

Thomas Peters. - Hynick.

the case with anyone except the District Attorney or the Defense Attorney or one of their Staff.

A. Okey.

By The Court:

He is excused, Mr. Fierro?

By Mr. Fierro:

Well, frankly....let him go.

By The Court:

You are excused providing one of Mr. Ertel's Staff excuses you, Sir.

LIEUTENANT STEVEN HYNICK, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name, please?

A. Steven J. Hynick.

Q. Your occupation?

A. Lieutenant with the Pennsylvania State Police.

Q. Lieutenant Hynick, did you have the occasion to take into custody the car of Kim Lee Hubbard?

A. Yes, Sir, I did.

Q. And were you in that car when it was transported to the Borough Hall at South Williamsport?

A. Yes, Sir, I was.

Q. I show you Commonwealth's Exhibit No. 26 and ask you if you can identify that?

A. Yes, Sir.

Q. What is it?

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Q. What is it?

A. It is a 1967 Oldsmobile sedan owned by Kim Hubbard from 1030 West Central Avenue in South Williamsport.

Q. I show you marked as Commonwealth's Exhibit No. 25, can you identify that?

A. Yes, Sir, this is the same car showing, with the showing of the front of the car. The first picture here is the photograph from the back end.

Q. I show you what is Commonwealth's Exhibit No. 23, and can you identify that?

A. Yes, Sir, that is the same car.

Q. Now, when you took that car into your custody, can you tell me what, if anything, was on the back ledge of that particular car?

A. Yes.

By Mr. Fierro:

I would like to know when we are talking about.

By The Court:

Establish the date.

By Mr. Ertel:

Q. What was the date you took the car into custody?

A. October 31, 1973.

Q. What was on the back ledge when you took that car into custody?

By Mr. Fierro:

I object to that, it is too remote to the issue and

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date in this case.

By The Court:

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

A. On the ledge of the car, inside of the car, that is the portion of the car over the back seat, on the right side of the car, the passenger side, was a white construction helmet.

By Mr. Ertel:

Q. Is that shown in any of those photographs which I handed to you which are Commonwealth's Exhibits?

A. Yes, Sir.

Q. Which one?

A. This one here, Sir.

Q. Commonwealth's Exhibit No. 26?

A. Yes.

Q. I have no further questions. I would like to recall him at a later date for other testimony.

(Conversation between Mr. Ertel and Mr. Pierre not audible.)

By Mr. Ertel:

Let's have it on the record.

By Mr. Pierro:

I am asking him something if this is the Exhibit with the white helmet, I will say it outloud, is this the Exhibit with a white helmet?

By The Court:

That is referring to Commonwealth's Exhibit No. 28

By Mr. Pierro:

No. 26.

Q. Is this the one, Lieutenant?

WHAT'S PIERRE
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A. Yes, Sir.

CROSS EXAMINATION

By Mr. Pierro:

Q. Is there another one here with the picture of the white helmet or not?

A. That is all.

Q. That white object in this Exhibit No. 26, is that the helmet?

A. Yes, Sir.

Q. It is upside down, isn't it?

A. Yes.

Q. What is this other object next to it, do you know?

A. A pair of sneakers.

Q. What other objects are next to it, do you know?

A. A pair of hub caps and some clothing.

Q. Did you examine those items when you took this car into custody, did you make a list of them?

A. Not everything, Sir.

Q. You know what they were at the time?

A. Yes, Sir.

Q. May I see that, please?

A. Yes, Sir.

Q. You knew what they were at the time?

A. Well, the hub caps were not there at the time.

Q. That is what I am trying to find out?

A. You asked me what was there when I first took the car into custody.

*SEEK
PHOTO NO. 26
ON
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Q. Here is a photograph of a car that you identified as Kim's and when the District Attorney questioned you, you said that helmet was on that ledge?

A. Yes, Sir.

Q. Now, I see on that ledge various other articles, now at the time this photograph was taken, was this car in police custody?

A. Yes, Sir.

Q. Now, at the time you took this car into custody, I think you said October 30th or 31st?

A. 31st.

Q. At the time you took this car into custody, you said that helmet was on that ledge, didn't you?

A. Yes, Sir, I did.

Q. Was that helmet on that ledge in the same position that shows in this photograph?

A. To the best of my knowledge, Sir.

Q. Well, then were those other articles that are in this picture also on that ledge at that time?

A. The sneakers and some of the clothing was there.

Q. You mean you are telling this Jury that there is other articles on that ledge that are shown in this picture that were not on the ledge when you took the car into custody, isn't that correct?

A. I didn't say that, Sir.

Q. I am asking you, isn't that right?

A. I said the sneakers and clothing was there.

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Q. I know what you said, but you are not answering my question and I will ask you again, at the time you took this car into custody on October 31st, aren't there some articles that appear on the ledge of this car in this picture, Exhibit No. 26 that were not there when you got the car?

A. With the exception of the hub caps, Sir.

Q. What does that mean?

A. The clothing and the sneakers were there.

Q. You haven't answered my question, have you?

A. I am trying to.

By Mr. Ertel:

I object, he is badgering the witness.

By The Court:

The objection is over ruled.

By Mr. Fierro:

Q. How long have you been a Police Officer?

A. 36 years.

Q. You are now a Lieutenant of the State Police?

A. Yes.

Q. You have been with the Criminal Investigation Division, whatever it is called, for how, for many years?

A. Yes.

Q. You have testified in Court many times?

A. I have.

Q. You say you are trying to answer my question?

A. Yes, Sir.

Q. Go ahead and answer it.

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By Mr. Ertel:

I object, there is no question on the floor.

By Mr. Fierro:

Q. Do you know what the question was?

A. You asked me what articles were on the ledge of the car when that car was taken into custody.

Q. By you?

A. Yes, Sir, and I am trying to answer, I said the sneakers and the clothing were there.

Q. Then I asked you another question, and I will ask you again, look at Exhibit No. 26, look at what is on the ledge of the car, you told this Jury this car was always in Pol custody from the time you took it until the photograph was made.

A. That is correct.

Q. I am saying to you that I can see there are other articles on the ledge of that car, aren't there, Lieutenant?

A. There is.

Q. Those articles were not on the ledge of that car when you took it into custody were they?

A. No, Sir.

Q. Were they?

A. No, Sir. You are talking about the hub caps?

Q. I don't know what you are talking about, hub caps are on the ledge of the car?

A. Right. They were not there when that car was first taken into custody by you?

A. Yes, Sir.

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Q. Was that clothing there on the ledge when you brought the car in?

A. There was some clothing there.

Q. Was all of that clothing there that appears in this photograph?

A. As far as I could see.

Q. And to the right of the helmet, what is that article?

A. I can't make it out.

Q. You can't make out what it is, but you will tell the Jury that there is an article on the ledge of that car in this Exhibit to the right of the Helmet, isn't that right?

A. There is some articles there.

Q. You don't know what it is?

A. Not offhand.

Q. That article was not on the ledge of the car when you took it in custody on October 31st, was it?

A. I can't answer that.

Q. You can't answer that?

A. No, Sir.

Q. Lieutenant, the day you took this car in custody, you talked to Kim Lee Hubbard about taking that car, didn't you?

A. Yes, Sir.

Q. You didn't have a search warrant, did you?

A. No, Sir.

Q. You asked him if he would voluntarily surrender that car, isn't that correct?

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A. Yes, Sir.

Q. And he did, didn't he?

A. That is right.

Q. You told him he didn't have to, isn't that right?

A. That is correct.

Q. Nevertheless, he went along with you, didn't he?

A. Yes, Sir.

Q. Now, think back, Lieutenant, remember now asking Kim to also surrender certain articles of clothing and his sneakers?

A. I didn't ask him that, Sir.

Q. You are sure?

A. Yes, Sir.

Q. Was Mr. Ertel with you at the time?

A. Yes, Sir.

Q. Now, you are sure you don't remember asking Kim to also surrender sneakers and clothing?

A. No, Sir.

Q. You don't remember?

A. No, Sir, I didn't ask him.

Q. Who asked him?

A. I don't know, I would not know, Sir.

Q. You would not know?

A. No.

Q. Did you ask him that day when or where he got this white helmet?

A. No, Sir, I did not.

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Q. Do you know how long he owned or possessed that white helmet?

A. No, Sir, I don't.

Q. Did you ask him for anything else at the time you asked him to surrender the car?

A. Yes, Sir.

Q. What did you ask him for?

A. A pair of combat boots.

Q. Did he give them to you?

A. Yes, Sir.

Q. Did he give them to you voluntarily?

A. That is correct.

Q. And at the time that he surrendered these articles of clothing and the car, you told him that he didn't have to, didn't you?

By Mr. Ertel:

I object to the question, he never put it in, it implies he asked him to surrender clothing.

By Mr. Fierro:

I am asking if it is true did he ask for these things.

By The Court:

Q. Do you understand the question, Sir?

A. Yes, Sir.

Q. You may answer, the objection is over ruled.

A. I didn't ask for the clothing, Sir.

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By Mr. Fierro:

Q. You asked for boots, sneakers and the car?

A. I didn't ask for the sneakers, just for the one item.

Q. Who did?

A. I don't know, Sir.

Q. Did you ask to see any articles of clothing, including shoes?

A. Yes, Sir, I did, at the house.

Q. This is the same day?

A. Yes, Sir.

Q. All right, let's get this down clearer, I believe that somebody told Kim on October 31st.....

By Mr. Ertel:

I object, what he believes is not relevant.

By Mr. Fierro:

Maybe it is not, but he can answer.

By The Court:

Rephrase the question.

By Mr. Fierro:

Q. I believe somebody, either you or somebody with you told Kim on October 31st that he did not have to surrender these things voluntarily, is that correct?

By Mr. Ertel:

I object, we don't even know what things he is talking about.

By Mr. Fierro:

Q. The automobiles, boots, or whatever things you may

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have asked him for.

By Mr. Ertel:

I object.

By The Court:

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

A. I only asked for the car and the boots. I can't answer for anybody else, Sir.

By Mr. Pierro:

Q. Was there anybody with you who did for anything else on that day?

A. Yes, there was somebody with me.

Q. Who was it?

A. Sgt. Peterson.

Q. In your presence did Sgt. Peterson ask for anything?

A. No, Sir, not in my presence, I didn't hear it.

Q. Back to October 31st, Lieutenant, and you asked for boots and a car, Kim's car and Kim's boots, is that correct?

A. Yes.

Q. And when you asked him for the boots and for the car, didn't you tell him that he did not have to voluntarily surrender them?

By Mr. Ertel:

I object, we have been over it the fourth time.

By Mr. Pierro:

I am trying to get it clear.

A. I said I answered your question several times.

By The Court:

You may answer again, Sir.

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A. Yes, he was warned that he didn't have to turn the car and the helmet or the boots to me.

By Mr. Fierro:

Q. Nevertheless, he did voluntarily surrender them, didn't he?

A. Yes, Sir.

Q. He didn't have a Lawyer present, did he?

A. No, Sir.

Q. In fact, did he have anybody present when you made this request?

A. Well, his Father and Mother were in the house.

Q. They were in the house?

A. Yes, Sir.

Q. Now, how long did you have this car in Police custody beginning October 31st?

A. Approximately two weeks.

Q. Did you exhibit, point out this car to any prospective witnesses?

A. No, Sir, I did not.

Q. Did anybody point out this car to any prospective witnesses in your presence?

A. No, Sir.

Q. Are you saying that when you took this car into custody, that you turned it over to whom?

A. Trooper Keppick, and Trooper Gomb.

Q. Do you know where it was taken?

A. Yes, Sir.

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Q. Where?

A. The garage at the South Williamsport Borough Building.

Q. Did you go there along with the car at the time?

A. Yes, Sir.

Q. And then you left the car there?

A. The car was left there, yes, Sir.

Q. Did you ever go back to that car?

A. Yes, Sir.

Q. For what purpose?

A. To examine it, the exterior, the interior.

Q. When did you go back?

A. Over a period of a couple of days.

Q. Did you examine it the day you took it in?

A. Yes, Sir.

Q. What did you do in your examination?

A. We just made a search of the inside.

Q. Who is "we"?

A. Trooper Keppick, and Trooper Gomb, then they continued with their examination of the car for the next day.

Q. Let me ask you what you did on October 31st, either alone or in association with other officers?

A. In company with other officers.

Q. Did you examine this car on October 31st?

A. Yes, Sir.

Q. The interior and exterior?

A. Yes, Sir.

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Q. What did you find on the interior?

A. You mean the contents of the car?

Q. I want to know what you found?

A. There was some paper cups there, cigarette butts, a lot of dirt, and items we talked about on the ledge of the back seat, straws, an empty soda bottle.

Q. Lieutenant, you have already told us that the items that are on the back seat in this picture, not all of them were there on October 31st, not on the ledge, isn't that correct, Sir?

A. I said with the exception of one item.

Q. Where did that item come from?

A. It came from the wheels when the wheels were taken off the car.

Q. Who put them there?

A. I was not there when they were put back there.

Q. Except they now show up in the picture?

A. That is right, the picture was taken after the hub caps were taken off of the car.

Q. There is another item to the right of the helmet that was not there on October 31st, is that correct?

A. I didn't say it wasn't there, I don't recall seeing it there.

Q. You don't recall seeing it there and you don't know what it is?

A. No, Sir.

Q. Now, when you say you examined this car, what was

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your purpose in making the examination?

A. To determine what we could find on the inside of the car.

Q. Did you make a list, you or anyother officer in conjunction with you, make a list of what was found on the interior of this car?

A. I didn't at that time, no, Sir.

Q. Did you later?

A. I didn't.

Q. Somebody else did?

A. Yes, Sir.

Q. Have you told us everything that you found, or saw found in this car?

A. What I observed on the interior.

Q. On October 31st?

A. Yes, Sir.

Q. I am sorry, you were answering and I was asking, did you tell us everything that you saw or that you found, or saw found, on the interior of this car on October 31st?

A. To the best of my knowledge, Sir.

Q. Did you remove anything from this car on October 31st?

A. No, Sir, I did not.

Q. Did either of the other officers remove anything?

A. I have no knowledge of it, Sir.

Q. You were there, weren't you?

A. I wasn't there for the entire examination of the car.

Q. Now, look, you are a Policeman attached to and for

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part of this investigation?

A. Yes, Sir.

Q. You consulted with other Police Officers concerning this matter?

A. Yes.

Q. You were one of the Investigators on this case?

A. Right.

Q. Do you know, if the other Officers, in discussing this investigation with you removed anything from this car?

By Mr. Ertel:

We will have the other Officers here.

By Mr. Fierro:

I want to know from him.

By The Court:

Q. Do you understand the question?

A. Yes, Sir, I understand.

Q. You may answer?

A. Not in my presence.

By Mr. Fierro:

Q. I didn't ask you if it was in your presence, do you know any other Officers removed anything else from this car?

A. I don't know.

Q. You don't know?

A. No, Sir, because I was not there for the entire examination of the car.

Q. I didn't ask you if you were there for the whole examination, I only want to know from you if you know in discussing

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with other Police Officers whether they removed anything?

A. No, Sir, I don't know if they removed anything.

Q. You don't know?

A. No, Sir.

Q. The purpose of your investigation and examination of this car was to determine whether or not Jennifer had been in that car, isn't that correct?

A. Yes, Sir.

Q. Because at that time Kim Hubbard was a suspect, wasn't he?

A. Yes, Sir.

Q. So that you are COMPARE SIDE BAR 613 D.A. SAYS NOT A SUSPECT UNTIL BOTTOM whoever else with you, either that

day or later, made an examination to see if you could find anything that belonged to Jennifer Hill, isn't that correct?

A. Yes, Sir.

Q. You also made an examination of that car to see if you could find anything in that car that came from the field or the area where Jennifer's body was found, isn't that true?

A. That is correct, yes, Sir.

Q. Now, Lieutenant, were you one of the first Police Officers to examine this car?

A. No, Sir.

Q. Who was the first one?

A. Trooper Keppick and Gomb.

Q. Weren't you there when they were doing it?

A. I was present, yes, but I wasn't taking an active part at that time in examining the inside of the car.

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Q. I thought you told me you did examine the inside of the car?

A. I did that day, you asked me if I examined that day.

Q. Yes?

A. Yes, I did.

Q. You examined it for the purpose we were talking about, that is trying to find out whether there was any evidence related to this case?

A. That is right.

Q. Now, you examined this car on October 31st, you said you didn't remove anything from the car?

A. That is correct.

Q. Did you find any women's clothing in the car?

A. I didn't.

Q. Did either of the other Troopers find any women's clothing?

A. I don't know if they did or not.

Q. You don't know and you were there?

A. Yes, Sir.

Q. What is the matter, weren't you looking, Lieutenant?

A. Yes.

Q. You were looking for, I will withdraw that question. You were looking for blood stains, if they were there?

A. Yes, Sir.

Q. Did you find any blood stains?

A. No, Sir.

Q. You were looking for evidence that might indicate a struggle in that car, weren't you?

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A. Yes, Sir.

Q. Did you find any evidence, tell this Jury, did you find any evidence that indicated there was a struggle in that car?

A. I didn't.

Q. Well, you were looking for it though, weren't you?

A. I said there were two Troopers making an investigation.

Q. I am asking you about you?

A. I am answering for myself, I didn't.

Q. Did you find any evidence in that car on October 31st when you examined it that indicated there was a struggle in that car?

A. I didn't, Sir.

Q. No, you didn't, that is your answer?

A. Yes.

Q. How did you go about making this investigation, you, I mean?

A. As far as my part in it?

Q. Yes?

A. I supervised the examination of the car.

Q. What does that mean, explain it to us?

A. I wanted to make certain that there was an examination made of the interior of the car for any evidence we could, would be noticeable at that time. Two of the people who conducted the investigation were in charge of, were making the check of the inside of the car.

Q. Under your supervision?

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A. Yes, Sir.

Q. And in your presence?

A. But I wasn't there during the entire examination of the car.

Q. But you know, they reported to you concerning the results, didn't they?

A. Yes, Sir.

Q. So that you would know whether anything was found or not, because these men were under your supervision, weren't they?

A. That is right.

Q. Now, tell us, these men who were under your supervision, what did they remove from this car?

A. They removed samples of mud and a few other items from the inside of the car.

Q. I am not satisfied with your saying "a few other items", I want to know what they were?

A. Anything that a vacuum cleaner could pick up off the floor or the seats.

Q. Do you know what that was?

A. No, Sir, everything that was placed in the bag and taken to the State Police Crime Laboratory at Harrisburg.

Q. Did you make a list of that before it was sent down?

A. Just what was, whatever was scooped up by the sweeper was placed in a bag and taken down.

Q. I asked you did you make a list of what was taken

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down?

A. No, Sir, I didn't.

Q. Who did?

A. The men who were making the, conducting the examination of the car.

Q. That is the fellows you have already told us about?

A. Yes, Sir.

Q. Did you see the results of that Laboratory examination?

A. Yes, Sir.

Q. Do you have it here?

A. No, Sir, the man in charge from the Laboratory has the results.

Q. Did you personally make an examination, I am not talking about supervise?

A. Of what, Sir? I made a lot of examinations.

Q. Of this car?

A. The interior of the car?

Q. Yes?

A. Yes, Sir.

Q. You did?

A. Yes, Sir.

Q. Okey, while you were making the personal examination, did you see any blood inside of this car?

A. No, Sir, I didn't.

Q. Did you see any women's clothing inside of this

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car?

A. No, Sir, I didn't.

Q. Did you see any evidence indicating there was a struggle inside of the car?

A. No, Sir, I didn't.

Q. Did you look at the seats in this car?

A. Yes, Sir, I looked them over.

Q. Did you look generally at the interior of the car?

A. I did.

Q. Did you see the fabric, if it was fabric or whatever the textile or otherwise of the seats, were they destroyed in any way other than normal wear and tear?

By Mr. Ertel:

I object, how can a person tell?

By Mr. Fierro:

Let him say it.

By Mr. Ertel:

I do object.

By The Court:

Q. Do you understand the question?

A. Yes, Sir.

Q. The objection is over ruled.

By Mr. Ertel:

I will withdraw the objection then.

A. From my observation, I couldn't say for certain.

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By Mr. Fierro:

Q. You couldn't say what for certain?

A. Anything about the wear of the fabric in the inside of the car.

Q. Did anything appear to you in the total interior of the car that it had recently been destroyed in any way, recently destroyed and

A. Not to me, Sir.

Q. Did you look for fingerprints in this car?

A. I didn't, Trooper Keppick did.

Q. Did you find any hair in this car?

A. I didn't, Sir.

Q. But we know somebody did, don't we?

A. That is correct.

Q. Who was it that found that hair, do you know?

A. No, Sir.

Q. You don't?

A. No, Sir.

Q. That wasn't found the day you took the car in, was it?

A. No, Sir.

Q. Did you or your men on October 31st vacuum the interior of this car?

A. Not until the following day.

Q. All right, the following day, but it was in Police custody, wasn't it?

A. Yes, Sir.

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Q. But you were there when it was vacuumed?

A. No, Sir.

Q. Do you know who did it?

A. Trooper Gomb was one of the members, do you know whether anybody tried to get any fingerprints out of this car?

A. Yes, Sir.

Q. Who was it?

A. Trooper Kappick.

Q. Are they the two Officers who the next day, presumably November 1st, did a thorough interior examination of the car or were there others?

A. No, they were the two.

Q. That would have been November 1st, wouldn't it?

A. The first, and it was a couple days after that.

Q. Also November 2nd?

A. I don't know the exact dates.

Q. There are some records about this somewhere?

A. Yes, Sir, there is.

Q. Did you ask Kim Hubbard for anything else except the boots and car, like, for example, did you ask him, excuse me, did you ask him for his clothing?

A. No, Sir, I....are we talking about clothing?

Q. Yes?

A. No, Sir, I didn't.

Q. Somebody in your presence?

A. Not in my presence.

Q. Did you see any clothing that may have been surrender-

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ed by Kim?

A. No, Sir, I don't.

Q. Did you interrogate him?

A. Yes, Sir, I did.

Q. For how long?

By Mr. Ertel:

I object to this, we are going to recall him for this purpose, he was only offered for the purpose of the car at this time.

By Mr. Fierro:

He is a Commonwealth witness, a member of the investigating team, while he is on the stand I think it is just as efficient if we go ahead instead of waiting for the District Attorney saying "We are going to recall him.", and furthermore, all of the questions concern the very meat of this case.

By Mr. Ertel:

I do not dispute all of these questions as to the interrogation of Kim Hubbard going to the meat of the case, however I am going to recall him in order and my case at this point, and I am entitled to proceed in an orderly fashion.

By The Court:

Would you establish whether this was on the 31st or not, before I rule?

By Mr. Fierro:

Q. Did you interrogate him on the 31st?

A. At his home, yes, Sir.

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By The Court:

The objection is over ruled for the date of the 31st.

By Mr. Fierro:

Q. Now, we are still talking about October 31st, did you also interrogate him at the Borough Hall?

A. Yes, Sir, I did.

Q. So that you interrogated Kim Hubbard twice on October 31st?

A. No, Sir, just once at his home.

Q. How about Borough Hall?

A. That was on a different date, Sir.

Q. I was asking you about October 31st, how long were you in his house on the 31st?

A. Approximately a couple of hours.

Q. Did you, Lieutenant, spend a couple of hours interrogating this boy?

A. No, we didn't spend that much time talking to him.

Q. What were you doing there for a couple of hours?

A. Talking to his Father and Mother.

Q. And to Kim Hubbard?

A. No, he was not home when we, when we first got there.

Q. How long did you interrogate him that day?

A. Approximately an hour.

Q. An hour?

A. Yes.

Q. And I suppose you told him that he didn't have to

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answer your questions, isn't that right?

A. Very true.

Q. And he voluntarily answered your questions, isn't that right?

A. Yes, Sir.

Q. You told him he had a right to have a Lawyer, didn't you?

A. Yes, Sir.

Q. You told him he had a right to remain silent, didn't you?

A. Yes , Sir.

Q. In other words, you gave him what we have known and what we know as the standard Miranda warning, isn't that what you gave him?

A. Yes.

Q. Even after you gave him that warning, this boy consented to answering your questions, isn't that correct?

A. Yes.

Q. And he had no Lawyer there, did he?

A. No.

Q. And he didn't ask for one, did he?

A. No, Sir.

Q. Was it during this hour interrogation or shortly after that, that Kim turned over his boots and car to you?

A. That is right.

Q. Now, I would like to know, as they relate to this case, what questions you asked Kim Hubbard....

Hynick.

A. Concerning his activities on the 19th of October.

Q. And also concerning whether or not he saw Jennifer Hill, you asked him that, didn't you?

A. I don't remember if I asked him or somebody else did.

Q. Who would that somebody else be?

A. The people who were in my presence.

Q. Who are they?

A. Sgt. Peterson.

Q. You two men?

A. Yes, Sir.

Q. Between you two men on October 31st, didn't you question this boy over a period of an hour as to whether or not he saw Jennifer Hill that day?

A. During our conversation with him that was mentioned by Sgt. Peterson.

Q. Lieutenant, is this the only time you were in the Hubbard house?

A. I was there on two occasions.

Q. Is this the only time you interrogated Kim in the Hubbard house?

A. That is correct.

Q. Are you sure that the District Attorney wasn't there with you?

A. Yes, Sir, he was.

Q. I thought you just, you said just this other Trooper
~~and somebody else~~ isn't that what you said?

Hynick.

A. I said when I first come here that Sgt. Peterson and District Attorney, Mr. Ertel, was with me.

Q. Really, is that what you told us?

A. Yes, Sir, I did say that.

Q. Wasn't the District Attorney asking questions also?

A. Yes, Sir.

Q. Well, then there were three of you asking Kim Hubbard questions in his house on October 31st, right?

A. Yes, Sir.

Q. And the District Attorney was there when you asked Kim to surrender his car and boots, is that right?

A. Yes, Sir.

Q. Now, this is not the last time that you questioned Kim, is it?

A. No, Sir.

Q. You questioned him thereafter, didn't you?

A. That is right.

Q. Somewhere in the course of your investigation this thing about the white helmet became important, as you know, isn't that correct?

A. That is correct.

Q. Did you bother to find out where or when Kim Hubbard got this white helmet?

A. No, Sir, I didn't.

Q. Do you know if anybody did?

A. Not to my knowledge.

Q. So far as we know through you, Lieutenant, nobody

Hynick.

on the investigating staff to this minute has ever bothered to find out where or when Kim got the white helmet, isn't that a correct statement? - *when did they look to Eastern Wood Products*

A. Not to my knowledge. If they did, I don't know about it.

Q. That is right, so that you don't know whether or not Kim Hubbard got this white helmet on October 24th, you don't know that, do you?

A. No, Sir.

Q. This white helmet, you looked at it, didn't you?

A. Yes, Sir.

Q. Do you know where it came from?

A. I said that I didn't.

Q. Did you ask Kim about it?

A. No, Sir.

Q. Was there anything on this white helmet that had a label or something you could trace?

A. I don't recall if it had or not.

Q. Was there anything about it that you could have checked out, like for example whether there were steel shavings in it or bread and water or flour or anything?

A. I didn't examine the helmet.

Q. And you never questioned anybody about that helmet, did you?

A. No, Sir.

Q. Do you know anybody who questioned anybody about this helmet?

Hynick.

A. Not to my knowledge.

Q. Were you present when somebody from the Police showed this car to Mrs. Nevel and pointed out this white helmet on the ledge?

By Mr. Ertel:

I object to that, that is a statement and not a question.

By Mr. Fierro:

I am asking if he was present when this was done, he either was or wasn't.

By Mr. Ertel:

I object, it implies that was done.

By Mr. Fierro:

Yes, I say it was done and I intend to prove it.

By Mr. Ertel:

I would be happy to have you do it.

By Mr. Fierro:

You heard it at the preliminary examination.

By The Court:

Do you expect to follow it up?

By Mr. Fierro:

I expect to follow it up through the District Attorney taking the stand or one of his Policemen.

By The Court:

Q. Do you understand the question?

A. Yes, Sir, I do.

Q. You may answer, the objection is over ruled.

Hynick.

A. No, Sir, I was not.

By Mr. Fierro:

Q. Were you present when these photographs were made of this car?

A. No, Sir, I was not.

Q. Do you know who put the other articles on the ledge of that car that you say were not on the ledge when you took control of it on October 31st?

A. No, Sir, I don't.

By The Court:

Mr. Fierro, we are going to take a recess at this time. The Defendant and the Jurors are now excused.

By Mr. Fierro:

He wants to talk to me.

By The Court:

Sheriff, you will arrange that they go in the other room over here reserved for Mr. Fierro.

Court is recessed for ten...for fifteen minutes.

(Recessed at 2:45 P.M. and reconvened at 3:00 P.M.).

(Lieutenant Steven Hynick returned to the witness stand.).

By The Court:

Proceed, Mr. Fierro.

By Mr. Fierro:

Q. Lieutenant Hynick, on October 31st when you were in the Hubbard house talking with Kim and Mr. and Mrs. Hubbard, was that the occasion that you told Mr. Hubbard, that is the Father, that there were more than two sets of footprints at the

Hynick.

scene where Jennifer's body was found?

A. Yes, Sir. Can I qualify my answer, Sir?

Q. Well, I was going to ask you another question, you answered the question.

By Mr. Ertel:

I believe the man is entitled to explain.

By Mr. Fierro:

Some questions do not require an explanation.

By The Court:

The Court does not feel an explanation is necessary, proceed.

By Mr. Fierro:

Q. And didn't you also tell him, these were your words, or substantially your words, that you couldn't tell whether it was two or more people whose footprints were down there where the body was found?

A. No, Sir, I did not.

Q. Well, what did you say about it?

A. We talked about shoe prints, a boot print and a sneaker print.

Q. You say "we", I am talking about you, what did you say?

A. I am talking about Joe, Mr. Hubbard.

Q. No, I am asking what you said to him, about these prints where the body was found?

A. Just the one set of prints where the body was found is what I, what we talked about.

Hynick.

Q. I thought you admitted awhile ago that you did make a statement such as that, you said there was more than one set of prints made by possibly two people or more?

A. Not under, not where the body was found.

Q. What did you say to Joe regarding footprints?

A. There was one set of footprints right under the body and there was a pair of sneaker prints out in the roadway.

Q. Is that what you said to Joe Hubbard?

A. That is correct. That was my request to explain my answer.

Q. That is all.

By The Court:

Mr. Ertel.

RE-DIRECT EXAMINATION

By Mr. Ertel:

Q. Sgt., or just to clear up a few things, or Lieutenant, I am sorry, are you the administrative head of the Department?

A. That is correct, yes, Sir.

Q. Are you the actual operating personnel in the investigation of the crime?

A. I don't understand what you mean.

Q. By the "operating personnel", I mean were you directly in charge of this investigation to details and things of that sort?

A. No, Sir, not as far as the investigation was concerned itself.

Hynick.

Q. Who was in charge?

A. Corporal Barto.

Q. Do you make detailed inventories and examination of vehicles or do you have a special department for that?

A. Other people do that, Sir.

Q. Who is in that department in your Barracks?

A. Trooper Keppick, Sir.

Q. So that when you state here that you examined this car, did you make the detailed thorough examination of that?

A. An....

By Mr. Fierro:

I object, he is leading the witness.

By The Court:

Refrain from leading.

By Mr. Ertel:

Q. Who would make a detailed R&I examination?

By Mr. Fierro:

Not who would, who did.

By The Court:

The objection is sustained, it is what happened in this case.

By Mr. Ertel:

He asked this man what he knows from various things, but he was not there, how can he say?

By Mr. Fierro:

Don't say he was not there, the man said he was there.

Hynick.

By Mr. Ertel:

Q. Were you there at all times when detailed examination of this car was made?

A. Not in all cases.

Q. Were you there constantly when, at the time that the detailed examination was made?

A. No, Sir, I was not.

By Mr. Fierro:

I object to his leading his own witness.

By The Court:

Refrain from leading.

By Mr. Ertel:

Q. Will you describe your role in this examination of the car?

By Mr. Fierro:

That is repetitious, it has been done twice.

By The Court:

The Court will permit it however, the objection is over ruled.

By Mr. Ertel:

Q. Go ahead and explain?

A. My position is Lieutenant in the State Police, my role in this investigation was administrator to see that the proper persons were doing their job.

By Mr. Fierro:

I object to that, that is not responsive.

By The Court:

Answer the specific question, Sir.

Hynick.

By Mr. Ertel:

Q. What was your role in this investigation?

By Mr. Fierro:

I object to that general, vague question, on the grounds that it is improper re-direct and repetitious.

By The Court:

Q. In addition to what you testified to, what was your role in this specific case, Sir?

A. To see that the proper persons were assigned to different phases of the investigation.

By Mr. Ertel:

Q. Incidentally, how many days after the disappearance of Jennifer Hill did you confiscate or get the car from Kim Hubbard, how many days had elapsed?

By Mr. Fierro:

As I understand the District Attorney's original statement and the Court's ruling, I had to limit myself to October 31st, because he said he was going to recall this witness.

By The Court:

He is opening it up now.

By Mr. Ertel:

Now, wait a minute, if I may....

By Mr. Fierro:

You may do it at Side Bar.

By The Court:

Side Bar.

Hynick.

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

By The Court:

Mr. Ertel, do you want the question read back?

By Mr. Ertel:

No.

By The Court:

Proceed.

By Mr. Ertel:

I have no further questions subject to recall.

By The Court:

Mr. Fierro?

By Mr. Fierro:

Subject to what the Court and we discussed at Side Bar.

By The Court:

All right. Do you have any further examination on what he covered on re-direct?

By Mr. Fierro:

Your Honor, I got to say not on that point.

By The Court:

Lieutenant, you are prohibited from discussing your testimony or the case with anyone except the District Attorney or the Defense Attorney or members of their Staff.

A. Yes, Sir, I understand.

(Excused from stand.).