

Linda K. Ranck. - Kenneth Whitenight.

A. Twice.

Q. And that was 4:00 and 6:00?

A. Right.

Q. That is all.

(Excused from witness stand.)

KENNETH WHITENIGHT, being duly sworn according to law testified as follows:

By Mr. Fierro:

I would like an offer on the record.

(AT SIDE BAR.)

By Mr. Ertel:

To establish that he went back to the store at approximately twenty to quarter of four, his daughter was there, Colleen Whitenight, he stayed there until 5:20. She called no one between those hours.

By Mr. Fierro:

This rebuts nothing.

By The Court:

Yes, I think it does.

By Mr. Fierro:

This girl said she did not know what time that afternoon she called.

By Mr. Ertel:

Kim said he called Colleen at 4:30 and 4:35.

By Mr. Fierro:

He can't rebut Kim's testimony.

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By The Court:

You will have to see if his daughter was there.

Kim said on October 19th he received a call from 4:30 to 4:35 from Colleen.

By Mr. Fierro:

He is not rebutting Kim's testimony.

By The Court:

If the daughter was there and he knows she was not making a phone call, it does.

By Mr. Fierro:

He is really rebutting his daughter's testimony, not Kim's. Kim said he received a call.

By The Court:

It can be, if she made no phone calls at that time, it is rebutting Kim's testimony.

(END OF SIDE BAR.).

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name, please?

A. Kenneth Whitenight.

Q. Mr. Whitenight, where did, where do you live?

A. I live at 237 Spring Street in DuBoistown.

Q. What is your occupation?

A. I own Clearview Television Company at 1134 West Third Street.

Q. Your daughter, Colleen, testified in this case?

A. Yes.

Q. Now, Mr. Whitenight, returning to the 19th of October.

Kenneth Whitenight.

1973, did you have the occasion to go back to your place of employment?

A. Yes, I did.

Q. What time did you go back that day?

A. I got a call from my daughter around quarter to four, and said that.....

By Mr. Fierro:

I object to that.

By The Court:

Sustained. Just answer the questions.

A. I got back to the store sometime before 4:00.

By Mr. Ertel:

Q. How long were you there?

A. I was there until about 20 minutes of five.

Q. At any time did your daughter call Kim Hubbard?

A. No, She didn't.

By Mr. Fierro:

I object to whether she called Kim Hubbard.

By The Court:

Reword your question.

By Mr. Ertel:

Q. Did she call the Hubbard home?

By Mr. Fierro:

I object to that.

By The Court:

Reword your question.

Kenneth Whitenight.

By Mr. Ertel:

Q. Were you in the store and around Colleen all during that period of time?

A. Yes, I was.

Q. Did she make any calls at that time?

A. No, she didn't.

Q. You are sure of that?

A. Yes.

Q. Cross examination.

CROSS EXAMINATION

By Mr. Fierro:

Q. You say you were around the store and watching whether your daughter was going to make a phone call or not?

A. I didn't say that.

Q. Well, what were you doing, let's say from the time you went to the store until you left it, 4:00 to 5:20, what were you doing?

A. I was in the store talking to a customer.

Q. Just to one customer?

A. I recall it was one customer.

Q. Did you talk to that customer from 4:00 to 5:20?

A. No.

Q. What else did you do?

A. The usual thing around the store, as a store owner would do.

Q. What were you doing that day, that time, besides talking to a customer once?

Kenneth Whitenight.

A. I don't recall exactly what I was doing, but I was in the store.

Q. You don't recall exactly what you were doing, but you recall exactly what your daughter was doing, don't you?

A. I didn't say I recall what my daughter was doing, I said I was in the store doing my usual business as a store owner.

Q. What were you doing in your usual business as a store owner at that time?

A. Probably waiting for business.

Q. Probably waiting for business?

A. The same as any other store owner would do.

Q. While you were waiting for business, you were watching whether Colleen was going to make a phone call or not?

A. I didn't say I was watching Colleen making a phone call.

Q. But you know she didn't, don't you?

A. Yes, I do.

Q. Because if she made it, you would have seen it?

A. If she made it, I would have heard her make a phone call.

Q. Is the room that small?

A. If somebody is talking on the phone you can hear them.

Q. Is there only one room in the store room?

A. No, three or four rooms.

Q. You have long opposed your daughter going with

Kenneth Whitenight.

Kim, haven't you, just answer the question "Yes" or "No"?

A. If I answered this question, your Honor, I would like to have a chance to explain myself if I answer this question.

By Mr. Ertel:

I believe the man is entitled to do that.

By Mr. Fierro:

I don't think he is entitled to do that, I only want to know whether he is opposed to their keeping company?

By The Court:

Mr. Fierro desires an answer, "Yes" or "No", but then the Court will give you an opportunity to explain. Mr. Fierro, I will see you at Side Bar if you care to argue it.

By Mr. Fierro:

All right.

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

By Mr. Fierro:

Q. Mr. Whitenight, isn't it true that on that particular night that you were anxious to get out of there, you were in a hurry to go home and pack because you had to pick up some people, you were going out of town?

A. We have a motorhome, and the motorhome was already packed before I went back to the store.

Q. I asked you weren't you in a hurry to leave the store that night because you were going to make a trip?

A. Not when I went back to the store, no.

Q. You were in no hurry?

A. No.

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Q. But you were going to make a trip that night, weren't you?

A. Yes, that is right.

Q. You did make a trip that night, didn't you?

A. Yes.

Q. What time did you leave your house, not the store, what time did you leave your house?

A. You mean on the trip?

Q. Yes?

A. Oh, I would say approximately twenty-five minutes of six, time to get over to the next block to pick up the people.

Q. Well, you left the store about what time?

A. I would say about approximately twenty, twenty-five after five.

Q. And you had to go home, eat your supper?

A. I didn't eat supper.

Q. You just went home and got your wife and whatever, and jumped in your car and picked up these people?

A. Jumped in the motorhome.

Q. And you think you left your house at around what time?

A. Well, I would say around about, we had to drive over the next block, I could tell you better the time when we left their place.

Q. What time did you leave their place?

A. Quarter to six.

Q. That is all.

Trooper Leon Krebs.

By Mr. Ertel:

Thank you, nothing further.

(Excused from witness stand.).

TROOPER LEON KREBS, previously sworn, recalled and testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. Trooper Krebs, were you present when Mr. Rotman, the expert for the Defendant, examined the casts at the State Police Barracks in Montoursville?

A. Yes, I was.

Q. Would you explain what happened there and the comments of Mr. Rotman?

By Mr. Fierro:

I object, this is not rebuttal.

By The Court:

May I see Counsel at Side Bar?

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

By Mr. Ertel:

Q. Do you recall the question?

A. Yes, I do.

Q. Would you answer it, please?

A. Yes.

By Mr. Fierro:

That question is not specific.

By The Court:

Be specific on it.