

James J. Stahl. - Diane Fisher.

By Mr. Fierro:

I have none.

(Excused from witness stand.).

DIANE M. FISHER, being duly sworn according to law,
testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name?

A. Diane Marie Fisher.

Q. How old are you?

A. 16.

Q. Where do you live, Diane?

A. 22 West First Avenue, South Williamsport.

Q. When did you turn 16?

A. October 26th.

Q. On November 16th, were you in the company of the
Defendant?

A. Yes, Sir.

Q. Were you in his car with him?

A. Yes.

By Mr. Fierro:

I object to his leading the witness....go ahead.

By The Court:

Proceed.

By Mr. Ertel:

Q. Did you have the occasion to be driving with him and
have a conversation with him?

Diane Fisher.

A. Yes, I did.

Q. Did you have the occasion to be discussing the death of Jennifer Hill?

A. We didn't really discuss, not really, I mean....

Q. What did he say to you concerning his mind, if anything?

By Mr. Fierro:

I object to his leading his witness.

By The Court:

Refrain from leading the witness. You may answer, however?

A. He told me that when he got mad something snapped in his head and he could do things that he would not know he was doing or would not remember doing it.

By Mr. Ertel:

Q. Did you have a discussion....what, if any discussion did you have concerning Jennifer Hill?

By Mr. Fierro:

I object to this, this is not rebuttal and we were at Side Bar about this matter before, and in addition the witness has already answered they had no discussion about Jennifer Hill.

By The Court:

Reword your question.

By Mr. Ertel:

Q. Did you discuss Jennifer Hill at all?

A. Not that night. When I talked to him on the

Diane Fisher.

phone we did.

Q. What did he say?

By Mr. Fierro:

We object, your Honor.

By The Court:

Q. When did the conversation take place?

A. When he called me on the phone.

Q. The objection is over ruled, you may answer.

By Mr. Ertel:

Q. Go ahead?

A. I don't know what you want me to say.

Q. I want you to say the truth what happened

on the telephone.

By Mr. Fierro:

I object to that statement, your Honor.

By The Court:

You were asked about the conversation on the phone.

By Mr. Fierro:

It has not been established when this took place.

By Mr. Ertel:

Q. Was this conversation the same evening?

A. No, it was a couple days before.

Q. What was the conversation?

By Mr. Fierro:

It still has not been established when this conversation, a couple days before what?

A. Before I was with him.

Diane Fisher.

By The Court:

Proceed.

A. I asked him what she was like and he said that if he wanted somebody to go out with, he would not go out with a 13 year old little girl.

By Mr. Ertel:

Q. Is that what you told the Police?

By Mr. Fierro:

I object to that.

By The Court:

Sustained.

A. I can't remember.

By Mr. Ertel:

Q. Did he say anything else about her?

By Mr. Fierro:

Is this the conversation of November 12th or whatever is that what you are referring to? Otherwise I object.

By Mr. Ertel:

Q. Was there a conversation on November 12th or before the 16th?

A. Yes, it was about two days before.

Q. Did you ask him anything else about her?

A. I can't remember.

Q. What do you recall about that conversation that, besides what you just said?

By Mr. Fierro:

I object, she just testified to this.

Diane Fisher.

By The Court:

If anything. Is that the extent of the conversation or was there something further?

A. I just can't remember.

By Mr. Ertel:

I would like to refresh her recollection.

By Mr. Fierro:

I object to his refreshing her recollection.

By The Court:

The objection is sustained.

By Mr. Ertel:

Q. Did you make a tape recording with the police?

By Mr. Fierro:

I object to that.

A. Yes, I did.

By The Court:

I will over rule the objection.

By Mr. Ertel:

Q. If you listen to that tape, would it refresh your recollection?

By Mr. Fierro:

I object to that.

By The Court:

Yes, I think it would.

By Mr. Fierro:

I move the answer be stricken.

By The Court:

Strike it from the record, and the Jury is instructed

Diane Fisher.

to disregard it.

By Mr. Ertel:

Q. Does that refresh your recollection as to the rest of the conversation?

By Mr. Fierro:

Your Honor....

By The Court:

May I see Counsel at Side Bar?

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

By The Court:

Proceed, Mr. Ertel.

By Mr. Ertel:

Q. Diane, on that night that you were with him in a car after the statement about the, that you related here in the Court Room, did he make some other statement as to what he did about that particular thing?

By Mr. Fierro:

I object to the question as vague and ambiguous.

By The Court:

Q. Do you understand the question?

A. Yes.

Q. The Court does not, reword the question.

By Mr. Ertel:

Q. After he made the statement about something shapping in his mind, did he tell you what he did about it, if anything?

A. He said....

By Mr. Fierro:

I object unless it relates to the issue in this case.

Diane Fisher. _ Jeanne Helm.

A. It does.

By The Court:

The objection is over ruled. You may answer.

A. He told me that he went to the Hospital and they ran tests on his brain or something and that is what they told him.

By Mr. Ertel:

No further questions.

By The Court:

Mr. Fierro?

CROSS EXAMINATION

By Mr. Fierro:

Q. In any case, Diane, when you asked him about Jennifer, Kim told you that he would not go out with a 13 year old girl, isn't that right?

A. Yes.

Q. That is all. Thank you.

(Excused from witness stand.).

JEANNE D. HELM, being duly sworn according to law, testified as follows:

By Mr. Fierro:

I would like to have an offer on the record.

(AT SIDE BAR.).

By Mr. Fierro:

While I am here, I would like to renew my motion on the last witness concerning the Hospital thing. It was not proper rebuttal, it was not germane to the case.

By Mr. Ertel:

She will testify she is 17 years old now. She