

Nadine Askey. - Ard Stetts.

By The Court:

Mr. Ertel?

RE-DIRECT EXAMINATION

By Mr. Ertel:

Q. How do you establish the time you arrived there?

A. Because I know I left from the house, which is about five minutes away from the Hum-Dinger at quarter after three.

Q. Whose house was that?

A. Nancy Miller's.

Q. No further questions.

By Mr. Fierro:

No questions.

(Excused from witness stand.).

ARD O. STETTS, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name, please?

A. Ard O. Stetts.

Q. Where do you live?

A. South Williamsport.

Q. How old are you?

A. 19.

Q. Do you have an occupation?

A. Yes, I do.

Q. What is that?

This boy testified as a witness that he didn't know what time he saw Kim because "he (Ard) doesn't know a watch"
Ard Stetts.

A. I work at Bethlehem Steel.

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

A. Yes, I do.

Q. Did you see him on the occasion on the 19th of October, 1973?

A. Yes, I did.

Q. Can you tell us when you first saw him on that date?

A. Right after I left the Hum-Dinger Restaurant over in South Side.

Q. Approximately what time was that?

A. After the hour of four o'clock, probably quarter after.

Q. Where did you see him?

A. On Bayard Street.

Q. Was he walking or driving or what?

A. Driving.

Q. What kind of car?

A. His own.

Q. Can you describe that car?

A. A green Oldsmobile.

Q. Did you see him, how long did you see him?

A. Long enough to stop, back up and say a few words and then we went on.

Q. When you say Bayard Street, between what streets was it? Baynard runs what, north and south?

A. East and west.

Q. Mr. Stetts, would you come down, please?

A. (Witness leaves stand.).

Q. Can you find Bayard Street there, please?

A. Right here.

By The Court:

Referring to what Exhibit?

By Mr. Ertel:

That is Exhibit No. 42.

Q. You pointed out Bayard Street, where on Bayard Street did you see him?

A. Where would be the Hum-Dinger?

Q. The Hum-Dinger is on Southern Avenue.

A. Right about here.

By The Court:

Identify where it is.

By Mr. Ertel:

Q. You are pointing to a location on Bayard Street between West Southern Avenue and Central Avenue, at the intersection of almost an alley and Bayard Street, is that right?

A. That is right.

By The Court:

Repeat that, Mr. Ertel.

By Mr. Ertel:

Q. I will try it again, I am going to put an "x" here, Mr. Stetts, see if I am correct, is that about where you say, give or take a little distance?

A. Yes, it is.

Ard Stetts.

Q. I am putting your name next to it, that location is about three-quarters of a block from West Southern Avenue and a quarter of block from Central Avenue on Bayard Street, almost at the intersection of an alley that crosses Bayard Street, is that fairly accurate?

A. Yes, it is.

Q. Which direction was he travelling?

A. Down Bayard Street, that would be north.

Q. In this direction towards the river?

A. Yes.

Q. In which direction were you going?

A. Towards the mountain.

Q. Take the stand.

A. (Witness returns to stand.).

Q. How do you establish the time, Mr. Stetts?

A. Because I didn't get there until after I left work, and the time was established by Bob Fries said he didn't get home to get his motorcycle, that is everybody left there at the same time just about to go up onto the power lines in South Side to ride, he said it was about twenty after four when he got his motorcycle.

Q. You are basing it on somebody else's statement, is that it?

A. That is about the size of it.

Q. In other words, you have no independent recollection?

A. No, I don't.

Q. No further questions.

Ard Stetts.

By The Court:

Mr. Fierro?

CROSS EXAMINATION

By Mr. Fierro:

Q. Mr. Stetts, what time did you leave work that day?

A. Probably, well it had to be 3:00, shortly after, a few minutes.

Q. And you were at the Hum-Dinger sometime that afternoon of October 19th?

A. I drove directly to there from work.

Q. You did?

A. Yes.

Q. Well, do you have an idea of how long you were there?

A. 40 minutes.

Q. 40 minutes?

A. Around that time, I can't say for sure.

Q. In other words, you are not sure about your time?

A. No, I am not.

Q. You had no reason to look at a watch or anything like that?

A. No.

Q. You were not concerned about the time, were you?

A. No.

Q. You see, when you said, for example, that you based your statement on, you mentioned a Bob Fries, is that his name?

A. Yes, it is.

Ard Stetts.

Q. You are saying to this Jury that your estimate of time was based upon what Bob Fries told you?

A. My estimate of time was, it had to be, because I didn't, I didn't look at a watch. All that I know that everybody left.

Q. And everybody left at a certain time?

A. No, everybody just decided to go up onto the power lines. Everybody, we just got in cars and headed home to get their bikes and left.

Q. When you say "everybody", whoever they are, you mean they left the Hum-Dinger to go home to get their bicycles or whatever it is, to go somewhere to go riding, is that right?

A. Right.

Q. But that "everybody" did not include Kim, did it?

A. No, it didn't.

Q. Now, do you have any idea what time you got home for supper or dinner, or whatever you might call it?

A. About ten of six.

Q. Now, did you go with the fellows to this area for your cycling?

A. Yes, I did, but I took my car.

Q. You are saying that Bob Fries told you?

A. He didn't tell me, I asked him.

Q. You asked him about the time?

A. Because I wasn't sure myself, because, like I said, I didn't check any watch.

Q. Just, now when you asked Bob Fries about the time,

Ard Stetts.

where were you and Bob Fries, like you asked him about the time, where were you? If I asked you the time now, you would say "In the Court Room.", where were you and Bob Fries when you asked him about the time?

A. At the Hum-Dinger, I think.

Q. You think at the Hum-Dinger, what time did he tell you it was?

A. He said it was twenty after four when he got home and got his motorcycle.

Q. He said it was twenty after four when he got home and got his motorcycle, well was it about twenty after four when you were moving, by the way you would be moving south on Bayard Street when you passed Kim, right?

A. Yes.

Q. You say that Kim was moving north, that is towards the river on Bayard, at the spot where the District Attorney marked it with an "X" and you were moving south at the same time then in your car?

A. Yes.

Q. Where he marked an "x" is where you say you both stopped and simply exchanged a few words?

A. Yes, it is.

Q. You think it could have been around 4:30 at that time?

A. It could have been about any time after 4:00.

Q. It could have been any time after 4:00?

A. Yes, it could have.

Q. It could have even been 4:30?

Ard Stetts.

A. It could even be 4:30, I have no recollection.

Q. It could even be quarter to five then?

A. I don't think it was that late.

Q. But it could be between 4:00 and 4:30?

A. Yes.

Q. And at that time you are sure Kim was moving north, let's say towards the Hum-Dinger, and you were moving away from it?

A. Yes.

Q. And you did see him, didn't you?

A. Yes.

Q. That is all.

By The Court:

Mr. Ertel?

RE-DIRECT EXAMINATION

By Mr. Ertel:

Q. Mr. Stetts, prior to you talking to Mr. Fries, did you give another estimate of the time you saw him there?

A. Around, I said before five of four, ten of four.

Q. You had originally said that until you talked to Mr. Fries, is that right?

A. Yes, it is.

Q. No further questions.

RE-CROSS EXAMINATION

By Mr. Pierre:

Q. By the way, was there anyone in Kim's car?

A. No, there wasn't.

Q. Thank you, that is all.

(Excused from witness stand.).

JAMES M. BARR, being duly sworn according to law,
testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name, please?

A. James Michael Barr.

Q. Where do you live, Mr. Barr?

A. 307 West Southern Avenue.

Q. Do you have an occupation?

A. Yes, I work for my Dad in the store.

Q. What is the store?

A. Barr's Hardware.

Q. Is your home right next to the store?

A. Yes, it is.

Q. Can you locate that on this Chart which is
Commonwealth's Exhibit No. 42, do you think?

A. (Witness leaves stand.).

Q. You say on West Southern Avenue?

A. Here is Curtin Street and here is Southern Avenue,
we live on the corner.

Q. Where is your house or business?

A. Right here.

Q. Are you on the side towards the mountain?

A. Yes.

Q. Now, I am putting an "X" and marking the word