

some sort of record as to when that was done?

A. No, Sir, I did not.

Q. You didn't do that?

A. No, Sir.

Q. Are you sure that it wasn't done after her body was found?

A. To my recollection, no.

Q. Your recollection of that is as good as your recollection as it was October 19th in that letter, is that right?

By Mr. Ertel:

Objection.

By The Court:

The objection is sustained.

By Mr. Fierro:

Nothing further.

By Mr. Ertel:

Thank you, Officer.

(Excused from witness stand.).

H. LUTHER DIEFFENBACHER, being duly sworn according to law, testified as follows:

By Mr. Fierro:

I would like to have an offer.

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

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name?

A. H. Luther Dieffenbacher.

Dieffenbacher.

Q. Your occupation?

A. I am Supervisor for the Borough of Montoursville.

Q. What did you do previously?

A. I worked for Kremser Brothers' Contractors.

Q. What did you do for them?

A. I was Equipment Operator.

Q. On the 19th of October, 1973, did you have the occasion to be in the Sylvan Dell area?

A. Yes, I did.

Q. What were you doing in the Sylvan Dell area on that date?

A. I was running a bulldozer for the Atlantic Richfield at their Bulk Plant. *why?*

Q. That would be over in the Sylvan Dell area?

A. Right.

Q. Prior to the time you went to the Sylvan Dell area, where had you been with that bulldozer?

A. We moved the bulldozer from Dye-Tex in Montoursville over to the Sylvan Dell, over to the Atlantic-Richfield.

Q. Would you describe the type of soil or material you were working in at Dye-Tex?

A. We had a pit we were filling in at Dye-Tex, and we had a yellow clay material.

Q. Was it wet?

A. Very wet.

Q. And was there some of that material on your bulldozer when you went over to the Sylvan Dell area?

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A. Yes, the bulldozer was, the tracks were loaded pretty good with this material and we wanted to go over there and wanted to get back before noon, so we just sort of loaded it up and took it over.

Q. You didn't clean it, in other words, before you went over?

A. No.

Q. Now, can you describe where you off-loaded that bulldozer on that day?

A. They have a regular right-of-way through the cornfield that we, where I unloaded it, I unloaded it on this right-of-way and walked it across the cornfield and up over the dike in back of the Bulk Plants.

Q. I show you identified as Commonwealth's Exhibit No. 27, which is the same as Commonwealth's Exhibit No. 37, can you describe, looking at that photograph, can you describe the road you used?

A. Yes.

Q. What road did you use?

A. We walked up this, this is the Sylvan Dell Road here, and I unloaded it right here and walked up this right-of-way, and right up over the dike and did some work.

Q. Now, you say you "walked", what you, what do you mean by "walked"?

A. Walked the machine, run the machine up, we unloaded it off of the trailer and ran the machine up there.

Q. You drove the machine up there?

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A. Right.

Q. By "walk" you mean drive?

A. Correct.

Q. Now, what time approximately did you go over there?

A. Well, it was quite late in the morning, I would say it was after 10:00 probably by the time I got there, it was after 10:00.

Q. Now, as you went up that road was there any indication of travel over that roadway, could you look at the roadway, what was in the paths and so on?

A. I didn't notice anything, the roadway is nothing but a right-of-way across the field, and at that time it was, there was some grass in it, but I didn't notice any tracks in it, no, not fresh.

Q. Now, after you got done with your work over at the ARCO Bulk Tank there, what did you do after that?

A. Well, we came back to the point where I would load it back on the trailer.

Q. Were you still in the road, in the lane, the farm lane at that time?

A. Oh, yes.

Q. What did you do before you loaded that onto the trailer?

A. Well, we had moved the trailer off of the highway and taken it over to the area of the garage for Atlantic-Richfield and while I took, while I went back to the road I had the trailer brought back to me and while he was bringing it back I cleaned the

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material off of the dozer. I cleaned the mud and stuff off of the tracks of the dozer.

Q. Where were you at that time?

A. Close to the mouth of this right-of-way.

Q. And approximately what time did you leave there then that day?

A. Well, this had to be just about, just about 12:00, almost right around 12:00.

Q. No further questions.

CROSS EXAMINATION

By Mr. Fierro:

Q. What you are telling us you transported a load of wet clay-type soil over in that area and dumped it someplace, is that correct?

A. No.

Q. What did you bring over there?

A. We brought a bulldozer over to do some work.

Q. Well, wasn't there something about this bulldozer that had wet clay of some sort?

A. Yes, it did.

Q. On it?

A. Yes.

Q. And you going along the road you dropped some of it, dribbled some along the road, is that right?

A. Not really we, before I loaded it back on the trailer I cleaned it off in the lane, I cleaned the mud off of it and put it, before I put it back up on the deck of the trailer.

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Q. Where did you clean this mud, you say the mouth of the lane?

A. Yes.

Q. Then any car or anyother vehicle that would go in and out of that lane would track it out on the road?

A. Possibly.

Q. It was a wet, clay-type you said?

A. Yes.

Q. That is all.

By The Court:

Mr. Ertel?

RE-DIRECT EXAMINATION

By Mr. Ertel:

Q. When you say close to the mouth of the road, can you give us an approximation from the Sylvan Dell Road, about how far back you cleaned it?

A. Well, we would pull, we pulled the trailer in off of the berm of the road and then you lay blocks down on it to crawl up on the trailer, so I would say the length of the machine at least back off of the road, maybe 20 - 25 feet approximately.

Q. Thank you.

By Mr. Fierro:

Nothing further.

(Excused from stand.).