIRST CLEAR-UP OF MULTIPLE CLEAR-UP LIST.) | | 11. COMPLAINTANT DIRECTED TO PROSECUTOR | | 12. COMPLAINTANT REFUSED TO PROSECUTE |
| LD. UNFD. NOT CLD. E.T. | | 1 YES 2 NO | | ARREST & PROSECUTE <input type="checkbox"/> | | COMPLAINANT REFUSED TO PROSECUTE <input type="checkbox"/> | | STATION ADJUSTMENT <input type="checkbox"/> |
| 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. |

Jack Brewer (637-2415) TX'd HPD AND ADVISED THAT PEGGY Encrett was heard at the layout AS SAYING " He said that he wasn't going to beat her that bad" AS she was going down the steps. Brewer advised that the following people heard Peggy say this.

EDNA PETERS, Yvonne Harold AKA SUE Harold, AND PATTY RIDER.
 No known TX's

*** CONFIDENTIAL ***

| | | | | | | | | | | | |
|-----------------------|--|-----------------------|--|---|--|-----------------------|--|--------------------|--|---|-----------|
| 20. LEADS | | 21. SENT DATE | | 22. CANCELLED DATE | | 23. CON. ON SUP. FORM | | 24. SUPERV | | 25. STATE FORM TO FOLLOW <input type="checkbox"/> YES <input type="checkbox"/> NO | 26. COURT |
| NCIC NO. | | DATE | | DATE | | SADGE NO. | | SADGE NO. | | 2220-91 | |
| 25. REPORTING OFFICER | | 26. REPORTING OFFICER | | 17. ARREST MADE | | 18. TOW BY | | 19. PROP. INV. NO. | | 27. FILE NO. | |
| PH Mathews | | PH Mathews | | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | | | | | | 2220-91 | |
| SADGE NO. 289 | | SADGE NO. 16-10 | | | | | | | | 22 | |

EXHIBIT
58

H.P.D. 12-6-91 1215hrs

Int. w/Ollie + Tracey Wolf 367-4176
339 S/E 1st St.

Jamie Weimeyer (lives in the Apt above Perry)
has a big Hunting Knife
been going to K Marts saying they'll find
her body in Bright but I don't know if she'll
still be alive

EXHIBIT

59

for Interview w/ Pessy Sargent 11-30-91, 1530

- 1) TAPE (VHS) Interview (And Audio)
- 2) EXACT Details of Amber's Day (SAT) & EVE
 - A) Did she go to the store
 - B) Was there an Argument w/ Pessy
 - C) Was she spanked or struck before being put to bed
 - D) Last Time ANYONE (WHO?) actually saw Amber (When/How)
- 3) EXACT details of Pess day
 - A) What time did Pess last actually last see Amber
 - B) What was her condition (Tired / upset, etc.)
 - C) Was Amber upset because she wanted to spend the night at a girl friend's
 - D) To the best of her recollection EXACTLY what did Pessy do SAT EVE!
 - E) EXACTLY what did Pessy do Sunday up until the time H.P.D. became involved
 - F) Who is the X girl friend that introduced her and Jeff
 - G) When did this happen

EXHIBIT

number

60

Int. @ H.P.D. 11-30-91 1900 hrs (Approx)

Peg Garrett + S/O

Amber Stayed in (As did Mato Sheenu)

All-day

Sent her to ISA (Jeff was there about 4 PM) (between 4 & 5)

Debby Hall saw her leaving ISA

Tami came over

So Jeff went to eat (either Empress or McDonalds)

Jeff came back 20 min or 1/2 hr.

Jeff seemed down in the dumps

Jeff said I'm going to rent some movies

Got laid off Monday.

Thru Reald's Fultz on Pinhook

About 6 weeks ago Escape or Hornsby's

"Z" rock concert across from Hornsby's

Took Eric to it -

Rode w/ Lisa Farmer and Chrissy

Put her down about 8³⁰ or 9⁰⁰

Her and Mat, Shana Stayed w/ Peg on the couch till 1015 when she fell asleep

"Scooted Amber's big butt over and put Shana in the bed.

Had the Lonetta Lynn T Shirt on

She almost always sets her glasses on the dresser

Eric had gotten there about 3 or 4

Peg left about 10³⁰ or 11 to Charlie's

Met LYNN there About Midnight
Ruby, Guy used to live above James
Bowlen and his Two Sons

Buster was sitting there -

2 shots of Rum After Lyn got there
Some friends of Lyn's came in so they
moved to the back

Left About 20 Till 10⁰⁰ and drove
directly to Hornsby's

Soon as they walked in Peg saw
Jeff sitting at the Bar.

Said he got bored and came out
Said he got there about 20 min. before
Natalie was working and Jeff was
drinking fast

They left Hornsby's about 0215 -
and drove directly to Flicker Inn to
talk to "Badger" (Arriving about 220 or 225)

Stayed almost till 3⁰⁰, Bought the girls
a round on the Tab

Advised Peg he was low on funds

left Flicker Inn about 3⁰⁰ AM

Arriving there at 5 after 3⁰⁰, advised
Jeff they were probably going to Waffle House
traveled Harr. Ave, Arriving probably at 3¹⁵
SAT on two stools (Raida used to work at
PFC's w/ Lynn) She wasn't w/ Joe

Peg & Lyn left approx 4¹⁵ drove directly to Troy's.

No lights on,

Said Erik was up, said some Dude came by the house and said you needed him here, Troy said Erik was there only a few mins.

They sat there Bullshitting till Peg realized it was almost 5⁰⁰ and they started to leave w/ Troy called Lyn back and said he'd go w/ them and they dropped Peg off in front of her apt at 5⁰⁵

Checked the first Bdr for Justin and he wasn't there

There door was just cracked, Peg looked in and saw Ann's leg's Pillow's etc.

Fell asleep in the Chair.

Shena & Mat woke Peg up about 10 saying they were Hungry. (one wanted this and the other wanted that) Peg said ask Amber what she wants and that's when Mat told her Amber wasn't there.

Peg checked to see what clothes were missing and couldn't see any thing

About 12 Peg ran Mat down to Paul Hall and Brenda Phillips apt (on top of the Laundry-Mat

Justin & Steve had gotten home.
Steve was supposed to be home by 8⁰⁰ but he slept thru the Alarm.

Mat came back and told Peg, Hall & Phillipot hadn't seen her.

She then saw Mat around to a few of her Friends (Ambers) w/ Neg. results.

Erick came in about 3 or 3³⁰ Sunday Afternoon and that's when Peg finally got the full story about Jeff's visit the previous night.

In the meantime Justin and Steve had gotten up and gone back to Steve's house.

Walked Mat. to the corner and had him check w/ Liz DeVore & Debby Hall.

Ran Mat up to Steve's for Justin.

They came over to the P.D. about 4 or 4³⁰.

They decided (Peg) to go check out Jeff's.

Went to Troy's first and he wasn't home, so they went Pat Bussell's and Peg told her that Amber was missing.

They checked by the PD (No one there).

Then back to Peg's apt when Troy-Hossie stopped by Peg's and she told them the story.

Peg, Tracy Justin Stevens & Mat went down to Jeff's, she told Stevens and Mat to stay on the stairs to run in case she needed help.

They nearly beat on the door then and Jeff answered the door.

Peg said "Hey Dadz are you hard to get up or what,

He (JEFF) SAID yea I been in the bed room w/ the door closed.

Peg SAID yea but we beat on the windows and you still didnt hear us

JEFF SAID he ran out to get some things to eat and Peg ran a line on him and SAID something to the effect: No you didnt cause I've had some one watching your apt.

At some time during the afternoon the car was moved from the side lot (off S/walnut) to the front lot by FSA's

Int. Term @ 1945 hrs

| | | | | | | | |
|--|--|---|--|--|--|--|--|
| 2. FORM USED AS CONTINUATION SHEET FOR CURRENT REPORT <input type="checkbox"/> | | 3. FORM USED TO REPORT FOLLOWUP INVESTIGATION OR SUPPLEMENTAL INFORMATION <input checked="" type="checkbox"/> | | 4. DAY DATE OF THIS REPORT TIME Mon 11-25-91 1500 PM | | 5. NAME OF COMPLAINANT-REPORTING PERSON PTL CR Lindsey | |
| 6. KIND OF REPORT CONTINUED <input checked="" type="checkbox"/> OFFENSE <input type="checkbox"/> TRAFFIC/ACCIDENT <input type="checkbox"/> ARREST <input type="checkbox"/> FOLLOWUP OR SUPPLEMENTARY | | | | 7. SUSPECT OFFENSE OR INCIDENT CLASSIFICATION Missing Person 2151.08 (3400) <input type="checkbox"/> YES <input type="checkbox"/> NO | | | |
| 8. STATUS (CHECK ONE) CLO. UNFR. NOT CLO. I.C. <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> | | 9. IS FURTHER POLICE ACTION REQUIRED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | 10. IF CASE IS CLEARED, HOW CLEARED/USE CLEAR-UP LIST: <input type="checkbox"/> ARREST & PROSECUTE <input type="checkbox"/> COMPLAINT DIRECTED TO PROSECUTOR <input type="checkbox"/> COMPLAINT REFUSED TO PROSECUTE | | 11. BOX FOR SINGLE CLEAR-UP OR FIRST CLEAR-UP OF MULTIPLE <input type="checkbox"/> STATION ADJUSTMENT <input type="checkbox"/> 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. | |

Jeff's car and drove to the Apt. above Jake's Mecca Cafe. Peggy WAS not there and Eric walked back to 308 Harrison Ave. Upon his return he found the door unlocked; Eric states he definitely locked the door and checked before going with Jeff. Eric states at approx 0330 while checking the house he noticed Amber was gone. Eric states he left 308 Harrison at 0500hrs on 11-24-91, Peggy Garrett WAS not home. Eric states seeing Peggy at 1600hrs and then told her of the events.

The Comp states she has spent the whole day checking for Amber with friends. The Comp states thinking Amber was at Church with friends. The Comp states Amber has never run away and is happy at home. PTL Lindsey contacted S70 and advised of all events.

PTL Lindsey responded to 304 S. State #4 to speak with Jeff Wogenstahl. Jeff made a written statement in which he states he played a practical joke on Eric by getting him to go to Troy's Apartment. PTL Lindsey again telephoned S70 and PTLs Benjamin and Lindsey responded to 308 Harrison Apt #3. Peggy allowed a search of her residence and PTL Lindsey observed Amber's glasses on a living room table. Peggy states NONE of Amber's clothes or shoes are missing and that even the night-shirt she slept in was still there. PTL Benjamin used Rex to scent the night-shirt and then checked 308 Harrison with negative results (CONT)

| | | | | | | | |
|--|--|---|--|-------------------------|--|--|--|
| 16. EXTRA COPIES REQUIRED (NO. & RECIPIENT) ONE TO S70 | | 17. ARREST MADE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | 18. TOW BY | | 19. STATE FORM TO FOLLOW <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | |
| 20. LEADS NCIC NO. 790E91 | | 21. SENT DATE TIME 11-29-91 1830 PM | | 22. CANCELLED DATE TIME | | 23. CONT. ON SUP. FORM <input type="checkbox"/> | |
| 24. SUPERVISOR APPROVING | | 25. REPORTING OFFICER PTL CR Lindsey | | 26. REPORTING OFFICER | | 27. FILE NO. 22269 | |
| 28. COMPLAINT NO. 2194-91 | | 29. DATE | | 30. TIME | | 31. HRS. | |

VOLUNTARY STATEMENT
(not Under Arrest)

I, Cheryl Hadley, am not under arrest, nor am I being detained for any criminal offenses concerning the events I am about to make known to STEVE MATHEWS

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.

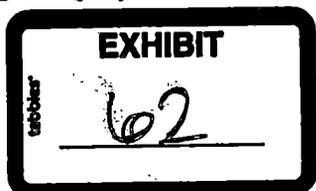
I am 31 years of age, and I live at 411 High St

I gave Brenda Philpot clothes to give to a family who could use them about 2 or three months ago. The red dress with white spots on the lower part was one of the dresses that was in the box or shopping bag that went to Brenda. My daughter Michelle put the clothes to small or big for her in the box. Michelle Beckel also wrote a statement

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 Harrison P.D., this 6 day of DEC 19 91

WITNESS: Steve Mathews + Cheryl Hadley
WITNESS: _____ Signature of person giving voluntary statement.



VOLUNTARY STATEMENT
(not Under Arrest)

Brenda Philpot, am not under arrest, nor am I being detained for any criminal offenses concerning the events I am about to make known to STEVE Mathews
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 35 years of age, and I live at 105 North Walnut St I received some clothes from a friend (Sherry Hadley) around a month ago. I in turn took them to Peggy Harvett's home and gave them to her for her daughter Amber.

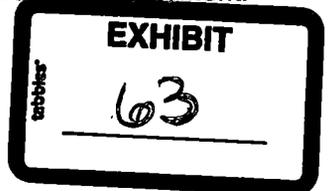
I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at Harrison P.D., this 6th day of DEC., 1991

WITNESS: PH Steve Mathews

WITNESS: [Signature] 1/70

Brenda Philpot
Signature of person giving voluntary statement.



VOLUNTARY STATEMENT
(not Under Arrest)

I, Michelle Bickel, am not under arrest, nor am I being detained for any criminal offenses concerning the events I am about to make known to STEVE MATTHEWS
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 12 years of age, and I live at 411 High St.

I put that dress in the box for the poor family.

Red, white, with black buttons the dress.

Photographs of the dress that Steve Matthews showed me was the dress that I gave the Philpot.

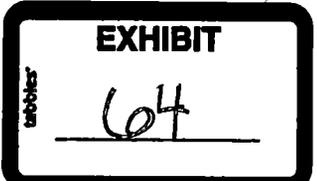
I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at Harrison PD, this 6 day of Dec 19 91

WITNESS: Phil Steve Matthews

Michelle Bickel
Signature of person giving voluntary statement.

WITNESS: _____



Charlene

Macaluso

637-5296

Saw a white car
by guard rail on

Sunday morning

around 8:30 a.m.

Green army jacket

on m/w 5:10 - 5:10 1/2

at Jamison Creek
near or at scene.

EXHIBIT

tabbies

65

Matt Barnes

2675 Jamison Rd.
637-9092

wife will be home after 13⁰⁰ hrs.

Saw a car pulled off the
road Sunday nite about 12³⁰ a.m.

13th -
17th 63⁰ Billy
Beckell
18th - 637-5800

King

632-8546



To Sgt. Bettinger
 Date 12/4 Time 11:07 AM PM

WHILE YOU WERE OUT

M. Susan Crowder
 of 732-7111 or 732-7340 wk
 Phone 367-2907 hm.

| Area Code | Number | Extension |
|-----------|--------|-----------|
| | | |

| | | | |
|-------------------|--------------------------|-----------------|--------------------------|
| TELEPHONED | <input type="checkbox"/> | PLEASE CALL | <input type="checkbox"/> |
| CALLED TO SEE YOU | <input type="checkbox"/> | WILL CALL AGAIN | <input type="checkbox"/> |
| WANTS TO SEE YOU | <input type="checkbox"/> | URGENT | <input type="checkbox"/> |

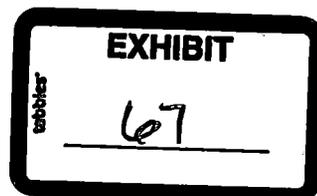
RETURNED YOUR CALL

Message She has some info regarding Amber Garrett. She seen 2 trucks on Jamison Rd one was a brown truck with KY plates. She said they were

Operator

 AMPAD EFFICIENCY®

REORDER #23-000



HARRISON POLICE DEPT.
P. O. BOX 286
200 HARRISON AVE.
HARRISON, OHIO 45030-0286

LOCATION: Harrison at Hill

TIME: 4:00 PM

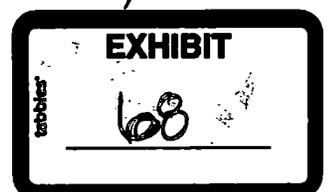
VEHICLE: ^{DARK} BLUE P/U with whitecap (small?)

Direction: going towards Indiana

OBSERVED: Leaning against window of truck
Crying, wearing jean overalls - definitely Amber

DRIVER: BLACK hair, beard, mustache/
M/W / 37 yrs

Reporting Person: Amanda Beard 367-5323
4th grade 201 Park Ave Apt #6



Patrol
Follow up?

IN 98864T - Parked S/B in front of Jakes (AMANDA said it could be truck
IN 99890T - Parked E/B NEXT TO corner cafe on W. Harrison Ave

HARRISON, OHIO POLICE DEPT. OH031160
 BLOTTER

DATE 11/25/91

PAGE NO. #329

| OFFICER | BADGE NO. | BEAT NO. | RADIO NO. | CRUISER NO. | ON DUTY | OFF DUTY | MILES COVERED | GAS/OIL |
|------------------|-----------|----------|-----------|-------------|---------|----------|---------------|---------|
| PTL C. LINDSEY | 190 | 8H21 | 1706 | 901 | 2300 | 0800 | | |
| Ptl. T. Anderson | 186 | 8H31 | 1710 | 2 | 2300 | 0700 | | |
| Ptl. N. Koopman | 389 | 8H32 | 1712 | 892 | 2300 | 0700 | | |
| Ptl. S. Jenkins | 188 | 8H11 | 1703 | 902 | 0700 | 1500 | | |
| Ptl. C. Petty | 288 | 8H12 | 1701 | 901 | 0700 | 1500 | | |
| Sgt. T. Keenan | S80 | 8H80 | 1715 | 911 | 0700 | 1500 | | |
| SGT J. TREMAIN | S82 | 8H82 | 1707 | 911 | 1500 | 2300 | | |
| PTL C. LINDSEY | 190 | 8H21 | 1706 | 901 | 1500 | 2300 | | |
| PTL S. WILSON | 489 | 8H31 | 1701 | 902 | 1900 | 2300 | | |
| PTL D. BENJAMIN | 589 | 8H45 | 1704 | 1 | 1900 | 0700 | | |
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| DATE | DETAIL NO. | MILITARY TIME | DETAILS & DISPOSITION | OFFICER NO. |
|----------|------------|---------------|---|---------------|
| 11/25/91 | 22276 | 0027 | T/S - I-74 at West Rd - IN 92950T - ARR# 2-2715-91 | 190 |
| | | | TOW # 511 - Michael A. Becker - DUI | |
| | 22277 | 0046 | HPD - Process ARR#2-2715-91 - CIT#27669 and 27670- | 190 |
| | | | PR#1686-91 - DUI case jackets | 389 |
| | 22278 | 2303 | HPD ref:child endanger rpt#2145-91 | 186 |
| | 22279 | 0124 | BiG Lots ref:Autoi accident#AA-320-91&DUI arrest | 186/389 |
| | 22280 | 0220 | HPD.Took urine sample from E.Hess for DUI | 186 |
| | 22281 | 0310 | 304 S. State St. APT#4 - surveillance | 190 |
| | 22282 | 0715 | Evidence collection from 304 S. State St | S70/289/190/2 |
| | 22283 | 0930 | HPD ref. missing report#2146-91 Tammy Reamer | 188 |
| | 22284 | 1150 | 108 S. Sycamore ref. accidental overdose report#2147-91 | 188 |
| | 22285 | 0730 | May Dr. Business checks. | 288 |
| | 22286 | 0750 | Scales -Cit#27981. | 288 |
| | 22287 | 0830 | Sig.2 Ref Rep#2148-91. | 288 |
| | 22288 | 0920 | Scales -Cit#27982,27983. | 288 |
| | 22289 | 1000 | Memories. film. | 288 |
| | 22290 | 1015 | AOP Supplies. | 288 |
| | 22291 | 1045 | H.P.D. Ref rep#2149-91. | 288 |
| | 22292 | 1120 | Scales RefMeasure Oversize. | 288 |
| | 22293 | 1231 | 103 Treeline Ct. Rep#2150-91./ | |
| | 22294 | 1305 | H.P.D. Pumps Car#901. | |
| | 22295 | 1312 | Memories. Film. | |
| | 22296 | 1325 | A.O.P. Supplies. | |

EXHIBIT
 69

| DATE | DETAIL NO. | MILITARY TIME | DETAILS & DISPOSITION | OFFICER NO. |
|-------|------------|---------------|---|-------------|
| | 22297 | 1405 | 310 S. State St. #6. Ref Lead on Missing. | 288 |
| | 22298 | 1435 | Speedway. Rep#2151-91. | 288 |
| | 22299 | 1900 | Skyline Chili - silent 911 - false alarm - see alarm card | S82 |
| | 22300 | 0715 | HPD ref. briefing by C-90 | 188 |
| | 22301 | 0745 | 10941 New Haven ref. follow up on auto accident | 188/186 |
| | 22302 | 0845 | 10941 New Haven ref. follow up on auto accident | 188 |
| | 22303 | 0853 | TRans Laura Grubbs to HPD | 1888 |
| 22300 | 22034 | 0903 | PHECC ref. emergency trans | 188 |
| | 22035 | 0930 | N.State ref T/S -verbal warning | 188 |
| | 22036 | 1045 | Memories ref. drop off film | 188 |
| | 22037 | 1100 | 111 S. Sycamore ref. ret wheelchair from V.Waller | 188 |
| | 22038 | 1215 | HPD ref. suppl missing report#2146-91 | 188 |
| | 22039 | 1245 | 312 Dair ref. escort welfare dept to apt | 188 |
| July | 22040 | 1320 | VFW ref. 19 W/9S20 ref. mounted patrol | 188 |
| | 22041 | 1345 | TxFranklin Co. SO ref. missing report#2146-91 | 188 |
| | 22042 | 1540 | scales ref. cit#28051 | 188 |
| | 22043 | 1730 | Trans J/Wogenstahl to CJC | 188 |
| | 22044 | 2310 | WAFFLE HSE. INFO FOR S-70 | 389 |
| | 22045 | 2320 | 310 S. STATE STR. ATTEMPT TO LOCATE (1) | 389 |
| | 22046 | 0015 | COMMUNITY CENTER SEARCH AREA | 389 |
| | 22047 | 0320 | NEWH.RD BUSINESS CHECKS | 389 |
| 40 | 22048 | 0330 | BP OIL BUSINESS CHECKS | 389 |
| | 22049 | 0340 | HERBERT MOTORS BUSINESS CHECKS | 389 |
| | 22050 | 0350 | MOBIL DRY FORK RD. BUSINESS CHECK | 389 |
| | 22051 | 0430 | SHELL FOLLOW UP T/A | 389 |
| | 22052 | 0500 | ASSIST S-70 PROCESS INFO & CRIME SCENE | 389 |
| | 22053 | 1100 | CORONERS LAB PROCESS EVIDENCE | 389 |
| | 22054 | 0145 | SPEEDWAY THEFT RPT# | 389 |
| | 22055 | 1640 | 201 Park - transport Amanda Beard around block to identify suspected blue pick up containing A.Garrett | 190 |
| | 22056 | 1715 | HPD - Pub Svc - 637-3889 - no name | 190 |
| | 22057 | 1745 | BIG LOTS - report of stray animal - GOA | 190 |
| | 22058 | 1815 | HPD - Pub Svc - 637-3093 - no name | 190 |
| | 22059 | 1846 | Scale # 8 - CIT#27671 | 190 |
| | 22060 | 1946 | HPD - Pub Svc - 637-5647 - Whitt | 190 |
| | 22061 | 2010 | Scale # 8 - CIT#28076 and CIT#28077 | 190 |
| | 22062 | 2100 | Scale # 8 - P/O CIT#28076 | 190 |
| | 22063 | 2125 | LaRosa's - report of susp person - Jamie Wehmeyer - SOW | 190 |
| | 22064 | 2145 | HPD - DUI case jackets | 190 |
| | 22065 | 2100 | HPD REF SUPP TO RPT#2144-91 | 489 |
| 11/11 | 22066 | 2220 | T/S - New Haven at I-74 - OHB901530 - vbl wrng | 190 |

VOLUNTARY STATEMENT

DATE 11-29-91 PLACE 10570 Harrison Avenue TIME STARTED 0830

I, the undersigned Mary Jo Puckett, am 46 years of age, my date and place of

birth being the 22nd day of Jan 1945, at Cinti., OH

I now live at 2144 Picnic Lane #51 Lawrenceburg, In 47025

Before answering any questions or making any statements, Pt. M.R. Gambill #187

a person who identified himself as a Police Officer

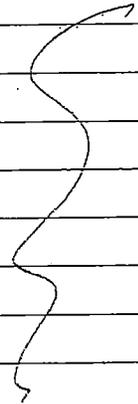
duly warned and advised me, and I know and understand that I have the following rights: That I have the right to remain silent and I do not have to answer any questions or make any statements at all; that any statement I make can and will be used against me in a court or courts of law for the offense 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.

On Monday Nov. 25th I was on my way to work at about 4:10^{AM} - 4:15^{AM}. I was late. As I came down and around the hill I remember seeing an old, dark, small car off to the side of the road (right side of the road). I remember thinking what a bad place to break down. I didn't stop, for I saw no-one in or by the car.

The car may have been reddish in color, top door. Reddish as in rusty-red, not bright red. M.J.P



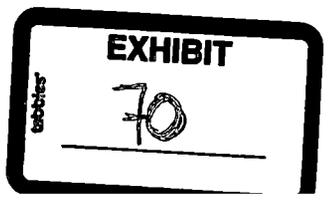
I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct. I further certify that I made no request for the advice or presence of a lawyer before 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 0837 AM M. on the 29th day of Nov. 1991

WITNESS: Pt. M.R. Gambill #187

Mary Jo Puckett
Signature of person giving voluntary statement

WITNESS: _____



VOLUNTARY STATEMENT
(not Under Arrest)

I, Jo Ann Black, 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 Matthews
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 35 years of age, and I live at 1885 Jamison Rd., West Harrison, In. 47060.

I'm not sure if it was Saturday or Sunday morning (6:00 AM) I was going to work, came upon a car that was stopped on the curve, slipped its lights on and went on down the hill. There was two cars that was coming up the hill, I thought you stupid jerk they could have caused an accident. I know the car had Ohio tags because I called him a worthless nut. It was a big car like the size of a Monte Carlo. I'm almost sure it was brown. I know I followed it across the bridge.

I saw this car parked on Jamison at the top of the hill.

I have read each page of this statement consisting of ___ 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 Harrison Police Dept., this 1 day of December 19 91

WITNESS: Off. Steve Matthews

WITNESS: [Signature]

Jo Ann Black - 637-3270
Signature of person giving voluntary statement.

Work - Waffle House
367-4964



| | | | | | |
|--|---|---|--------------------------|--|---|
| 2. FORM USED AS CONTINUATION SHEET FOR CURRENT REPORT <input type="checkbox"/> | 3. FORM USED TO REPORT FOLLOWUP INVESTIGATION OR SUPPLEMENTAL INFORMATION <input checked="" type="checkbox"/> | 4. DAY | DATE OF THIS REPORT TIME | HRS. | 5. NAME OF COMPLAINANT-REPORTING PERSON |
| | | TU | 12-10-91 | 1715 | Mathews / RU |
| 6. KIND OF REPORT CONTINUED | | 7. CORRECT OFFENSE OR INCIDENT CLASSIFICATION | | | CHANGED |
| <input type="checkbox"/> OFFENSE <input type="checkbox"/> TRAFFIC/ACCIDENT <input type="checkbox"/> ARREST <input checked="" type="checkbox"/> FOLLOWUP OR SUPPLEMENTARY | | ACC. Murder / Kidnapping | | | <input type="checkbox"/> YES |
| 8. ATVS (CHECK ONE) | | 9. IS FURTHER POLICE ACTION REQUIRED? | | 10. IF CASE IS CLEARED, HOW CLEARED (USE CLEAR-UP LIST) | |
| <input type="checkbox"/> USED <input checked="" type="checkbox"/> NOT USED <input type="checkbox"/> C.L.D. <input type="checkbox"/> | | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | <input type="checkbox"/> COMPLAINT DIRECTED TO PROSECUTOR <input type="checkbox"/> COMPLAINT REFUSED TO PROSECUTE <input type="checkbox"/> STATION ADJUSTMENT <input type="checkbox"/> 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. | | | |

On 12-6-91 Mathews + Bettinger set up Followup investigations with the following individuals to find out what they knew about this case.

Michelle Bickel and Sherry Hooley reference the red dress
 Mary Jo Puckett, Brian Noel, Harold Bergman, and Jo Ann Block reference an auto on Jamison Rd.
 See statements received.

*** CONFIDENTIAL ***

EXHIBIT
 72

| | | | | | |
|---|----------|---------------|--------------------------|------------|--------------------|
| 17. ARREST MADE | | ARREST NO. | | 18. YOW BY | |
| <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | | | | |
| 20. LEADS | NCIC NO. | 21. SENT DATE | TIME | HRS. | 22. CANCELLED DATE |
| | | | | | |
| 23. REPORTING OFFICER | | BADGE NO. | 24. SUPERVISOR APPROVING | | |
| Mathews | | 289 | [Signature] | | |
| 25. REPORTING OFFICER | | BADGE NO. | 26. REPORTING OFFICER | | |
| Mathews | | 289 | [Signature] | | |

22. FILE NO. 24199
 2220-91
 66178

55

| | | | | | | | |
|---|--|---|--|--|--------------------------|---|--|
| FORM USED AS CONTINUATION SHEET FOR CURRENT REPORT <input checked="" type="checkbox"/> | | FORM USED TO REPORT FOLLOWUP INVESTIGATION OR SUPPLEMENTAL INFORMATION <input type="checkbox"/> | | 4. DAY | DATE OF THIS REPORT TIME | HRS. NAME OF COMPLAINANT-REPORTING PERSON | |
| | | | | Fri | 6 Dec. 91 0900 | AM PM Det. Sgt. Ed Bettinger, S/70 | |
| 6. KIND OF REPORT CONTINUED | | | | 7. CORRECT OFFENSE OR INCIDENT CLASSIFICATION | | | |
| OFFENSE <input checked="" type="checkbox"/> | | TRAFFIC/ACCIDENT <input type="checkbox"/> | | ARREST <input type="checkbox"/> | | FOLLOWUP OR SUPPLEMENTARY <input checked="" type="checkbox"/> | |
| | | | | | | Kidnapping/ Rape Agg. Murder | |
| 8. STATUS (CHECK ONE) | | 9. IS FURTHER POLICE ACTION REQUIRED? | | 10. IF CASE IS CLEARED, HOW CLEARED? (USE THIS BOX FOR SINGLE CLEAR-UP OR FIRST CLEAR-UP OF MULTIPLE CLEAR-UP, LIST) | | 11. INSTRUCTIONS FOR FOLLOWUP OR SUPPLEMENTAL USAGE. | |
| <input checked="" type="checkbox"/> UNCL. <input type="checkbox"/> NOT CLD. <input type="checkbox"/> E.C. | | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | <input type="checkbox"/> ARREST & PROSECUTE <input type="checkbox"/> COMPLAINT DIRECTED TO PROSECUTOR <input type="checkbox"/> COMPLAINT REFUSED TO PROSECUTE <input type="checkbox"/> STATION ADJUSTMENT <input type="checkbox"/> 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 R/O contacted Mr. Byron Wilbur, 1184 Johnson Fork Rd, T/X# 637-3533.

Mr. Wilbur had come into H.P.D. on 12-5-91 to advise that at approx. 4/30 or 5/00AM, Sunday morn, the 24th of Nov. 91 he had some one drive up behind him but "kind-of hang back" as he was driving up Jamison Creek Rd. to go deer hunting.

When Mr. Wilbur got to the top of the Hill (at State Line Rd. in Bright) he realized that the car had just disappeared ("probably in the area where the little girl was found")

| | | | | | | | | | | | | | | | | | | | | | |
|---|--|----------|--|-----------------------|--|------|--|-----------------------|--|--|--|-----------------------|--|--------------------|--|------------------------------|-------------------|--------------------------|--|----------|--|
| 16. EXTRA COPIES REQUIRED (NO. & RECIPIENT) | | | | | | | | | | 17. ARREST MADE | | 18. TOW BY | | 19. PROP. INV. NO. | | 27. FILE NO. | 28. COMPLAINT NO. | | | | |
| | | | | | | | | | | <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | | | | | | | |
| 20. LEADS | | MCIC NO. | | 21. SENT DATE | | TIME | | HRS. | | 22. CANCELLED DATE | | TIME | | HRS. | | 23. <input type="checkbox"/> | | 24. SUPERVISOR APPROVING | | | |
| | | | | | | | | AM PM | | | | | | AM PM | | CONT. ON SUP. FORM | | | | | |
| 25. REPORTING OFFICER | | | | 26. REPORTING OFFICER | | | | 27. REPORTING OFFICER | | | | 28. REPORTING OFFICER | | | | 29. DATE | | 30. TIME | | 31. HRS. | |
| Det. Sgt. Ed Bettinger, S/70 | | | | [Signature] | | | | [Signature] | | | | [Signature] | | | | [Signature] | | | | AM PM | |

VOLUNTARY STATEMENT
(not Under Arrest)

I, JANET L. SHERMAN, am not under arrest, nor am I being detained for any criminal offenses concerning the events I am about to make known to Det. Sgt. Ed BITTINSKI

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 62 years of age, and I live at 1200 LOUVISIAN DRIVE, HIDDEN VALLEY

We were north bound on Janison Sunday at dusk
& there was a man dressed very nice in a expensive
Ski Jacket bending over rail with a small
object in both hands. He did not have a car
near bridge & stared at me until we passed.
The weather was cold windy & getting dark. He
was not the usual Bridge people type &
looked out of place.

I have read each page of this statement consisting of 2 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 Harrison Ohio Police Dept. this 6 day of Dec 1991

WITNESS: [Signature]

WITNESS: PH Steve [Signature]

[Signature]
Signature of person giving voluntary statement.

1 - 21

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 12/3/91

Dr. WILLIAM KUHLMANN, doctor of veterinary medicine, 10758 Harrison, Ohio, telephone number 367-4886, was contacted and requested to conduct an examination on an eight month old, black female kitten.

This kitten had been taken from the apartment of JEFFREY WOGENSTAHL, apartment 4, 310 South State Street, Harrison, Ohio.

Dr. KUHLMANN examined the kitten and determined that it had a chipped right top canine tooth. KUHLMANN explained that the chip was not far enough up the tooth to result in any bleeding. If there were any blood involved, it would be no more than the tip of a pin.

KUHLMANN noted that the end of the kitten's tail was missing and that it had a slight scab, however that the scab at the tip of the tail appeared to be old and secured to the surrounding tissue. There was no evidence at the tip of the tail of any recent injury or bleeding.

Dr. KUHLMANN stated that the kitten's entire mouth area was intact and free of any injury. No other evidence of injury was observed on the kitten's body.

Dr. KUHLMANN then secured a blood sample from the kitten into a vacuum tube.

The blood sample was initialled by Dr. KUHLMANN and dated and initialled by Special Agent (SA) EDWARD P. WOODS.

The blood sample was then delivered at 1:50 p.m. to JEFF SCHAEFER, Hamilton County Coroner's Office, 3159 Eden Avenue, Cincinnati, Ohio, under their case number CL5784-91.

Investigation on 11/27/91 at Harrison, Ohio

File # 7-CI-59885 - 21/1/91

by SA EDWARD P. WOODS: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

73

(Title) Amanda Nicole Garrett -
 VICTIM
 (File No.) 7-CI-59885

PAD

b6
 b7C
 b7E

| Item | Date Filed | To be returned | | Disposition |
|------|------------|----------------|----|--|
| | | Yes | No | |
| 1 | 12/2/91 | | X | Orig notes re [redacted] and [redacted] |
| 2 | | | X | Orig notes re [redacted] |
| 3 | | | X | Orig notes re [redacted] |
| 4 | | | X | Orig notes re [redacted] |
| 5 | | | X | Orig notes re [redacted] |
| 6 | | | X | Receipt for blood sample from 8 month old female cat found at subject, Jeff Wogenstahl's Apt, 310 S. State St., Harrison, Ohio |
| 7 | 12/2/91 | | ✓ | Xerox copy of area map for Harrison, Ohio TOT HCP Deters |
| 8 | 12/2/91 | | ✓ | 1990 annual photos of Jeffrey Wogenstahl |
| 9 | 12/2/91 | | ✓ | Notes [redacted] and [redacted] |
| 10 | 12/2/91 | | ✓ | Notes [redacted] |

lap

b6
 b7C



7-CI-59885-1A

SEARCHED PAD INDEXED PAD
 DEC 02 1991

PAD.

Universal File Case Number 7-ci-5985-1A⁶

Field Office Acquiring Evidence _____

Serial # of Originating Document _____

Date Received 11-27-91

From _____
(Name of Contributor)

Harr. Co. Coronor's office
(Address of Contributor)

3159 Eden Ave. ci.
(City and State)

By _____
(Name of Special Agent)

To Be Returned Yes No

Receipt Given Yes No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)

Federal Rules of Criminal Procedure
 Yes No

Title:
Amber Nichole Garrett - victim
Kidnapping
oo:ci

Reference: _____
(Communication Enclosing Material)

Description: Original notes re interview of
Receipt for blood sample from 8 month old
female cat found at subject Jeff. Wogenstahl's
apartment, 310 S. State St. Harwin, Tex.

b6
b7C

b6
b7C

additional

| | | | |
|--|---|--|---------------------------------------|
| HAMILTON COUNTY CORONER'S LABORATORY 3159 Eden Avenue Cincinnati, OH 45219 (513) 221-4528 FAX 221-0307 8:00 AM - 4:30 PM M-F | EVIDENCE SUBMISSION FORM Attach Offense Report Copy PRINT or TYPE Legibly Incomplete or illegible forms will not be accepted | | Lab Use Only Lab Number |
| | Hamilton County Four Letter Agency Identifier: <u>HARR</u> | | |

| | | | |
|--|-------------------------|-----------------------|--|
| Investigator Rank, Last Name: <u>Sgt</u> | Badge #: <u>3674320</u> | Phone: <u>3674320</u> | Offense Date: <u>12/19/11</u> ^{b6} _{b7c} |
| Other Co. Dept. Name - Fill Out Billing Auth. On Reverse | | | Offense Location: <u>310 State St</u> |

| | | | | | |
|--|-------------------------------|---|---------------|----------------|----------------|
| Suspect #1 (Last Name): <u>WIGBENSTALL</u> | (First, m.i.): <u>Jeffrey</u> | Soc. or GTLNO (circle which): <u>[Redacted]</u> | Sex: <u>M</u> | Race: <u>W</u> | Age: <u></u> |
| Suspect #2 (Last Name): <u></u> | (First, m.i.): <u></u> | Soc. or GTLNO (circle which): <u></u> | Sex: <u></u> | Race: <u></u> | Age: <u></u> |
| Victim #1 (Last Name): <u>GARRET</u> | (First, m.i.): <u>Amber</u> | NON-DRUG cases: List State or Local Code #: <u>290501</u> | Sex: <u>F</u> | Race: <u>W</u> | Age: <u>10</u> |

If additional suspects/victims on other side

IF ANY WET OR SHARP ITEMS

IF ANY ITEMS FOR LATENT PRINTS

Name of Offense: Kidnapping

DESCRIPTION OF ITEMS SUBMITTED

| Police Dept. property number must be listed. | Describe items. For DRUG cases only, LIST EACH CHARGE SUBSECTION or CHARGES PENDING below NEXT TO each item's description. List firearm serial numbers as part of the description. | Exam Codes: Choose from list below. Use more than one per item if necessary. | Type Code | Field Test Code (see below) |
|--|--|--|-----------|-----------------------------|
| <u>NA</u> | <u>Blood Specimen from suspect's car</u> | <u>SK</u> | | |
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If Additional Sheets Used For More Items

Field Test Codes: + Pos., - Neg.
 C= Cocaine, M= Marijuana, S= Stimulants
 L= LSD, O= Opiates

EXAM CODES See NOTE below Select only required exams

| | | | | |
|--|--|---|--|--|
| Drugs D01 Drug ID (includes schedule, weight, unit doses, and bulk amount if applicable) D02* Drug purity D20* Other Drug Type Codes: M= Plant; H= Powder P= Pharmaceuticals C= Rocks/Crack; T= Blotter B= Razor Blades; Paraphernalia S= Syringes; L= Liquids | Serology S01 Rape kit exam S02 Test for semen S03 Test for blood S04 ABO blood group comparison to known specimens S05* Other genetic marker comparisons to known specimens S06* Identify body fluids other than blood or semen S07 Preserve appropriate stains for possible DNA comparison S20* Other SK Known Specimen | Firearms F01 Suicide Gun F02 Crime gun exam F03 Recovered projectile(s) F04 Recovered casing(s) F05 Unfired ammo, indicate source F06* Distance determination F07* Open check F08 Predict gun F09 Serial Number Restoration F10* Crime scene toolmark F11* Tool for comparison to crime scene toolmark F12 Function test only F20* Other | Trace - Micro T01 Comparison to known hairs or fibers T02 Comparison to known soil T03 Comparison to known glass T04 Comparison to known paint T05 Comparison to known shoes T06 Comparison to known tires T07 Physical fit T20* Other TK Known specimen of glass, paint, hairs, fibers, soil, other items for use as comparison standards | Documents W01 Handwriting/Handprinting comparison (specify exactly what portion is in question on back of this form) W20 Other (explain on back of this form) WK1 Known from suspect #1 WK2 Known from suspect #2 (etc.) WKV Known from victim |
| Toxicology X01 DUI/Alcohol (To Health Dept.) X02 DUI/Drugs X20* Other Rev. 8/91 | Latent Prints FP Latent print develop PP Preserve for prints, don't develop | | Arson A01 Test for accelerant A02 Test for explosive device material A03 Compare to submitted accelerant A20* Other AK Known sample for comparison | |

NOTE: If you have chosen any exams with an * you must call the lab before we will begin work on your case.

RECORD OF CUSTODY

Delivered to lab by: (PRINT)

Del: SA, FBI

Received at lab by: (init./date/time)

11/27/91 1:57

b6
b7c

MAIN RELEASE

Released all Part. release Rpt. copy

Released by: (init./date/time)

Released to:

If all items not released list which items were released here. Use space below if necessary.

SUPPLEMENTAL RELEASE

Remaining items released by: (init./date/time)

Remaining items received by:

| | | |
|-------------------------------------|-------------------|----------------------|
| List remaining items released here: | Lab Use Only Pkgs | Original Report Tot. |
| | | Copies Distributed |

Needles and syringes must be packaged to protect the sharp points.

Wet clothing and other items must be air dried before submitting.

Explosive devices must be cleared for safety by lab personnel before entering the building.

Loaded weapons may be submitted. However, advise the person admitting you to the lab floor that you are transporting a loaded weapon.

GENERAL INFORMATION

Evidence may be submitted only during normal hours of operation. These hours are 8:00 - 4:30 Mon.- Fri.

For drug cases, submit only items for which analyses are required based on the charges filed or pending.

If an item is necessary for probable cause indicate this in the description.

Before calling the lab for results, check with your property officer for a completed report.

Double check this form for completeness. Make sure to attach a copy of the offense report.

Use the space below for additional information or special instructions.

Advise the lab of upcoming trial dates as soon as they become available.

Investigators are responsible for providing known specimens for comparison.

ADDITIONAL INFORMATION

F.B.I Open Case File 7-CI-EXISTS
 For this case. FBI assisting Harrison in this case.

AGENCIES OUTSIDE HAMILTON COUNTY: EVIDENCE WILL NOT BE ACCEPTED WITHOUT BILLING AUTHORIZATION. Print the name of the official authorizing billing here:

MIKE SUTTER: H/C/S/O
Prints from School Papers!
Process John on Sink

Phill Moore

3 pair Left + 1 under Kitchen Area
Rt under Stove CANVAS

Susan Asher (11⁰⁹PM)

491-9963

908 Highland Ave

Cov. Ky. 41011

Mon EVE. Around 8³⁹ or 8⁴⁵ Madison Ave.
Covington Ky "PicWay Shoe"

Little girl walked up and asked to
get a ride to call her parents
"dirty, blo. Hair MAN'S COAT"

Will send husband to H.P.D. To PU Flyer

Andy from S.P.C.A. will PU the Cat
Kuehlman will draw the blood



DEFENDANT'S EXHIBIT

FRANK P. CLEVELAND, M. D.
HAMILTON COUNTY CORONER

INSTITUTE OF FORENSIC MEDICINE
TOXICOLOGY AND CRIMINALISTICS

AMY MARTIN, M. D.
CHIEF DEPUTY CORONER/DIRECTOR OF FORENSIC PATHOLOGY

3159 EDEN AVENUE · CINCINNATI, OHIO 45219

ROBERT R. PFALZGRAF, M. D.
DEPUTY CORONER/FORENSIC PATHOLOGIST

TELEPHONE AREA 513

CAROLYN MARATEA
ADMINISTRATOR

OFFICE 221-4524
LABORATORY 221-4528
MORGUE 221-4529

OFFICIAL CRIME LABORATORY REPORT

TO: Sergeant. E. Bettinger
HARRISON POLICE DEPARTMENT

C.L. FILE # 5784-91-D-FP-S-M

DATE November 25, 1991

SUBJECT Garrett, Amber

EXAMINATION REQUESTED BY:
Same

TYPE OF EXAMINATION REQUESTED:

Hair Examination/

Test for Blood and Semen

The following is a report of the Crime Laboratory giving the results of examinations conducted on specimens received from your office. This examination has been made with the understanding that the specimen is connected with an official investigation of a criminal matter and the laboratory report will be used for official purposes only, related to the investigation or a subsequent criminal prosecution. Authorization cannot be granted for the use of this report in connection with a civil proceeding.

SPECIMENS:

Q-3 --- a red dress removed from the body of Amber Garrett

Q-4 --- a pair of pink panties removed from the body of Amber Garrett

Q-5 --- A small manila envelope containing a single hair from the right hand of Amber Garrett

The following items Q-6 through Q-8 were removed from the victim's bed:

Q-6 --- (PR1706) a multicolored, fitted bedsheet.

Q-7 --- (PR1706) a blue comforter

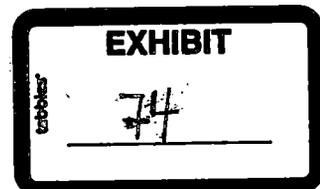
Q-8 --- (PR1706) a blue floral pillow in a red floral pillow case

The following items Q-9 through Q-11 are articles of clothing Jeffrey Wogenstahl was reportedly wearing when arrested:

Q-9 --- (PR1702A) a pair of blue jeans labeled "Levi Strauss and Company"

Q-10 --- (PR1702A) a blue zipper front sweatshirt labeled "Track and Court"

Q-11 --- (PR1702B) a tan parka labeled "Turtle Bay"



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The following items Q-12 through Q-62 are from the suspect's apartment:

- Q-12 --- (PR1688A) a brown leather jacket labeled "Cooper Collection"
- Q-13 --- (PR1699D) a pair of black "Jox Pulsator" gym shoes
- Q-14 --- (PR1699A) a pair of black "SPRINTS" gym shoes
- Q-15 --- (PR1699B) a pair of white "TRAX ATHLETIX" gym shoes
- Q-16 --- (PR1699C) a pair of black "SX500" gym shoes
- Q-17 --- (PR1699E) a pair of white "JOX" gym shoes
- Q-18 --- (PR1688B) a printed, fitted bedsheet labeled "DAN RIVER"
- Q-19 --- (PR1688B) a white floral bedsheet
- Q-20 --- (PR1588E) a pair of brown leather work boots
- Q-21 --- (PR1688F) a black and white sweater labeled "STREET SCENES"
- Q-22 --- (PR1688P) a black "D.A.R.E." T-shirt
- Q-23 --- (PR1688P) a pair of faded blue jeans labeled "Levi Strauss and Company"
- Q-24 --- (PR1688G) a paper bag containing miscellaneous garbage from kitchen
- Q-25 --- (PR1688N) a wadded up paper napkin from Kentucky Fried Chicken"
- Q-26 --- (PR1697C) a stained sock from the bedroom
- Q-27 --- (PR1697D) a white "FLORIDA" T-shirt
- Q-28 --- (PR1697F) a pair of men's underwear
- Q-29 --- (PR1697G) a pair of men's underwear size 32
- Q-30 --- (PR1697J) a pair of gray ski gloves
- Q-31 --- (PR1697P) a printed flat bedsheet of a design such as that on Q-18
- Q-32 --- (PR1697O) a bath towel labeled "COBRA"
- Q-33 --- (PR1697L) a multicolored woven rug
- Q-34 --- (PR1697E) a red handled flat screwdriver

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- Q-35 --- (PR1697E) a keylock from the front door
- Q-36 --- (PR1697K) a steak knife from the kitchen
- Q-37 --- (PR1697A1) a sink trap taken from the vanity in the bathroom
Q-37A -- (PR1697A) a plastic container of water from the trap Q-37.
- Q-38 --- (PR1697B) the bath tub drain stopper assembly
- Q-39 --- (PR1697I) the chrome spout from the bath tub
- Q-40 --- (PR1700C) the trap assembly from the bath tub
Q-40A -- fluid
- Q-41 --- (PR1698D) a ski mask removed from the living room
- Q-42 --- (PR1704B) a white knit shirt labeled "SASSON"
- Q-43 --- (PR1704C) a maroon jacket labeled "FLORENZI"
- Q-44 --- (PR1704I) a white sock
- Q-45 --- (PR1704J) a sock from the laundry room
- Q-46 --- (PR1707A) a brown shoe from the bedroom closet
- Q-47 --- (PR1700A) a white mattress cover from the bedroom
- Q-48 --- (PR1700B) a bluish green quilt from the bedroom
Q-48A --- seven pieces cut from Q-48 by Harrison Police
- Q-49 --- (PR1704E) a bath towel from the shower rod
- Q-50 --- (PR1707B) a pendant found on the bedroom dresser
- Q-51 --- (PR1704F) a floral patterned pillowcase
- Q-52 --- (PR1704H) a bottle of "Purex" detergent
- Q-53 --- (PR1704H) a bottle of bleach
- Q-54 --- (PR1700D) a collection of small manila envelopes containing debris
from the apartment
- Q-55 --- (PR1698C) a brown paper bag containing a collection of knives from
the kitchen cabinet

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- Q-56 --- (PR1704A) a sample of carpet fiber from the bedroom near the closet
- Q-57 --- (PR1704A) a sample of carpet fiber from the bedroom near the bathroom
- Q-58 --- (PR1707D) a brown paper bag of vacuumings from the bedroom
- Q-59 --- (PR1707E) a brown paper bag of vacuumings from the kitchen and living room
- Q-60 --- (PR1707F) a brown paper bag of vacuumings from the living room
- Q-61 --- (PR1707G2) a cover from a living room couch cushion
- Q-62 --- (PR1707G1) the foam from a living room couch cushion

The following items Q-63 through Q-79 are from the suspect's Oldsmobile Omega:

- Q-63 --- (PR1689BB1) a small manila envelope containing a stain from the left rear inside door handle
- Q-64 --- (PR1689B) a collection of four tape lifts of debris from the car interior
- Q-65 --- (PR1703J) a small manila envelope with a piece of cloth from the ash tray
- Q-66 --- (PR1703D) a small manila envelope containing hairs from the trunk
- Q-67 --- (PR1703C) a bag of debris vacuumed from trunk
- Q-68 --- (PR1703E) a bag of debris vacuumed from the right front floor
- Q-69 --- (PR1703F) a bag of debris vacuumed from the left front floor
- Q-70 --- (PR1703G) a bag of debris vacuumed from the right rear floor
- Q-71 --- (PR1703H) a bag of debris vacuumed from the left rear floor
- Q-72 --- (PR1703A) a paper bag containing front floor mats found in the trunk
- Q-73 --- (PR1703B) a paper bag containing rear floor mats found in the trunk
- Q-74 --- (PR1703K) a paper bag containing carpet from the front floor
- Q-75 --- (PR1703I) a blue work shirt from the rear seat
- Q-76 --- (PR1705A) the back of the rear seat
- Q-77 --- (PR1705B) the rear seat

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Q-78 --- (PR1705C) carpet from the rear floor

Q-79 --- (PR1705D) a large white envelope containing soil

The following items Q-80 through Q-82 are reportedly from a 1985 Dodge Charger:

Q-80 --- (PR1708A) a black painted tire tool

Q-81 --- (PR1708B) a silver painted tire tool

Q-82 --- (PR1708C) a small cardboard box containing a single hair reportedly from a black crowbar

Q-83 --- (PR1696) a pair of panties from a trash container

The following items Q-84 through Q-90 are from the area where the victim's body was found:

Q-84 --- (PR1709A) a large white envelope containing a length of barbed wire

Q-85 --- (PR1709B) a brown bath towel

Q-86 --- (PR1709C) a large white envelope containing miscellaneous plant material

Q-87 --- (PR1709F) a branch with thorns

Q-88 --- (PR17096) a small brown paper bag containing a stick with a suspected blood stain

Q-89 --- (PR1711A) a large white envelope containing an unknown substance

Q-90 --- (PR1731-#8) an evidence bag containing two crumpled pieces of paper

K-1 --- a known sample of blood from the victim, Amber Garrett

K-2 --- a known sample of head hair from Amber Garrett

K-3 --- a known sample of blood from Jeffrey Wogenstahl

K-4 --- a known sample of saliva from Jeffrey Wogenstahl

K-5 --- a known sample of head hair from Jeffrey Wogenstahl

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K-6 --- a known sample of pubic hair from Jeffrey Wogenstahl

K-7 --- a known sample of blood from Eric Horn

K-8 --- a known sample of saliva from Eric Horn

K-9 --- a known sample of blood from Justin Horn

K-10 --- a known sample of saliva from Justin Horn

FINDINGS:

The findings below are based upon standard serologic procedures for the identification and typing of body fluids and body fluid stains.

- Q-6 - Fitted Sheet -- Semen identified in 4 of 23 stains tested. A, B, and H blood group substances were detected in 2 of these 4 stains. Tests for ABO blood group substances were inconclusive in the remaining 2 semen stains.
- Q-7 - Comforter -- Semen identified in 20 of 127 stains tested. A and H blood group substances were detected in 2 of these stains. H blood group substances were detected in 7 of the semen stains. No blood group substances were detected in 5 of the semen stains. The remaining semen stains were inconclusive for ABO blood group substances.
- Q-8 - Pillow and Pillowcase -- No blood identified.
- Q-9 - Bluejeans -- Blood identified on a small stain on the right rear hip.
- Q-10 - Blue Zip-Up Sweatshirt -- No blood identified.
- Q-11 - Tan Parka -- No blood identified.
- Q-12 - Brown Leather Jacket -- No blood identified.

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| | | |
|-----------------------------|----|---|
| Q-13 - "JOX" gym shoes | -- | Blood identified on a tiny reddish smear on the side of the sole of the right shoe. |
| Q-14 - "Sprints" gym shoes | -- | No blood identified. |
| Q-15 - "Athletix" gym shoes | -- | No blood identified. |
| Q-16 - "Jox" gym shoes | -- | No blood identified. |
| Q-17 - "Jox" gym shoes | -- | No blood identified. |
| Q-18 - Fitted Sheet | -- | Semen identified in 5 of 22 stains tested. No blood identified. |
| Q-19 - White sheet | -- | No blood identified. |
| Q-20 - Work boots | -- | Blood identified on the outside ankle of the left shoe. |
| Q-21 - Sweater | -- | No blood identified. |
| Q-22 - "D.A.R.E." T-Shirt | -- | No blood identified. Semen identified on the lower front. |
| Q-23 - Bluejeans | -- | Blood identified on two tiny stains on the right rear leg. |
| Q-24 - Kitchen Trash | -- | No serological examinations conducted. |
| Q-25 - Paper Napkin | -- | No blood identified. |
| Q-26 - White Sock | -- | No blood identified. |
| Q-27 - White T-Shirt | -- | Blood identified on reddish spots on inside back. |
| Q-28 - Underwear | -- | Blood identified on tiny speckles on back. |
| Q-29 - Underwear | -- | No blood identified. |
| Q-30 - Gray Gloves | -- | No blood identified. |
| Q-31 - Bedsheet | -- | Blood identified on light brownish stain noted near the bottom of the sheet. |
| Q-32 - Towel | -- | Blood identified on brownish speckles noted on the towel. |
| Q-33 - Rug | -- | No blood identified. |

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| | | |
|--------------------------|----|---|
| Q-34 - Screwdriver | -- | No blood identified. |
| Q-35 - Door Lock | -- | No blood identified. |
| Q-36 - Steak Knife | -- | No blood identified. |
| Q-37A - Fluid | -- | No blood identified. |
| Q-38 - Drain Assembly | -- | No blood identified. |
| Q-39 - Tub Spout | -- | No blood identified. |
| Q-40A - Fluid | -- | No blood identified. |
| Q-41 - Ski Mask | -- | No blood identified. |
| Q-42 - White shirt | -- | No blood identified. |
| Q-43 - Maroon Jacket | -- | No blood identified. |
| Q-44 - White sock | -- | No blood identified. |
| Q-45 - Brown Sock | -- | No blood identified. |
| Q-46 - Brown Shoe | -- | No blood identified. |
| Q-47 - Mattress Pad | -- | No semen identified. |
| Q-48 - Quilt | -- | No blood identified. |
| Q-48A - Pieces From Q-48 | -- | No blood identified. |
| Q-49 - Towel | -- | Blood identified on brownish speckles noted on the towel. |
| Q-50 - Pendant | -- | No blood identified. |
| Q-51 - Pillowcase | -- | No blood identified. |
| Q-52 - "Purex" bottle | -- | No blood identified. |
| Q-53 - "Clorox" bottle | -- | Inconclusive for blood on weak dark stain on the neck of the bottle. |
| Q-54 - Seven Stain Lifts | -- | Blood identified on small reddish smudges noted on five of the seven lifts. |

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FILE NO. 5784-91-D-FP-S-M

| | | |
|------------------------------|----|---|
| Q-55 - Seven Knives | -- | No blood identified. |
| Q-56 - Carpet Fibers | -- | No blood identified. |
| Q-57 - Carpet Fibers | -- | No blood identified. |
| Q-58 - Q-60 - Vacuumings | -- | No serological examinations conducted. |
| Q-61 - Cushion Cover | -- | No blood identified. |
| Q-62 - Foam Cushion | -- | No blood identified. |
| Q-63 - Stain From Car | -- | Blood identified. |
| Q-64 - Q-71 - Trace Evidence | -- | No serological examinations conducted. |
| Specimens from car: | | |
| Q-72 - Floormats | -- | No blood identified. |
| Q-73 - Floormats | -- | No blood identified. |
| Q-74 - Piece of Carpet | -- | No blood identified. |
| Q-75 - Blue Shirt | -- | No blood identified. Semen identified on whitish stain on lower front. |
| Q-76 - Car Seat Back | -- | No blood identified. |
| Q-77 - Car Seat | -- | No blood identified. |
| Q-78 - Piece of Carpet | -- | No blood identified. |
| Q-79 - Soil | -- | No serological examinations conducted. |
| Q-80 - Tire Tool | -- | No blood identified. |
| Q-81 - Tire Tool | -- | No blood identified. |
| Q-82 - Hair | -- | No serological examinations conducted. |
| Q-83 - Panties | -- | No blood identified. |
| Q-84 - Wire | -- | No serological examinations conducted. |
| Q-85 - Brown Towel | -- | No blood identified. |

THE INSTITUTE OF FORENSIC MEDICINE
TOXICOLOGY AND CRIMINALISTICS

SUBJECT Garrett, Amber

Page 10 of 11

FILE NO. 5784-91-D-FP-S-M

| | | |
|--------------------------------------|----|--|
| Q-86 - Bark and Twigs | -- | Blood identified on reddish stains noted on each item. |
| Q-87 - Branch | -- | No serological examinations conducted. |
| Q-88 - Twigs | -- | Blood identified on reddish stain noted on each item. |
| Q-89 - Envelope With Material | -- | No serological examinations conducted. |
| Q-90 - Two Pieces of Paper | -- | No blood identified. |
| K-1 - Blood From Amber Garrett | -- | Group O in the ABO blood group system. |
| K-3 - Blood From Jeffrey Wogenstahl | -- | Group O in the ABO blood group system. |
| K-4 - Saliva From Jeffrey Wogenstahl | -- | H blood group substances detected. -- Indicates group O secretor. |
| K-7 - Blood From Eric Horn | -- | Group O in the ABO system. Le(a-b+) in the Lewis system. -- Indicates group O secretor. |
| K-8 - Saliva From Eric Horn | -- | H blood group substances detected. -- Indicates group O secretor. |
| K-9 - Blood From Justin Horn | -- | Group O in the ABO system. Le(a-b+) in the Lewis system. -- Indicates group O secretor. |
| K-10 - Saliva From Justin Horn | -- | H blood group substance detected. -- Indicates group O secretor. |



Jeffrey R. Schaefer
Serologist

JRS:ldm
March 23, 1992

RESULTS:

A visual examination of the victim's clothing (Q-3, Q-4) revealed no hair, patterned marks, or other trace evidence. The garments were scraped down over a large sheet of clean white paper to remove the surface debris. Microscopic examinations of the debris revealed no trace evidence.

The envelope Q-5 contained a single hair which corresponded to the victim's own head hair.

THE INSTITUTE OF FORENSIC MEDICINE
TOXICOLOGY AND CRIMINALISTICS

SUBJECT Garrett, Amber

Page 11 of 11

FILE NO. 5784-91-D-FP-S-M

The covers from the victim's bed (Q-6, Q-7, Q-8) were examined for trace evidence. Several hairs were found, but none corresponded to the suspect's hair (K-5, K-6).

A visual examination of the suspect's clothes (Q-9, Q-10, Q-11) revealed several hairs. None corresponded to the characteristics of the victim's hair (K-2). Numerous small torn areas were noted on the front and back of the leather jacket Q-12. Microscopic examinations revealed small thorns in several of these torn areas. Several additional thorns were removed from the "JOX PULSATOR" gym shoes Q-13.

Several hairs were removed from the shoes Q-13 and Q-14. None corresponded to the characteristics of the victim's hair (K-2).

A microscopic examination of the gloves Q-30 revealed several very small splinters of blue painted wood. It was not possible to determine the source of the splinters.

Numerous hairs were removed from the tub drain assembly Q-38, the tub drain pipes Q-40, and the sink drain pipes Q-37. None of these hairs corresponded to the characteristics of the victim's hair (K-2).

Numerous hairs were removed from the ski mask Q-41, the shirt Q-42, the sock Q-44, the sock Q-45, the cover Q-47, and the quilt Q-48. None of these hairs corresponded to the characteristics of the victim's hair (K-2).

Several hairs were removed from the apartment debris Q-54, Q-58, Q-59, and Q-60. None of these hairs corresponded to the characteristics of the victim's hair (K-2).

Several hairs were removed from the car tape lifts Q-64, the trunk sample Q-66, and the bags of debris Q-67 through Q-71, as well as the shirt, Q-75. None of these hairs corresponded to the characteristics of the victim's hair (K-2). No fibers were found which corresponded to those in the victim's clothing.

Two hairs were removed from items in the Dodge Charger (Q-80, Q-82). These hairs did not correspond to the characteristics of hairs from the victim (K-2).

Microscopic examinations of the panties Q-83 from the trash container, the length of barbed wire Q-84, the towel Q-85, and the thorny branch Q-87 revealed no trace evidence.


William L. Dean
Trace Evidence Examiner

WLD:ldm
March 23, 1992



DEFENDANT'S
EXHIBIT

21

SEROLOGICAL RESEARCH INSTITUTE

August 25, 1992

Mr. Mark E. Peipmeir
Hamilton County Prosecutor's Office
1000 Main Street, Room 411
Cincinnati, OH 45202

SERI Case No: M'3278'92
Victim: Amber Garrett
Suspect: Jeffrey Wogenstahl

ANALYTICAL REPORT

On April 13, 1992, nineteen (19) items of evidence were received from Mark Peipmeir, Hamilton County Prosecutor's Office. They were analyzed as follows:

ITEM 1 - BLOOD SAMPLE - AMBER GARRETT

This consists of a liquid blood sample and a dried bloodstain. The stain was sampled and subjected to typing in the Gamma marker (Gm) and Kappa marker (Km) grouping systems. The sample was further extracted for its DNA content, subjected to amplification using the Polymerase Chain Reaction (PCR) and typed in the HLA DQ α system. The results are tabulated below.

ITEM 2 - BLOOD SAMPLE - JUSTIN HORN

This consists of a liquid blood sample and a dried bloodstain. The bloodstain was sampled and subjected to typing in the Gm, Km and HLA DQ α systems. The results are in the table below.

ITEM 3 - BLOOD SAMPLE - JEFFREY WOGENSTAHL

This consists of a dried bloodstain and a liquid blood sample. The bloodstain was sampled and subjected to typing in the Gm, Km, and HLA DQ α systems. The results are tabulated below.

EXHIBIT

75

Mr. Mark Piepmeier
SERI Case No: M'3278'92
August 25, 1992
Page 2

ITEM 4 BLOOD SAMPLE - ERIC HORN

This consists of a blood sample and a bloodstain. The bloodstain was typed in the Gm, Km and HLA DQ α systems. The results are in the table below.

ITEM 5 TOWEL (Q32)

This consists of a multi-colored "Cobra" brand towel with a large yellowish stain covering the majority of the towel. In one corner are a number of small bloodstains. A small amount of bloodstain was sampled and subjected to typing in the Gm, Km, and HLA DQ α systems. The results are in the table below.

ITEM 6 BLUE JEANS (Qa)

This consists of a pair of Levi brand blue jeans. There is a small area of staining on the rear waistband which gave a positive presumptive test for blood. The stain could not be confirmed as human and gave inconclusive typing results.

ITEM 7 TOWEL (Q49)

This consists of a peach colored, Sears brand towel with a number of very small blood spots. Typing results were inconclusive and the stains could not be confirmed as being of human origin.

ITEM 8 BLUE JEANS (Q23)

This consists of a pair of Levi brand blue jeans. A small blood smear was found on the back of the right leg. No typing results were obtained. The stain was not confirmed as being human.

ITEM 9 WORK BOOT (Q20)

This consists of a size 10 1/2 left leather work boot. A stain on the outer left side of the work boot gave a positive presumptive test for blood. It was not confirmed as being of human origin. Typing results were negative.

ITEM 10 STAINS FROM BATHROOM (Q54)

This consists of five (5) swatches of white cotton with very faint staining. All stains gave a positive presumptive test for blood. Two (2) other swatches were present with no staining. All stains were separately extracted and subjected to typing. No results were obtained.

ITEM 11 STAIN FROM DRIVER'S SIDE REAR DOOR

This consists of one cotton thread, approximately 1 inch long, stained with human blood. The stain was subjected to grouping tests. The results are in the table below.

ITEM 12 FITTED BED SHEET

This consists of a double-bed size fitted bed sheet with numerous seminal stains previously identified. Four areas of staining were extracted separately and confirmed as semen by the presence of spermatozoa. Two areas were differentially extracted for DNA content. This produced a DNA extract from the epithelial cells (e.g. vaginal cells) and a DNA extract from the sperm. Both extracts were subjected to typing in the HLA DQ α system. The results are in the table below.

ITEM 13 BLUE COMFORTER

The comforter contained a number of previously marked seminal stains. Eight (8) separate areas were extracted, confirmed as being semen and differentially extracted for DNA content. The resulting extracts were subjected to typing in the HLA DQ α system. The results are tabulated below:

TABLE OF RESULTS

| NO. | ITEM | Gm (1,2,3,11,21,23) | Km (1,3) | Cell Type | HLA DQ α |
|-----|---|------------------------|-------------|---------------------|----------------------|
| 1 | Blood - Amber Garrett | 3,11 | 3 | White | 1.1,3 |
| 2 | Blood - Justin Horn | 1,3,11,21 | 3 | White | 1.1,1.2 |
| 3 | Blood - Jeffrey Wogenstahl | 3,11,23 | 3 | White | 1.2,4 |
| 4 | Blood - Eric Horn | 3,11,23 | 3 | White | 1.1,1.2 |
| 5 | Towel (Q32) Bloodstain | NR | NR | White | 1.1,4 |
| 11 | Driver's Side Rear Door | NR | Inc | White | 1.1,3 |
| 12 | Fitted Sheet Area 14 | NT | NT | Epithelial Sperm | 1.1,4 1.1,1.3 |
| 13 | Comforter Area 80 Comforter Areas 7,16,61, 84-5,87,90 | NT NT | NT NT | Epithelial Sperm | NR 1.1,4 1.2,4 |

NR = No result NT = Not tested
 Inc = Activity present, but type not clear

EXPLANATION & INTERPRETATION

Human blood consists of a number of genetic marker or blood grouping systems. The genetic marker systems typed in this laboratory are independent of each other and therefore can all be used to differentiate one blood stain from another. Thus, if two blood stains originate from the same source they will exhibit the same characteristics. Similarly, if two blood stains exhibit different blood grouping types they must have originated from two sources. Blood from different sources may also exhibit the same genetic markers due to the limited number of marker types possible. Therefore, a statistical frequency of occurrence of any combination of blood groups is often provided to indicate the approximate number of individuals in a relevant group who may have those same genetic marker types.

Gm (gamma marker) and Km (kappa marker) are genetic markers found on antibodies in the blood plasma as well as other body fluids. These markers are very stable in dried stains. The Km allotypes are found in all immunoglobulin (Ig) molecules that carry Kappa light chains. The Gm allotypes are split between the subclasses of IgG molecules. The subclasses of IgG are found in different quantities in blood plasma. The quantity of IgG subclasses are in order, the G1m is the highest and G3m the lowest. The G1m carries the 1,2,3 allotypes; the G2m carries the 2,3 allotype and the G3m carries the 11 and 21 allotypes. Therefore, it is possible to not detect the 11 and 21 allotypes in dilute or small stains. The Gm 3 allotype rarely occurs without the 11 allotypes. The Gm 2 allotype rarely occurs without the 1 allotype. If G3m allotypes are detected, then it is safe to assume that Km, G1m, and G2m markers are present. Within a racial group the allotypes occur in inherited groups called haplotypes. In addition, when Gm allotypes are detected, the blood is human in origin.

Deoxyribonucleic acid or DNA is found in nucleated cells, e.g. white blood cells, spermatozoa, salivary, vaginal and tissue epithelial cells. The DNA can be extracted and the amount obtained is proportional to the number of cells present.

Two types of DNA testing are presently available. One detects the presence of Restriction Fragment Length Polymorphisms (RFLPs) in the DNA. This is commonly known as "DNA Profiling" or "DNA Fingerprinting" and in most cases results in either a positive identification or exclusion of an individual as a donor. This analysis requires approximately 100 ngs of high quality DNA for a successful determination.

The second method relies on identifying a small specific section of DNA known as the HLA DQ α locus wherein there are twenty-one (21) different phenotypes. Although there may be an elimination of a person using this system clearly an identification to the exclusion of all others is not possible. The advantage of this method is that it requires substantially less DNA as the recovered DNA can be amplified (increased in amount) in order to obtain successful typing. The amplification uses the Polymerase Chain Reaction (PCR) method.

Seminal stains encountered in case work are in reality a mixture of semen and vaginal secretion. Microscopically, semen can be identified by the presence of spermatozoa. Vaginal secretion will normally contain many nucleated epithelial cells. Using a differential extraction technique, the DNA from the epithelial cells can be separated from that of the sperm. If the DNA is not degraded, it should be possible to differentiate the epithelial cell DNA from the sperm DNA. The epithelial cell DNA produces an internal control of the vaginal donor's type.

The Human Leukocyte Antigen Class II (HLA-D) genes are located on chromosome 6. The HLA-D genes are organized into three regions: HLA-DR, -DQ, -DP, each of which encodes an alpha and beta glycopeptide. The sequence of DNA found in the HLA DQ alleles is known.

The typing is performed by hybridizing the amplified DNA to nylon strips containing specific probes which will recognize the six common DQ α alleles detected (DQ α 1.1, 1.2, 1.3, 2, 3 and 4). These alleles will give rise to 21 possible types. The end result is the visualization of an enzymatically detected dye giving rise to a series of colored dots. The number and position of the dots determines the type.

Because DQ α is a genetic marker following the normal rules of genetics, a maximum of two alleles only are expressed in any one individual. Therefore, the detection of more than two alleles indicates a mixture of body fluids from more than one individual.

CONCLUSIONS

Blood

1. While there is weak HLA DQ α activity in the surrounding material on the towel (Item 5) the activity from the bloodstain is an HLA DQ α type 1.1,4. This could not have originated from Amber Garrett, Justin Horn, Jeffrey Wogenstahl, or Eric Horn.
2. The blood on the driver's side rear door (Item 11) could have originated from Amber Garrett but not Justin Horn, Jeffrey Wogenstahl, or Eric Horn.
3. HLA DQ α type 1.1,3 occurs in approximately 5.3% of the Caucasian population (1 in 19 persons) or 2.7% of the Black population (1 in 37 persons).

Semen

1. The epithelial cell fraction from the stains on the sheet (Item 12-14) and the Comforter (Item 13, areas 7, 16, 61, 84-5, 87 & 90) is an HLA DQ α type 1.1,4. This could not have originated from Amber Garrett.
2. The semen on the fitted sheet (Item 12-14) is an HLA DQ α type 1.1,1.3. This could not have originated from Justin Horn, Eric Horn, or Jeffrey Wogenstahl.

Mr. Mark Piepmeier
SERI Case No: M'3278'92
August 25, 1992
Page 6

3. The semen on the comforter (Item 13 areas 7, 16, 61, 84-5, 87 and 90) is an HLA Type 1:2,4. This could not originated from Justin Horn or Eric Horn, but could have originated from Jeffrey Wogenstahl.
4. HLA DQ α type 1:2,4 occurs in 10.4% of the Caucasian population (or 1 in 10 people) or 14.7% of the Black population (1 in 7 people).

SEROLOGICAL RESEARCH INSTITUTE



Brian Wraxall
Chief Forensic Serologist

BW/par

THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

STATE OF OHIO, : CASE NO. B 9206287
Plaintiff-Respondent, : JUDGE DINKELACKER
vs. :
JEFFREY WOGENSTAHL, : Death penalty case
Defendant-Petitioner. :

Affidavit of Teresa Smith

IN THE COUNTY OF HAMILTON)
IN THE STATE OF OHIO) ss:

I, Teresa Smith, duly sworn, do hereby state the following:

- 1) I knew Jeff Wogenstahl when we were children. Jeff was close with my brother, Chris Oldendick. We all lived in ~~the same~~ neighborhood and went to the same school.
joining T.S.
- 2) When I was older, I knew Amber Garrett as well. My son, Little Kenny, was friends with Amber, and we lived down the street from the Garretts. They knew each other from school and Amber would come over often. It seemed to me that Peggy Garrett wasn't much of a mother. She didn't care if Amber was out after dark, never came over to get her, and never sent for her to come home.
Peggy
- 3) Amber would often ask one of us to walk her home from our house. I remember one time in the fall of 1991, Kenny came home and said Amber didn't want to go into her apartment because her brother, Eric Horn, was there and her mother wasn't home. It became a common occurrence that Amber wouldn't go home if Eric was there and her mother wasn't. We would let her stay at our house until Peggy got home. I was concerned about it, so I asked my husband at the time, Big Kenny, to talk to Amber's father, Bud Garrett, about it.
- 4) One time Amber asked me if I would drive her to the IGA so she could buy some groceries. I remember Amber paid for the groceries with food stamps and I felt that it was sad that such a young girl would have that responsibility.



5) Amber told me that her brother would cuss at her and grab her by the throat. She also confided in me that Eric had "touched her." I didn't ask for specifics, but I knew that she was saying that Eric sexually molested her. She then begged me not to tell her mom, saying "don't tell mom, my mom will kill me." Because she begged me and seemed petrified about her mom knowing, I didn't say anything. Eric was always Peggy's favorite. I tried to have Amber over to my house as much as possible in an attempt to protect her. I told Jeff's trial attorneys about Eric and what he'd done to Amber.

6) Big Kenny also disliked Eric and saw him using drugs around town. Everyone back then knew that Eric used drugs.

7) I also recall hearing about someone chasing Amber in the woods one time. I always assumed it was Eric.

8) After Jeff's trial I ran into Eric at the store. He came up to me and said, "Sometimes you get away with stuff, sometimes you don't." It was clear to me that he meant getting away with Amber's murder.

*I thought
he was T.C.*

8) I was called to testify during Jeff's mitigation hearing. Jeff's attorneys did not prepare me to testify at all. I only met with them at the courthouse on the day that I testified. They just told me they would ask me some questions. I had no idea what they would be about or anything.

8) There were several other people who grew up around Jeff and could have testified as well. My father, Ron, would have testified. He died nine years ago.

9) Years ago I think one of Jeff's appellate attorneys tried to contact me. I had recently moved but my brother-in-law told me an attorney had come by looking for me. The attorney didn't leave a card or a phone number, so I didn't know who to call back. I would have talked to him or her.

Further affiant sayeth naught.

Teresa Smith
Teresa Smith

Sworn to and subscribed before me on this 10th day of August, 2015.



JESSICA LOVE
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 11-28-18

Jessica Love
NOTARY PUBLIC

THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

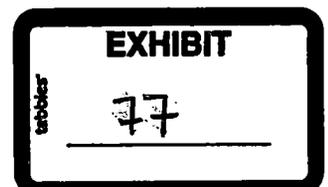
STATE OF OHIO, : CASE NO. B 9206287
Plaintiff-Respondent, :
vs. :
JEFFREY WOGENSTAHL, : Death penalty case
Defendant-Petitioner. :

Affidavit of Carmen Pittman-Harrison

IN THE COUNTY OF HAMILTON)
IN THE STATE OF OHIO) ss:

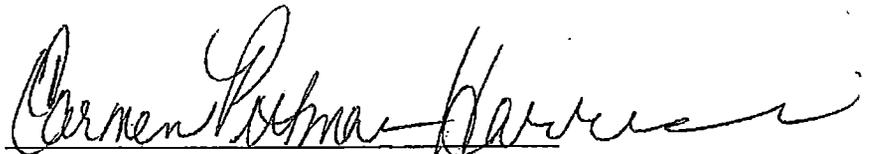
I, Carmen Pittman-Harrison, duly sworn, do hereby state the following:

- 1) I served as a juror on the Jeffrey Wogenstahl capital murder case.
- 2) It was difficult to be a juror on the case even though I believe in the death penalty.
- 3) I did not think the evidence in the first phase was overwhelming. The evidence they did have, the hair evidence, connected Jeffrey to her.
- 4) I remember that I, and other jurors, were mad at Amber's mother. We didn't think she supervised her children and that Amber had to grow up too fast.
- 5) I didn't think much of Jeff's attorneys. They were not as good as the prosecutors. Deters' team was memorable and powerful. They were all young and very well known. Jeff's attorneys, on the other hand, were like public defenders. At times it seemed like they just came off the street and read about the case.
- 6) What convinced me of Jeff's guilt was the hair evidence. His hair showed that he was with her. The hair in her panties was the overwhelming part for me. Of all the evidence the connection was the hair. That's what linked him to Amber. Without the hair evidence he might have gotten off because there was no other overwhelming evidence.



- 7) Information about Eric Horn's drug dealing would have had an effect on my decision to convict because Amber's murder could have been about him owing someone money or a drug deal gone bad.
- 8) Evidence of Eric's dealing drugs could have explained why Jeff went over to the house in the middle of the night and why Eric would leave his sister in the middle of the night like that.
- 9) Information about a strange man who stood outside Amber's bedroom window and Amber's journal entries about being attacked by someone a few months before her murder definitely would have cause reasonable doubt on my part.
- 10) Had life without parole been an option, I would definitely have considered it.
- 11) No one has ever contacted me about this case since the trial. If someone had, I would have talked to them.

Further affiant sayeth naught.


Carmen Pittman-Harrison

Sworn to and subscribed before me on this 20 day of July, 2015.

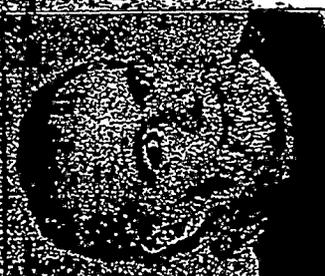

NOTARY PUBLIC



MARTHA J. PHILLIPS
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 5/25/16

INSIDE

- Home sales rise
- Low rates spur climb/C-1
- Soviet aid OK'd/A-3
- FIU closes school/C-1
- Unity treaty fails/C-8



George Carlin

IN TEMPO

- Carlin's chiming time
- Slack underwear
- NBC may drop Carlin

A CINCINNATI ENQUIRER

FINAL/36¢

Steger



EXHIBIT
78

Girl, 10, feared kidnapped

Suspect detained while police search near Harrison

BY SHEILA McLAUGHLIN
The Cincinnati Enquirer

Peggy Garrett kept hoping Monday that at any moment her 10-year-old daughter, Amber, would show up on her doorstep.

But as day wore into night, there was no sign of the little girl who likes to roller skate and play with Barbie dolls.

Harrison Police Chief Gary Foust said detectives think an acquaintance of Amber's mother took the child early

Sunday from the bed where she slept with two siblings at the family's Harrison Avenue apartment.

A 31-year-old man was taken into custody about 7 a.m. Monday after officers searched his Harrison home for clues to Amber's whereabouts.

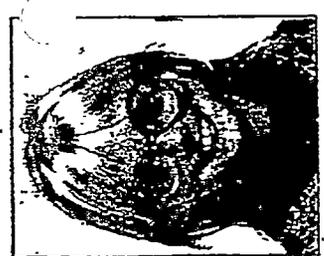
Foust said evidence found at the man's apartment led police to focus their search on the banks of the White-water River. Five deputies from the Hamilton County Sheriff's Department searched on horseback without success

Monday afternoon. No charges had been filed against the man as of Monday night, but Harrison police continued to hold him as a suspect.

"The reason we think there is foul play is ... the fact the girl's personal belongings are still in the house," Foust said.

He said Amber's eyeglasses, shoes and coats were left behind.

(Please see MISSING, back page, this section)



Amber Garrett
... has disappeared

e with hunger, pride

In recession

Food

CONTINUED FROM

Some gave up the ers or scarves to k and babies warm c wait.

To stay warm, r paced. A fire wa garbage can nearl saved places in lin they could warm the blaze.

Like Lampson, a ple said they had times only recently.

About a year ago to leave her job as when it became to balance holding a jc 6-year-old, and carri tially paralyzed mot

Lampson does te one day a week to She hopes to find a n working a graveyard can be home during t mother and child.

After her long morning, Lampson t home and fixed baco for herself and her . bag of food from the

The bacon sandwi change from the ric soup she has been ser

Bone soup — wat with leftover meat bo of the many tactics L to survive.

On a table in her sr room apartment are t filled with water in ce ties get turned off. She her living room into a room for her mothe family has no phone.

Cross-C

THE ASSOCIATED PR

NEW YORK — S breezed into Manhattan four months about 3,00 three pairs of boots afte a walk for foster-care c

The 21-year-old Dei said he wasn't sure how hasn't really sunk in guess I feel good."

Finney began his journ in Santa Monica, Calif. dual goal of raising n attention for foster ch hoping to set an exampl that nothing is impossibl

When he hit Manhatt he had no idea how much



The Cincinnati Enquirer/John Curley

Peggy Garrett is grim Monday as she awaits news of her 10-year-old daughter, Amber. Amber's half-brother, Eric Horn, right, was tricked into leaving his mother's home before she disappeared.

Missing

CONTINUED FROM PAGE A-1

Sheriff's spokesman Frank Weikel said police think the girl was taken from her mother's apartment after the man tricked Amber's half brother, Eric Horn, into leaving the home about 3 a.m. Sunday.

Horn, 16, was baby-sitting Amber, an 8-year-old brother, and preschool-age sister since 10:45 p.m. Saturday when Garrett went out with a girlfriend.

Weikel said the man lured Horn away from the apartment by telling him his mother was in trouble and needed his help.

When Horn did not find Garrett, he went home to discover the front door open and Amber missing. He did not worry, Weikel said, because he thought his mother had returned and taken Amber somewhere.

Though Garrett returned about 5:15 a.m. Sunday — minutes after Horn left to go to his grandparents' house to sleep — she did not realize Amber was missing until 9:15 a.m. when the other two children got up.

Neither child heard Amber leave, nor did they see anyone take her from her bed, Foust said.

To help

Harrison police ask that anyone who has seen Amber Garrett or has information about her whereabouts, call them at 367-4320, 367-4166 or 825-2280.

The child is described as blonde, brown-eyed, about 4 feet 10 inches tall, weighing 70 pounds. She may be wearing faded bluejean overalls and a T-shirt.

Garrett, a single parent, said she first thought Amber had gone to church with a friend. But when she did not come home by 1 p.m. Sunday, the family began looking for her.

About 45 friends and relatives checked abandoned buildings, wooded areas, trash bins, cemeteries and the riverbank.

They spent Monday passing out thousands of leaflets with Amber's picture in the Harrison area. Police officers on foot and in the air combed fields, roads and riverbanks in and around Harrison.

Garrett said she reported her daughter missing about 6 p.m. Sunday, four hours after a son went to the police station but found

the doors locked and no one there.

As for the man now identified as a suspect in Amber's disappearance, Garrett said she met him about six weeks ago through a friend.

The man lives nearby and often drove her to the grocery store, she said. He stopped at her apartment occasionally but did not interact with the children.

Foust said the man has admitted tricking Horn into leaving the apartment early Sunday but denied knowing anything about Amber's disappearance.

Garrett is sure her daughter, a fifth-grader at Harrison Elementary School, did not leave on her own. She said Amber's glasses are proof.

"She wouldn't come out of her bedroom without her glasses on. She can't see," an exhausted Garrett said at her home during a break from Monday's search.

She said Amber may be wearing bluejean overalls. The overalls are gone, and the Loretta Lynn T-shirt Amber wore to bed Saturday night was on the floor in her bedroom.

"I've checked with every friend and nobody's seen her. I just keep thinking she's going to come to the door, so I can ground her," Garrett said.

THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

STATE OF OHIO, : CASE NO. B 9206287
Plaintiff-Respondent, :
vs. :
JEFFREY WOGENSTAHL, : Death penalty case
Defendant-Petitioner. :

Affidavit of Roberta Venturini

IN THE COUNTY OF HAMILTON)
IN THE STATE OF OHIO) ss:

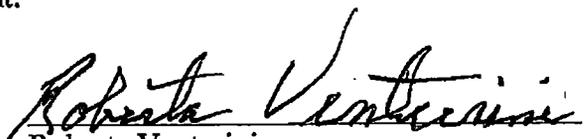
I, Roberta Venturini, duly sworn, do hereby state the following:

- 1) I served as a juror on the Jeffrey Wogenstahl capital murder case.
- 2) I suspected the older brother, Eric, was involved. He seemed weird. I found it hard to believe the mom wouldn't know where her daughter was.
- 3) I recall the prosecutor talking about bleach a lot.
- 4) During the second part of the trial, it was strange that Jeff's parents testified but didn't attend the rest of the trial. I recall times during the trial phase when Jeff would turn around and seemed to be searching for his family in the courtroom.
- 5) I would have considered a life sentence if I had heard the right evidence. The defense attorneys didn't give us much to go on. They just gave us bits and pieces. I felt they should have called more witnesses. Another juror and I were kind of holding out for life.
- 6) If the defense attorneys had emphasized the problems with the mom and brother's stories more, it may have affected my sentencing decision. It would have given me and the other hold out juror more to stand up to the other jurors and possibly could have persuaded them.



- 7) Had life without parole been an option I would have considered it. I felt that the other sentencing options weren't enough, but there is a good possibility that I would have voted for life without parole if it had been an option. It also would have given me and the other juror something more to argue than just the 20 to life sentence which seemed too light.
- 8) I remember after the trial the younger defense attorney came and talked to the jury. He told us that Jeff was a scary dude. I remember thinking, "why are you telling me this?"
- 9) I took my job as a juror very seriously. It was a hard thing to do and I didn't take it lightly. I tried to be fair to both sides. During the penalty phase deliberations, I even consulted my minister for advice. I didn't tell him I was on a jury and used hypotheticals. I asked him if a person had to decide to take someone's life, what should he or she do?
- 10) No one has ever contacted me about this case since the trial. If someone had, I would have talked to them.

Further affiant sayeth naught.


Roberta Venturini

Sworn to and subscribed before me on this 18 day of June, 2015.


NOTARY PUBLIC





Harvey G. Shulman, PhD
7715 High Wind Drive
Powell, OH 43065

Ph: 740 881-1603

fax: 740 881-3962

March 31, 2015

State of Ohio v Jeffrey A. Wogenstahl

I am Dr. Harvey G. Shulman, PhD. My training is in Cognitive Psychology and between 1969 and 2008 I was a member of the faculty of the Psychology Department at The Ohio State University. Since 2008 I have been retired and have the title of Emeritus Faculty. My areas of expertise include attention, perception and memory. These areas are relevant to eyewitness accuracy and over the past 25 years I have testified many times on eyewitness behavior in criminal proceedings.

I have been asked by attorney Elizabeth Arrick to review transcripts from court proceedings related to the 1993 prosecution and conviction of Jeffrey A. Wogenstahl for the murder of Amber Garrett. My task is to evaluate the circumstances of that prosecution in regard to the testimony of eyewitnesses and to prepare a report that outlines factors that may be outside the ken of lay jurors and that are known through scientific evidence to elevate the possibility of a false identification by an eyewitness.

Below I list the scientifically supported factors that may have operated in this case to produce a false identification. The framework in which I would explain these factors is that eyewitness identification is an act of remembering, and that accuracy of identification of the face of a stranger is determined by factors that limit the quality of stored information at input and of retrieved information and decision making at output.

- At input visibility may be limited by poor lighting, viewing angle, distance, divided attention and limited time.
- An identification made by a witness should be based only on information acquired during the crime. It is possible that exposure to media accounts of a suspect may alter a witness's memory and influence his identification.
- Identification in a photo lineup can be mistaken when the witness assumes that mere presentation of a lineup implies that a suspect is present and that a choice should be made. Proper instructions stating that the perpetrator may not be present should be used to defeat this assumption.
- Research has identified two distinct strategies witnesses may use to make a choice between the candidates in a physical or photo lineup. The first is an absolute strategy is based on achieving a level of recognition that exceeds a set

threshold level. The second is a relative strategy in which the candidate who best matches the witnesses memory for the suspect is selected. The relative strategy is more likely to produce a false identification while the absolute strategy is more prone to a missed identification error.

- An identification by a witness should be based solely on the memory formed by virtue of the witness's experience during the commission of the crime. Additional sources of information such as media exposure or prior encounters with a suspect can distort the witnesses memory of the crime with the result of a false identification.
- Research on juror decision making has found that jurors hold strongly to the belief that the confidence expressed by an eyewitness is positively related to their accuracy. This is mistaken. Related research has shown that the confidence expressed by a witness is not a good indicator of witness accuracy, primarily because confidence is influenced by many social and cognitive factors that come into play after the memory itself is formed.
- The real world true rate of false identification is unknown but the results of research using controlled studies suggest a range between 20 and 50%. In known cases of false conviction, largely based on DNA evidence, it has been reported that mistaken eyewitness testimony was a major contributing factor in over 80% of cases.

In the case of OH:vy. Wogenstahl the above mentioned factors may have influenced the testimony of eyewitnesses Vicki Mozena, Kathy Roth, and Brian Noel, each of whom made positive identifications of Mr. Wogenstahl. I have examined their statements and testimony as well as the photographic and video materials used to obtain identifications from each witness. For each witness I identify factors below that are known to limit in some way the memory formed by an eyewitness and hence the later identification based on that memory. In addition I discovered possible flaws in the conduct of the identification procedures that may have influenced their outcomes.

- Witnesses Roth and Noel viewed a person later claimed to be Jeffrey Wogenstahl at night from moving vehicles for a very limited amount of time (Mr. Noel testified 5 seconds). Memory for a face of a stranger seen once for a few seconds is difficult under optimal conditions. When visibility is limited by poor lighting, viewing angle, and limited time it is extremely challenging to form a durable, detailed memory.
- In the video recording of the physical lineup in which Brian Noel identified Wogenstahl his comments indicate a relative choice strategy. For example at 5:02 on the video timeline Noel stated "closest one out of that bunch, he's the only one that fits that description all that much." As noted above this 'best match' strategy is prone to false identification errors.
- An identification made by a witness should be based only on information acquired during the crime. It is possible that chance encounters or exposure

to media accounts of a suspect may alter a witness's memory and influence his identification. Both Vicki Mozena and Kathy Roth testified that they had encountered Wogenstahl in contexts other than the one on which they based their identification. Mozena had seen him in the UDF before the crime date and Roth saw him on TV just after the crime. These encounters may have provided or enhanced the memory that identification was based upon. It is not uncommon to recognize a face but forget the circumstances of an encounter. When this happens in a photo identification procedure the result can be a false identification.

- Identification in a photo lineup can be mistaken when the administrator provides encouragement or incentive, however subtle, to make a choice that influences the witness to make an identification. In the cases of witness Mozena identification of Wogenstahl was made from a photo array. The instructions "Circle the one that I thought was the gentleman that came in that night" were suggestive in that they presume that the array contained the culprit. Instructions stating that the culprit may not be present in the photo set were apparently not given.
- Kathy Roth failed to make an identification when presented with a photo array shortly after the crime occurred. Eleven months later she was shown another set of photos and was only able to make a tentative identification. However when the administrator then showed her an older photo of Wogenstahl that was apparently an obvious mug shot (suggesting a prior criminal arrest) she then made an identification. This identification was procedurally flawed in that the administrator was not blinded, and more importantly (in 1993) by the presentation of the second picture of Wogenstahl which constituted a suggestive single candidate showup that would have been influenced by the immediately preceding photos. Thus the photo of Wogenstahl may have been falsely identified because his appearance in the recent photo array made him seem familiar.
- All three witnesses made in court identifications expressed with confidence. Such identifications are invariably subject to challenge on the grounds that the courtroom scenario is biased against the defendant and socially coercive to the witness.

My opinion is that these are factors that an expert on Eyewitness Identification might have elucidated for the jury and that go beyond lay knowledge and that may have lessened the credibility or impact of one or more of the eyewitnesses.

Sincerely,



Harvey G. Shulman

THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

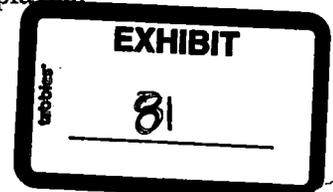
STATE OF OHIO, : CASE NO. B 9206287
Plaintiff-Respondent, :
vs. :
JEFFREY WOGENSTAHL, : Death penalty case
Defendant-Petitioner. :

Affidavit of Christopher Marshall

IN THE COUNTY OF HAMILTON)
IN THE STATE OF OHIO) ss:

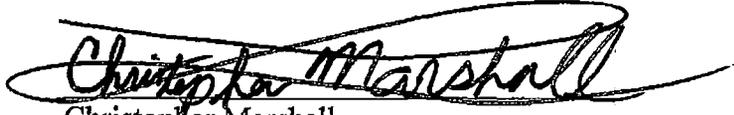
I, Christopher Marshall, duly sworn, do hereby state the following:

- 1) In November of 1991, I lived in Harrison, Ohio at the Dair Avenue apartments. The apartments were within a quarter mile of Peggy Garrett's apartment.
- 2) I remember the Garretts. I knew Justin Horn, but I wouldn't say we were friends. We did have some friends in common. I never had anything against Justin though.
- 3) At the time I played a lot of Dungeons and Dragons and often had people stay over to play. We would usually play a game from noon on Saturday until noon on Sunday with only a dinner break. Justin Horn was not one of the regular players who spent the night.
- 4) It's hard to believe that Justin ever would have spent the night at my house. On the weekend Amber disappeared I'm pretty sure Justin wasn't at my house. If Justin had been at my house that weekend, I think I would have remembered it.
- 5) No one from the police, prosecution, or defense ever contacted me. I would have talked to anyone had they contacted me. I also would have been able to provide them with detailed information about who was at my house the weekend Amber disappeared because I used to keep a calendars of all of my Dungeons and Dragons games with the names of those who played.



6) I knew Eric Horn, Justin's brother, but I was not friends with him. I knew Eric did drugs, and I didn't want to be around that. I also heard rumors that Eric had something to do with Amber's death.

Further affiant sayeth naught.


Christopher Marshall

Sworn to and subscribed before me on this 2nd day of ^{April}~~March~~, 2015. 


NOTARY PUBLIC



MARTHA J. PHILLIPS
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 5/26/16

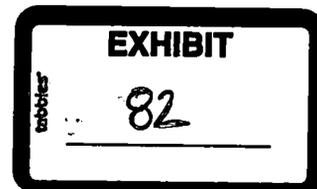
THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

STATE OF OHIO, : CASE NO. B 9206287
Plaintiff-Respondent, : JUDGE NADEL
vs. :
JEFFREY WOGENSTAHL, : Death penalty case
Defendant-Petitioner. :

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

State of Michigan)
County of Monroe) ss:

1. I am a licensed physician in the States of Ohio and Michigan with a subspecialty in forensic pathology. My curriculum vitae is attached.
2. I reviewed the materials related to the death of Amber Nicole Garrett, which included a video taken of the scene, scene and autopsy pictures, the autopsy report (Hamilton County Coroner Number OC-249-91), and the court testimony of Dr. Michael Kenney in the criminal trial of Jeffrey Wogenstahl.
3. The victim suffered multiple blunt trauma, mainly to the left side of the head, and multiple stab wounds. I created body diagrams (attached to this affidavit) to more easily demonstrate the wide distribution of injuries on the victim's body.
4. There was multiple blunt trauma seen on the victim. Much of the blunt trauma was concentrated to the left side of the head, with multiple contusions and lacerations. Aside from extensive subcutaneous hemorrhage, there was one larger laceration on the left temple with comminution (i.e. crushing) of the skull and exposure of the brain and soft tissue. There was no external or internal evidence of sexual injury, and none was documented.
5. There were multiple stab wounds, concentrated on the left neck and left chest and shoulder. One of the stab wounds to the neck punctured blood vessels in the supraclavicular region, the pleural cavity and the left lung. One of the wounds to the chest punctured the pericardium, diaphragm and liver.



6. The autopsy report states that there was 1000 ml of blood in the left chest as a result of the stab wounds. It is my opinion to a reasonable degree of medical certainty that this is an overestimate of the amount of blood in the victim's chest cavity. Unless a precise measurement is taken, which was not indicated in the materials I reviewed, it is very difficult to accurately estimate the amount of blood based merely on observation. Overestimates are common and I have seen them frequently throughout my career. My reasoning for this opinion is that the report mentions that the deceased weighed 78 lbs, or about 35 kg. Assuming a circulating blood volume of 75 ml / kg of body weight, this means that the intravascular volume was about 2659 milliliters. Hence, 1000 ml would represent 37% of that circulating blood volume. After about a loss of 15% of blood volume there is a significant drop in blood pressure; this loss does not include that suffered from other trauma, such as the head injuries. And as will be explained, it is my opinion that the head injuries were inflicted close in time, but before, the other injuries. Extensive blood loss would have occurred from those injuries as well.

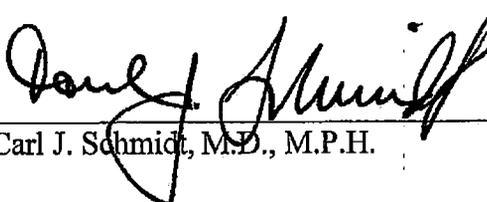
7. All of the injuries would have caused at least some external bleeding. A large amount of blood and tissue splatter would have been present in the location where these injuries occurred. Based on the amount of bleeding from the head seen in the photographs, it is my opinion that the head injuries in this case likely took place prior to the stab wounds. The wounds to the head showed profuse bleeding and brain matter protrusion. These injuries in particular would have caused a significant amount of blood and tissue splatter as they were being inflicted. The stab wounds sustained to the arm would have caused both internal and external bleeding. Although not specifically stated in the coroner's report or testimony I assume he is referring to the subclavian / axillary / brachial artery and vein when he is referring to the major vessels in the arm that were severed (the three names for the artery and vein reflect the region of the body in which they are found, but they are the same blood vessels). This injury was the source of the internal bleeding described in the autopsy report but it is likely there would also have been some external bleeding when it was inflicted because the artery is such a large blood vessel that originates directly from the aorta, which in turn originates from the heart. Had the head injuries occurred after this injury I don't think there would have been as much bleeding in the head as was documented.

8. To a reasonable degree of medical certainty, my opinion is that the injuries could not have been inflicted in the vehicle shown in the pictures. It is practically impossible that the victim was in the car when these injuries were sustained, as the physical space needed by the assailant to inflict those injuries is much greater than that (this means the space needed to swing an arm wielding a weapon). Further, in order to cause the injuries sustained by the victim here, an assailant would need a significant amount of energy, and repeated blows, to injure the soft tissues of the head and cause the comminuted, depressed skull fractures described in the autopsy report. The fractures span much of the left side of the skull and brain tissue was exposed. The fracture lines extended to the floor of the skull and

included the left orbital plate. There was also injury to the brain. The blows needed to cause them would have generated at least some spread or splatter of soft tissue and blood at the place where the injuries were inflicted. The injuries to the head were caused when the head was supported against a firm surface, such as the ground, with the right side of the head in contact with it. This is also supported by the bruising seen on the right ear and the right temple, which could have been caused when victim's head was against a hard, irregular surface such as the ground outside. These injuries could not have occurred while the victim was sitting up, such as she would have been in the front passenger seat of the car. Had she been in a sitting position the head would have swung like a pendulum moving back forth, a process which dissipates energy and would have resulted in a different pattern of injury, instead of that seen here, where there is much more severe injury to the left side of the head in comparison to the right side. Injuries are remarkably absent from the right side of the brain.

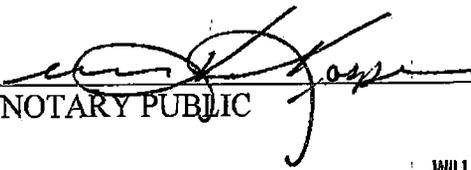
9. Also of note in the picture is the large laceration on the left temple. This wound would have resulted in a fair amount of tissue spattering and blood loss. The hair was also matted with blood, which would also have left some kind of bloody residue and, unless the head was completely covered, would also have spread blood and tissue when the body was moved. There is a picture of the face that shows a thin layer of blood on the left side before the face was cleaned; I don't believe you could move the body without some of this blood being left behind if it contacted any surface while being moved. Even if the body had been wrapped in some manner the body would have been leaking a large amount of fluid (including blood, saliva, brain matter, water, etc.) from the injuries incurred, and it is unreasonable to believe that a significant portion of this fluid would not have leaked in the transportation of the body. It would be extremely hard to thoroughly clean up this blood and fluid, particularly in a small space, such as a car that includes absorbent materials like carpeting.
10. It is not possible to ascertain what kind of instrument was used to inflict the blunt injuries because no discernible pattern was present on soft tissue or bone. With injuries this extensive, it is usual to find blood and other tissue residue on the instrument. This is also true of the knife. There is mention of a pocket knife in original trial testimony, but, unless there is tissue present on the knife it would be difficult to match a particular knife to a stab wound other than to say that the weapon had a single edge or a double edge if the shape of the wound reflects this.
11. The body was found outdoors; it was partially frozen. This would slow decomposition and help preserve the body. It also makes estimating a postmortem interval impossible because freezing prevents the usual lividity and rigidity from developing at the rate they would at a higher temperature. Hence, in this case, my opinion, to a reasonable degree of medical certainty, is that an estimate of a postmortem interval cannot be established.

12. The multiple, mainly parallel scratches to the back, buttock and thighs were postmortem. It's not possible to say when they occurred relative to the time of death. I believe they were caused by dragging through a place like the wooded area where the body was found. The cross-hatch pattern indicates there may have been a directional change at some point while the body was being dragged.
13. There is a mention of a stab wound to the left wrist and an incised wound to the base of the left thumb. These were described as defensive injuries, i.e., sustained as the deceased was trying to defend herself. Although this is possible, these kinds of injuries tend to be more numerous and widely distributed along areas such as the back of the forearms than is seen here. It is also possible they happened as the stab wounds to the chest were being inflicted and the hand was in the way (interposed between the knife and the chest wall as when the hand is resting on the chest). If the latter happened after the head injuries, my opinion to a reasonable degree of medical certainty is that the deceased would have been unconscious because of the injuries to the brain.
14. In conclusion, my opinion to a reasonable degree of medical certainty is that the victim in this case was killed outside of the car seen in the pictures that I reviewed. The injuries were likely inflicted while the body, and the head, were lying on an irregular surface, such as the ground outside, with the right side of the head in contact with it. Due to the amount of bleeding and blood loss, my opinion to a reasonable degree of medical certainty, is that the injuries to the head were sustained first, rendering the victim unconscious within seconds to minutes, while the stab wounds were inflicted. If the victim had not been alive when the head injuries occurred, I don't think you would have seen bleeding as extensive as was documented within and outside of the head. Death would have occurred quickly, perhaps within minutes of the injury to the blood vessels of the chest wall because of the large caliber of those blood vessels and their direct connection to the aorta.



Carl J. Schmidt, M.D., M.P.H.

Sworn to and subscribed before me on this 13th day of February, 2015.



NOTARY PUBLIC

W.K.

WILLIAM K. KASPER
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Nov 7, 2015
ACTING IN COUNTY OF Wayne.

REPORT

Kimberly S. Rigby, Esq.
Assistant State Public Defender
Office of the Ohio Public Defender
250 East Broad Street, Suite 1400
Columbus, Ohio 43215

(614) 466-5394

State of Ohio vs. Jeffrey A. Wogenstahl



PREPARED BY:

GARY A. RINI, M.F.S.

FORENSIC SCIENCE CONSULTANT

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NORTH OLMSTED, OHIO 44070

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EXHIBIT

83

tabbaker

REPORT OF FINDINGS

STATE OF OHIO VS. JEFFREY A. WOGENSTAHL

INTRODUCTION

Please find a current copy of my curriculum vitae and a list of my courtroom and deposition testimony attached to this report in accordance with Rule 26 of Federal Rules of Civil Procedure pertinent to general provisions regarding discovery and duty of disclosure.

QUALIFICATIONS

I, Gary A. Rini, am an independent police procedures and forensic science consultant, based in the Cleveland, Ohio area. I provide a critical case review and evaluation of police procedures in homicide and shooting incident cases which includes: critical events analysis and physical evidence correlation; shooting incident reconstruction; crime scene evidence evaluation; bloodstain pattern analysis; crime scene reconstruction; crime scene investigation and police officer performance audits and expert witness testimony for both prosecution and defense attorneys in criminal cases and plaintiff and defense attorneys in civil cases, as well as providing those services to Government and Trial Defense Service JAG Officers (Military Attorneys) in UCMJ (Uniformed Code of Military Justice) cases.

I began my professional career in 1975, serving in small, mid-size and large police agencies. During the course of my career, I served as a Patrol Officer, a police department SWAT team member, a multi-agency police SWAT team member, Police Agent, Crime Scene Investigator, Crime Laboratory Detective, PEER Support Counselor, Patrol Sergeant, Assistant Tactical Firearms Instructor, Forensic Services Manager and Police Commander of Criminal Investigations. I also served as lead forensic consultant on two Chicago-area major crime task forces. I received my graduate education from **The George Washington University** in Washington, D.C., and from **DePaul University** in Chicago, Illinois. I am a graduate of the **Police School of Staff and Command** from **Northwestern University's Public Safety Institute**.

I am a graduate of the **Ohio State Highway Patrol Basic Police Academy** (serving as class leader), **The Lakewood (CO) Police Academy** (class leadership award and commencement speaker) and the **Denver (CO) Police Department Police Academy** (commencement speaker). I received advanced specialized training from the Federal Bureau of Investigation, United States Secret Service, Smithsonian Institution, the Armed Forces Institute of Pathology, Saint Louis University Medical School, University of New Mexico Medical School, Case-Western Reserve University's Law-Medicine Center, Northwestern University's Public Safety Institute, Henry C. Lee Institute of Forensic Science, the Institute of Police Technology and Management and other nationally recognized professional organizations.

I have designed and taught college police science courses, as well as police science training courses for judges, attorneys, law enforcement officers, nursing and allied health specialists, first responders and other police agency professionals. I am a member of a number of scientific professional organizations, including the American Academy of Forensic Sciences, the International Association for Identification, the International Association of Bloodstain Pattern Analysts, the Association for Crime Scene Reconstruction, the International Homicide Investigator's Association and other professional organizations, where I have held leadership positions as Board Member, Vice-President, President, Chairman-of-the-Board, Training Conference Chairman and Regional Representative for a number of those organizations.

I served on the **National Institute of Justice's Technical Working Group** that established the national **Guidelines for Crime Scene Investigators**, and have been bestowed the designation of **Visiting Professor of Law** by the Francisco Marroquin University School of Law, Guatemala City, Guatemala. I am a **Vietnam-era Veteran** of the **United States Air Force** and **Ohio Air National Guard**, where I served as an emergency room (trauma) medical corpsman. I am a **NRA Certified Firearms Instructor** and a **NRA Certified Range Safety Officer**. I have in excess of 500 hours of dedicated firearms training, in addition to quarterly, semi-annual and/or annual range qualifications with police service firearms.

PUBLICATIONS

A list of my previous publications is contained in my attached CV.

COMPENSATION

The hourly rate charged for my services is three-hundred dollars (\$300.00) per hour, plus expenses. The total number of hours spent on this project to date is 10 hours. Compensation as of the date of this report is \$3000.00.

TESTIMONY

As of this date, I have provided expert testimony in a deposition or trial on 124 occasions. (See attachment)

ASSIGNMENT

I was tasked with rendering an opinion on the following issues:

- Procedures used by investigators in gathering and preserving evidence in this case,
- An evaluation of the validity of the presumptive blood tests used in this case, and what conclusions could be drawn from the results of those presumptive blood tests,
- Whether bleach, as the state argued, would have cleaned-up the blood evidence preventing forensic scientists from finding blood,
- The effect bleach would have on blood and luminol testing,
- Whether cat urine would cause a reaction with luminol,
- The likelihood that the victim was killed or transported in the car,
- The likelihood the victim was killed in Wogenstahl apartment,
- The significance of the pubic hair evidence,
- The potential value of the use of other forensic experts at the scene,
- The State's explanation of the way the victim was killed.

MATERIALS EVALUATED

In order to perform this task, I evaluated the following materials:

- I.) Witness Testimony**
- William Dean
 - Douglas Deedrick
 - Dr. Robert Webster
 - Dr. Michael Kenny
 - Charles Lindsey
 - Steve Mathews
 - Edward Bettinger
 - Norman Koopman
 - Jeffrey Schaefer
 - Donald Stone
 - Brian Wraxall

II.) Documents

- Analysis, testing records
- Blood testing notes (Exhibit C)
- Blood testing notes (Exhibit D)
- Blood testing notes (Exhibit E)
- Canine records
- Crime lab report
- Fingerprint testing records
- Investigation records
- Luminol testing
- Autopsy report from Hamilton County Coroner's Office
- Autopsy photos
- Crime scene photos
- Crime scene video
- Affidavit of Carl J. Schmidt, M.D., M.P.H.
- Hamilton County Laboratory Reports and Bench Notes (157 pages)

REFERENCE MATERIAL CONSULTED

I referred to the following material to support my observations and/or conclusions:

- Scientific Working Group on Bloodstain Pattern Analysis (Terminology)
- Gross AM, Karas, KA, Kaldun, GI. **The effect of luminol on presumptive tests and DNA analysis using the polymerase chain reaction**, J. of Forensic Sci 1999; 444 (4): 837-840
- Harris KA, Thacker CR, Ballard D, Syndercombe Court D. **The effects of cleaning agents on the DNA analysis of blood stains deposited on different substrates**, International Congress Series 1288 (2006) 589-591.
- Jakovich Cathy J. **STR analysis following blood detection by luminol, fluorescein and bluestar**, Journal of Forensic Identification 57 (2), 2007 \ 193.
- Gimeno Fred E, Rini Gary Alan. **Fill flash photo luminescence to photograph luminol blood stain patterns**, Journal of Forensic Identification 39 (3), 1989 \ 149.
- Gebreth, Vernon J., *Practical Homicide Investigation*, 3rd ed. Boca Raton: CRC Press, Inc., 1996.
- Gebreth, Vernon J., *Sex-Related Homicide and Death Investigation*, 2nd ed. Boca Raton: CRC Press. Inc. 2010.
- James, Stuart H, Kish, Paul E, Sutton, T. Paulette, *Principles of Bloodstain Pattern Analysis*, Boca Raton: CRC Press, Inc. 2005.
- Fisher, Barry A.J., *Techniques of Crime Scene Investigation*, 5th Ed. New York: Elsevier, 1991.
- Spitz, Werner U and Spitz, Daniel J., *Medicolegal Investigation of Death*, 4th ed. Springfield: Charles C. Thomas Publishers, 2006.

OPINION/CONCLUSION

Based on a review and evaluation of the above-cited materials, I offer the following opinions/conclusions:

- The procedures used by crime scene investigators did not meet the standards reflected in contemporary crime scene-related texts (see Fisher) regarding the planning, searching, documentation, protection and evidence collection of homicide-related scenes. Among these deficiencies, one finds that there was not a demonstrated plan to search the scene in a structured manner which may have resulted in the failure to

REPORT OF FINDINGS: STATE OF OHIO VS. JEFFREY A. WOGENSTAHL

discover evidence at the scene; Failure to limit and control access to the scene to only those needed to process the scene increased the possibility of the loss, destruction or contamination of potential evidence by curious on-lookers; Failure to employ the services, or seek the advice of, forensic specialists (e.g. bloodstain pattern analysts, forensic botanists, forensic geologists or forensic entomologists) at the time of the crime, could have contributed to the potential loss of associated forensic evidence which could have been discovered through the use or consultation with those specialists; Failure to provide sufficient scene photographs in number and context (long-range, mid-range and close-up photographs) and the ground underneath the body (once the body was removed) could have resulted in the lost opportunity to discover additional evidence, or limit an objective crime scene analysis by an independent third-party expert.

- No photographic documentation of the luminol test or other presumptive tests was presented for evaluation. Therefore, one needs to rely on the written documentation of the individuals involved in the application of these testing methodologies for accuracy of test results. Many results were reported as “negative” in the documentation reviewed by this analyst. That indicates no blood was present. However, some results were presented as positive, but when tested further, no blood was found. In addition, it is not uncommon for inexperienced investigators to misinterpret the results of certain presumptive tests for blood.

For instance, when applying luminol to an area suspected of containing occult blood, the inexperienced investigator may note a “glowing” of the area once the *luminol* is applied. However, in many instances, the uninformed and inexperienced investigator will misinterpret the appearance of the luminol when exposed to air (the “glowing” of the chemical) as a positive reaction to the presence of blood.

In the case of the use of *phenolphthalein* as a presumptive test for blood, a positive reaction is indicated by an immediate appearance of a “pink” color on the filter paper used to collect a sample from a suspected bloodstain once the phenolphthalein chemicals are applied to the filter paper. However, if the filter paper is exposed to air, even on filter papers without immediate pink (negative for blood) reactions will eventually turn pink over time. The inexperienced investigator may interpret this as a positive test for the presence of blood when, in fact, it is not.

In both of these examples, these errors in the interpretation of test results can be avoided by the utilization of pre-testing control samples in which the investigator applies luminol and phenolphthalein to known blood samples to observe the actual appearance of positive reactions of these tests to known blood samples.

It should be noted that any positive test results obtained from these presumptive tests only indicate the presence of blood. These tests do not discriminate between human and non-human blood, nor are they able to identify to whom the blood belongs.

- Bleach will not prevent the scientists from locating blood. The luminol-bleach reaction is very specific, and to an experienced analyst, blood is easily recognizable. The luminol-bleach-blood reaction will

appear “wiped-up” but the luminol chemical reaction will have a unique “flash” characteristic to its appearance. Subsequent presumptive tests such as the use of phenolphthalein will still test positive in the presence of blood, after applying bleach to the blood in an attempt to “wipe the blood away.

- The application of bleach to blood as a masking agent will not necessarily preclude subsequent detection of blood through the use of luminol detection techniques, nor will it absolutely preclude the detection of DNA from a collected blood sample.
- Cat urine will not cause a reaction to the application of luminol, as the luminol reacts to a specific component contained in blood (hemoglobin) which is not present in cat urine.
- Due to the lack of the volume of blood one would expect inside a closed space (such as a vehicle) that would have been generated from the victim’s injuries, and due to the lack of any transfer evidence of the murder weapon onto the interior of the vehicle, it is highly unlikely that the victim was killed or transported in the suspect’s vehicle.
- The lack of detection of blood, or indications of blood clean-up, within Wogenstahl’s apartment make it highly unlikely that the victim was murdered inside Wogenstahl’s apartment. It appears that crime scene investigators removed the plumbing from Wogenstahl’s bathroom to examine the contents of the drain pipes for evidence of blood. If blood had been present, it would have been found in the drain pipes. The lack of blood in the drain pipes indicates that no blood was present, nor was there any evidence of the use of any cleansing agents that would have removed any traces of blood.
- Hair that cannot be linked to a victim or suspect is irrelevant if a link between suspect and victim cannot be established. Any hair that may have been found may very well have been deposited as a result of cross-contamination during the handling of the evidence by the various individuals who had custody of the material during the course of the examination and/or testing of the clothing evidence. Testimonial evidence revealed that there was no accounting of the actual number of hairs collected as evidence.
- The scene investigators could have benefited from the expertise offered by forensic geologists, forensic entomologists and bloodstain pattern experts at the scene. There were not enough photographs taken of the scene around and underneath the victim’s body to adequately assess the degree and expanse of the bloodstain patterns present around the body. Had these photographs been taken, it would have enabled an independent third party bloodstain pattern analyst an opportunity to assess the degree of blood loss and distribution patterns of the blood in order to support or refute the determination of the outdoor scene as the location of the physical assault that lead to the victim’s death.
- The State’s contention that the victim was murdered elsewhere, or in Wogenstahl’s car, which was then used to transport the victim to the scene, is not supported by the physical evidence in the car, at the scene or on the victim. As was previously mentioned, there was no evidence of bloodstains and weapon transfer evidence detected in the vehicle that would support the determination of a violent confrontation inside the vehicle; there was no documentation of bloodstain transfers along the path from the roadway

to the body dump site that would support the determination that the body was transferred (dead) from another location and “dumped” at the site at which the victim was found. Other than the lack of the amount of blood that one would expect to be present after a violent confrontation,, there were no fingerprints, hairs, fibers or any other physical evidence recovered which would connect the victim to Wogenstahl’s apartment or car (in which they specifically vacuumed for trace evidence that resulted in their failure to discover any trace evidence linking the victim to the car). In addition, to this lack of evidence, there was semen found on the comforter upon the bed on which the victim slept that was never identified (linked) as to its source.

- My informed opinion is that the victim was killed very close to the dump site, then dragged (as indicated by Dr. Schmidt’s description of the drag marks present on the victim), and placed where she was discovered. However, due to the lack of a thorough crime scene investigation, the exact location where the victim was murdered is impossible to determine after the passage of twenty years.

- In my nearly forty years of experience in law enforcement and forensic investigation, it is my opinion that the investigation of this case was so deficient in its thoroughness and adherence to established procedures of professional competence that it rates in the top 10% of the most troublesome cases that I have reviewed, or personally have been involved with, since I began my law enforcement career in 1975.

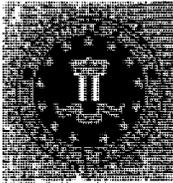
BASIS FOR OPINION/CONCLUSION

These opinions and conclusions are based on knowledge drawn from nearly 40 years of investigative and practical law enforcement experience, police and forensic science training and practical research, actual case evaluations and published standards. They are consistent with the standards and practices currently employed in the review and evaluation of death scene investigations.

Submitted this 13th day of March, 2015



Gary A. Rini, M.F.S.
Forensic Science Consultant
North Olmsted, Ohio 44070



Federal Bureau of Investigation
Washington, D.C. 20535

March 27, 2015

MS. ELIZABETH ARRICK
OFFICE OF THE OHIO PUBLIC DEFENDER
SUITE 1400
250 EAST BROAD STREET
COLUMBUS, OH 43215

FOIPA Request No.: 1295652-000
Subject: GARRETT, AMBER NICOLE

Dear Ms. Arrick:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Explanation of Exemptions:

- | Section 552 | | Section 552a |
|--|---|--|
| <input type="checkbox"/> (b)(1) | <input type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
| <input type="checkbox"/> (b)(2) | <input type="checkbox"/> (b)(7)(B) | <input checked="" type="checkbox"/> (l)(2) |
| <input type="checkbox"/> (b)(3) | <input checked="" type="checkbox"/> (b)(7)(C) | <input type="checkbox"/> (k)(1) |
| _____ | <input checked="" type="checkbox"/> (b)(7)(D) | <input type="checkbox"/> (k)(2) |
| _____ | <input checked="" type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) |
| _____ | <input type="checkbox"/> (b)(7)(F) | <input type="checkbox"/> (k)(4) |
| <input type="checkbox"/> (b)(4) | <input type="checkbox"/> (b)(8) | <input type="checkbox"/> (k)(5) |
| <input checked="" type="checkbox"/> (b)(5) | <input type="checkbox"/> (b)(9) | <input type="checkbox"/> (k)(6) |
| <input checked="" type="checkbox"/> (b)(6) | | <input type="checkbox"/> (k)(7) |

212 pages were reviewed and 180 pages are being released.

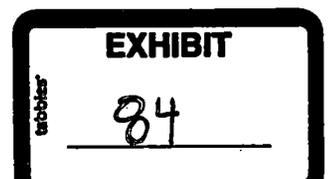
Document(s) were located which originated with, or contained information concerning, other Government agency(ies) [OGA].

This information has been referred to the OGA(s) for review and direct response to you.

We are consulting with OGA(s). The FBI will correspond with you regarding this information when the consultation is finished.

In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. Enclosed for your information is a copy of the Explanation of Exemptions.



You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

See additional information which follows.

The enclosed documents contained in sections 1 and 2 of FBI Cincinnati file 7-CI-59855-1A and section 1 of FBI Headquarters file 7-CI-59855-AUX represent the final release of information responsive to your Freedom of Information/Privacy Act (FOIPA) request.

To minimize costs to both you and the FBI, duplicate copies of the same document were not processed.

The enclosed documents responsive to your request are exempt from disclosure in their entirety pursuant to the Privacy Act, Title 5, United States Code, Section 552(a), subsection (j)(2). However, these records have been processed pursuant to the Freedom of Information Act, Title 5, United States Code, Section 552, thereby affording you the greatest degree of access authorized by both laws.

Your request for a fee waiver has been denied. Our decision on this matter is based on the statutory standard and the fee waiver guidelines issued by the Department of Justice.

By letter dated February 27, 2015, we sent you a CD containing the first interim release for this case. At that time, we explained the \$5.00 balance associated with that release would be billed with this release. Accordingly, upon receipt of the enclosed CD-ROM, please go to www.pay.gov to make an electronic payment* in the amount of \$20.00, or make a check or money order payable to the Federal Bureau of Investigation and remit it to the Work Process Unit, Record Information/Dissemination Section, Records Management Division, Federal Bureau of Investigation, 170 Marcel Drive, Winchester, VA 22602. Please include the FOIPA Request Number(s) with your payment. Failure to pay for this release within thirty (30) days from the date of this letter will close any pending FBI FOIPA requests from you. Nonpayment will also cause an automatic denial of any future FOIPA requests.

**Pay.gov is a secure web-based application that accepts credit card and ACH payments online, and is hosted by the United States Department of Treasury, Financial Management Service. For frequent FOIPA requesters, it is recommended to create a Pay.gov account to retain an online history of payments made through Pay.gov and to retain specific information for future payments. To make an electronic payment, complete the FBI Freedom of Information Act and Privacy Act Form located on Pay.gov. Please note: if a refund is necessary, there is less processing time to refund a credit card payment than an ACH payment.*

Sincerely,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosures

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Elizabeth Arrick, Esq.
Office of the Ohio Public Defender
Suite 1400
250 East Broad Street
Columbus, OH 43215
elizabeth.arrick@opd.ohio.gov

Re: Appeal No: AP-2015-02844
Request No. 1295652
SRO:JMB

VIA: Email

Dear Ms. Arrick:

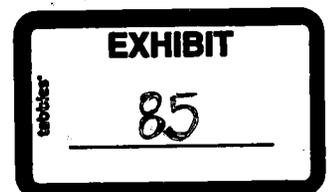
You appealed on behalf of your client, Jeffrey Wogenstahl, from the action of the Federal Bureau of Investigation on his Freedom of Information Act request for access to records concerning the kidnapping and homicide of Amber N. Garrett. I note that your appeal concerns the withholdings made by the FBI in its February 27, 2015 and March 27, 2015 responses.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for further processing of certain pages of responsive records withheld pursuant to Exemption 7(E). If the FBI determines that additional records are releasable, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly. I am otherwise affirming the FBI's action on your request.

In order to provide your client with the greatest possible access to responsive records, your client's request was reviewed under both the Privacy Act of 1974 and the FOIA. I have determined that the records responsive to the portion of your client's request pertaining to your client are exempt from the access provision of the Privacy Act. See 5 U.S.C. § 552a(j)(2); see also 28 C.F.R. § 16.96 (2015). For this reason, I have reviewed the portion of your client's request pertaining to your client under the FOIA as well.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(5), which concerns certain inter- and intra-agency records protected by the attorney work-product privilege;



5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources; and

5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions.

To the extent that your client's request seeks access to records that would either confirm or deny an individual's placement on any government watch list, the FBI properly refused to confirm or deny the existence of any records responsive to your client's request because the existence of such records is protected from disclosure pursuant to 5 U.S.C. § 552a(j)(2) & 5 U.S.C. § 552(b)(7)(E). FOIA Exemption 7(E) concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions. This response should not be taken as an indication that records do or do not exist. Rather, this is the standard response made by the FBI.

Finally, I am denying your client's request that we itemize and justify each item of the information withheld. You are not entitled to such a listing at the administrative stage of processing FOIA requests and appeals. See, e.g., Bangoura v. U.S. Dep't of the Army, 607 F. Supp. 2d 134, 143 n.8 (D.D.C. 2009).

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your client's underlying request, and the action of the FBI in response to your client's request. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If your client is dissatisfied with my action on your appeal, the FOIA permits him to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your client's right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi

Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

8/16/2016

X



Sean R. O'Neill
Chief, Administrative Appeals Staff
Signed by: SEAN O'NEILL

Brown leather jacket "Cooper" brand

1. No apparent blood spots on interior or exterior
2. Lining & inside brown leather appears yellowish
"bleached" -
3. Jacket was still consistent with what was
as reported.
4. Numerous small tears to leather surface of jacket.
5. 13+ tests for blood on exterior & interior
of jacket were negative

NFA

EXHIBIT

86

Certificate of Service

I hereby certify that a copy of the foregoing **Volume 2 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