

James Clabaugh.

By Mr. Fierro:

I am looking, and I have asked, I really don't know them all that well, but the Court has made the statement to them. If there are any of my witnesses here that are subpoenaed, please leave. Now, the Father is here but I have no intention of calling him.

By The Court:

Proceed. We will take one more witness this morning.

By Mr. Ertel:

James Clabaugh.

By The Court to James Clabaugh:

Q. How old are you, Sir?

A. 11.

JAMES A. CLABAUGH, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name, please?

A. James Allen Clabaugh.

Q. Where do you live?

A. 921 West Central Avenue, South Williamsport.

Q. What grade are you in, Jim?

A. Sixth.

Q. How far do you live from the Hubbards?

A. Half a block.

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

James Clabaugh.

that day off from school?

A. Yes.

Q. Did you see Jennifer Hill that day?

A. Yes.

Q. Where did you see her?

A. At the corner of Clinton.

Q. Corner of Clinton?

A. Yes.

Q. Were you at home at the time?

A. No, walking.

Q. You were walking?

A. Yes.

Q. Can you come down here, Jim?

(Witness leaves stand.).

Q. Now, Jim, down here is the river, and you live...

A. Right here.

Q. Stand aside so the Jury can see....

By The Court:

You are referring to what Exhibit?

By Mr. Ertel:

Commonwealth's Exhibit No. 42.

Q. Now, this is where you live, Jim?

A. Yes.

Q. Now, where did you see Jennifer?

A. Right here in front of Mrs. Gray's house.

Q. Mrs. Gray is across the street from you?

A. Yes.

Q. Approximately what time did you see her there?

A. Around 4:00, I don't know the exact time.

Q. And what did she have on at that time?

A. She had a blue PO Jacket, it said "South Williamsport", and she had a jersey and I forget what color, red or blue.

By The Court:

Take the stand.

(Witness returned to stand.)

By Mr. Ertel:

Q. Now, when you saw her walking, did you see her walking?

A. Yes.

Q. Which side of the street was she on?

A. Towards the river. .

Q. That would be the north side?

A. Yes.

Q. What did you see her do?

A. She was walking past, she had her coat on, was unzipped and she was carrying a little bag.

Q. Can you describe that bag?

A. It had pink lines through it and it was white.

Q. And did you talk to her at that time?

A. Yes.

Q. What did you say, if you can recall?

A. I said "Hiya".

Q. Is that all?

A. Yes.

James Clabaugh.

Q. How do you fix the time around 4:00, did you do anything peculiar around that time or anything?

A. No.

Q. What had you done earlier in the day?

A. I was doing homework.

Q. But you saw a pink bag, could you recognize that if you saw it again, do you think?

A. What?

Q. The bag?

A. Yes.

(Commonwealth's Exhibit No. 47 marked.)

Q. I show you marked as Commonwealth's Exhibit No. 47, can you identify that as being similar like the jacket you saw?

A. Yes.

By Mr. Fierro:

I object to that, your Honor, being similar to or like.

By The Court:

Would you reword your question?

By Mr. Ertel:

Q. Can you identify that, you can look at it?

A. No, she had a lighter coat on that this.

Q. You think she had a lighter coat on than that?

A. Yes.

Q. No further questions.

James Clabaugh.

CROSS EXAMINATION

By Mr. Fierro:

Q. Now, Jim, you just got through looking at a jacket that the District Attorney showed you that was marked as Exhibit No. 47, and you picked it up in your own hands and you said, "No, she had a lighter coat.", is that correct?

A. Yes.

Q. So that the coat that the District Attorney showed you is not the coat that you saw her wearing, isn't that true?

A. Yes.

Q. You are sure of that?

A. Not absolutely sure.

Q. Well, surer than saying no, you said that was not the coat she had on?

A. Yes.

Q. Is this the coat you saw, you said she had a lighter coat on?

By Mr. Ertel:

I object, is he asking a question then?

By Mr. Fierro:

I am asking a question.

Q. Didn't you say when you were shown the jacket known as Exhibit No. 47, you held it up, the District Attorney said, "Is this what she had on that day?", and you said, "No, she had on a lighter coat.", isn't that what you said?

A. Yes.

Q. So that this jacket you were shown is not the jacket

James Clabaugh.

that you saw her wearing that afternoon?

A. Yes.

Q. Is that a correct statement?

A. Yes.

Q. By the way, Jim, did you see that shirt she had on that had the number "33"?

A. Yes, it was blue or red, I forget.

Q. Did you see the numbers on it?

A. White numbers, I couldn't remember the numbers.

Q. But you did see white numbers?

A. Yes.

Q. Now, you said it was around 4:00, Jim, and I would like to know whether it could have been quarter to four or 3:30, or quarter after four, do you have any way of helping us find out when you thought you saw her, or were you just guessing?

A. No, it was about four.

Q. Well, when you say "about", what does that mean, like quarter to four?

A. Yes.

Q. Quarter off?

A. Yes, around that.

Q. Around quarter of four?

A. I don't have the exact time.

Q. Most of us don't, Jim, and I wonder if you can't help us a little bit trying to tell us why you say it might have been quarter to four?

James Clabaugh.

By Mr. Ertel:

I object why he might have said it.

By Mr. Pierro:

Q. Why do you fix it at around quarter of four?

By Mr. Ertel:

I object, he didn't fix it about quarter of four.

By Mr. Pierro:

He just made the statement.

By Mr. Ertel:

He said it could have been.

By Mr. Pierro:

That is good enough for me, and I want to inquire....

By The Court:

Q. Do you understand the question?

A. Yes.

Q. You may answer.

A. I was at 3:30 and then 4:00, about 4:00 I did my homework and Mrs. Hubbard said she left about quarter of four to...

By Mr. Pierro:

Q. In other words, what you are doing is you heard Mrs. Hubbard say that she left around quarter to four and so that is why in your mind you are saying it was around quarter to four?

A. Correct.

By Mr. Ertel:

I object, he didn't say it was around quarter of four, he said it could have been around, he said it was around 4:00.

James Clabaugh.

By Mr. Fierro:

You were over ruled on that once.

By The Court:

The objection is over ruled, proceed.

By Mr. Fierro:

Q. Jim, did you notice around quarter to four as were watching Jennie, you said it was Clinton, I suppose Clinton and West Central Avenue?

A. Yes.

Do you know where the Grimes live?

A. Yes.

Q. Do you know Mike, or I think some people call him Phil, do you know Mike or Phil Grimes?

A. Yes, I know him.

Q. Did you notice a car in front of the Grimes' house at the time you saw Jennie?

A. Yes, they were working on their car.

Q. Where was this car, in front of whose house?

A. Mike's.

Q. That is Mike Grimes?

A. Yes.

Q. You say they were working on that car?

A. Yes.

Q. What did you see about the car concerning its' equipment, like any tires off or hood up?

A. Hood up.

By Mr. Ertel:

I object, it is irrelevant.

James Clabaugh.

By Mr. Fierro:

Not only does it go to fix time, but we will follow it up.

By The Court:

Is your examination going to be extensive?

By Mr. Fierro:

This is it.

By The Court:

You may answer.

By Mr. Fierro:

Q. What did you see about this car?

A. The hood was up and I didn't see nobody, I just saw the hood was up.

Q. That is all, Jim, thank you.

By The Court:

The Court is going to recess now for noon luncheon.

The Defendant is excused.

By Mr. Fierro:

He wants re-direct.

By The Court:

Not at this time, we are going to try to keep this schedule, and the lunch is here. The Defendant is excused and the Jury is excused.

Jim, you will not discuss your testimony with anyone except the District Attorney or a member of his Staff.

By Mr. Fierro:

Before we go, I want to put on the record, although

James Clabaugh.

I said that was my last question, I do have one more to ask him before re-direct.

By The Court:

You will be back at 1:15.

(Excused from witness stand.).

By The Court:

The Court will recess until 1:15.

(Recessed at 12:15 P.M.)

)Reconvened at 1:15 P.M.).

(James Clabaugh returned to witness stand.).

By The Court:

Mr. Fierro, you have indicated that you had one more question?

By Mr. Fierro:

Yes.

Q. Jim, at the time you say you saw the Grimes' car with the hood up, first let me ask you this, did you know what Kim Hubbard's car looked like?

A. Yes.

Q. Was there anything wrong with it, like any damage anywhere on the car?

A. I don't know of any.

Q. What?

A. I don't know.

Q. You don't know?

A. No.

Q. Did you recognize it last October whenever you

James Clabaugh.

saw it?

A. I didn't see it when I was right there.

Q. That is what I was asking, going to ask you, but what I am asking you now whenever you did see Kim's car did you recognize it that it was Kim's car whenever you did see it?

A. Sometimes, yes.

Q. Can you tell us if you saw Kim's car parked there at the time you saw Jennifer walking down the street?

A. I saw Mike's car and it had the hood up, I couldn't see nothing from there.

Q. Did you see Kim's car or not?

A. No.

Q. You did not see his car?

A. No, the hood was in the way, I just looked at that car.

Q. That is all.

RE-DIRECT EXAMINATION

By Mr. Ertel:

Q. Did you see anyone around that car?

A. No.

Q. You didn't see any feet under it?

A. No, there might have been somebody under it, but I didn't see them.

Q. How long were you in that vicinity?

A. A matter of seconds.

Q. Incidentally, you say you spoke to Mrs. Hubbard about this case?

James Clabaugh.

By Mr. Fierro:

He didn't say that.

By Mr. Ertel:

I believe he said that.

Q. Did Mrs. Hubbard talk to you about the times in this case?

A. No.

Q. Didn't you talk to Mrs. Hubbard....

By Mr. Fierro:

I object to his leading.

By The Court:

Refrain from leading the witness.

By Mr. Ertel:

Q. On cross examination were you asked you, how you established the times and you said Mrs. Hubbard told you something?

A. I heard her say that she left at quarter of.

Q. Where did you hear this, Jim?

A. She talked to my Mother.

Q. How long ago was this, Jim?

A. Today.

Q. Today?

A. Yes.

Q. Is that the first time you heard that quarter of four time?

A. No.

Q. When did you hear it before?

A. My Mom went to get the groceries and I was there, and I had to do the rest of my homework from Thursday.

James Clabaugh. - Mary Mundrick.

Q. No further questions.

By Mr. Pierro:

Nothing more.

By The Court:

You are prohibited from discussing your testimony with anyone, except the District Attorney or his staff.

(Excused from witness stand.)

MARY A. MUNDRICK, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. Mrs. Mundrick, would you state your full name?

A. Mrs. Mary Agnes Mundrick.

Q. Mrs. Mundrick, where do you reside?

A. 905 West Central Avenue, South Williamsport.

Q. How far is that from the Hubbard home?

A. About a block.

Q. Where is it in relation to St. Lawrence Church?

A. Right opposite it, not the Church, the School, opposite the School.

Q. Returning to the 19th of October, did you have the occasion to see a girl at some time in the afternoon?

A. Yes, I did.

Q. Can you tell us what time in the afternoon that was?

A. I would judge about quarter of four.

Q. And can you describe that girl as you saw her that