

Chief of Police Smith. - Cindy Bricker.

tanks?

A. Yes.

Q. No further questions.

By Mr. Fierro:

I have no questions at all.

By The Court:

Proceed.

By Mr. Fierro:

May we come to Side Bar?

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

CINDY BRICKER, being duly sworn according to law,
testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. Would you state your full name?

A. Cindy Bricker.

Q. How old are you, Cindy?

A. 11.

Q. Where do you live?

A. 1216 West Central Avenue.

Q. South Williamsport?

A. Yes.

Q. Did you know Jennifer Hill?

A. Yes.

Q. Did, do you know Ruthie Hubbard?

A. Yes.

Q. Going back to the 19th of October, did you have

Cindy Bricker.

occasion to be with them on that day?

A. Yes.

Q. Can you tell us when you first saw them on that particular day?

A. I can't remember.

Q. Well, did you see them in the morning or afternoon?

A. Morning.

Q. What happened then?

A. They asked us if we wanted to come out and play.

Q. What happened?

A. Well, we went out and played down at the Super-Duper.

Q. Where is the Super-Duper located, do you know?

A. It is right behind our house, just about.

Q. Then where did you go, who was with you then, do you recall?

A. My sister, Sherry, Michelle Harley, and Jennifer and Ruthie.

Q. Where did you go next?

A. Went down to the Hum-Dinger.

Q. About what time was that?

A. It was in the afternoon, I don't know what time it was.

Q. Was it closer to lunch time or late in the afternoon can you tell us?

A. Close to lunch time.

Q. Now, what did you have to eat there?

A. I had french fries and soft drink.

Q. You did?

A. Yes.

Q. What did Jennifer have to eat?

A. She had a half of a hoagie and a milk shake.

Q. Did she have anything else?

A. We gave her some french fries.

Q. When you say "we", who do you mean?

A. My sister and I.

Q. Where did you go from there?

A. We went back home.

Q. Did they go with you?

A. Yes.

Q. What did you do there?

A. Well, we went down and played down the Super-Duper again.

Q. How long were you there?

A. About a half hour.

Q. Then where did you go?

A. Well, Jennifer and Ruthie left first to their house and then I went home.

Q. Do you recall going up the alley and doing anything in the alley?

A. No.

Q. Pardon?

A. No.

Q. Did you do anything in relation to a grapevine or

Cindy Bricker.

grape barber?

A. Yes, we were throwing grapes at each other.

Q. What, if anything, did Jennifer eat there?

A. She ate some grapes.

Q. Then what happened after that, do you remember?

A. No.

Q. Do you remember seeing Jennifer after that, that day?

A. No.

Q. What was Jennifer wearing?

A. She was wearing a blue football jersey and blue jeans.

Q. Did the blue football jersey have anything on it?

A. It had a number of 22.

Q. 22?

A. 22 or 33.

Q. What color were those numerals?

A. White.

Q. I have no further questions.

By The Court:

Mr. Fierro?

CROSS EXAMINATION

By Mr. Fierro:

Q. Cindy, did you know Jennifer for awhile, I mean for months or perhaps for even a few years?

A. I knew her for a couple of years.

Q. You knew Ruthie pretty good?

A. Yes.

Cindy Bricker.

Q. Now, you are being asked by the District Attorney about your activities that afternoon, you did not see Jennifer anymore that afternoon after she ate the grapes?

A. After we had the grape battle we went back up to the Super-Duper.

Q. You say a "grape battle"?

A. Well, we were throwing grapes at each other.

Q. Did she eat some of them?

A. Yes.

Q. This was in the afternoon?

A. Yes.

Q. Did you see her, that is Jennifer, anymore that afternoon?

A. No.

Q. Did you see Ruthie anymore that afternoon?

A. Yes.

Q. Where did you see Ruthie?

A. I went down to her house and asked her if she wanted to come out and play.

Q. When you say "her house", you mean Ruthie's house?

A. Yes.

Q. You went down to Ruthie's house and asked her if she wanted to play?

A. Yes.

Q. At that time did you see Jennifer Hill at Ruthie's house?

A. No.

Cindy Bricker.

Q. Are you sure of that, Cindy?

A. Yes.

Q. And, Cindy, do you have an idea of what time it was when you went to Ruthie's house to ask Ruthie to play?

A. It was around 3:00 - 3:30.

Q. Around 3:00 or 3:30?

A. Yes.

Q. And did you go into Ruthie's house?

A. Yes.

Q. Do you know how long you were there?

A. About a half hour.

Q. Now, did you see Jennifer in there?

A. No.

Q. Now are you sure that you went there at 3:30 and did not see Jennifer?

A. No, I didn't see her.

Q. You didn't see her?

A. No.

Q. Now, Cindy, you say you might have been at Ruthie's house around 3:30 that afternoon?

A. Yes.

Q. How long do you think you were in that house?

A. About ten minutes, I went back out then.

Q. You went back out?

A. Yes.

Q. Well, then did you come back again to Ruthie's house later on?

Cindy Bricker.

A. No.

Q. From Ruthie's house where did you go?

A. I was waiting outside for Ruthie.

Q. You were waiting outside for Ruthie?

A. Yes.

Q. Well then, excuse me, in other words then when you first went to Ruthie's house, Ruthie was not at home?

A. Yes, I went in to see if she would come out and she said she would be out in about 10 minutes, and I waited outside for her.

Q. She said she would be outside so you went outside and waited for her?

A. Yes.

Q. You did not see Jennifer at that time?

A. No.

Q. Now, you waited for Ruthie, did she come out?

A. No.

Q. Ruthie did not come out?

A. No.

Q. What did you do?

A. I went back home.

Q. Do you know what time you got back home?

A. Around 4:00.

Q. And how far do you live away from Ruthie's house, that is the Hubbard house?

A. About a block.

Q. Now, Cindy, do you know Kim Hubbard?

Cindy Bricker.

A. Yes.

Q. You have seen him, haven't you?

A. Yes.

Q. Do you know his car, did you know his car at that time?

A. Yes.

Q. The District Attorney was asking you about October 19th, and this was of last year, you know that?

A. Yes.

Q. When I ask you something, Cindy, did you see Kim's car in front of his house that afternoon when you were there?

A. Yes.

Q. You say you did?

A. Yes, I was sitting on it waiting for Ruthie.

Q. You were sitting on his car waiting for Ruthie, and would this be around 4:00?

A. I think so.

Q. You think so?

A. Yes.

Q. Are you sure it was Kim's car?

A. Yes.

Q. Could you tell the Jury if there was anything wrong with Kim's car?

A. Well, I couldn't see anything wrong with it.

Q. I mean like was it damaged anywhere?

A. On the fender it was.

Q. So there was something wrong with Kim's car?

Cindy Bricker.

A. Yes.

Q. Had you seen that damage before?

A. No.

Q. You saw it that day?

A. Yes.

Q. When you say that you sat on the car, what do you mean by that?

A. I leaned up against it.

Q. I see, you leaned up against it while you were waiting for Ruthie?

A. Yes.

Q. And do you have any idea how long you waited for Ruthie?

A. About fifteen minutes.

Q. And all during that time you were leaning against Kim's car?

A. Yes.

Q. How do you know what time it was when you got home, Cindy?

A. Because I went straight home and I looked at the clock.

Q. What time did the clock say?

A. 4:30, I think. *4:30*

Q. 4:30?

A. Yes.

Q. Now, listen to this, Cindy, now you know you were sworn to tell the truth, weren't you?

Cindy Bricker.

A. Yes.

Q. Now, you say you live about a block away, or did at that time anyhow from where the Hubbards' lived?

A. Yes.

Q. You still live the same block away?

A. Yes.

Q. Now, you are telling Judge Greevy and this Jury that when you left the Hubbard house you walked to your house, didn't you?

A. Yes.

Q. Which is about a block away, right?

A. Yes.

Q. When you got home you said you looked at the clock, is that right?

A. Yes.

Q. And you say when you looked at the clock the time was 4:30, is that correct?

A. Yes.

Q. And you went straight from the Hubbard house to your house?

A. Yes.

Q. You didn't go anywhere else?

A. Well, I think I went over to Michelle Hurley's house.

Q. For how long?

A. For about twenty minutes.

Q. You mean after you left the Hubbard house?

A. Yes.

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Q. Until you got to your house?

A. Yes.

Q. Where does Michelle live?

A. About a block away from our house.

Q. A block away from what?

A. From my house.

Q. Going which way, like going towards Market Street or away from it?

A. Away from it.

Q. All the time that you were at the Hubbard house or outside of it, did you see Kim Hubbard's car?

A. Yes.

Q. Was it always there until you left?

A. Yes.

Q. And you are sure of that?

A. Yes.

Q. You think you spent around 20 minutes with Michells?

A. Yes.

Q. From there when you got home it was around 4:30?

A. Yes.

Q. By the way, Cindy, while you were leaning against Kim's car, did you see Mike or Phil Grimes, I don't know which way you may know him, did you see him next door working on a car or anything like that?

A. No.

Q. Did you pay any attention?

A. No.

Q. Of this you are sure, that you were leaning against Kim's car?

A. Yes.

Q. How long did you think you were waiting for Ruthie to come out while you were leaning against Kim's car?

A. About ten minutes.

Q. Now, did you see Kim at all?

A. No.

Q. You are sure of that, aren't you?

A. Yes.

Q. You were in Ruthie's house, weren't you?

A. Yes.

Q. You were also outside of it, weren't you?

A. Yes.

Q. And all during the time you were there you did not see Kim?

A. Yes...I mean no.

Q. Well, "Yes" you did not see him, is that correct?

A. Yes.

Q. You did not see him?

A. Yes.

Q. Who are all of the persons that you did see in the Hubbard house or outside of it that afternoon that we are now talking about?

A. I saw Ruthie and her Mother.

Q. You definitely saw her Mother?

A. Yes.

Q. She was in the house?

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A. Yes.

Q. And those are the only two people?

A. Yes.

Q. Did you speak to Mrs. Hubbard?

A. I don't know, I forget.

Q. It is not that important. By the way, did you three girls, I mean you and Ruthie and Jennifer play at this playground that afternoon at all?

A. No.

Q. Thank you, Cindy. That is all.

By The Court:

Mr. Ertel.

RE-DIRECT EXAMINATION

By Mr. Ertel:

Q. When you talk about the playground, are you talking about St. Lawrence Catholic Church?

A. Yes.

Q. You didn't play there in the afternoon?

A. I think we played some kick ball.

Q. Where, at St. Lawrence?

A. Yes.

Q. What was Mrs. Hubbard doing when you saw her, if you recall?

A. I don't know, I forget.

Q. What was Ruthie doing, do you know?

A. Well, she was upstairs getting ready to go out.

Q. You never saw Ruthie in the house then?

Cindy Bricker. - Sherry Bricker.

A. She came down a couple of times, yes.

Q. Was anybody else with her at that time?

A. No.

Q. How about upstairs, do you know if anybody was upstairs?

A. No, I don't know.

Q. Thank you.

(Excused from witness stand.)

By The Court to Sherry Bricker:

Q. How old are you, Miss?

A. 11.

Q. Proceed.

SHERRY L. BRICKER, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. Sherry, state your full name?

A. Sherry Lynn Bricker.

Q. Sherry, the girl who was just in here was Cindy, your sister?

A. Yes.

Q. She is your twin?

A. Yes.

Q. Turning back to the 19th of October, do you recall seeing Jennifer Hill on that particular day?

A. Yes.

Q. When was the first time you saw her, if you recall?