

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,

William Barr.

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 work at 4:00.

Q. Did you get to work on time?

A. Yes.

Q. Do you recall what you discussed with Kim on that occasion at all?

A. Somewhat.

Q. What did you discuss?

By Mr. FierrO:

We object, unless it is relevant. I would like to come to Side Bar.

By The Court:

Offer at Side Bar.

(Side Bar consultation not made a part of the record.)

Q. How long were you with him on that occasion, do you recall?

A. 15 minutes.

Q. Do you recall seeing, did you leave with him from your house?

A. No.

Q. Did he leave before you or after you?

William Barr.

A. Before.

Q. Do you know if he was driving on that occasion?

A. Yes.

Q. What car did he have?

A. I can't....Oldsmobile.

Q. Do you recall what he had on?

A. No.

Q. No further questions.

By The Court:

Mr. Pierro.

CROSS EXAMINATION

By Mr. Pierro:

Q. Billy, you said you had to be at work at 4:00, of course where you had to work is right next door to you?

A. Yes.

Q. You have already testified that Kim was in your house, now what time do you think you left your house to go to work?

A. About two of four.

Q. About two minutes to four?

A. Right.

Q. What time do you think Kim left?

A. About the same time.

Q. I mean you didn't leave Kim behind in your house, did you?

A. No.

Q. Are you saying that Kim left when you say about the

same time, he either had to leave with you at two minutes of four or else he left a minute before you did?

A. That is right.

Q. And you are sure about the time?

A. Right.

Q. Did you look at the clock?

A. Yes.

Q. Is that because you had to go to work?

A. Yes.

Q. So that you can tell this Jury that you saw Kim Hubbard that day in your house until at least three minutes to 4:00?

A. Right.

Q. Thank you, that is all.

By Mr. Ertel:

Thank you.

(Excused from witness stand.).

By Mr. Ertel:

At this point we have run out of witnesses. We went a lot faster than we expected to go.

By The Court:

Do I understand the only remaining witness now is the one, the expert from Harrisburg?

By Mr. Ertel:

And the girl who will testify in conjunction with that expert and her Mother.

By The Court:

Is she available?

By Mr. Ertel:

No, Sir, I didn't expect any of these people to be called today.

By The Court:

Can we take care of the Exhibits that are not in evidence before the Jury leaves?

By Mr. Ertel:

Yes.

By The Court:

Would you do that at this time?

By Mr. Ertel:

I would offer in evidence Commonwealth's Exhibit No. 48, which is a picture of the young girl.

By The Court:

Mrs. Brower, it might be easier for you to tell us what is in evidence?

By Mrs. Jane Brower:

1, 2, 3, 4, 5, 6, 7, 8, 11.

By Mr. Ertel:

Exhibits Nos. 9 and 10 we offer in evidence. They are the tire track photographs.

By The Court:

Any objection?

By Mr. Pierro:

Was there some reason why at the time we didn't, because some of them were comparison, for comparison studies and they were not to go in.

*Judge
Napoli
Sh. St.
Sunderland
1/26/1*

*Sh...
...
7/1/1*

By Mr. Ertel:

This is to show the tracks on the ground.

By Mr. Fierro:

I have no objection to them.

By The Court:

Exhibits Nos. 9 and 10 are all right.

(Commonwealth's Exhibits Nos. 9 and 10 admitted into evidence.)

By Mrs. Jane Brower:

Exhibits Nos. 11, 12, 13, 14, 15, 16 and 20.

By Mr. Ertel:

They were just marks, those she missed, of marks on the highway, I don't care if they go in.

By Mr. Fierro:

I don't want them in.

By Mr. Ertel:

We won't offer those.

By Mrs. Jane Brower:

No. 20 is in. No. 21 is a picture of two plaster castings.

By Mr. Fierro:

Let it in.

(Commonwealth's Exhibit No. 21 admitted into evidence.)

By Mr. Ertel:

No. 22 is a cast also.

cc. hat cast

By Mr. Fierro:

That is all right.

(Commonwealth's Exhibit No. 22 admitted into evidence.)

By Mrs. Jane Brower:

No. 22 is the scene at the gas store tanks.

By The Court:

Since we are early tonight, can we get all of these in numerical order than or that you can turn over to the Court Reporter.

By Mr. Ertel:

No. 22 is the scene, and he has no objection.

We offer 23, 24, 25, 26.

By Mr. Fierro:

No objection.

(Commonwealth's Exhibits Nos. 23, 24, 25 and 26 admitted into evidence.).

By Mrs. Jane Brower:

No. 27 is the aerial view of the storage tanks.

By Mr. Fierro:

Leave it in.

(Commonwealth's Exhibit No. 27 admitted into evidence.).

By Mrs. Jane Brower:

The next one is an aerial view.

By Mr. Fierro:

As she goes down, when I say "in", I mean there is no objection. Let it in.

(Commonwealth's Exhibit No. 28 admitted into evidence.).

By Mrs. Jane Brower:

No. 29 is the Arco Storage Tanks.

By Mr. Fierro:

In.

(Commonwealth's Exhibit No. 29 admitted into evidence.)

By Mrs. Jane Brower:

No. 30 is a long shot view of the storage tanks.

By Mr. Fierro:

In.

(Commonwealth's Exhibit No. 30 admitted into evidence.)

By Mrs. Jane Brower:

No. 31 is 8 x 10 view with dam in the background.

By Mr. Fierro:

In.

(Commonwealth's Exhibit No. 31 admitted into evidence.)

By Mrs. Jane Brower:

No. 32 is 8 x 10 with tanks in background.

By Mr. Fierro:

In.

(Commonwealth's Exhibit No. 32 admitted into evidence.)

By Mrs. Jane Brower:

No. 33 is aerial view of homes with tanks in background.

By Mr. Fierro:

In.

(Commonwealth's Exhibit No. 33 admitted into evidence.)

By Mrs. Jane Brower:

No. 34 aerial view of homes, river in background.

By Mr. Fierro:

In.

(Commonwealth's Exhibit No. 34 admitted into evidence.).

By Mrs. Jane Brower:

No. 35 is a blow-up of an aerial view.

By Mr. Fierro:

In.

(Commonwealth's Exhibit No. 35 admitted into evidence.).

By Mrs. Jane Brower:

No. 36.

By Mr. Fierro:

In.

(Commonwealth's Exhibit No. 36 admitted into evidence.).

By Mrs. Jane Brower:

No. 37, blow-up, tanks, fields.

By Mr. Fierro:

In.

(Commonwealth's Exhibit No. 37 admitted into evidence.).

By Mrs. Jane Brower:

No. 38, Grit of October 14th.

By Mr. Fierro:

Out.

By The Court:

The objection is sustained to the paper.

By Mrs. Jane Brower:

No. 39, 1973 - 1974 South High Schedule.

By Mr. Fierro:

It was never introduced.

By Mrs. Jane Brower:

No. 40, Sunset table.

By Mr. Ertel:

Never offered.

By Mrs. Jane Brower:

No. 41 the weather forecast.

By Mr. Fierro:

In.

(Commonwealth's Exhibit No. 41 admitted into evidence.)

By Mrs. Jane Brower:

No. 42 big drawing.

By Mr. Fierro:

In.

(Commonwealth's Exhibit No. 42 admitted into evidence.)

By Mrs. Jane Brower:

No. 43, 44 and 45 are maps.

By Mr. Ertel:

They were agreed to.

By Mr. Fierro:

All right.

(Commonwealth's Exhibits Nos. 43, 44 and 45 admitted into evidence.)

By Mrs. Jane Brower:

The black sneakers and white socks.

By Mr. Fierro:

The child's clothing now comes in.

By The Court:

You objected to those, the Court admitted those over

your objection. They are admitted.

(Commonwealth's Exhibit No. 46 admitted into evidence.)

By Mrs. Jane Brower:

No. 47, the blue jacket.

By Mr. Ertel:

The same thing.

By The Court:

It is admitted.

(Commonwealth's Exhibit No. 47 admitted into evidence.)

By Mrs. Jane Brower:

No. 48, the picture is in.

No. 49 is the Glick Shoe Bag.

By The Court:

The one that was at the scene was in, the other one the objection was sustained.

By Mrs. Jane Brower:

No. 50, 51, 52, 53, 54, 55 and 56 are in. No. 56 was the slide. No. 57 is a slide that is not in. No. 58 is a slide, and that is in. No. 59 was the corn stalks.

By Mr. Ertel:

We didn't offer those.

By Mrs. Jane Brower:

Then we have No. 60, 61, 62, 63, 64, 65, 66 and 67 are in. No. 68 are the ten plastic bottles with the fingernail scrapings.

By Mr. Ertel:

We will offer those.

By The Court:

That was taken at the Hospital from the body?

By Mr. Ertel:

Taken from the body and transmitted to the
Laboratory.

By Mr. Pierro:

I objected. You recall the reason for my objection,
the testimony of the Chemist.

By The Court:

The objection is sustained to these.

By Mr. Ertel:

May we approach side bar?

(AT SIDE BAR.).

By The Court:

The one that is questionable is the one that
was found in the car.

By Mr. Ertel:

That is the fingernail, not the scrapings.

(END OF SIDE BAR.).

By The Court:

The Court will permit in evidence No. 68 over the
objection of Defense Counsel.

(Commonwealth's Exhibit No. 68 admitted into evidence.).

By Mrs. Jane Brower:

No. 69 is the hair samples.

By Mr. Ertel:

We offered them and the Court over ruled us.

By The Court:

Yes, the objection there is sustained to the hair samples.

By Mrs. Jane Brower:

No. 70 is the public hair samples.

By Mr. Ertel:

We won't offer that.

By Mrs. Jane Brower:

No. 71 is part of the right middle fingernail.

By Mr. Ertel:

We don't offer that.

By Mrs. Jane Brower:

No. 72 is the mud sample the area of the right thigh.

By Mr. Ertel:

We offer that. That is the sample from underneath the body.

By The Court:

The objection is overruled.

(Commonwealth's Exhibit No. 72 admitted into evidence.).

By The Court:

No. 73 is admitted.

(Commonwealth's Exhibit No. 73 admitted into evidence.).

By Mr. Ertel:

No. 74 and 75 the Court sustained the objection to. No. 76 is the weed sample from under the victim's body, no probative value.

By Mrs. Jane Brower:

No. 77 is the soil from around the weed.

By Mr. Ertel:

We are not moving that.

By Mrs. Jane Brower:

No. 78 is out.

By Mrs. Jane Brower:

No. 79 is the small particles from groin of victim.

By Mr. Ertel:

Not offered.

By Mrs. Jane Brower:

No. 80 and 81 are admitted.

No. 82, 83, 84, 85 and 86 were objected to and sustained.

By Mrs. Jane Brower:

No. 87 are tires.

By The Court:

No. 87 is the left rear tire. No. 88 is the right rear. No. 89 the right front and No. 90 is the one taken off at Faust's.

By Mr. Fierro:

No. 90, if that is the one that the witness testified was put on on, taken off on October 29th and the new one was placed, I am not going to object to it.

By The Court:

They are admitted without objection.

(Commonwealth's Exhibits Nos. 87, 88, 89, 90 admitted into evidence.).

By Mrs. Jane Brower:

No. 91, 92, 93, and 94 are the castings.

By The Court:

They are in.

By Mr. Ertel:

95 was not offered. No. 96 and 97 are the boots.

By The Court:

Any objection?

By Mr. Fierro:

No objection.

By The Court:

They are in.

(Commonwealth's Exhibits Nos. 96 and 97 admitted into evidence.).

By The Court:

No. 98 is the dirt sample.

By Mr. Fierro:

I would like to have the sweeper bags put in and their contents.

By Mr. Ertel:

I will move the sweeper bag in.

By Mr. Fierro:

Did you offer them subject to a witness?

By Mr. Ertel:

If you want them in, I will put them in.

By Mr. Fierro:

If they will testify to that, we can't argue in front of the Jury about it.

By Mr. Ertel:

If you want them in, they are there.

By Mr. Fierro:

I want to know if the Lab. man made the examination of that?

By Mr. Ertel:

Yes.

By Mr. Fierro:

Bring him back and have him testify to that.

By Mr. Ertel:

You can, he is available to you.

I make the offer to you, the sweeper bag, and I will call the Chemist back if you want him.

By Mr. Fierro:

Call him back and if there is any value to them, I will make my decision, and if you don't want to call him back that is your business.

By The Court:

They won't go int.

By Mrs. Jane Brower:

We are now up to 98, a bag of dirt samples.

By Mr. Ertel:

I offer No. 98, 99 and 100, these are all sweepings.

By Mr. Fierro:

I object to it.

By The Court:

The objection is sustained.

By Mr. Ertel:

No. 101, that is a copy of the receipt from
Lloyd Strouse.

By The Court:

Any objection?

By Mr. Fierro:

We have our own and I want to compare it.

By The Court:

No. 101 is in.

(Commonwealth's Exhibit No. 101 admitted into evidence.)

No. 102 was already in.

By Mrs. Jane Brower:

No. 103 is the rights card with Mr. Houser's name
on it.

By The Court:

Any objection to that?

By Mr. Fierro:

No.

By The Court:

Admitted without objection.

(Commonwealth's Exhibit No. 103 admitted into evidence.)

By Mr. Ertel:

No. 104, 105, 106 are withdrawn.

By Mrs. Jane Brower:

No. 107 is the hair samples from clothing of victim.

By The Court:

Are you offering that

By Mr. Ertel:

No.

By The Court:

Withdrawn.

By Mr. Ertel:

Again, they are available.

By Mrs. Jane Brower:

No. 108 is the photo of tires.

By The Court:

Any objection to No. 108, 109 and 110?

By Mr. Fierro:

No.

By The Court:

They are admitted without objection.

(Commonwealth's Exhibits Nos. 108, 109 and 110 admitted into evidence.).

By Mrs. Jane Brower:

No. 111 is a photo of a shoe print.

By Mr. Fierro:

No objection.

By The Court:

Admitted without objection.

(Commonwealth's Exhibit No. 111 admitted into evidence.).

By Mrs. Jane Brower:

No. 112 is a photo of a shoe print.

By Mr. Fierro:

No objection.

By The Court:

Admitted.

(Commonwealth's Exhibit No. 112 admitted into evidence.).

By Mrs. Jane Brower:

No. 113 is the rights card signed by Barto.

By Mr. Fierro:

No objection.

(Commonwealth's Exhibit No. 113 admitted into evidence.).

By Mrs. Jane Brower:

No. 114 is the buffer receipt.

By The Court:

You will check on that tomorrow morning.

By Mrs. Jane Brower:

No. 115 is the helmet, and that was admitted.

By The Court:

The Defendant is excused and the Jury is excused.

Tomorrow morning we will not begin until 9:30 as I have

Motion Court at 9:00.

Court is recessed.

(Adjourned at 5:15 P.M., EDT.).

Susan Shellman.

And Now, to-wit, Tuesday, February 26, 1974, beginning at 9:35 A.M., EDST, the trial in the above-captioned matter was continued before the Honorable Charles F. Greevy, President Judge, and a Jury, in Court Room No. 1, at the Lycoming County Court House, Williamsport, Penna., at which time and place the Defendant was present with his Counsel and the following proceedings were had:

By The Court:

Proceed, Mr. Ertel.

SUSAN SHELLMAN, being duly sworn according to law, testified as follows:

By Mr. Pierro:

Offer.

(Side Bar consultation not made a part of the record.).

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name, please?

A. Susan Shellman.

Q. Where do you live?

A. 809 Main Street, South Williamsport.

Q. Do you know the Defendant, Kim Hubbard?

A. Yes.

Q. Do you know Colleen Whitenight?

A. Yes.

Q. Do you know if Colleen Whitenight is the girlfriend of Kim Hubbard?