

The WEEKENDER
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Charles King:

Now as most people know, Kim Hubbard was convicted on tire casts and footprints found at the scene linking him to being at the scene. The state also produced a witness who is said to have seen Jennifer Hill getting into a green car on Friday, October 19th, 1973 at exactly 4:30 pm.

The reason the Hubbard's have been fighting for their son for the last six years is as Mrs. Hubbard was watching Kim buff the floors at 4:30pm October 19th, 1973.

For a long time, Mr. Hubbard and myself couldn't understand why this witness would be trying to allege a car identified as Kim Hubbard's picking up Jennifer Hill in front of this witnesses' home at 4:30 pm when he was buffing the floor.

One of the key points of identification of Kim's car which Allen E. Ertel pushed and continues to push on people when he's questioned about the case he prosecuted is a white helmet which was on the rear ledge of the car which everybody brings up when discussing Kim Hubbard's case, is the most ludicrous part of the entire prosecution.

This witness name was Mrs. Betty J. Nevel. After Kim was first arrested, there was a hearing before Justice Eisenbeis. This preliminary hearing was to decide whether there was enough evidence to hold Kim for a trial. I watched Mrs. Nevel testify.

Allen Ertel, then the District Attorney, handed Mrs. Nevel a photograph and asked her if this was the car she saw pick up Jennifer Hill. "Yes, I'm positive." was her answer.

Mr. Fierro took the same photograph within a few seconds of Mrs. Nevel's identification of it, put it behind his back, killed a few more moments with small talk, turned around and handed her the very same photograph of Kim Hubbard's car which she identified as the car which picked up Jennifer Hill and asked, "How about this one?"

She said, "Positively not."

Everyone started laughing. Mr. Fierro swung aournd and held the photograph in the air for everyone at the hearing. He said, "Ladies and gentlemen, did you hear that?"

He turned around and looked at Mrs. Never and said, "I'll ask you again, is this the car you saw Jennifer Hill get into in front of your home?"

She said, "Absolutely not."

Fierro took the photo and handed it to Justice Eisenbeis and asked him if he would write down everything Mrs. Nevel and just said and to initial it.Mr. Eisenbeis shrugged his shoulders and did as Mr. Fierro asked.

Allen Ertel jumped up and said, "But we have tire casts and boot prints (casts) that are Kim's down to the nail holes."

At that point Kim was held over for the Grand Jury. To this day, this incident and the photograph have never been used or mentioned in Kim's behalf. And that courtroom was full, so I'm sure there are some reading this who were at that preliminary hearing and remember what happened.

Mr. Hubbard and myself, even after the trial was over, didn't understand why this woman would say what she had at the main trial. Tire casts and footprints can be manufactured, but a witness was a hard obstacle for us to discredit.

Mr. Fierro told us, after he was fired, that if he could help in any way, to let him know. Sometime later we dropped in without an appointment. He was with a client. We asked to see Mr. Fierro and he came out and we asked him for everything he had pertaining to Kim's case. He told his secretary to give us Kim's file. He said we could have any papers from the file we were handed but we couldn't have any from his personal file.

Going through the papers we were given, we found a letter from Allen E. Ertel to Mr. Fierro, signed by Allen E. Ertel, stating that Mrs. Nevel had been hypnotized prior to her testimony to help her recollection and the Doctor's name who did the hypnotizing would be available upon request.

That gave us Mrs. Nevel's motive. We later found out that the doctor was Dr. Larue Pepperman, now of the Williamsport Hospital.

Keep in mind, this is knowledge that was found out several months after Kim's conviction. Mr. Fierro never told Kim, Kim's family, the jury was never told. Her credibility of testifying with a hypnotically-enhanced memory was never questioned with the jury sequestered.

We found out several months later, after receiving this letter about the hypnotism being performed, that Dr. Pepperman was the person who performed this procedure.

Mr. Hubbard told me he had seen Dr. Pepperman enter the District Attorney's office just prior to Mrs. Nevel's testifying at the main trial. Mr. Hubbard said he asked Dr. Pepperman this within two days after having seen Dr. Pepperman going into the D.A.'s office.

Mr. Hubbard told me Dr. Pepperman explained that he has had a coat stolen while he was at the Hillside Tavern and that he was there to look into the matter.

Mr. Fierro pacified the Hubbard's during the trial by telling them he "had a bomb he was going to drop on Ertel's prosecution." This bomb concerned the white helmet.

Fierro asked Kim when he got this white helmet. Kim said he got it when he started to work at Stroehmann's (Bakery), which was on Oct. 24, 1973.

Fierro didn't take any notes during this trial, as Mr. Hubbard told me he sat right behind Mr. Fierro all this time. Since Kim supposedly didn't have the helmet Oct. 19 and didn't get it until Oct. 24, Fierro was going to get Kim off because he didn't own a white helmet on the day Jennifer was supposed to have been picked up in front of Mrs. Nevel's house.

Fierro dropped his bomb about the white helmet.

“to Nov. 16, the car sat at Poole's Sunoco station with that important white helmet...”

Later in the trial, Ertel brought in David Shellman and Steve Kinney, people who Kim did not consider friends, to say there was a white helmet in Kim's car prior to Oct. 19, sometime in August. For a while, everyone was saying Kim was innocent because he didn't have a white helmet prior to the murder, so he was back to looking guilty again.

This white helmet Kim was supposed to have had prior to the 19th was to have been from Eastern Wood Products, where he'd had a summer job. What the prosecution was saying was that Kim Hubbard had a white helmet on his ledge on Oct.

19 from Eastern Wood Products. It's insinuated that he got rid of the helmet, went to work at Stroehmann's (Bakery) on the 24th of October, put a new white helmet back on the ledge, although he didn't try to destroy his combat boots.

The whole thing is entirely stupid, that he would get rid of one helmet on or about the 19th, get another one a few days later and put it at the same place the old helmet was supposed to have been.

If this white helmet was as important as Allen Ertel makes it out to be, then it should be known that they took Kim's car on Oct. 31, they took his tires, gave the car back on Nov. 7. From Nov. 7 to Nov. 16, the car sat at Poole's Sunoco station with that important white helmet on the rear ledge.

Now, according to Police Chief Smith, there is either a lie at the Hubbard home or a lie at the Hill home. As is evident from reading the transcripts, Jennifer Hill left the Hubbard home wearing her dark blue pants and was found dead, wearing light blue pants. The dark blue pants had been partially sewed with a sewing machine.

The Hubbard's and myself approached Mrs. Nevel's testimony in the transcripts with this in mind; if Jennifer Hill did go home on Oct. 19, Mrs. Nevel would be guilty of very serious perjury. Now we have this hypnotism paper and we read her testimony with a new outlook.

She was able to identify every piece of Jennifer Hill's clothing, down to her black sneakers with the exception of her pants. This was still not good enough for us because she still puts Jennifer Hill in front of her home at 4:30. Then it struck us that the key to her seeing Jennifer Hill was her young daughter Beth's identification.

That gave us an escape valve for Mrs. Nevel's being trapped in perjury. Just suppose, little Beth was mistaken, it could have been any girl in South Williamsport getting into any green car.

Now we know that Jennifer Hill left the Hubbard home wearing dark blue pants with the light blue pants in the Glick bag. She left the Hubbard home at 3:45 pm, according to Mrs. Hubbard's testimony; this was also testified by at least three other people in the trial. (*see transcript printed in the first installment*) –ed.

It's a fifteen minute walk from the Hubbard home to the Hill home. A man testified he saw a girl wearing a number "33" football jersey and matching Jennifer's description standing on the corner of Market Street and W. Central Ave. in South Williamsport, on the corner closest the Humpty Dumpty Sub Shop. He said that was between ten and five minutes before four o'clock.

From that intersection Jennifer Hill was less than a two minute walk from her home.

On page 745 of the trial transcripts, Mr. Joseph Mendez is testifying. He didn't know Jennifer Hill, but the number he wore while playing football was number "33." He was under cross-examination by Allen Ertel.

Q: Incidentally, Central Avenue and Market Street, what time approximately were you there?

A: It would have had to be between ten of four and four o'clock. I couldn't exactly, I didn't look at my watch.

I want to point out that it was now ten minutes to four, Jennifer Hill was already several blocks from Mrs. Nevel's, and less than two minutes from home. At 4:30pm she turns up in front of Mrs. Nevel's home which is not anywhere near her path of travel to

her home.

Let's take a look at Kim Hubbard's activities from the transcripts in an attempt to show a little over an hour of Kim Hubbard's life. The time between 3:45pm until 5pm on October 19, 1973.

I am reading from the testimony of James Michael Barr. He is being asked when he first saw Kim Hubbard on Oct. 19, by Mr. Ertel.

Q: All right, can you tell us when you first saw him on that occasion, if you will?"

A: Well, I was putting my brother's tape player in because I quit working at 3:30, and he walked up to me and asked me where my brother was, and I said that he was in the house.

Q: What time approximately was that?"

A: Somewhere around twenty, quarter of four, somewhere around there.

Q: Did he walk up or drive, do you know?"

A: He drove.

Q: Do you recall what he was wearing?"

A: No, I don't.

Q: Did you see him after that?"

A: Yes, I was out there when he left and when Billy went to work.

Q: What time was that?"

A: A couple of minutes before four."

This is William C. Barr testifying, page 705 and 706, under examination by Mr. Ertel.

Q: Returning to the night of Oct. 19, 1973, the day you had off school, did you see Kim that day?"

A: Yes.

Q: Where did you see him?"

A: At my house.

Q: Approximately what time did you see him there?"

A: Quarter of four to four.

Q: How do you place that time?"

A: I had to go to work at four o'clock.

Q: Did you get to work on time?"

A: Yes."

(Writer's note: William C. Barr worked at the family hardware store right next to the Barr residence on Southern Ave.)

End of William Barr's transcript testimony for this interview. Remember, Jennifer Hill, or a girl matching her description is seen on the corner of Marker Street and Central Ave. while Kim Hubbard is at the Barr home on Southern Ave, four long blocks away.

Now we will read from the testimony on Robert O. Fries, page 765, under questioning by Mr. Fierro.

Q: Bob, did you see Kim Hubbard on Oct. 19?"

A: Yes, I did.

Q: Where?"

A: Hum-Dinger. (Writer's note: The Hum-Dinger Drive-In Restaurant is over four blocks away from the Barr residence going west toward the Hubbard home,

which is on Central Ave.)

Q: Tell this jury, this jury heard a lot of times about the Hum-Dinger, what it is and where it is located?

A: It is located on Southern Ave. and it is a drive-in restaurant.

Q: You say you saw Kim at the Hum-Dinger that day?

A: Yes.

Q: What time?

A: From four o'clock until around quarter after four.

Q: Until around quarter after four?

A: Yes.

Q: What did you do at quarter after four?

A: I was sitting out behind the Hum-Dinger in a car, listening to a stereo.

Q: What time did you leave the Hum-Dinger?

A: About quarter after, well, I was home at twenty after four so however long it takes me to get to my house.

Q: How long does it take you?

A: About three minutes.

Q: Is that driving or walking?

A: Driving.

Q: What time do you think it was when you left the Hum-Dinger?

A: About quarter after four.

Q: What time did you get home?

A: Twenty after.

Q: How do you know you got home at twenty after four?

A: Because I was going to go riding after I got home, and I wanted to see what time it was so to see how much time it was I could go up and ride.

Q: When you left the Hum-Dinger where was Kim?

A: Standing on the ledge on the side of the building.

Q: When you left, was Kim still there?

A: Yes.

End of Robert Fries testimony in this interview.

I will now read from Mrs. Hubbard's testimony on page 886 of the trial transcripts, under questioning of Mr. Fierro.

Q: Do you know how long he was gone, or approximately?

A: I know that he was in between twenty-five and four-thirty, because he and Ruthie had a fight over the telephone, and when I went into the kitchen to tell him to stop and wait he said that the call was to come between 4:30 and 5 and it was exactly 4:30 while Ruthie was talking but she only talked for a minute or two."

End of Mrs. Hubbard's testimony in this interview.

I will now read from the testimony of Jennifer Hill's father, Jack Hill, page 669 of the trial transcripts under questioning by Mr. Ertel.

Q: Describe what happened as you recall it?

A: We were sitting at the table drinking coffee, going over what we were going to get at the grocery store and my daughter had called the Hubbard's to find out if

Jennie had left.

Q: Were you there when the call was made?

A: Yes, sir.

Q: All right?

A: My wife was getting ready to go to the store to get some groceries and when she, had left I called the Hubbard's to find out. I was getting concerned, and I called the Hubbard's to find out if Jennie was still there or whether she was on her way home.

Q: Who did you talk to?

A: Kim answered the phone.

Q: Did you recognize his voice?

A: Yes, I did.

Q: Can you tell us approximately what time it was?

A: Around five o'clock.

Q: What was the conversation as you recall it?

A: I asked if Jennifer had left, and he had called his mom to ask her what time she had left.

End of Jack Hill's testimony in the interview.

I will now read from Cpl. Barto's testimony in the trial transcripts under questioning by Mr. Fierro on page 656.

"He called the Hubbard's house and Kim answered the phone."

"Q: Can you produce any eyewitness of do you know yourself where Kim Lee Hubbard was at five the afternoon of Oct. 19.

A: Yes, sir.

Q: Who is the witness?

A: Jack Hill.

Q: Where did Jack Hill say or saw or heard Kim Lee at five?

A: He told me he called him, he called the Hubbard house and Kim answered the phone.

Q: At what time, a quarter to five, wasn't it?

A: No, sir, he fixed the time anywhere between quarter to five and as late as five o'clock."

End of Cpl. Barto's testimony in this interview.

Keep in mind that when Jack Hill talked to Kim and you just read his testimony, that Kim would have just been back from murdering Jennifer, he would have had to change her pants from the dark blue jeans to the light blue jeans, he would have had to have sewn the dark blue pair which were torn on a sewing machine, he would have to have changed football jerseys from a short sleeve to a long sleeve jersey and put that one on her.

WEEKENDER: Excuse us, what kind of time sequence are you talking about here, from the time Jennifer is allegedly seen by Mrs. Nevel until Kim spoke to Mr. Hill?

KING: Depending on which way you want to take Jack Hill's testimony, you could say from twenty to thirty minutes.

WEEKENDER: Let's take the testimony as saying thirty minutes. Now in this time, 30 minutes, Kim Hubbard is supposed to do everything you just said, correct?

KING: Correct.

WEEKENDER: This includes picking Jennifer up on Howard Street, taking her to the cornfield in Sylvan Dell, killing her, changing her clothes and returning home, Correct?

KING: Right. This also includes Kim changing from his sneakers to his combat boots. You see, Kim said he was wearing his sneakers that day.

WEEKENDER: How long does it take to drive from Betty Nevel's on Howard Street to the cornfield in Sylvan Dell and then back to the Hubbard home on West Central Ave?

KING: Let's go see. (Writer's note: Using a 1980 CJ-5 Jeep, with a four-speed manual transmission and snow tires all the way around, it took seven full minutes to drive from the Nevel residence on Howard Street to the cornfield and dirt lane in the Sylvan Dell area. We went from Howard Street to 6th Ave.—6th Ave. to Hastings Street—Hastings Street to East Southern Ave.—East Southern Ave. to Main Street—Main Street to East Second Ave. —East Second Ave. to the Sylvan Dell Road. We went no faster than the legal speed limit and obeyed the traffic laws at all times.

The return trip took seven and a half (71/2) minutes. Again, we obeyed the speed limit and all traffic laws. Our return pattern was Sylvan Dell Road to East/West Second Ave.—East/West Second Ave. to Curtain Street—Curtain Street to West Southern Ave.—West Southern Ave. to Winthrop Street—Winthrop Street to West Central Ave.—West Central Ave. to the front of the Hubbard home at 1030 West Central Ave.

The total drive time—14 1/2 minutes.)

WEEKENDER: We have just driven from the Nevel Home to the cornfield by the Sylvan Dell Road and back to the Hubbard residence. It took 14 ½ minutes. Again, what all was Kim Hubbard supposed to do in the remaining time, if using Mr. Hill's testimony and taking it as meaning a full 30 minutes between when Jennifer allegedly got into a green car and Kim Hubbard answered the phone call from Mr. Hill which came at 5:00pm at the latest.

KING: All right, lets' try to imagine Kim's frame of mind. I'm doing this by just trying to put myself in the same position, based on the circumstances I read in the transcripts as to what Kim's day was like.

Remember, Mr. Mendez said he saw a girl matching Jennifer's description at around five minutes before four. You read Billy Barr's testimony. Kim was with him until four o'clock. You read Bob Fries' testimony. Kim was still at the Hum-Dinger at twenty after four when he (Fries) left to go home.

Now, Kim gets his cosmo from the Hum-Dinger. At this point, Jennifer has been missing for thirty minutes while Kim is still at the Hum-Dinger.

Now, all of a sudden, Jennifer turns up in front of Mrs. Nevel's home on Howard Street which is not anywhere near her home, nor on their path of travel to her home. Kim leaves the Hum-Dinger, goes home and changes from his sneakers to his combat boots, goes back outside and gets into his car, drives down in front of Mrs. Nevel's house, and picks up Jennifer at 4:30pm. What Kim was doing on Howard Street makes about as much sense as what Jennifer would be doing on Howard Street.

Now, he drives Jennifer Hill all the way down to this cornfield in Sylvan Dell. There must have been some conversation taking place. I mean, you're not strangling while you're driving. It takes sixty to ninety seconds for unconsciousness, up to four and a half to five minutes for biological death from strangulation, according to what doctors have told me.

Then, Kim takes off Jennifer's dark blue pants and puts on her light blue pants and puts the dark blue ones in the Glick shoe bag she was carrying. Then he changes jerseys, from short sleeve to long sleeve. Then he also, supposedly, sewed the dark blue pants on a sewing machine. He then removes Jennifer from his car, puts her in the cornfield, gets back in the car, drives home in time to answer the phone call from the father of the girl he just strangled.

And nobody saw him on either of these two trips, down to the Sylvan Dell and back, on a Friday when there was no school at 4:30 when people are on their way home from work. This includes Mrs. Nevel who never did identify Kim Hubbard or his car, according to the transcripts.

Can you imagine what it must have been like to answer the phone and talk to the father of the girl you just strangled? What did Jack Hill say Kim said?

I just read from his testimony. Kim asked his mother what time Jennifer left.

What Kim was doing on Howard St. makes about as much sense as what Jennifer would be doing on Howard Street.

Now, since Jennifer, as I have said many times, was found in the light blue pants and carrying the ones she wore when she left the Hubbard's, it's just common sense she changed her pants somewhere. There are other state's witnesses who testified to seeing Jennifer wearing her dark blue pants that day as she walked home, so I am not relying on Mrs. Hubbard's testimony here to make this point.

There was nothing in the papers mentioning the pants being changed. There was nothing mentioned by Fierro to the Hubbard's as to her pants being changed. They didn't find out about it until open court.

Now, I want to read to you from somebody's testimony which should open your eyes to a great many questions. This testimony came under cross-examination by Mr. Fierro. (Testimony of Norma Hill, Jennifer's mother).

Q: Did you make the statement you were looking for her bag?

A: I may have.

Q: You may have?

A: Yes.

Q: Aren't you sure, Mrs. Hill?

A: I don't remember what I said to them.

Q: No.

A: Do you know what clothing your daughter wore on October 19th?

A: Yes, I know she had her football jersey on.

Q: What else?

A: Her blue jeans and sneakers.

Q: Blue jeans and sneakers?

A: And coat.

Q: Are those the blue jeans that have a heart on the knees?

A: No, the light blue jeans.

Q: Are you saying, Mrs. Hill, that the blue jeans that she wore did not have the red hearts on the knees?

A: I am saying I believe when she left their house to come home she had her light blue pants on, yes.

Q: I didn't ask you what she had on when she left the Hubbard house because you don't know, you weren't there.

A: I didn't see her.

Q: I am asking you, do you know what your daughter had on October 19th, did you see her at any time on October 19th?

A: No, I did not.

Q: You did not?

A: No."

That was from pages 68 and 69 of the trial transcripts. Now, I'll read from page 70. Here, Mr. Fierro is finishing up questions about the dark blue pants with the hearts on the knees.

Q: These were trouser-type pants, these jeans?

A: They were bell-bottoms.

Q: What I mean, they look like pants, it is not a dress?

A: No, it is not a dress.

Q: Right?

A: Right.

Q: Of course, you didn't see your daughter at all on October 19th, did you?

A: No.

Q: Mrs. Hill, were you shown your daughter's clothing by the police after her body was discovered?

A: No, I was not.

Q: No further questions.

End of transcript use. *(Writer's note: According to Capt. Ross, S.W.P.D., Mrs. Hill described the clothing Jennifer wore when he responded to the Hill's telephone call about Jennifer's disappearance. Ross said the jeans Jennifer had on that day were the dark blue jeans, according to Mrs. Hill.)*

I think that if this conversation that you just read with Norma Hill, Jennifer's mother, had come out later in the trial, possibly the jury would have asked themselves how she knew that Jennifer had the light blue pants on.

There are 1287 pages of transcripts of actual testimony; what you just read took place on pages 68, 69 and part on page 70.

Mrs. Hill's testimony is long forgotten by the time all the photos of tires and casts, the bulldozer crew, and such have testified. In the very beginning of my interview I mentioned that Police Chief Smith said to the Hubbard's, "There's either a lie at this end or at the other end."

The autopsy revealed...no evidence of sexual molestation on any kind...

Mr. Hubbard told me that on Oct. 31 Lt. Hynick and Sgt. Peterson visited the Hubbard home to ask a few questions. Lt. Hynick asked Mr. Hubbard if Mrs. Hubbard sewed and if she had a sewing machine. Mr. Hubbard told me he laughed and told Lt. Hynick Mrs. Hubbard has "...two idiosyncrasies." Mr. Hubbard said he told the police that the Hubbards did not have a sewing machine, one of Mrs. Hubbard's foibles was that she did not and does not like to sew.

Mr. Hubbard told me that then Lt. Hynick told him there was no such thing as an accidental murder. Mr. Hubbard has told me that then Lt. Hynick said this was an "I'm sorry" type accident.

I want to lay to rest all the rumors about sexual molestation. Jennifer Hill was virginal, the autopsy revealed no evidence of sexual molestation of any kind. Sex, sex, sex was pushed down the public's throat in the news reports of the time.

There have also been wild rumors she was mutilated. This is an outright lie. There was no mutilation.

WEEKENDER: When Kim Hubbard was arrested, wasn't one of the charges something about deviated sex?

KING: They arrested Kim on the following charges: (from the arrest report) "The acts committed by the accused were: In that the above named defendant did intentionally, recklessly, knowingly or negligently cause the death of Jennifer May Hill, 353 Hastings St., S. Williamsport, PA., a human being, or by any other kind of willful, deliberate and premeditated killing, or while engaged in or is an accomplice in the commission of or an attempt to commit or flight after committing, or attempting to commit, rape, deviate sexual intercourse, by force or threat of force or kidnapping."

WEEKENDER: Back in the beginning of the interview, you described Kim Hubbard on one of the nights after Jennifer Hill had disappeared. You said he was irritated because the police seemed to be picking on him. How many suspects were there in this case?

KING: Well, this is somewhat of a complex answer. In the transcripts, Mr. Fierro brings up a point about a man in a cream colored car and a picture of this man was shown to various people by the State Police. We don't know who this man was.

When Allen Ertel argued against Kim at the State Supreme Court, Mr. Campana was representing Kim. The late Judge Mandarino asked Mr. Ertel how many suspects he had in this case. Ertel said, "Only two, Your Honor."

The judge asked him who they were. He said, "Kim Hubbard and his mother." Judge Mandarino asked why his mother. Ertel said, "Because Kim and her were the last two people to see Jennifer alive."

With that statement, and this was before the Supreme Court of Pennsylvania, Ertel eliminated his own star hypnotized witness, and the all the people who testified they saw Jennifer on her way home that day.

Remember, the police chief told the Hubbards, "There's either a lie at this end or a lie at the other end." This was never brought out at the trial. That would indicate to me the "other end" was suspect.

WEEKENDER: Let's move ahead a bit. Other newspapers have done stories on the Kim Hubbard/Jennifer Hill affair. Have you had contact with these other newspapers and their stories?

KING: Yes.

WEEKENDER: In what manner?

KING: Personal contact. I've been to Philadelphia, about a month and a half before the VALLEY **WEEKENDER** was contacted, I was in Philadelphia and I met with a Mr. John Naughton, an editor of the Philadelphia Inquirer. It was to discuss the poor job the reporter they'd sent in here a year before had done.

They had previously sent Ed Schumacher to Williamsport. To the best of my knowledge, he wasn't even trained in the field of investigative reporting.

WEEKENDER: What was Mr. Schumacher's experience?

KING: To the best of my knowledge, he was an educational writer for the Philadelphia Inquirer. Mr. Naughton told me the reason Ed was sent up here was that at the time we asked for help from the Inquirer, there was a shakeup of personnel at his newspaper and a transition was taking place. I guess Mr. Schumacher was the most available at the time.

WEEKENDER: When Mr. Schumacher was here, didn't he also do some work with Wes Skillings, of the Grit?

KING: Yes. It was Wes Skillings who had most of the knowledge because he had done a story for the Grit.

WEEKENDER: There is a story floating around concerning Wes Skillings and Ed Schumacher and an erased tape. Do you know anything about that?

KING: Yes, I remember Wes telling me about the incident.

WEEKENDER: What did Wes tell you happened?

KING: He told me that Ed Schumacher and he went down to talk to Jim Merrick who is the Superintendent of the Borough of South Williamsport. On the night Kim's car was taken by the State Police, Police Chief Smith called Mr. Merrick down to the borough hall to have Mr. Merrick change the front tires on Kim's car.

"The tape was erased"

WEEKENDER: Wes told you this, correct? This is what Merrick told him?

KING: That is correct.

WEEKENDER: What else did Wes tell you?

KING: He told me that after about a half hour taping Mr. Merrick, they were changing cassettes in the recorder and Mr. Merrick yelled, "Are you taping me?"

Mr. Merrick then grabbed their tape recorder from them and told them he wouldn't give it back to them. Then, I believe, the police were called by the Merricks and a South Williamsport officer arrived at the Merrick home. Somehow they agreed they would surrender the tape and keep the recorder. Later on, they got the tape back and it's my understanding the tape was erased.

WEEKENDER: The tape was erased?

KING: That's what Wes told me.

WEEKENDER: Did Wes Skillings ever mention that there was or was not a search warrant used in this procedure? This is, to take the tape from them?

KING: Not to my knowledge. I don't believe there was a need for a search warrant in this case. Evidently Mr. Merrick was not aware he was being taped and when he discovered he was, he was upset over it.

WEEKENDER: Have other reporters and other newspapers been involved in this story?

KING: Yes, the Harrisburg Patriot and a man named Dick Sarge, who they sent in here a few years ago at the request of the Hubbard's to look into the matter.

WEEKENDER: Did Mr. Sarge find anything?

KING: He wrote a pretty nice article in the Harrisburg Patriot. At the time Mr. Sarge wrote his article, Kim still had several phases of the appeals process to go yet. Mr. Sarge attended the evidentiary hearing that the Supreme Court of Pennsylvania ordered where Judge Greevy was to decide if there had been ineffective counsel.

That is where Mr. Fierro was questioned by Mr. Campana about why he never brought up the fact that Mrs. Nevel had been hypnotized to the jury. He heard Mr. Fierro say he didn't want the jury to think that hypnosis acted as a truth serum and the Mrs. Nevel couldn't lie while under hypnosis.

Mr. Sarge heard all the testimonies that took place there to the best of my knowledge. As to what he remembers, you'd have to ask him.

Mr. Sarge is a very nice man and as I remember his ideas at the time, he thought that with what we had, Kim stood a good chance of getting a new trial.

Unfortunately, Kim hasn't gotten a new trial. Yet.

Most people don't understand that with all this evidence the defense says they have, why Kim hasn't gotten a new trial.

WEEKENDER: Why hasn't there been a new trial, considering the amount of new evidence?

KING: Well, number one, which most people don't understand, when you appeal to the Supreme Court of Pennsylvania, you cannot appeal on newly discovered evidence. All you can use is what is on record.

WEEKENDER: Where does one take newly discovered evidence?

KING: Well, in this case, it had to go before Judge Greevy. That's the guy who said Mr. Fierro would take the case in retrial and it wouldn't cost one dime.

WEEKENDER: The original trial judge?

KING: Right.

WEEKENDER: And nothing came of this?

KING: He's turned Kim down two or three times. Remember, he accused Mr. Hubbard of breaking a tire case when he didn't.

I want to make a point, you asked if we had an opportunity to show this newly discovered evidence. Mr. Felix told us, and I heard him say it, that we couldn't call any witnesses or show any of the newly discovered evidence at this time.

WEEKENDER: Did he say why?

KING: No, I didn't ask him, but this was at the oral argument for retrial and this statement was made before the photo shifting, the tire shifting, the jersey with the vomit smell removed, before all this took place.

Mr. Felix could have taken that exhibit I made with the four different colored squares and showed that the transcripts would show that Kim's car would have been traveling diagonally down the lane if we would have had the four tires that were seen originally at the State Police barracks.

Later on, Mr. Felix admitted, in my presence, that whereas he was ineffective on the Hubbard's behalf, he was over-zealous in his briefs. And, I might say, his briefs were accurate.

We found out later there could have been witnesses at the oral argument and all

that newly discovered evidence could have been brought out.

This is where Kim Hubbard is taking a real licking. Now, Mr. Campana takes Kim's case, the opportunity to bring out all this newly discovered evidence is lost due to Mr. Felix' handling of the case. All Mr. Campana has to work with now is what's on the record. That means with all the tampering with evidence that I witnesses, that Mr. Felix witnesses, and that the Hubbard's witnesses, Mr. Campana is stuck appealing on technicalities like Miranda violations and rights card violations and ineffective counsel.

“He also said that, after passing three tests, no way did this man have anything to do with it.”

The Hubbard's have never, in all the time I have spent with them, pushed technicalities as a reason for their son getting a new trial. Nor have I.

Kim said he will refuse to leave prison if he is released on a technicality.

Ertel offered him, according to Mr. Fierro, that if he pleaded guilty, he'd have him out in eighteen months. Kim told Fierro to tell Ertel to forget it, he didn't do it.

Here's another little known fact about this case. Kim Hubbard took and passed three lie detector tests.

WEEKENDER: What happened to those tests?

KING: Ed Shumacher and Wes Skillings went to the State Police to get the results and it's my understanding that the files are missing.

I remember when Wes Skillings and Ed Shumacher returned from interviewing Lt. Hynick. Wes said that Lt. Hynick told him that he talked to the State Policeman who gave Kim the lie detector test. That this man said it was the first time in his career that he ever had a man come in and voluntarily take a test to clear any uncertainty. He also said, that after passing three tests, no way did this man have anything to do with it.

WEEKENDER: And these tests disappeared?

KING: As far as I know, they're gone, just like a lot of slides are gone, too.

WEEKENDER: Did the defense counsel know about these lie detector tests?

KING: They were never brought up in Kim's behalf. It wouldn't surprise me to know that Fierro didn't even know Kim had taken those lie detector tests. Let's look at the rapport between Mr. Fierro and Kim Hubbard.

Mr. Fierro only ever talked to Kim twice before the trial. Both times added up to maybe an hour. It's not until page 619 in the trial transcripts that he discovers there's a possibility of Kim's constitutional rights being violated. He never informed Kim that the star witness for the state was under hypnosis.

Everybody read in the beginning of this interview about his asking the State Police tire expert how a tire Kim never owned until a day after the body was found was supposed to make a track somewhere between October 19th and October 28th and then had no further questions on the issue.

Mr. Fierro asked Kim to write a letter to his girlfriend. He told Kim exactly what to put in the letter. He said to ask her to remember what time she talked to you. Somehow this letter turns up and is used by Ertel to say Kim was trying to alibi himself, when in fact it was the defense attorney who told him what to write and how to say it. Then it's turned around and used against him.

Let's take the most important man who testified in this trial, Joseph Mendez. Mr.

Mendes puts a girl matching Jennifer's description on the corner of Market and Central Ave. at about five minutes to four. The Hubbard's knowing how important this man's testimony could be, because it puts a thirty-five minute gap in the prosecution's story, never get to hear what he said during the trial.

Mrs. Hubbard got sequestered; Mr. Fierro gave Mr. Hubbard a handful of subpoenas and asked him to run them over to the office for him. While Mr. Hubbard is gone, Mr. Mendez hit the stand and by the time Mr. Hubbard got back, Mr. Mendez' testimony was over.

Five months later the Hubbard's had the transcripts and could read where Mr. Fierro never pointed out the thirty-five minute gap between Mr. Mendez' and Mrs. Nevel's testimony.

WEEKENDER: We were talking a while ago on appealing on technicalities. Have you ever counted the technicalities and/or rights that my or could be used to free Kim Hubbard?

KING: I don't think I can count that high.

WEEKENDER: In other words, there have presumably been several rights violations?

KING: Let me put it to you this way, I was told by Wes Skillings that when he interviewed Lt. Hynick, Lt. Hynick told him that when he went to the Hubbard home with Sgt. Peterson, and Allen Ertel showed up a short time later, Hynick was told to get all Kim's shoes, boots, and footwear that he owned.

Hynick said something to the effect of wasn't a search warrant needed. Ertel told Hynick to do as you're told, that he (Ertel) would take care of that later. This is how I remember Wes telling me the story.

WEEKENDER: Were there any other violations, in your knowledge?

KING: To tell you the truth, arguing for Miranda violations and technicalities doesn't interest me. But, here's an interesting story.

On October 31, 1973, Sgt. Peterson...Lt. Hynick were at the Hubbard home. Sgt. Peterson asked to use the bathroom upstairs and Mr. Hubbard said sure and then asked him to hold on a minute while he (Mr. Hubbard) went up to close the bedroom doors as the beds weren't made.

Sgt. Peterson went to the bathroom, came back downstairs, and the question was asked if they could call Mr. Ertel. Two more times Sgt. Peterson asked to go the bathroom. He was the only one to go upstairs during the whole time.

They asked if Kim could be called home from school. He was. Mr. Hubbard and Kim were taken to the borough hall along with Kim's shoes and car. Mrs. Hubbard remained home alone. Mrs. Hubbard went upstairs and found all the bedroom doors **open.**

At the borough hall, Mr. Hubbard sat down at Mrs. Guinard's desk. Kim was taken into the conference room. Into where Mr. Hubbard was sitting came Troopers Fama and Reitz. These two State Policemen, not knowing at the time who Mr. Hubbard was, had a blue shirt with them. They take this shirt, fold it, put it in a clear plastic bag. Mr. Hubbard watched them write, "Mark for evidence, blood-stained shirt."

They pasted that label right on the plastic. They took this shirt, put it in a briefcase, and then they left.

Meanwhile, back at the ranch, Mrs. Hubbard gets a knock on the door from Fama and Reitz. They had come to search the house. No search warrant was produced. They

go all through the Hubbard house, clear up to the attic. Mrs. Hubbard was all alone at this time.

They go into Kim's bedroom, they open up a briefcase, they take out this plastic bag with a blue shirt folded up inside it, push it right in front of Mrs. Hubbard's face and asked her if she had ever seen the shirt.

She took it, turned the package over and saw the label that said, "Mark for evidence, blood-stained shirt." She said, "I don't know, it could be Kim's."

Now, I'm going to go to the transcripts. The story you have just read was told to me by the Hubbard's.

This is Trooper Reitz on the stand being questioned by Mr. Ertel, starting on page 1101.

Q: I show you marked as Commonwealth's Exhibit No. 124, can you identify that?

A: Yes, I can.

Q: What is it?

A: It is a blue shirt which I found in the attic way adjacent to Kim Hubbard's room.

Q: In the Hubbard home?

A: Yes,"

Further on down the page, Ertel and Reitz:

Q: Was there markings on the shirt?

A: Yes.

Q: Will you show it to the Jury, please?

A: I point to this particular marking, which is red, or sort of bronze-red in color, and it is the reason why I grabbed the shirt off the rack.

Q: Did you let Mrs. Hubbard see it or do anything with it?

A: Yes, I showed the shirt to Mrs. Hubbard and she said it was Kim's shirt."

Under cross examination by Fierro, on page 1102:

By Mr. Fierro:

Q: Well, Trooper Reitz, let's not leave the Jury with any wrong impression about this mark on the shirt, you don't want them to believe it is somebody's blood, do you?

By Mr. Ertel: We will stipulate it is paint, and we are prepared to put our Chemist on the stand to show it is, and he is here to be cross examined.

End of Trooper Reitz testimony. (**Writer's note: During Trooper Fama's testimony, it was stipulated that the shirt marked Commonwealth's Exhibit 124 was Kim Hubbard's shirt and that it did have paint stains, not blood stains.**)

During the testimony, Attorney Fierro asked District Attorney Ertel, why if the shirt had only paint stains and was not involved in the case or the murder, was not relevant, why it was introduced as evidence.

District Attorney Ertel said, "Because Mrs. Hubbard made a big deal of it." (Page 1106 of the trial transcripts)

You asked me about rights violations, this is just one little incident that took how many pages of type to explain.

When someone asks me a question which to them seems like there should be a short concise answer, I find it virtually impossible to come up with a short answer

because of the complex nature of the state's prosecution.

Now, anybody can read the transcripts of Kim Hubbard and find him guilty, but if you sit down and read the transcripts with a few bits of information that the public isn't aware of, you will see what happened to Kim Hubbard as probably one of the most unjust trials in our history.

Once you go on the assumption that there was something drastically wrong with the condition of the body and that the men who embalmed the body to tell you that Jennifer Hill was refrigerated and they won't tell you when they embalmed her, when you start looking at the overall picture of this case and the oddities that occur, such as the two highest officers in the Civil Air Patrol find the body five minutes before the search was to be called off, a bulldozer crew which comes from a construction company located near the State Police barracks testify they did work in the area on a certain day and in six and a half years no one has come across the record for that work.

“Why, if the shirt had only paint stains and was not involved in the case...”

When you find out that the state's only witness was hypnotized to help her recollection, she really never identifies Kim or his car. The accuracy of what she ever did see really depends on whether or not her young daughter Beth was right in her identification.

When a hundred and some pieces of evidence are sent to the crime laboratory in Harrisburg and nothing comes back tying Kim Hubbard to Jennifer Hill or the cornfield with the exception of tire casts and boot casts. When you have virtually everybody for the prosecution side unavailable for comment, everybody for the defense willing to talk, when you have a new tire in the courtroom, which Kim never owned during the time Jennifer Hill was missing, insinuating it made a cast in evidence.

When you have a juror who is good friends of Kim Hubbard's girlfriend's parents and the girlfriend's parents did not approve of Kim seeing their daughter, and this juror just happens to be Allen Ertel's aunt's sister.

How would you like to have a fair trial when you have conditions like that.

WEEKENDER: You know all those things to be true?

KING: Yes.

WEEKENDER: No ifs, ands, or buts?

KING: It stands.

WEEKENDER: Why hasn't all this come out before?

KING: What do you mean?

WEEKENDER: OK, you have just given us four pretty fair sized paragraphs of questions. Why hasn't this all come out before in either the news media or the courts?

KING: Well, Mr. Felix's briefs were extremely powerful although he wasn't a tiger in the courtroom. His briefs have never been answered.

WEEKENDER: Why not?

KING: Well, as far as the news media goes, I find Williamsport's geography to be their biggest downfall. Williamsport, in the fireplace, sets in the middle of nowhere and it's not ever going to be anywhere and when you go to paper in other cities they tell you they have their own problems to take care of and why doesn't the local newspaper handle this.

I have to tell them the local daily newspaper virtually crucified Kim. There must

be some sort of underlying reason for this.

Another problem is that it is very expensive for an out-of-town newspaper or any other news service to send someone in here to investigate. They have to stay in a hotel, they have to eat, they're not familiar with the area, and they don't know Market St. from Washington Blvd. Their biggest downfall seems to be they try to stay so unbiased, which I can understand, that they can't see the forest for the trees.

WEEKENDER: You know, you said you understand that a newsperson must, according to professional ethics, try to remain unbiased. Yet you claim that this unbiased attitude creates confusion itself. How? In your opinion.

KING: Let's take the long-sleeved jersey which wasn't shown in the **WEEKENDER** on March 7th. I can see two different jerseys in evidence. I'm asking you, as the interviewer, have you seen two different jerseys?

(Writer's Note: I, Dwight E. Schmuck, have, on looking at all the body photos and evidence photos, seen two different jerseys.)

Now, if I was to tell you, that the jersey was just pulled down over the shoulder and it appeared to be a long-sleeved jersey, you are now at a 50-50 point on whether you agree the jersey is pulled down over the shoulder or whether you disagree.

This is where Kim Hubbard took a licking. Kim was opinioned into prison. In other words, you show me, or anybody out there show me, one piece of evidence that would stand up against the State Police if another person had come forward and confessed to the crime.

Let me explain what I just said. Kim was convicted on tire casts, boot prints under the body, and somewhat on the testimony of Mrs. Nevel.

This you must follow very closely to understand. Accidental characteristics, the accidental characteristics that are found on the convicting casts, there is nothing unique about these accidental characteristics that wouldn't

...even the witness from the crime lab said it was their opinions...

Allow for the possibility of the same accidental characteristics turning up on anybody's tires or boots. (Writer's note: Michael Rotman, formally of the Philadelphia Police Department, now residing in Flourtown, PA, told the **WEEKENDER**, "You live in Williamsport and I live in Flourtown. Let's say we have the same kind of tires on our cars. It is entirely possible for both of us to have **the same marks and scrapes on our tires coming from two different areas on two different cars.** Maybe not probably, **but entirely possible.**")

KING: I am not going to give the State of Pennsylvania any credit for having any tire prints until I understand how a bulldozer can **go two directions and leave only one set of prints.** Or until a record is produced proving Kremser Bros. was actually in that lane on October 19th.

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