

By The Court:

You are prohibited from talking to anyone about your testimony except the District Attorney or the Defense Attorney and members of their Staffs.

By Mr. Fierro:

He may be excused.

By The Court:

You are listed also, I limited it to the District Attorney, you may speak to any of them. If there is any problem, the Court, inform me and the Court will inform them they may speak to you or a member of your staff.

By Mr. Fierro:

As far as I am concerned, he may be excused.

By The Court:

You are excused if the District Attorney's staff excuses you.

By Mr. Ertel:

You are excused.

THOMAS E. PETERS, being duly sworn according to law, testified as follows:

By Mr. Fierro:

I would like an offer.

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

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name?

A. Thomas Eugene Peters.

Thomas Peters.

Q. Where do you live?

A. South Williamsport.

Q. How old are you?

A. 18.

Q. Can you give your address?

A. 1630 West Southern Avenue.

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

A. I do.

Q. Have you ever had the occasion to ride in Kim's car?

A. Yes.

Q. And how often have you ridden in the car prior to this incident approximately?

A. Oh, six or eight times, I don't know.

Q. Do you recall any unusual object which was on that car at the time you rode in it?

A. No, I didn't see any.

Q. Well, did you ever have the occasion to get hit on the head with something in that car?

A. Well, I mean, it just slid off, it didn't actually hit me on the head, it hit me in the back, it was a helmet just slid.

Q. What helmet?

A. It was a white helmet in the back seat on the top. Between the window and the back of the back of the seat.

Q. What kind of helmet was it, can you describe it

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better than that?

A. It was just a white, like Army helmet, I guess you would say.

Q. What was it made of, do you have any idea?

A. No.

Q. Now, when was this when it hit you either in the back or on the neck approximately in relation to the 19th of October?

A. I can't remember.

Q. Well, can you give us an approximation of the time?

A. No, I can't, I don't remember when that happened.

Q. Was it weeks, months....

By Mr. Pierro:

I object to his leading.

By The Court:

Refrain from leading the witness.

By Mr. Ertel:

Q. Can you give it to us in weeks, months or days?

By Mr. Pierro:

I object, the witness answered, he said, "I can't remember when."

By The Court:

Ask him his best recollection.

By Mr. Ertel:

Q. Your best recollection as to the approximate.....

By Mr. Pierro:

That is too vague to me, and I object to that.

Thomas Peters.

By "The Court:

The objection is over ruled.

A. To the best of my knowledge, it was two weeks before or so.

By Mr. Ertel:

Q. How many occasions did you see that helmet in there, do you recall?

A. No, I don't no.

Q. Did you see it more than once?

A. Oh, yes.

Q. All right, did you have the occasion to see Kim Hubbard on the day of this particular, on the 19th of October, the day school was off and the kids were on the street?

A. Well, like I told the man that questioned me before....

By Mr. Pierro:

We don't know what he told somebody else.

By The Court:

No, just answer the question.

By Mr. Ertel:

Q. To the best of your recollection?

A. I saw him, I am sure that I saw him that night.

Q. All right, did you see his car that evening?

A. I don't think he brought his car.

Q. Where did you see him that night?

A. At the Hum-Dinger.

Q. About what time was that, approximately?

Thomas Peters.

A. Between 6:00 and 9:00.

Q. Was there anyone else there that night?

A. Yes, there were quite a few, there was a few people there, yes.

Q. Now, where was this white helmet located in the car when you saw it there?

By Mr. Fierro:

Excuse me, I object, that is vague, when he saw it where, when? Now, this witness already testified he is very vague about that, and that question is ambiguous.

By Mr. Ertel:

I will be very specific.

Q. In the time that you saw this helmet on the occasions more than once that you saw this helmet in Kim Hubbard's car, the one time you estimated was approximately two weeks before the incident, where was the helmet located in the car?

A. In the same place.

Q. On the ledge by the window?

A. Yes.

By Mr. Fierro:

He is leading and that is not what this witness said, and I object.

By The Court:

Refrain from leading the witness.

By Mr. Ertel:

Q. Where did you say it was located?

A. The same place.

Thomas Peters.

Q. Where was that?

A. On the top deck behind the back seat.

Q. No further questions.

CROSS EXAMINATION

By Mr. Fierro:

Q. Tom, you did not see Kim's car on October 19th, did you?

A. Not that I recollect.

Q. The only time you saw Kim was at the Hum-Dinger that night somewhere between 6:00 and 9:00?

A. Yes, I would say that, about that time.

Q. Was Colleen with him?

A. If I remember I think she came later.

Q. Do you know how long he was there?

A. No, I have no idea.

Q. 6:00 to 9:00 is pretty far apart, can you close that gap at all?

A. No, I don't think so.

Q. Well, you are not saying that you think Kim was there for three hours?

A. No, I don't think he was there for three hours, all I know I saw him between that time.

Q. Do you have any idea how long he was there that evening?

A. I don't know, maybe an hour and a half, two hours I don't know.

Q. Maybe an hour and a half or two hours?

Thomas Peters.

A. Yes.

Q. Now, this, we are talking about is October 19th, the day that Jennifer disappeared, you understand that?

A. Yes.

Q. Do you think he was at the Hum-Dinger about an hour and a half to two hours? He may have been there as early as 6:00, that is what you are saying?

A. I am not saying he may have been there as early as 6:00 or as late as 9:00, but that is just the approximation of time that I recollect seeing him.

Q. All right, let's put it this way, your testimony is that between 6:00 and 9:00 you think Kim was there from an hour to an hour and a half?

A. Yes, I should say so.

Q. Now, you are sure this was the night Jennifer disappeared, October 19th?

A. Yes.

Q. You say there were a lot of people there at that time, weren't there?

A. There was quite few, there always is at night.

Q. Now, did you ever see this white helmet of Kim's simply laying on the back seat?

A. Can I use names?

Q. No, I am asking you a question, did you ever see this helmet that you are talking about in Kim's car when it was merely sitting on the back seat and not on the ledge?

A. Oh, no, never.

Thomas Peters.

Q. Do you know where he got this white helmet, Tom?

A. I have no idea, he never told me.

Q. You are not sure according the way you answered us as to when you really first saw this white helmet?

A. That is right.

Q. You are not sure. Did you know, Tom, that Kim went to work at Stroehmann Brothers' Company?

A. Yes.

Q. Did you know that?

A. Yes, I knew that.

Q. Did you know that he went to work at Stroehmann Brothers' Company on October 24, 1973, did you know that?

A. No, I didn't, I didn't know that date.

Q. You don't know the date, but you do know he did go to work at Stroehmann's, right?

A. Right.

Q. Did you know, Tom, that when Kim went to work at Stroehmann Brothers' Company on October 24th, that is when he got this white helmet.....

By Mr. Ertel:

I object, that would be well outside of his recollection, he already stated when he saw the helmet.

By Mr. Fierro:

I am asking him if he knows something as a fact, he can say "yes" or "no".

By Mr. Ertel:

There is no way for this man to know anything like the

Thomas Peters.

By The Court:

You may answer "yes" or "no".

By Mr. Pierro:

Q. Do you want me to repeat the question?

A. Yes.

Q. Do you, Tom, know that the white helmet that you say you saw in Kim's car was given to him first on October 24th when he went to work at Stroehmann Brothers', now either you know that or you don't know that, which one?

By Mr. Ertel:

I object.

By The Court:

You expect to follow it up?

By Mr. Pierro:

I expect to follow it up.

By The Court:

I will permit it.

By Mr. Pierro:

Q. Did you know that?

A. No, I didn't know he got it when he went to work at Stroehmann's.

Q. Does this account as to why you are not sure as to when you first saw this white helmet, you are not sure, are you?

A. No.

By Mr. Ertel:

Objection.

Thomas Peters.

By The Court:

The objection would be sustained.

By Mr. Fierro:

Q. You are not sure when you first saw this white helmet in his car?

A. No, I am not.

Q. That is right. But, Tom, we are sure that you saw him in the Hum-Dinger for about an hour to an hour and a half on the night that Jennifer disappeared somewhere between 6:00 and 9:00?

A. Right.

Q. That is right, thank you, Tom, that is all.

RE-DIRECT EXAMINATION

By Mr. Ertel:

Q. Mr. Peters, you have stated, how long, over how long a period of time did you see that helmet in his car?

By Mr. Fierro:

This is improper re-direct, he is trying to re-vitalize his witness.

By The Court:

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

A. Would you repeat the question?

By Mr. Ertel:

Q. Over how long a period of time did you see this helmet in the car?

A. I couldn't tell you.

Q. But you did state that you knew, you saw it two

Thomas Peters.

weeks prior to this incident, is that correct?

By Mr. Fierro:

I object, in the face of this last answer that is improper re-direction and it is leading.

By The Court:

It is leading, re-word your question.

By Mr. Ertel:

Q. When was the first time you saw the helmet in Kin's car?

By Mr. Fierro:

I object, that is improper.

By The Court:

The objection is over ruled.

By Mr. Ertel:

Q. When was it prior to this incident that you first saw it?

By Mr. Fierro:

I object, that is leading.

By The Court:

Reword your question?

By Mr. Ertel: (To Reporter.).

Would you repeat the question I asked?

By Mr. Fierro:

No, I objected to it.

By The Court:

That has been quite a few questions back, ask the question again.

Thomas Peters.

By Mr. Ertel:

Q. Did you ever ride in the Defendant's car after Jennifer Hill disappeared?

By Mr. Fierro:

I object to that on the grounds that it is leading and improper re-direct.

By The Court:

It is leading, would you re-word your question?

By Mr. Ertel:

I don't see how it is leading, your Honor, it does not suggest an answer.

By The Court:

Reword your question.

By Mr. Ertel:

Q. When, if ever, did you ride in the Defendant's car after Jennifer Hill disappeared?

By Mr. Fierro:

I object.

By The Court:

Q. Do you understand the question?

A. Yes.

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

A. No, I don't think so, because another guy got a new car at that time, and we were always riding around with him.

By Mr. Ertel:

Thank you, no further questions.

Thomas Peters.

By The Court:

Mr. Pierro?

RE-CROSS EXAMINATION

By Mr. Pierro:

Q. Tom, you don't know when you actually saw the white helmet in the car, do you ?

A. No, I don't know the first time, no.

Q. You don't know whether it was before or after October 19th, do you?

A. No, I don't.

Q. That is all that I want to know, thank you.

By The Court:

Mr. Ertel?

By Mr. Ertel:

Q. Do you know whether or not you rode in the car after the 19th?

By Mr. Pierro:

I object now, he has just answered that question more than once.

By The Court:

It was just answered and it is repetitious.

By Mr. Ertel:

No further questions.

By Mr. Pierro:

That is all.

By The Court:

You are prohibited from discussing your testimony or

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?