

Q. That is all.

By Mr. Fierro:

That is all.

(Excused from witness stand.).

By Mr. Fierro:

I will go out and see if this man is here.

By The Court:

The Defendant is excused. Now, we will start at 10:00 regardless of whether he is here or not, is that agreeable?

By Mr. Fierro:

Yes.

By The Court:

The Defendant is excused and the Jury is excused. We will recess for 20 minutes.

(Recessed at 9:40 A.M. and reconvened at 10:10 A.M.).

By The Court:

Mr. Fierro?

By Mr. Fierro:

I call Kim Lee Hubbard.

KIM LEE HUBBARD, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name?

A. My name is Kim Lee Hubbard.

Q. How old are you, Kim?

A. 20 years of age, Sir.

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Q. When is your next birthday?

A. April 28th, Sir.

Q. You will be 21 then?

A. Yes, Sir.

Q. How long have you known Colleen Whitenight?

A. I don't know exactly, but for a long time, Sir.

Q. What are your Parents' name and where do they live?

A. My Parents are Dorisann Hubbard and Joseph R. Hubbard,  
and Ruth Marie Hubbard, 1030 West Central Avenue, South Williamsport.

Q. Is that where you live?

A. Yes.

Q. On October 19th of last year, what kind of car  
did you own?

A. I owned an Oldsmobile Cutlass, Sir, '67 Oldsmobile  
Cutlass.

Q. Was there anything wrong with it that you could see?

A. Yes, there was extensive damage to the front of the  
car, Sir.

Q. What part of the front, left or right?

A. It was the left front, Sir.

Q. Left front?

A. Yes, Sir.

Q. Do you know who caused that damage?

A. Yes, Sir.

Q. Who?

A. My girlfriend, Sir.

Q. Is that Colleen?

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A. Yes.

Q. Do you know when that damage was caused, approximately, if you don't know exactly?

A. Three to four weeks before Jennifer Hill was reported missing.

Q. Do you remember when you went to work for Stroehmann's?

A. I do, Sir.

Q. When was that?

A. October 24th.

Q. What time did you report?

A. I reported at 4:00, but was not put to work until 4:30, Sir.

Q. What did you do between 4:00 and 4:30?

A. I sat and watched everybody.

Q. Was anything given to you?

A. At that time, no, Sir.

Q. Well, what time?

A. Well, it was about quarter of five, Sir, when the man that testified last, took me back and gave me a pair of pants, shirt and an extra helmet he had.

Q. Before October 24th, at any time during that month, October or even before that, did you have any hard hat type helmet at home?

A. No, Sir, I did not.

Q. This Exhibit No. 115, Kim, take a look at it and if you wish you may remove it from the bag, because I would like to have you testify as to whether this was your helmet or not?

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A. Yes, Sir, it was until it, it got dough on it from the Plant.

Q. Where do you see dough on it from the Plant?

A. Right there, that sticky.....

Q. That is on the front part?

A. Yes.

Q. Is this the helmet that was issued to you?

A. Yes.

Q. On what day?

A. October 25th.

Q. There were certain Policemen who testified that they asked you certain questions about the driving of your car, and I don't know who the Policeman was, and I think these questions took place at Borough Hall, would you relate to us whatever questions were asked of you concerning the driving of your car at Borough Hall? I think that would have been October 31st, if I am not mistaken?

A. Yes, Sir. These questions cannot be remembered exact.

Q. What did they ask you about driving of your car?

A. They asked me, as everybody heard here, "Did you ever let anyone drive your car?", or some effect to that, that was not the question I was asked in Borough Hall. I don't remember the other two, but they did not sound like it either, Sir.

Q. Well, what questions do you remember were asked you at the Borough Hall? First, about the car, if anything?

A. Sir, I was asked so many questions about my car that

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I can't recollect unless they are read to me, too many of them.

Q. Were you asked about the damage to your car?

A. I was, Sir.

Q. Were you asked if anybody else drove it?

A. I was, Sir.

Q. How did you answer that one?

A. Well, it wasn't asked, I don't know how, you see they asked "Did anybody ever.", well, yes, people drove my car, but on October 19th, Sir, I, Kim Hubbard, drove my own car.

Q. Somebody made a statement, a Police Officer that when you, when he asked you a question about going to this particular cornfield that you got up and walked out, was that correct?

A. That, Sir, is an incorrect statement.

Q. What happened? In what context did it happen?

A. Sir, I had been questioned extensively the whole day, Sir, for most of the time there, and badgering, and I just, I just says, "It is not true." got up, and I just said that I didn't want to hear any more of it and left.

Q. This was where?

A. This was at the Borough Hall and the State Police Barracks in Montoursville, I don't know which one it was, but I told them in both places.

Q. How long were you questioned at the State Police Barracks?

A. Precisely four and one-half hours, Sir.

Q. Were you given any food and drink during that time?

A. No, nor offered any. Drink, yes, I asked for some.

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Q. What did you get?

A. A glass of water.

Q. How many Officers questioned you?

A. That cannot be answered in number, I think I met half the State Police in Montoursville.

Q. Was the District Attorney also one of the persons who questioned you?

A. Yes, Sir, quite a few times.

Q. On how many separate occasions, that is days, on how many separate days were you questioned?

A. My recollection, Sir, I cannot remember, I mean there was a few.

Q. Did you have a Lawyer present at any time that you were questioned?

A. Well, as you know, I did get Mr. Bonner, but not at first, Sir, this is when they bodily came out and accused me, then I decided, "I think it is time to get a Lawyer."

Q. Well, before you got a Lawyer, how many times were you questioned?

A. As I said before, I cannot give a correct statement on that.

Q. Well, the Police testified they read you your rights and you signed a statement to that affect, and that is true, isn't it?

A. Yes.

Q. Did you voluntarily submit to questioning?

A. I did, Sir.

Q. You were asked to turn over, and the Police

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testified that you turned over certain personal property, correct?

A. Correct, Sir.

Q. What did you turn over?

A. Well, Sir, they come to my house one evening, I was called home from school, I then come home, straight home, parked my car on the other side of the street, walked in the house, I don't know if it was Mr. Ertel, I get him mixed up with some State Policeman, and Lieutenant Hynick, and I don't remember the other guy, but I was told to wait my turn, so to speak. When I come back in they said, "Sit down.", there is three of them, they questioned me for roughly a half hour to 45 minutes, somewhere in that locale, and, Sir, as it was stated in the newspapers.....

Q. Just tell us what happened?

A. I was specifically asked if I owned a pair of boots, specifically asked, I replied, "Yes, I own a pair of boots.". They were laying right inside of the door.

Q. What happened about the boots?

A. I give the boots to them and I even drove Lieutenant Hynick, drove him in my car down to Borough Hall.

Q. Did you leave your car there?

A. Yes, I did, Sir.

Q. What was the condition of the interior of your car,

Kim?

A. Gross.

Q. What?

A. Gross.

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Q. It, what does that mean?

A. It was bad off, I mean everything in my car imaginable, it has not been cleaned, I give an estimate to them, I don't know whether they took it down or not, but for roughly three weeks to a month.

Q. That you had not cleaned the inside of it?

A. That is correct, Sir.

Q. Well, now that helmet that I showed you that you admit belongs to you, was that in your car on October 31st?

A. That is a correct statement, Sir.

Q. Where was it?

A. It was on the floor, Lieutenant Hynick stepped on it as he was getting in the car.

Q. He stepped on it?

A. That is correct, Sir.

Q. From looking at it, it is not damaged?

A. He bumped it, he didn't squash it, he bumped it as he was getting in.

Q. Where was it when he stepped on it?

A. My right passenger side, where you put your feet, Sir, along with a bunch of other stuff.

Q. When you say "bunch of other stuff", give the jury an idea of what stuff you had in your car?

A. Clothes, dirt, I had a sheath of a bayonet in there. I had all sorts of things, I can't sit here even too long for me to....

Q. All right, were your fingerprints taken at any time?

A. Yes, they were, I believe on two separate occasions,



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I believe, I can't quote me on that. They were taken quite well.

Q. Did anybody scrape your fingernails?

A. At no time, Sir.

Q. Did anybody look at your hands?

A. At no time, Sir.

Q. Of course, you knew Jennifer Hill?

A. Of course I did know Jennifer Hill.

Q. How did you know here, how did you come to know her?

A. She was one of my sister's friends.

Q. That is how you know her?

A. That is how I knew her.

Q. About how long had you been keeping company with Colleen, either off or on or steady?

By Mr. Ertel:

I object now, they are leading at this point.

By The Court:

You may answer.

A. Like I told you, I cannot exactly estimate, but before I went in the service, Sir, I dated Colleen Whitenight and when I came back out of the service I resumed to date Colleen Whitenight.

By Mr. Fierro:

Q. By the way, you are a single man?

A. Yes.

Q. Were you ever married?

A. No, Sir.

Q. Can you tell us whether you had a date with Colleen pre-arranged for October 19th?

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A. You mean plans, made plans the same, the same day, Sir?

Q. Yes?

A. That is correct.

Q. What time was your date to be for?

A. With her there is no exact date, I mean exact time, but it was in the vicinity of 7:00, but later changed again.

Q. Well, let's go to October 19th, Kim, let's start from the time you got up and tell us what time you think it was when you got out of bed?

A. As I told the State Police.....

Q. No, you tell us now, not what you told the State Police?

A. What you are asking for is my daily events?

Q. That day, start from when you got up, what time do you think it was?

A. I got up somewhere in the neighborhood, I looked at no clock, but it was somewhere in the neighborhood between 12:30 and 1:00, Sir.

Q. Now, when you got up, what did you do?

A. Well, the reason for getting up, my Mother got me up to go down to the store and get her some cigarettes.

Q. What did you do?

A. Went down to the store, got two packs of cigarettes for her and one pack for me.

Q. What store?

A. Super-Duper in South Williamsport, Penna.

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Q. How far is that from where you live, approximately?

A. Three to four blocks, Sir.

Q. Did you walk or drive?

A. I drove.

Q. When you got to Super-Duper, from there where did you go?

A. I then returned home.

Q. What did you do when you got home?

A. Well, I got home, my Mother had quite some list of chores, things for me to do, and she asked me if in the course of the day if I would help her shine and buff her floors, and I agreed. Then she said, "Well, you might as well go and get the buffer then.", so I went down to Rental-All....

Q. When you say that you went down, how did you go down?

A. I went over.

Q. Well.....

A. I drove.

Q. Whose car?

A. My own, Sir.

Q. This Rentall, where is that?

A. It is in Williamsport, Sir. I know where it is, I can't explain where. I have the receipt.

Q. Well, there is one here too, you say you went to Rent-All?

A. Yes.

Q. What did you get?

A. One buffer, two of those little pads you put on the

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bottom and one thing to shine, if I am not correct.

Q. From this Rent-All, as you call it, where did you go?

A. I then returned home, Sir.

Q. What did you do when you got home?

A. When I got home, I can't be quoted on this, but I am pretty sure my Mother give me a check, because I don't think she gave me raw cash, she gave me a Government check, I then drove my car to the Super-Duper to cash this Government check, and paid bills.

Q. Where did you go from Super-Duper?

A. Over to Strouse's and paid \$101.00 on my car insurance.

Q. From Strouse's, where did you go?

A. I came back over to South Williamsport to the Hum-Dinger in South Side.

Q. What did you do at the Hum-Dinger?

A. I had another debt to pay off and the only reason I was stopping, I knew the person was there, I paid him \$5.00.

Q. Who is that person?

A. Bruce Shaffer.

Q. Did you do anything else at the Hum-Dinger while you were there?

A. I talked to a couple of people.

Q. Well, from the Hum-Dinger, where did you go?

A. I went down to Poole's, I believe it is Sunoco, or something like that. to complain about four Kelly-Springfield

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tires, which were only at the time I believe seven months old and look like that now, and I went down and I was sort of, in a sense, complaining.

Q. Now, from Poole's where did you go?

A. Well, Sir, I just finished my conversation or in the, how do you say it, I was almost done when I seen one of my friends come around the corner, Tom Wilt, and he has a passenger in his car, I saw these people, but by the time I got in my car, started it and pursued Tom Wilt, he already had three to four, possibly five minutes lead on me, so I searched for Tom Wilt.

Q. Where did you go in looking for Tom?

A. I went everywhere.

Q. Particularly?

A. I went up past his house, Sir, checked around the Hum-Dinger, South Side, I then drove down the Sylvan Dell to the Old Look-Out, I believe it is 15, where we hang out a lot, I then come back down, seeing he was not there, come back down the same way hoping I would catch him going up and went home.

Q. Now, when you went home, what did you do?

A. If I remember correctly, Sir, I went home, I went in the house and the floors were not ready to do yet, buff that is, and I then said to my Mother "Well, if the floors are not ready, I will be down back.". I then took my car down back and commenced to do a little work on it.

Q. How long did you work on your car?

A. Roughly a half hour to 45 minutes, which was stated to the State Police.

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Q. Just tell us what you are going to testify to today. After you got through working on your car, what did you next do?

A. I walked back up and said to my Mom that I was going to be gone for awhile. I took my car and went to the 5th Avenue Car Wash, using seventy-five cents, I washed my car.

Q. After you got through washing your car, where did you go?

A. Back over to the Hum-Dinger, South Side.

Q. What did you do in there?

A. Just bought a coke, I was thirsty by that time.

Q. From the Hum-Dinger, where did you go?

A. To Mr. Blackburn's Office and paid a \$10.00 traffic fine.

Q. From Blackburn's office, where did you go?

A. I went to a Mike and Bill Barr's in South Side.

Q. When you went to Mike and Bill Barr's, who did you see there?

A. Well, I didn't see, my main object was going to see Bill, but I saw Mike and Ricky DeVito working on a car, they were doing some kind of stuff in the back, and I asked if Bill was home and he said, "Yes, he is in the house.", I went up and knocked on the door and had a conversation with Bill concerning a tape which he lent me which somebody stole.

Q. By "tape"....

A. I had some explaining to do, in other words.

Q. By "tape", you mean what?

A. A tape, an 8-track tape you slip into your car.

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Q. A music cartridge of some sort?

A. Yes.

Q. Were you in Billy's house?

A. Sir, I can't remember whether I went in the house or stood on the porch and talked.

Q. Now, do you know, or did you learn what time it was while you were at Billy Barr's?

A. Well, Sir, in my, whatever you call it, I got there around between twenty of and quarter of, and I know exactly, Sir, the precise time I left the Barr residence.

Q. How do you know the precise time?

A. Bill and me were standing there and was getting sick of me talking about somebody "ripping off" his tape, so he went in the house, he went in the house for some reason or other, and he came back out and he said, "Kim, I have to "split" now.", and I said, "Where are you going?", and he said, "Work. I have two minutes to get there.". That is when I left.

Q. When you left, where did you go?

A. I went home, Sir.

Q. What did you do with your car when you went home?

A. Parked it.

Q. Facing what direction?

A. As I am setting, up this way.

Q. Towards Maynard or Market?

A. Market Street, whatever is up that way.

Q. Which way was your car headed when you parked it,

Kim?

A. Towards....

Q. Towards Maynard or Market?

A. Towards Maynard Street.

Q. On which side of the street?

A. My own side, Sir, this side of the street.

On my side.

Q. Your side?

A. Yes.

Q. Who did you see, if anybody, was there anybody outthere when you parked your car?

A. I really can't remember, Sir. I was not looking for anybody.

Q. When you parked your car, where did you go?

A. I got out of my car and walked into the house.

A. What did you do while you were there?

A. I had went in and I had not had anything to eat prior to this, this day, I had walked into the house and my Mom, she was hard at work, she was doing the floors down on her hands and knees, and all that kind of stuff, and I says, "Is there anything that I can get or you can make me without making a mess?", and she said, "No, not without cooking, would you like me to cook you something?", and I said, "No, if there is no cold meat or anything I would go down to the Hum-Dinger and buy me a Cosmo and coke.", which would be sufficient for the rest of the day.

Q. Where did you go?

A. I walked out the back door and walked to the Hum-Dinger, which is about two and a half blocks away.



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Q. When you got to the Hum-Dinger, did you see anybody that you knew?

A. I did see one person, a brief exchange of "Hiya" I don't remember exactly what I said to him, walked in the Hum-Dinger, made an order of one-half of Cosmo and one coke, and made precisely two phone calls.

Q. Who did you make those calls to?

A. A friend, Mike Murray in Montoursville.

Q. This boy that you said that you said there and said, "Hello", do you know his name?

A. Meaning what, Sir, you mean do I know who I was talking to?

Q. Yes, and it was not Mike Murray the first time, it was his Father.

Q. No, the person you saw in the Hum-Dinger?

A. You are talking about Bob Fries.

Q. Did you see Bob Fries?

A. Yes, I talked to him.

Q. Now, who left the Hum-Dinger first, you or Bob Fries?

A. I don't recall, I just left.

Q. About how long do you think you were at the Hum-Dinger?

A. In the neighborhood of 15 - 20 - 25, I don't know.

Q. Where did you go from the Hum-Dinger?

A. I walked back home, Sir.

Q. When you got home, who was there?

A. My best recollection, my Mother waiting for me.

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Q. What did you do when you got home?

A. Well, Sir, like I promised I was going to buff the floor, so I started getting everything hooked up and had just cranked it over when I was interrupted, Sir.

Q. By what?

A. A phone call, Sir.

Q. Do you know who the phone call was from?

A. I do now, but I didn't then.

Q. After you got through with that phone call, what did you do?

A. Commenced buffing again.

Q. How long do you think, did that....

A. Well, I just my sister had just got done talking and I justed picked up the buffer when I got another phone call.

Q. Do you know who called you?

A. Yes, Sir, I do.

Q. What, after you got through with that telephone conversation, what did you do?

A. Picked the buffer up again and started to buff again when I received another phone call, Sir.

Q. Do you know who that call was from?

A. It was just somebody for my Father. My Father was not home, so I hung up.

Q. What did you do after that telephone call?

A. Well, before the next phone call I got a chance to start buffing a little bit, and I got pretty well into it when I received another phone call, Sir.

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Q. Do you know who made that call?

A. I do, Sir.

Q. Who, Sir?

A. Jack Hill.

Q. What was that conversation about?

A. Mr. Hill had called, the phone rang, I picked it up and Mr. Hill said, I can quote the words if you wish?

Q. Go ahead?

A. "Hello, Kim, did Jennifer leave yet?", and I says, "Mom, did Jennifer leave yet?", and she said, "Well, Kim, she left over an hour ago.", and then she then walked to the phone and took the phone and had the conversation with Jack Hill.

Q. Did your Mother in conversing with Jack Hill over the phone, mention any time?

By Mr. Ertel:

Well, I object to the leading at this point.

By The Court:

Refrain from leading your witness.

By Mr. Fierro:

Q. I said did she mention any time, I didn't suggest a time.

By The Court:

You may answer, but refrain from leading the witness.

A. Well, you see, when she said she left over "an hour ago", I glanced at the clock, it was exactly quarter of five, exactly. When I handed the phone to my Mother, I then resumed buffing.

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Q. How long do you think you buffed then, that is while or after your Mother got through talking with Jack?

A. Roughly ten minutes, Sir.

Q. What happened after that ten minutes?

A. Well, she had asked me to ride down Central Avenue and see if I could see Jennifer, if she stopped off to play with some of her friends or "shooting" with somebody, or something like that.

Q. Well, what did you do?

A. I did precisely, I went down, I drove down Central Avenue, checked the Catholic Parking Lot where the kids usually play at, there was nobody there, you could see it plainly from both sides, I then drove further down the street looking at both sides down to the Humpty-Dumpty in South Side, I got down to the Humpty-Dumpty in South Side and I didn't see her thus far, I figured, "Well, if she got that far she was already home.", and I backed up, and as people from South Side know, there is an alley there, I turned around in the alley and went back up Central Avenue until, I don't, I think it might have been Bayard Street, or some street like that, and I then turned the corner and went down to the Hum-Dinger, and circled the Hum-Dinger and she was not there, and went back home.

Q. When you got back home, did you see anybody outside that you knew?

A. Well, Sir, I parked the car out front, there was a little girl out there, and I walked in the house and my Mother and

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in the kitchen, I can't be precise on that, I know my Mother was, I don't know where my sister was at this time that I can say for absolutely 100%.

Q. At any time that day did you see Mike Grimes?

A. Yes, Sir.

Q. About when or how often?

A. Right before I went to, which I got, which I forgot to mention, right before I went to search for Jennifer Hill, I got out to the street, and there was traffic on the street, I stopped and before I got in my car he said, "Hiya, Kim, where are you going?", and I don't know if he wanted me to help him work on his car or not, but he asked me where I was going, briefly told him and left.

Q. When you came back from looking for Jennifer, did you see anybody outside?

A. To my recollection, no, Sir.

Q. When you got in the house, you say you know you saw your Mother, but you were not sure about your sister, so what did you do when you got back into the house?

A. I resumed buffing, Sir, I worked for a little while and then made another phone call.

Q. Who did you make the call to?

A. Colleen Whitenight.

Q. Do you have any idea what time that was?

A. Yes, Sir, it was 6:00 when I called Colleen Whitenight.

Q. How do you know it was 6:00?

A. Well, whenever I make plans with Colleen I always have

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to give her a half hour overtime so she can make, and I knew exactly what time it was, I am always time conscious when I am talking to Colleen Whitenight.

Q. You say you spoke to her at 6:00 by phone?

A. Yes, Sir.

Q. After you spoke to her by phone, what did you do?

A. Well, I started buffing, Sir, and it gets a little faint so to speak, because I was buffing, and during this time my Mother and my Sister, I didn't know exactly where they were, because I was standing there buffing and stuff, and when I walked out front they were down on the corner of, I think it is Clinton and Central Avenue, Sir, with a Mr. and Mrs. Jack Hill.

Q. How do you know that Mr. and Mrs. Jack Hill were there?

A. Well, Sir, I had during this time, I had picked my bike out and I motioned, I said, "Hiya Jack.", and Jack Hill did reply "Hiya, Kim", and he walked down the street and my Mother and sister started walking back up.

Q. What were you doing with the bike?

A. Riding in circles in the street, just riding around.

Q. When you got through riding, what did you do?

A. Went back in the house, Sir, parked the bike and went back in the house.

Q. Did you know anything, did you, I mean, do anything while you were in the house?

A. Yes, I did a little more buffing, but it was getting to that time where my date was supposed to have started,

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which she was supposed to come down.

Q. When you got through buffing, what did you do?

A. Well, I never really finished buffing, Sir, around quarter after seven I walked out the front door and walked down around to where Colleen parks her car, and by the time I got to the corner she was already coming around the corner and then we both walked up to my house.

Q. Now, when you and Colleen got to your house, what did both of you do?

A. We both come in and started playing around with the buffer, seeing who could run it the best and stuff.

Q. After you folks got through fooling around with this buffer, what were your next activities?

A. Well, I finished the kitchen up and we went to the living room, we moved all of the furniture and my Mother was putting on some more wax on the floor, and then Colleen and me then went into the front room and were sitting, Sir when Captain Ross of the South Williamsport Police Department knocked on our door.

Q. Go ahead? Did he come in and talk, tell us?

A. This is not the first time that night that he saw me either, he saw me around 6:00 too, Sir, not 6:00, he saw me earlier that day, put it that way. He had come to the door and he described a person which he told us a story about some guy and anyhow it made my family and me really suspicious because of the way that Mr. Ross put it to us, it sounded awful funny, so we were all curious, we all went out and got in my car and drove down to this man's residence. I got out of the

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car and walked up to the house.

Q. Don't give us any conversation.

A. Okey, I am sorry, I walked up to this man's house, and saw what I wanted and walked back to my car and got in my car and went back.

Q. When you got home, what did you and Colleen and your Mother do?

A. We all went in the house, discussed what we saw and Colleen and me left for the evening.

Q. Where did you go?

A. Parking.

Q. Where did you go?

A. We stopped at the Hum-Dinger, and got a couple of cokes, saw a couple of people, I can't remember all of them.

Q. Where did you go from the Hum-Dinger?

A. We went parking.

Q. Where?

A. Sylvan Dell, where we park quite often.

Q. How long were you out parking, give us an idea?

A. I can't say exactly, but I know what time I got home, because we were going home to watch a movie that night.

Q. What time did you get home?

A. We got home precisely 10:00.

Q. Okey, what movie was it you were watching, if you remember, do you remember what it was about?

A. I can't even remember what it was about, it was over four months ago.



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Q. All right, you got home around 10:00, was Colleen with you in the house?

A. Yes.

Q. You started watching television, now how long did you and Colleen stay in the house?

A. Well, Sir, when we first got home she had said, "There is no sense me having my car here, let's take it home?", so I took her in my car, took her down to her car and followed her home. When I got her to her house, she parked her car, and I swung around and started to come down and park above her house, turned off my lights and waited for her to walk out front. Just as I seen her walk out front of her house I drove down the street and that is when the DuBoistown Police Department, I had parked right in front of them without knowing it, and he turned on his lights and pulled down behind me, well then I just kept going there because Mr. Whitenight and the Police Department....

Q. Just tell us, did you bring Colleen back home again?

A. Yes, I brought her back home eventually.

Q. Now, you got back to your house with Colleen, now how long did you and she stay in your house?

A. Well, Sir, we watched the movie that I said we were going to watch and it got to be around 12:30 and she said, "Well, it is getting a little late.", and I agreed, and I took Colleen home.

Q. When you took Colleen home, where did you go from

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there?

A. I went back home, Sir.

Q. When you got home, did you leave anymore that evening?

A. No, and she made sure of it, Sir.

Q. Well....

A. Yes, Sir, I did not leave.

Q. You got some calls from somebody?

A. Yes.

Q. Who?

A. She called me ten minutes after I got home, she called me five minutes after the movie was over and ten minutes after that to make sure I stayed home.

Q. You are talking about Colleen?

A. Yes, Sir.

Q. Have you now described to the best of your ability all of the events concerning you that took place on October 19th?

A. That is a correct statement, Sir.

Q. Did you ever see Jennifer that day?

A. I saw her once, Sir.

Q. Where?

A. When I went to the store for a pack of cigarettes, as the statements were already given that they were incorrect, I did not wave to them, my little sister waved and said "Hi, Kim.", and that is the only reason I even saw the kids playing

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football and then I returned the wave to my sister and went on. Coming back up, I don't even remember seeing them there. That is the only time during that day that I saw Jennifer Hill.

Q. The next day, Saturday, October 20th, did you have any occasion to go to the Hill house?

A. Yes, Sir, we took them food down.

Q. Who is "we"?

A. My Mother, Colleen and I, and I couldn't tell you if my little sister was with me or not.

Q. Did you enter the house?

A. Yes, Sir, we did.

Q. How long were you in that house?

A. It was not very long, Miss Whitenight and I carried food in, set it down, Norma came out and actually she started crying, you know, she started talking to my Mom and I said to Colleen, "Come on, we better leave now." and so we left.

Q. Did you have the occasion to see the Hills anyother time that day?

A. I believe they came up and had coffee and coke that day, Sir. I remember them being at our house, but I don't remember if it was that day exactly.

Q. Are you the same height now that you, as far as you know, last October?

A. Without my shoes, yes, Sir.

Q. How tall are you?

A. I couldn't correctly say, around five feet nine.

Q. Do you know what you weigh?

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A. Yes, Sir, the scales read precisely around between 140 and 145 when I was admitted to the Lycoming County Prison.

Q. That was how long ago?

A. A long time ago, put it that way.

Q. You have been there ever since?

A. Yes, Sir.

Q. Can you tell the Jury what you had on, including footwear on October 19th?

A. Well, I had my sneakers on, I know that for a fact.

Q. Why?

A. Just had my sneakers on and the State Police made a big issue out of it.

Q. Just tell us why you had your sneakers on?

A. Because it was just, if you ever seen my sneakers you could probably slip your foot into the holes, they are just comfortable you could kick them on and kick them off like bedroom slippers. They have a bunch of holes in it and everything, I was dressed normal.

Q. What does that mean?

A. Pair of dirty jeans, or something like that, and old "T" shirt.

Q. When you were buffing, at any time during that day or evening, what did you have on your feet?

A. Sneakers, Sir. There is one thing that comeup, they said that I did not have my boots on the whole day, Sir. In

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the morning when I first got up I do not recollect what I had on, but during that buffing it only stands to reason if you.....

Q. Not "stands to reason", why you know what you had on?

A. I know I didn't have those on while I was buffing at all that day, because it would scuff the floor too bad.

Q. You say "those", you pointed to what?

A. My combat boots.

Q. Kim, did you write certain letters to Colleen while you were in jail?

A. I did, I wrote a lot of them.

Q. Did you cooperate with the Police?

A. I did, 100%, Sir.

Q. Were you fearful of anything during that investigation?

A. No, Sir, I was not fearful of anything.

Q. Why not?

A. It only stands to reason, Sir, if you didn't do something you don't have to be scared of it.

Q. You know what you are charged with, don't you?

A. Yes, Sir, I do, First Degree Murder.

Q. Of Jennifer Hill?

A. Yes, Sir.

Q. You are sure about the only time you saw her that day is as you testified?

A. That is a fact.

Q. And you have sworn to tell the truth....

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By Mr. Ertel:

I object.

By Mr. Fierro:

Q. Have you told this jury, under oath, to the best of your ability your activities of that day?

A. I have.

Q. Cross examination.

By The Court:

Mr. Ertel.

CROSS EXAMINATION

By Mr. Ertel:

Q. Mr. Hubbard, on the date you were first questioned by the State Police in my presence, that was at your home?

A. Correct, Sir.

Q. You were asked to come home from school by your Mother?

A. Yes, Sir, you had her ask though.

Q. And when you arrived home, we were sitting around the kitchen table having a cup of coffee?

A. Incorrect, Sir.

Q. Where were we?

A. You were in the front room, if you remember, Sir.

Q. We asked you to leave while we talked to your Parents so we could get everybody's specific recollection of this day, did we not?

A. That is correct.

Q. You went over to your Grandmother's next door at the

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Grimes' home?

A. That is correct.

Q. You stayed over there for a period of time?

A. Correct, Sir.

Q. And we spoke with your Parents, at least as far as you know?

A. As far as I know.

Q. Then you came back and sat down at the kitchen table while we were drinking coffee?

A. Incorrect, Sir.

Q. You didn't set?

A. Sir, you were not in the kitchen, if you remember you were in the living room, Sir.

Q. We were having a cup of coffee?

A. I don't know what you were drinking.

Q. Your Parents were around the house, were they not, they were in and out of the room?

A. Correct, Sir.

Q. And we asked you for your specific recollection of what you did that day, and when you saw Jennifer Hill, isn't that true?

A. To the best of my knowledge, Sir.

Q. At that time we just asked you, we were trying to find out what happened to Jennifer Hill?

A. That is correct, Sir, in a way.

Q. And at that time....

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By Mr. Fierro:

I want to object, if this witness has anything to answer by way of qualification he should know that he has a right to do so.

By The Court:

That is correct, Sir.

By Mr. Fierro:

Like he said, "...in a way....", if he has any qualifications he may do so.

By The Court:

Q. Do you wish to add things to your answer?

A. Yes, Sir. When you asked me about that day you said, "To the best of your memory, tell us about October 19th?", and I said to you, Lieutenant Hynick was taking notes, you asked me to, in my best, you know, they didn't have to be in order, just tell you where I was that day. To the best of my ability I did.

By Mr. Ertel:

Q. You told us exactly what happened that day, did you not?

A. Not exactly, to the best of my ability.

Q. You told us you got up at 1:00 P.M. on the day Jennie was missing?

A. Incorrect, Sir, that is a wrong statement.

Q. That is incorrect?

A. Yes, Sir, I said between 12:30 and 1:00 to you, Sir, you were asking the questions.



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Q. And you then said you went to the store to get three packs of cigarettes, isn't that correct?

A. That is correct.

Q. Then you went and rented a buffer so you could buff the floors your Mother was going to wax, you thought the name was on the ticket and you thought it was Rent-All, isn't that true?

A. I believe it is correct, Sir.

Q. Then you said you went over to the Hum-Dinger and got a Cosmo, isn't that true?

A. I did do that that day, yes, Sir.

Q. You said "I talked to some of my friends and left about maybe 25 minutes later."?

A. Sir, the only ones that made any times in this while you were talking to me were you three, you estimated the times, not me.

Q. I asked you for how much time you were there, did I not?

A. I don't recollect, Sir, it is over four months ago.

Q. You said your Mother was still working on the floor "...so I went out to work on my car.", did you say that?

A. I might have, Sir, I can't remember exactly four months ago what I said to you.

Q. Then you said, "I worked on the car about an hour and a half.", didn't you?

A. That is incorrect, Sir.

Q. So if the Police Officers testify to that, they are incorrect, is that correct?

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A. That is incorrect 100%.

Q. You said, "I finished this about 3:45, quarter of four, I went back into the house for a few minutes and then went to get my car washed, that was over at the Fifth Avenue Car Wash."?

A. That is incorrect, Sir, you stated the time, Sir, not me. I said, "I own no watch and wear no watch."

Q. Now....

A. It was just a normal day, what did I want to keep time for, I don't look at the watch everywhere I go.

Q. You didn't say you went over at quarter of four to the car wash?

A. I said I went to the car wash.

Q. Did you say you went over about quarter of four?

A. No, Sir, I don't remember, I might have, Sir, in my best of recollection, but I don't remember stating any time.

Q. Then you said it took you about 20 to 25 minutes to wash the car, isn't that correct?

A. That is precise, Sir.

Q. And you got three quarters in the machine, and each quarter was good for five minutes?

A. Whom am I to sit here and tell you how long, that is about what I thought, Sir.

Q. And you said "It took me approximately 10 minutes to drive over to the car wash and back.", isn't that correct?

A. You estimated that time, Sir, I don't know exactly how long it takes me to go from one place to another place.

Q. Where is the Fifth Avenue Car Wash?

A. Over in Williamsport. Sir.

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Q. Then you said you went over to the Hum-Dinger and got a soft drink?

A. That is correct, I did do that.

Q. "While I was there I spoke with a guy by the name of Stetts."?

A. I said I seen Ard Stetts that day, I don't recall saying that I seen him at the Hum-Dinger, Sir.

Q. You said, "We talked for just a minute and I told him I would see him later that night.", isn't that true?

A. It is sometime during that day, I thought I did, Sir.

Q. Then you went back home and a few minutes the phone rang and Jack Hill wanted to know where Jennie was?

A. That is a correct, I believe a correct statement.

Q. And after that the Police did not speak to you anymore, did they, until November 3rd when you came down?

A. Dates, Sir, I do not know.

Q. Well, the next day you voluntarily went to the Barracks, isn't that true? *Yes. I with said we had to clear us*

A. I don't remember in sequence, Sir, but I do remember the day at the Barracks.

Q. Captain Smith took you and your Mother down to the Barracks, isn't that true?

A. That is correct, Sir.

Q. And your Mother accompanied you there?

A. That is correct.

Q. And if you were being pressed there, did you ask to

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see your Mother?

A. I had asked once.

Q. Did they let you see her?

A. They said, "Well, she is sitting right in the next room, it is okay."

Q. And you never got to see your Mother then?

A. No, Sir.

Q. They browbeat you down there?

A. What?

Q. Did they browbeat you?

A. Define what you mean?

Q. Did they pressure you?

A. They badgered me, yes, Sir.

Q. They constantly, is that right?

A. Not constantly, Sir.

Q. Did they tell you that you could leave any time you wanted to go?

A. Yes, Sir, but that would look funny me get up and say "To heck with you people.", and leave.

Q. And you were not forced to stay home when we were talking to you, were you?

A. I didn't know I had a choice at the time. *He did say*

Q. Your Parents were in the house, you didn't say anything to them that you were getting browbeaten by anybody?

A. They were not in the same room with me, as you call it brow beating.

*... incident ... stay at his home ...  
Mother until they talked to me then ...  
... to stay in the situation with them. 977.  
Kim Lee Hubbard. Talked to them with the ...  
... between ...*

Q. Didn't your Mother and Father walk in the room, *if*  
and didn't I walk out and speak with your Parents? *the floor, kept the*

A. To my recollection, I was in the room *about*  
with three Police Officers most of the time, they might have  
walked in and might have walked out.

Q. Were you, you were browbeaten for this half hour?

A. I can't say "browbeaten", I was questioned.

Q. Wasn't it true we asked you, after you gave your  
statement at the end, if you had a pair of boots?

A. Sir, you specifically asked for a pair of boots.

Q. And isn't it true that you first produced a pair  
of sneakers?

A. That is incorrect, Sir.

Q. Then you produced a pair of slippers that your  
Father said, or loafers which were your Father's? *them were the*

A. Sir, I give you the boots plus *loafers* every pair of shoes  
I owned.

Q. Didn't you next produce a pair of loafers?

A. That is incorrect, Sir.

Q. Didn't your Father say, "They are my loafers."?

A. My Father gave them to you.

Q. Didn't you go upstairs and get a pair of boots  
after your Father said you had a pair of boots?

A. Incorrect, Sir, they were laying right there in the  
front room in plain view.

Q. After we looked at the boots we said, "May we look  
at your car?"

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A. That is correct.

Q. We went out and looked at your car and asked to take it to Borough Hall?

A. Correct, Sir.

Q. Now, after that didn't your Mother return on November 3rd, didn't you have a conversation with your Mother when I told, and she told you that I could place you at the scene? *Chief Smith told me (Mother) for day's, that is why we called the Borough Hall.*

A. Sir, I have no recollection of that.

Q. Well, you called the Borough, or your Mother called the Borough Hall, did she not?

A. No, Sir, I called and asked to speak specifically with you.

Q. You asked me to come to your home?

A. Yes, Sir, you told me, Sir, if I remembered anything from October 19th, to get in contact with you right away, and I did so, Sir.

Q. You asked me to come to your home and I said I would not speak to you at your home any further, isn't that true?

A. That is correct.

Q. You appeared at the South Williamsport Borough Hall on your own?

A. That is correct, Sir.

Q. And you came into the Borough Council Chambers where there were Police Officers having a conference?

A. That is correct.

Q. At that time is when you were advised of your rights

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by Trooper Houser, wasn't it?

A. Could have been.

Q. Well, I specifically ordered Trooper Houser to give you your rights, did I not?

A. Well, I guess it was there, wasn't it, Sir, I don't....

Q. You signed the car before anybody would even talk to you, isn't that true?

A. I don't remember when I signed that card, it was there, I have to agree it was there during that day, put it that way.

Q. Everybody refused to talk to you unless you signed a rights card and we told you that you could have a Lawyer, didn't we?

A. I remember you telling me I could have a Lawyer any time I wanted. *Charles L. Smith told us "we didn't need a lawyer," it would cost more than*

Q. We told you, you could leave any time you wanted, *we* we were not asking you to comain? *too*

A. That is correct.

Q. You came in, you said "I want to clear up my activities on that day."?

A. You told me whenever I remembered something I should come and tell.

Q. At that time you told us for the first time that you were in the Sylvan Dell area, isn't that true? *Charles L. Smith said this*

A. I told you that I had been riding that day, to whereabouts, where I was riding I did not know at the time, but as

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I said, you told me whatever I remembered to come and tell you and I did so, Sir.

Q. You told us on October 31st you were riding and didn't remember where you were riding?

A. Sir, I don't remember any dates, October 31st or anything.

Q. Let's say in your household.....

By Mr. Fierro:

Let him finish his answer.

By The Court:

Finish your answer.

A. I forgot.

By Mr. Ertel:

Q. At your house did you at any time tell us you were riding and you didn't remember where you were?

A. Sir, I told you a lot of things that day that I did do and I told you quite a few things that I did not do, which I could not remember. There were three of you and one of me, and you people were all firing questions at one time.

Q. Sir, did you tell us on that day at your home that you had been riding somewhere and didn't remember at all?

A. I don't remember, Sir.

Q. Isn't it true you accounted for every minute of your day either in your house or at the car wash?

A. That is an incorrect statement, Sir.

Q. Except for the time you saw Ard Stetts at the Hum-Dinger?



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A. Incorrect statement too, Sir. Sir, you were taking notes the whole time, were you not, Sir?

Q. Now, you, when you came to the Borough Hall after Houser warned you of your rights, didn't he ask you if you would have been driving your car at all times between the 19th of October and until the time we questioned you?

A. It was not asked in that manner, Sir.

Q. You don't remember that specific question?

A. I remember to the question that I had stated earlier, the three questions that were read the other day were reworded, that was not the way they were worded when they asked.

Q. So the Police Officer reworded all of those questions?

A. If I remember correctly, he was not reading them off a paper, he was reading them, just making them up as he was going.

Q. You were here when he looked at his report, were you not and read them specifically?

A. I saw it, but he didn't have no paper, he was not reading off nothing when he asked me.

Q. You saw the paper handed to Mr. Fierro?

A. Yes, I saw a lot of things here.

Q. Now, the night you were picked up, were you with Diane Fisher?

A. I date a lot of girls, yes.

Q. Were you with Diane Fisher?

A. I was, Sir.

Q. Now did you tell her on that night that something

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happens to your mind that snaps and you do things that you don't remember?

A. Incorrect statement, Sir.

Q. What did you tell her?

A. I talked to her a lot that night.

Q. Did you tell her anything like what I said?

By Mr. Fierro:

I object, I would like to come to side bar.

By The Court:

Side Bar, Gentlemen.

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

By The Court:

It has been called to the Court's attention that there some comments and statements made by members in the Court Room and if it happens again the Court will have to clear those responsible. Proceed, Mr. Ertel.

By Mr. Ertel:

Q. Did you make that comment?

By Mr. Fierro:

What comment?

By The Court:

Read the question.

(Official Reporter read questions as follows: "Q. Now, the night you were picked up, were you with Diane Fisher? I date a lot of girls, yes. Q. Were you with Diane Fisher? A. I was, Sir. Q. Now, did you tell her on that night that something happens to your mind that snaps and you do things that you

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don't remember? A. Incorrect statement, Sir. Q. What did you tell her? A. I talked to her a lot that night. Q. Did you tell her anything like what I said?"

By Mr. Fierro:

I object to the last question, it is ambiguous.

By The Court:

You may answer.

A. I never made a statement like that, your mind just does not snap like that.

By Mr. Ertel:

Q. Did you tell her you had gone to a Hospital to have it checked?

A. No, Sir, I never said any such thing.

Q. Did she ask you if Jennifer Hill was cute?

A. A lot of people have asked me that, Sir. She is just a little girl.

Q. Did you tell her she was cute?

A. I said, if the question was asked in the way, the manner that you presented it, Sir, I would have said that she was just one of my sister's girlfriends, just a little girl.

Q. And did she ask you if she had much?

A. No, Sir, at no time did she ever ask that question.

Q. Did you answer, "No, she didn't."?

A. Sir, as I stated before, if that question was asked to me, she was just one of my sister's girlfriends, that is all, Sir.

Q. Now, do you know Jeanne Helm?

A. Yes.

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Q. Did you have occasion to call her between the time of Jennifer Hill's disappearance and the time Jennifer Hill's body was found?

A. That is correct, Sir, I did.

Q. Did you tell her you were in trouble?

A. You know I did, Sir.

Q. And you would not even discuss it with her on the telephone?

A. That is correct, Sir.

Q. And the Police had not even interrogated you yet, isn't that true?

A. That is correct. There is an explanation that goes with that, if you care to hear it.

By Mr. Pierro:

I would like to have the Court and Jury hear it, they are entitled to hear it.

By The Court:

Proceed, sir.

A. Well, the story behind this, Sir, there was two men come to our home, this was late, it was late that night, and the Police were called. They set and bodily accused me of putting Jennifer Hill's body in a red car. They saw, what they said they saw me put her body in a trunk, close this trunk and tear off in this red car, and these drunks were sitting there and they, they are bodily accusing me of something that I didn't do, had nothing to do with, and knew anything about it, Sir. That scared me.

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scared me.

By Mr. Ertel:

Q. Those drunks, this was late at night when this occurred, was it not, around 3:00 in the morning?

A. I don't remember exactly.

Q. When you called Jeanne Helm, it was in the early evening?

A. I don't recall that, Sir. I know that I called Jeanne Helm on a number of times.

Q. When she asked you what was the problem, you said, "I can't talk about it on the telephone.", didn't you?

A. That is correct, Sir. I didn't want to tell her about it, it was not anything of her business, was it, Sir?

Q. Now, when you were arrested, it was not until October 16th, is that correct?

A. I don't even remember the correct date I was arrested.

By Mr. Fierro:

Wait a minute, did you say October 16th?

By Mr. Ertel:

Q. I will correct that, November 16th?

A. I don't even remember the date, Sir.

Q. Well, your fingernails were not scraped on November 16th?

A. They were scraped at no time up until now, Sir.

Q. And Jennifer Hill disappeared on October 19th, didn't she?

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A. That is a correct statement, Sir.

Q. Now, your hard hat here, you say you never had a hard hat like this other than Stroehmann's?

A. A long time ago, Sir, I worked at a place, but not like that, Sir, no.

Q. It is true you worked at Eastern Wood Products and got a helmet identical to this helmet, isn't that true?

A. Somewhat, Sir, but that was a long time ago, Sir.

Q. You worked there from March to May?

A. Well, whenever I worked there the helmet was returned, Sir.

Q. You walked off of the job and never even picked up your paycheck at Eastern Wood, isn't that true?

A. That is correct and never picked my helmet up either.

Q. You had your helmet and never gave it back, isn't that true?

A. That is an incorrect statement.

By Mr. Fierro:

Does the District Attorney intend to follow this up?

By Mr. Ertel:

I do.

By The Court:

When you get a breaking spot, we will take a 15 minute recess.

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By Mr. Ertel:

That is as good as any.

By The Court:

The Defendant is excused for 15 minutes and the Jury is excused for 15 minutes. The Court stands in recess.

(Recessed at 11:10 A.M. and reconvened at 11:30 A.M.).

By Mr. Ertel:

May we approach Side Bar before the witness stakes the stand?

By The Court:

Yes.

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

(Kim Lee Hubbard returned to witness stand.).

By Mr. Ertel:

Q. Mr. Hubbard, you would not fool around with Jennifer Hill, would you?

By Mr. Fierro:

I object to that question.

By The Court:

Be specific.

By Mr. Ertel:

Q. Did you take her bra and pull it up across her breast on the day in question?

A. No, Sir.

Q. You never approached Jennifer Hill to take her in a car anywhere, have you?

A. I have not, Sir.

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Q. Have you approached any of your sister's friends.....

By Mr. Fierro:

I object to that, that is vague and ambiguous.

By The Court:

The objection is sustained.

By Mr. Ertel:

Q. Have you taken any girls of Jennifer's age on a ride in your car?

By Mr. Fierro:

I object to that, that is immaterial. Just taking somebody for a ride is not illegal. It is not even immoral.

By The Court:

The objection is sustained. You may ask specifically as far as Jennifer Hill, whether or not she was in the car, Sir.

By Mr. Ertel:

Q. Now, you saw Bruce Shaffer down at the Hum-Dinger, didn't you?

A. That is a correct statement.

Q. He is a good friend of your's, isn't he?

A. I have a lot of friends, Sir, I can't make one better than the other, I have a lot of friends.

Q. Is he a friend of your's?

A. He is a friend.

Q. And he is still in South Williamsport?

A. Correct, Sir.

Q. And he could verify your whereabouts on that day,



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could he not, because he saw you there?

By Mr. Fierro:

I object to asking him for a conclusion of another person.

By The Court:

The objection is sustained.

By Mr. Ertel:

Q. Did Bruce Shaffer give you the sneakers that you supposedly had on that day?

A. That is correct, a long time before, Sir, if I might add.

Q. Now, you don't deny they are your combat boots?

A. No, Sir, they are my combat boots.

Q. You got those in the service?

A. That is correct, Sir.

Q. How did you get them in the service?

A. Well, Sir, I served with the 82nd Airborne Division.

Q. Did you get them issued or buy them through a "PX"?

A. Buy them through a "PX", but some points they are issued.

Q. You bought them through a "PX"?

A. Yes, Sir.

Q. Did you buy them, what station?

A. Sir, I cannot truthfully sit here and say what station I bought them, Fort Bragg or Fort Benning.

Q. Other people don't wear your boots, do they?

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A. No, Sir.

Q. Now, on October 19th at 4:30, did you get a phone call from Colleen?

A. It wasn't at 4:30, no, Sir.

Q. What time did you get the phone call? That is from Colleen?

A. Between 4:30 and 4:35.

Q. You are sure of that, Sir?

A. Positive, Sir. I can't say 100%, but in that locale I did.

Q. You spoke to Colleen?

A. That is correct, Sir.

Q. Now, Captain Ross came to your house and you, what did Captain Ross tell you?

A. He didn't tell me nothing, Sir.

Q. Well, you talked with him, did you not?

A. I listened, I don't remember if I conversed between us two, he talked to my Mother, he asked her some questions.

Q. Were you there?

A. That is correct, Sir.

Q. What happened?

A. Well, he just drove off, and I mean drove up and was talking to my Mom, he said, "What time did Jennifer leave? What was Jennifer wearing? Did something happen to make her mad or something that day?", and things of that nature, Sir.

Kim Lee Hubbard.

Q. Did your Mother say nothing made her mad?

A. That is incorrect.

Q. What did she say?

A. Well, I know this now, but I didn't know it then.

Q. What did your Mother say then?

A. It was something about they, the Hill girl wanted to go to a football game that evening, Sir, and she got sore.

Q. What else did he say to you or to your Mother in your presence?

A. Just asked what clothes she was wearing, and I can't set here.....

Q. Is that the first time?

A. First time for what?

Q. That Ross came to your house?

A. That is correct, Sir, that I know of, Sir.

Q. What did he say on the second time he came to your house?

A. Captain Ross came the second time, would you like me to tell you what he told Colleen, my Mother and I?

Q. Yes, I am asking you?

A. He come and told us in a very, very, very suspicious way that he had found a man that, with a face that was all marred up and it was, and winded and he was picked up and he came up to our house, I say very suspiciously and told us where he lived and everything, Sir.

Q. You didn't know the individual?

A. No, I didn't know the individual, Sir.

Kim Lee Hubbard.

Q. Your Mother didn't know the individual?

A. No, Sir, to my knowledge, Sir.

Q. Did he tell you that man had been cut by a razor?

A. No, he did not, Sir.

Q. Did you go to that man's house?

A. Yes, I did, Sir.

Q. You knew where he lived?

A. Right after Captain Ross told us, Sir.

Q. I show you marked as Commonwealth's Exhibit No. 118, is that your handwriting?

A. Yes, Sir.

Q. You told Stroehmann's you were married?

A. Correct, Sir, I needed the job, Sir.

Q. You told them that you rented a house, did you not?

A. That is correct, Sir, and it was correct at the time, Sir.

Q. And you also when asked, "Please List Details Of Last Employment", you first put the U.S. Army?

A. That is so, I needed a job bad, I needed money.

Q. You didn't tell them you had worked at Eastern Wood, did you?

A. I lied.

Q. You didn't tell them you worked at Imperial Cleaners?

A. I lied, I needed a job.

Q. Well, if you would lie for a job...well, I have

Kim Lee Hubbard.

By Mr. Fierro:

I move that be stricken.

By Mr. Ertel:

I will withdraw the question.

By The Court:

It is stricken.

By The Court:

Anything further, Mr. Ertel?

By Mr. Ertel:

I have no further questions.

By The Court:

Mr. Fierro?

RE-DIRECT EXAMINATION

By Mr. Fierro:

Q. I want to ask you about these helmets at Eastern Wood Products that the District Attorney brought up, were you issued any equipment at all....let me withdraw that question, please. I don't know, somebody, I think it was you, said March to May, what year was that? Last year was 1973, you know that, did you work there last year?

A. I think I did, Sir. It was approximately six or seven months ago.

Q. Now, were you issued by anybody any equipment when you worked there?

A. No, Sir, not issued.

Q. Well, were there any of these type helmets known as Exhibit No. 115?

Kim Lee Hubbard.

Q. Where were they?

A. All over, you see...may I explain?

Q. Yes?

A. The first shift was all issued equipment. They left it at their stations where they worked during the day. When the night shift came in, which amounted to me and three or four other guys, we would just pick up a helmet, and like a couple of guys worked there two or three years, they had their own helmets, but like they couldn't hold help them, so when we would go in we would pick up a helmet and put it on, and most of the time we would not even wear helmets, Sir.

Q. Were you issued a helmet?

A. No, Sir, I was not issued at any time a helmet from Eastern Wood Parts.

Q. Did you take any equipment of any sort home when you left Eastern Wood?

A. You mean when I finished the job?

Q. I don't care what it was?

A. No, Sir.

Q. Concerning this helmet, Exhibit No. 115, that the Police found in your car, look over the entire helmet, you said that on the front you noticed some markings?

A. Yes, Sir, I distinctly know what they are.

Q. What are they?

A. It comes from sticky buns and that sort of stuff.

Q. Is that the only markings on the helmet? What is this? (Indicating to peak of helmet.)

Kim Lee Hubbard.

A. I don't know.

Q. What is that on the top of the helmet?

A. That is some more of sticky bun and stuff.

Q. And you have testified this was your helmet at Stroehmann's?

A. Yes, and still is.

Q. Nothing further.

By The Court:

Mr. Ertel?

By Mr. Ertel:

No further questions.

By Mr. Fierro:

You may step down.

(Excused from witness stand.).

By Mr. Fierro:

May we come to Side Bar?

By The Court:

Yes, Sir.

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

MICHAEL ROTMAN, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name?

A. Michael Rotman.

Q. Where do you live?

Gerald Brown. - Kim Lee Hubbard.

Q. Did you meet somebody then?

A. Yes, I met my Principal.

Q. Did you meet anybody else that brought you down here?

A. Yes, I came over with Bill Crofutt.

Q. Now, you didn't see any hub caps in the car during July and August, did you?

A. No.

Q. Nothing further.

By Mr. Fierro:

You may step down.

(Excused from witness stand.).

By Mr. Fierro:

I have one last witness, your Honor, on this point. It happens to be the Defendant, whatever the Court wishes.

By Mr. Ertel:

I object to that...well, let's approach Side Bar.

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

Recalled

KIM LEE HUBBARD, being previously sworn, recalled and testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. You are Kim Lee Hubbard and you have previously been sworn?

A. Correct, Sir.

Q. Now, you were in Court when you heard testimony from a Shellhammer.....

By Mr. Ertel:

I object, he can ask a question.



Kim Lee Hubbard.

By Mr. Fierro:

I want to ask him if he heard the testimony.

By The Court:

The objection is over ruled.

By Mr. Fierro:

Q. Were you in Court when you heard Shellhammer (Shellmar and Kinney testify concerning helmets?

A. Yes, his name is Shellman.

Q. Is Kinney the other correct name?

A. Yes, Sir.

Q. Now, Kim, can you explain, if you can, why during July and August there was a possibility that someone saw a helmet in your car?

By Mr. Ertel:

I object.

By The Court:

The objection is sustained, reword your question.

By Mr. Fierro:

Q. While you were employed at this place, Eastern Wood, did you ever have any riders?

A. Yes, I did, Sir.

Q. Who were some of them?

A. Well, David Kinney, we switched off all of the time.

By Mr. Ertel:

I object, this is irrelevant.

By Mr. Fierro:

It is leading up to his riders.

Kim Lee Hubbard.

By The Court:

Proceed.

A. Well, we traded off riding back and forth to work, and I worked Saturdays and once in awhile I would take people downtown and drop them off.

By Mr. Fierro:

Q. Take them from where?

A. Eastern Wood, Sir.

Q. Would these people that you took from Eastern Wood ever have anything with them belonging to Eastern Wood?

A. Yes, Sir, the helmets. That is, naturally, they would walk right out of the place with them.

Q. Do you know whatever happened on any occasion with these people concerning their helmets in your car?

A. They forgot their helmets maybe once or twice, I give it back to them the next day. Might I explain something?

Q. No. When was the last that you, well as far as you can remember, that you worked at Eastern Wood?

A. May, Sir, of 1973.

Q. Did you have any helmets that you took with you?

By Mr. Ertel:

Objection is over ruled, although he has testified before.

A. Well, Sir, I know I did not take no helmet with me.

By Mr. Fierro:

Cross examination.

Kim Lee Hubbard.

CROSS EXAMINATION

By Mr. Ertel:

No questions.

(Excused from witness stand.).

By Mr. Fierro:

The defense rests.

By The Court: —

Now, are all of the Exhibits in evidence that the Commonwealth desires to have in evidence or the Defense?

By Mr. Ertel:

All of the Exhibits are in that the Court has admitted.

By The Court:

You have none you want to offer?

By Mr. Fierro:

No.

By The Court:

Do I understand sur-rebuttal is closed?

By Mr. Fierro:

Yes.

By The Court:

We will not reconvene until 1:30 today. The Defendant is excused. The Jury is excused.

(Recessed at 12:15 P.M., EDST.).

(Reconvened at 1:35 P.M., EDST.).

By The Court:

Mr. Fierro.

(Mr. Fierro began closing to Jury at 1:35 P.M., EDST.).

By Mr. Fierro:

Do you think a person was ever executed in this country and later proved he was innocent?

By Mr. Ertel:

Objection, your Honor.

By The Court:

Side Bar, please.

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

By The Court:

Proceed, Mr. Fierro.

(Mr. Fierro continued closing to Jury.).

(Mr. Fierro completed closing to Jury at 3:00 P.M., EDST.).

By The Court:

The Court will recess for fifteen minutes.

The Defendant is excused. The Jury is excused.

(Recessed at 3:02 P.M., EDST. and reconvened at 3:25 P.M., EDST.).

By The Court:

Mr. Ertel.

(Mr. Ertel began closing to Jury at 3:25 P.M., EDST.).

By Mr. Ertel:

Now, you say "What about Jack Hill's phone call?". Well, Jack Hill said it was around 5:00. The Police Officer said he told him it was somewhere between quarter of five and five,

*NICKINA STATED SHE LOOKED AT THE CLOCK AND IT*