

And Now, to-wit, Thursday, February 21, 1974, beginning at 9:30 A.M., EDST, the trial in the above-captioned matter was continued before the Honorable Charles F. Greevy, President Judge, and a Jury, in Court Room No. 1, at the Lycoming County Court House, Williamsport, Penna., at which time the Defendant was present with Counsel, and the following proceedings were had:

By The Court:

Mr. Ertel?

(Mr. Ertel opened to Jury at 9:30 A.M., EDST and completed at 9:58 A.M., EDST.)

By The Court:

Mr. Fierro, you have indicated you desire to make your opening statement at the close of the Commonwealth's case in chief?

By Mr. Fierro:

Yes.

By The Court:

Proceed.

(Commonwealth's Exhibits Nos. 1 through 41 marked previously.)

(Commonwealth's Exhibits Nos. 42, 43, 44 and 45 marked.)

CHIEF OF POLICE CHARLES E. SMITH, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name and occupation?

A. Chief of Police, Charles E. Smith, South Williamsport.

Chief of Police Smith.

Q. How long have you been Chief over there?

A. Four years.

Q. Chief Smith, I show you Commonwealth's Exhibit No. 42, can you identify that just generally as to what it is?

A. It is a map of a section of the Borough of South Williamsport.

Q. Now, Chief, will you come down and stand to the side so the Jury can see it. It obviously has streets marked on it, can you point out the approximate location of the Hubbard home? First, how do you know where the Hubbard home would be?

A. Hill Street and Central Avenue, at the corner of Hill and Central Avenue I lived for nine years.

Q. Where did the Hubbards live in relation to your home?

A. It would be the third house down.

Q. Will you put a big "X" and write "Hubbard Home" please in the approximate location?

A. (Witness indicates.).

Q. Now, that would be the whole block facing onto Central Avenue, is that correct?

A. Yes.

Q. Somewhere in this block between Hill and Clinton Street, is that correct?

A. Yes.

Q. Now, will you come down and can you approximate where the Hill home is located?

A. That is located in the 300 block of Hastings Street.

Chief of Police Smith.

It is the 6th home down north from Central Avenue.

Q. Can you put approximately where the Hill home would be located?

A. (Witness indicates.)

Q. Can you also locate there the approximate location of the St. Lawrence School?

A. This would be this whole block in here, the Church and the School.

Q. Would you label that, please?

(Witness indicates.).

Q. Can you identify where the Clabaugh residence is?

A. The Clabaughs live on the corner of West Central Avenue and Clinton Street, which would be, it is on the southwest corner.

Q. Would you label the Clabaugh home, please?

A. (Witness indicates.).

Q. Where does the Whitemans live, do you know?

A. They live in the 300 block of Kane Street, just which house I don't know.

Q. Do you know where the Nevel home is located?

A. The 500 block of Howard Street, the first home facing Howard.

Q. Can you approximate or locate that home on that?

A. Yes, it would be this Section 199.

Q. Mark that, please?

A. (Witness indicates.).

Q. Now, can you also locate the location of the Hum-Dinger, what is that on?

Chief of Police Smith.

MAURO
BOROUGH

A

13.

A. That is the 700 block of West Southern Avenue, right in here.

Q. Would you mark that, please?

(Witness indicates.).

Q. Do you know where the Mauro Music Store is located?

A. This is not on this map.

Q. Can you show us by pointing to the area where it would be off of, what street is it on?

A. East Second Avenue. You have to come down this street here.

Q. In other words, looking at Commonwealth's Exhibit No. 42 it would be somewhere off of the righthand side as you are facing the Exhibit?

A. Yes.

Q. All right, now, Chief Smith, can you tell us where Sylvan Dell area is located?

A. That would be east of the Borough, it is not on this chart.

Q. Do we have charts with that on?

A. Yes.

Q. I show you what is Commonwealth's Exhibit No. 43, can you describe what that depicts?

A. This is the eastern end of the Borough of South Williamsport.

Q. Would the Mauro Music Store show on there somewhere?

A. No, it is not.

Q. Would you describe what it shows and what roads it

Chief of Police Smith.

shows in relation to Sylvan Dell?

A. This would be 15 coming north into South Williamsport and Williamsport. This is East Second Avenue which runs in an eastern direction in the Borough towards the Sylvan Dell.

Q. That goes towards Sylvan Dell?

A. Yes.

Q. If you were proceeding from South Williamsport to Sylvan Dell, you could go that way?

A. Yes.

Q. Commonwealth's Exhibit No. 44, what does this depict?

A. This section here is the Sylvan Dell area.

Q. If you were coming off of the other Exhibit, would you come on down Second Avenue?

A. Yes.

Q. And come on to what, the Sylvan Dell Road eventually?

A. Yes.

Q. It is on this next one here?

A. East Second Avenue is right here, East Second Avenue would pick up, following East Second Avenue here across the railroad tracks and follows the Susquehanna River down here into the Sylvan Dell area.

Q. Is this the road here that is the broken line?

A. Yes.

Q. Would you follow the road through, please, where does it eventually wind up?

A. You can follow it down over the side of the mountain

Chief of Police Smith.

into the Old Lookout Road which comes out onto Route 15 south.

Q. Now, looking at Commonwealth's Exhibit No. 45, what does that depict?

A. This depicts the road up along the river again, which continues down here to the Arco Station which you make a sharp righthand turn across the railroad tracks and up over the mountain.

Q. You make a sharp right as you are driving on the road, across the railroad tracks again, and up towards the Look-out area, is that correct?

A. Yes, Sir.

Q. Now, here are a series of round circles, Chief, if you will identify these, what are these round circles?

A. They are storage tanks, Arco.

Q. Arco Storage tanks?

A. Yes.

Q. What is the big round circle?

A. That is a new tank that was under construction within the last couple of years.

Q. That is the old tank and there is another one over here?

A. Yes, Sir, this is also a big tank.

Q. Now, there is a broken line coming off of the Sylvan Dell Road down towards what is as you identified as the large tank, what is that road?

A. It is just a lane into a cornfield.

Q. Where does it terminate?

Chief of Police Smith.

A. It stops right in here, this is like a dike around this tank, it is approximately from six to eight feet high, that lane stops at that dike.

Q. Do you know the approximate location on there where the body was.....

By Mr. Fierro:

I thought that he had this witness on here to identify maps, and then if we are going to go further then I want him to....

By Mr. Ertel:

I am trying to put things on the map.

By Mr. Fierro:

I know that you said you wanted him on.....

By Mr. Ertel:

I object to this, if you would like to approach Side Bar, I would be happy to.

By The Court:

Side Bar, Gentlemen.

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

By The Court:

You are going to withdraw the question?

By Mr. Ertel:

Yes.

Q. I show you marked as Commonwealth's Exhibits Nos. 27 and 28, can you identify those?

A. Yes, I can, that is the Arco Storage Tanks.

Q. Now, in relationship to the map, the series of small white tanks that we see as I point them out on the two exhibits....

Chief of Police Smith. - Cindy Bricker.

tanks?

A. Yes.

Q. No further questions.

By Mr. Fierro:

I have no questions at all.

By The Court:

Proceed.

By Mr. Fierro:

May we come to Side Bar?

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

CINDY BRICKER, being duly sworn according to law,
testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. Would you state your full name?

A. Cindy Bricker.

Q. How old are you, Cindy?

A. 11.

Q. Where do you live?

A. 1216 West Central Avenue.

Q. South Williamsport?

A. Yes.

Q. Did you know Jennifer Hill?

A. Yes.

Q. Did, do you know Ruthie Hubbard?

A. Yes.

Q. Going back to the 19th of October, did you have