

# Wrongfully Convicted In Ohio

## JUSTICE FOR

### Vincent Doan And Tracey Baker

9 Years Later....**NEW EVIDENCE**  
POINTS TO TWO OTHER MEN LIVING  
IN BLANCHESTER OHIO in 1996.

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[9-08-2006-In a statement issued Thursday, Brown County Sheriff Dwayne Wenninger said he stands by his decision that had his deputies excavate the property, with a search warrant that was received by Clermont County Sheriff's Office.](#)

[NEWS 6-13-2005 A BILL OF PARTICULARS FILED BY CLINTON COUNTY PROSECUTORS SAYS FOGT MOVED BODY 3 TIMES. CLICK HERE FOR DOCUMENT](#)  
[Fogt GUILTY of MURDER in Clinton County --Gets 30 yrs.... GUILTY of murder in Highland gets 15 yrs. CLICK HERE !](#)

**No body, No blood, No DNA, No crime scene, No eyewitnesses, No motive, No murder weapon... Carrie, and her car are still Missing.**

Vincent Doan was wrongly convicted in 1997 of kidnapping and murdering Carrie Culberson, he was then sentenced to 888 years in prison. His brother Tracey Baker was later found guilty of allegedly helping get rid of the crime and was sentenced to 8 years. On August 28th 1996 Carrie and her car a red Honda CRX disappeared without a trace. There has never been any proof Carrie is dead. On her death certificate it states Carrie is presumed dead. It took one person's word over another (Hearsay) to convict these two men. Here you will read what happened to Vince and Tracey.



*Below is a picture of Carrie and Vince. It was taken just a few days before she mysteriously disappeared. They look very happy together even though they were seeing other people at the time. What happened to Carrie August 28th 1996? Both families search for Carrie one family for closure, the other for freedom.*

**Have you Seen Carrie ???  
Carrie would be age 33 now..**

Actually, IF we are to believe the States case and Carrie's family.. Carrie is Dead. So no need to look for the person in the photos listed on all of the "Carrie is missing" sites. You should be looking for human remains....and her car.

Last updated 11/19/2007

12 Visitors since 11-29-04



We would like everyone to know we have been getting so many positive e-mails and comments from all over the world.

It is wonderful!

From Vince and Tracey's family and friends we would like to Thank Everyone for their kindness.

[CARRIE CULBERSON](#) :: [LATEST INFO](#) :: [SYLVIA BROWNE READING](#) :: [THE FACTS](#) :: [CASE EVIDENCE](#) :: [CONTACT](#)

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## News 2004 - 2006 Fogt and Messer

### Update Bones found on McJunkin Rd. 8-15-05: [Click Here](#)

**So far.. Fogt has been convicted of murders in Clinton County and Highland County.**

VINCENT DOAN DOES NOT KNOW FOGT, HE KNEW "OF" HIM AND HE DID NOT HANG AROUND WITH JARROD MESSER. Carrie's Best friend's parents lived right next door to Fogt. Carrie knew Fogt & Messer. CARRIE'S SHIRT WAS FOUND UNDER THE CONCRETE AT JARROD MESSER'S BARN IN 2004.



#### FOGT PRIORS:

**Address:** 124 McJunkin Road  
**City/State/ZIP:** Blanchester, Oh 45107-  
**1st Degree Felony**

**Violation Date:** 11/22/1994  
**Violation Description:** [Rape](#)

-----  
**Violation Date:** 06/08/1998  
**Violation Description:** [Felonious Assault](#)

**Degree:** 2nd Degree Felony  
\$50,000 CASH/SURETY BOND. DEFT TO ADVISE COURT OF ADDRESS CHANGE **AND HAVE NO CONTACT WITH ALLEGED VICTIM JARROD MESSER WHILE CASE IS PENDING** [Click here for Document.](#)

**MARCH 16, 2005- Fogt does have ties to the property in which the two week excavation occurred last Spring where items were found belonging to Carrie underneath a pole barn on Fayetteville-Blanchester, Road.**

**POLICE REPORTED-**The Concrete floor at the pole Barn on **Fayetteville-Blanchester, Road. WAS POURED JUST DAYS AFTER** Carrie disappeared.

#### FOGT HAS CONFESSED TO TWO MURDERS, ONE MURDER WAS IN BLANCHESTER OH.

Fogt lived at 124 McJunkin Road Blanchester Oh. from 1994-1998, approx 3/4 of a mile from Jarrod Messer...where the dig for Carrie Culberson in the spring of 2004 produced a shirt that Carrie's family identified as Carries. [Click here for Map](#)

VINCENT DOAN **DOES NOT HAVE ANY TIES** TO FOGT OR THE POLE BARN.

The body of Cynthia Pickens, who was 39 when she disappeared in November 2003, **was found 03-15-05** buried under a steel outbuilding in Liberty Township, about a mile east of Hillsboro. **A tip** led officers to the building, where they found that a portion of the concrete floor had been cut out and filled to floor-level with gravel. When authorities began digging where the concrete had been cut out, they found a makeshift grave with Pickens' body buried about 2 feet from the surface.



#### The remains of a homicide victim discovered 03-17-05 in Hillsboro have been identified as Martha Behymer, who was also known as Martha Perry. She was 32 years old when she was killed in 1998.

Investigators began search after talking with Michael Fogt, who is charged with the murder of Cynthia Pickens, 39, his former girlfriend. The Highland County Sheriff says Behymer is the mother of Fogt's 14 year old daughter. She is in the custody of Fogt's parents. The 55 gallon barrel containing Behymer's remains was found under the driveway of Fogt's parents home.



Shane Neuhaus

**Suspect Charged In Another Missing Person Case** Shane Neuhaus, a former employee of Fogt's. After digging up two bodies last week, the sheriff's office has filed charges in connection with a third missing person case in Highlands County.

Shawn Deardoff was charged over the weekend with assaulting Shane Neuhaus, who disappeared in 2003. **Neuhaus' father told News 5 Friday that he thought his son "probably" was killed by the same man suspected in the two killings uncovered last week.**

**May 1, 2004-** Jarrod Messer lived on the Brown County property before being arrested on drug charges. The property is owned by Messer's mother, Jeanette G. Spangler, who is taking care of Messer's son while Messer is in prison.

Ron Spangler, Messer's stepfather, said Friday **that Messer suspects a former associate made a claim to police that Culberson's body was buried on the property.** Messer had called his mother Friday morning from prison, Spangler said.

"He said there ain't nothing there. Let 'em dig," Spangler said from his Goshen home Friday. **"He said it was probably a couple of them people he was messing with when he got into that drug trouble. He's been in jail for a couple years and probably won't get out for a couple more years."**

**Spangler said he does not know whether Messer and Doan were friends. Debbie Culberson said she had met Messer, but did not think he had a relationship with her daughter.**

(See the dig FOR CARRIE CULBERSON at Jarrod Messer's)

**APRIL 30TH 2004- Carrie's mother, Debbie Culberson, said rumors of her body being buried under the concrete have been circulating for years. She said she is not sure what information led authorities to the Brown County property.**



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## Summary Of What Transpired

On August 28, 1996 Carrie Culberson and some of her friends were at a **bar** in Morrow, Ohio drinking and playing volleyball. At Carrie's request, they drove past the home of Vince Doan twice. Before they took Carrie home they rode around town stopping at a friends house so Carrie could make three phone calls trying to find someone, or something at 11 pm at night. Carrie's friends then dropped her off in front of her home in Blanchester at 11:30 p.m. After they drove off, Carrie got into her red Honda CRX and drove down the street with her lights off, not turning them on until all the way down the street. The next sighting of Carrie was at 12:30 in front of Vincent Doan's house also in Blanchester. **What happened for a whole hour, where did Carrie go? Who did she see?**

A neighbor of Vince Doan , [Billy Jo Brown](#), said she witnessed an argument with Carrie and a man outside her window at 12:30 a. m.. Billy Jo Brown walked away from the window to tell her husband what she had seen and a few minutes later she heard a car peel out. **Vince said Carrie had pulled up outside his house and asked him to go to a bar in Marathon, Ohio with her to drink. Vince told her "no", he had to get up early and go to work the next morning. Carrie left angry.** A few minutes later, Vince thinking Carrie had too much to drink already, went a few houses down to his father's home and borrowed his light blue older model pick-up truck and went looking for Carrie. Another neighbor of Vince's, [Bonnie Davis](#) heard something outside too, she witnessed Carrie in a discussion with a man and then witnessed Carrie getting into a new black pick-up truck, with two individuals already inside and they drove off. At 1:00 a. m. Vince shows up at a friend's house, Jeff Warren, in Marathon, Ohio. Vince asked to use the phone because his dad's truck had stopped running. (there are phone records to prove this call). Marathon, Ohio is about 20 minutes away from Blanchester. Jeff Warren did not witness anything unusual about Vince Doan that early morning. Vince went back to the truck and started it then drove back home and went to sleep on the couch. Vince's dad Lawrence rode by on his way home from picking up a car with Vince's step-mother, and noticed Vince's front door was open, the light was on and the tv. So Lawrence stopped and went in saw Vince asleep on the couch and turned off the light closed the door and went home.. When Vince woke up he went to his mother's house, he took a shower and ate breakfast then clocked into work at 7:00 a.m.

**What happened to Carrie Culberson after she left in the new black pick-up truck today is still a mystery.**

**This is Carrie and her Honda (Red) CRX**

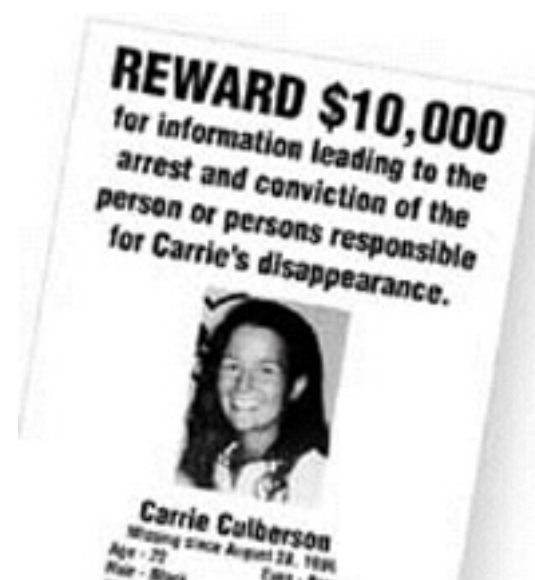


**License plates ROL 402**

**Both Carrie and this car are still to this day missing without a trace...**



**Vincent Doan before he was wrongfully convicted of the disappearance of Carrie Culberson**



**To this date no one has ever received this reward money.**

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### The Trials

**No Crime Scene, No Blood, No Body, No Weapon, No DNA. Absolutely no proof a crime was even committed. Still on March 21, 1997, not even 7 months after Carrie went missing, Indictments were handed down against Vincent Doan.**



Vincent Doan: accused of aggravated murder  
**Vincent Doan during the trial**

**Presumed dead by order of Court Presume: to indicate probability of probability: likely to be true but leaving room for doubt.  
Doubt: Not Guilty because of reasonable doubt.....**



**Tracey Baker and his attorney**

### Vincent Doan

#### Two Prosecution Theories

Prosecutors charged Vincent Doan with aggravated murder and kidnapping. The case against Doan was purely circumstantial, meaning that there was no physical evidence linking Doan to Carrie's death. There was not even evidence to prove that Carrie Culberson is dead. But prosecutors had two theories about Carrie Culberson's disappearance and alleged murder. They felt that Doan's history with Carrie show that he is hot-tempered and was abusive toward his girlfriend. Prosecutors alleged that Doan was obsessed with Carrie and needed to control her life. When Doan found that he could not have Carrie, he killed her. Another theory was that Doan kidnapped and killed Carrie Culberson to prevent her from bringing the assault charges against him stemming from an alleged altercation. To convict Doan, the state needed to convince the jurors of at least one of the theories.

#### The Defense

Vincent Doan denied knowing what happened to Carrie Culberson after their argument. His attorneys claimed that there is not even solid evidence that she is dead. People around Ohio are still reporting Carrie Culberson sightings. And the defense relied on the fact nothing physically linked Doan to Carrie the night she disappeared. Doan's lawyers also claimed that his relationship with Carrie was not unusual, that they had the normal arguments that couples usually have. And none of their "spats" would have driven Doan to murder Carrie. The defense claimed that the Clinton County authorities were frustrated in their investigation of Carrie Culberson's disappearance and are rushing to pin the kidnapping and murder charges on Vincent Doan.

**"Typically, this jurisdiction brings in some jailhouse snitch to present their case. That's what they'll do," Rion**

### The Verdict

**The trial of Vincent Doan began on July 21, 1997. The verdict came in after four days of the jury deliberations. Vince Doan was convicted of one count of aggravated murder and three counts of kidnapping on August 7, 1997.**

**Vince was later sentenced to Life in prison without the possibility of parole. ....To this day Vincent Doan says he is an innocent man.. And WE believe him...**



### Tracey Baker

#### The Charges

**Two counts of obstructing justice, one count of tampering with evidence, and one count of gross abuse of a corpse.**

#### The Verdict June 4, 1998

**Guilty- sentenced to eight years**

**Two counts of obstructing justice, one count of tampering with evidence.**

**Not Guilty- of gross abuse of a corpse.**

**To this day Tracey Baker says he is an innocent man.. And WE believe him...**





## Prosecution Witness Testimony

Defense Witnesses

Defense & Prosecution

All witness testimony is from Court TV's live trial of Ohio v. Doan.. Opening statements began on July 21st 1997

**Jessica Williams:** At Carrie's request Jessica drove by Vince Doan's house twice on the night of Aug. 28th at approximately 11:15, before dropping her off at her home at 11:30 - 11:45 p.m. Vince's mustang was at his residence.

**Tonya Whitten:** Tonya Whitten testifies that she was with Carrie at the bar in Morrow, Ohio and was riding around with them on the night Carrie disappeared. Tonya rode with Carrie to the bar with some of their friends. Tonya made a statement out and it said that Carrie had them stop by a friends house and she made three phone calls trying to find someone before they took her home. Tonya also stated Carrie didn't want to go home that night, she wanted to stay out and have fun.



**Kim Lannerd:** 11:30 - 11:45 p.m. Kim witnessed Carrie being dropped off and saw her run across the street to her front porch. She witnessed Carrie getting into her red CRX and backing out, going toward Bill Martins with no headlights on.



**Billy Jo Brown:** Allegedly, August 29th at approximately 12:30 a.m. Mrs. Brown hears loud noises. She goes to her window and sees a woman running and a man chasing her. Carrie's car is parked on East street. Mrs. Brown hears a man allegedly threaten the girl saying " I told you next time I'd kill you..... " and then Ms. Brown said or "Something to that affect". Mrs. Brown WALKS AWAY FROM THE WINDOW to go get her husband, who is in the bedroom and she hears tires squeal, she goes back to the window and Carrie's car is gone. But she states Vince's mustang is in front of his house. When first asked by the prosecutor if Mrs. Brown seen" the young man", who was arguing with the woman that night, in the court room, she stated No... Mrs. Brown testified" the young man" was wearing shorts and a muscle shirt. Ms. Brown seen a news statement about Culberson's disappearance but waits till the next day on Sept.1,1996 to make a police report out. On this report Ms. Brown contradicts what she testified to about what the man was wearing that night.

*Billie Jo Brown, is a multi-county offender and ex-convict with a record of writing bad checks.*

**Jeff Warren:** Jeff testifies on August 29th around 1:00 a.m. He heard a tap at the window. It was Vince, he needed to use the phone to call his dad, he thought his truck had ran out of gas. He witnessed nothing unusual at all about Vince that morning. Mr. Warren testified that Doan had no blood or bruises on him that morning.

**Vicki Watkins:** Allegedly Vicki and her children had spent the night at her sister Lori Baker's home (without Tracey knowing they were there) and at 3:15 a.m. August 29th, she was awoken by a knock at the back door. Ms. Watkins was asked by the prosecution if she recognized Vincent Doan at the back door , through the bedroom window she testified yes, she identified him because of the tattoo on his left shoulder. (Vince's tattoo is on his right shoulder). Ms. Watkins was asked **"Did you see any blood on Vince Doan"** she testified **No**. Ms. Watkins testified Doan was wearing jeans, no shirt and he appeared dirty.

*Ms. Watkins was hypnotized before testifying, which was withheld from the defense.*



**Lori Baker:** August 29, 1996 Lori testifies she was awoken at 3:17 a.m. by a knock at her back door. Lori testifies it was Vince Doan she stated he had no shoes, socks, or shirt on only jeans. She also testifies he had blood smeared on his arms, chest, and pants. Lori testifies Vince showered, Tracey asked for garbage bags and the two left at 3:30-3:45. Lori then testifies she took Vicki to work. Then at 6:00 a.m. Tracey and Vince returned and Vince showered again, she said she gave Tracey bleach and a scrub brush. Afterwards Tracey and Vince went to work. Lori testifies at 11:00 a.m. August 29th, Vince borrowed her car and then returned it on August 30th, after using the car to look for Carrie. During cross examination Lori admits to John Rion that she had a glorious affair with Vincent Doan recently and had studied Wiccan religion. Lori does not come forward with any information until October. However she did talk with detective Brian Edwards on August 30th 1996.

At the trial of Lawrence Baker, his attorney, Mr. Ellis, had Lori admit she did cocaine daily.

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Defense Witnesses

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## News Articles 2-97 to 8-97

**2-09-97** Cin. enquirer Gone Without A Trace... **Cecily Kukuk,**

**Carrie's best friend states Carrie smoked pot, took prescription pills and ingested cocaine.** In the months leading to Carrie's disappearance Carrie confided in her that it was time to break ties with Vince and was thinking about moving to North Carolina.



**2-09-97** Cin. enquirer: Kukuk said Carrie enjoyed going to bars and dancing. Mrs. Kukuk recalls that some of the best times they had were hanging out at someone's house with their mostly male circle of friends, **"We would do shots, and have a contest to see who could down a beer the fastest."** Mrs. Kukuk said. Jason Crosley, 26, and his roommates, all part of that close-knit group, often held those parties at the Blanchester house they rented. To Mr. Crosley, Carrie was a real buddy. The voice of reason. The girl who could always soothe hurt feelings

**5-17-97** Cincy post: Missing Woman's car seen.... Ms. Debra Culberson said " I'm just hoping this will lead us to Carrie." "It could be a significant break."

**6-05-97** Cincy post: Doan charges now include murder..... Even as Clinton County Prosecutor announced Vincent Doan had been indicted on aggravated murder and kidnapping charges William Peelle couldn't definitively say Wednesday that the Blanchester woman is dead.

**7-30-97** Cincy Post: Witnesses say they saw Carrie alive. They say she drove a red sports car filled with clothes and, days later, hitchhiked alone with all her belongings stuffed into a paper bag.

**7-12-97** Cincy post: Murder trial to start though body missing.... Just shy of a year after Carrie's disappearance Culberson will be the center of attention Monday at the Clinton County aggravated murder trial of Vincent Doan.....even though no one can prove Ms. Culberson is dead.



**7-15-97** Cincy post: Culberson case notoriety makes it hard to pick jury.....In such a small community John Rion said the risk of selecting a tainted jury is great. Rion has asked the judge to move the trial.

**7-18-97** Cincy post: Doan's lawyers insist woman's still alive....Defense attorney said he has been unable to get information from as many as 10 police officers who may be aware of purported sightings of Carrie

**8-03-97** Cin. enquirer: Carrie still not legally dead.... No matter what the verdict Clinton County jurors return in the murder trial of Vincent Doan the issue of whether Carrie Culberson is officially dead will remain unanswered for now.

**8-04-97** WNJ: According to Debbie, Carrie's car only had a rear plate. Prosecution "produced" a plate to Lancaster, The officer, who reported the sighting, Lancaster states he could have made a mistake because of "that plate, sir". What prosecution failed to tell Lancaster was the plate was a duplicate.

### Lawrence and Tracey



### Vincent



**"Doan's attorney, Jon Paul Rion, stated that the prosecution's case is pure fiction."**

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## The Appeals

[3-21-07-ORDER NOT ADOPTING 66](#) Report and Recommendation.

Petr's obj. to this R&R are granted; the Court declines to adopt or reject the Report & Recommendation of 12/20/04. Petr's objections to this R&R are moot; The petition for H.C. is denied. A cert. of appealability will issue on Grounds 2-4, but not on the remaining claims. Petr. may proceed on appeal IFP. Signed by Judge Sandra S Beckwith on 3/21/07. (mb, ) (Entered: 03/21/2007)

[1-30-2006](#)- OBJECTIONS TO THE MAGISTRATES SUPPLEMENTAL REPORT AND RECOMMENDATION  
[1-19-2006](#) Magistrate Judge Hogans SUPPLEMENTAL REPORT AND RECOMMENDATION

[12-21-05](#) -CHIEF JUDGE BECKWITH- This matter is before the Court on Magistrate Judge Hogan's Report and Recommendation of December 20, 2004 (Doc. No. 59) and Petitioner Vincent Doan's Objections to the Report and Recommendation (Doc. No. 61). For the reasons that follow, **Petitioner's objections are SUSTAINED IN PART; this matter is REMANDED to the Magistrate Judge to conduct a limited de novo review of the record and to provide a supplemental Report and Recommendation.**

[01/31/2005](#) OBJECTION to REPORT AND RECOMMENDATION by Petitioner (Gatterdam, Kort) Additional attachment # 1 Objections (Part II) added on 2/1/2005 (tt, ) (Entered: 01/31/2005)

[12/20/2004](#) 59 REPORT AND RECOMMENDATION entered by Magistrate Judge Timothy S. Hogan referring to Petition for Writ of Habeas Corpus

[7-12-2004](#)- Vince Doan files his federal appeal.



Tracey, Tammy McFarland Brown, Jeff, Angie and Jim

[WHY WAS TAMMY McFARLAND ON THE JURY???](#)

## Vince Doan's Appellate Arguments

[CLICK HERE TO VIEW 12th APPELLATE OPINION](#)

**Billy Jo Brown:** Doan's first ground for relief alleges that the state suppressed evidence that would have aided him in impeaching Billy Jo Brown's testimony. 1) an affidavit of police officer Dan Nichols which averred that **Brown could not positively identify Doan when presented with a photo array that included his picture.** 2) Brown's September 1st 1996 statement to Nichols, she states the man she saw fighting with Culberson was wearing a ball hat, a t-shirt and jeans, which conflicts Brown's trial testimony that the man she saw fighting with Culberson was wearing a muscle shirt and shorts.

**Lori Baker:** Doan's second ground for relief alleges the prosecution failed to disclose Lori Baker's interview's with the prosecution in November 1996. **Lori Baker told the prosecutor she did not see blood on Doan.** And an investigative report from detective Brian Edwards which **states Lori denied that Doan had been to her house on the night of Culberson's disappearance.**

**Lori Baker:** Doan's third ground for relief alleges that the prosecution suppressed evidence of a "promise, deal or bargain" reached with Lori Baker. A memoranda written by detective Brian Edwards, law enforcement officials told Lori she would not be prosecuted if she did not lie to them, they were implicitly threatening to prosecute her if she did not give them information they could use to prosecute Doan.

**Mandy Bogan:** Doan's fourth ground for relief alleges **the state failed to disclose a witness statement** from Mandy Bogan, one of Culberson's customers at the nail salon where she worked. Bogan stated she heard Culberson say she "ought to just leave everything behind and start over."

**Detective Brian Edwards:** Doan's sixth ground for relief asserts the state failed to disclose evidence of past disciplinary actions taken against detective Edwards for lying to his supervisor and abusing sick time.

**Vicki Watkins:** Doan's seventh ground for relief argues **the state failed to disclose that Vicki Watkins had been hypnotized prior to trial** to refresh or enhance her recollection. **The state also failed to disclose a voice stress test that was done on Vicki, the results said she was not being honest.**

**Mitchell Epperson:** Doan's eighth ground for relief alleges the state failed to disclose evidence that could have been used to impeach Mitchell Epperson. Doan presented the affidavit testimony of Epperson who stated that an investigator from the prosecution's office "promised" him that he would be paid \$10,000 from a reward fund if he testified against Doan and Doan was convicted. Doan also alleges that the prosecutor failed to disclose that Epperson was released two months early from his sentence for violating probation, due to his cooperation in the prosecution of Doan.

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[Carrie Culberson is](#)

**"They have no credible witnesses to say anything," Rion said of prosecutors. "All the physical evidence points to his innocence."**

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**Missing Since August 28th, 1996 Clarissa Culberson aka. Carrie**  
**NOTE: CARRIE WOULD NOW BE 31 YRS OLD.**



[Click to Enlarge](#)

**As Of 8-28-96:**

**Height**

**5'2"**

**Weight 122**

**lbs.**

**Eye color:**

**brown**

**Hair color: dark brown**



**Carrie has two tattoo's. One is a sun on her right inner calf. The other is of a daisy on her right hip.**



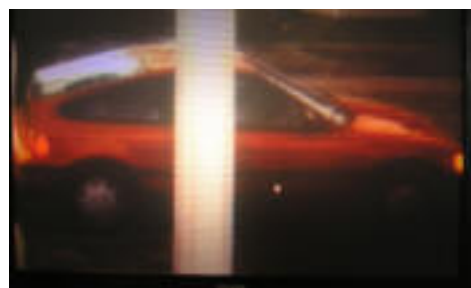
**Links To Carrie's Missing Info:**

[The Doe Network](#)

[Rinokids.com](#)

[Out Post For Hope](#)

[Official Investigations.com](#)



[The Missing Car- Click for larger image](#)

**Although we believe 100% in Vincent and Tracey's Innocence, we grieve for what Carrie's family is going through and want a resolution to this that will benefit everyone involved. Including the Citizens of Blanchester. Our reasons may be different but we all would like to see the same outcome...**



**This photo was taken only a few days before Carrie mysteriously disappeared, the picture was taken by Vincent.**

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## Latest Information



**12-21-05** JUDGE BECKWITH- This matter is before the Court on Magistrate Judge Hogan's Report and Recommendation of December 20, 2004 (Doc. No. 59) and Petitioner Vincent Doan's Objections to the Report and Recommendation (Doc. No. 61). For the reasons that follow, Petitioner's objections are **SUSTAINED IN PART**; this matter is **REMANDED** to the Magistrate Judge to conduct a limited de novo review of the record and to provide a supplemental Report and Recommendation.

**01/31/2005** OBJECTION to 59 REPORT AND RECOMMENDATION by Petitioner (Gatterdam, Kort) Additional attachment # 1 Objections (Part II) added on 2/1/2005 (tt, ) (Entered: 01/31/2005)

**12/20/2004** 59 REPORT AND RECOMMENDATION entered by Magistrate Judge Timothy S. Hogan referring to Petition for Writ of Habeas Corpus

**9-10-04** Channel 12 news reported that there has not been any more clues found, soil sample reports came back a UC Geologist tested a small sample of soil taken and did not find skeletal calcium that would have been present if bone fragments would have been in the soil. What a mystery it leaves behind, what did 5 cadaver dogs hit on....

**9-02-04** Debbie Culberson pitches Forensic upgrades to attorney general Petro Thursday night after he gave a speech at the crimestoppers convention in Cincinnati.

**7-12-04** ***Vincent Doan files for his Federal Appeal!! Vincent and his family say he was wrongfully convicted and wants a new trial to prove it.***

**6-17-04** Search Warrant unsealed- The search ended May 11. **Tests have found no DNA on items** unearthed that authorities believe could be clues to Culberson's disappearance.

**5-28-04** Twenty-two people have been questioned by authorities for the search of Carrie's remains on Jarrod Messer's property. **Some are considered suspects.** Seven items were found buried. A piece of duct tape, a sock, and hair were four items found that no DNA matched Carrie. One item was identified by Carrie's mother as a shirt Carrie was wearing, a week before she disappeared, that she borrowed from her sister Kristina. No DNA was found on any of the items after being tested. **Reports are saying Jarrod Messer refuses to cooperate with the investigators.** The samples taken from the soil are still not back yet.

**4-30-04** -Wenninger added that the search warrant was issued on April 28, 2004 by Brown County Municipal Judge Thomas Zachman. **Police said the concrete floor was poured just days after Culberson disappeared.** Messer, who owns the land, is currently in Highland County jail on felonious assault, drug possession and several other charges.

**1-19-06**- Magistrate Judge Hogan's supplemental Report and Recommendation.

**1-30-06** OBJECTIONS TO THE MAGISTRATE'S supplemental Report and Recommendation.

**Vince Doan's Attorney- Kort Gatterdam** has handled several high profile cases. He is well known for ***Reversal of Convictions*** and acquittals..



*This was the fourth cadaver dog that was brought in. All of the dogs brought in picked up a scent of a cadaver.*



*The pole barn in Brown County where a tip led investigators to search for the remains of Carrie.*

**New Evidence**

**Surfaces**

**One item was identified by Carrie's mother as a shirt Carrie was wearing, a week before she disappeared.**



# Wrongfully Convicted In Ohio JUSTICE FOR



## Vincent Doan And Tracey Baker

**9 Years Later....NEW EVIDENCE**  
POINTS TO TWO OTHER MEN LIVING  
IN BLANCHESTER OHIO in 1996.

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## Case Facts

- **FACT: 3/21/1997** Vincent Doan, 24, indicted on four counts of kidnapping.
- **FACT: 5/16/1997** [Kenneth Lancaster](#): Norwood police officer- sighted a small red vehicle speed by him, and on a taped recording played he read the front license number, Ohio license plate ROL 402. Debra Culberson says this could be a "significant break in the case"
- **FACT: 5/16/1997**- The most interesting thing about the Norwood sighting is three other people reported seeing the car ([also testified at trial](#)) saying someone came in her Service station and had a tire changed on red CRX car with front plate ROL 402) on this same day, 9 months after Carrie disappeared. (*4 sightings on the same day? 9 mos. later?*)
- **FACT: 5/31/1997**-But Carrie's car never had a front license plate, her mother, Debra Culberson, said today. "I can tell you there was no front license plate." She declined to elaborate, citing a gag order issued Thursday by Judge William B. McCracken, at the prosecution's request.  
**A duplicate plate was submitted into evidence. Exhibit #37**
- **FACT: 6/05/1997** Vincent Doan has been indicted for aggravated murder and kidnapping. Doan's Dayton lawyer, John Rion, claimed prosecutors sought the murder indictment because they weren't prepared to go to court Monday to prove the four kidnapping charges on which Doan was indicted in March. Rion said Common Pleas Judge William McCracken had made it clear to both sides he was unwilling to postpone the trial's start.

- **FACT: NO EVIDENCE:**

**09/03/1996** Police looked through the junk yard, owned by the father of Ms. Culberson's boyfriend, but gave no report of finding evidence in the case. Her mother, Debra Culberson, STATES "she's a strong person, she's strong mentally and physically. I feel she's OK at the moment, and that's what's keeping us, keeping me, going."

**Investigators searched Tracey Baker's house in October 1996.** A pillowcase, quilt and other items they collected did not have any of the Blanchester woman's blood, [Detective Brian Edwards](#) of the Clinton County Sheriff's Department said, as did a forensic expert from the Miami Valley Regional Crime Lab. Both testified in Clinton County Common Pleas Court.



**In January investigators dug up a buried freezer** full of rotting meat on the property of Doan's father, Lawrence Baker, in Warren County but officials later determined it contained animal, not human remains. **Investigators also have searched other properties owned by Baker.**

**Annette Davis: Specialist: Testified at trial** to testing numerous items including; hair, the mustang, a truck, jeans, boots and water... **No DNA was found that matched Carrie Culberson.**

- **FACT: [Brown's](#)** September 1st 1996 statement to Nichols, she states the man she saw fighting with Culberson was wearing a ball hat, a t-shirt and jeans, which conflicts Brown's trial testimony that the man she saw fighting with Culberson was wearing a muscle shirt and shorts. If that was not enough... an affidavit of police officer Dan Nichols which averred that **Brown could not positively identify Doan when presented with a photo array that included Doan's photo. Appellate Issue**
- **FACT:** The prosecution failed to disclose Lori Baker's interview's with the prosecution in November 1996. **Lori Baker told the prosecutor she did not see blood on Doan.** And an [investigative report from detective Brian Edwards](#) which states **Lori denied that Doan had been to her house on the night of Culberson's disappearance.** Which in turn means Tracey Baker could have never left with Vince, since Vince was never there. **Appellate Issue**



**FACT:** Since she disappeared, though, some of the darker elements of her life have emerged. Friends say she experimented with drugs. But few people knew she frequently tiptoed out of her Blanchester home in the middle of the night to spend a few hours with her boyfriend, Vincent Doan.

**FACT:** The couple became very close. Carrie would sneak over to Mr. Doan's house for middle-of-the-night rendezvous, Mrs. Kukuk said. Mr. Doan even proposed to Carrie at one point, and gave her a ring. But those plans were discarded.

**FACT:** Between 11:30 - 11:45 p.m. Kim witnessed Carrie being dropped off and saw her run across the street to her front porch. She witnessed Carrie getting into her red CRX and backing out, going toward Bill Martins with no headlights on. **Kim Lannerd trial testimony.**

**INCONSISTENT: Her mother and sister maintain that Carrie never ventured out after she would come home from an evening out.**

**FACT:** "She (Carrie) enjoyed going to bars and dancing." Some of the best times they had were hanging out at someone's house with their mostly male circle of friends. "We would **do shots**, and have a contest to see who could **down a beer the fastest**," Cicely Kukuk

**FACT:** Mrs. Kukuk said that Carrie smoked pot, took prescription pills and ingested cocaine.

**INCONSISTENT: Mrs. Culberson said her daughter admitted to trying marijuana, but she never discussed any other drugs. Some of Carrie's friends said that she was too much of a health nut to succumb to drug and alcohol addiction.**

**FACT:** After the volleyball game, Carrie and her friends drove back to Blanchester. They drove around town, **stopped to pick up Mrs. Whitten's husband, Brian, and went to a friend's house.** It was after 11 p.m. when Mrs. Whitten and her husband decided to go home. The four piled into Mrs. Williams' car. She dropped off the Whittens and headed to the Culbersons' to drop off Carrie.

**FACT:** Defense attorney, Mr. Rion asked Vicki Watkins if she had lied to him on the witness stand. Answer YES

**FACT:** Defense attorney, Mr. Rion asked Lori Baker if she had lied to him on the witness stand. Answer YES

**INCONSISTENT April 30th 2004** Culberson told 9News today that she does know the owner of the farm where the digging is taking place, but she couldn't go into details about how she knows him.

**INCONSISTENT MAY 1. 2004** Debbie Culberson said she had met Messer, but did not *think* he had a relationship with her daughter.

**FACT:** Dateline NBC, March of 1999, Moyer states a tip came in that Carrie was killed buried under cement.

**FACT: Both Tracey and Vincent have maintained their innocence from the beginning.**



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### *The Exoneration- (NEW Case Evidence)*

3-23-05 **SEARCH WARRANT AFFIDAVIT FOR JARROD MESSER'S PROPERTY.** [PG1](#) [PG 2](#)  
**SEARCH WARRANT SIGNED** [PG 1](#) **EXTENSION FILING** [PG 1](#)  
**EXTENSION FILING AFTER DRILLING CONCRETE FLOOR & CADAVER DOGS HIT** [PG 4](#)  
3-23-05 **SEARCH WARRANT RETURN - FILED JUNE 11TH 2004.** [PG 1](#)

03/14/05- **NEW- EVIDENCE OF CONFLICTING TESTIMONY-ORIGINAL STATEMENT OF TONYA WHITTEN** [PG 1](#)  
[PG 2](#) [PG 3](#) [PG 4](#) [PG 5](#) [PG 6](#)  
**CONFLICTING WITH ORIGINAL STATEMENT OF JESSICA WILLIAMS** [PG 1](#) [PG 2](#) [PG 3](#)

03/14/05- **NEW- THE ABOVE STATEMENT OF Jessica Williams names the men, Jason Crosley and Rick Rice, as the occupants of the home that she and Carrie stopped at the night of Aug. 28th, 1996. She states Carrie made three phone calls at about 11:15 pm from this home and names who Carrie called:**

1. Paul Jackson-**No report by Police or statement of Paul Jackson found.**
  2. Joe Collins-**Voluntary statement to police of call from Carrie on Aug. 28th, 1996** [Pg 1](#)
  3. Jamie (James) Tissandier-**Voluntary statement to police of call from Carrie on Aug. 28th, 1996** [Pg 1](#)
- There are no documented reports or statements from Jason Crosley or Rick Rice.

03/13/05-**Lunsford report- Dated Sept 4, 1996- Another Search that turned up NOTHING** [Pg 1](#)  
03/13/05-**Nichols report- Dated Sept 4, 1996- Another Search that turned up NOTHING** [Pg 1](#)  
03/08/05-**Search Warrant Affidavit by Chief Payton for Salvage Yard** [Pg. 1](#) [Pg 2](#)  
**Probable Cause Search Warrant signed and dated September 4th 1996** [Pg. 1](#)  
**Search Warrant Return (EMPTY).** [Pg 1](#) [Pg 2](#)

2-22-05-Original Narrative by **Detective Brian Edwards** DATED 9-11-1996 [PG 1](#) [PG 2](#) [PG 3](#) [PG 4](#)

1. **EVIDENCE THAT WOULD HAVE IMPEACHED THE ONLY STATE'S WITNESS WHO CLAIMED THAT DOAN WAS THE MAN SEEN HITTING CULBERSON JUST BEFORE SHE DISAPPEARED.**

What the state did not disclose to the defense was the fact that Brown was unable to make a positive identification of Doan as the man she saw when she was given the photo line-up by police shortly after this alleged incident. Blanchester Police Officer W. Dan Nichols, Jr. discussed a photo line-up with assistant prosecutor Richard Moyer, and Moyer told Nichols to go ahead and do it. Nichols got six photos, including one of Doan, and took them to Brown. After looking at the photos, Brown could **not** positively identify the man she saw fighting with Culberson in her front yard.

Brown gave a written statement (*see statement below*) to Officer Nichols on September 1, 1996. In this statement, Brown described the man she saw in her front yard as wearing "a ball hat, T-shirt and jeans." *Mot. for Leave & Second Amend. Pet., Ex. B - Statement of Billie Jo Brown.*

Brown's trial testimony differed from this description. At trial, Brown stated that the man she saw was wearing a muscle shirt and shorts. *Also see Original Statement to police below*

- **BILLY JOE BROWN'S ORIGINAL STATEMENT to POLICE.** [Pg.1](#) [Pg.2](#) [Pg.3](#)
2. **EVIDENCE OF PRIOR INCONSISTENT ACCOUNTS GIVEN TO POLICE AND PROSECUTORS BY CRUCIAL STATE'S WITNESS VICKIE WATSON.**

Prosecution witnesses Lori Baker and Vicki Watkins claimed at trial that Doan came to the door of Tracey Baker's home in Blanchester at 3:15 a.m. on August 29, 1996. Baker testified that Doan had blood smeared on his body.

- **VICKIE WATKIN'S ORIGINAL STATEMENT TO POLICE** [PG 1](#)
3. **EVIDENCE THAT THE PROSECUTION MADE PROMISES TO JAILHOUSE INFORMANT MITCHELL EPPERSON IN EXCHANGE FOR HIS TESTIMONY AGAINST PETITIONER**

Epperson testified that Doan allegedly made incriminating statements to him while the two were incarcerated together at the Queensgate Correctional Facility in Hamilton County, Ohio. At trial, Epperson denied having received any consideration for his testimony.

However, the state did not disclose the fact that prosecution investigator William Hidy had, on several occasions, promised Epperson that he would receive the money from the Carrie Culberson reward fund at the First National Bank of Blanchester if Epperson testified and Doan was convicted. *Mot. for Leave & Second Amend. Pet., Ex. X - Affidavit of Mitchell Epperson.*

Epperson then decided to go ahead and testify against Doan at trial again after being promised by Hidy that he, Epperson, would receive the reward money and should work through the prosecutor's office to collect the money. Id. at Exhibit X. Moments before he testified, Epperson again discussed the reward with Hidy in the presence of Debbie Culberson in the witness room. At that time, Hidy promised Epperson that if he testified and Doan was convicted, Epperson would receive the reward and would collect it through the prosecutor's office. Id. at Exhibit X. Debbie Culberson did not dispute Hidy's promise.

- **MITCHELL EPPERSON** [Pg 1](#) [Pg 2](#)
4. **STATEMENTS FROM TWO WITNESSES THAT CONTRADICT KEY ASPECTS OF THE TESTIMONY OF STATE'S WITNESSES LORI BAKER AND VICKI WATKINS**

On September 8, 1996, Blanchester Police Sgt. William Wells took statements from two young women, Christa Lynn Pendleton of Fayetteville and Karrie Donovan of Goshen.

- **STATEMENT FROM CHRISTA PENDLETON** [PG 1](#) [PG 2](#)

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# Wrongfully Convicted In Ohio

## JUSTICE FOR

Vincent Doan And Tracey Baker



9 Years Later....NEW EVIDENCE  
Pray For Peace



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### *Contacts*

*If you have any question's or comments please e-mail [info@justice4vinceandtracey.com](mailto:info@justice4vinceandtracey.com)*

*If you have seen Carrie or have any information about Carrie please E-mail Vince's Attorney [Kort Gatterdam](#) or  
Vince's [Investigators](#)*

### *LINK TO US*



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## FRONT



The Associated Press

The wreckage of a Cypriot Helios Airways jet burns after it crashed near the coastal town of Grammatiko, north of Athens, Greece on Sunday. All 121 people on board died.

### Greece plane crash kills all 121 on board

GRAMMATIKO, Greece (AP) — A Cypriot airliner crashed into a hill north of Athens on Sunday, killing all 121 people on board. Reports said at least one of the pilots was unconscious when the plane went down, possibly from lack of oxygen in the cabin.

The Helios Airways flight HCY 522 was headed from Larnaca, Cyprus, to Athens International Airport when it crashed at 12:20 p.m. near the town of Grammatiko, about 25 miles north of the Greek capital, leaving flaming debris and luggage strewn across a ravine and surrounding hills.

The Boeing 737, carrying 115 passengers and six crew, was to

# FBI investigates two ABX Air pilots

## Pilots allegedly acted against execs

The Associated Press

WILMINGTON — The FBI is investigating whether two pilots for a regional cargo airline mailed faxes to company executives and took out unwanted magazine subscriptions for them.

No charges had been filed as of Saturday

against the unidentified pilots for ABX Air Inc., which is based in this Clinton County city.

It was unclear whether the faxes were human or animal. Sending biohazardous material through the mail is a federal crime under domestic terrorism statutes, FBI spokesman Michael Brooks said.

The pilots union for ABX issued a message that said that the FBI questioned the pilots this week and placed them on the federal terrorism roster known as the "selectee" list.

That means the pilots would face additional security screening any time they pass through a passenger checkpoint and could face suspension of flying privileges, the union said.

"We were told that they (the FBI) consider ABX Air vital to national security," Lynn Nowell, general counsel with Teamsters Local 1224, said on the recorded phone mes-

sage. "The pilots answered thoughtfully and fully and we are confident they will be cleared or exonerated."

Investigators would not identify the pilots, the executives or the magazines Brooks also would not say how the agency was alerted to the alleged incidents or when they took place.

ABX Air runs an air cargo hub in Wilmington on behalf of global shipping giant DHL. It operates a 115-plane airline that carries freight nationally.

## FUND-RAISING CONTINUES



# Bones found near Culberson dig site

Brown News Service

BLANCHESTER — Bones found in a woods off McJunkin Road south of Blanchester are believed to be animal bones, but will be sent to a lab in order to double check.

Law enforcement received a report late last week of some bones in a woods, Major Brett Prickett of the Clinton County Sheriff's Office said.

Brown County sheriff's deputies first responded to the scene because initially it was thought the woods were in Brown County.

Clinton County deputies found bones Friday morning on the sur-

face of the ground, Prickett said.

A laboratory report on the bones could take a week or so to complete.

The McJunkin Road woods are not far from the Brown County pole barn on Fayetteville-Blanchester Road where in spring 2004 authorities excavated the site in search of the remains of Carrie Culberson.

The 22-year-old Culberson, who was from Blanchester, was murdered in August 1996, but her body has never been recovered.

Two weeks of digging at the pole barn turned up a T-shirt Culberson wore days before she disappeared, and also yielded trash bags and duct tape.

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