

Bittle.

And Now, to-wit, Saturday, February 23, 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 and place the following proceedings were had:

By The Court:

Mr. Ertel.

By Mr. Ertel:

Richard Bittle.

By Mr. Pierro:

I want an offer, your Honor.

By The Court:

Talk to Mr. Ertel there a moment.

(Conference between Mr. Ertel and Mr. Pierro.).

By Mr. Pierro:

All right, your Honor.

RICHARD L. BITTLE, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name?

A. Richard L. Bittle.

Q. Your occupation?

A. I am hired by the State Department of Environmental Resources.

I am presently with the Division of Solid Waste Management. I had been at the time with the Department of Water Quality Management Division.

Q. At the time, you are talking about October 19th?

A. Right.

Q. At that particular day, did you have the occasion to be in company with somebody else in the Sylvan Dell Area?

A. I was with Ken Walizer, my Field Supervisor.

Q. Where did you go on that day?

A. We left the Office a little after 2:00, I would say about quarter of two in the afternoon, and we had stopped at the Dairy Queen in South Williamsport and got a milk shake and then we went on down to Sylvan Dell. We were checking the Atlantic Oil Terminal down there, and I had a case against them for discharge of oil into the river, and I wanted to make a sketch of their Terminal area there.

Q. How did you approach the Atlantic-Richfield tanks down there?

A. We had, we had driven all of the way down to the end of Sylvan Dell and I wanted to get back off of the road, I didn't want to be, I didn't want to drive up into the Terminal, I just wanted to make a sketch of the area, so we were trying to find a place to pull off of the road. We had pulled up this dirt road between the, there is a road between the cornfields there, pulled about three-quarters of the way up there and parked and walked on up and made a sketch of the Terminal.

Q. What kind of vehicle were you driving?

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A. International Scout.

Q. What kind of tires did it have, as far as winter or summer treads?

A. They were a winter, mud, snow tire on all four wheels.

Q. Was that a fairly new vehicle?

A. Yes, it was a '73.

Q. Now, I show you what is marked as Commonwealth's Exhibit No. 27 and ask you to identify approximately where you marked?

A. Yes, approximately where, like a depression here in the cornfield, or cut out area, we parked right about there in the dirt road.

Q. Was there anything unusual in that area at that time?

A. No, Sir, not that we noticed. Well, the road was kind of bumpy, going up in there, but as far as this area here was not cut out at that time.

Q. In other words, there was standing corn at that point?

A. Right, Sir.

Q. Did the other chap get out of the car at all?

A. No, Sir, he did.

Q. How long were you there, can you tell us approximately?

A. I would say between 10 to 15 minutes we were in that road.

Q. All right, and then what time did you leave that vicinity, can you tell us approximately?

A. I would say it would not have been after 3:30, it would

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have been before that because we had gone up Montgomery Pike, checked another place out, and we were back to the office by 4:00.

Q. Now, that vehicle that you had driven up that road, did you have the occasion to turn that over to Corporal Houser of the Pennsylvania State Police?

A. Yes, I did.

Q. How long did he have it, do you know?

A. He had the vehicle one day. They had removed the tires from it, they kept those at the Crime Lab. at Harrisburg, that is what I understood anyway. They were returned about two weeks ago.

Q. Were they the same tires that were on that vehicle when you were driving it?

A. Yes, Sir, they were.

Q. No further questions.

By Mr. Fierro:

I have no questions.

(Excused from witness stand.).

KENNETH A. WALIZER, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

I assume that he is going to say precisely the same thing, I will stipulate to it, unless you have something else to offer?

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DIRECT EXAMINATION

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Walizer.

By Mr. Ertel:

No, I will be glad to stipulate.

By The Court:

Just put the name on the record.

By Mr. Ertel:

Q. State your full name?

A. Kenneth A. Walizer.

Q. Your occupation?

A. Environmental Protection Specialist, Bureau of Water and Management Specialist.

By Mr. Pierro:

I stipulate that his testimony will be precisely that of the other fellow .

By The Court:

Is that the purpose of his being called?

By Mr. Ertel:

Yes.

By The Court:

Anything further?

By Mr. Ertel:

No.

By The Court:

Any cross examination?

By Mr. Pierro:

I didn't before and I don't know.

(Excused from the witness stand.).

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TROOPER JOSEPH D. KEPPICK, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name, please?

A. Trooper Joseph D. Keppick.

Q. How long have you been a Trooper?

A. 20 years.

Q. As a Pennsylvania State Policeman do you have a special assignment as far as identification and making of moulds and soforth?

A. Yes.

Q. What is that, can you describe it?

A. I make plaster of Paris moulds, I photograph accident scenes and criminal scenes. I also process crime scenes for fingerprints.

Q. Officer, did you have the opportunity to process the car of Kim Hubbard in this case?

A. Yes.

Q. Did you process it for fingerprints?

A. Yes.

Q. Were you able to get any fingerprints of any description?

A. No, Sir.

Q. Talking about fingerprints, will you describe, most people think of fingerprints are easy to get, what kind of surfaces do you normally have to have to get fingerprints?

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A. A smooth surface.

Q. Does time, from the time a fingerprint is put there until the time it is trying to be lifted, is that important in trying to lift the fingerprint?

A. Yes.

Q. Why?

A. It depends on body chemistry, it depends on atmospheric conditions, it depends on temperature.

Q. Is it possible to lift fingerprints from bodies?

A. It is possible.

Q. In this particular case were you able to identify, to get any fingerprints from the body?

A. No.

Q. Now, Trooper Keppick, were you at the scene on October 28, 1973 when the body or sometime after the body was found?

A. Yes.

Q. What did you do at that scene?

A. I photographed the scene and I made numerous plaster of Paris casts.

Q. Now, there have been quite a few photographs introduced into evidence, will you (Mr. Fierro) stipulate to the photographs?

By Mr. Fierro:

Yes.

By Mr. Ertel:

Q. Officer Keppick, did you have the occasion to

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examine the area between the lane, the farm lane and the feet of the victim?

A. Yes.

Q. Did you take some photographs of that area?

A. Yes.

Q. Can you describe what that ground was like there?

A. It was grassy and there were quite a few weeds.

Q. Did you examine that for footprints?

A. Yes.

Q. Were there any?

A. No, Sir.

Q. Now the cast were ..(Mr. Fierro) will you stipulate he made nine casts?

By Mr. Fierro:

Yes.

By Mr. Ertel:

Q. You made the casts 50 through 56, the footprint casts?

A. Yes.

Q. You saw those footprints, did you not, and poured the plaster into them?

A. Yes.

Q. And Doctor Miller assisted you?

A. Yes, he did.

Q. Did you make casts of all of the footprints that you thought were able to be cast?

A. Yes, Sir.

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Q. Did ou make other casts at the scene?

A. Yes.

Q. What were they of?

A. The tire tracks.

Q. First, can you describe where these tire tracks were, Officer Keppick?

A. They were approximately 27 feet from Sylvan Dell Road on the lane leading to where the body was found.

Q. Did you also photograph those particular tire prints prior to the time that you made the casts?

A. Yes.

Q. I show you marked as Commonwealth's Exhibit No. 9, can you identify that?

A. Yes, Sir.

Q. What is it?

A. It is a photograph of a tire track.

Q. Is that one you made?

A. Yes.

Q. Is it the tire print youwere talking about which were approximately 26 or 29 feet from Sylvan Dell Road?

A. Yes.

Q. I show you marked as Commonwealth's Exhibit No. 10, can you identify that, please?

A. It is a photograph of another tire track.

Q. And again, where was that located, approximately?

A. That would have been located across, approximately the same distance from the road:

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Q. You mean in the opposite road where the tire tracks would be?

A. Yes.

Q. I show you marked as Commonwealth's Exhibit No. 21, can you identify that?

A. Yes, Sir, this was a photograph of the two plaster of Paris tire tracks. That was taken after this photo Exhibit No. 9.

Q. That shows the plaster of Paris already in the tracks is that right?

A. Yes, Sir.

Q. I show you what is marked as Commonwealth's Exhibit No. 22, and ask you if you can identify that?

A. Yes, Sir, this is a photograph looking south from Sylvan Dell Road, it shows the lane leading down through the cornfield. In the foreground are numerous tanks and plastics that were used to cover the plaster of Paris casts and the tire tracks.

Q. I show you marked as Commonwealth's Exhibit No. 17, can you identify that?

A. Yes.

Q. What is it?

A. These show what appear to be tire tracks leading into the lane, down through the cornfield.

Q. Were you able to identify or make out the design of those tire tracks at all?

A. No, Sir.

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Q. Now...

By Mr. Fierro:

What Exhibit Number was that?

By Mr. Ertel:

No. 17.

Q. I show you marked as Commonwealth's Exhibit No. 18, can you identify that?

A. That is a similar photo taken from a slightly different angle.

Q. I show you marked as Commonwealth's Exhibit No. 23, can you identify that?

A. Yes, Sir, that is a photograph of a 1967 Oldsmobile.

Q. Where was that taken?

A. At the South Williamsport Garage, City Hall Garage.

Q. Did you take that photograph?

A. Yes.

Q. Would that be true of all of Commonwealth's Exhibits Nos. 26, 24 and 25, if you examine them, are they pictures of the same car taken at the same time by you?

A. Yes, Sir.

Q. Now, do these photographs as you identify them, are they accurate representations of what you observed at the time?

A. Yes, Sir.

Q. I show you marked as Commonwealth's Exhibit No. 94 can you identify that?

A. Yes, Sir, this is a plaster of Paris cast that I

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had taken of a tire track.

Q. That was one of the tire tracks you said was on that lane approximately 26 feet in?

A. Yes, Sir.

Q. (To Mr. Pierro.) Will you stipulate to the other ones?

By Mr. Pierro:

Oh, sure I will, you mean this man did take them, have him say that and I will stipulate to it and just give the numbers.

By Mr. Ertel:

Q. Nos. 91 through 94, were four casts made by you?

A. Yes, Sir.

Q. I will repeat that, 91 through 94.

By Mr. Pierro:

It is stipulated.

By The Court:

Fine, proceed.

By Mr. Ertel:

Q. Did you bring with you an Exhibit to show the Jury how you went about this and how it works when you make a cast?

A. Yes, Sir.

(Commonwealth's Exhibit No. 104 marked.).

(Side Bar not made part of record.).

(Commonwealth's Exhibit No. 105 marked.).

By The Court:

What is the purpose of this?

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By Mr. Ertel:

Only to illustrate the method in which a print is laid and a print is picked up and how the Officer goes about doing it and how he would go about identifying points in the particular thing.

By The Court:

The testimony does not represent anything at the actual scene then, are only a demonstration?

By Mr. Ertel:

Yes.

By The Court:

Your specific objection?

By Mr. Fierro:

Well, your Honor, we have already stipulated to the things that this Officer did at the scene concerning the matters in evidence here and I don't think that anyother lecture or demonstration is necessary.

By The Court:

The objection is over ruled.

By Mr. Ertel:

Q. I will take Exhibit No. 104, and ask you to explain to the Jury, if you can, and maybe I don't know, can you explain it from there or do you want to come down here?

By The Court:

Do I understand this is what was done in this case? Establish that, Sir?

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By Mr. Ertel:

Q. Officer, in this particular case, what did you do as far as pouring the plaster?

A. What I had done in the case is similar to what I will explain in the demonstration.

By The Court:

That is what I understood your offer was?

By Mr. Ertel:

Yes.

By The Court:

Proceed.

By Mr. Ertel:

Q. You have three items in your Exhibit, was this one, that is obviously a clay, or moulding clay?

A. This is a moulding clay that I had rolled out to a flat surface, and I had then taken one of my shoes and inscribed my initials in the sole and I pressed it into the moulding clay which would be the same as pressing it into mud or natural terrain, that would show a footprint.

Q. Clay may or may not be better than the soil a person would have stepped in in another situation?

A. Correct. It is sufficient to show what could be brought out. Now, these initials were pressed into the moulding clay, the moulding clay was then casted.

Q. What do you mean by "casted"?

A. The plaster of Paris was mixed to base like consistency and poured over the moulding clay, allowed to dry for a sufficient

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time and then removed and the end result shows on the cast the initials that were put on the sole of my shoe.

By Mr. Fierro:

Your Honor, I renew my objection what this Officer is testifying about, it seems to me from his testimony that whatever he is explaining with the materials he used and the shoe off his own feet, was done under what appears to be ideal conditions and is not similar to the materials used or the evidence found or obtained to be used under the conditions at the scene, and therefore I say it is misleading.

By The Court:

Your objection is on the record, it is Over ruled, it is to this entire line of questioning.

By Mr. Ertel:

Q. I will hold the cast up that you made, and I don't know, can you come down here and bring the shoe with you?

A. (Witness leaves stand.).

Q. The clay represents the soil?

A. Yes, Sir.

By Mr. Fierro:

I object to that, that is not true in this case, now the clay cannot represent the soil.

By Mr. Ertel:

In his experiment it does represent the soil.

By Mr. Fierro:

That is precisely my point, it is going to mislead the jury. He is taking ideal conditions and obviously trying to implant that in the Jury's mind "This is what we got at the scene."

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*Better
Conditions*

without using the same conditions as are at the scene.

By Mr. Ertel:

We will show the conditions at the scene were better than what these are.

By Mr. Fierro:

Then I should not object, but I still do.

By The Court:

Your objection is on the record to this entire line.

By Mr. Ertel:

Q. Officer, taking these, what does this show in relation to the shoe, is this the same as the shoe?

A. Yes, Sir, looking at the shoe, and looking at the cast is known as positive, what you see here on the cast. You see initials here, they are not very plain, probably from where you are sitting, but if you examine them closely you can see my initials on both the shoe and the cast.

Q. Now, on the bottom of the cast there is a word that comes out, these are new shoes, are they not?

A. Yes, Sir.

Q. Had you worn them at all?

A. Yes, Sir, there is some indication of wear there.

Q. Now, what is the difference between what is called ^{class} "characteristics" and "accidentals"?

A. Class characteristics are those characteristics made by the manufacturer, and accidents are those that have been put in either accidental or even purposely, they are not made

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by the manufacturer.

Q. Just for an illustration purpose, show the Jury what a class characteristic is of this thing?

A. The heel portion is a good example of a class characteristic.

Q. Well, for instance the words "B.F. Goodrich" that shows on the cast and on the shoe, is that a class characteristic?

A. Yes, Sir.

Q. You made an accidental just for illustration purposes, did you not?

A. Yes.

Q. Where is that?

A. "J.K" on the soil.

Q. Did that come also on the positive that you have?

A. Yes.

Q. That is what is called an accidental characteristic?

A. Yes, Sir.

Q. Can the same thing be done with tires?

A. Yes, Sir.

Q. That what is marked as Commonwealth's Exhibit No. 105, again you are using modeling clay just for representation of the soil, is that correct?

A. Yes, Sir.

Q. You obtained, is this a new tire tread when you got it?

A. Yes.

Q. And the plaster of Paris cast, did you also make that?

A. Yes, Sir.

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Q. How, now will you explain how you did this?

By The Court:

Q. Is this similar to what was done at the scene, the procedure?

A. Yes, Sir.

Q. Proceed.

By Mr. Ertel:

Q. Proceed?

A. Again, we have modeling clay that I rolled out to near flat surface, and I got a cut-away piece of tire from Bastian's Tire Sales and placed it over the modeling clay, depressed right into the modeling clay and then cast the modeling clay.

Q. How did you put that into the modeling clay, what pressure did you put on?

A. I used my truck, I took the steel band off and put it around the tire and placed the modeling clay on the ground and this around the tire of my truck and drove over it.

Q. Now, the modeling clay under ideal conditions would represent the soil, is that correct?

A. Yes, Sir.

Q. And that represented the, what made the imprint, is that correct?

A. Yes.

Q. Now, I got with the particular cast you made, I note when you poured it over the top of it, whichever way you did it, on the top of the clay which would be the earth, there are portions

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of the material in the cast itself in the positive, is that correct?

A. Yes, Sir.

Q. Why is that?

A. The portion of the modeling clay had gone, had seated itself, a portion of the modeling clay had seated itself between the treads, and, of course, when the cast was removed from the modeling clay, the portion of the modeling clay stayed between the treads.

Q. Now, in the actual situation would you clean that modeling clay and clean that dirt out?

A. Yes, Sir.

Q. If it were out in the mud, that would be mud, and it would be cleaned?

A. Yes.

Q. Then you have the plaster of Paris cast would be the same as the particular tire, is that correct?

A. Yes, Sir.

Q. Now, again are the class characteristics on the tire and accidental characteristics?

A. Yes.

Q. Do you have class characteristics on the tire?

A. Yes, Sir, the tread.

By Mr. Pierro:

That is not a tire, we are talking about a whole tire in this case, and this man is showing a fragment.

The accidental characteristics would come from an entire tire, not

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a three inch segment this man is holding.

By Mr. Ertel:

We are prepared to show they came from the entire tire in the actual case, this is only an illustration.

By The Court:

Proceed.

A. There were little cuts made in this tire cut-away, a portion of a tire cut-away, which were put in there to show accidental characteristics, the same as my initials were put on the shoe.

By Mr. Ertel:

Q. Can you show those particular cuts, just to illustrate to the Jury where they are and where they show on the plaster cast?

A. On the plaster cast there is an accident characteristic, and I am pointing to right here, it is a depression in the cast.

Q. I am pointing to the one on the plaster cast, is that correct?

A. Yes.

Q. Can you point that out on the actual tire section?

A. Yes, Sir, right here.

Q. That would have to be turned around, would you, turn the section around so it matches exactly. They show on both, is that right, on the tire tread and also it, would you show that to the Jury?

A. Yes, Sir. What you see on the tire you see on the

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cast.

Q. Did you make another one just for illustration purposes?

A. Yes, Sir, in the lower righthand corner it would be.

Q. Both on the cast and tire tread?

A. Right, right here.

Q. Now, these are accidental?

A. Yes.

W. What is the class characteristics in a tire?

A. These waving lines are manufacturer's class characteristics, that is as you see it there, that is mostly all class characteristics made by the manufacturer.

Q. Generally, the more worn a tire, the more accidental characteristics you get?

A. Yes, Sir.

Q. I understand I was blocking Juror No. 1, in case he wants to look at it . Come down here and point out the accidentals, please, purposely put accidentals?

A. There is a little cut-away here and a little cut-away is reproduced on the cast. There is another cut-away near the lower righthand portion of the tire, the cut-away is reproduced on the cast, you can see it.

Q. (Mr. Ertel goes to other end of Jury Box....)

By Mr. Fierro:

Your Honor, it appears as we are having triple demonstrations.

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By The Court:

The objection is sustained. Let's proceed, Gentlemen. You can stand back further if there are any further demonstrations.

By Mr. Ertel:

The light is very poor, your Honor.

Take the stand.

(Witness returned to stand.)

By Mr. Ertel:

Q. Now, Officer Keppick, the tire casts and foot casts you checked were, they were Exhibits Nos. 50 through 55 and 91 through 94, did you collect them yourself?

A. Yes.

Q. Did you put your initials on them to identify them?

A. Yes.

Q. To whom did you turn those over?

A. Corporal Houser.

Q. Were they returned to the Barracks?

A. Yes, Sir.

Q. Where were they kept?

A. They were kept in the locker.

Q. You have looked at these since coming up to Court, have you not?

A. Oh, yes.

Q. Are they made the, are they the same castings that you made?

A. Yes, Sir.

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Q. Now, I have no further questions.

CROSS EXAMINATION

By Mr. Fierro:

Q. Mr. Keppick, are you telling us that whatever plaster casts you made concerning whatever is in evidence, that they are perfect?

A. No.

Q. Well, the things that you have just demonstrated to the Jury are just about perfect, aren't they?

A. I think it was a reasonably good demonstration of what plaster of Paris casts can bring out.

Q. It was almost perfect, you could even see where you scratched your initials on the sole of your shoe?

A. Yes, Sir, it does do a tremendous job.

Q. Are you saying whatever may be in evidence here, the casts you made, they came out perfectly?

A. No, Sir.

Q. If we find that there are some of these accidental characteristics that you talked about that are not on these plaster of paris casts, are, what are you going to say about that?

A. This could be made from almost anything. Our expert from Harrisburg could probably explain better than I.....

Q. I am not asking you about Harrisburg expert, you are testifying as to an expert what you did here and about accidental and class characteristics, I am asking you again what if some of these casts that are in evidence do not show the accidental characteristics that you talked about, would you say you

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made a poor cast?

A. No, Sir.

Q. Why would you say they would not be there?

A. It would depend on the terrain, most everything would be reproduced.

Q. But if they are not there, you would say it would depend on the terrain and what other conditions?

A. Yes, Sir, if part of the portion would, of the plaster of Paris was not properly laid into the impression, then you would not get a good reproduction.

Q. But I am talking about the impressions you made, now obviously the demonstration and, the demonstration that you made in front of the Jury and what you did at the scene are two different things?

A. Yes, but what I did on both occasions are similar.

Q. It may be similar, but the one was made under ideal conditions, that is the demonstration?

A. Yes, Sir.

All right, and the conditions at the scene you would not consider that they were not ideal.

Q. All right, even if they were ideal, would you be able to explain why if it happens that in the course of testimony that certain accidental characteristics of the objects in evidence do not appear in the cast, would you, can you explain why?

A. There could be an air bubble in the cast that would

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not reproduce anything beneath it.

Q. Anything else?

A. There could be a stick or a leaf over the impression that would blur anything beneath it or cover it up.

Q. Anyother reason?

A. None that I know, no, I don't know of any.

Now, I am not an expert in identifying plaster of Paris casts as far as making positive identification.

Q. You are just an expert in making them?

A. I have been trained in making plaster of Paris casts.

Q. Well, you notice that you have already given the Jury two samples of why it is possible that accidental characteristics would not appear when made at a natural scene, you didn't have that to contend with in your demonstration like leaves, bubbles and so on, you didn't have that to contend with, did you?

A. No, but you might say a leaf was there and it was reproduced or a stick was there and it was reproduced, but to find anything beneath it, this would hinder anything that could be found beneath it, if there was a leaf or piece of stick over it.

Q. If you made such good casts at the scene, we should be able to tell the Jury that those casts should show all of the accidental characteristics of whatever the object is?

A. This would have to be explained by Trooper Krebs.

Q. Not you?

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A. If for some reason it did not show.

Q. Then somebody else is going to have to explain why something does not show concerning something you made, is that correct?

A. Yes, Sir.

Q. Well, is that the same with fingerprints, I mean can't you explain that either?

A. Explain what?

Q. Well, you said that you found no fingerprints in the Defendant's car? Will it take somebody else to explain that?

A. No, Sir.

Q. Can you do that?

A. Yes, Sir.

Q. You examined this car thoroughly presumably?

A. Yes, Sir.

Q. Whatever techniques you used, I am not interested in, you say you are an expert, I will agree concerning fingerprints, so that I suppose you went over the interior of the car?

A. Yes.

Q. You are talking about a smooth surface, which is where a fingerprint adheres, there is certainly a lot of smooth surfaces inside of a car, isn't there?

A. Yes.

Q. You were specifically looking for Jennifer's, Jennifer Hill's fingerprint, weren't you?

A. Yes, Sir.

Q. You didn't find any?

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A. No, Sir.

Q. You found other fingerprints, unless you wanted to ignore them, you found them, didn't you?

A. No, Sir, I didn't find anything.

Q. Not even the Defendant's?

A. No, Sir.

Q. Did you find smudges?

A. Yes, Sir, there was quite a few smudges, but nothing with any ridge formations characteristics.

Q. On the inside of a car, how long would a fingerprint last under normal conditions?

A. Under normal conditions, according to my studies, the best time to work or lift a fingerprint or apply any solution to a fingerprint is between 24 and 36 hours.

Q. Will they last after that?

A. Yes, Sir, they may, depending upon moisture, depending on body chemistry, depending on the surface.

Q. Well, if there were any fingerprints, let's say on the glass on the inside of a car, either the windshield or side windows, how long would you expect them to last under normal conditions?

A. Indefinitely.

Q. You did check the glass?

A. Yes, Sir.

Q. Found no fingerprints?

A. No, Sir. The entire car, glass and soforth was very dirty and this hinders any processing in obtaining finger-

Trooper Keppick.

prints.

Q. Does it make, outside of being difficult, if a fingerprint is there you would find it though, wouldn't you?

A. Yes, Sir, if it can be brought out at all.

Q. When you say that you processed the car, was that only for the purpose of finding fingerprints or looking for other evidence?

A. I was detailed to process the vehicle and photograph the vehicle, process the vehicle for fingerprints and photograph it.

Q. Not for anyother reason?

A. No, Sir.

Q. When you say that you found no footprints between the edge of the farm lane and the feet of the girl, you described the area as being somewhat grassy?

A. Yes, Sir.

Q. Does that make it impossible to obtain a footprint?

A. Yes.

Q. It does?

A. Yes.

Q. Doesn't it even create any impression in the ground?

A. There was no impression that was of any value that I could see.

Q. When you say "of any value", do you mean by that you saw something but You didn't think it was valuable? -

A. There was no impression there that I could see of any value, I saw nothing.

Trooper Keppick.

*How did he
get a suspect
print under
loopy of where he
was standing?*

Q. Was that entire area grassy?

A. Yes, it was.

Q. No dirt?

A. No, Sir.

Q. Weren't there corn stalks there in that area?

A. Very many.

Q. What?

A. Very many.

Q. Were they growing in the grass, out of the grassy area?

A. I would like to see a picture to see how close the corn stalks were.

Q. I believe you have the pictures up there, don't you?

A. No, Sir. The picture here show this is a picture looking inward toward the corn field.

Q. What number are you talking about?

X A. No. 2. It shows heavy grass leading up to the feet of the victim.

Q. This is No. 1?

A. This is similar, but taken at a closer distance to the victim.

Q. I don't think we have one showing the edge of the road
By Mr. Ertel:

Yes, we do.

By Mr. Pierro:

The edge of the road to the feet?

By Mr. Ertel: This one shows.

*Mr. Ertel
Ertel's
Sketches
Photo*

Trooper Keppick.

By Mr. Fierro:

No, it doesn't, so don't make the statement.

By Mr. Ertel:

It does.

By Mr. Fierro:

Let the Jury decide what it has.

Q. You don't see the edge of the lane in the photograph you are holding, which is No. 2?

A. When I took this picture, I took it for the purpose of showing that the area leading from the lane to where the body was found.

Q. You do not see the edge of the road?

A. I was standing on the road. It is possible that you cannot really see the traveled portion of this road because it is grass all of the way up through there.

Q. Well, in any case so the Jury will know, Commonwealth's Exhibit No. 2 shows what you say is substantially most of the area between the feet of the victim and let's say the edge of the lane?

A. Yes.

Q. When they see this, this is Commonwealth's Exhibit No. 2, you are saying because of this, because of this grass and some weeds there, you could obtain no impression and saw no footprints?

A. Yes.

Q. Even though I will ask you to assume that the Defendant was carrying this girl who weighed about 120 or 125

Trooper Keppick.

you saw no footprints?

A. Right.

Q. I show you what has been marked as Commonwealth's Exhibit No. 24, which I believe you said you took?

A. Yes.

Q. That is a picture of the Defendant's car, I guess in the Borough Hall in South Williamsport?

A. Yes.

Q. And except for the fact that the rear tires have been removed, it does show in particular the damage to the left front fender, doesn't it?

A. Yes, it does.

Q. That is accurate, isn't it?

A. Yes, Sir. *State police altered*

Q. At least the way you took it, and you know that

that is the way, at least from your investigation, this is what the car looked like with respect to damage on October 19th, isn't that right?

A. It is the way it looked when I took it on November 2nd.

Q. Don't you know that damage was there on October 28th?

A. No, Sir.

Q. You don't even know that through your fellow Officers?

A. From what I heard through my fellow Officers, this had been changed, some of the damage had been corrected or taken out.

Q. By whom?

*These tires were it
entered as evidence
in the courtroom
They disappeared*

*State police altered
evidence here*

Trooper Keppick.

A. I don't know.

Q. You mean it was ^{rose} on October 19th?

A. Yes, Sir, that is the impression I had.

Q. That is even better, in other words whatever this Jury is looking at concerning the Defendant's car, the damage to the left front fender, as far as you know it was even worse on October 19th than it appears here in this photograph?

By Mr. Ertel:

I object to this.

By The Court:

The objection is sustained.

By Mr. Pierro:

Q. In that picture you took, is the hood damaged?

A. Yes.

Q. Is there any damage on one of the left side doors in that picture?

A. There appears to be some dents and scratch marks.

Q. Do you know anything about car colors, can you identify that car's color?

A. Light green.

Q. Just light green?

A. Yes.

Q. You are not using the word "metallic" or "acrylic" or anything like that?

A. No.

Q. You are just saying light green?

Trooper Keppick.

A. Yes.

Q. By the way, you said that whatever tire prints you made were taken about 27 feet, that would be south of Sylvan Dell on the farm lane?

A. Yes.

Q. Well, the farm lane itself leading up to the area where the body was found, is how long?

A. Approximately from the roadway about 127 feet.

Q. 127 feet?

A. I did not, again, I did not take these measurements.

Q. This is your estimate?

A. It is my estimate.

By Mr. Ertel:

Pardon me a moment; I think he misunderstood the question, is that the estimate of the entire length of the lane or to the body?

By Mr. Fierro:

I said to where the body was found. Change the question!

By Mr. Ertel:

Okay.

By Mr. Fierro:

Q. Is it still the same, about 127 feet south of the Sylvan Dell Road to the area where the body was found, that, would that be the approximate length of the farm lane?

A. No, Sir.

Q. What would it be?

A. It is over 300 feet.

Check all newspaper articles up until 1975 arrest. They have the body 100 ft off highway.

Keppick heard the question right, Eitel's the one who didn't hear it right or maybe he broke in to change the question!

Trooper Keppick.

Q. Now...

A. Now, this, again, is hearsay, I read this from Corporal Barto's report.

Q. Well, you have some idea, you have been a Police Officer long enough?

A. Yes, Sir.

Q. That you can estimate the lane?

A. These measurements seem to be accurate.

Q. Let's go back from the edge of the Sylvan Dell Road, what is the length of the farm lane to where the body was found?

A. 127 feet.

Q. And your tire prints were found 27 feet off of, and that would be south, apparently, from the Sylvan Dell Road?

A. Yes, Sir.

Q. That leaves another 100 feet of farm lane, moving towards where the body was found, is that correct?

A. Correct.

Q. On which you found no tire prints?

A. Correct.

Q. None whatsoever?

A. No tireprints.

Q. Well, if you found no tire prints, tell us whatever else you may have found?

A. There were bulldozer cleat prints.

Q. Anything else?

A. Nothing, not to my knowledge, nothing else.

Q. How far did this bulldozer cleat prints go?

A. I believe they went the entire length of that lane.

This stopped 46' short of highway

*Keppick - Sylvan Dell Road
27 feet - 100 feet
127 feet - 100 feet
27 feet - 100 feet*

Trooper Keppick.

WHY ARE THERE FOOTPRINTS IN THE CASTS 468.

Q. Did they totally destroy the road surface?

A. No, Sir.

Q. All right, now if you assume that those cleat prints were made and there was testimony that it was made well, sometime before 3:00 in any case, if a car went up that alley, would it not leave some sort of impression?

I don't know.

I don't know?

No.

Q. Did you see any footprints on that lane?

A. Sir.

Q. What composition was that lane?

You are speaking of the grassy area?

No, the farm lane, you know?

Yes.

Q. ... like dirt, grass, macadam, concrete?

A. Grass.

casts were cast

was discovered the location of footprints in the tire casts.

Q. You are saying that you also found footprints or indications of them in the area where you obtained the tire prints?

A. Yes, Sir, they are right in the casts.

Q. They are?

A. Yes, Sir.

Q. That would be 27 feet south of the Sylvan Dell

Road?

Foot prints
in area
near

Trooper Keppick.

*only one
cast here
I know
print in
at location
this
testimony #69.*

A. Yes.

Q. How many footprints did you find in that area?

A. Of course, as I say, I am not an expert in identifying casts.

Q. No, but you made them?

A. It seems plain there are approximately three different shoe prints in the casts.

Q. Of where you obtained this tire print?

A. Yes.

Q. Is this farm lane above the 27 feet area that we are talking about, is it entirely all grass, is none of it dirt?

A. Yes, Sir, it is all grass all of the way up through there.

Q. Where vehicles may use that lane, aren't there some sort of ruts or definitions in the ground that show where a vehicle run through that lane?

A. Yes, Sir, there is, the grass has been where the tire tracks would have been, the grass has been stomped down some.

Q. How about where this tractor chewed up the ground, didn't that reveal dirt and uproot the grass?

A. Just where the cleats were pushed into the ground, you can see where they were depressed in the ground.

Q. Where they did depress in the ground, they would uproot the grass and turn up earth, wouldn't they?

A. No, Sir, just a straight line across is what I saw.

Trooper Keppick.

Q. Now, the tire prints that you made in this 27 feet are also contained several other types of footprints?

A. Yes.

Q. That is all.

RE-DIRECT EXAMINATION

By Mr. Ertel:

Q. Officer Keppick, this particular spot where you made the casts of the tires, was that foreign material to that area?

A. It appeared to be.

Q. In other words, it was a clump?

A. Yes.

Q. The rest of this area was basically grassy throughout the lane?

A. Yes.

Q. Thank you.

RE-CROSS EXAMINATION

By Mr. Fierro:

Q. This mud and dirt was described by somebody else, now you are saying it is foreign, is this the only type you know of in the United States?

A. No, Sir, I base this on the fact that when I had lifted the casts from the earth there was grass underneath.

Q. The type of mud, soil, clay, or whatever it is, is that so uncommon to this area?

A. I don't know, I am not...

Trooper Keppick.

Q. Well, you have just said it is foreign to this or that?

A. It appeared to be foreign because the dirt was flopped over grass.

Q. The soil in itself, have you ever seen such soil in this area?

A. Yes, it didn't seem to be anything unusual.

Q. That is all.

By Mr. Ertel:

That is all.

(Excused from witness stand.).

By Mr. Ertel:

It has been stipulated that Commonwealth's Exhibit No. 81 was a soil sample obtained from the Dye-Tex Corporation by Corporal Barto as testified to by, as would be testified to by Corporal Barto and also by Mr. Kremser.

TROOPER ALFRED R. GOMB, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name?

A. Trooper Alfred R. Gomb.

Q. Your occupation?

A. Pennsylvania State Police, Montoursville.

Q. How long have you been a Trooper?

A. This is my 14th year of service.

Q. Trooper, in this particular case, did you have

Trooper Keppick.

Q. Well, you have just said it is foreign to this or that?

A. It appeared to be foreign because the dirt was flopped over grass.

Q. The soil in itself, have you ever seen such soil in this area?

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Q. That is all.

By Mr. Ertel:

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A. Trooper Alfred R. Gomb.

Q. Your occupation?

A. Pennsylvania State Police, Montoursville.

Q. How long have you been a Trooper?

A. This is my 14th year of service.

Q. Trooper, in this particular case, did you have

Trooper Gomb.

a special duty in relation to the vehicle of Kim Hubbard at the South Williamsport Borough Hall?

A. Yes, Sir.

Q. What did you do?

A. I was assigned to conduct a search of the interior of the vehicle and also to gather samples from the, soil samples from the interior and exterior of the vehicle.

Q. Did you do so?

A. Yes, Sir.

Q. Would you explain what you did as far as a search of the vehicle was concerned?

A. On the interior of the vehicle I examined the floor, dash, glove compartment, seats, complete interior of the vehicle and in so doing I gathered what appeared to be strands of hair from the front floor, front seat, passenger compartment.

Q. What did you do with that?

A. The strands were packaged in a plastic bag, sealed in a white envelope, marked as evidence and were later turned over to the evidence Officer.

Q. Who is Evidence Officer?

A. I turned those over to Corporal Houser.

Q. I show you marked as Commonwealth's Exhibit No. 100 and ask you if you can identify that?

A. Yes, Sir.

Q. What is it?

A. This is the manila envelope with a State Police evidence tag which contains a plastic bag with hair that I gathered

Trooper Gomb.

from the interior of the vehicle.

Q. Where did you find that hair?

A. This hair was found on the front seat, in the floor mats, and along the front door, in the seat belt on the or in the front of the vehicle.

Q. That was turned over to Trooper Houser?

A. Yes.

Q. You personally sealed those envelopes?

A. Yes, Sir.

Q. I show you marked as Commonwealth's Exhibit No. 98 and ask you if you can identify that?

A. Yes, Sir.

Q. What is it?

A. Brown manila envelope on the evidence tag, which contains two white that each contain a plastic bag containing soil samples.

Q. Where were these taken from?

A. These were taken from the undercarriage, the frame area of the Oldsmobile vehicle by me.

Q. You personally scraped those?

A. Yes, Sir.

Q. Incidentally, will you describe the exterior of that vehicle when you examined it as far as cleanliness and so on, the exterior of the vehicle, the undercarriage, wheel wells and so on?

A. Those areas were clean, quite clean.

A. Could you get dust or dirt at all by rubbing your

Trooper Gomb.

hand on them?

A. Very little, possibly you would get some dust on your hands, but very little dust and dirt.

Q. You didn't find globs of mud or dirt underneath at all?

A. No, I didn't, Sir.

Q. I show you marked as Commonwealth's Exhibit No. 99, can you identify that?

A. Yes, Sir.

Q. What is it?

A. These are the individual samples that I obtained from scrapings and gathering off various points of the vehicle.

Q. Scrapings of what?

A. Mud, soil samples, dirt material.

Q. Where did you have to scrape to get those samples, Officer Gomb?

A. On the inside of the wheel wells, most to the rear section of the wheel wells and underneath the framing of the wheel wheels.

Q. Couldn't you get any samples from just underneath the car itself?

A. Not necessary.

Q. Was it clean there, is that what you are saying?

A. Yes, Sir.

Q. And you had to go all of the way up in the wheel well to get a sample?

A. Inside and underneath it, yes, Sir.

Trooper Gomb.

*Feb 11 Faust
Said Gomb's 90
if he could
475.
leave as
take off*

Q. If you come down, Officer, I would like you to examine Commonwealth's Exhibit No. 90, can you identify that?

A. (Witness leaves stand.) Yes, Sir.

Q. What is it?

A. It is a spare tire that I received from Poole's Service Station area.

Q. Did you personally obtain that tire?

A. Yes, Sir, I did.

Q. Do you recall who you obtained it from?

A. Mr. Faust.

Q. What date did you obtain that tire?

A. The 31st of October.

Q. Did you examine the car when the tires were still on it?

A. Yes, Sir.

Q. Can you describe the tires on the car as far as newness and oldness is concerned?

A. The two tires in the rear were old tires. There was one tire on the front of the vehicle, I believe on the left front, which was a newer, good condition tire. The tire in the right front was in poor condition.

Q. Subsequent to that you went to Poole's and obtained this particular tire, is that correct?

A. Yes, Sir.

Q. Now, in your search of the vehicle, did you search the vehicle again after the 31st of October?

A. Yes, Sir, I did.

Trooper Gomb.

Q. When did you search the vehicle again?

A. I searched the vehicle again on the evening, I believe the 1st of November.

Q. What did you do on that occasion?

A. On that occasion the complete interior of the vehicle was removed from the body.

Q. Did you take that out personally and with the help of others?

A. Yes, Sir.

Q. What did you find, if anything?

A. Nothing that I know to be of consequences. The only material that I gathered from that search that I packaged or marked as evidence was a section of fingernail, and also.... I am thinking over another time, Sir.

Q. All right, you found a fingernail, you tagged it with an evidence tag, is that right?

A. Yes, Sir.

Q. Did you submit that to Officer Houser?

A. Yes, Sir.

Q. Was that a cut fingernail or torn fingernail, from your observation?

A. I don't remember, Sir.

Q. For the benefit of Mr. Fierro, we will stipulate that fingernail was not able to be identified, it appeared to be a cut nail rather than a torn nail.

By Mr. Fierro:

I object, I don't want to agree or disagree.

Call to be further of drawing on board
WPAK 112
476/
T-ANSOY

Trooper Gomb.

By The Court:

Strike it from the record and the Jury is instructed to disregard it, there is no stipulation.

By Mr. Ertel:

Q. Did you examine the vehicle again?

A. Yes, Sir.

Q. When did you examine it again?

A. The evening of the 4th of November.

Q. What did you do on that occasion?

A. On that occasion I removed the contents from the vehicle, the interior and exterior, excuse me, the trunk.

Q. What did you remove from the trunk?

A. I removed a box of wood and a piece of material that I identified as "Gunk", caulking type material, and white powder substance. *He eliminated Spare Tire*

Q. That had no consequence for this investigation, as far as you were concerned?

A. Not to my knowledge.

Q. When you first examined the vehicle, did you observe a white helmet in the vehicle?

A. Yes, Sir.

Q. Where was that located?

A. The rear portion of the interior of the vehicle.

Q. No further questions.

By The Court:

Mr. Pierro?

CROSS EXAMINATION

By Mr. Fierro:

Q. This tire, tire No. 90 that you examined, you say you got this from a Mr. Faust at Poole's Service Station?

A. I believe that is the name, yes, Sir.

Q. Now, do you know where this Mr. Faust got the tire from, I mean at his station, where was it?

A. Yes, I know where it was.

Q. Where was it?

A. It was outside, to the outside of the building, outside of the south portion.

Q. When you say "outside", you mean exposed to the elements?

A. Yes, Sir.

Q. And do you know how long it had been there? I mean if you know, don't guess?

A. Only what I was told, Sir.

Q. Only what you were told by whom, Mr. Faust?

A. Yes, Sir.

Q. Now, we understand as you say the outside of the Hubbard car was clean, but the inside was ^{very} dirty, wasn't it?

A. I would not characterize it as "very dirty".

Q. How about just "dirty"?

A. Dirty, yes, Sir.

Q. The outside clean, the inside dirty?

A. Yes.

Q. Were you the first man to make a search of the

Trooper Gomb.

interior of the car?

A. I believe so, yes.

Q. Assisted by somebody else?

A. Yes, Sir.

Q. Captain Smith?

A. No, Sir.

Q. Who?

A. Corporal Barto.

Q. In making an examination of the interior of the car, didn't you fellows place a lot of these objects on the ledge of the rear?

A. No, Sir.

Q. Well, who put the rim or what appears to be hub caps or rims on the ledge of this car, do you know?

A. I know of one, Sir.

Q. Who put it there?

A. I may have put it there.

Q. In other words then you did put something on that rear ledge?

A. No, Sir, I remember one hub cap in the rear of the vehicle and in searching I remember items on the back seat. I know that the one, I know there was one hub cap in the rear, but I don't remember if I had put it there or if it had been there prior. I remember the item as being there.

Q. Well, a moment ago you said you put it there?

A. I don't believe I said that, Sir, I said possibly I may have, I don't know.

Trooper Gomb.

Q. Did you make a check to determine about this white helmet, as to how long it may have been in that car?

A. No, Sir.

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

A. No, Sir.

Q. All you know is when you saw this car at the Police Borough Hall, that stuff, whatever it was, that was on the ledge, including the white helmet was there?

A. Yes.

Q. That is all you know about it, right?

A. Yes, Sir.

Q. That car had been there before you got there?

A. Right.

Q. Perhaps for days?

A. No, Sir.

Q. For how long?

A. That car arrived at the Borough Hall while I was at the Borough Hall.

Q. Brought there by whom?

A. I didn't see the arrival, Sir, I was inside of the building.

Q. You mean you didn't see Kim Hubbard drive that car down there?

A. That is correct, Sir.

Q. By the way, did you interrogate Kim Hubbard at any time?

Trooper Gomb.

A. No, Sir.

Q. Well, then all you know is about your search of the interior and exterior of the car and whatever things you picked up and turned over to Corporal Houser, is that the size of the investigation that you participated in?

A. Yes, Sir, and also that I turned the car back in the presence of Chief Smith to Mr. Hubbard.

Q. It is not too important, but how long was that car in Police custody at that time before it was turned back to Kim Hubbard? Let's say about two weeks?

A. No, Sir, from the, I believe from the date of 31st of October until the evening hours of the 7th of November.

Q. Seven or eight days?

A. Approximately, yes.

Q. And then, of course, subsequently the car was also obtained, I don't know whether it was by you or someother Officer, do you remember?

A. Not to my knowledge, no, Sir.

Q. Do you know where the car is now?

A. Today, yes, Sir.

Q. Where?

A. The State Police Barracks in Montoursville.

Q. Do you know when it was gotten by the State Police this last time?

A. Yes, Sir.

Q. When?

A. On the night that Mr. Hubbard was taken into custody.

Trooper Gomb.

Q. When was that?

A. I am not familiar with that night, Sir.

Q. You have now told us the extent of your participation in this case?

A. I did have other participation as far as investigation, yes, Sir.

Q. Well, let's find out what you investigated, now you said you did some other matters, did they include, for example showing some photographs of suspects to other people?

A. No, Sir.

Q. Well, what else did you do in this case?

A. I conducted house to house inquiries and correlated reports, information, talked to different people.

Q. When you say "correlated reports" are we talking about paper work?

A. Yes, Sir.

Q. But you did go house to house, obviously looking for anybody who might know something about this case, isn't that correct?

A. That is correct, Sir.

Q. And when you say "talking to people", that is also what you mean by that answer, whether you went house to house or whether you seen them on the street, this is what you mean, searching for witnesses?

A. Yes, Sir.

Q. Did you go to the Grimes' house in the course of your investigation which is next door to the Hubbard house?

A. Not to my knowledge, no, Sir.

Q. When you say you went house to house, where did you go house to house?

A. Howard Street.

Q. Just Howard Street?

A. Howard Street and the intersecting streets where a home was located on the corners.

Q. Howard Street is where Mrs. Nevel lives, I believe?

A. I believe so, yes.

Q. Did you go in Mrs. Nevel's neighborhood, house to house talking to people?

A. Yes, Sir.

Q. Did you find anybody else who saw Jennifer Hill around 4:30?

A. No, Sir, I did not.

Q. How many people did you talk to on Howard Street, approximately, unless you know exactly?

A. Approximately 75.

Q. Approximately 75?

A. Yes, Sir.

Q. Of all of those people, you could find not a one, and I am not talking about Mrs. Nevel, you could not find a one who saw Jennifer Hill on that street, October 19th, around 4:30, could you?

A. No, Sir, I could not.

Q. Did you canvass West Central Avenue near Market Street?

A. No, Sir.

Trooper Gomb.

Q. I suppose somebody else did?

A. I believe so, yes.

Q. Thank you, that is all.

By The Court:

Gentlemen, we are going to recess, unless it is a very short re-direct.

By Mr. Ertel:

I don't if it will be short, I don't know.

By The Court:

The Defendant is excused. The jury is excused.

Court is recessed.

(Recessed at 10:55 A.M., EDST.).

(Reconvened at 11:15 A.M., EDST.).

(Trooper Alfred Gomb returned to witness stand.).

(Commonwealth's Exhibit No. 106 marked for identification.).

By Mr. Ertel:

Q. Over the recess we looked and found Commonwealth's Exhibit No. 106, can you identify that?

A. Yes, Sir.

Q. What is it?

A. This is the fingernail that I found in the fold of the front seat of the vehicle and the box and bagged that, I prepared for the evidence.

Q. Who did you turn that over to?

A. Corporal Houser.

Q. You put it in the box?

A. Yes, Sir.

Trooper Gomb.

Q. Did you put it in the bag also?

A. Yes, Sir.

Q. Did you seal the bag?

A. Yes, Sir.

Q. Thank you. Now, which seat did you find that in?

A. This came from the innerfold of the front seat of the vehicle.

Q. Now, when you say "innerfold", that does not describe to me where it was actually?

A. During the search of the seat, the seat was removed from the car itself, taken out of the car, put on newspapers that I had laid on the floor, the innerflap from the bottom of the seat, the seat itself and the top of the back portion of the seat was taken apart and the material between that fold was allowed to fall onto the newspaper. In so doing that is when I discovered that fingernail.

Q. Which side of the car was that on, left or right?

A. It just fell from the fold of the vehicle, Sir, I cannot say if it was to any particular side.

Q. Officer this is the back of the seat (draws on board), this is the back where you lean against, and this is the seat, you are talking in here?

A. That is correct. (Indicating between back of seat and the seat itself.).

Q. Now, Officer, you said you were the coordinator of the reports and so on, did you man the telephone in Borough Hall?

A. Yes, Sir.

Trooper Gomb.

Q. Did you receive a call on November 3rd?

A. Several calls, yes, Sir.

Q. Did you receive in particular from the Hubbard home?

A. Yes, Sir, I did.

Q. What time approximately was that call?

A. The afternoon hours, I did not log the time.

Q. In the afternoon hours?

A. Yes.

Q. Who called?

A. A party on the phone identified herself as Mrs.

Hubbard.

Q. Who did she ask to speak with?

A. With you, Sir.

Q. Did you hand the phone to me?

A. Yes, Sir.

Q. Subsequent to that, did somebody appear at Borough Hall?

A. Yes, Sir.

Q. Who appeared?

A. Kim Hubbard.

Q. Can you tell us approximately how long after that phone call?

A. 20 minutes - a half hour.

Q. Now, you said you made a search of the Howard Street area, is that correct?

A. Yes, Sir.

Trooper Gomb.

Q. From house to house, were you able to determine if most people worked and were home on that particular day on October 19th?

By Mr. Fierro:

He is asking for hearsay, and I object.

By Mr. Ertel:

He asked him for what he did.

By The Court:

The objection is over ruled, you may answer.

A. Yes, Sir.

By Mr. Ertel:

Q. What was your results as far as your investigation along that street?

A. Approximately half of the people that I talked to, close to half of the people that I talked to were not at home during the course of my questioning, they were working or away.

Q. And half of the people you talked to, did they indicate whether they were home on October 19th?

By Mr. Fierro:

I object.

By The Court:

The objection is sustained.

By Mr. Ertel:

No further questions.

RE-CROSS EXAMINATION

By Mr. Fierro:

Q. You either did or did not talk to 75 people on

Trooper Gomb.

Howard Street as you told me, now what is it?

A. I talked to that approximate number, Sir.

Q. That is right. Okey, by the way, just a few more questions that I missed on the search of the car, did you find the girl's ear ring?

A. No, Sir.

Q. You did not?

A. No, Sir.

Q. Did you find a girl's clothing of any sort?

A. No, Sir.

Q. Did you find your, in your search there were, however minute, any blood particles anywhere in the car?

A. No, Sir.

Q. Did you find anywhere in the car that there was damage to the interior of the car, particularly the seat, the fabric, anything of that nature other than normal wear and tear?

A. No, Sir.

Q. That is all.

By Mr. Ertel:

I have no further questions.

(Excused from witness stand.)

JAMES L. MILLER, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

It is stipulated that Corporal Barto took Commonwealth Exhibit No. 80, which is mud or dirt, whatever you want to call it,

Trooper Gomb.

Howard Street as you told me, now what is it?

A. I talked to that approximate number, Sir.

Q. That is right. Okey, by the way, just a few more questions that I missed on the search of the car, did you find the girl's ear ring?

A. No, Sir.

Q. You did not?

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Q. That is all.

By Mr. Ertel:

I have no further questions.

(Excused from witness stand.)

JAMES L. MILLER, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

It is stipulated that Corporal Barto took Commonwealth Exhibit No. 80, which is mud or dirt, whatever you want to call it,

James L. Miller.

taken from the left side of the road where there was a tire impression approximately 26 feet from the main road at the Sylvan Dell Road.

By Mr. Fierro:

Go ahead.

By Mr. Ertel:

Q. State your full name, please?

A. James L. Miller.

Q. Your occupation?

A. Chemist at the Pennsylvania State Police Laboratory in Harrisburg.

Q. How long have you been employed there?

A. May 1, 1972.

Q. What is your educational background, training and experience?

A. I have a Bachelor Degree from Lycoming College, 1969, majoring in Chemistry. I completed the requirements for a Master's Degree from West Virginia University in Organic and Analytical Chemistry. I received orientation and training at the Laboratory upon commencing employment there, that is basically in the investigation of materials which relate to crime and crime scenes.

Q. I offer him as an expert, Chemist and Criminologist.

By Mr. Fierro:

Chemist, not Criminologist.

By Mr. Ertel:

All right, it is so stipulated.

Q. Did you have the occasion to receive certain materials

James L. Miller.

from Corporal Houser?

A. Yes.

Q. Did you take physical possession of those?

A. Upon his arrival at the Laboratory, yes.

Q. Without going through each and every item, did you make certain analysis of certain materials?

A. Yes, Sir, ^I did.

Q. Now, turning first to the mud samples, can you tell us what analysis you made of the dirt or mud samples?

By Mr. Fierro:

I think your Honor, that I would like to know Exhibit by Exhibit. If, for example, there is one we stipulated to, if you want to start with that, but I don't want any generalized statements.

By Mr. Ertel:

I think that he can pin it down to Exhibits eventually.

By The Court:

What Mr. Fierro is asking for the record that the Exhibit number be on record.

By Mr. Ertel:

Q. Have you examined them all, Mr. Miller?

A. Yes, I have.

Q. Mr. Miller, you examined what is marked as Commonwealth's Exhibit No. 98, Commonwealth's Exhibit No. 99, Commonwealth's Exhibit No. 73, Commonwealth's Exhibits Nos. 72, 81 and 80, is that correct?

James L. Miller.

A. Yes.

Q. What process did you go through in examination of these materials?

A. The samples that are submitted in all of these Commonwealth Exhibits are dirt samples or soil samples, and a general comparison was made, each sample being treated separately, but the results being compared collectively, and a result was from, was formulated from the analysis of all of these samples. It was found that the samples, which is Commonwealth's Exhibit No. 80 and the sample which is Commonwealth's Exhibit No. 81 were found to be extremely similar.

Q. Now, can you identify where they were taken from by the tags?

A. From the tags, Exhibit No. 80 was the dirt sample taken from the left tire impression at the crime scene and the Commonwealth's Exhibit No. 81 was removed from the Dye-Tex Corporation.

Q. Did you compare any other of the samples?

A. The other ones were collectively compared, the samples that were removed from the Hubbard vehicle, which is Commonwealth's Exhibit No. 99 were different than those in items of 80 or 81 and also different from those that are in items No. 72, those found near the scene of the victim.

Q. Did you compare the Commonwealth Exhibit, the material found in the tire impression or near the tire impression and Dye-Tex with the material found at the scene of the body?

A. Yes, I did.

James L. Miller.

Q. Are they similar?

A. They are dissimilar.

Q. They are not the same?

A. That is correct.

Q. Did you draw any other conclusions from the dirt at all?

A. There was one other sample yet, Exhibit No. 98, was from the, from here it says the left side of the vehicle and the right side of vehicle, these samples were also different from those in Commonwealth's Exhibit No. 80 and 81, which was the tire impression and Dye-TEX.

Q. Now...

A. They were also different from the samples found at the scene or in, or in Item No. 72. To state my conclusions again, the two samples that were found to be similar were the ones found in the tire impression and the ones in the coffee can, or Exhibit No. 81. The scene, and the dirt from the scene was different from the tire impression or the Dye-TEX Corporation, and also the dirt from the scene was different from that on the car, on the vehicle, and also the vehicle was different from that at the Dye-TEX Corporation or the tire impression.

Q. Did you examine also Commonwealth's Exhibit No. 106?

A. Yes, I did. I might make mention here also.....

By Mr. Fierro:

Excuse me, before you make mention. Side Bar, please
(Side Bar consultation not made a part of the record.).
(AT SIDE BAR.).

James L. Miller.

By The Court:

Mr. Ertel, Mr. Fierro asked for an offer on Commonwealth's Exhibit No. 106, and what Mr. Miller is going to testify.

By Mr. Ertel:

He will testify that this is a torn fingernail that he examined under a microscope, that he cannot definitely establish who it was from or relate it to Jennifer Hill.

By Mr. Fierro:

We object on the grounds that evidence carries no probative value and if the offer is as the District Attorney states, if the Court allows it, it will allow the Jury to speculate maybe it could have been, without any reasonable basis for drawing that inference.

By The Court:

Over ruled.

(END OF SIDE BAR.).

By Mr. Ertel:

Q. I am sorry, did I ask you if you examined the fingernail which is contained in No. 106?

A. Yes, Sir, I examined this, and I recognize this because it bears my initials as do all of the other items that have been talked about so far.

Q. And I show you marked as Commonwealth's Exhibit No. 71.....

By Mr. Fierro:

Is this something different?

James L. Miller.

By Mr. Ertel:

This is a fingernail taken from the victim.

By Mr. Fierro:

Proceed.

By Mr. Ertel:

Q. Did you examine that also?

A. Yes, Sir, I did.

Q. Just for clarification, Commonwealth's Exhibit No. 71 is a fingernail taken from the victim?

A. Fingernail removed from the right middle finger of the victim.

Q. Did you examine under a microscope the fingernail in 106, the fingernail taken from the car?

A. Yes, I did.

Q. What conclusions did you draw by your microscopic analysis?

A. My examination was a comparison between 106 and 71, and from the comparison I could draw no conclusions as to the source or the identify of the fingernail. There were no comparison as to the particular two items.

Q. You could not, why couldn't you make a comparison?

By Mr. Fierro:

I object, he has said he could not.

By The Court:

The objection is sustained.

By Mr. Ertel:

I believe the reason why he could not is relevant

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to this Jury, the background.

By The Court:

Do you care to come and make an offer, and I will reconsider my ruling.

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

By The Court:

Mr. Fierro, your objection is to the entire line of questions.

By Mr. Fierro:

Yes, your Honor.

By Mr. Ertel:

Q. Why couldn't you draw any comparisons, what were the reasons for that?

A. They were, from dimensions of the fingernails, the structures, the characteristics of the two fingernails, they, they were of such difference that the two fingernails could not have come from the same finger. Other conclusions like this, in the microscopic examination did not lead itself to the identity or identicalness that they were identical in any shape or in any respect.

Q. In other words if they came from two different fingers you couldn't compare them?

By Mr. Fierro:

I object to leading the witness.

By The Court:

Sustained.

James L. Miller.

By Mr. Ertel:

Q. What, if anything, did you determine as to 106 as to its' characteristics where it was severed from the other part of the nail?

A. I am sorry, I don't quite understand your question.

Q. At the breaking point from the, what would be considered the main part of the nail, what was on the body, whose ever body, what did you determine as far as the breaking characteristics of it?

A. It appeared that the fingernail in Item No. 106 appeared to have been started to have been broken, and then the remaining of it had been clipped off.

Q. Now, did you make other comparisons?

A. In respect, in other items of the case.

Q. What other items did you compare?

A. There were several hair samples, there were several items of clothing from the victim, many hair samples, some from the clothing, some that were brought in from the suspects, or received from suspected people, items of clothing from the victim, nail scrapings from the victim, besides the dirt samples.

Q. Let's start with the....

A. In general, the nails, the hair and the clothing.

Q. I show you marked as Commonwealth's Exhibit No. 68?

A. Collectively this is known as Commonwealth's Exhibit No. 68, and these are each individual nail scraping from each of the fingers of the victim, and upon analysis of these fingernail scrapings, in each of the cases nothing of probative value was found within the scraping material itself.

James L. Miller.

Q. Did you find any blood indications at all?

A. No, Sir, I did not.

Q. You found no foreign material that you could substantiate in any way?

A. No, Sir.

Q. Now....

(Commonwealth's Exhibit No. 107 marked.).

Q. I show you marked as Commonwealth's Exhibit No. 107, can you identify that, please?

A. Yes, I can, and I will have to go through each one of these individually to explain what they are.

Q. All right.

Q. These were samples that I removed from the victim clothing upon examination, and they were placed in these plastic bags after they were totally analyzed one by one and they were compared to samples that were received from the victim herself. The first one here is a hair sample that was removed from the blue football jersey that she had on at the time. There is also a sample removed from pajamas that were inside the plastic bag. There was a hair sample removed from the blue jeans that were inside of the plastic Glick bag. There was a hair sample, or samples of hair, two fragments of hair that were removed from the light blue jeans she was wearing, and there is a hair sample, several hairs here from the grey-blue jacket she had covering her body. These were compared with her hair and they were highly similar to her hair, but they were also highly similar to other standard hairs submitted in this case also.

James L. Miller.

Q. Similar to what other standards of hair?

By Mr. Fierro:

I object to that.

By Mr. Ertel:

Q. Were you able to draw any conclusions whatsoever from it?

A. No, Sir, I was not.

Q. (To The Court.). Your Honor, we will follow up with the identification of the following hair samples, and how they were obtained, they were transported, and we would follow that up, I would like to get this man off of the stand rather than....

By Mr. Fierro:

I have an objection, in fact I want an offer at Side Bar.

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

By The Court:

The objection is over ruled on the basis, Mr. Ertel, you will follow up from the person that obtained each of these samples?

By Mr. Ertel:

Yes, I will.

By The Court:

And they were kept in custody until such time as they were delivered to the Gentleman?

By Mr. Ertel:

We will show a chain of custody complete to him.

James L. Miller.

Q. Mr. Miller, did you examine the hair samples which I put before you?

A. Yes, I did.

Q. Will you identify the ones you examined?

A. I had examined Commonwealth's Exhibit No. 82, Commonwealth's Exhibit No. 83, Commonwealth's Exhibit No. 84 and Commonwealth's Exhibit No. 85, Commonwealth's Exhibit No. 86, Commonwealth's Exhibit No. 69, Commonwealth's Exhibit No. 75, Commonwealth's Exhibit No. 70.

Q. What, if any, conclusions, were you able to draw?

A. These were examined, 82, 83, 84, 85, 86 were examined, and these were different suspects, and it was found that three of these suspects had hair of a class characteristic very similar to that of the victim's, and that the victim's hair as compared with these three people could not be differentiated.

Q. Whose hair were they?

A. The three people that I am talking about similar characteristics are the hair from Kim Lee Hubbard, which is Commonwealth's Exhibit No. 85, also from Dorisann Hubbard, Commonwealth's Exhibit No. 86, and to a lesser extent the hair sample from Ruth Marie Hubbard, Commonwealth's Exhibit No. 84.

Q. Which ones were dissimilar?

A. The hair sample provided from Ard Stetts, Commonwealth's Exhibit No. 82, and a hair sample provided from a Colleen Whitenight, Commonwealth's Exhibit No. 83.

Q. Now, in comparison to those that, what we would call as guides or samples, did you compare that to a hair sample from

James L. Miller.

the head of the victim?

A. Yes, Sir, I did.

Q. How about the hair sample found under the victim's body, Commonwealth's Exhibit No. 75?

A. Yes, they were all compared, they were examined and all compared and there was no conclusion could be drawn whose the hair beneath the victim's body belonged to.

Q. Of course, the pubic hair sample, were you able to compare that with other samples?

A. They were collectively examined, but they were not similar to the pubic hair.

Q. The hair on the victim's clothing that you were able to get off of it, could you compare that with the particular ones?

A. Yes, they were compared with the four people, that is the victim and Kim Lee Hubbard, Dorisann Hubbard and Ruth Marie Hubbard, and they were also similar and all of these hairs were the same characteristics as to those. I could draw no conclusion as to where these hairs came from.

Q. You can draw the conclusion they did not come from Ard Stetts or Colleen Whitenight?

A. That is correct.

Q. Did you compare the hair found in the automobile with the standards?

A. Yes, Sir.

Q. Did you compare that with what is marked as Commonwealth's Exhibit No. 100?

James L. Miller.

A. Yes, I did. All of these hair strands, which were 11 of them from the Hubbard vehicle all had the same characteristics as those from the four mentioned people.

Q. Which four are you referring to?

A. Referring to Kim Lee Hubbard, Doris Hubbard, Ruth Hubbard and the victim.

Q. Anything else that you examined which we have not covered?

A. Well, there were several packages of corn stalks which led to no probative value. There was also the clothing that the victim was wearing which I examined, but they essentially led to no probative value other than being soiled or things like that.

Q. Did you find any blood on the clothing at all?

A. No, I did not.

Q. None whatsoever?

A. None whatsoever.

Q. Thank you. Cross examination.

By The Court:

Mr. Fierro?

CROSS EXAMINATION

By Mr. Fierro:

Q. Outside of the dirt, leaving the dirt aside for the moment, actually whatever you testified to here leads to no probative value, isn't that true?

By Mr. Ertel:

I object to that, that is a conclusion.

James L. Miller

By The Court:

The objection is over ruled.

By Mr. Pierro:

Q. Isn't that true?

A. Other than the soil samples?

Q. Other than the soil samples?

A. All of the examination led to conclusions.

Q. Led to no probative value?

A. No probative value, however they were examined for purposes to prove this.

Q. And examining for purposes to prove it, your conclusion other than soil samples that they have no probative value, isn't that the answer?

A. That is, basically.

Q. For example, you are talking about hair, can you prove anything by this hair that you have examined? I will withdraw the question. This hair that you looked at, don't they have general characteristics that can apply to thousands of people?

A. The hair samples were subjected to different tests and the conclusions were drawn because of the similarities between these samples, however there were two hair samples that I could eliminate due to also these characteristics.

Q. I am asking you if hair, unlike fingerprints, doesn't belong to a class, and that these classes of hair will have similar characteristics, is that correct?

A. That is correct, and I will qualify it this way, that

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hair does fall into a non-fingerprint, non-exact type of hair, and that there are similarities that a cross section of the population will have a general, will have hair very similar, and this is the conclusions I have drawn.

Q. In other words that you can get hair samples from exactly millions of people in this country that are similar to the Hubbards' and the deceased girl, isn't that correct?

A. That is highly speculative.

Q. That is a pretty good conclusion?

A. Percentage-wise it does prove out over a large group.

Q. That is why you are saying the hair made no difference in this case to you?

A. That is correct.

Q. So that we don't waste too much time, you said that the fingernail that you have there, you said it appeared that part of it was broken off, but the rest appeared to you, on examination, to have been clipped off, or that is to say using some instrument like a nail clipper or scissors or something like that?

A. Yes, Sir, I did.

Q. And that indicates to you that some human being, perhaps the decedent herself may have deliberately with some instrument removed that nail?

A. That could be correct.

Q. And you said that you couldn't tell whose nail that is?

James L. Miller.

A. That is correct.

Q. So again that carries no probative value, does it?

A. Essentially none, that is right.

Q. You understand what we are trying to do here, trying to give this Jury something that either can say it is a fact or opinion of your's they can sink their teeth into, and when we say "no probative value", we are trying to let the Jury understand it means in effect nothing as far as this case is concerned, right?

By Mr. Ertel:

Objection to that, that is a conclusion the Jury would have to make, not him.

By The Court:

Q. Do you understand the question?

A. I don't understand all of the connotations of it.

Q. Reword your question.

By Mr. Fierro:

I will go on.

By The Court:

Proceed.

By Mr. Fierro:

Q. What probative value can you pass on to this Jury when they deliberate concerning this fingernail?

A. None whatsoever.

Q. Doctor Catherman testified concerning two scratch marks on the victim's face, and said that in his opinion that it was

James L. Miller.

likely made by her, now assuming that to be true, Mr. Miller, wouldn't you find her skin and or at least minute portions of blood underneath her nails?

A. You would assume that, yes, but in this case from the fingernail scrapings there was no blood found.

Q. None of her skin?

A. Nothing of foreign matter, no, Sir.

Q. You say "foreign matter", did you find any of her skin under her nails?

A. I found what is subcutaneous of the fingernail in the scrapings, no skin was removed from the victim's fingers.

Q. What were these scrapings, tell us what these scrapings were?

A. From my recollection of it, of the samples, it was just taken by removing the contents underneath the edge of the fingernail and placing them on this and this is what I examined and these would be the foreign, loose material, plus the material of the fingernail that would come off with the scrapings, which was present.

Q. When you say "nothing foreign", for example dirt, skin, blood, clothing, you found nothing like that in the scrapings?

A. There was no blood, no, Sir.

Q. Was there any of her skin included in the scrapings?

A. Not that I could recognize and discern from the examination.

Q. Was there anybody else's skin involved in those

James L. Miller.

scrapings?

A. No, Sir, there was no skin found.

Q. Let's make it flat, there was no skin found in the scrapings?

A. There was fingernail material, or fingernail structure itself.

Q. From her own fingernails?

A. I would assume it was from her, yes.

Q. Just like if I would take a file and put it under my fingernails, I would get some of my own fingernail scrapings, that is what you are talking about?

A. Yes, Sir.

Q. We covered the fingernail, scrapings and hair, now let's go to the last item is dirt, am I correct these are the only four items you testified about, in case I am mistaken, dirt, fingernail, scrapings under the fingernail and hair, is that correct? Is there something else that you examined?

A. I did examine the clothing also.

Q. But you came to no conclusion on that?

A. That is correct.

Q. Clothing, no conclusion either. Now we are up to the dirt, please correct me if I am wrong, did I understand you to testify that whatever dirt samples you examined off the Hubbard car that you found that that dirt was different than, when I say "dirt", soil, different than the dirt or soil at the scene of the crime, not the scene of the crime, the scene where the child was found?

James L. Miller.

A. Yes, as compared, the dirt samples from the Hubbard vehicle were compared with the dirt removed from the area where the victim was found, and they were different.

Q. They are different, is that correct?

A. That is correct.

Q. I wanted to be sure. However, the dirt from a certain tire impression with the dirt that came from Dye-Text Plant are the same?

A. That is correct, the dirt from the tire impression of which I don't remember what number it was anymore, 80 and 81, the dirt from the tire impression, No. 80, was the same as the dirt or very similar to the dirt from Commonwealth's Exhibit No. 81, which is from the Dye-Text Plant.

Q. Mr. Miller, can you explain to us, and I will withdraw that and restate it, when you say the dirt from the Hubbard car was different from that at the scene where the body was found, do you mean the dirt that was supplied to you by the State Police gotten from the Hubbard car?

A. That is correct.

Q. Now, was that dirt, or was it explained to you as to what portions of the Hubbard car that dirt was obtained from?

A. No, Sir, I took the samples that were submitted to me and compared them and from reading or anything, I may have determined where they were from, but they were not explained to me.

Q. In other words, the dirt from the Hubbard car that

James L. Miller.

you examined, could have come from different parts of the car, including the tires?

A. Yes, Sir.

Q. You don't know?

A. That is correct, I took the samples that were supplied to me from the Hubbard vehicle, they were compared together also, they, as a class themselves would be found to be very similar, the five soil samples that were taken in Commonwealth's Exhibit No. 99 were found to be highly similar in the five themselves, but then those five were different from the Dye-Tex or the tire impression from the scene.

Q. That is exactly what I am getting at, because the last thing you said, or from the scene, I am going to restate it again, everything concerning the dirt or soil given to you by the State Police taken from the Hubbard car, is not the same as the dirt, the soil, call it whatever you wish, obtained from the scene where the body was found, is that a correct statement?

A. That is correct.

Q. Thank you, Sir, that is all.

RE-DIRECT EXAMINATION

By Mr. Miller:

Q. You said that you could draw no conclusions from your examination of the clothing, did you find any blood?

A. No, Sir, I did not.

James L. Miller.

By Mr. Fierro:

He asked that question before.

By The Court:

Sustained.

By Mr. Ertel:

I will follow it up.

Q. Is that a conclusion, there was no discernible blood on the clothing?

A. That is right.

By Mr. Fierro:

I object.

By The Court:

The objection is sustained, it is stricken from the record and the Jury is instructed to disregard it.

By Mr. Ertel:

Q. What, if any, conclusion were you able to draw as to blood on the clothing?

By Mr. Fierro:

I object, it is repetitious, it was asked before.

By The Court:

You may answer?

A. I found no blood on the clothing.

By Mr. Ertel:

That is all.

By Mr. Fierro:

No questions.

By The Court:

May this witness be excused?

By Mr. Pierro:

I guess, can he be recalled, I want him subject to recall.

By The Court:

But that would be by phone, if necessary.

(Excused from witness stand.).

By The Court:

The Court is going to adjourn at this time. The Defendant is excused. The Jury is excused.

(Off-the-record discussion.).

By The Court:

On the record, Mr. Feese, Mr. Ertel, you are moving into evidence all photographs that have been marked and identified by somebody on the stand?

By Mr. Ertel:

Yes.

By Mr. Pierro:

I do not object.

By The Court:

Except to the two slides?

By Mr. Pierro:

Yes.

By The Court:

The two slides were admitted.

By Mr. Ertel:

I move in the tires.

By Mr. Pierro:

Some of these, you are only talking about right now one tire I think has been identified.

By Mr. Ertel:

All three has.

By The Court:

Hold that. He will not move those in.

By Mr. Ertel:

I move in the casts.

By The Court:

They are already in. The sample casts will not go in.

By Mr. Ertel:

I will not move those in. All I am moving is the tire casts.

By The Court:

They are in.

By Mr. Ertel:

I move the tire castings, 91 through 94.

By Mr. Pierro:

No objection.

By The Court:

They are admitted without objection.

(Commonwealth's Exhibits Nos. 91, 92, 93 and 94 admitted into evidence.).

By Mr. Ertel:

Now, the next thing we ought to move in is the victim'

clothing.

By The Court:

Any objection?

By Mr. Fierro:

Yes, because, Judge, it carries no probative value.

By The Court:

The clothing you can mark being admitted over the objection of Defense Counsel.

(Commonwealth's Exhibits Nos. 60, 61, 62, 63, 64, 65, 66 and 67 admitted into evidence.)

By Mr. Ertel:

I also move the Glick bag that was processed.

By The Court:

The one she had is all right, but not the identical one.

By Mr. Ertel:

The one found with the body, No. 66.

(Commonwealth's Exhibit No. 66 admitted into evidence.)

By Mr. Ertel:

I move in Commonwealth's Exhibit No. 49.

By Mr. Fierro:

I object.

By The Court:

You object, and the objection is sustained.

By Mr. Ertel:

The newspaper.

By Mr. Fierro:

I object.

By The Court:

The objection to the newspaper we are going to sustained.

By Mr. Fierro:

She testified about the time of the program.

By Mr. Ertel:

What about the mud?

By The Court:

The only ones I will let in is the two specific ones, 80 and 81.

By Mr. Ertel:

I move them all in.

By Mr. Fierro:

I object.

By The Court:

Sustained to all of them except No. 80 and 81.
(Commonwealth's Exhibits Nos. 80 and 81 admitted into evidence.).

By Mr. Ertel:

We move the fingernail scrapings, which is all one exhibit.

By Mr. Fierro:

I object.

By Mr. Ertel:

They are relevant.

By The Court:

I am sustaining the objection.

By Mr. Fierro:

And the fingernail, I object to that.

By Mr. Ertel:

I don't care about that. I will move it in.

By Mr. Fierro:

I object.

By The Court:

I will sustain the objection.

By Mr. Ertel:

We move the boots in.

By Mr. Fierro:

We agree to that.

By The Court:

They are admitted.

(Commonwealth's Exhibits Nos. 96 and 97 admitted.)

By Mr. Ertel:

Sneakers from the car and the boots.

By Mr. Fierro:

Objection.

By The Court:

They are admitted.

(Commonwealth's Exhibit No. 102 marked.)

By Mr. Ertel:

I guess that is it.

By The Court:

Court is adjourned.

(Adjourned at 12:20 P.M., EDST.).

By The Court:

Court is adjourned.

(Adjourned at 12:20 P.M., EDST.).