

Doris Shellman.

A. I am not sure, but it was about two weeks ago, maybe a little longer.

Q. Would you describe how that came about?

A. I was in her room cleaning, making the bed and straightening up and I was looking for some Kleenex and I am not in the habit of getting in her pocketbook, but it was there, and I was looking for Kleenex and I saw those letters.

Q. What did you do?

A. I was concerned and I took them out and looked at them.

Q. I show you marked as Commonwealth's Exhibit No. 116, can you identify that?

A. Yes, that is one of them.

Q. I show you marked as Commonwealth's Exhibit No. 117, which is an Exhibit of three items?

A. Yes, Sir, that is the other one.

Q. You saw both of those?

A. Yes.

Q. You extracted them from the purse?

A. Yes.

Q. Cross examination.

By Mr. Pierro:

No questions.

(Excused from witness stand.).

CARL E. FENSTERMACHER, being duly sworn according to law, testified as follows:

Carl Fenstermacher.

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name, please?

A. Carl Eugene Fenstermacher.

Q. Your occupation?

A. Office Manager for Stroehmann's.

(Commonwealth's Exhibit No. 118 marked for identification.).

Q. I show you what has been marked as Commonwealth's Exhibit No. 118 and ask you can you identify that?

A. Yes, that is an application, Kim applied to our Plant.

Q. That is his handwriting on the application?

A. That, I do not know, but if he filled it out, it would be his.

Q. Cross examination.

CROSS EXAMINATION

By Mr. Fierro:

Q. Mr. Fenstermacher, do you have records with you showing when Kim Hubbard went to work for your Company?

A. Yes.

Q. Do you have them with you?

A. Right here, Sir.

Q. Will you please tell the Jury when Kim Hubbard want to work for your Company?

A. The 24th.....

By Mr. Ertel:

I object, this is not relevant, the Application is the

Carl Fenstermacher.

only thing I called him, if he wants to call him in his case, that is different.

By Mr. Fierro:

He is still a Commonwealth witness.

By The Court:

The objection is over ruled.

A. October 24th.

By Mr. Fierro:

Q. Was that the first time that Kim Hubbard went to work for your Company, according to your records?

A. Yes.

Q. Do you know what time he went to work?

A. 4:00 in the afternoon.

Q. Do you know what Plant he went to work in?

A. At the Plant on Lycoming Creek Road.

Q. Do you know who his boss or Supervisor is, whatever they may be called, who was his boss on that shift?

A. It would have been Terry Andrews.

Q. Did you say that you are the Manager?

A. Office Manager.

Q. Of this particular Division?

A. That is correct.

Q. Do you know whether or not your Company has any policy concerning the issuance of equipment?

By Mr. Ertel:

Objection.

Carl Fenstermacher. - George Johns.

By The Court:

The objection is sustained.

By Mr. Fierro:

Q. Do you have any records as to when equipment may have been issued?

A. No, Sir.

By Mr. Ertel:

Objection.

By The Court:

It was answered, I will permit it to stand.

By Mr. Fierro:

No further questions.

(Excused from witness stand.).

GEORGE JOHNS, being duly sworn according to law, testified as follows:

(Commonwealth's Exhibit No. 119 marked for identification.

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name?

A. George Johns.

Q. Your occupation?

A. Assistant Principal at the South Williamsport High School.

Q. Mr. Johns, do you know Kim Hubbard?

A. Yes, I do.

Q. Was he a student at the South Williamsport High School?

A. Yes, he was.

Q. That is all, I have no further questions.

By Mr. Pierro:

Thank you, Mrs. Hubbard, you may step down.

May she be excused?

By Mr. Ertel:

She may be excused.

By Mr. Pierro:

You may be excused. Your Honor, may we come to Side Bar?

(Excused from witness stand.).

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

By The Court:

The Defendant is excused for 15 minutes. The Jury is excused. Court is recessed.

(Recessed at 4:15 P.M. and reconvened at 4:55 P.M.).

CARL FENSTEMACHER, previously sworn, recalled to the witness stand and testified as follows:

DIRECT EXAMINATION

By Mr. Pierro:

Q. We had your name before, please repeat it for the record?

A. Carl Fenstermacher.

Q. What is your occupation?

A. Office Manager.

Q. Of what?

A. Strohmann Brothers Company, the Roll Plant.

Q. Where is that located?

Carl Fenstermacher.

A. 3375 Lycoming Creek Road.

Q. You were subpoenaed to bring certain records concerning Kim Hubbard, weren't you?

A. Yes, that is correct.

Q. Did you bring those records?

A. Right here.

Q. Are they the official copies, official records of the company?

A. These are notarized copies of the originals.

Q. Are they and were they under your supervision as Plant Manager?

A. That is correct.

Q. Do they show when Kim Hubbard went to work at Stroehmann's?

A. They do so.

Q. Will you tell us by looking at the record, unless you have a memory of it, would you please tell us when Kim Hubbard went to work at Stroehmann Brothers?

A. At 4:00 P.M. on October 24th.

Q. Of what year?

A. 1973.

Q. Now, Mr. Fenstermacher, as the Plant Manager, do you know whether certain equipment is issued to employees?

A. Yes.

Q. Do you know what employment Kim was given on October 24th?

A. He was to work as a Baker's Helper in our Sweet

Rolls Department.

Q. In that Department, as, do you know as Plant Manager whether equipment is issued to those employees?

A. It is issued to all employees.

Q. To all?

A. To all.

Q. Let's just talk about Kim, of course he was one of the employees, now what equipment on October 24th of last year was issued to Kim Hubbard or any new employee that went to work at your Plant?

A. Normally, when a person is put to work he is given a helmet and a uniform and that is it.

Q. When you say "a uniform", what does that mean?

A. Pants and shirt, or dress in the case of a woman.

Q. Now, I am going to show you marked for identification as Commonwealth's Exhibit No. 115, and I want you to look at it, if you wish you may remove it from the bag, unless you don't need to, that is up to you?

A. That is the brand.

Q. That was, that is what brand?

A. The brand we issue at our Plant.

Q. You have just said this is the brand, that Commonwealth's Exhibit No. 115, that is the brand helmet that is issued at your Plant?

A. That is correct.

Q. Is that correct?

A. That is correct.

Carl Fenstermacher.

Q. Cross...I am sorry, do you know whether or not this equipment is issued when the man goes to work or before he goes to work?

A. I cannot definitely say, it could be either time. Normal practice is when a man goes to work.

Q. Okay, cross examination.

CROSS EXAMINATION

By Mr. Ertel:

Q. Mr. Fenstermacher, I believe we do have one part of your record that is not there, is that correct?

A. Yes, the Employment Application.

Q. Do you know when he applied to Stroehmann's?

A. I believe the Application was dated 10-10-73.

Q. You don't know, of course, who interviewed him or when this was made out do you, or did you do it?

A. I may have, I couldn't truthfully say at this point.

Q. You don't know?

A. No, we get too many people in, I don't recall.

Q. Incidentally, do you know what time he quit your Plant?

A. His last day of work you mean?

Q. Yes?

A. No, not without looking in the file.

Q. Would you look?

A. I would guess the Wednesday after he started, the following Wednesday.

Carl Fenstermacher.

Q. Will you check?

A. Sure.

Q. Please?

That would have been October 30th at half-past

Q. That was his last day?

A. Yes.

Q. Is it your normal policy when a man quits to have
him r his uniform and helmet?

A. He did not quit as such, that was his last day of
work.

Q. He just never came back?

A. Yes.

Q. You don't know if he surrendered his helmet and
uniform

A. To my knowledge, he did not.

Q. But you didn't receive it?

A. I did not receive it.

Q. Do you know if anybody else could have received it?

A. Very possible.

Q. Now, this helmet, do you have serial numbers on them?

A. No.

Q. So there is no way to know that particular helmet
came from your particular establishment?

A. Just by the brand name.

Q. Do you know how many helmets with that brand name are
distributed in this area?

Carl Fenstermacher.

A. In our Plant probably 200 a year.

Q. Do you get them all back?

A. Not necessarily.

Q. How about other establishments in the area, does anyother establishment have them?

A. I know the other two Stroehmann Plants have the same brand.

Q. You don't have the records from the other Stroehmann Plants, do you?

A. No.

Q. You don't know if he worked there at them, do you?

A. No, I do not.

Q. Did he give any previous employment on Commonwealth's Exhibit No. 118 which you had with your files?

A. I don't believe, no, there is nothing marked on.

Q. Nothing at all?

A. The U.S. Army is the only thing that was shown there.

Q. I have no further questions.

By Mr. Pierro:

I don't either. May he be excused?

By Mr. Ertel:

(Excused from witness stand.).