

Colleen Whitenight.

COLLEEN L. WHITENIGHT, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Pierro:

Q. What is your name?

A. Colleen L. Whitenight.

Q. Maybe we didn't all hear you?

A. Colleen Whitenight.

Q. How old are you, Colleen?

A. 18.

Q. Where do you live?

A. 237 Spring Street, DuBoistown.

Q. Do you know Kim Hubbard?

A. Yes.

Q. How long have you known him?

A. Since when I was in about 8th and 9th grade.

Q. Have you been called, what is called "keeping company" going steady with him for any period of time?

A. Yes.

Q. For about how long?

A. Three years.

Q. I suppose sometimes on and off, you break up, did you ever break up?

A. Yes.

Q. Colleen, I want to talk about October 19th of last year, you, of course, know all about that date, don't you?

Colleen Whitenight.

A. Yes.

Q. Now, with reference to you and Kim, when was the first time, and we are talking about October 19th, when was the first time that you spoke to him, either in person or by phone?

A. That afternoon, in the late afternoon.

Q. Late afternoon?

A. Yes.

Q. Where did you, was it in person or by phone?

A. By phone.

Q. Where did you call from?

A. My Dad's store that I was working at that day.

Q. What is the name of your Dad's store?

A. Clearview TV.

Q. Had you been working there for some time?

A. Yes.

Q. Do you know if your Father was there when you made the call?

A. No, he was not.

Q. You say he was not?

A. No.

Q. Were you, did you reach Kim?

A. I called his house and somebody answered the phone.

Q. Did you talk to him by phone at that time?

A. I can't remember whether I did or not.

Q. Did you call him again?

A. No.

Colleen Whitenight.

afternoon?

A. One.

Q. Did you reach him?

A. I....

By Mr. Ertel:

I object, she stated she can't remember.

By Mr. Fierro:

Q. Why did you talk to him by phone that afternoon?

By Mr. Ertel:

I object, it was answered.

By The Court:

You may answer again?

A. I can't remember if I talked to him or not.

By Mr. Fierro:

Q. Is that the only call you made to him that day?

A. That is the only time I called him, he called me later that night.

Q. About what time?

A. 6:00.

Q. Did you recognize his voice?

A. Yes.

Q. Are you sure it was around 6:00?

A. Yes.

Q. Where were you when he called you?

A. At my house.

Q. Was that the only other call that you and he had that afternoon or night?

A. Yes.

Colleen Whitenight.

Q. D'd you see him that afternoon or night?

A. That night I did.

Q. About what time?

A. About quarter after seven.

Q. Where did you see him at that time?

A. Well, I came down to his house in my car and I met, he was standing at the alley, and we parked my car and....

Q. And what?

A. Then we went up to his house.

Q. Now, when you got to his house, and by the way, what time do you say that was?

A. Quarter after seven.

Q. When you got to his house, do you know who was there?

A. Yes.

Q. Who?

A. His Mother.

Q. Do you know what his Mother was doing?

A. She was buffing the floor.

Q. What did you and Kim do when you got to his house?

A. Well, we went into the door, since they were buffing the floor we took our shoes off and we helped buff the floor and move the furniture back in place.

Q. When you say "...we helped buff the floor...", does that mean you too?

A. Yes.

Colleen Whitenight.

Q. You said that you took your shoes off?

A. Yes.

Q. Did you see what Kim was wearing?

A. Yes.

Q. What was he wearing on his feet?

A. Sneakers.

Q. Do you have any idea how long you and Kim helped with the floor?

A. About a half hour, 45 minutes.

Q. Whatever time that was, after you and Kim got through helping with the floor, what did you and Kim do?

A. We stayed at the house until about 8:00.

Q. Then what did you do?

A. Well, Mr. Ross came, he is the Policeman, and we talked to him.

Q. That would be Captain Ross?

A. Yes.

Q. You say you talked to Captain Ross, were you present?

A. Yes.

Q. You say "you talked", does that mean Kim and Mrs. Hubbard as well?

A. Yes.

Q. Captain Ross came, you talked for about how long?

A. About 10 minutes.

Q. What happened next?

A. Well, he told us a story....

Q. Well, we don't want you to tell us what Captain

Collen Whitenight.

Ross told you.

A. We wanted to find out what he was talking about.

Q. By the way, this conversation with Captain Ross, was that inside of the house or outside of the house?

A. Inside.

Q. Now, after Captain Ross left, what next did you and Kim or include Mrs. Hubbard, if she was included, what did you do?

A. We got in Kim's car and Mrs. Hubbard and Kim and and I, we went to find this guy he was talking about.

Q. You mean that Captain Ross was talking about?

A. Yes.

Q. In other words, you went to a certain place?

A. Yes.

Q. Can you name the place?

A. No, but it is down along where Ray-O-Eac is.

Q. Did you get into the house or not?

A. No, no, I didn't, Kim went to the house.

Q. Did they get into the house?

A. No.

Q. Where did you go next?

A. We went back to the house and we dropped Mrs. Hubbard off and then Kim and I went to the Hum-Dinger.

Q. Did you see anybody there that you knew?

A. Yes.

Q. Who?

A. My girlfriend.

Q. What is her name?

Colleen Whitenight.

A. Nancy Stuempfle, and her boyfriend.

Q. Tom Bryan.

Q. Anybody else?

A. Rick Koch.

Q. Did you recognize anybody else?

A. No.

Q. How long do you think that you and Kim stayed at the Hum-Dinger?

A. About 10 or 15 minutes.

Q. Did you have something to eat or drink?

A. I think we had cokes.

Q. Now, before you left the house, that is Captain Ross, you say, came and talked to you for about ten minutes and then you, Mrs. Hubbard and Kim left to go to a certain place, did you watch Kim as he put something on his feet?

By Mr. Ertel:

I object to leading questions.

By The Court:

The objection is over ruled, you may answer.

A. Well, we put our shoes back on, and I got them....

By Mr. Fierro:

Q. You what?

A. I got the shoes.

Q. You got the shoes for who?

A. For Kim and I.

Q. Well, what did you get for Kim?

A. His sneakers.

Colleen Whitenight.

Q. Are you sure?

A. Yes.

Q. You say that you are the one that got them?

A. Yes.

Q. Now, after you came back from the Hum-Dinger, where you say you had been there about 10 to 15 minutes, where did you and Kim go?

A. We went parking down the Dell.

Q. You went parking down the Dell?

A. Yes.

Q. About how long were you there?

A. About an hour.

Q. Where did you go from there, Colleen?

A. We went back to Kim's house.

Q. What did you do, and how long were you there?

A. Well, we just sat around on the couch and the TV was on, and his sister came home then and then we decided to take my car back up to my house, that was about 10:30.

Q. About 10:30?

A. Yes.

Q. You took your car back to your house?

A. Yes.

Q. Who went with you?

A. I went by myself, but Kim followed me home.

Q. What next did you and Kim do, if anything?

A. We came back down to his house.

Q. In whose car?

Colleen Whitenight.

A. In Kim's car.

Q. In other words, you left your car at home?

A. Yes.

Q. In other words, you went back with Kim?

A. Yes.

Q. To where?

A. To his house.

Q. What did you do when you got to his house, I am talking about you and Kim?

A. We watched a movie that night.

Q. Do you remember what the movie was?

A. It was about motorcycles.

Q. I didn't hear you?

A. About motorcycles.

Q. Is that all you did while you were there?

A. Yes.

Q. Did you leave there at any time during or after this movie?

A. No.

Q. Well, what time, or what next then did you and Kim do?

A. Well, I left at 12:30, he took me home.

Q. You say it was about 12:30?

A. Yes.

Q. Do you have any idea why you say 12:30?

A. No, but I decided to get home, when I went home, I just knew the movie was not over to 1:00, and I left before

Colleen Whitenight.

the movie was over, and I watched a good part of the movie before I left.

Q. Now, when you got home, what did you do with reference to Kim, if anything?

A. I called him.

Q. About what time?

A. Between quarter of one and 1:00, before the movie was over.

Q. Did you talk to Kim?

A. Yes.

Q. Was that the last you talked to Kim then?

A. Yes.

By The Court:

Mr. Fierro, this might be a good time to take a recess. The Defendant is excused. The Jury is excused. Court is recessed for 15 minutes.

(Recessed at 2:45 P.M., EDST, and reconvened at 3:00 P.M., EDST.).

(Colleen Whitenight returned to witness stand.).

By Mr. Fierro:

Q. Colleen, were you familiar with Kim's car?

A. Yes.

Q. Had you been in it much?

A. Yes.

Q. Like before October 19th, about how often had you been in it?

A. Almost every night.

Q. Now, I am going to show you as, marked for identificat

Colleen Whitenight.

as Commonwealth's Exhibit No. 115, which is a white helmet, look at it, did you ever see this or any helmet like it in Kim's car?

A. No.

Q. Are you sure?

A. Yes.

Q. All right, you say you were in it almost every night?

A. Yes.

Q. Well, you were in it on October 19th too, weren't you?

A. Yes.

Q. Were you in the car the next day?

A. Yes.

Q. Where did you go the next day with Kim?

A. We took some food down to the Hills'.

Q. You what?

A. We took some food down to the Hills'.

Q. By "we", meaning?

A. Kim and his Mother and I.

Q. Anyone else?

A. I don't think so.

Q. Do you happen to know what kind of good you took?

A. It was a roast.

Q. Did you go into the house?

A. Yes.

Q. Who did you see in the hill house?

A. Mrs. Hill, and the Grandmother.

Colleen Whitenight.

Q. Did Kim go in?

A. Yes.

Q. How long did you folks stay?

A. Just a couple of minutes.

Q. From there where did you go?

A. I can't remember.

Q. Now, come back to the previous day, October 19th, you said you saw Kim at around 7:15 and you described all of the activities right up to about 12:30 - 1:00, whatever it is, I want to ask you this question, what was Kim's behaviour like?

By Mr. Ertel:

Objection.

By The Court:

The objection is over ruled. You may answer.

A. He just acted like he always did with me, just normal.

By Mr. Fierro:

Q. Did you have occasion on the night of October 19th to see his face and hands?

A. Yes.

Q. Did you notice anything unusual about them?

A. No.

Q. Cross examination.

By The Court:

Mr. Ertel.

Colleen Whitenight.

CROSS EXAMINATION

By Mr. Ertel:

Q. Colleen, you were interviewed by the Police Officers in this case, were you not?

A. Yes.

Q. And you were interviewed on the 31st of October, 1973, were you not?

A. Yes.

Q. Now, on that occasion you were interviewed in the presence of your Parents, were you not?

A. Yes.

Q. And you immediately began to lie to the Police Officers, did you not?

By Mr. Fierro:

I object to that statement.

By The Court:

The objection is sustained.

By Mr. Ertel:

Q. Did you tell them mistruths?

By Mr. Fierro:

I object to that.

By The Court:

Reword your question.

By Mr. Ertel:

Q. Did you tell them the truth?

By Mr. Fierro:

I object, let's find out what was asked and answered.

Colleen Whitenight.

By The Court:

Reword your question.

By Mr. Ertel:

Q. Did you tell the Police you had not seen Kim for about two weeks prior to that time?

A. Yes.

Q. Did you admit that was not true?

A. Yes.

Q. Did you then break down and say you were telling them the truth?

A. What was the question?

Q. Did you then say you would tell them what you knew?

A. Yes.

Q. And did you tell them you had gone on and off with Hubbard for about two years?

A. Yes.

Q. Are you in love with Kim Hubbard?

A. Yes.

Q. Did you tell them you had called the Hubbard residence about 3:45 P.M. on October 19th, and the reason you knew that, you were watching a movie "One Life To Live"?

A. Yes.

Q. You stated Kim's Mother answered the phone?

A. Yes.

Q. She said Kim was buffing the floor?

A. Yes.

Q. You did not talk to him?

Colleen Whitenight.

A. I said I didn't remember whether I did or not.

Q. You never called Kim's home from the, you were at the store working that day, were you not?

A. Yes.

Q. That is your Father's Clearview TV?

A. Yes.

Q. And you never called Kim when your Father was there, would you?

A. No.

Q. You didn't call him on this occasion while your Father was in that store, did you?

A. On what occasion.

Q. On the 19th?

A. I didn't call him when my Father was there, no.

Q. You didn't talk to him while your Father was at the store, would you?

A. No.

Q. And you know that you stayed in the store until 5:20 that night, isn't that true?

A. I probably stayed until it was closing.

Q. You don't have the key to turn off the burglar alarm system, somebody else has to turn it off?

A. That is right.

Q. Were you in the car after the 31st of October?

A. Was I in a car?

Q. In it?

A. Yes, I can't remember whether I was or not.

Colleen Whitenight.

Q. After the 31st of October, up until the time he was arrested, from the time the Police talked to you until the time Kim was arrested?

A. I don't think so.

Q. You were never in his car between those two times?

A. I don't think I was.

Q. Now, you dated Kime for how long?

A. About three years.

Q. I am going to have to ask you some embarrassing questions.....

By Mr. Fierro:

Maybe.

By Mr. Ertel:

Q. Have you been having sexual intercourse with him for that period of time?

A. Yes.

Q. Did you have an abortion by him?

By Mr. Fierro:

I object to this.

By The Court:

Side Bar, please.

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

By The Court:

The objection is sustained.

By Mr. Ertel:

Q. On the night in question you said you went down in the Dell, is that right?

Colleen Whitenight.

A. Yes.

Q. Now, when you went down in the Dell you didn't go down in the cornfield, you went down on Sixth Avenue, did you not?

A. Sixth Avenue?

Q. Where did you go, down by the railroad tracks?

A. Yes.

Q. But not down into the cornfield?

A. No.

Q. In fact you have never been in the cornfield in the Dell, have you, with the Defendant?

A. No.

Q. And your relationship, sexual relationship with the Defendant has been a long standing one?

By Mr. Fierro:

Your Honor, I object.

By Mr. Ertel:

I think that is the question you said specifically I could ask.

By Mr. Fierro:

Should we go to Side Bar again, he keeps making statements.

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

By Mr. Ertel:

Q. How long have you been dating the Defendant specifically, can you give us a beginning date, Colleen?

A. I said 8th or 9th Grade. I dated him before he

Colleen Whitenight.

went in the service.

Q. Before he went in the service, did you date him while he was in the service?

A. No.

Q. How about when he came out of the service?

A. Yes.

Q. You have been going with him on and off to the present time?

A. Yes.

Q. How old were you when you were in 8th or 9th grade?

A. About 14 or 15.

Q. No further questions.

By The Court:

Mr. Fierro?

RE-DIRECT EXAMINATION

By Mr. Fierro:

Q. Colleen, the District Attorney asked you about a statement that you made to the Police in front of your Parents, of course that includes your Father, can you tell the Court and Jury, what, if anything, your Father said to you or indicated to you concerning that interview?

A. Well, my Parents didn't know I was seeing Kim up until then, and I knew they had to find out, and I was really upset at the time because the Police were sitting there and my Parents were sitting there, and I was just really upset.

Q. You say you were upset?

A. Yes.

Colleen Whitenight.

Q. Did you have time to think over those events from the time you gave that interview?

By Mr. Ertel:

I object, that is now leading.

By The Court:

Reword your question.

By Mr. Fierro:

Q. Did you think about these matters after that interview?

A. Yes.

Q. Has your Father specifically said anything to you with reference to testifying on behalf of Kim?

A. No, just to tell the truth.

Q. What?

A. Just to tell the truth.

Q. How long was it you said that you were thinking about this thing after that interview, without telling us what you finally thought of, how long a period of time went by after you had this interview with the Police that you finally came in your own mind as to what happened on the 19th?

By Mr. Ertel:

I object, that is implying she came to some other conclusion, and it is leading.

By Mr. Fierro:

Q. Did you come to some other conclusion after you thought about it, after that interview?

A. Yes.

Q. How long did it take you to think about it,

Colleen Whitenight.

whether it was hours or days or weeks, tell us?

A. Probably about a couple of weeks.

Q. Why did it take you that long, tell us what your mental state was?

By Mr. Ertel:

I object to this.

By The Court:

Sustained.

By Mr. Fierro:

Q. Did you tell the truth here today?

A. Yes.

Q. That is all.

By The Court:

Mr. Ertel?

RE-CROSS EXAMINATION

By Mr. Ertel:

Q. Did you receive a letter from Kim?

A. Yes.

Q. How did you get that letter?

A. I picked it up at his house.

Q. From his Mother?

A. Yes.

Q. His Mother gave it to you?

A. Yes.

Q. I have no further questions.

By The Court:

Is that the one you are talking about that is in evidence?

Colleen Whitenight.

By Mr. Ertel:

Q. Specifically what is marked as Commonwealth's Exhibit No. 116, is that it?

A. Yes.

Q. And you gave it to a girlfriend to keep for you, is that right?

A. Yes.

Q. You didn't want anybody else to get hold of it, is that correct?

By Mr. Fierro:

I object to that, whatever her motive was.

By The Court:

Sustained.

By Mr. Ertel:

Q. You didn't, did you tell her you didn't want your father to get it?

By Mr. Fierro:

I object to what she told somebody else about it.

By The Court:

Sustained.

By Mr. Ertel :

Q. There are other letters too, are there not?

A. Yes.

By Mr. Fierro:

From whom? We would like to know and whether they are in evidence, and they are the best evidence, I would like to see them.

Colleen Whitenight.

By The Court:

Over ruled.

By Mr. Ertel:

Q. You got them from Kim?

A. Yes.

Q. Through his Mother?

A. Yes.

Q. Where are they?

A. At his home.

Q. But these two letters you singled out and gave to a girlfriend?

A. Yes, but I had two others at home too, so I took them down to her house so my Parents didn't know I was writing to Kim.

Q. That is all.

By The Court:

Mr. Fierro?

By Mr. Fierro:

Q. You say you took these letters to your girlfriend so your Parents would not know about it?

A. At the time she was with me and I didn't have a place to put them and so I said, "Here, will you keep these for me?", and she put them in her pocketbook and had them ever since.

Q. No further questions.

By Mr. Ertel:

That is all.

(Excused from witness stand.).

Dorisann Hubbard.

By Mr. Fierro:

May she be excused?

By Mr. Ertel:

Yes.

DORISANN HUBBARD, being duly sworn according to law,
testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. State your name?

A. Dorisann Hubbard.

Q. You are Kim Lee's Mother?

A. Yes.

Q. Where do you live?

A. 1030 West Central Avenue, South Williamsport.

Q. How old is Kim now?

A. He is 20.

Q. Mrs. Hubbard, there was a girl in here by the
name of Colleen Whitenight who testified, do you know her?

A. Yes, I do.

Q. Do you know whether she has been keeping company
with your son?

A. Yes, she has.

Q. Mrs. Hubbard, before we get into this thing, what
I would like to find out, were you familiar with your son's car,
did you know what it looked like?

A. Yes.

Q. Do you know if there was anything wrong with it,

I am talking about October 19th?

A. Yes.

Q. What was wrong with it, what could you see?

A. I know it was banged up.

Q. What part of it was banged up?

A. The left fender and light.

Q. I want to show you marked as Commonwealth's Exhibit No. 115 and everybody in this Court Room knows this is a hard hat type of helmet, you can see it, can't you?

A. Yes.

Q. Did you ever see this Exhibit before in your life?

A. Never.

Q. Never?

A. I have never seen it.

Q. Now, outside of this particular Exhibit, have you ever seen a hard hat type of helmet in Kim's car of any kind?

A. No.

Q. Does your husband own any hard hat type helmet?

A. We have never owned one.

Q. Never owned one?

A. Never.

Q. Have you ever had a helmet like this in your house, that you know of?

A. Never.

Q. You knew Jennifer Hill?

A. Yes, I did.

Q. For how long did you know her?

A. From the day she came from the Hospital, her life.