

Nancy Stuempfle.

A. Yes, Colleen Whitenight.

Q. Where did you see them?

A. At the Hum-Dinger.

Q. Do you have any idea what time you saw them?

A. Well, approximately between, I arrived at around quarter after eight, 8:30, and they came in after we were there. I was with my boyfriend.

Q. Do you have an idea how long they were there?

A. Well, I think they left, well, we were there longer than they did and I left, we got in the car at five of, the five of nine news was playing on the radio.

Q. Cross examination.

By Mr. Ertel:

No questions.

By Mr. Fierro:

May she be excused?

By The Court:

Any objection?

By Mr. Ertel:

No objection.

(Excused from witness stand.).

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

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name?

A. Ruth Hubbard.

Ruth Hubbard.

A. Yes.

Q. You are called "Ruthie", aren't you?

A. Yes.

Q. You knew Jennifer Hill?

A. Yes.

Q. Now, did she stay at your house on the night of October 18th?

A. Yes.

Q. Coming to October 19th, Ruthie, will you tell us what you and Jennifer did from the time you got up that morning?

A. We woke up and we were kind of bored, we were in our night clothes, and we went downstairs and had breakfast, and then we went upstairs and got changed into our clothes and went up to the Brickers. The twins were not home, well, they were not up, so we came back down to my house and we kept on loafing around and my Mom said, "If you want anything to do, I will give you some work.", so we hurried back up to the Brickers again and they weren't home then, so we came back down and went down to the Hum-Dinger. We met the twins down there at the Hum-Dinger. We ate and then we came back out and had a grape battle, we threw grapes at each other, and then we went on to the Catholic School playground and we played kickball, and we teased a couple little kids and then we came on home. We got a drink of water, and went on up to Michelle Hurley's house to get the football and went down to the Super-Duper field to play. Some boys came along and took the field away from us, so we went over to Mrs. Shaffer's and we stayed over there a little bit and

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went up the street and said "Yiya" to Terry Shaffer, and then we walked down to my house. Norma called....

Q. Who is "Norma"?

A. Norma Hill.

Q. How do you know when she called?

A. When we walked in the house, we were upstairs playing and the phone rang and I answered the phone and I talked to Norma and she said, "Is Jennie there?", and I go "Yes.", so I handed her the phone and I stood right next to her, and she started crying, she said, "Well, I have to go on home now.", and she kind of sniffled and cried a little, and I asked her why she had to go home, and she said, "I have to clean out my drawers.". We talked about going to the football game, and so when we came downstairs, first we played around in my bedroom, and I packed her bag with all her clothes in it, and then we came on downstairs, and we walked out front...well, we stopped and talked to my Mom while she was cleaning the floor, and we talked awhile, and she had her bag and her coat and she got ready to leave, and it was about quarter of four when she left, and when she walked out, I came out to the porch with her and I watched her on down, just across the street really, and I came back into the house.

Q. Now, all during the time that you and Jennifer were in the house that afternoon, did you see your brother, Kim?

A. Not in the house, but down at the Super-Duper when we were playing, we saw him go past two times, one to the Super-Duper and one back.

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Q. Now, back to this question again, when you and Jennifer were in the house during the afternoon, was Kim ever present when you and Jennifer were there?

A. No.

Q. Do you know, can you describe the clothing that Jennifer wore that day?

A. Yes.

Q. Tell us?

A. She had one pair of light blue pants, she had one pair of jeans, they are kind of long with hearts on the knees and laced around the bottom, with little heart patches.

Q. What color, do you know, around the bottom?

A. It was the same color of the hearts.

Q. What color was that?

A. Red, and little designs on it.

Q. What?

A. Red with little designs on it.

Q. Using your fingers and hands, give the Jury an idea of how big these red hearts were?

A. About that big, they covered the knee cap.

Q. What else was she wearing?

A. She had a jersey on with the number "33" and her sneakers, which were black and white, and that is all, her underclothes.

Q. Did she have a jacket of any sort?

A. Yes, she, it looked like a light black jacket, but I guess it was really blue, I couldn't tell you.

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Q. Did it have any markings on the jacket?

A. Yes, it had a patch called "Free Spirit", it was red and white.

Q. Called what?

A. "Free spirit", then she tore off a "SWA" over it, which she took off at our house and put it in her pocket.

Q. Did you see her do that?

A. Yes, I saw her do it.

Q. What day did she do this?

A. October 19th.

Q. Now, is that all you remember about clothing?

A. Well, she had this light blue pants and her pajamas with her.

Q. Was she carrying anything?

A. Yes.

Q. What?

A. She had a Glick shoe bag which was pink and white with "Glicks" on it.

Q. I imagine there were some things in there that belonged to her?

A. Yes.

Q. What time do you think it was that Jennifer left?

A. Quarter of four.

Q. Now, after Jennifer left, do you have an idea, or if you know, either one, as to when you saw your brother, Kim?

A. Yes, a little bit after 4:00.

Q. You saw your brother?

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A. Yes.

Q. For how long?

A. Just for a little bit because I went out front to talk to the Brickers and he drove up and walked in. When I came in I didn't see him because I went upstairs.

Q. When did you next see your brother, Kim?

A. 4:30.

Q. Why do you say it was 4:30?

A. Well, because Linda Ranck called and I had to look at the clock to see what she wanted, and I looked at the clock to talk to her, because the clock is there, and I just sat and looked at it.

Q. Was there anything you were going to do with the Rancks that day or night?

A. Yes, we were going to go to a football game.

Q. Where was that?

A. That was up in Muncy, I don't know exactly where it was at.

Q. Well, you you, you say you got a call from Linda Ranck, what was your brother doing?

A. He was buffing the floor. He told me to get off of the phone, he was waiting for a call, for Colleen Whitenight to call.

Q. He told you to get off of the phone?

A. Yes, and off his floor so he could buff it.

Q. What did you do after that?

A. I went on upstairs to get ready, and I heard the

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phone ring and when my brother yelled in that Jack was on the phone and he wanted to know where Jennie was, so I put on my Dad's bathrobe and came on downstairs, my Mom said it was Jack, she left.....

By Mr. Ertel:

Objection.

By The Court:

Sustained.

By Mr. Fierro:

Q. You heard your Mother talking to somebody on the phone?

A. Yes.

Q. Without saying what was said, did anybody mention at that time, the time?

By Mr. Ertel:

Objection.

By The Court:

Can you ask her if she knew what the time was?

By Mr. Fierro:

Q. Do you know what time it was when you heard your Mother talking on the phone, what was the time?

A. Yes.

Q. What time was it?

By Mr. Ertel:

I object, that is just a backhand way of getting in hearsay.

By The Court:

Over ruled.

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By Mr. Fierro:

Q. What time was it?

A. Quarter of five.

Q. How do you know?

A. Because My Mother said, "Jack, Jennie left an hour ago.", and she left at quarter of four to quarter of five, it would be an hour by quarter of five.

Q. Ruthie, did you see Jennifer at any time after she left your house that day?

A. No.

Q. You did not?

A. No.

Q. Now, after your Mother had a telephone call, do you know if anyother phone calls, and just say "Yes" or "No"?

A. Yes.

Q. How many more?

A. Quite a few.

Q. Did you answer any of them?

A. Just one at 4:00 and 4:30, yes, I answered.

Q. Now, I am speaking now of the one at 4:30, I am speaking now with reference to the Hills, did you answer any phone calls from the Hills?

A. Yes.

Q. Who didyou speak to?

A. Jackie.

Q. Is that a daughter of the Hills'?

A. Yes.



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Q. About what time was that call?

A. 4:00.

Q. Now, going all of the way past this phone call that your Mother had, that you say was quarter of five, after that did you answer the phone?

A. Yes.

Q. How many times did you answer the phone after that time, let's say after quarter of five?

A. Do you mean for the Hills?

Q. Yes?

A. No, I didn't answer any then.

Q. You got phone calls from, but it was not from the Hills?

A. Right.

Q. What happened after 5:00 with reference to the Hills?

A. At 5:30 we walked down the street.

Q. Who is "we"?

A. My Mother and I. We walked down the street to the Catholic, and we met Jack and Norma Hill there, and we walked on up to Clinton Street.

Q. Was there any conversation between the Hills and your Mother?

A. Yes, and Jack talked to my brother.

Q. Jack talked to your brother?

A. Yes.

Q. You mean Kim, this is your only living brother,

A. Yes.

Q. Where was Kim when Jack talked to him?

A. Clinton Street, right around Clinton Street.

Q. How far away from him?

A. He was pretty close to him, about from here to here.

Q. Where are you pointing to, Ruthie?

A. Right there.

Q. The edge of the Jury Box?

A. Yes.

Q. From where you are sitting?

A. Yes.

Q. You say that is how close Jack was to Kim?

A. Yes.

Q. Now, after that, I mean after seeing Kim and Jack talk and after you and your Mother seeing Mr. and Mrs. Hill, now what did you and Kim and your Mother do?

A. Well, Norma and my Mom walked down through the alley and Jack went down, I walked on up to the house to wait for Linda, for her to come to pick me up and I was supposed to stick by the house, my brother was, on account of any phone calls, if any phone calls at all, concerning Jennie.

Q. Where was Kim?

A. Kim was out front. He said he would stick right around the house, he was just out front on his bike.

Q. Did you see him on the bike?

A. Yes.

Q. What was he doing with it?

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Q. Let's pick it up from there now, seeing your brother on his bike in front of the house and your waiting for somebody to pick you up, what else went on, if anything?

A. We walked on into the house, my Mother came up and we were all in the house.

Q. Who is "all"?

A. My brother, my Mother and I, we were in the house, then we went back out, I forget why, but we went back out and Ross Smith, I mean Captain Ross drove up, and we talked to him for a little while, my brother and my Mother and I.

Q. Talked to Captain Ross?

A. Yes.

Q. Then at...go on?

A. About 7:00 Linda Ranck picked me up and we went to the game.

Q. You went to the football game?

A. Yes.

Q. And this is what you know about October 19th?

A. Yes.

Q. Cross examination.

By The Court:

Mr. Ertel?

CROSS EXAMINATION

By Mr. Ertel:

Q. Ruth, when in the morning, when you went to the Hum-Dinger, you went there around noon, is that correct?

A. Yes.

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A. Yes.

Q. And Jennifer had a "Cosmo" and a milk shake, didn't she, or a "submarine"?

A. A half of one.

Q. And a milk shake?

A. Yes.

Q. She had some french fries of the Brickers?

A. Well, we were there and the twins offered some and we took some.

Q. So she had some french fries?

A. Yes.

Q. Then you went from there up the alley and had a grape battle?

A. Yes.

Q. Do you recall, don't you, that Jennifer ate a grape?

A. A couple, yes.

Q. You saw her do that?

A. Yes.

Q. Now, you would recognize Jennifer's clothing if you saw them, wouldn't you?

A. Yes.

Q. Incidentally, didn't Jennifer tear her dark blue slacks with the red hearts, down the back?

A. Yes.

Q. You had to get her a pin somewhere?

A. I don't think I had a pin to give her, I am not sure.

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Q. Did she get that at the Shaffers', do you know?

A. No, she didn't get any at the Shaffers'.

Q. Well, they were torn by the time you got to the Shaffers'?

A. Yes.

Q. Were they pretty well split down the rear?

A. Just somewhat.

Q. Would you recognize those if you saw them?

A. Yes.

Q. I show you marked as Commonwealth's Exhibit No. 67, are these the pants she tore?

A. Yes.

Q. Are they anymore torn now than they were then?

A. Slightly.

Q. Well, that pin there, do you know who put the pin there?

A. No.

Q. But those are the pants you were talking about, is that right?

A. Yes.

Q. Now, when you went upstairs with Jennifer, you remember being at the Shaffers' for sure, don't you?

A. Yes.

Q. You remember talking to Mrs. Shaffer on the porch?

A. Yes.

Q. You talked for quite awhile, I guess?

A. Just awhile.

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Q. And Mrs. Shaffer testified that was 3:30, would that be right?

A. No.

Q. You think that is wrong?

A. Yes.

Q. Have you talked over the times in this case with anybody?

A. No.

Q. You mean you have not talked to your Mother about this case at all?

A. Not much.

Q. Never?

A. Of course.

Q. You mean your Mother didn't sit down and talk to you about times?

A. Not too much at all.

Q. Well, isn't it true that you got back to your house just about quarter of four from the Shaffers'?

A. No.

Q. And isn't it true that is about the time you got the phone call?

A. At 4:00 I got the phone call, quarter of four Jennie left.

Q. Quarter of four, isn't that the time you got the call from Mrs. Hill?

A. No.

Q. And isn't it true after you got the phone call from

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Mrs. Hill that Jennifer didn't want to go home and she fooled around?

A. Could you please repeat that question?

Q. After you got the phone call from Mrs. Hill, isn't it true Jennifer didn't want to go home?

A. Yes.

Q. She fooled around for awhile?

A. In my upstairs.

Q. You played around, and you got the bag out and, the Glick bag out and put the corn in the bottom of it?

A. Yes, I don't know where I put the corn, but it was in the bag.

Q. That corn she brought with her, is that right?

A. Yes.

Q. Then after that Jennifer was going to leave, but you made arrangements with Jennifer, didn't you?

A. We talked about going to the football game, but we were not sure about it.

Q. You were trying to make an arrangement you would go to the football game together that night, weren't you?

A. Yes.

Q. Jennifer was to try to talk her Parents into allowing her to go or you go with them, right?

A. Yes.

Q. You were not going to go with the Ranck girl?

A. Right.

Q. And you had arranged this that she would try to

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talk her Parents into taking you to the football game?

A. Yes.

Q. But Jennifer didn't want to go home, she wanted to stay at your house at that point?

A. Yes, for dinner, her Parents could come up and pick us up to take us.

Q. Then it was sometime later that Jackie Hill called and wanted to know where Jennifer was, she was not home yet?

A. Yes.

Q. Now, how long does it take for you to walk down to the Hill house from your place?

A. 10 minutes to 15 minutes.

Q. And she told you Jennifer was not home?

A. Yes.

Q. Linda Ranck called at 4:30, didn't she?

A. Yes.

Q. And Linda wanted to know what happened to Jennifer, and you told Linda that Jennifer was missing, didn't you?

A. Yes, but Linda called a few times, more than once. At 4:30 we were not talking about that.

Q. At 4:30 didn't you tell her that you were not sure, maybe you would not go because Jennifer was missing?

A. No.

Q. You didn't?

A. No.

Q. It is true Linda called you at 4:30, she called you between 3:30 and 4:00?



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Jennifer and me got home about 3:00.

Q. You are sure about that time?

A. Yes.

Q. Did you look at a clock?

A. Right there, the radio has a clock right on it.

Q. You looked at the radio and you saw you got home at 3:00?

A. Yes.

Q. You had been at the Shaffers' just before that?

A. Yes.

Q. You are sure of that?

A. Positive.

Q. Now, did you discuss the time that you got home with your Mother?

A. No.

Q. No further questions.

By Mr. Fierro:

That is all.

May she be excused?

By Mr. Ertel:

Yes, she may.

By Mr. Fierro:

That means you don't have to come back, but don't be in the Court Room, you can go out.

(Excused from witness stand.)

Colleen Whitenight. - Ruth Hubbard

By Mr. Fierro:

Q. Didn't I bring up to you and the group that I wanted you to tell the truth about this matter?

A. Yes.

Q. Haven't I constantly said that?

A. Yes.

By Mr. Ertel:

Objection.

By The Court:

I will permit it on the record.

By Mr. Fierro:

That is all.

By Mr. Ertel:

Nothing further.

(Excused from the witness stand.).

Recalled

RUTH HUBBARD, being previously sworn, recalled and testified as follows:

By Mr. Ertel:

May I approach Side Bar, your Honor?

By The Court:

Yes.

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

DIRECT EXAMINATION

By Mr. Fierro:

Q. Now, you have been sworn before, and you are Ruthie Hubbard, to identify you on the record?

Ruth Hubbard.

A. Yes.

Q. Ruthie, on October 19th, of course you know Linda Ranck?

A. Yes.

Q. On October 19th, how many phone calls did you get from Linda?

A. About four.

Q. And can you tell us.....

By Mr. Ertel:

I object to anything further, the offer was.....

By Mr. Fierro:

Time period is all.

By The Court:

Proceed.

By Mr. Fierro:

Q. Can you tell us between what time periods you got those four calls?

A. Mainly between 5:00 to 6:30.

Q. Cross examination.

By Mr. Ertel:

No questions.

(Excused from witness stand.)

WILLIAM HAKES, being duly sworn according to law, testified as follows:

By Mr. Ertel:

Side Bar.

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