

David E. Kinney.

DAVID E. KINNEY, being duly sworn according to law,
testified as follows:

By Mr. Fierro:

I would like an offer on the record.

(AT SIDE BAR.)

By Mr. Fierro:

Q. I move that the Court strike all of the testimony
on the last witness on the grounds that it didn't conform to
the offer of proof.

By The Court:

Refused.

By Mr. Ertel:

This chap will testify that he worked with Kim, he
left with the white helmet, he saw the white helmet in his car.
He had numerous white helmets in his car that he took from
Eastern Wood. There was a controversy at Eastern Wood about the
helmets disappearing and Kim was told to bring them back, and he
never did.

By Mr. Fierro:

This is hearsay.

By The Court:

The hearsay I will not leave in.

By Mr. Fierro:

Is he going to say he kept any of these helmets?

By Mr. Ertel:

Yes, two or three to be exact, he just saw them
many times.

David E. Kinney.

By Mr. Fierro:

Does he know if he brought them back or not?

By Mr. Ertel:

He knows he had them into July.

By Mr. Fierro:

Will this man say he kept one and he never returned
one?

By Mr. Ertel:

Yes.

Check Kinney's account on next page

(END OF SIDE BAR.)

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name?

A. David E. Kinney.

Q. Where do you live?

A. South Williamsport.

Q. Do you know the Defendant in this case, Kim Hubbard?

A. Yes.

Q. Did you work with him at Eastern Wood Products?

A. Yes.

Q. Were you with, were you there the day he left?

A. Yes.

Q. What happened on that occasion?

By Mr. Fierro:

I object to what happened.

David E. Kinney.

By The Court:

Q. Do you understand the question?

A. Yes, Sir.

Q. You may answer.

A. We were just working.

Q. Speak up?

A. We were just working and he decided to quit.

By Mr. Ertel:

Q. Did he take anything with him when he left?

A. No.

Q. Did you ever see any white helmets like.....

By Mr. Fierro:

I object to his leading the witness.

By The Court:

Refrain from leading the witness.

By Mr. Ertel:

Q. What kind of helmets did you use at Eastern Wood?

A. Regular white plastic helmet.

Q. Is that an example of one sitting in front of you?

A. Yes.

Q. Did you ever see any of those in Kim's car?

A. Yes.

Q. How many did you see there?

A. I know he had a couple, two.

Q. How long into the Summer did you see those in his car?

By Mr. Fierro:

I object to his leading.

David E. Kinney.

By The Court:

You may answer.

A. Well, it was a few months before school started.

By Mr. Ertel:

Q. Can you give an approximation if it was summertime or not?

A. It was around July.

Q. You saw them there at that time?

A. Yes.

Q. Did you ever have a conversation with Kim about White helmets?

A. No.

Q. Do you recall anything about re turning white helmets to.....

By Mr. Fierro:

I object to his leading.

By The Court:

Refrain from leading the witness.

By Mr. Ertel:

Q. Did somebody else have a conversation with Kim about white helmets?

By Mr. Fierro:

He is leading, and I object.

By The Court:

Q. Do you understand the question?

A. Yes.

Q. You may answer?

David E. Kinney.

A. He told me that he was told about having too many helmets.

By Mr. Ertel:

Q. Did he have helmets after that?

A. Yes.

Q. No further questions.

CROSS EXAMINATION

By Mr. Pierro:

Q. Mr. Kinney, do you know whether or not Kim took back the helmet, or don't you know? *He probably was told that*

A. That, I don't know. *Kim took more helmets than he put*

Q. Well, what you do know the day he left the job you say he took nothing with him?

A. Right.

Q. Is that correct?

A. Right.

Q. That means he didn't even take a helmet, is that correct?

A. Right.

Q. Mr. Kinney, were you ever in Kim's car like August or September or October of last year?

A. Yes.

Q. All right, did you ever see any white helmets in the car then?

A. Yes.

Q. How many?

A. Well, I can't be exact, but I know I seen them sitting

David E. Kinney. - David J. Shellman.

on the window ledge.

Q. On the window ledge?

A. Yes.

Q. One ore more than one?

A. That, I can't be sure of, I don't know.

Q. When was the last time you were in his car?

A. I don't know.

Q. You don't know?

A. No, I think it would be, the last time would be around August.

Q. Around August?

A. Yes.

Q. We are talking about 1973?

A. Right.

Q. No further questions.

(Excused from witness stand.).

DAVID J. SHELLMAN, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name and address?

A. David J. Shellman, 809 Main Street, South Williamsport

Q. Your sister, I believe, testified in this case?

A. Yes.

Q. Mr. Shellman, where do you work?

A. Capitol Finance.

Q. Do you know the Defendant, Kim Hubbard?