

Trooper Richard Reitz. - Trooper Charles Fama.

TROOPER CHARLES FAMA, being duly sworn according to law, testified as follows:

By Mr. Fierro:

Mr. Ertel, is this the Chemist?

By Mr. Ertel:

The Chemist you have already seen, he is Mr. Miller, he is out in the hall. This is Trooper Fama.

By Mr. Fierro:

Make an offer at Side Bar.

(AT SIDE BAR.).

By Mr. Ertel:

The same thing as before, except he put the label on the shirt.

By Mr. Fierro:

What I would like to know what rebuttal is this if he just testifies he put the label on the shirt?

(Off-the-record discussion.).

By Mr. Fierro:

What difference does it make if the Chemist takes the stand and says it looks like blood, she didn't say it was. We don't need him for identification, if you think the Chemist is important, let's take the missing link out and move along.

By The Court:

What do you object to?

(Off-the-record discussion.).

(END OF SIDE BAR.).

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your name?

A. Charles A. Fama.

Q. Your occupation?

A. I am with the State Police stationed in Montoursville.

Q. Trooper Fama, were you a party of the search of the Hubbard home?

A. Yes, Sir, I was.

Q. Did you have the occasion to be in the upstairs bedroom of Kim Hubbard when the blue shirt was confiscated?

A. Yes, I was there.

Q. Describe the circumstances?

A. We were conducting a search in Kim Hubbard's bedroom...

By Mr. Fierro:

I object, I thought the offer was for identification of the object.

By The Court:

The offer is limited to that.

By Mr. Ertel:

Q. Did you find the object, or was it handed to you?

A. It was handed to me.

Q. I show you marked as Commonwealth's Exhibit No. 124?

A. Yes, Sir, this item was handed to me.

Q. Did you label it?

A. Yes, I did, I placed it in this bag and labeled it.

Q. What did you label it?

Trooper Charles Fama.

A. "Blue Shirt. Possible Blood stains. Found in atticway 31 October, 1973, at 2:51 P.M."

Q. Were you present when Mrs. Hubbard was asked about the shirt?

By Mr. Fierro:

I object, this is not part of the offer.

By The Court:

The objection is sustained.

By Mr. Ertel:

No further questions.

By Mr. Fierro:

No questions.

(Excused from witness stand.).

By Mr. Ertel:

Do you want to stipulate to the paint stains, or do you want me to put the man on?

By Mr. Fierro:

No, we would be happy to stipulate to that.

By The Court:

Make the statement for the record.

By Mr. Ertel:

It is stipulated the Chemist analyzed this and it was transmitted to him and it was determined it was paint.

By Mr. Fierro:

And there is no other relevancy concerning that paint to this case, otherwise I want to ask him, if you know that, say so.

By Mr. Ertel:

I don't see any relevancy.

By Mr. Fierro:

I don't either, why even introduce it if it is not relevant.

By Mr. Ertel:

Because Mrs. Hubbard made a big deal of it.

By The Court:

Let's proceed, Gentlemen, make those remarks at Side Bar.

By Mr. Fierro:

We object to its' introduction.

By The Court:

It was not offered as yet.

By Mr. Ertel:

May we have a few minutes recess to line up the rest of our witnesses?

By The Court:

Do you have some you can call today?

By Mr. Fierro:

Do you?

By Mr. Ertel:

Yes.

By The Court:

The Defendant is excused. The Jury is excused.
We will recess for 15 minutes.
(Recessed at 5:00 P.M., EDST.).

(END OF SIDE BAR.).

By The Court:

The objection is sustained.

By Mr. Ertel:

That is all, Officer.

By Mr. Fierro:

No questions.

Recalled

TROOPER CHARLES FAMA, previously sworn, recalled and testified as follows:

By Mr. Fierro:

I would like to have a Side Bar.

(AT SIDE BAR.).

By Mr. Fierro:

Before, your Honor, there is a Side Bar offer, I would like to make an objection. The District Attorney is shuttling Officers constantly in this case. I don't know if he has a legal right to do so, but I think it is poor practice, and I think he has been harassing, in a sense, the Defendant, and he is playing the numbers game, and I don't like it and I object to it.

By Mr. Ertel:

I am not harassing anybody. This man was with Officer Barto and he is going to say they didn't bully him or anything else, they asked questions of Mike Grimes. You implied now that these people battered and would bully.

By Mr. Fierro:

That is not rebutting somebody's testimony.

Trooper Fama.

By Mr. Ertel:

He will establish what the conversation with Grimes was.

By The Court:

You can do that, the same as the other, but the other rebuttal was a question, that is no statement.

By Mr. Ertel:

He made the statement it was done.

By The Court:

Who, Mr. Fierro?

By Mr. Ertel:

Sure he did.

(Off-the-record discussion.)

(END OF SIDE BAR.).

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your name?

A. Charles A. Fama, Penna. State Police.

Q. Did you accompany Officer Barto in the interview with Mike Grimes?

A. Yes, Sir, I did.

Q. When was that?

A. That interview took place January 15th, I believe.

Q. Would you state what Mike Grimes said he was doing at the time that allegedly the Hubbard car pulled up?

A. He was working on his car.

Trooper Fama. - Lieutenant Hynick.

Q. Where was he?

A. In front of his home underneath the car.

Q. Did he tell you what, if anything, he saw allegedly of Kim Hubbard?

A. He said he could see Kim Hubbard from the waist down.

Q. Did he tell you what he was wearing, if anything?

A. Jeans and boots or sneakers.

Q. No further questions.

By Mr. Fierro:

No questions.

(Excused from witness stand.).

LIEUTENANT STEVEN HYNICK, being duly sworn according to law, testified as follows:

By Mr. Fierro:

I want a Side Bar offer.

(AT SIDE BAR.).

By Mr. Ertel:

He will testify about being at the Hubbard home on the 31st, his questions to Mrs. Hubbard, her responses, what she said as related to where Kim was during the day. The dress of the victim, she was wearing ear rings when she left, and she had the coat zippered up to her neck. He will also say he questioned Kim, but when they questioned Kim it was done in the kitchen or kitchen table over coffee and he did not step on a helmet when he got in Kim's car.