

Nevel.

BETTY J. NEVEL, being duly sworn according to law,
testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name, please?

A. Betty J. Nevel.

Q. Where do you live?

A. 503 Howard Street.

Q. That is in South Williamsport?

A. Yes.

Q. How far is that off of Central Avenue, how many
blocks?

A. A block and a half.

Q. Which side of the street do you live on, on Howard
Street?

A. The east side.

Q. That would be towards Market then?

A. Yes.

Q. Are you north or south of Central Avenue?

A. South.

Q. Now, Mrs. Nevel, do you know the Defendant in this
case, Kim Hubbard?

A. No, I do not.

Q. Did you know Jennifer Hill?

A. No, just her sister.

Q. Now, going back to the 19th day of October, 1973,
can you tell us what, if anything, unusual happened on that day

Nevel.

that makes you recall?

A. Well, it was the day I was to have my cat put to sleep, and school was out that day, and I went shopping in the morning, and talked to the Doctor, and in the afternoon we were watching television and this is when Jennie came up the street.

Q. Now, who was watching television with you?

A. My daughter, Beth.

Q. How old is she?

A. 11.

Q. What grade of school is she in relation to Jenny

Hill?

A. She was in the 6th grade/and Jenny was in the 7th.

Q. Would you describe approximately what time of day you saw Jenny Hill?

A. 4:30.

Q. How do you establish that time?

A. Well, the program on television, well one was ending and the "Flintstones" were coming on.

Q. Which was ending, do you recall?

A. "Secret Storm".

Q. Now, will you describe what happened at that time of day and what you observed?

A. Well, I was seated at the couch, and she came up the street and she looked at my door, I had a Halloween decoration on and I asked my daughter who she was and she said "Jenny Hill", and I turned and kept watching and she got in the car.

Q. What car did she get into?

Nevel.

A. A light green metallic car.

Q. All right, and where did you, would you describe what she did, what her activities were as she proceeded up the street, how you watched her and what she did?

A. She was looking around.

Q. Would you sort of show the Jury exactly what you mean by "looking around"?

A. Well, she was looking towards the street and in my backyard, and just looking around.

Q. Then what happened?

A. Well, then the car pulled up and she took a little skip before she started to run, and she went across the back of the car and into the opposite the driver's side.

Q. Could you observe the driver?

A. Well, I seen an outline, but I didn't, I couldn't describe his face.

Q. Did the driver do anything as far as.....

A. I just seen the hand.

Q. Would you show us what you mean by "seen the hand"?

A. Well, just, you know, close to the window, I could see a hand movement.

Q. What happened when Jennifer got into the car?

A. Well, they drove away.

Q. Could you see her get into the car, physically get into the car?

A. Yes.

Q. All right, now would you describe the car and its'

Nevel.

contents, the best you can recall?

A. Well, it was light green and it was metallic and had the helmet on the back, on the ledge, and a Pennsylvania license number.

Q. Do you recall what the license number was?

A. It was 1, 9 or 7.

Q. Which number in the license was that?

A. The first number.

Q. Did you have occasion to see that car again?

A. Did you have occasion to see that car again?

A. At a later date I seen it on 6th Avenue.

Q. Do you recall what date at all?

A. No, I don't.

Q. When you saw it on 6th Avenue, where is 6th Avenue in relation to your home?

A. A couple of doors away, it would, it is towards the mountain, it would be south.

Q. You were located on Howard Street, I am pointing to Exhibit No. 42, if you step over here, here is Mountain Avenue and here is 6th Avenue, is that correct?

A. Yes.

Q. And would this be the approximate location of your home on Howard Street?

A. Yes.

Q. Now, where approximately on 6th Avenue did you see that car again?

A. Well, coming across here.

Nevel.

Q. Now, let's return to the 19th of October, the day you saw Jennie Hill, which direction was Jennie going?

A. Up this way.

Q. That would be going towards the mountain, is that correct?

A. Yes, south towards the mountain.

Q. On Howard Street?

A. Yes.

Q. Now, which way was the car that picked her up going?

A. The same direction.

Q. In other words, it was going south on Howard Street, where did the car stop?

A. In the front of the house, next door.

Q. Could you tell whether or not Jennifer got in the front seat or back seat of the car?

By Mr. Fierro:

I object to his leading the witness.

By The Court:

Refrain from leading the witness.

By Mr. Ertel:

Q. Do you know, could you tell which door she got into the car, if any?

A. Yes, I did say that the front, opposite the driver.

Q. Did you see that car again, after you saw it on 6th Avenue?

A. I don't know whether I saw it after on 6th Avenue or

Nevel.

Q. I see....

By Mr. Fierro:

She didn't finish her answer.

By The Court:

Q. Was your answer finished?

A. What, on 6th Avenue?

Q. Your answer to the question?

A. I seen the car again in the garage, but I don't know whether it was before I saw it on 6th Avenue or after.

By Mr. Ertel:

Q. Where did you see it in the garage?

A. The Borough Hall Garage.

Q. Were you able to identify the car at that time?

A. Some things about it, but the damage was confused

me.

Q. What do you mean by the "damage"?

A. Well, I didn't see the damage on the day she got in on the 19th.

Q. What view did you have of the car on the 19th when she got into it?

A. Mostly the back, and a little bit of the side.

Q. Did you see the front of the car at all?

A. No, I did not.

Q. Now, when you observed, can you tell us what that street is like as far as trees and so on, on Howard Street between Mountain Avenue and 6th Avenue?

A. There is a lot of trees on it, all on one side.

Nevel.

Q. Which side?

A. Well, in front of our house there is two, and then there is three across the street, and a big Oak tree in the side yard of the, across the street.

Q. I am not sure if you answered this, could you tell me if there were more than one person in the car before Jennifer Hill got in or after she got in?

A. I only saw one person.

Q. Now, can you describe how Jennifer Hill was dressed?

A. She had a football jersey on with the number "33", and she was carrying a pink and white plastic bag and a jacket on the left arm, blue with a white stripe some where, and black and white sneakers.

(Commonwealth's Exhibit No. 49 marked.).

Q. I show you marked as Commonwealth's Exhibit No. 49, and ask you if you can identify this as the type.....

A. Yes.

Q. What is it?

A. Glick shoe bag.

Q. Is it similar to or like the one Jennifer Hill had?

A. Yes.

Q. No further questions.

By The Court:

Cross examination.

Nevel.

CROSS EXAMINATION

By Mr. Fierro:

Q. Mrs. Nevel, you testified previously at the preliminary hearing in this matter, didn't you?

A. Yes.

Q. You are saying, Mrs. Nevel, that you are watching television, you are concerned because you have to put your cat to sleep that night?

A. Yes.

Q. So while you are watching television, you are distracted because you see somebody walking outside on your sidewalk?

A. Yes. I don't keep my eyes glued to a TV set. Nobody went up the street that day.

Q. That is what attracted your attention to that fact, that nobody went up the street that day, so as soon as you saw somebody you got curious?

A. I am always curious about the children that go up and down the street, I watch them come home from school, watch them go to school.

Q. So you got curious about this child, although you know that day your child was off school?

A. Yes.

Q. School was out?

A. Yes.

Q. Was there any particular reason for you to be curious about that child?

Nevel.

A. Well, she looked close to my daughter's age and I wanted to know if she knew her and she was pretty, and I just thought, well I just asked her if she knew her.

Q. You are sitting watching television, you are sitting on a chair or couch or something?

A. Yes.

Q. I assume that your window has some sort of curtains on them?

A. Yes.

Q. And while you are watching television, somehow out of the corner of your eye you see a girl?

A. Yes.

Q. Through the curtained windows?

A. Yes.

Q. Walking north on Howard Street, and so you decide to get curious about it and get up, don't you?

A. No, I did not get up.

By Mr. Ertel:

I object to the question, it is a misstatement of her testimony. She didn't....

By Mr. Fierro:

I don't want to know from you what she said, just your objection.

By The Court:

It was answered, proceed.

By Mr. Fierro:

Q. You did see this girl through the curtains, didn't

Nevel.

you?

A. Yes.

Q. So you get curious, and you say to your daughter, "Who is this girl?"?

A. Yes.

Q. Is that right?

A. Yes.

Q. Now, do you still remain seated?

A. Yes.

Page 217X Q. Does your daughter get up and go to the window?

A. Yes.

Q. Your daughter says, "Well, that is Jennifer Hill."

A. Yes.

Q. Now, your daughter goes back and sits down?

A. I don't know that she went back and sat down, I don't know that.

Q. You don't know that?

A. No.

Q. You know you made an excellent identification of Jennifer Hill's clothing, you know that, don't you?

A. Yes.

Q. But you don't know whether your daughter went back and sat down?

A. I was looking out the window, my head was looking out the window.

Q. Your head was looking out the window, your daughter was at the same window, wasn't she?

Nevel.

A. She was at the same window, yes, but I was not looking at her.

X Q. You were not looking at her, but she is looking out the same window?

A. Yes. *Page 217*

Q. Don't you know whether your daughter is standing by the window?

A. She was not standing.

Q. Let me ask the question.....

Q. You said she was standing.

Q. Wasn't she standing?

A. No, Sir.

Q. Your daughter remained seated?

217 X A. She got up and came over and got on her knees on the couch, opened the curtains and looked out.

Q. So we know now your daughter got up from wherever she was seated, she went over, she knelt on the couch, she parted the windows, and that is the window you were looking out of?

By Mr. Ertel:

I object, nobody can part windows.

By Mr. Fierro:

Q. Parted the curtains?

A. I have double windows.

Q. The curtains you parted, were you looking through that section of the window?

A. I was looking through the other section, they are

double windows, she was on the other section.

Q. You were looking through the windows, the curtains were not parted, not parted through the windows you were looking through?

A. Yes, I opened them.

Q. Did you get up or were you able to remain seated?

A. I could turn, the couch sets across the two windows, the front window is that way, and when I seen her come up Howard Street I watched and I turned and kept on watching her.

Q. Did you part the curtains?

A. Yes.

Q. All right, you parted the curtains too, and you are asking your daughter who this girl is and she says, "It is Jennifer Hill."?

A. Uh-huh.

Q. And so you continued to watch her?

A. Uh-huh.

Q. When you first saw her, where was she, like in front of so and so house, where was she?

A. When I first saw her?

Q. Yes?

A. The, I first caught a glimpse of her at my front door, she looked at my front door, there was a Halloween decoration on it.

Q. How do you know she looked at your Halloween decoration?

A. She looked at the door, she had to see it.

Nevel.

Q. How do you know she looked at the door?

A. Well, that is where her eyes were looking.

Q. How do you know her eyes were not simply looking in the direction of your house?

A. Well, I can tell when somebody is looking at my door.

Q. You can?

A. Yes.

Q. All right, you can tell when somebody is looking at your door, now you can also tell this Jury that you can tell that she was looking at your Halloween decoration, can't you?

A. Yes.

Q. And that is what you are telling this jury, aren't you, that when you saw Jennifer Hill you can tell from the way her eyes were looking, that they were looking at your Halloween decoration?

A. For an instant, yes.

Q. That is what you are saying?

A. Yes.

Q. What did she have in mind as she was walking up the street?

By Mr. Ertel:

I object.

By The Court:

The objection is sustained.

By Mr. Fierro:

I don't like this chatter back here.

Nevel.

By The Court:

The Court will clear the Court Room, those that are making the noise, unless it stops immediately.

By Mr. Fierro:

Q. In any case, you do know what her eyes were looking at, don't you?

A. At that particular, there, yes.

Q. Now, you said that she was turning her head?

A. Yes.

Q. From side to side?

A. Yes.

Q. Right?

A. She was looking around.

Q. She was looking around?

A. Yes.

Q. Now, since you know that she was looking when she looked at your door, since you know she was looking at your Halloween decoration, when you say she was looking around, what was she looking for?

By Mr. Ertel:

Objection.

By Mr. Fierro:

Only to test her credibility.

By The Court:

Sustained.

By Mr. Fierro:

Q. Of course, you don't know what she was looking for,

Nevel.

do you?

By Mr. Ertel:

Objection.

By The Court:

The objection is sustained.

By Mr. Fierro:

Q. Do you even know if she was looking, can you tell that?

A. Sure she was looking.

Q. Do you know at what?

By Mr. Ertel:

Objection.

By Mr. Fierro:

If she knows.

By The Court:

The objection is sustained.

By Mr. Fierro:

Q. Describe again how she was dressed?

A. She had a football jersey on, blue and white, number "33", and she had black and white sneakers, and what she was carrying.

Q. Tell us?

A. Well, the pink and white plastic bag, and a jacket on her left arm, it was blue with a white stripe somewhere.

Q. What did you notice about her jeans, were there any unusual markings?

A. I didn't notice them.

Nevel.

Q. You didn't?

A. No.

Q. Mrs. Nevel, you say that a car drove up, green, now you said "metallic" green?

A. Uh-huh.

Q. Is there any difference between that and acrylic green?

A. I don't know what acrylic green is.

Q. Do you know what metallic green is?

A. Yes, it has a brightness about it, shiny.

Q. Does acrylic green have a brightness about it?

By Mr. Ertel:

Objection, she said she don't know that, what that is.

By The Court:

Sustained, reword your question.

By Mr. Fierro:

Q. Do you know the difference between acrylic green and metallic green?

By Mr. Ertel:

I object.

By The Court:

You may answer?

A. I only know metallic, I don't know what acrylic green would be.

By Mr. Fierro:

Q. Are you a paint expert of some sort?

A. No.

Nevel.

Q. You are not?

A. No.

Q. You see this car moving south on Howard Street, right?

A. Yes.

Q. Now, at the time you see this car, you, of course, are still watching Jennifer, aren't you?

A. Yes.

Q. From the time that you saw Jennifer when she got opposite to approximately where your front door is, once having found out from your daughter that it was Jennifer, you simply didn't go back to watching TV, you continued to observe Jennifer, didn't you?

A. And the car.

Q. Well, of course, Jennifer came before the car?

A. Yes.

Q. In fact, Jennifer got as far as your next-door-neighbor?

A. Yes.

Q. When the car came into view, is that right?

A. Into my view?

Q. Is that right?

A. Uh-huh.

Q. And this metallic green car pulled up opposite to where Jennifer was standing or walking, is this true?

A. Opposite, what do you mean "opposite"?

Q. Well, it was near where Jennifer was?

Nevel.

A. Yes, it stopped.

Q. And you saw a hand?

A. Yes.

Q. That seemed to beckon?

A. It seemed that way, it moved.

Q. At least you can see the hand, couldn't you?

A. Yes.

Q. Now, this is a hand of a person behind the driver's wheel, right?

A. Uh-huh.

Q. So you could see that far, see that much of the car, couldn't you?

A. Yes.

Q. You couldn't tell whether it was a man's hand or woman's hand, could you?

A. It was a man's hand, yes.

Q. It was a man's hand?

A. Yes.

Q. Tell the Jury how you can tell from where you were in your room of your house that it was a man's hand?

A. Well, the size of it.

Q. Tell the Jury about the size of it?

A. Well, you can tell a man's hand from a woman's hand.

Q. Tell us how you can tell, I mean in this case, that it was a man's hand and not a woman's hand?

A. The knuckles were too big for a woman.

Q. Now, let's see how far away were you from this car when you saw this hand?

Nevel.

A. I don't know, I didn't measure it.

Q. Well, you have some idea, Mrs. Nevel?

A. I do not, I did not measure.

Q. Was it the length of this room from where you are seated, is that how far the car was?

A. It is hard to tell from the inside to the outside, to judge from the inside, when you go outside it is different.

Q. I am trying to find out if you can use any object in this room to tell this Jury how far away this car was when it stopped to pick up Jennifer from where you were seated, was it the length of this room or any object in this room, or further than this room?

A. Well, it wasn't further than the length of this room.

Q. Well, was it about the length of this room?

A. Well, gee, I couldn't judge until I was outside, I could tell you better outside than inside.

Q. Was the car, Mrs. Nevel, as close to you as I am, or further?

A. Well, it was further than you.

Q. Was it further than where I am standing now?

(Standing near entrance to Court Room.)

A. No, I would not say.

Q. Back here? (At last row in Court Room.)

A. No.

Q. How about this? (Next to last row.)

Give us your best estimate?

Nevel.

A. Well, back a little bit.

Q. Possibly around here?

A. I didn't measure.

Q. I am asking for a fair estimate, would this be your best estimate of the distance that the car was away from you when it stopped to pick up Jennifer?

A. It was not in a straight line like that. (Mr. Fierro standing near back row of seats on the righthand side as you enter the Court Room.).

Q. What was not in the straight line?

A. I was not looking straight like that.

Q. You were looking towards the lefthand side of the car?

A. The back.

Q. And the lefthand side, or you couldn't have seen the hand, could you?

A. Yes, I saw the hand.

Q. Well, that means you could have seen the lefthand side of the car because that hand was on the lefthand side of the car?

A. Yes.

Q. And behind the driver's wheel, wasn't it?

A. Yes.

Q. Now, at the distance we just indicated to this Jury you could tell whether that hand was male or female, couldn't you?

A. Well, not only the hand, but the head, I seen the

Nevel.

Q. Did it have hair like, maybe like a woman would wear?

A. No.

Q. Was it short cropped?

A. It didn't seem that way, just dark.

Q. Just dark hair?

A. Yes.

Q. You could see that through the rear window of the car, couldn't you?

A. No.

Q. Where did you see it?

A. From the side.

Q. From the side window of the car you could see it was dark hair?

A. Yes.

Q. Could you see that it was long?

A. It wasn't real long, no. I didn't see long hair.

Q. Well, look at Kim's hair, was it like that?

A. The same color.

Q. The same color, but was it like his hair now?

A. I couldn't see that good that it was, I know it wasn't long, not down his back, I know that.

Q. You couldn't see that well about his hair or her hair, whoever the person was, right?

By Mr. Ertel:

Objection.

By The Court:

The objection is sustained, reword your question.

Nevel.

By Mr. Fierro:

Q. I will go on. Now, you say from that distance you could see the knuckles were too large to be a woman's hand, is that right?

A. Yes.

Q. Isn't that what you said?

A. Yes.

Q. That hand did not go outside of the car, did it?

A. No.

Q. You had to see it through the glass, didn't you?

A. Uh-huh.

Q. And that is the glass in the front door of that car, isn't that true?

A. Right.

Q. Did you see any damage on either one of the two lefthand doors of that car?

By Mr. Ertel:

May I have that read back?

By Mr. Fierro:

I will ask it again.

Q. Did you see any damage on either of the two left-hand doors of that car?

A. No, I wasn't looking at the bottom part of the car.

Q. You were not looking at the bottom part of the car?

A. I was looking mainly trying to get a good look at who was in the car.

Q. You were curious about who was picking up Jennifer?

Nevel.

A. Yes.

Q. Now, can you explain to us why your eyes were able to see the front window of the lefthand door, but not see below that and see the panel part of the door?

By Mr. Ertel:

I object to the question.

By The Court:

The objection is sustained.

By Mr. Pierro:

Q. You did testify under direct examination that you did not see any damage when you saw this car, isn't that what you said?

A. Yes, on the 19th.

Q. That is what we are talking about?

A. Yes.

Q. Now, you made the statement that you didn't see any damage, does that mean you didn't see any because you didn't know there was any or you didn't see any because you didn't look?

A. Because I didn't look.

Q. Now, the lefthand side of the car that you were facing as you were looking out the window, is that right?

A. No, mostly the rear part and the back side. It was in the middle of the street, it didn't pull up to the curb.

Q. Middle of the street, which put the car further out, so you had a better view of the car?

By Mr. Ertel:

I object to that, I don't understand that question.

Nevel.

By The Court:

The objection is sustained, reword your question.

By Mr. Pierro:

Q. Didn't you have a better view of that car because it was out in the middle of the street rather than the curb, closer to you?

A. No, I would have had a better view at the curb. It would have been closer.

Q. It was out in the middle of the street, you think?

A. It stopped in the middle of the street.

Q. The righthand side of the car is the car that is away from you, isn't it?

A. Yes.

Q. That was the hidden side of the car, wasn't it?

A. Yes.

Q. Yet you are able to tell, without being able to see the righthand side of the car, which door she got into?

A. Oh, yes.

Q. Sure?

A. Because I seen her get into it.

Q. You could tell without being able to see the doors, is that correct?

A. You mean she got opposite the driver's side, yes.

Q. Were you able to see the doors on the righthand side of that car?

A. No.

Q. Now, the Police questioned you about this thing,

Nevel.

didn't they?

A. Uh-huh.

Q. You mean "yes"?

A. Yes.

Q. More than once, isn't that right?

A. Yes.

Q. In fact, you were taken to the Borough Hall where this car at one point in time was placed, isn't that correct?

A. Uh-huh.

Q. You mean "yes"?

A. Yes.

Q. And there were what, two or three Officers there when they asked you to come down?

A. Two.

Q. Doyou know their names?

A. Yes, Lieutenant....

Q. Lieutenant what?

A. Well, I can't pronounce it.

Q. Hynick?

A. Yes.

Q. Somebody else?

A. Yes, Captain Ross.

Q. That is a South Williamsport Policeman?

A. Yes.

Q. Were they the only two that was there?

A. Yes.

Q. You were asked to identify the car that was there

Nevel.

at the Borough Hall, weren't you?

A. Yes, Uh-huh.

Q. You mean "Yes" ?

A. Yes.

Q. In fact, one of these two Officers said to you, "Mrs. Nevel, is this Kim Hubbard's car?", isn't that right?

A. No, I didn't know whose car it was.

Q. What did they say to you?

A. They didn't say whose car it was.

Q. What did they say to you?

A. "Is this the car you seen?".

Q. Did they say when?

A. Yes, on October 19th.

Q. Is this what they said to you, Mrs. Nevel, "Is this the car you saw on October 19th that Jennifer Hill got into?", is that substantially what they asked you?

A. I don't know for sure, but it sounds like that would have been what they asked me.

Q. Well, you were there?

A. Yes.

Q. And you answered them, you said, "I cannot say it was and I cannot say it wasn't."?

A. Yes, because of the damage, I didn't notice the damage.

Q. You didn't notice the damage?

A. Yes.

Q. Which was on the lefthand side of that car, isn't

that right?

A. Uh-huh.

Q. You mean "Yes"?

A. Yes.

Q. There were two items of damage, one on the door, one on the left fender, right, that you saw at the Police Borough Hall?

A. Yes.

Q. It was pointed out to you, wasn't it?

A. No, it was not pointed out to me.

Q. You looked at it?

A. Yes.

Q. And yet when asked by the Officers you were unable to identify whether that was the car that picked up Jennifer Hill, isn't that the truth?

A. No, just the damage.

Q. Damage or not, didn't you say, "I cannot tell you that it was, and I cannot tell you it wasn't."?

A. Well, I said the metallic color was the same.

Q. Madam, didn't you tell the Police that you could not say whether that was the car or whether it was not?

By Mr. Ertel:

I object, he is now badgering the witness.

By Mr. Pierro:

I am always badgering whenever they are saying something that you don't like.

Nevel.

By Mr. Ertel:

No, Mr. Pierro, you are always badgering when you repeat the question eight times.

By Mr. Pierro:

I have to repeat it because I have not gotten a precise answer.

By The Court:

Read the question.

(Official Reporter read question as follows: "Q. Madam, didn't you tell the Police that you could not say whether that was the car or whether it was not?")

By The Court:

The objection is over ruled, you may answer.

A. I didn't say it was and I didn't say it wasn't.

By Mr. Pierro:

Q. Precisely. Do you remember at the preliminary examination when I asked you about that identification of the car there at the Police Borough Hall?

A. Yes.

Q. Didn't you answer then, you made the statement that you told the Police, "I cannot say that that was the car, and I cannot say that it wasn't the car.", do you remember that?

A. Uh-huh.

Q. You mean "Yes."?

A. Yes.

Q. Now, do you remember, Mrs. Nevel, that somebody pointed out a white helmet to you on the ledge of this car?

Nevel.

A. No, I seen it there.

Q. You seen it there at the Police Borough Hall?

A. Uh-huh.

Q. Did somebody mention it to you?

A. No.

Q. Did somebody say that, "Did you see this before?"?

A. I don't recall.

Q. You don't recall?

A. No.

Q. I know the District Attorney asked you that at the preliminary hearing, didn't he?

A. Yes.

Q. He pointed to it in the photograph, didn't he?

A. Yes.

Q. He said to you, Mrs. Nevel, "This white helmet, did you see this on the ledge of the car that picked up Jennie on October 19th?", that is what he asked you?

A. Yes, I seen it on October 19th.

Q. No, this is what he asked you, didn't he?

A. Yes.

Q. And you said "Yes.", that that the car you saw pick up Jennifer on October 19th had a white helmet on the ledge, isn't that what you said?

A. Yes.

Q. And, in fact, you are saying it today, aren't you?

A. Yes.

Q. And you are saying today that although the lefthand

Nevel.

side of the car was exposed to your view, you cannot tell this Jury where you saw any damage on the lefthand side of the car, can you?

A. No.

Q. Now.....

Q. But I got venetian blinds and one of the slats may ave been in that area.

Q. Sure....

A. Where the damage was, yes, it could have been.

Q. Sure it could have been, there is something....

A. A slat in the blind.

Q. There is something about your window.....

By Mr. Ertel:

I believe she is able to answer the question.

By Mr. Fierro:

Q. There is something about your window, the way you are saying, or the way you held open the slats might have intefered with your vision?

A. With that particular spot.

Q. Are you telling this Jury that one of the slats obstructed your vision?

A. No.

Q. That is what I want to know?

A. It could have.

Q. I am asking you if it did?

By Mr. Ertel:

Objection.

Nevel.

By The Court:

The objection is sustained.

By Mr. Fierro:

Q. Did you have any obstructed vision when you are looking at this car on October 19th, from whatever source?

A. No, I saw it.

Q. All right, you saw it. Now, if you saw it, can you explain to this Jury why you didn't see that crushed left fender and dented left panel of the door?

By Mr. Ertel:

I object to the question.

By The Court:

The objection is sustained.

By Mr. Fierro:

Q. Of course you know, you said you saw one of the first numbers of the license plate, you gave three different numbers, didn't you have that car in sight long enough that you could have picked up the entire license plate number?

A. No, it was too fast.

Q. Too fast?

A. Yes, it stopped, she ran in and away it went, fast.

Q. But you got three of the 10 digits, you don't know which one was the first one, you are just saying it has to be.....

By Mr. Ertel:

There are not ten digits in a license number in the State of Pennsylvania.

Nevel.

By The Court:

Q. Do you understand the question?

A. No.

Q. Reword your question.

By Mr. Pierro:

A. You saw either a 1, or 9 or 7, and you can't tell which one it was, is that correct?

A. Well, it was 1, a 9 or 7 is what I saw.

Q. I said can you tell which one of the three it was? The first number, or can't you?

A. It was a 9.

Q. It was a 9?

A. Yes.

Q. When the District Attorney asked you, you said it was either a 1, or a 9 or 7, didn't you?

A. Yes.

Q. Now you are saying positively that the first number was a 9, is that correct?

A. Uh-huh.

Q. By "Uh-huh" you mean "Yes"?

A. Yes.

Q. Do you remember testifying at the preliminary hearing, Mrs. Nevel, that you also said that you thought the first number on that license plate was a 1, a 9 or 7, but you didn't know which one it was, wasn't that your testimony before?

A. Yes.

Q. Now today you are positively saying it was a 9?

Nevel.

A. Yes.

Q. Why didn't you say it when the District Attorney asked you?

A. Well, the picture was right there and it was a 9 on it.

Q. The picture of what?

A. Of the car.

Q. You mean that he just showed you?

A. Yes, it was right there before my eyes, it was a 9.

Q. In other words, on seeing the picture you are saying that the first number was a 9, is that right?

A. Yes, I said a 1, 9 or 7, and I seen it was a 9.

Q. But you saw it from the picture he showed you?

A. Yes.

Q. All right, did you say Jennifer ran around the car?

A. Uh-huh.

Q. You mean "Yes"?

A. Yes.

Q. Mrs. Nevel, you, of course, don't know to this day whose car that was that you saw, do you?

A. Well, nobody ever told me whose car it was, it was not told.

Q. Mrs. Nevel, probably the single largest point of identification concerning this car was this white helmet on the

Nevel.

ledge, wasn't it?

A. Yes, and she got in the car.

Q. That was one of the single most important things that you remember, isn't that correct?

By Mr. Ertel:

I object now.

By The Court:

Q. Do you understand the question?

A. No.

Q. Reword the question.

By Mr. Fierro:

Q. One of the single most important items of identification concerning the car that picked up Jennie on October 19th was this white helmet on the ledge, isn't that right?

A. And the metallic.

Q. And the metallic green, okay.

Q. Now, you are sure, Mrs. Nevel, that on October 19th at 4:30 this metallic green car that picked up Jennifer Hill had a white helmet sitting on the ledge of that car?

A. Yes.

Q. You are sure of that, aren't you?

A. Yes.

Q. In fact, you are positive of that, aren't you?

A. Yes.

Q. Let me see that picture that the District Attorney showed you, Commonwealth's Exhibit No. 26, take a look, is this the one that the District Attorney showed you?

Nevel.

A. Uh-huh.

Q. You mean "Yes"?

A. Yes.

Q. Do you see that white helmet?

A. Yes.

Q. Now, was that white helmet in that position when you saw it, I am not talking about the car, the position of the white helmet on October 26th, is that the way it looked to you?

A. Well, no, I think it was turned over.

Q. It was turned over?

A. Yes.

Q. Was it in approximately the same position on the ledge of the car?

A. No, it seemed over this way a little more.

Q. You mean to the left of the picture?

A. Yes.

Q. The left of the car, is that correct?

A. Yes.

Q. Now, there are other things on the ledge of the car in this particular picture, do you see that?

A. Yes.

Q. Well, the car that you saw on October 19th, besides this white helmet, did it have anything else on the ledge of the car?

A. No, there was no hub caps or no shoes there.

Q. Well, was there anything else besides the helmet?

A. I didn't see anything else but the helmet.

Check Affidavits
Testimony
126

Check Affidavits
Testimony
128

Nevel.

Q. Are you saying there wasn't anything else, or you don't know whether there was anything else?

A. I just saw the helmet.

Q. Mrs. Nevel, do you know as a fact, I am asking you if you know, that the only white helmet that Kim Hubbard owned was the one that he got on October 24th when he went to work at Stroehmann Brothers, do you know that?

By Mr. Ertel:

I object.

A. No, I don't know that.

By Mr. Fierro:

I will permit the answer to stand.

Q. What is your answer?

A. No.

Q. The answer is no, that you don't know that?

A. No.

Q. What you do know is when you saw, if it is Kim Hubbard's car, we will say it was, in the garage at the Police Hall, you saw that what, two weeks after Jennifer disappeared?

A. No.

Q. When did you see it?

A. The following Friday.

Q. The following Friday that she disappeared, Mrs. Nevel?

A. No, the next week.

Q. The next week?

A. Yes, it was two.

Q. It was two weeks?

Nevel.

A. Yes.

Q. We will make it clear, when you went to the Police Borough Hall, and saw Kim Hubbard's car there, that was approximately two weeks after Jennifer disappeared, is that correct?

A. Yes.

Q. As a matter of fact, it had to be sometime after October 31st, or don't you know?

A. No, I don't know.

Q. No, you don't know?

✓ A. No, it was before Halloween.

Q. It was before Halloween?

A. Yes.

Q. Quite frankly, I don't know when Halloween is?

A. I think it is the 31st, isn't it?

Q. I don't know, but you say you saw this car at the Police Station before Halloween?

A. Yes.

Q. Okey, and you think Halloween, I would like to have, although I don't know, I would like to have the Court take judicial notice when that particular day was last October, and I don't know how we are going to find out.

By The Court:

May I see Counsel?

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

By The Court:

We will find out and then take judicial notice of it.

Nevel.

By Mr. Fierro:

Q. Mrs. Nevel, is it your testimony now that you went to the Police Borough Hall before Halloween to see this car?

A. I think it was before.

Q. Is that your best recollection?

A. Yes, that it was before Halloween day, yes, I think it was.

Q. All right, who asked you to come down, or did they come and get you?

A. They came and got me.

Q. Who came and got you?

A. I told you that before.

Q. Lieutenant Hynick and Captain Ross?

A. Yes.

Q. Came to your house and drove you to the Borough Hall?

A. Yes.

Q. And brought you back home?

A. Yes.

Q. Do you know what day of the week Halloween was last year?

A. No, not exactly what day of the week, Thursday, something like that, or Saturday, I don't know what day.

Q. Do you remember some of the questions I asked you at the Preliminary Hearing concerning about you getting the newspaper daily, you said "Yes.", didn't you?

Nevel.

A. I don't remember you asking me.

Q. I will ask you then?

A. You didn't ask me before.

Q. I will ask you now?

A. Yes, I get the newspaper.

Q. You got the newspaper then daily too, didn't you?

A. Yes.

Q. Don't you remember me asking you questions about that?

A. That I got the newspaper?

Q. Don't you remember me asking you, Mrs. Nevel, do you remember me asking you questions about your reading the newspaper last year concerning the matter, don't you remember?

A. Reading the newspaper, I said I didn't, I wasn't reading it that week.

Q. Mrs. Nevel, is it your testimony now that you were not reading the newspaper the week that Jennifer disappeared?

A. Yes, I was not reading it.

Q. Why not?

A. Well, that week I was upset about my pet, and I was busy sewing for the Mummers' Parade that was to come up, and until the paper came I was busy with dinner, and then I would sit down at the sewing machine, and I just didn't bother reading it until Sunday morning when I picked up the Grit and I started to read and I said to Beth we.....

Q. I am not asking what you said to anybody, I want to know about your reading Sunday morning, this is October 29th,

Nevel.

probably October 31st, that Sunday nevertheless, was the first that you read in the newspaper about Jennifer's disappearance, isn't that right?

A. Yes.

By The Court:

Now, Mr. Fierro, if you want that date I have the 1973 Calendar in front of me, it shows that Halloween was on October 31st, which was a Wednesday. Any objection, Mr. Ertel?

By Mr. Ertel:

If that is when it was, that is when it was.

By The Court:

Proceed.

By Mr. Fierro:

Q. Now that you heard the, what the Judge has said concerning Halloween, which was October 31st, on a Wednesday, I will go back, did you go down to the Police Borough Hall and see that car before or after Halloween, if you know?

A. I don't remember whether it was before or after Halloween.

Q. Now, let's go back as to when you read the paper which was on Sunday, the Sunday after Jennifer's disappearance, you read the paper and you knew because you read her name, and you knew who she was, your daughter told you, read that Jennifer Hill had been missing since Friday, isn't that right?

A. No, it was Sunday morning around 9:00 in the Grit, that was the first I felt like even reading anything. It seems to me I only remember about when it came to the football jersey, then

Nevel.

it brought back everything. If I had read the Sun-Gazette or listened to the radio. I would have remembered it sooner.

Q. For whatever reason you didn't listen to the radio or read the Williamsport Sun, we know you did now read and know all about Jennifer and it came back to mind that Sunday morning, is that correct?

A. Yes.

Q. You continued to read the paper in the following days concerning the search for Jennifer, didn't you?

A. No, I didn't keep up with it, no, I didn't.

Q. You didn't?

A. No, I did not.

Q. On Sunday morning, Mrs. Nevel, perhaps October 31st, you read in the Grit about Jennifer's disappearance and there was a search going on for her, and you just said it all came back to you?

A. I don't remember reading.

Q. Now, are you testifying that you thereafter did not continue your interest in this matter by reading the papers?

A. Not everything, no, I didn't, I never do read everything.

Q. Didn't you care?

A. Yes, I cared.

Q. When you read about Jennifer's disappearance on October 31st and it brought back everything to you.....

By Mr. Ertel:

I object.

Nevel.

By The Court:

The objection is sustained, October 31st was a Wednesday.

By Mr. Fierro:

Q. Excuse me, Sunday, the following Sunday, the girl disappeared on October 19th, I am sorry, and you read about it in the paper the following Sunday?

A. Uh-huh.

Q. The 21st, probably? I am sorry, I stand corrected, I had Halloween on my mind, we will go back to make sure, she disappeared on the 19th, you know that, don't you?

A. Yes.

Q. The following Sunday, which would be the 21st of October, you read about it in the Grit, is that correct?

A. Yes.

Q. You said it all came back to you then?

A. Yes, and what I saw, I saw her, yes.

Q. You remembered then, reading this article, that you saw Jennifer get into a car at 4:30 the previous Friday, you remembered that, didn't you?

A. Yes.

Q. And in reading the paper, you read that Jennifer disappeared somewhere between 4:00 and 5:00, you read that, didn't you?

A. No.

Q. You didn't read that?

A. No, I didn't.

Q. What did you read concerning the time of disappearance

A. When I read the football jersey, somewhere the football jersey came, I don't know where it was, it must have been in the paper, because I put the paper down immediately.

Q. You mean you did not....

A. I did not continue to read, I said we remembered it, I said to Beth.....

Q. You did not continue to read the paper?

A. I did not continue to finish the article, no.

Q. But did you learn from that article, whatever you read of it, that she disappeared Friday?

A. I had heard she disappeared before, that Friday.

Q. You mean you learned it from people?

A. Yes.

Q. When did you hear it, like the day before, Saturday?

A. Not until the day after.

Q. All right, the day after was Saturday, she disappeared Friday, you read the paper Sunday, did you hear about it that Saturday?

A. You mean the Sunday, she disappeared on the 19th, you mean that Sunday?

Q. Yes, you said you read the paper?

Q. WEEK 204
A. No, it was the following Sunday, it was nine days later.

Q. You, are you saying you didn't read a paper for nine days later?

A. No, I did not.

Q. You did not?

Nevel.

A. No.

Q. But somebody talked to you or told you about her disappearance?

A. Yes, about her disappearance.

Q. The day after she disappeared?

A. Yes.

Q. Now, you heard it from more than one person, didn't you?

A. Yes.

Q. Now, you heard from more than one person the day after she disappeared, that Jennifer in fact disappeared on October 19th?

A. I heard it from one person on that day.

Q. On the same day she disappeared?

A. No, the day after, I didn't know she disappeared until the day after.

Q. Well, you found out later, you found out Saturday she disappeared, didn't you?

A. Yes.

Q. Then probably you heard it from other people even the next few days about this matter, didn't you?

A. Well, I heard, yes, I heard things.

Q. Because you heard or somehow new there was a search going on for her, isn't that correct?

Nevel.

*she wasn't
found until
4 or 5 days
later*

A. Well, yes, I heard, but I didn't....

Q. Yet, Mrs. Nevel, in spite of what you heard, even though you didn't read the newspaper, you knew that Jennifer had disappeared on Friday, you knew there was a search going on for her, you never bothered to tell the Police about this for quite sometime, did you?

A. Well, I am saying I didn't recall it until nine days later, that Sunday morning, before the body was found I recall it.

Q. You recalled the very next day when people told you that Jennifer disappeared, you answered that question?

A. Yes, but I didn't pay any attention to it.

Q. You didn't pay any attention to it?

A. No, I didn't, I started to change the subject and talking about my cat and was crying about my pet.

Q. All right, and then you knew several days later, as I pointed out, you knew there was a search going on for Jennifer Hill?

A. I think everybody did.

Q. But in spite of this knowledge, you, the person who saw her get into a car on Friday at 4:30, you never bothered to tell anybody about it for how long, tell the Jury?

A. Nine days, the Sunday morning.

Q. For nine days you never bothered to tell anybody, did you?

A. My family.

Q. I will get to that. When you did tell somebody,

Nevel.

it wasn't the Police, was it?

A. Not right away.

Q. Who did you tell it to first?

A. My husband.

Q. You didn't go to the Police about it, it was your husband, wasn't it?

A. Yes, but he told them to come and talk to me.

Q. He told them to come and talk to you?

A. Yes.

Q. During this time, did you have a telephone in your house?

A. Yes.

Q. And during all of the time you knew and heard about this search going on for Jennifer, during the nine day period, did you once pick up the phone and call anybody, any sort of an authority to tell them what you knew about Jennifer's disappearance?

A. No.

Q. You didn't?

A. No. I wanted to talk to them in my home, not up there.

Q. Why didn't you pick up the phone when you first heard about it on Saturday and tell the authorities what you knew and say, "Look, come up to my house and talk to me about it.", why didn't you do it that way?

A. I guess I was just afraid.

Q. What were you afraid of, Mrs. Nevel?

A. Coming here.

Nevel.

Q. What?

A. Probably this, going through this.

Q. Going through this?

A. Yes, having to go through this.

Q. It didn't prevent you from going through this, did it?

By Mr. Ertel:

I object, that is an obvious thing.

By The Court:

The objection is sustained.

By Mr. Fierro:

Q. Now, Mrs. Nevel, what did you do, read in the newspaper there was a reward being offered for information?

A. No.

Q. Did that prompt you in some way?

A. No.

Q. Is your only answer to this Jury that you remained silent for nine days that you were afraid that you would have to go to Court?

A. Yes.

Q. Now, Mrs. Nevel, at the preliminary hearing didn't I ask you whether you read about this the next, the very next day and your answer was that you did?

A. I don't recall you asking me if I read about it the very next day.

Q. Then your answer is that you don't recall?

A. No, I don't remember you saying about reading it.

Q. Mrs. Nevel, do you know who owned the car that

Nevel.

picked up Jennifer?

A. No, I did not.

Q. No, you did not?

A. No.

Q. Thank you, that is all.

By The Court:

Mr. Ertel?

RE-DIRECT EXAMINATION

By Mr. Ertel:

Q. Mrs. Nevel, have you been promised any reward, or have you testified here for any reward?

By Mr. Fierro:

I object to that, I was talking about newspaper reward and not any that the District Attorney might offer.

By The Court:

Sustained.

By Mr. Ertel:

That reward is at the discretion of the District Attorney's office and the Police Department.

By Mr. Fierro:

I asked her about a newspaper offer.

By Mr. Ertel:

That newspaper was conditioned upon that, if you, if he wants to look it over.

By Mr. Fierro:

I don't want to look it over at all, I asked her if she was prompted by a newspaper reward.

Nevel.

By The Court:

She answered "No."

By Mr. Ertel:

Q. Did you come in here to testify to receive a newspaper reward for testimony?

A. No, I didn't have any idea any reward would have anything to do with me, I didn't find her. The only reward I knew when they found her body looking for her.

Q. Thank you, no further questions.

By Mr. Fierro:

Nothing further.

By The Court:

Mrs. Nevel, you are prohibited from discussing your testimony in this case with anyone, except the District Attorney or the Defense Counsel or their Staff.
(Excused from witness stand.).

By The Court to Beth Nevel:

Q. How old are you, Miss?

A. 11.

BETH NEVEL, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your name, please?

A. Beth Nevel.

Q. Where do you live, Beth?

A. 503 Howard Street.

Beth Nevel.

Q. South Williamsport?

A. Yes.

Q. Do you know Jennifer Hill?

A. Yes.

Q. How do you know her?

A. Well, I saw her every day at school.

Q. And was she in the same grade as you were?

A. I am one grade behind her.

Q. Did you see Jennifer Hill on the 19th of October?

A. Yes.

Q. Was that the day you had off school?

A. Yes.

Q. Where did you see her, Beth?

A. She was walking up Howard Street.

Q. Where were you when you saw her?

Page 212 X A. On our living room couch looking out the window.

Q. Can you tell us the best of your recollection how she was dressed?

A. She had a Glick shoe bag, she was wearing slacks.

Q. Do you remember anything else about her dress?

A. No.

Q. What happened as far as what she did on that particular day as she came up Howard Street?

A. Well, she was walking up the street and a car came in the middle of the street and she got in the car.

Q. Do you remember the color of the car?

A. It was a pale color.