

Robert Faust.

And Now, to-wit, Monday, February 25, 1974, beginning at 9:00 A.M., EDST, the trial in the above-captioned matter was continued before the Honorable Charles P. Greevy, President Judge, and a Jury, in Court Room No. 1, at the Lycoming County Court House, Williamsport, Penna., at which time the Defendant was present with his Counsel, and the following proceedings were had:

By The Court:

Proceed, Mr. Ertel.

ROBERT FAUST, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name, please?

A. Robert Faust.

Q. Your occupation?

A. Owner of a service station.

Q. Sthat service station?

A. Poole's Service Station in South Williamsport, Poole's Sunoco.

Q. Did you have the occasion to have the tire changed on Kim Hubbard's vehicle?

A. Yes, Sir.

Q. Can you tell us approximately when that was?

A. It was on the 29th of October, I believe.

Q. What happened on that occasion, how did it come about?

Robert Faust.

A. Mr. Hubbard, that is Kim's Father called me up and said that Kim had a flat tire on his car, would I come up and change it because I had promised to put another tire on his car for him because this had gone bad because of excessive wear.

Q. Did you send somebody up?

A. I sent one of my helpers up to bring the tire down.

Q. Did he bring the tire and rim both?

A. He brought the tire and rim both and I proceeded to put a new tire on.

Q. What did you do with the old tire?

A. Put it alongside of the station.

Q. Did you subsequently turn that over to the State Police?

A. That is correct.

Q. Can you identify that tire?

A. I believe so, yes.

Q. I show you marked as Commonwealth's Exhibit No. 90, can you identify that as the tire?

A. That is the tire, Sir.

Q. How can you identify it?

A. Well, first of all I have, it is a Kelly-Springfield Mark 78 Tire, and I have the Federal registration numbers on it, we register each tire when we sell it.

Q. You register it to a particular individual?

A. Yes.

Q. And it was registered to Kim Hubbard?

Robert Faust.

*Handwritten notes:*  
Circled: 31st  
Circled: 6/14/51  
Circled: Suspect

A. Yes.

Q. You compared that number with this tire?

A. Yes.

Q. It is the tire?

A. Yes.

Q. Cross examination.

By The Court:

Mr. Pierro?

CROSS EXAMINATION

By Mr. Pierro:

Q. Mr. Faust, how long was this particular tire laying outside of your garage before it was turned over to the Police?

A. Maybe a couple of hours.

Q. This tire known as Exhibit No. 90 you say was turned over to you on October 29th?

A. I believe it was the 29th, I am almost certain.

Q. Do you know when you sold this tire, that is Exhibit No. 90 to Kim Hubbard?

A. I am, approximately I sold a set of tires, I believe it is June.

Q. In June?

A. Yes.

Q. Does that sale in June include this Exhibit No. 90?

A. Yes.

Q. When you say you sold a set, does that mean four or two?

A. Four, Sir.

Robert Faust.

Q. But this is the tire that went bad and you exchanged or gave something like it for that?

A. That is correct, Sir.

Q. When you sold him these tires in June, were they all Kelly-Springfield's?

A. I believe they were, Sir. There is a possibility there might have been two recaps, I know two were Kelly-Springfields. Two new ones at least.

Q. Did this tire, Exhibit No. 90, come from a rear or front set?

A. That came from a front set.

Q. Is there anything unusual about Kelly-Springfield tires or are they mass manufactured?

A. They are mass manufactured.

Q. This type of tire would be common even in this area?

A. Yes.

Q. This type of size tire would be common?

A. Yes.

Q. As a matter of fact, as a dealer you probably can say that there may be hundreds or even thousands of similar tires in this area?

A. This is possible.

Q. However, this tire, Exhibit No. 90, obviously would be newer than the ones you sold in June unless it was a used tire? This Exhibit No. 90?

Robert Faust.

A. Is that the one that is worn, Sir?

Q. October 29th, I don't know, Mr. Faust, if it was worn or not, it is Exhibit No. 90, I suppose it is the one you removed.

A. The one I removed from the car was worn.

Q. This one hear?

A. Could I see that again, please?

Q. Sure, come right down and look?

A. Yes, Sir, that is the one I removed.

Q. This one in Court known as Exhibit No. 90 is the one you removed and it is the one that you sold sometime during June?

A. That is correct.

Q. We are now talking about October 29th when you got this particular tire known as Commonwealth's Exhibit No. 90?

A. Correct.

Q. It shows a great deal of wear, doesn't it, Mr. Faust?

A. Yes.

Q. There is hardly any tread on there, is there?

A. That is correct.

Q. Mr. Faust, when this particular tire, Exhibit No. 90, was turned over to you by one of your men, did you do anything to it like in particular wash it, clean it in any way?

A. No, Sir.

Q. So that whatever dirt may have had adhered to this particular tire, when you turned it over to the Police, you you turned it over to the Police the same way you got it from Kia

Robert Faust.

Hubbard's car, is that correct?

A. Except it was not on the rim.

Q. I am not talking about the rim, I am talking about whatever dirt there was on this tire?

A. That is correct.

Q. Whatever substance was on this tire, you turned it over in exactly the same way you got it from Kim Hubbard's car?

A. Yes.

Q. That is all.

By The Court:

Mr. Ertel?

RE-DIRECT EXAMINATION

By Mr. Ertel:

Q. Mr. Faust, Kelly-Springfield tires, are they original equipment tires or replacements?

A. Replacement tires.

Q. They don't come out as original equipment on any car?

A. No.

Q. No further questions.

RE-CROSS EXAMINATION

By Mr. Fierro:

Q. But they are common and mass manufactured, is that correct?

A. Yes.

Q. That is all.

Leon Krebs.

LEON E. KREBS, being duly sworn according to law,  
testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name, please?

A. Leon E. Krebs.

Q. Your occupation?

A. Pennsylvania State Policeman.

Q. For how long?

A. 12 years.

Q. Are you a Trooper?

A. Yes, I am.

Q. Are you assigned to the Crime Laboratory?

A. Yes, I am.

Q. How long have you been assigned to the Crime  
Laboratory?

A. For the past two years.

Q. Trooper Krebs, do you have a specialty in the  
Crime Laboratory?

A. Yes, I am a Firearm and Tool Mark Examiner.

Q. In Tool Markings, does that include markings on  
tires and shoes?

A. Yes, it does.

Q. About how many cases have you examined while  
at the State Police Crime Laboratory, just while at the Laboratory  
now?

A. At the Crime Laboratory, I would say approximately