

Richard DeVito. - John Goertz.

By Mr. Ertel:

I can't tie it down.

By The Court:

Put the specific offer?

By Mr. Ertel:

I told you.

By The Court:

Refused.

(END OF SIDE BAR.).

By Mr. Ertel:

Step down, Richard.

(Excused from witness stand.).

JOHN GOERTZ, being duly sworn according to law,  
testified as follows:

By Mr. Fierro:

I would like an offer on the record.

By The Court:

Side Bar.

(AT SIDE BAR.).

By Mr. Ertel:

He is in charge of records of Rishel Furniture.  
He has Keith Sampsell's time card for the time in question.  
Keith Sampsell checked in at approximately 3:58, we think, it is  
either 3:51, 3:58 or 3:59, he stamped over the time record.  
He said he got there late that day. They spent 20 minutes at  
the Bubb home and then he went straight to work. He said he got  
there late and saw the Defendant at five minutes of four and he

John Goertz.

saw Mike Grime's car.

By The Court:

Any objection?

By Mr. Fierro:

Yes. Keith Sampsell did testify he saw the car at five minutes of four.

By The Court:

And he tied it down going to work.

By Mr. Fierro:

Yes.

By The Court:

He corroborated Bubb and Bubb says they saw the car at 3:55, saw Mike Grimes.

By Mr. Fierro:

Not the car, saw Mike Grimes.

By The Court:

Keith and Jeffrey Sampsell was with him in his car at 3:55, they saw Mike Grimes' car, now what you are saying it could be later.

By Mr. Ertel:

Or earlier.

By The Court:

What time did he come to work?

By Mr. Ertel:

He stamped over it, it is in the 3:50's, we don't know if it is 3:51, 3:58 or 3:59.

By The Court:

This is in front of the Grimes' home?

John Goertz.

By Mr. Ertel:

He testified they went for 20 minutes to Bubb's home before he went to work, one of them did.

By Mr. Fierro:

I agree that this man can testify what a time card, if he is in charge of it, says, that is all.

(END OF SIDE BAR.)

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name?

A. John Goertz.

Q. Where do you live, John?

A. 1201 West Third Street, Williamsport.

Q. Where are you employed?

A. Rishel's Furniture.

Q. What is your occupation?

A. I am in the Personnel Department.

Q. Do you have custody of, one of the persons having custody of the time cards there?

A. Yes.

Q. Do you know Keith Sampsell?

A. I hired him, yes.

Q. And do you know his employee number?

A. 004170.

(Commonwealth's Exhibit No. 121 marked.)

By Mr. Ertel:

Q. You brought his time card with you today?

A. Yes.

John Goertz.

Q. This is his time card?

A. Yes.

Q. I show you marked as Commonwealth's Exhibit No. 121, is that correct?

A. Yes.

Q. That has the name "Keith" at the top, whose card is that?

A. Keith Sampsell.

Q. The time card may mean something to a lot of people, but would you explain it to us so we understand about it, it says "Pay period ending October 20, 1973:", is that correct?

A. Yes.

Q. Is there a way you can determine October 19th on the card?

A. Yes, the clock stamps moreorless a character for the day, such as Monday is "M", Tuesday is "Tu", and also the position on that card indicates what day it is, for the 19th would be "Fr" for Friday, and it would also be on line six as it is on this case.

Q. Can you tell us the time Keith Sampsell clocked in that day?

A. We took it for 3:59. He punched his lunch period over the top when he punched in, which moreorless marked it out, it was 3:58 or 3:59, I would say.

Q. It is definitely 3:50 something?

A. Right.

Q. You can't tell the last digit?

A. That is correct.

John Goertz.

(Commonwealth's Exhibit No. 122 and 123 marked.)

Q. I show you Commonwealth's Exhibits Nos. 122 and 123, are these photographic enlargements of that time stamp?

A. Yes, Sir.

Q. Does that make it clearer so you can read it?

A. I would say so.

Q. Does it show the time he punched in as 3:50 something?

A. Yes.

Q. What is punched over the top of it?

A. It looks like 6:01, and 6:01 also appears, which would be the next in-punch at his lunchtime, so when we originally we went over it, we assumed 6:01 was, what had happened he punched his lunch period over when he originally came in, and it showed up to be 3:58 or 3:59, which would count as 4:00.

Q. There is no question this is Keith's time card?

A. There is no question.

Q. Cross examination.

By Mr. Fierro:

No questions.

(Excused from witness stand.)

By Mr. Ertel:

We offer into evidence Commonwealth's Exhibits Nos. 121, 122 and 123.

By Mr. Fierro:

No objection.

Barto.

By The Court:

They are admitted without objection.

(Commonwealth's Exhibits Nos. 121, 122 and 123 admitted into evidence.).

By Mr. Ertel:

I call Officer Barto.

CORPORAL RONALD K. BARTO, previously sworn, recalled and testified as follows:

By Mr. Fierro:

Make an offer at Side Bar on the record.

(AT SIDE BAR.).

By Mr. Ertel:

This is with Sampsell again. He never testified to any interview with Sampsell, this is an interview with Sampsell, the tape recording with Sampsell when he testified contradictory to in the Court Room.

By The Court:

What is Sampsell going to say on that?

By Mr. Ertel:

He is going to say he didn't talk to him, he didn't know why he was being subpoenaed here.

By Mr. Fierro:

I am missing this, Judge.

By The Court:

So am I.

By Mr. Fierro:

This man is up here to say something negative?