

Q. Thank you, that is all.

(Excused from witness stand.).

JAMES M. BARR, being duly sworn according to law,
testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name, please?

A. James Michael Barr.

Q. Where do you live, Mr. Barr?

A. 307 West Southern Avenue.

Q. Do you have an occupation?

A. Yes, I work for my Dad in the store.

Q. What is the store?

A. Barr's Hardware.

Q. Is your home right next to the store?

A. Yes, it is.

Q. Can you locate that on this Chart which is
Commonwealth's Exhibit No. 42, do you think?

A. (Witness leaves stand.).

Q. You say on West Southern Avenue?

A. Here is Curtin Street and here is Southern Avenue,
we live on the corner.

Q. Where is your house or business?

A. Right here.

Q. Are you on the side towards the mountain?

A. Yes.

Q. Now, I am putting an "X" and marking the word

James Barr.

"Barr", is that where your store and house is located next to each other?

A. Yes. (Witness returned to stand.)

Q. Do you know the Defendant, Kim Hubbard?

A. Yes.

Q. Did you see him on the 19th of October?

A. Yes, if that is the day you are talking about.

Q. The day Jennifer Hill disappeared?

A. Yes, I saw him.

Q. That is the day school was off?

A. Yes.

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 tapeplayer in because I quit work 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.

James Barr.

Q. What time was that?

A. A couple of minutes before four.

Q. You saw him on that occasion again?

A. Yes, when he left.

Q. Which direction was he proceeding at that point when he left?

A. I don't know.

Q. You don't recall where his car was parked or where he went?

A. I can't say which way he went, so I won't say.

Q. What street was he parked on, do you recall?

A. Curtin Street.

Q. You don't recall if he went up towards the mountain or towards the river?

A. No.

Q. No further questions....excuse me. Did you have any conversation with him regarding a fine?

A. Well, I remember him saying something about he paid a fine that day, but I don't know, I can't say if it was on that day or not, that is why I won't say anything about it, because I don't know, I can't say for sure.

Q. Was that at the same time you saw him here?

A. It might have been, I don't know whether I saw him earlier or not, but I remember him saying he just paid a fine. I don't know if it was at that time or earlier in the day, because I see him off and on all of the time.

Q. That day?

James Barr.

A. Well, you know, every day, I see him all of the time.

Q. No further questions.

CROSS EXAMINATION

By Mr. Fierro:

Q. You say that you were working for your Dad that day and you got through at 3:30?

A. Right.

Q. Now, we want to be sure of this, most people know when they get through work, do you know exactly when you get through work?

A. Yes, I do.

Q. When?

A. 3:30.

Q. Was that your quitting time?

A. Yes, it was.

Q. Where did you go from there at 3:30?

A. Over to the house.

Q. Which is what, next door?

A. Next door.

Q. Was your brother there?

A. That, I don't know.

Q. Was Kim there?

A. No.

Q. Where did you see Kim?

A. I was in the back seat of Billy's car when he walked up, because I was putting his speakers in.

James Barr.

Q. Billy is your brother?

A. Right.

Q. Was this car parked out in front of your house or store?

A. House on Curtin Street.

Q. You are in the back seat of your brother's car doing something to it, right?

A. Right.

Q. And up walks Kim?

A. Right.

Q. You had a conversation with Kim about something?

A. Yes.

Q. And you learned that he paid a traffic ticket that day?

A. If that was the day, yes.

Q. Whether that was the day or not, are you sure that you saw him on October 19th?

A. Yes, I am.

Q. This is the day school is out and, of course, Jennifer disappeared?

A. That is right.

Q. Now, how long were you doing whatever you were doing to this car?

A. About 15 or 20 minutes.

Q. Was Kim there all during that time?

A. Yes, he was.

Q. You are sure of this?

James Barr.

A. I am positive, because he went in the house when I told him that Billy was in the house, or he went to get him, whether he went in or not, I don't know.

Q. Now, did you see Kim go into your house?

A. No, I didn't.

Q. Did you see him come out?

A. Whether he came out or not, I don't know whether he was in, I saw him leave, I don't know if he was in the house or standing on the porch.

Q. Well, whatever, did you see him let's say come from your house whether it is from the inside or from the porch?

A. Yes, I did.

Q. Did you see him come from your house?

A. Yes.

Q. Why do you fix the time at a couple of minutes to four?

A. Because Billy went to work, he had to walk right by me to go to work.

Q. Billy?

A. Yes.

Q. What time does Billy go to work?

A. 4:00 on the nose every day, 4:00 to 5:00 he works.

Q. You are sure you saw Billy go to work and Kim leave?

A. Yes.

Q. You are sure you saw Billy go to work and Kim leave?

A. Yes, because I was done putting it in then and I was not in the car, I was standing in the back of it.

James Barr.

Q. Did you have words with him, like "Good-bye", or anything else?

A. I don't know.

Q. You don't remember?

A. No.

Q. You don't even remember whether he got in his car and drove away?

A. No.

Q. You didn't pay any attention?

A. That is right.

Q. You were very familiar, were you not, with Kim's car?

A. Yes.

Q. You were familiar with the damage he had on the left side of his car?

A. I saw it.

Q. More than once you saw it?

A. I saw it, I don't know how many times I saw it.

Q. Well, can you describe to the Jury, describe it?

A. It seemed to me like somebody hit him or he.....

Q. The type of damage?

A. Well, it was right, I would say in the right front corner, it seemed like.

Q. Was it obvious, was it the type of damage that you couldn't miss seeing?

A. It depends on how you were looking at the car.

Q. I want to ask you again about the damage to the car

James Barr.

and think about it, to what side of the car was Kim's car damaged?

A. I couldn't say for sure.

Q. All right, that is good enough. As you were working on this car and talking to Kim, and as you saw Kim leave, were there anyother persons around that you can identify that might help in this matter?

A. Rick DeVito was with me.

Q. Rick DeVito?

A. Yes.

Q. Is that D e V i t o?

A. Yes.

Q. I show it as Richard?

A. Yes.

Q. Was he with you while you were fixing your brother's car?

A. Yes, he was, he was sitting in the front seat.

Q. Now, was he with you while, whatever conversation you had with Kim, he was there?

A. Yes.

Q. Do you know if Richard DeVito is in, not in this room, but in this building?

A. I don't see him in here, he most likely isn't.

Q. He most likely isn't, do you know where he lives?

A. Yes, I do.

Q. Where?

A. Up on the Pike.

Q. The Montgomery Pike?

A. Yes.

James Barr. - William Barr.

Q. Thank you, that is all.

By Mr. Ertel:

That is all.

(Excused from witness stand.).

WILLIAM C. BARR, being duly sworn according to law,
testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name?

A. William C. Barr.

Q. Where do you live?

A. 307 West Southern Avenue.

Q. The boy that was just in here, is he your brother?

A. Yes.

Q. Is he older or younger?

A. Older.

Q. How old are you?

A. 16.

Q. Do you go to school?

A. Yes.

Q. Do you know Kim Hubbard?

A. Yes.

Q. Are you a friend of his?

A. Yes.

Q. Do you also work in your Father's hardware store?

A. Yes.

Q. Returning to the night of the 19th of October, 1973,