

Chief of Police Charles E. Smith.

And Now, to-wit, Thursday, February 28, 1974, beginning at 9:00 A.M., EDT, the trial in the above-captioned case was continued before the Honorable Charles F. Greevy, President Judge, and a Jury, in Court Room No. 1, at the Lycoming County Court House, Williamsport, Penna., at which time the Defendant was present with his Counsel, and the following proceedings were had:
By The Court:

Mr. Ertel?

CHIEF OF POLICE CHARLES E. SMITH, previously sworn, recalled and testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. Chief Smith, you were previously sworn?

A. Yes, Sir.

Q. Chief Smith, have you talked to Mrs. Hubbard during this investigation?

A. Yes, I have.

Q. On what occasion?

A. That is the following day I went to talk to Mrs. Hubbard and the whereabouts of the girls.

Q. Not only what you talked about, just the date you talked to her?

A. Yes.

Q. What dates did you talk to her?

A. On the 20th, October 30th I was in her house, November 1st, November 3rd.

Charles Smith was in my home every day

Q. Chief Smith, did you ever say to her, words to this

Chief of Police Charles E. Smith.

effect, "Dorisann, please say that you made Kim take Jennifer's coat after her."?

A. No, Sir, I did not.

Q. Chief Smith, did you ever say words to the effect, "Dorisann, you just don't remember in all the upset, but you made Kim take Jennifer home."?

A. No, Sir, I did not say that.

Q. Did she discuss the coat with you?

A. Yes, she did.

Q. What did she say about the coat?

A. She said when Jennifer left the house she remembered because the coat was zippered clear up to her chin.

Q. Is that the only conversation you had with her about the coat?

A. No, on the 20th describing the clothes and soforth, that came out too.

Q. Chief Smith, did you have the occasion to take Mrs. Hubbard and Kim Hubbard to the State Police Barracks on November 1st, at their request?

A. Yes.

This is a lie. He was told Charles would take us

Q. What time did you pick them up?

A. Around 8:00 A.M.

Q. What time did you leave the State Police Barracks?

A. Around, I would say betwen 12:00 and 12:30.

Q. You took them back home?

A. Yes, I dropped her off at the Williamsport Hospital and I took Kim to his home on Central Avenue.

Chief of Police Charles E. Smith.

Q. Cross examination.

CROSS EXAMINATION

By Mr. Fierro:

Q. Of course, Chief, some of the questions that, or statements that you deny making to Mrs. Hubbard concerning the coat and sending Kim after this girl, you recognize that if that were true that they would be illegal, you know that?

A. I, Sir, I never made the statement. This is a lie.

Q. I mean those kind of statements by a Police Officer to a witness would be illegal, you recognize that, don't you?

By Mr. Ertel:

I object.

By The Court:

The objection is sustained.

By Mr. Fierro:

No further questions.

(Excused from witness stand.)

JAMES J. STAHL, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your name and occupation?

A. James J. Stahl, and I work at Clearview Television in Williamsport.

Q. Are you the serviceman there?

A. Yes, Mam...yes, Sir.

Q. Mr. Stahl, going back to October 19, 1973, can

Chief of Police Charles E. Smith.

Q. Cross examination.

CROSS EXAMINATION

By Mr. Fierro:

Q. Of course, Chief, some of the questions that, or statements that you deny making to Mrs. Hubbard concerning the coat and sending Kim after this girl, you recognize that if that were true that they would be illegal, you know that?

A. I, Sir, I never made the statement. This is a lie.

Q. I mean those kind of statements by a Police Officer to a witness would be illegal, you recognize that, don't you?

By Mr. Ertel:

I object.

By The Court:

The objection is sustained.

By Mr. Fierro:

No further questions.

(Excused from witness stand.)

JAMES J. STAHL, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your name and occupation?

A. James J. Stahl, and I work at Clearview Television in Williamsport.

Q. Are you the serviceman there?

A. Yes, Mam....yes, Sir.

Q. Mr. Stahl, going back to October 19, 1973, can

James J. Stahl.

you tell us were you in the establishment before 4:00?

A. I left somewhere, the Service Shop in the area of around 4:00.

Q. Was Mr. Whitenight there at that time?

A. He was not at that time.

Q. Did you come back?

A. Yes, Sir, I did.

Q. What time did you come back, approximately?

A. Somewhere around quarter of five.

Q. Was Mr. Whitenight there then?

A. Yes, Sir, he was.

Q. Was Colleen there?

A. Yes, Sir.

Q. How long did Mr. Whitenight and Colleen remain there?

A. They left the Shop somewhere between 5:15 and 5:30.

Q. Who left first?

A. Mr. Whitenight and Colleen followed.

Q. How much time difference?

A. They left the store at the same time.

Q. Did you lock up then?

A. Yes.

Q. Are you familiar with the phones in the store there?

A. Yes.

Q. If somebody is using the telephone, can you hear them throughout the store?

A. You sure can.

Q. Regardless of what phone they use?

James J. Stahl.

A. Right. We have phones in the service shop as well as other parts of the store.

Q. But you can hear throughout the store?

A. Yes.

Q. Cross examination.

CROSS EXAMINATION

By Mr. Fierro:

Q. You are employed by Mr. Whitenight?

A. Yes, Sir, I am.

Q. He is the man that gives you the paycheck?

A. Yes.

Q. Now, Colleen Whitenight spoke to you in the last few weeks about whether you remembered what time her Dad left the store?

A. Yes, Sir, she did.

Q. Didn't you tell her you didn't remember?

A. No, Sir, I did not.

Q. You did not?

A. Yes, Sir.

Q. That is all.

RE-DIRECT EXAMINATION

By Mr. Ertel:

Q. What did you tell Colleen?

A. I told her she left, followed her Dad somewhere between 5:15 and 5:30.

Q. No further questions.

James J. Stahl. - Diane Fisher.

By Mr. Fierro:

I have none.

(Excused from witness stand.).

DIANE M. FISHER, being duly sworn according to law,
testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name?

A. Diane Marie Fisher.

Q. How old are you?

A. 16.

Q. Where do you live, Diane?

A. 22 West First Avenue, South Williamsport.

Q. When did you turn 16?

A. October 26th.

Q. On November 16th, were you in the company of the
Defendant?

A. Yes, Sir.

Q. Were you in his car with him?

A. Yes.

By Mr. Fierro:

I object to his leading the witness....go ahead.

By The Court:

Proceed.

By Mr. Ertel:

Q. Did you have the occasion to be driving with him and
have a conversation with him?

James J. Stahl. - Diane Fisher.

By Mr. Fierro:

I have none.

(Excused from witness stand.).

DIANE M. FISHER, being duly sworn according to law,
testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name?

A. Diane Marie Fisher.

Q. How old are you?

A. 16.

Q. Where do you live, Diane?

A. 22 West First Avenue, South Williamsport.

Q. When did you turn 16?

A. October 26th.

Q. On November 16th, were you in the company of the
Defendant?

A. Yes, Sir.

Q. Were you in his car with him?

A. Yes.

By Mr. Fierro:

I object to his leading the witness....go ahead.

By The Court:

Proceed.

By Mr. Ertel:

Q. Did you have the occasion to be driving with him and
have a conversation with him?

Diane Fisher.

A. Yes, I did.

Q. Did you have the occasion to be discussing the death of Jennifer Hill?

A. We didn't really discuss, not really, I mean....

Q. What did he say to you concerning his mind, if anything?

By Mr. Fierro:

I object to his leading his witness.

By The Court:

Refrain from leading the witness. You may answer, however?

A. He told me that when he got mad something snapped in his head and he could do things that he would not know he was doing or would not remember doing it.

By Mr. Ertel:

Q. Did you have a discussion....what, if any discussion did you have concerning Jennifer Hill?

By Mr. Fierro:

I object to this, this is not rebuttal and we were at Side Bar about this matter before, and in addition the witness has already answered they had no discussion about Jennifer Hill.

By The Court:

Reword your question.

By Mr. Ertel:

Q. Did you discuss Jennifer Hill at all?

A. Not that night. When I talked to him on the

Diane Fisher.

phone we did.

Q. What did he say?

By Mr. Fierro:

We object, your Honor.

By The Court:

Q. When did the conversation take place?

A. When he called me on the phone.

Q. The objection is over ruled, you may answer.

By Mr. Ertel:

Q. Go ahead?

A. I don't know what you want me to say.

Q. I want you to say the truth what happened

on the telephone.

By Mr. Fierro:

I object to that statement, your Honor.

By The Court:

You were asked about the conversation on the phone.

By Mr. Fierro:

It has not been established when this took place.

By Mr. Ertel:

Q. Was this conversation the same evening?

A. No, it was a couple days before.

Q. What was the conversation?

By Mr. Fierro:

It still has not been established when this conversation, a couple days before what?

A. Before I was with him.

Diane Fisher.

By The Court:

Proceed.

A. I asked him what she was like and he said that if he wanted somebody to go out with, he would not go out with a 13 year old little girl.

By Mr. Ertel:

Q. Is that what you told the Police?

By Mr. Fierro:

I object to that.

By The Court:

Sustained.

A. I can't remember.

By Mr. Ertel:

Q. Did he say anything else about her?

By Mr. Fierro:

Is this the conversation of November 12th or whatever is that what you are referring to? Otherwise I object.

By Mr. Ertel:

Q. Was there a conversation on November 12th or before the 16th?

A. Yes, it was about two days before.

Q. Did you ask him anything else about her?

A. I can't remember.

Q. What do you recall about that conversation that, besides what you just said?

By Mr. Fierro:

I object, she just testified to this.

Diane Fisher.

By The Court:

If anything. Is that the extent of the conversation or was there something further?

A. I just can't remember.

By Mr. Ertel:

I would like to refresh her recollection.

By Mr. Fierro:

I object to his refreshing her recollection.

By The Court:

The objection is sustained.

By Mr. Ertel:

Q. Did you make a tape recording with the police?

By Mr. Fierro:

I object to that.

A. Yes, I did.

By The Court:

I will over rule the objection.

By Mr. Ertel:

Q. If you listen to that tape, would it refresh your recollection?

By Mr. Fierro:

I object to that.

By The Court:

Yes, I think it would.

By Mr. Fierro:

I move the answer be stricken.

By The Court:

Strike it from the record, and the Jury is instructed

Diane Fisher.

to disregard it.

By Mr. Ertel:

Q. Does that refresh your recollection as to the rest of the conversation?

By Mr. Fierro:

Your Honor....

By The Court:

May I see Counsel at Side Bar?

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

By The Court:

Proceed, Mr. Ertel.

By Mr. Ertel:

Q. Diane, on that night that you were with him in a car after the statement about the, that you related here in the Court Room, did he make some other statement as to what he did about that particular thing?

By Mr. Fierro:

I object to the question as vague and ambiguous.

By The Court:

Q. Do you understand the question?

A. Yes.

Q. The Court does not, reword the question.

By Mr. Ertel:

Q. After he made the statement about something shapping in his mind, did he tell you what he did about it, if anything?

A. He said....

By Mr. Fierro:

I object unless it relates to the issue in this case.

Diane Fisher. _ Jeanne Helm.

A. It does.

By The Court:

The objection is over ruled. You may answer.

A. He told me that he went to the Hospital and they ran tests on his brain or something and that is what they told him.

By Mr. Ertel:

No further questions.

By The Court:

Mr. Fierro?

CROSS EXAMINATION

By Mr. Fierro:

Q. In any case, Diane, when you asked him about Jennifer, Kim told you that he would not go out with a 13 year old girl, isn't that right?

A. Yes.

Q. That is all. Thank you.

(Excused from witness stand.).

JEANNE D. HELM, being duly sworn according to law, testified as follows:

By Mr. Fierro:

I would like to have an offer on the record.

(AT SIDE BAR.).

By Mr. Fierro:

While I am here, I would like to renew my motion on the last witness concerning the Hospital thing. It was not proper rebuttal, it was not germane to the case.

By Mr. Ertel:

She will testify she is 17 years old now. She

Jeanne Helm.

A. Yes.

Q. No further questions.

By Mr. Fierro:

That is all, step down.

(Excused from witness stand.).

JEANNE HELM, previously sworn, recalled and testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name?

A. Jeanne Helm.

Q. You were sworn in before. Now, Jeanne, how long have you known Kim Hubbard?

A. I would say about three years, maybe more.

Q. Now, I am referring to last year, particularly around July and August, were you familiar with his car at that time?

A. Yes.

Q. How often did you see it during those months?

A. Well, I seen it quite frequently because he was always riding around and down the Hum-Dinger.

Q. When you say "quite frequently", what does that mean?

A. A couple times a week.

Q. Were you in it at all during those months?

A. No.

Q. Whenever you did see it, Jeanne, did you ever see any white helmet or anyother colored helmet in that car?

Jeanne Helm.

A. No.

Q. Cross examination.

CROSS EXAMINATION

By Mr. Ertel:

Q. Jeanne, did you see anything else on the back ledge of that car?

A. I never saw anything on the ledge.

Q. Did you ever pay any particular note to it?

A. Not really, because there was nothing to look for.

Q. Did you ever see any sneakers on it?

A. No.

Q. "T" shirt?

A. No.

Q. Did you ever see him wear those combat boots?

A. No.

Q. Well, you are a good friend of Kim Hubbard's, aren't you?

A. Yes.

Q. In fact, he would even call you up to make contact with Colleen?

A. Yes.

Q. He did call you and tell you he was in serious trouble, didn't he?

By Mr. Fierro:

Your Honor, I object.

By The Court:

The objection is sustained.

Jeanne Helm.

By Mr. Ertel:

Q. He trusted you pretty implicitly?

By Mr. Fierro:

I object.

By The Court:

The objection is sustained.

By Mr. Ertel:

May we approach Side Bar?

By The Court:

Yes.

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

By Mr. Ertel:

Q. Didn't Kim Hubbard call you between the time Jennifer Hill disappeared and the time her body was found to tell you he was in serious trouble?

By Mr. Fierro:

I object to that, that does not go towards impeachment of this witness. He is now soliciting facts which should have come on rebuttal or chief.

By The Court:

The purpose, Mr. Ertel?

By Mr. Ertel:

To show she was the go-between and she got confidential messages she communicated.

By The Court:

The Jury is instructed the only purpose is not for the fact, but impeachment purposes and you may answer.

Jeanne Helm.

A. Yes.

By Mr. Ertel:

Q. He wanted you to get Colleen, did he not?

A. Yes.

Q. And you even asked him on the phone what the trouble was, didn't you?

A. Yes.

Q. And he would not tell you, would he?

A. He didn't have time.

Q. Pardon?

A. He didn't have time.

Q. Well, you asked him and he said he would not tell you, isn't that right?

A. That is right, he was in a hurry.

Q. And this was between the time that Jennifer's body disappeared and the time she was found, isn't that true?

A. Yes.

Q. And he wanted you to get in touch with Colleen immediately, didn't he?

A. Yes.

Q. Did you?

A. Yes.

Q. Of course, you don't know what happened between Colleen and Kim, do you?

A. No.

Q. Now, you were the go-between, between Kim and Colleen all of the time, weren't you?

Jeanne Helm. - David Frantz.

By Mr. Fierro:

I object to that.

By The Court:

Sustained.

By Mr. Ertel:

Q. Did you ever date Kim Hubbard?

By Mr. Fierro:

I object to that.

By The Court:

The objection is sustained.

By Mr. Ertel:

No further questions.

By Mr. Fierro:

You may step down.

(Excused from witness stand.)

DAVID FRANTZ, being duly sworn according to law,
testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name?

A. David W. Frantz.

Q. Where do you live, David?

A. South Williamsport, 410 Clinton Street.

Q. Do you know Kim?

A. Yes, I do.

Q. About how long have you known him?

A. About four years.

Jeanne Helm. - Captain Francis Ross.

A. I don't know, it was, if it was a week day he would have called me probably sometime after school, or if it was a weekend he could have called me any time.

Q. How late at night?

A. They were never real late at night.

Q. No further questions.

By Mr. Fierro:

No questions.

(Excused from witness stand.)

CAPTAIN FRANCIS ROSS, being duly sworn according to law testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name?

A. Captain Francis X. Ross.

Q. Are you a Policeman in South Williamsport?

A. Yes.

Q. Were you subpoenaed here originally by the defense?

A. Yes.

Q. Captain Ross.....

By Mr. Fierro:

I move that statement be stricken from the record as being wholly irrelevant to this issue.

By Mr. Ertel:

I will move to strike it.

By The Court:

Strike it from the record.

By Mr. Ertel:

Q. Captain Ross, did you have the occasion to investigate the accident involving Kim Hubbard's car?

A. Yes.

Q. When was the accident?

A. The 12th of October.

Q. Captain Ross, did you have the occasion to go to the Hubbard home on October 19th?

A. Yes.

Q. Can you tell us how many times you were there?

A. Approximately three or four times.

I can't recall definitely how many times.

Q. Would you describe the conversation you had when you were there?

By Mr. Fierro:

I object, this is not rebuttal.

By The Court:

May I see Counsel at Side Bar, and Mr. Feese.

(AT SIDE BAR.).

By Mr. Ertel:

The Defendant, Kim Hubbard, said he came and related very suspicious circumstances about a guy, this is to explain the circumstances.

By The Court:

What is he going to say?

By Mr. Ertel:

He is going to say he came there a couple of times,

he just got the description of the clothing Jennifer was wearing to be able to track her down. The one time he talked about, this was a Mr. Hill, he was an old man, he cut himself with a razor blade, he mentioned he knew the Hubbards, he went up to the Hubbards and told them this man cut himself badly with a razor, could they go back and look at him. He went down, there was blood in the sink and blood on the razor.

By Mr. Fierro:

Most of this is not rebuttal. Kim Hubbard's only testimony was that this man came and told them about a man who had a bloody face. Now, that part he can rebut, if he is going to say he did not mention about a man with a bloody face, otherwise that is not rebuttal and the rest of it is part of his investigation, which is not rebuttal.

By The Court:

The objection to the first part of the investigation, about picking up clothes, that objection is sustained. As far as a conversation about the man, the objection is over ruled because it did leave a question in the Jury's mind, but only a conversation about the man.

By Mr. Ertel:

I think he can say what he saw. These people said they went down there and used another name, they were looking for the guy, they didn't use his name, and knocking on the door and making up the name of Hamilton.

By Mr. Fierro:

He is not rebutting that.

Captain Francis Ross.

By Mr. Ertel:

If he told the whole circumstances, he certainly is, if he saw the blood in the basin.

By The Court:

He can tell what he told them.

By Mr. Fierro:

But he can't rebut what these people did when they went down to the house.

By Mr. Ertel:

He can end the suspicion about this man when he says he saw the blood in the basin and razor there.

By The Court:

As far as the conversation, I will permit that.

By Mr. Fierro:

And only that?

By The Court:

Correct.

(END OF SIDE BAR.).

By Mr. Ertel:

Q. Captain Ross, just turning to the conversation about the individual, can you relate those, or that, please?

A. Yes.

By Mr. Fierro:

Conversation with whom?

By Mr. Ertel:

Q. With whom did you talk?

A. About 9:00, I went ~~to~~, back to the Hubbard house in relation to an incident that occurred at approximately 8:55,

Captain Francis Ross.

a man by the name of Frank Hill down on....

By Mr. Fierro:

I object to this, the question concerns the conversation with Kim and that was the Side Bar offer, and if I understand that is the Side Bar order.

By Tye Court:

That is correct.

Q. The question is with whom did you talk at the Hubbard home?

A. With Mrs. Hubbard, and Kim and Colleen Whitenight.

By Mr. Ertel:

Q. Continue, please?

A. I don't know where you want me to start.

Q. Tell us what you told him?

A. I asked them if they knew a man by the name of Frank Hill who lived on Front Street?", and they said they didn't and asked me, you know, why I had asked them that, and I said this Hill had wandered into a house on Front street, and in the ensuing conversation trying to find out he was, he mentioned he knew the Hubbards on Central Avenue..... *This is a lie*

By Mr. Fierro:

Ross went to the John Bricker home then came back.
I object to this, this is hearsay.

By The Court:

The objection is over ruled.

By Mr. Ertel:

Q. What else, what else did you tell them, if anything?

A. As far as I am able to remember, that is all.

Captain Francis Ross.

By The Court:

Mr. Fierro?

CROSS EXAMINATION

By Mr. Fierro:

Q. Well, in your conversation with Kim, Colleen and Mrs. Hubbard, you said you were talking to all three of these people?

A. Not at one time, I think Mrs. Hubbard came to the door first, then Kim, and Colleen sort of joined in the conversation later.

Q. When you were, when you spoke the words you just testified about, did you address yourself to a particular person, or were you speaking to all three of them in general?

A. All three.

Q. All three in general?

A. Not to a particular person, no.

Q. And in speaking to all three in general, you mentioned something about this man's bloody face, didn't you?

A. Yes.

Q. You had been to the Hubbard house earlier that evening, hadn't you?

A. Yes.

Q. What, around 6:00 or 6:30?

A. Approximately that time, yes.

Q. You saw Kim at that time, didn't you?

A. Yes.

Q. Can you tie that time down with a little bit more,

Captain Francis Ross.

like 6:00, quarter after six?

A. The only way I can tie it down, I stopped at the Hubbard's house briefly before I checked the buses leaving at the high school at night for the football game.

Q. What time?

A. I have no idea what time they left, it would be around 7:00.

Q. But you stopped at the Hubbard house before?

A. Just briefly.

Q. When you stopped at that time, who did you see besides Kim?

A. Mrs. Hubbard and Ruth.

Q. How close, did you speak to Kim at that time?

A. Yes.

Q. And you also spoke to him on the second occasion, which might have been what, 9:00 at night?

A. Approximately.

Q. You observed him, didn't you?

A. Yes.

By Mr. Ertel:

I object to this, this is not proper cross examination.

By The Court:

The objection is sustained.

By Mr. Fierro:

Q. You observed his behaviour?

By Mr. Ertel: The same objection.

Captain Francis Ross.

By The Court:

Sustained.

By Mr. Fierro:

No further questions.

RE-DIRECT EXAMINATION

By Mr. Ertel:

Q. Did you, what did you tell them about the man's bloody face?

A. The man told me that he cut himself with a razor.....

By Mr. Fierro:

I object to the conversation what the man told.

By The Court:

This conversation you are being asked.....

A. That is what I told Hubbard's.

By Mr. Ertel:

Q. That he cut himself with a razor? *A Lie. Caption*

A. Yes. *Ross said*

Q. Did you also tell them what his condition was?

By Mr. Fierro:

I object to his leading.

By The Court:

Sustained.

By The Court:

Reword your question.

By Mr. Ertel:

Q. Did you tell them anything else that you can recall?

A. Not that I can recall.

Captain Francis Ross.

Q. No further questions.

RE-CROSS EXAMINATION

By Mr. Fierro:

Q. Was there any connection in telling these people about the Hills, I mean with the Hubbards, excuse me, you said the man's name was what, Hill?

A. Hill.

Q. No relationship to the Jack Hill family?

A. Not that I know of.

Q. In speaking to the Hubbards about this man, Hill, with a bloody face, was there any relationship, blood or marriage, between the Hubbards and this Hill with a bloody face?

A. They didn't say there was, no.

Q. Well, I mean you went there to tell the Hubbards' about him?

A. Yes, because that is, a man told me he knew them.

Q. For that reason alone?

A. Yes.

Q. That is all.

(Excused from witness stand.).

CORPORAL RONALD K. BARTO, previously sworn,
recalled and testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. Officer Barto, did you have the occasion to speak to Mike Grimes and interview him?

A. Yes, Sir, I did.

Captain Francis Ross.

Q. No further questions.

RE-CROSS EXAMINATION

By Mr. Fierro:

Q. Was there any connection in telling these people about the Hills, I mean with the Hubbards, excuse me, you said the man's name was what, Hill?

A. Hill.

Q. No relationship to the Jack Hill family?

A. Not that I know of.

Q. In speaking to the Hubbards about this man, Hill, with a bloody face, was there any relationship, blood or marriage, between the Hubbards and this Hill with a bloody face?

A. They didn't say there was, no.

Q. Well, I mean you went there to tell the Hubbards' about him?

A. Yes, because that is, a man told me he knew them.

Q. For that reason alone?

A. Yes.

Q. That is all.

(Excused from witness stand.)

CORPORAL RONALD K. BARTO, previously sworn,
recalled and testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. Officer Barto, did you have the occasion to speak to Mike Grimes and interview him?

A. Yes, Sir, I did.

Corporal Barto.

Q. When was that?

A. January 11, 1974.

Q. Where did you interview him?

A. At the South Williamsport High School.

Q. Did you have the occasion to talk to him about his activities on the 19th?

A. Yes, Sir, I did.

Q. What did he tell you in relation to whether or not he saw the Defendant on that occasion?

A. I asked him the specific question if, he made the statement to me that Kim pulled up between 4:00 and quarter after four and ran in the house, and I asked him where he was at the time that Kim pulled up, and he said he was laying underneath his car working on the starter, and I said, "From that position could you see Kim himself, could you see his face?", and he "No.", and I said, "Well, what part of him, if any, could you see?", and he said that he could only see him from the waist down, and I said, "If you could see him from the waist down, do you recall what he was wearing?", and he said "He was wearing blue jeans and his Army boots.", and then he hesitated and said, "Or sneakers."

Q. Did you ask him, did he say anything about the Forsberg car?

A. Yes, later I asked him if anybody else had been there while he was working on his car, and he mentioned Mr. Forsberg had come before Kim had arrived home.

By Mr. Fierro:

That is not rebuttal, and I object to the question

Corporal Barto.

and answer.

By The Court:

It is not proper rebuttal.

By Mr. Ertel:

Q. Did he tell you where his car was in relation to Kim Hubbard's?

A. He said when Kim Hubbard's car pulled in, it pulled within 15 feet of his.

By Mr. Fierro:

That is not proper rebuttal.

By The Court:

The objection is over ruled.

By Mr. Ertel:

No further questions.

CROSS EXAMINATION

By Mr. Fierro:

Q. Now, however, in your interview with Mike Grimes, he did tell you he saw Kim's car pull up around 4:00 to 4:15, didn't he?

A. Yes, Sir, he stated that.

Q. And he did say "boots" and then he said, "...or maybe he wore sneakers.", is that right?

A. Yes, Sir, after he hesitated.

Q. That is your interpretation that he hesitated?

A. There is a time period when he said "...Army boots..", and when he said "...sneakers...", and that is why I consider that a hesitation.

Q. Likesometimes you have seen witnesses, including

Corporal Barto.

Policemen hesitate here in the Court Room, are you talking about that sort of hesitation?

A. Somewhat, yes, Sir.

Q. Sure. Now, are you the Officer who told Mike Grimes that he is a liar, that he couldn't have seen Kim's car between 4:00 and 5:00?

By Mr. Ertel:

I object.

By The Court:

The objection is over ruled if it happened on that occasion.

By Mr. Fierro:

Yes.

A. Never told him he was a liar.

Q. You didn't?

A. No, Sir.

Q. Did you say to him words like, "You are not telling the truth, because Kim's car couldn't have been there when you said so."? Something like that?

A. No, Sir, not that I recall. I simply asked him what he knew about the 19th and he related it to me.

Q. Were you alone at the time?

A. No, Sir.

Q. Was there an Officer with you?

A. Yes.

Q. Did this other Officer bully him, do you know?

By Mr. Ertel:

I object to that.

Corporal Barto.

By The Court:

Sustained.

By Mr. Pierro:

Q. Did this other Officer ask Kim whether he lied about Kim's car?

A. Not that I recall.

Q. You say not that you can recall?

A. No, I am sure he didn't.

Q. Now, he told you about his Uncle, Mr. Forsberg, appearing on the scene that day, didn't he?

A. Yes, Sir.

Q. He told you that his Uncle appeared on the scene before Kim, didn't he?

A. Yes, Sir.

Q. You probably asked him what time his Uncle came back and about his Uncle's activities, didn't you?

A. No, Sir.

Q. You didn't?

A. No, he told me that his Uncle had come before Kim, and so I went and talked to his Uncle.

Q. So what?

A. I went and talked to his Uncle, Mr. Forsberg.

Q. You learned from his Uncle about his activities, didn't you in connection with what Mike Grimes told you on that occasion?

A. I would like the question repeated.

Q. I will reask it. You went to Mr. Forsberg to check wi

Corporal Barto.

Mr. Forsberg concerning Mr. Forsberg's activities as they were related by Mike Grimes, isn't that true?

A. All Mike Grimes told me was....

Q. I didn't ask you what Mike Grimes told you, we already know that, I am asking you whether you checked with Mr. Forsberg?

A. I interviewed him as to his activities.

Q. You checked with him as to his activities?

A. Yes.

Q. You heard Mr. Forsberg in Court, didn't you?

A. Yes, Sir.

Q. He testified in Court the same way that he told you, when you checked him, didn't he, isn't that correct?

A. Yes, Sir, he did.

Q. That is all.

RE-DIRECT EXAMINATION

By Mr. Ertel:

Q. Did Mike Grimes testify in Court the same way he told you?

A. No, Sir.

By Mr. Fierro:

About what? I object to that, otherwise it is not rebuttal.

By Mr. Ertel:

About his conversation on that day?

By The Court:

Q. Is there anything you have not related, Sir?

A. Not that I can recall.

Corporal Barto.

By Mr. Ertel:

Q. What were the inconsistencies?

By Mr. Fierro:

I object.

By The Court:

Sustained.

By Mr. Ertel:

Q . You were asked about the interview with Mike Grimes and Mr. Forsberg, what were the inconsistencies in, between their statements?

By Mr. Fierro:

I object to that, it has not been shown there was any.

By The Court:

The objection is sustained, you may make an offer at Side Bar, if you care to.

(AT SIDE BAR.).

By Mr. Ertel:

You opened the door.

By The Court:

Tell me?

By Mr. Ertel:

He is going to tell Forsberg drove right up in front of Grimes' car and there could not have been Kim Hubbard's car there during the time, he never saw it.

By The Court:

Who said that?

Corporal Barto.

By Mr. Ertel:

Forsberg pulled right up in front of the Grimes' car. Grimes said that Kim Hubbard's car was right in front of his car, and they couldn't have been the same way, both cars couldn't be in the same position.

By Mr. Fierro:

Wait a minute. Judge, if you recall, the Hubbard car was about 15 to 20 feet in front of the Grimes' car.

By The Court:

That is correct.

By Mr. Fierro:

That is what Grimes said, and that is what Mr. Forsberg said.

By The Court:

I thought they were substantially the same.

By Mr. Ertel:

Grimes did not relate the Forsberg car ever.

By The Court:

I am sure he did.

By Mr. Ertel:

Not to him.

By The Court:

He did on testimony.

By Mr. Fierro:

That is not an inconsistency, that might be an omission.

By The Court:

I don't think it is proper.

(END OF SIDE BAR.).

By The Court:

The objection is sustained.

By Mr. Ertel:

That is all, Officer.

By Mr. Fierro:

No questions.

TROOPER CHARLES FAMA, previously sworn, recalled and testified as follows:

By Mr. Fierro:

I would like to have a Side Bar.

(AT SIDE BAR.).

By Mr. Fierro:

Before, your Honor, there is a Side Bar offer, I would like to make an objection. The District Attorney is shuttling Officers constantly in this case. I don't know if he has a legal right to do so, but I think it is poor practice, and I think he has been harassing, in a sense, the Defendant, and he is playing the numbers game, and I don't like it and I object to it.

By Mr. Ertel:

I am not harassing anybody. This man was with Officer Barto and he is going to say they didn't bully him or anything else, they asked questions of Mike Grimes. You implied now that these people battered and would bully.

By Mr. Fierro:

That is not rebutting somebody's testimony.

(END OF SIDE BAR.).

By The Court:

The objection is sustained.

By Mr. Ertel:

That is all, Officer.

By Mr. Fierro:

No questions.

TROOPER CHARLES FAMA, previously sworn, recalled and testified as follows:

By Mr. Fierro:

I would like to have a Side Bar.

(AT SIDE BAR.).

By Mr. Fierro:

Before, your Honor, there is a Side Bar offer, I would like to make an objection. The District Attorney is shuttling Officers constantly in this case. I don't know if he has a legal right to do so, but I think it is poor practice, and I think he has been harassing, in a sense, the Defendant, and he is playing the numbers game, and I don't like it and I object to it.

By Mr. Ertel:

I am not harassing anybody. This man was with Officer Barto and he is going to say they didn't bully him or anything else, they asked questions of Mike Grimes. You implied now that these people battered and would bully.

By Mr. Fierro:

That is not rebutting somebody's testimony.

Trooper Fama.

By Mr. Ertel:

He will establish what the conversation with Grimes was.

By The Court:

You can do that, the same as the other, but the other rebuttal was a question, that is no statement.

By Mr. Ertel:

He made the statement it was done.

By The Court:

Who, Mr. Fierro?

By Mr. Ertel:

Sure he did.

(Off-the-record discussion.)

(END OF SIDE BAR.).

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your name?

A. Charles A. Fama, Penna. State Police.

Q. Did you accompany Officer Barto in the interview with Mike Grimes?

A. Yes, Sir, I did.

Q. When was that?

A. That interview took place January 15th, I believe.

Q. Would you state what Mike Grimes said he was doing at the time that allegedly the Hubbard car pulled up?

A. He was working on his car.

Trooper Fama. - Lieutenant Hynick.

Q. Where was he?

A. In front of his home underneath the car.

Q. Did he tell you what, if anything, he saw allegedly of Kim Hubbard?

A. He said he could see Kim Hubbard from the waist down.

Q. Did he tell you what he was wearing, if anything?

A. Jeans and boots or sneakers.

Q. No further questions.

By Mr. Fierro:

No questions.

(Excused from witness stand.).

LIEUTENANT STEVEN HYNICK, being duly sworn according to law, testified as follows:

By Mr. Fierro:

I want a Side Bar offer.

(AT SIDE BAR.).

By Mr. Ertel:

He will testify about being at the Hubbard home on the 31st, his questions to Mrs. Hubbard, her responses, what she said as related to where Kim was during the day. The dress of the victim, she was wearing ear rings when she left, and she had the coat zippered up to her neck. He will also say he questioned Kim, but when they questioned Kim it was done in the kitchen or kitchen table over coffee and he did not step on a helmet when he got in Kim's car.

Trooper Fama. - Lieutenant Hynick.

Q. Where was he?

A. In front of his home underneath the car.

Q. Did he tell you what, if anything, he saw allegedly of Kim Hubbard?

A. He said he could see Kim Hubbard from the waist down.

Q. Did he tell you what he was wearing, if anything?

A. Jeans and boots or sneakers.

Q. No further questions.

By Mr. Fierro:

No questions.

(Excused from witness stand.)

LIEUTENANT STEVEN HYNICK, being duly sworn according to law, testified as follows:

By Mr. Fierro:

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Lieutenant Hynick.

By Mr. Fierro:

None of it is rebuttal.

By The Court:

I am over ruling the objection.

(END OF SIDE BAR.).

DIRECT EXAMINATION

By Mr. Ertel:

Q. Lieutenant Hynick, returning to October 31, 1973, did you go to the home of Kim Hubbard?

A. Yes, Sir, I did.

Q. At that time, did you interview Mrs. Hubbard concerning the disappearance of Jennifer Hill?

A. Yes, Sir, we did.

Q. At that time, did you ask her about Kim's activities on that day?

A. Yes, Sir, we did.

Q. What did she tell you?

A. Mrs. Hubbard stated that her son, Kim, got up around 1:00 in the afternoon. He went to the store, picked up three packs of cigarettes.....

By The Court:

May I see Counsel?

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

By Mr. Ertel:

Q. Continue?

A. He then went down to the Rental Store where he picked up a buffer. He came home with a buffer, and then he stayed

Lieutenant Hynick.

home the rest of that day helping her buffing the floors. It was starting to get dark when she asked him to go out looking for Jennifer Hill.

Q. Now, did she also describe the clothing that Jennifer was, had on as she left the place?

A. Yes, Sir.

Q. What did she describe?

A. A light coat which was buttoned up to her neck, and she remembered it was a nice day and she couldn't understand why the coat was zippered all of the way up to her neck, and she also noticed she was wearing two ear rings, they were red, circular, with a clasp that were on the ears. *I Told The Police*

Q. Were these clasps or for *I could not remember* what kind of ears? *ear ring*

A. For pierced ears.

Q. Did she also relate as to a telephone call that was received as the girl was leaving the house?

A. Yes, her daughter, Ruthie, received a call at that time, so Ruthie talked over the phone while Jennifer was at the door talking to Mrs. Hubbard. *I said R called Ruthie in to make a call to Linda Stant.*

Q. Did she say who that call was from?

A. Yes.

Q. Who was it?

A. It was from a girlfriend of her's, and they talked about going to a football game that night.

Q. Do you remember the name of the girl?

A. I do know it, but I can't recall it right now.

Lieutenant Hynick.

Q. At the time we questioned Kim Hubbard, or interviewed him, where were we located?

A. We were in the dining room, there was a big table, and we were sitting around the table drinking coffee.

Q. All right, when you got in Kim Hubbard's car, did you step on a helmet?

A. No, Sir, I did not.

Q. No further questions.

CROSS EXAMINATION

By Mr. Fierro:

Q. I notice Officer that when the District Attorney asked you, "Well, do you know the name of the girl?", and you say "I know it, but I can't remember it now.", correct?

A. That is right.

Q. That shows even you, a trained Police Officer, you have faulty memory, right?

A. I would not say a faulty memory.

Q. Something wrong with it?

A. I just don't recall the name.

Q. You may step down.

(Excused from witness stand.).

SGT. EDWARD PETERSON, previously sworn, recalled to the witness stand and testified as follows:

By Mr. Fierro:

Make an offer at Side Bar.

(AT SIDE BAR.).

Lieutenant Hynick.

Q. At the time we questioned Kim Hubbard, or interviewed him, where were we located?

A. We were in the dining room, there was a big table, and we were sitting around the table drinking coffee.

Q. All right, when you got in Kim Hubbard's car, did you step on a helmet?

A. No, Sir, I did not.

Q. No further questions.

CROSS EXAMINATION

By Mr. Fierro:

Q. I notice Officer that when the District Attorney asked you, "Well, do you know the name of the girl?", and you said "I know it, but I can't remember it now.", correct?

A. That is right.

Q. That shows even you, a trained Police Officer, you have faulty memory, right?

A. I would not say a faulty memory.

Q. Something wrong with it?

A. I just don't recall the name.

Q. You may step down.

(Excused from witness stand.).

SGT. EDWARD PETERSON, previously sworn, recalled to the witness stand and testified as follows:

By Mr. Fierro:

Make an offer at Side Bar.

(AT SIDE BAR.).

Sgt. Peterson.

By Mr. Ertel:

Conversation with Mrs. Hubbard and where we questioned Kim.

By Mr. Fierro:

That don't tell me anything.

By The Court:

Be more specific.

By Mr. Ertel:

Specifically, the same thing as Officer Hynick testified to.

By Mr. Fierro:

That is not specific, I would like to know what this Officer is going to say in rebuttal.

By Mr. Ertel:

Location where we questioned Kim, we were in the living room. The fact we were sitting around the table drinking coffee. That we questioned Mrs. Hubbard, and Mrs. Hubbard stated that Kim was home all afternoon after getting the buffer, he was buffing until he went out in the evening looking for Jennifer, and that she described the clothing that Jennifer had on when she left. That is about it. *He was in the dining room and I did not say*

By Mr. Fierro:

I object.

By The Court:

Over ruled.

(END OF SIDE BAR.).

Sgt. Peterson.

DIRECT EXAMINATION

By Mr. Ertel:

Q. Officer Peterson, did you have the occasion on October 31st to go to the Hubbard home?

A. Yes, Sir, I did.

Q. Did you have the occasion to speak with Mrs. Hubbard there?

A. Yes, Sir.

Q. Where was that?

A. In the dining room of the Hubbard home.

Q. Was it around the table?

A. Yes, Sir, it was.

Q. Were you served coffee?

A. Yes, Sir, we were.

Q. Now, when you talked to Mrs. Hubbard, what did she tell you about Kim's activities on that day?

A. Mrs. Hubbard said Kim got up around 1:00. He went down to the store and bought three packs of cigarettes, and came back to the house. Then he went over to the Williamsport, over to the Rentall Service for the purpose of renting a buffer, returned to the house, and according to Mrs. Hubbard, Kim spent most of the day in the house buffing the floor until later on that evening towards dark when Mrs. Hubbard sent Kim Hubbard out to look for Jennifer Hill.

I sent Kim at 5 PM with his partner and D.A. Ertel to see the

Q. Now, did she give you any receipts or anything there?

A. No, Sir.

Q. Did she give anybody any receipts? *I did*

Sgt. Peterson.

A. No, Sir.

Q. Did she describe Jennifer's clothing when she left the house and what was going on?

A. Yes.

Q. What did she say when Jennifer left the house?

A. Mrs. Hubbard said she talked to Jennifer at the door as she was living, and she said she apologized to Jennifer for not having a cooked supper the night before, and she stated that she had her coat on and the coat was zippered all of the way up to the neck, and she said she thought it was very unusual because it was such a nice day out, and she described the ear rings she was wearing and she stated the ear rings were circular and were red and they had clasps for pierced ears.

Q. Did she say anything as far as telephone calls received at that house as Jennifer was leaving?

A. Yes.

Q. What did she say about that?

A. She said there was a telephone call, and at that time Ruthie went and talked on the phone.

Q. Did she tell you who was on the other end of the phone?

A. At that time, yes, Sir.

Q. Who?

A. Linda Ranck.

Q. When Kim was questioned, where was he, or interviewed, where was he interviewed?

A. In the dining room.

Sgt. Peterson.

Q. Again, was there coffee on the table and around the table?

A. At that time, I don't recall, I think there was.

Q. No further questions.

By Mr. Fierro:

No questions.

(Excused from witness stand.).

By Mr. Ertel:

We move into evidence Commonwealth's Exhibits Nos. 120 and 125.

By The Court:

Any objection to No. 120?

By Mr. Fierro:

Yes, that is not made by the Defendant or in the Defendant's presence or anything else like that.

By The Court:

The objection is sustained to No. 120. Now, you have also stated another number?

By Mr. Ertel:

No. 125.

By The Court:

No. 125 is the helmet similar to the other one, is that correct?

By Mr. Ertel:

The same make.

By The Court:

From Eastern Wood. Any objection?

By Mr. Fierro:

I object on the grounds this was not identified as having any relationship to the Defendant. It is simply a helmet that a witness brought in and said something like that.

By The Court:

The objection is over ruled, as the Court recalls the testimony was this was the one that was issued, that there was one issued, and the Foreman of Eastern Wood testified one similar to this was issued to the Defendant.

By Mr. Ertel:

And the same make.

By The Court:

Proceed, Mr. Ertel.

By Mr. Ertel:

I will offer in No. 124.

By The Court:

Any objection.

By Mr. Fierro:

Yes.

By The Court:

Admitted without objection.

By Mr. Fierro:

He offered it and I said that I objected to it.

By The Court:

The objection is sustained.

(Commonwealth's Exhibits Nos. 125 admitted into evidence.)

Colleen Whitenight.

By Mr. Ertel:

Nos. 121, 122 and 123 are in.

By Mr. Fierro:

No, they are not.

By The Court:

Yes, they are.

Sur-rebuttal, if any?

By Mr. Fierro:

Yes.

COLLEEN WHITENIGHT, previously sworn, recalled and testified as follows:

By Mr. Ertel:

May we have a side Bar?

(AT SIDE BAR.).

By Mr. Fierro:

This witness will testify that her Father was not in the store on October 19th at the time that he stated, specifically around 5:00. Further, (she will state that her Father told her that he is going to state, take the stand and he will lie against her and say she is a liar.) In addition, she is also going to offer rebuttal testimony that no one could have seen a white helmet in Hubbard's car in June, July or August. I think they are two witnesses who so testified.

By The Court:

July, specifically.

By Mr. Fierro:

She will say June, July and August, because she was

Colleen Whitenight.

By Mr. Ertel:

Nos. 121, 122 and 123 are in.

By Mr. Fierro:

No, they are not.

By The Court:

Yes, they are.

Sur-rebuttal, if any?

By Mr. Fierro:

Yes.

COLLEEN WHITENIGHT, previously sworn, recalled and testified as follows:

By Mr. Ertel:

May we have a side Bar?

(AT SIDE BAR.).

By Mr. Fierro:

This witness will testify that her Father was not in the store on October 19th at the time that he stated, specifically around 5:00. Further, (she will state that her Father told her that he is going to state, take the stand and he will lie against her and say she is a liar.) In addition, she is also going to offer rebuttal testimony that no one could have seen a white helmet in Hubbard's car in June, July or August. I think they are two witnesses who so testified.

By The Court:

July, specifically.

By Mr. Fierro:

She will say June, July and August, because she was

Colleen Whitenight.

in that car almost daily, and assisted in the cleaning of and upkeep of that car, and at no time was there any helmet in that car.

By Mr. Ertel:

I object, because he already put in evidence there was no helmets in that car, he put it on completely throughout his car, and our's was only rebuttal, and now this is not proper sur-rebuttal. He already had his opportunity and these people testified to that all.

By Mr. Fierro:

I can say that you had the opportunity to put everybody on.

By The Court:

She did testify she never saw a helmet in the Defendant's car.

By Mr. Fierro:

I will ask her specific.

By The Court:

All right. I will permit it, the objection is over ruled.

(END OF SIDE BAR.).

DIRECT EXAMINATION

By Mr. Fierro:

Q. You are Colleen Whitenight, and you understand you have been sworn?

A. Yes.

Q. Colleen, concerning October 19th while you were working at your Father's store on that day?

Colleen Whitenight.

A. Yes.

Q. Do you know whether your Father was in the store between 4:30 and 5:30 that day?

A. He wasn't.

Q. What was your answer?

A. He wasn't in the store.

Q. Are you sure of that?

A. Yes.

(At this point Mr. Kenneth Whitenight, Father of Witness remarked from the audience as follows:)

By Mr. Kenneth Whitenight:

Colleen, how can you sit there and lie? For God's sake, you have lied enough already.

By The Court:

Sheriff, remove this Gentleman. Mr. Whitenight, you will have to leave.

By Mr. Kenneth Whitenight:

I am sorry, your Honor.

(At this point Mr. Kenneth Whitenight was removed from Court Room.)

By The Court:

Proceed, Mr. Fierro.

By Mr. Fierro:

Q. Colleen, I am trying to sit and think, there is an employee of your Father's, a Mr. Stahl, do you know him?

A. Yes.

Q. Was he working there on October 19th?

Colleen Whitenight.

By Mr. Ertel:

I object, this was not covered in the offer.

By Mr. Fierro:

I will cover it, I will bring it up to Side Bar.

By The Court:

Do you wish it at Side Bar?

By Mr. Ertel:

I would like to have it at Side Bar.

(AT SIDE BAR.).

By Mr. Fierro:

I asked the fellow, "Didn't Colleen ask you about this occasion, whether or not your Father was there?", and he said that he didn't remember, he denied making that statement and she's going to rebut it.

(END OF SIDE BAR.).

By Mr. Fierro:

Q. Colleen, you know Mr. Stahl, don't you?

A. Yes.

Q. Was he working at your Father's place on October 19th?

A. Yes.

Q. Well, sometime, whenever it was, let's say in the last two or three weeks, whatever, did you ask Mr. Stahl whether he remembered seeing your Father at the time in question, that is between 4:00 and 5:30?

A. Yes.

Q. What did he say?

Colleen Whitenight.

A. He said he couldn't remember what time.

Q. Now, Colleen, you previously testified, well, I will ask you the specific question, did you ever have anything to do with Kim's car in specifically in July and August of last year?

A. Yes.

Q. Like what?

A. Well, I was in it almost every day.

Q. You were in it almost every day?

A. Yes.

Q. I understand you also wrecked the fender, is that right?

A. Yes.

Q. Did you ever have anything to do with it, that is maintenance, cleaning or anything like that?

A. We cleaned it out several times.

Q. Did you ever assist or do that alone, either way?

A. Yes.

Q. You say you were in the, in it almost every day?

A. Yes.

By Mr. Ertel:

I object, this is repetitive and leading.

By The Court:

Refrain from leading and reptitious.

By Mr. Fierro:

Q. Did you ever see a white hat during those months in that car, like this Exhibit down here, No. 115?

Colleen Whitenight.

Q. Never?

A. No.

By Mr. Ertel:

I object to the leading.

By The Court:

Refrain from leading.

By Mr. Fierro:

Cross examination.

CROSS EXAMINATION

By Mr. Ertel:

Q. Did you have a conversation with Mr. Fierro in the hall last night?

A. Conversation about what?

Q. Like when he told you what had to be done about that helmet?

By Mr. Fierro:

Mr. Fierro was talking real loud saying, Well, he lost this case, and we must disprove that helmet.
I object to that, your Honor.

By Mr. Ertel:

Also Mr. Fierro told him, and us that the case was lost and then I am prepared to follow it up. would be continuing.

By The Court:

Be more specific.

By Mr. Ertel:

Q. Did he tell you that they had to get over the helmet in the hall last night?

A. Would you repeat the question?

Q. Did he tell you out in the hall he had problems with the helmet and he had to get over it and he had to have vom

Colleen Whitenight.

testify to it?

A. Yes.

Q. Did he tell you that you had to testify that your Father left at 4:30?

A. He didn't tell me I had to testify.

Q. He had to change the stories of the boys that testified concerning the helmet, did he tell you that?

A. No.

Q. He didn't?

A. No.

Q. No further questions.

By The Court:

Mr. Fierro?

RE-DIRECT EXAMINATION

By Mr. Fierro:

Q. Colleen, when I was speaking to you I was speaking to a whole group of people, isn't that correct?

A. Yes.

Q. And I was asking who knew about the helmet and other matters, isn't that true?

A. Yes.

Q. And didn't I, not only to you....

By Mr. Ertel:

Objection.

By Mr. Fierro:

You brought it up.

By Mr. Ertel:

It is leading.

Colleen Whitenight. - Ruth Hubbard

By Mr. Fierro:

Q. Didn't I bring up to you and the group that I wanted you to tell the truth about this matter?

A. Yes.

Q. Haven't I constantly said that?

A. Yes.

By Mr. Ertel:

Objection.

By The Court:

I will permit it on the record.

By Mr. Fierro:

That is all.

By Mr. Ertel:

Nothing further.

(Excused from the witness stand.).

RUTH HUBBARD, being previously sworn, recalled and testified as follows:

By Mr. Ertel:

May I approach Side Bar, your Honor?

By The Court:

Yes.

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

DIRECT EXAMINATION

By Mr. Fierro:

Q. Now, you have been sworn before, and you are Ruthie Hubbard, to identify you on the record?

By Mr. Fierro:

Q. Didn't I bring up to you and the group that I wanted you to tell the truth about this matter?

A. Yes.

Q. Haven't I constantly said that?

A. Yes.

By Mr. Ertel:

Objection.

By The Court:

I will permit it on the record.

By Mr. Fierro:

That is all.

By Mr. Ertel:

Nothing further.

(Excused from the witness stand.).

RUTH HUBBARD, being previously sworn, recalled and testified as follows:

By Mr. Ertel:

May I approach Side Bar, your Honor?

By The Court:

Yes.

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

DIRECT EXAMINATION

By Mr. Fierro:

Q. Now, you have been sworn before, and you are Ruthie Hubbard, to identify you on the record?

Ruth Hubbard.

A. Yes.

Q. Ruthie, on October 19th, of course you know Linda Ranck?

A. Yes.

Q. On October 19th, how many phone calls did you get from Linda?

A. About four.

Q. And can you tell us.....

By Mr. Ertel:

I object to anything further, the offer was.....

By Mr. Fierro:

Time period is all.

By The Court:

Proceed.

By Mr. Fierro:

Q. Can you tell us between what time periods you got those four calls?

A. Mainly between 5:00 to 6:30.

Q. Cross examination.

By Mr. Ertel:

No questions.

(Excused from witness stand.)

WILLIAM HAKES, being duly sworn according to law, testified as follows:

By Mr. Ertel:

Side Bar.

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

Ruth Hubbard.

A. Yes.

Q. Ruthie, on October 19th, of course you know Linda Ranck?

A. Yes.

Q. On October 19th, how many phone calls did you get from Linda?

A. About four.

Q. And can you tell us.....

By Mr. Ertel:

I object to anything further, the offer was.....

By Mr. Fierro:

Time period is all.

By The Court:

Proceed.

By Mr. Fierro:

Q. Can you tell us between what time periods you got those four calls?

A. Mainly between 5:00 to 6:30.

Q. Cross examination.

By Mr. Ertel:

No questions.

(Excused from witness stand.).

WILLIAM HAKES, being duly sworn according to law, testified as follows:

By Mr. Ertel:

Side Bar.

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

William Hakes.

By Mr. Fierro:

Q. What is your name?

A. William Hakes.

Q. Where do you live?

A. 1303 West Central Avenue, South Williamsport.

Q. How old are you?

A. 18.

Q. William, do you know Kim Hubbard?

A. Yes.

Q. Now, referring to 1973, and specifically the Summer months of July and August, were you familiar with Kim Hubbard's car?

A. Yes.

Q. Did you see it in July and August of last year?

A. Yes, quite a few times.

Q. What do you mean by "quite a few"?

A. Well, almost every day he use to come in the Hum-Dinger and stuff all of the time, and I saw it there lots of times, leave it parked there and he would be inside or something, I would come riding through on my bike, and you know, I would just be sitting there. You always look to see who is at the Hum-Dinger before you stop, and when you drive through, and most of the people pull in and right there sets their cars.

Q. That is how you became familiar?

A. No, I have known Kim for quite awhile, and we went riding around and stuff.

Q. You mean you were in the car as well?

William Hakes.

A. Yes.

Q. During July and August, I am talking about, last year?

A. Well, I have been in quite a few times, I can't specifically state July or August.

Q. Did you see it in July and August of last year?

A. Yes.

Q. About how often?

A. Almost every day.

Q. Did you ever see a white helmet in that car during July and August?

A. I never seen a white helmet in his car at all.

Q. At all?

A. Yes, that is right.

Q. Cross examination.

CROSS EXAMINATION

By Mr. Ertel:

Q. How long have you known Kim Hubbard?

A. Oh, about four or five years.

Q. A good friend of his?

A. Yes, quite a bit.

Q. Hang out together at the Hum-Dinger?

A. Well, we, when we were there we hang out together.

Q. Where else do you hang out together?

A. We seen him around, I seen him up the school every now and then, and you know, whenever, you can't really say where you see him you see him all over the place.

William Hakes. - James Carman.

Q. But he is a good friend of your's?

A. Yes.

Q. No further questions.

RE-DIRECT EXAMINATION

By Mr. Fierro:

Q. Because he is a good friend of your's, does that mean you would come here and perjure yourself?

A. No, I would not.

Q. That is all.

(Excused from witness stand.).

JAMES CARMAN, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name?

A. James Carman.

Q. Spell your last name?

A. C a r m a n.

Q. James, where do you live?

A. DuBoistown.

Q. Do you know Kim Hubbard?

A. Yes.

Q. I am now going to ask you questions specifically referring to 1973, July and August, did you know Kim Hubbard's car at that time?

A. Yes, I did.

Q. Did you see it?

William Hakes. - James Carman.

Q. But he is a good friend of your's?

A. Yes.

Q. No further questions.

RE-DIRECT EXAMINATION

By Mr. Fierro:

Q. Because he is a good friend of your's, does that mean you would come here and perjure yourself?

A. No, I would not.

Q. That is all.

(Excused from witness stand.)

JAMES CARMAN, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name?

A. James Carman.

Q. Spell your last name?

A. C a r m a n.

Q. James, where do you live?

A. DuBoistown.

Q. Do you know Kim Hubbard?

A. Yes.

Q. I am now going to ask you questions specifically referring to 1973, July and August, did you know Kim Hubbard's car at that time?

A. Yes, I did.

Q. Did you see it?

James Carman.

A. Yes.

Q. About how often?

A. About three weeks a week.

Q. Were you in it?

A. Yes, I was, once.

Q. Where would you see this car?

A. Down at the Hum-Dinger.

Q. Did you at any time on the occasions you saw this car, ever see a white helmet in that car?

A. No, I didn't.

Q. Are you sure?

A. I am positive.

By Mr. Ertel:

Objection.

By The Court:

You may cross examine.

CROSS EXAMINATION

By Mr. Ertel:

Q. What kind of car does he have?

A. Oldsmobile.

Q. Is it damaged?

A. Yes.

Q. When was it damaged?

A. I can't remember.

Q. Well, you had seen the car, right?

A. Yes.

Q. You saw it damaged, approximately when was it

James Carman.

damaged?

A. When I saw it, it was around September that it was damaged, I just didn't notice it.

Q. You didn't notice the damage?

A. No.

Q. And you saw the car at least three times a week and you didn't notice the damage?

A. No, I was usually just down at the Hum-Dinger and you know, leaving.

Q. And you say it was in September that you think it was damaged?

A. Yes, it was around there.

Q. Now, did you ever, when did you see the white helmet in the car?

A. I never saw the white helmet in the car.

Q. But you never saw, the damage you didn't notice either for awhile, did you?

A. No.

Q. No further questions.

By Mr. Fierro:

That is all.

(Excused from witness stand.)

ANTHONY MUSSARE, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. State your name?

James Carman.

damaged?

A. When I saw it, it was around September that it was damaged, I just didn't notice it.

Q. You didn't notice the damage?

A. No.

Q. And you saw the car at least three times a week and you didn't notice the damage?

A. No, I was usually just down at the Hum-Dinger and you know, leaving.

Q. And you say it was in September that you think it was damaged?

A. Yes, it was around there.

Q. Now, did you ever, when did you see the white helmet in the car?

A. I never saw the white helmet in the car.

Q. But you never saw, the damage you didn't notice either for awhile, did you?

A. No.

Q. No further questions.

By Mr. Fierro:

That is all.

(Excused from witness stand.)

ANTHONY MUSSARE, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. State your name?

Anthony Mussare.

A. Anthony Mussare.

Q. Where do you live?

A. South Side.

Q. What street?

A. Lincoln Avenue.

Q. Anthony, do you know Kim Hubbard?

A. Yes, I do.

Q. Were you familiar with his car?

A. Yes.

Q. Were you familiar with his car last July and

August?

A. Yes.

Q. How often would you say you saw it last July and

August?

A. Quite a few times.

Q. What does that mean, "quite a few"?

A. Well, I would say I didn't see it about ten times.

Q. You didn't see it about ten times?

A. Right.

Q. What does that mean concerning the rest of the time?

A. That means I saw it.

Q. You saw it?

A. Right.

Q. Have you ever been in it during those months?

A. Yes.

Q. Anthony, did you ever see a white helmet in that car during those months?

Anthony Muscare.

A. No, I didn't.

Q. Are you sure of that?

A. Yes.

Q. Cross examination.

CROSS EXAMINATION

By Mr. Ertel:

Q. You know Kim Hubbard quite well?

A. I have known him for a long time, but I was not close to him.

Q. You saw him at the Hum-Dinger on October 29th, didn't you?

A. Yes, I did.

Q. What time did you see him at the Hum-Dinger?

A. We skipped school, I believe it was that day, and it was in the afternoon sometime.

Q. You skipped school?

A. Right.

Q. School was in session, you just played "hooky", is that right?

A. Missed a class.

Q. You got out of school and went down to the Hum-Dinger for that time?

A. No, I only have one class at 3:00, and I didn't feel like going.

Q. Did you go in the morning?

A. I had no classes.

Q. Did you go to South Williamsport High School?

Anthony Mussare.

A. No, this is WACC.

Q. Okey, what time did you see Kim there?

A. In the afternoon.

Q. Was, what was he wearing?

A. I wasn't sure.

Q. You seen his car quite often, is that right?

A. Quite a few times.

Q. Was there any damage to it?

A. Yes.

Q. Where?

A. The left side of the car.

Q. Was, what, on the door?

A. No, I believe it was in the front.

Q. When did that happen?

A. I have no idea.

Q. Well, when did you first see it?

A. When I took him down to the Borough Police Office,
and let me see, August or September.

Q. That is when you saw the damage on his car?

A. Yes.

Q. You are sure of that?

A. Yes.

Q. No further questions.

By Mr. Fierro:

Step down.

(Excused from witness stand.)

Basil Chryssos.

By The Court:

We will recess. The Defendant is excused.
The Jury is excused. Court is recessed. May I see Counsel
at Side Bar for a moment before the recess.

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

(Recessed at 10:40 A.M., EDST.)

(Reconvened at 11:05 A.M., EDST.)

By The Court:

Proceed, Mr. Fierro.

BASIL CHRYSOS, being duly sworn according to law,
testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name?

A. Basil Chryssos.

Q. Where do you live?

A. 223 West Southern Avenue.

Q. Do you know Kim?

A. Yes, I do.

Q. How long?

A. Since about 9th grade.

Q. Referring now to last year, particularly July
and August, were you familiar with his car at that time?

A. Yes, Sir.

Q. Can you tell us about how often you saw it during
that time?

A. Once or twice a day, maybe three times really. He

Basil Chryssos.

goes by all of the time.

Q. Have you ever been in it during that time?

A. A couple of times I have been in it.

Q. At, all during the times you saw it during July and August, did you ever see a white helmet in that car?

A. Never.

Q. Cross examination.

CROSS EXAMINATION

By Mr. Ertel:

Q. Are you a good friend of Kim Hubbard?

A. Pretty good.

Q. Did you see him at the Hum-Dinger on October 19th?

A. No, I don't believe I did.

Q. Were you there with John Dunkelberger?

A. I don't remember the date, because I probably was at the College, I don't know that date.

Q. You don't remember the 19th at all?

A. No.

Q. You don't remember being at the Hum-Dinger?

A. I probably was, if they say I was, I don't know, I can't remember back to the 19th.

Q. You can't remember back to October?

A. I can remember to October, but not to a certain date.

Q. You don't remember if you were there with a guy by the name of Bryan, Anthony Mussare?

A. They are good friends of mine, I usually hang around

Basil Chryssos.

with them, so I probably was.

Q. Do you remember Hubbard being in there?

A. I said I didn't remember the date, so I don't know.

Q. Did you ever see Hubbard wearing combat boots?

A. I don't notice his shoes.

Q. You don't notice people's shoes, except you saw Hubbard all during the time of July and August?

A. Usually when you look at a guy you look at his face, you don't look at boots.

Q. Did you notice his car was damaged?

A. Not in the Summer, he probably got it banged up October, sometime after September.

Q. Did you talk about this in the hall about the car being banged up?

A. It was not banged up in the Summer, because I was with him pretty good.

Q. Did you speak about this out in the hallway, just before you walked in?

A. I heard about it.

Q. You heard about the car being banged up, out in the hallway talking about it?

A. Yes.

Q. You knew I was questioning about that, didn't you?

A. Well, somebody said you were going to.

Q. I move to strike all of the rest of the witnesses

Basil Chryssos.

that are in the hallway, they were discussing the questions asked in the Court Room and that is against the permission of this Court.

By The Court:

The objection is over ruled.

By Mr. Ertel:

Q. Who else did you talk to in the hallway?

A. I didn't talk to anybody, they were talking there.

Q. Who all was talking?

A. A whole bunch of people.

Q. You know the people who were talking, don't you?

A. I think.

Q. Who were they?

By Mr. Fierro:

There are many comments being made in the audience.

By The Court:

Again, the Court will clear those that are making comments if they continue.

By Mr. Ertel:

Q. Who was talking in the hallway?

A. Everybody was talking.

Q. Well, name some of them, you know who were out there?

A. Talking about the car, I don't know, I just heard it was banged up in October.

Q. You heard it was banged up in October?

Basil Chryssos.

A. Yes, and I knew he was not banged up in the Summer.

Q. Did James Carman talk to you?

A. Listen, I seen the car in the Summer, I swore to it that I didn't see it banged up in the Summer, what better can you ask.

Q. Were you talking to James Carman in the hallway?

A. I don't know James Carman.

Q. How about Tony Mussare?

A. I do know him.

Q. Was he out there?

A. Yes.

Q. He was talking?

A. He was talking.

Q. Everybody else was all in a group talking together about this, weren't you, with Mr. Fierro?

A. Not about the car, no. Mr. Fierro told me I was on the stand next.

Q. He told you about the helmet, you were going to be questioned about the helmet?

A. I knew I was going to be questioned about the helmet.

Q. When did you know that?

A. When you guys first started talking about it.

Q. When were you subpoenaed here?

A. I was not subpoenaed.

Q. You, were you asked to come down here to talk about the helmet?

A. Yes.

Basil Chryssos. - Thomas Bryan.

Q. When?

A. Today.

Q. No further questions.

RE-DIRECT EXAMINATION

By Mr. Fierro:

Q. Do you understand that you are under oath?

A. Yes, Sir.

Q. Step down.

(Excused from the witness stand.).

By The Court:

Would you see that the balance of your witnesses are sequestered on a separate room?

By Mr. Ertel:

It is too late.

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

THOMAS BRYAN, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name?

A. Thomas William Bryan.

Q. Where do you live?

A. 630 Grace Street.

Q. Is that South Williamsport?

A. Williamsport.

Q. Do you know Kim Hubbard?

A. Yes.

Q. How long have you known him?

Basil Chryssos. - Thomas Bryan.

Q. When?

A. Today.

Q. No further questions.

RE-DIRECT EXAMINATION

By Mr. Fierro:

Q. Do you understand that you are under oath?

A. Yes, Sir.

Q. Step down.

(Excused from the witness stand.).

By The Court:

Would you see that the balance of your witnesses are sequestered on a separate room?

By Mr. Ertel:

It is too late.

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

THOMAS BRYAN, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name?

A. Thomas William Bryan.

Q. Where do you live?

A. 630 Grace Street.

Q. Is that South Williamsport?

A. Williamsport.

Q. Do you know Kim Hubbard?

A. Yes.

Q. How long have you known him?

Thomas Bryan.

A. Four or five years.

Q. Last year, particularly in July and August, were you familiar with his car?

A. Yes, Sir.

Q. Can you tell us how often you saw it during those months?

A. Oh, once or twice a week.

Q. Were you ever in it during those months?

A. Yes, Sir.

Q. Tell us, did you ever see a white helmet in that car?

A. No, Sir.

Q. Cross examination.

CROSS EXAMINATION

By Mr. Ertel:

Q. Did you ever see anything else in that car?

A. I think some hub caps or something like that.

Q. That is all?

A. I believe so.

Q. You never saw any sneakers?

A. No, Sir.

Q. Did you see the hub caps on the back window sill?

A. No, Sir.

Q. Where were they?

A. They were on the floor.

Q. Were they there all Summer?

A. I don't remember, I didn't look, I was not in the back seat too often.

Basil Chryssos. - Thomas Bryan.

Q. When?

A. Today.

Q. No further questions.

RE-DIRECT EXAMINATION

By Mr. Fierro:

Q. Do you understand that you are under oath?

A. Yes, Sir.

Q. Step down.

(Excused from the witness stand.).

By The Court:

Would you see that the balance of your witnesses are sequestered on a separate room?

By Mr. Ertel:

It is too late.

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

THOMAS BRYAN, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name?

A. Thomas William Bryan.

Q. Where do you live?

A. 630 Grace Street.

Q. Is that South Williamsport?

A. Williamsport.

Q. Do you know Kim Hubbard?

A. Yes.

Q. How long have you known him?

Nancy Stuempfle.

Q. No further questions.

(Excused from witness stand.)

NANCY R. STUEMPFLE, previously sworn, recalled and testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name?

A. Nancy R. Stuempfle.

Q. Where do you live?

A. 222 Spring Street, Duboistown.

Q. Do you know Kim Hubbard?

A. Yes, I do.

Q. How long?

By The Court:

She testified before about these items.

By Mr. Fierro:

Q. Were you familiar with Kim's car in July and August of last year?

A. Yes, I was.

Q. How often would you say you saw it during those months?

A. Quite often.

Q. What does that mean?

A. Well, at least twice a week. I am a good friend of Colleen's and they dated, and my boyfriend and I doubled with them.

Q. How often would you say you were in that car during

Nancy Stuempfle.

Q. No further questions.

(Excused from witness stand.)

NANCY R. STUEMPFLE, previously sworn, recalled and testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name?

A. Nancy R. Stuempfle.

Q. Where do you live?

A. 222 Spring Street, Duboistown.

Q. Do you know Kim Hubbard?

A. Yes, I do.

Q. How long?

By The Court:

She testified before about these items.

By Mr. Fierro:

Q. Were you familiar with Kim's car in July and August of last year?

A. Yes, I was.

Q. How often would you say you saw it during those months?

A. Quite often.

Q. What does that mean?

A. Well, at least twice a week. I am a good friend of Colleen's and they dated, and my boyfriend and I doubled with them.

Q. How often would you say you were in that car during

Nancy Stuempfle.

those months?

A. A few times, not as many as I saw the car.

Q. Whenever you saw the car during those months, or whenever you were in it, did you ever see any white helmets in that car?

A. No, I did not.

Q. Cross examination.

CROSS EXAMINATION

By Mr. Ertel:

Q. What did you see in the car?

A. On which occasion?

Q. Any occasion?

A. Well, when we went to Knoebel's Grove he had a lot of tools in it and we complained, it was a little dusty, nothing unusual.

Q. Never saw anything unusual in the car?

A. No, Sir.

Q. Never saw a bayonet in it?

A. No.

Q. Did you ever see a sheath of a bayonet?

A. No, I don't know what that is.

Q. Of a knife, about that long?

By Mr. Fierro:

A sheath is not a knife.

By Mr. Ertel:

She asked what a bayonet was, and it was in a sheath.

Q. Did you ever see that?

Nancy Stuempfle.

A. No.

Q. You never saw anything else other than just tools in the car?

A. Hub caps.

Q. Where were the hub caps?

A. On the floor.

Q. How often did you see that in there?

A. I couldn't tell you.

Q. You don't remember how long you saw that?

A. No.

Q. What was Kim wearing when you saw him on the 19th?

A. I don't remember.

Q. See those combat boots on the table?

A. Yes.

Q. Did you see him wear those?

A. I don't remember.

Q. You don't remember ever seeing him wear those either?

A. No, I never really looked at his feet.

Q. No further questions.

(Excused from witness stand.).

FRANK STRYKER, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. State your name?

A. Frank Stryker.

Nancy Stuempfle.

A. No.

Q. You never saw anything else other than just tools in the car?

A. Hub caps.

Q. Where were the hub caps?

A. On the floor.

Q. How often did you see that in there?

A. I couldn't tell you.

Q. You don't remember how long you saw that?

A. No.

Q. What was Kim wearing when you saw him on the 19th?

A. I don't remember.

Q. See those combat boots on the table?

A. Yes.

Q. Did you see him wear those?

A. I don't remember.

Q. You don't remember ever seeing him wear those either?

A. No, I never really looked at his feet.

Q. No further questions.

(Excused from witness stand.).

FRANK STRYKER, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. State your name?

A. Frank Stryker.

Frank Stryker.

Q. Frank, where do you live?

A. 314 Winter Street, Duboistown.

Q. Do you know Kim Hubbard?

A. Yes.

Q. How long have you known him?

A. Three or four years maybe.

Q. Are you familiar with this car?

A. Yes.

Q. Were you familiar with the car last July and August?

A. Yes.

Q. How often would you say that you saw the car last July and August?

A. Well, I would say that I saw it maybe every day, but I wasn't in it every day.

Q. But you say you saw it almost every day?

A. Yes.

Q. Now, as often as you saw it last July and August, Frank, did you ever see any white helmet in that car?

A. No.

Q. Cross examination.

CROSS EXAMINATION

By Mr. Ertel:

Q. Do you go to Community College?

A. No.

Q. Were you up the Community College?

A. No.

Frank Stryker.

Q. Have you been trying to get witnesses lined up in this case?

A. No.

Q. You have not been talking to anybody about being a witness in this case?

A. No.

Q. None, not at all?

A. No.

Q. You didn't discuss it out in the hallway at all?

A. I didn't talk.

Q. You were listening out there?

A. I heard talk.

Q. You heard talk?

A. Yes.

Q. You heard talk about the white helmet, didn't you?

A. Some.

Q. You heard talk about when the car was damaged, didn't you?

A. Yes.

Q. Did you see Kim Hubbard on October 19th?

A. I don't remember.

Q. You don't remember?

A. No.

Q. Did you see him on the 18th?

A. I can't remember that far back.

Q. Do you see those combat boots on the table there?

A. Yes.

Frank Stryker.

- Q. Did you ever see Kim Hubbard wear them?
A. No.
- Q. You never saw Kim wearing combat boots?
A. No.
- Q. You are sure of that?
A. Yes.
- Q. You are a good friend of Kim's?
A. Yes.
- Q. Ran around with him all last Summer?
A. Pretty much.
- Q. You never saw him wear the combat boots?
A. No.
- Q. He always wore sneakers?
A. Yes.
- Q. All of the time?
A. Whenever I saw him he had sneakers on.
- Q. Do you consider yourself a good friend of his?
A. Yes.
- Q. Do you know Kinney?
A. Which one?
- Q. David Kinney?
A. Yes.
- Q. Is he a good friend of Hubbard?
A. I would not know.
- Q. You don't know?
A. No.
- Q. Do you know he worked with him?

Frank Stryker.

A. No, I don't know that.

Q. Do you know where Kim worked?

A. No.

Q. Do you know he worked at Eastern Wood?

A. No.

Q. You know when his car was damaged now, don't you?

A. Yes.

Q. When did he paint his car?

A. I didn't know that he did.

Q. You didn't know he painted his car?

A. No.

Q. So you seen the car over the last two years, how long has he had the car?

A. I can't remember that.

Q. Well, have you seen the car over the last year?

A. All I can remember seeing it was in the Summer.

Q. Well, you have known him for a long time, haven't you?

A. Yes, but I have known him through school, but other than that I didn't see him.

Q. Did you see him at the Hum-Dinger?

A. Starting this Summer, but before that I didn't see him other than school.

Q. I thought you said you knew him for three years?

A. In school, that don't mean I ran around with him.

Q. Did you see his car when you were in school with him?

Frank Stryker.

A. Not in school.

Q. Didn't he drive the car to school?

A. I don't know.

Q. What color is the car?

A. Green.

Q. What kind of green?

A. I don't know what kind.

Q. You don't know the color?

A. It is light, it is not dark green.

Q. Is it metallic green?

A. I would not know.

Q. Well, you have seen the car on many occasions, you know what metallic green looks like, don't you?

By Mr. Fierro:

I object, if he doesn't know, he doesn't know.

By The Court:

Q. Do you know what metallic green looks like?

A. No.

Q. The objection is sustained.

By Mr. Ertel:

No further questions.

RE- DIRECT EXAMINATION

By Mr. Fierro:

Q. You were asked about being a friend of Kim's, although you are a friend of his would you come here and perjure yourself because of that reason?

A. No.

Michael Millhouse.

Q. That is all.

(Excused from witness stand.)

MICHAEL MILLHOUSE, being duly sworn according to law,
testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name?

A. Michael Millhouse.

Q. Do you know Kim Hubbard?

A. Yes, I do.

Q. About how long have you known him?

A. Two years.

Q. Were you familiar with his car last year?

A. Yes, I was.

Q. Particularly July and August, did you see it at
that time?

A. Yes.

Q. Can you tell us how often you saw it during those
months?

A. Every night.

Q. Every night you said?

A. Just about.

Q. About how often would you say you were in it,
and I am only talking about July and August of last year?

A. Four or five times a week.

Q. Michael, from what you have just told this Jury,
can you tell them whether you ever saw a white helmet in the

Michael Millhouse.

car during those months?

A. No, I didn't.

Q. Cross examination.

CROSS EXAMINATION

By Mr. Ertel:

Q. Mr. Millhouse, did you ever see his car up the Quarry?

A. Yes, I did.

Q. Where is the Quarry?

A. Sulphur Spring Road.

Q. What is about two minutes from downtown?

A. I would not know.

Q. Did you ever ride up there in his car?

A. Yes.

Q. Hung out there a lot at the Quarry, didn't you?

A. I didn't, no.

Q. You saw Kim up the Quarry, didn't you?

By Mr. Fierro:

I object, this is not pertinent and not relevant.

By The Court:

The objection is sustained.

By Mr. Ertel:

Q. Did you see his car there?

By Mr. Fierro:

I object.

By The Court:

The objection is sustained.

Michael Millhouse.

By Mr. Ertel:

Q. How many times did you see his car?

A. Where?

Q. At the Quarry?

By Mr. Fierro:

I object.

By The Court:

The objection is sustained.

By Mr. Ertel:

Q. What else did you see in the car?

A. A couple of hub caps, papers, trash laying all over.

Q. Did you see a bayonet?

A. No, I didn't.

Q. Did you see the sheath for the bayonet?

A. No.

Q. Never saw that either?

A. No.

Q. You are a very good friend of Kim Hubbard's, are you not?

A. Pretty good.

Q. And you ran around together a lot?

A. Yes.

Q. Where did you go in that car?

A. Riding around.

Q. Now, Kim really didn't take very good care of his car at all, did he?

Michael Millhouse.

By Mr. Fierro:

I object to that, that calls for a conclusion from this witness.

By The Court:

The objection is sustained.

By Mr. Ertel:

Q. Did you ever see him clean the car out?

A. A couple of times.

Q. But generally it had a bunch of trash in it?

By Mr. Fierro:

I object to that.

By The Court:

Sustained.

By Mr. Ertel:

Q. What all did you see in it, did you see the hub caps in it a couple of times?

By Mr. Fierro:

I object, he answered the question what he saw in the car.

By The Court:

Sustained.

By Mr. Ertel:

I want to get a period of time.

By The Court:

Establish the time.

By Mr. Ertel:

Q. Through July and August did you see the hub caps

Michael Millhouse.

in there all of the time?

A. I don't remember.

Q. Did you see those, do you see those combat boots there?

A. Yes.

Q. Did you ever see Kim wear them?

A. No.

Q. You never saw him wear those combat boots?

A. I don't remember, I didn't take and look at his feet.

Q. You, have you discussed your testimony outside?

A. No.

Q. You heard people talking out there?

A. Yes, I heard them.

Q. You heard them talking about the accident?

A. No.

Q. You never heard them talk about the accident?

A. No.

Q. You know when the accident was, don't you?

A. I knew about when it was.

Q. But you never heard them talking out in the hallway?

A. No.

Q. Now, have you seen this car beyond July and August, did you see it back in the Spring too?

A. Yes.

Q. Did you ever see a white helmet in the Spring?

A. No.

Q. Ever see one in the Fall?

Michael Millhouse.

A. I never seen a helmet in that car.

Q. Never?

A. Never.

Q. What color is the car?

A. Green.

Q. What kind of green?

A. Metallic green.

Q. Do you know if that car has been painted?

A. No, I don't know.

Q. Was it, has it always been metallic green?

A. I guess, I don't know.

Q. Did you see the car after October 31st?

A. No, I didn't.

Q. Never saw the car after that?

A. No.

Q. How about after the 24th of October?

A. No.

Q. Never saw the car then either?

A. No.

Q. When did you see the car, just July and August?

A. September, beginning of October maybe.

Q. Maybe, you don't remember?

A. No, I don't.

Q. No further questions.

By Mr. Fierro:

Step down.

(Excused from witness stand.)

William Barr.

WILLIAM BARR, ^Previously sworn, recalled and testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. I understand that you have been previously sworn, state your name for the record?

A. William Barr.

Q. How long have you known Kim Hubbard?

A. A couple of years.

Q. Were you familiar with his car?

A. Yes.

Q. Now, particularly last year in July and August, were you familiar with his car, did you see it?

A. Yes.

Q. About how often?

A. Quite a few.

Q. What does that mean?

A. Three or four times a week.

Q. Were you ever in it during those months?

A. Yes.

Q. About how often?

A. A few times.

Q. What is a "few times"?

A. Ten.

Q. During those months whenever you saw it or whenever you were in it, as you have just described, did you ever see any white helmet or any helmet in that car?

A. No.

William Barr.

Q. Cross examination.

CROSS EXAMINATION

By Mr. Ertel:

Q. Did you ever see him wear these combat boots?

A. No.

Q. You never saw him wear those combat boots?

A. No.

Q. Did you take particular note of his feet?

A. No.

Q. Did you take particular note of what is in people's cars?

A. Sometimes.

Q. Did you ever see any sneakers in his?

A. No.

Q. Did you ever see a sheath of a bayonet?

A. No.

Q. Did you look around in the car?

A. Sometimes when I was in it.

Q. Was it clean or dirty?

A. Sometimes clean and sometimes dirty.

Q. What color was the car?

A. Green.

Q. What color of green?

A. Light green.

Q. Metallic, would that be a better description?

A. Yes.

Q. Do you know when it was painted?

William Barr.

A. No.

Q. Well, you have been in and out of this car over a long period of time, is that right?

A. Just this Summer I have been in it.

Q. That is the only time you have been in it?

A. Yes.

Q. Have you ever been in it after the 24th of October?

A. No.

Q. Did you ever see it after the 24th of October?

A. Yes.

Q. Did you ever see a white helmet in it then?

A. No.

Q. Never saw a white helmet in it after the 24th of October?

A. The only place I saw it was down at the Police Barracks.

Q. That is the only place you ever saw it?

A. Yes, after the 24th.

Q. When did you see it at the Police Barracks?

A. I live right beside it.

Q. You saw it when it was being brought in?

A. Yes.

Q. You saw the helmet on the ledge?

A. No, I don't recall.

Q. How did you see the white helmet, did you go over to the Police Station and look at it?

William Barr.

A. No, I said I seen the car.

Q. You didn't look for the helmet then either?

A. No.

Q. So you would not notice it then either?

A. No.

Q. No further questions.

RE-DIRECT EXAMINATION

By Mr. Fierro:

Q. Were you able to see the ledge of the car when the Police brought it in, Billy?

A. No, I wasn't.

Q. Thank you , that is all.

RE-CROSS EXAMINATION

By Mr. Ertel:

Q. Where were you standing when the Police brought the car in?

A. I was driving through.

Q. Did you see the whole car?

A. No.

Q. Well, you identified it as his car coming in?

A. I know it was his car.

Q. Where were you?

A. I was driving through the alley.

Q. And they pulled in and went right into the Police thing, is that correct?

A. Yes.

Q. You drove right behind them, didn't you?

Jeanne Helm.

A. Yes.

Q. No further questions.

By Mr. Fierro:

That is all, step down.

(Excused from witness stand.)

JEANNE HELM, previously sworn, recalled and testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name?

A. Jeanne Helm.

Q. You were sworn in before. Now, Jeanne, how long have you known Kim Hubbard?

A. I would say about three years, maybe more.

Q. Now, I am referring to last year, particularly around July and August, were you familiar with his car at that time?

A. Yes.

Q. How often did you see it during those months?

A. Well, I seen it quite frequently because he was always riding around and down the Hum-Dinger.

Q. When you say "quite frequently", what does that mean?

A. A couple times a week.

Q. Were you in it at all during those months?

A. No.

Q. Whenever you did see it, Jeanne, did you ever see any white helmet or anyother colored helmet in that car?

Jeanne Helm.

A. Yes.

Q. No further questions.

By Mr. Fierro:

That is all, step down.

(Excused from witness stand.).

JEANNE HELM, previously sworn, recalled and testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name?

A. Jeanne Helm.

Q. You were sworn in before. Now, Jeanne, how long have you known Kim Hubbard?

A. I would say about three years, maybe more.

Q. Now, I am referring to last year, particularly around July and August, were you familiar with his car at that time?

A. Yes.

Q. How often did you see it during those months?

A. Well, I seen it quite frequently because he was always riding around and down the Hum-Dinger.

Q. When you say "quite frequently", what does that mean?

A. A couple times a week.

Q. Were you in it at all during those months?

A. No.

Q. Whenever you did see it, Jeanne, did you ever see any white helmet or anyother colored helmet in that car?

Jeanne Helm.

A. No.

Q. Cross examination.

CROSS EXAMINATION

By Mr. Ertel:

Q. Jeanne, did you see anything else on the back ledge of that car?

A. I never saw anything on the ledge.

Q. Did you ever pay any particular note to it?

A. Not really, because there was nothing to look for.

Q. Did you ever see any sneakers on it?

A. No.

Q. "T" shirt?

A. No.

Q. Did you ever see him wear those combat boots?

A. No.

Q. Well, you are a good friend of Kim Hubbard's, aren't you?

A. Yes.

Q. In fact, he would even call you up to make contact with Colleen?

A. Yes.

Q. He did call you and tell you he was in serious trouble, didn't he?

By Mr. Fierro:

Your Honor, I object.

By The Court:

The objection is sustained.

Jeanne Helm.

By Mr. Ertel:

Q. He trusted you pretty implicitly?

By Mr. Fierro:

I object.

By The Court:

The objection is sustained.

By Mr. Ertel:

May we approach Side Bar?

By The Court:

Yes.

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

By Mr. Ertel:

Q. Didn't Kim Hubbard call you between the time Jennifer Hill disappeared and the time her body was found to tell you he was in serious trouble?

By Mr. Fierro:

I object to that, that does not go towards impeachment of this witness. He is now soliciting facts which should have come on rebuttal or chief.

By The Court:

The purpose, Mr. Ertel?

By Mr. Ertel:

To show she was the go-between and she got confidential messages she communicated.

By The Court:

The Jury is instructed the only purpose is not for the fact, but impeachment purposes and you may answer.

Jeanne Helm.

A. Yes.

By Mr. Ertel:

Q. He wanted you to get Colleen, did he not?

A. Yes.

Q. And you even asked him on the phone what the trouble was, didn't you?

A. Yes.

Q. And he would not tell you, would he?

A. He didn't have time.

Q. Pardon?

A. He didn't have time.

Q. Well, you asked him and he said he would not tell you, isn't that right?

A. That is right, he was in a hurry.

Q. And this was between the time that Jennifer's body disappeared and the time she was found, isn't that true?

A. Yes.

Q. And he wanted you to get in touch with Colleen immediately, didn't he?

A. Yes.

Q. Did you?

A. Yes.

Q. Of course, you don't know what happened between Colleen and Kim, do you?

A. No.

Q. Now, you were the go-between, between Kim and Colleen all of the time, weren't you?

Jeanne Helm. - David Frantz.

By Mr. Fierro:

I object to that.

By The Court:

Sustained.

By Mr. Ertel:

Q. Did you ever date Kim Hubbard?

By Mr. Fierro:

I object to that.

By The Court:

The objection is sustained.

By Mr. Ertel:

No further questions.

By Mr. Fierro:

You may step down.

(Excused from witness stand.)

DAVID FRANTZ, being duly sworn according to law,
testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name?

A. David W. Frantz.

Q. Where do you live, David?

A. South Williamsport, 410 Clinton Street.

Q. Do you know Kim?

A. Yes, I do.

Q. About how long have you known him?

A. About four years.

Jeanne Helm. - David Frantz.

By Mr. Fierro:

I object to that.

By The Court:

Sustained.

By Mr. Ertel:

Q. Did you ever date Kim Hubbard?

By Mr. Fierro:

I object to that.

By The Court:

The objection is sustained.

By Mr. Ertel:

No further questions.

By Mr. Fierro:

You may step down.

(Excused from witness stand.)

DAVID FRANTZ, being duly sworn according to law,
testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name?

A. David W. Frantz.

Q. Where do you live, David?

A. South Williamsport, 410 Clinton Street.

Q. Do you know Kim?

A. Yes, I do.

Q. About how long have you known him?

A. About four years.

Q. Last year in July and August, were you familiar with is automobile?

A. Yes, I was.

Q. About how often would you say you saw it during that time?

A. Every morning before school and every night after school.

Q. Twice a day?

A. Yes.

Q. How often would you say you were in it?

A. I was in it....

Q. During this time now?

A. Never.

Q. Now, seeing it twice a day during July and August last year, did you ever see a white or anyother kind of helmet in that car?

A. Never.

Q. What?

A. Never.

Q. Cross examination.

CROSS EXAMINATION

By Mr. Ertel:

Q. Where did you go to school?

A. South Williamsport.

Q. Do you go in the Summer?

A. No.

Q. So how would you say you seen it before and after school in the Summer, if you didn't see it in the Summer?

A. I am best friends with Phil Grimes, and like Kim Hubbard is next door neighbors.

Q. You say you saw it before and after school in July and August, and you didn't go to school, did you?

A. No.

Q. On October 19th, did you see Kim Hubbard's car?

A. No, I didn't.

Q. You were at the Grimes' home on October 19th?

A. Yes.

Q. You were there from what hours?

A. Anywhere between 12:00 and 2:00.

Q. Didn't you go back that evening?

A. No.

Q. And between 12:00 and 2:00 you fixed the starter in the Grimes' car, is that right?

A. No, that was the 20th.

Q. Didn't you originally tell the Police that was October 19th?

A. No.

By Mr. Fierro:

I object, it is immaterial.

By The Court:

It has been answered, I will permit it. The objection will be sustained along that line if there is anything further.

By Mr. Ertel:

Q. You are a good friend of Phil Grimes?

A. Yes.

David Frantz.

Q. Did he get you to testify here today?

A. No.

Q. Who approached you to testify?

A. Mike came up to me and asked me for sure if I think I was with him that day and I said "Yes.", and he asked me if I would testify for Kim, and I won't perjure myself.

Q. Mike Grimes came up to you, is that right?

A. Yes.

Q. He wanted you to come down here?

A. He didn't want me to, he just asked me if I would.

Q. Did you get a subpoena?

A. Yes.

Q. When did you get the subpoena?

A. Yesterday.

Q. Who brought you the subpoena?

A. Sgt. Reitz is all I know.

Q. Reitz?

A. Yes.

Q. Trooper Reitz?

A. Yes.

Q. He brought you a subpoena to come here today?

A. No, he brought it for yesterday, and then Mr. Fierro asked me to come today.

Q. No further questions.

David Frantz.

RE-DIRECT EXAMINATION

By Mr. Fierro:

Q. You said in answer to one of his questions, that no matter if you were a friend of his, you didn't come here to perjure yourself, is that right?

A. That is right.

Q. Where do you live relative to Kim?

A. Around the corner.

Q. Well, what does that mean, how far away?

A. About a half block.

Q. Thank you. No further questions.

By Mr. Ertel:

Q. No questions.....I do have a couple of questions.

RE-CROSS EXAMINATION

By Mr. Ertel:

Q. Did you ever see anything else in that car?

A. No.

Q. Never saw anything in it?

A. No, except for some tools and a couple of hub caps.

Q. Where were they?

A. In the back on the floor.

Q. Did you ever see those boots?

A. No, never.

Q. Did you ever see Kim Hubbard wear combat boots?

A. Pardon?

Q. Did you ever see Kim Hubbard wear combat boots?

A. No.

Q. You never saw him wear combat boots?

David Frantz.

A. No.

Q. And you were never in the car, is that right?

A. I was in the car once about a year ago.

Q. What color was the car then?

A. The same color.

Q. Has it been repainted since then?

A. Yes.

Q. When was it repainted, do you know?

A. His Junior Year in High School.

Q. When was that?

A. Last year.

Q. Why do you relate it to his Junior Year?

A. Like he is in the same grade I am.

Q. What color is it now?

A. Metallic green.

Q. No further questions.

By Mr. Fierro:

Q. Have you told the truth?

A. Yes.

Q. Step down.

(Excused from witness stand.)

WILLIAM S. RUFFING, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name?

A. William Scott Ruffing.

David Frantz.

A. No.

Q. And you were never in the car, is that right?

A. I was in the car once about a year ago.

Q. What color was the car then?

A. The same color.

Q. Has it been repainted since then?

A. Yes.

Q. When was it repainted, do you know?

A. His Junior Year in High School.

Q. When was that?

A. Last year.

Q. Why do you relate it to his Junior Year?

A. Like he is in the same grade I am.

Q. What color is it now?

A. Metallic green.

Q. No further questions.

By Mr. Fierro:

Q. Have you told the truth?

A. Yes.

Q. Step down.

(Excused from witness stand.).

WILLIAM S. RUFFING, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name?

A. William Scott Ruffing.

William Ruffing.

Q. Where do you live?

A. 321 Curtin Street, South Side.

Q. William, do you know Kim?

A. Yes, I do.

Q. About how long have you known him?

A. About eight years.

Q. Last year, particularly in July and August, were you familiar with his car?

A. Yes, Sir, I was.

Q. Did you see it during July and August?

A. Yes, Sir, I did.

Q. About how often?

A. Every day.

Q. Now, other than seeing it were you ever in it during July and August?

A. Yes, Sir, I was.

Q. About how often?

A. Once every couple of weeks.

Q. Now, William, both being in the car and seeing it during those months, did you ever see in that car a white or anyother colored helmet?

A. No, Sir, I didn't.

Q. Cross examination.

CROSS EXAMINATION

By Mr. Ertel:

Q. What did you see in the car?

A. Just garbage and stuff that use to lay in the back

William Ruffing.

seat, papers and stuff.

Q. Well, can you name anything specifically?

A. No.

Q. Did you ever see a bayonet?

A. Yes, Sir.

Q. A bayonet?

A. Yes, Sir.

Q. Did you see the sheath too?

A. Yes.

Q. Where was that?

A. I think he kept it in the back.

Q. What do you mean "in the back"?

A. In the back seat or on the floor, I don't know,

I don't know for sure.

Q. You saw that?

A. Yes, Sir.

Q. What else did you see in there?

A. Nothing that I would remember.

Q. How often would, did you see that bayonet, was it there most of the time when you got in the car?

A. I never paid any particular attention to it, just once in awhile I would see it and that is it.

Q. It was always in the back?

A. Well, most every time I saw it.

Q. Can you give us an estimation of how many times you saw that?

A. Five, six, seven.

William Ruffing. - William Crofutt.

Q. Did you see any hub caps?

A. No, Sir.

Q. You never saw the hub caps?

A. No.

Q. How about sneakers, did you ever see sneakers in there?

A. No, Sir.

Q. How about a white "T" shirt or things like that, did he have stuff thrown up on the ledge, do you recall that?

A. I never saw any.

Q. You don't recall or you never saw it?

A. I just don't recall whether I did or not.

Q. Thank you, no further questions.

(Excused from witness stand.)

WILLIAM CROFUTT, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name, please?

A. William Crofutt.

Q. Where do you live?

A. Nesbit.

Q. William, do you know Kim Hubbard?

A. Yes.

Q. About how long have you known him?

A. Five years anyhow.

Q. Referring to last year, particularly in July and

William Ruffing. - William Crofutt.

Q. Did you see any hub caps?

A. No, Sir.

Q. You never saw the hub caps?

A. No.

Q. How about sneakers, did you ever see sneakers
in there?

A. No, Sir.

Q. How about a white "T" shirt or things like that,
did he have stuff thrown up on the ledge, do you recall that?

A. I never saw any.

Q. You don't recall or you never saw it?

A. I just don't recall whether I did or not.

Q. Thank you, no further questions.

(Excused from witness stand.).

WILLIAM CROFUTT, being duly sworn according to
law, testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name, please?

A. William Crofutt.

Q. Where do you live?

A. Nesbit.

Q. William, do you know Kim Hubbard?

A. Yes.

Q. About how long have you known him?

A. Five years anyhow.

Q. Referring to last year, particularly in July and

William Crofutt.

August, were you familiar with his car?

A. Not so much as July and August as later , September and October.

By Mr. Ertel:

Objection.

By Mr. Fierro:

May we come to Side Bar?

By The Court:

Yes.

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

By Mr. Fierro:

Q. You are not familiar with July and August?

A. No, not really, I mean I saw the car and everything.

Q. That is what I am asking you, did you see his car?

By Mr. Ertel:

I object now.

By Mr. Fierro:

Q. Did you see his car in July and August?

A. Yes, but I saw it, but I don't remember being in it.

Q. I am not asking you if you were in it?

A. Okey, then I saw it.

Q. How often would you say you saw it during July and August?

A. I really couldn't say.

Q. Do you have any estimate?

A. I would say probably four or five times anyhow.

Q. The times you did see it in July and August, did you ever see a white helmet or another kind of helmet in the car?

A. No.

Q. Cross examination.

CROSS EXAMINATION

By Mr. Ertel:

Q. Did you see the inside of the car?

A. Yes.

Q. What did you see inside of the car?

A. What do you usually see on the inside of the cars.

Q. Did you see anything laying around in the car?

A. Shoes, that was about it, I remember seeing shoes on the floor.

Q. What kind of shoes?

A. I think, I am not sure, but I think there were, they were some kind of like baseball shoes or football shoes or something like that.

Q. How about combat boots?

A. No, I don't ever remember seeing them.

Q. Did you see a sheath of a knife, bayonet?

A. No.

Q. Did you see a bayonet?

A. No.

Q. Did you ever see Kim Hubbard wearing a pair of combat boots like this?

A. No, I never noticed.

Q. You just didn't pay any attention?

A. Well, no, it is not that I didn't pay any attention, it is just like shoes like that are very common.

William Crofutt.

Q. But you don't recall seeing him wear combat boots?

A. I remember him wearing work shoes and stuff like that, they might have been combat boots, I don't know.

Q. That is because the pants came down over them, you couldn't tell how high they were, is that what you are saying?

A. Yes.

Q. Did you see anything else in the car besides the shoes?

A. Not that I noticed.

Q. What color was the car?

A. Kind of a light green, greenish color.

Q. What kind was it?

A. Oldsmobile.

Q. Was there a particular brand of Oldsmobile?

A. Yes, but I couldn't say for sure what it was.

Q. You don't remember that either?

A. No.

Q. How many doors did it have?

A. Four.

Q. Would you call it a metallic green?

A. It depends on what you mean by "metallic green".

Q. Do you, so you don't know what "metallic green" means?

A. Yes, I know what it means, but there are different colors, I mean different kinds. It was just green as far as I am concerned.

William Crofutt.

Q. You didn't see anything else in the car other than the shoes, is that it, during July and August?

A. Yes.

Q. You didn't see anything else?

A. Right.

Q. No further questions.

RE-DIRECT EXAMINATION

By Mr. Fierro:

Q. You say those combat boots, you said were common?

By Mr. Ertel:

Objection.

By Mr. Fierro:

Q. Isn't that the statement you made when the District Attorney asked you the question?

By Mr. Ertel:

I object to leading questions, and it is not proper rebuttal.

By The Court:

The objection is sustained.

By Mr. Fierro:

That is all. Step down.

(Excused from witness stand.).

RICHARD A. DEFFENDERFER, being duly sworn according to law, testified as follows:

William Crofutt.

Q. You didn't see anything else in the car other than the shoes, is that it, during July and August?

A. Yes.

Q. You didn't see anything else?

A. Right.

Q. No further questions.

RE-DIRECT EXAMINATION

By Mr. Fierro:

Q. You say those combat boots, you said were common?

By Mr. Ertel:

Objection.

By Mr. Fierro:

Q. Isn't that the statement you made when the District Attorney asked you the question?

By Mr. Ertel:

I object to leading questions, and it is not proper rebuttal.

By The Court:

The objection is sustained.

By Mr. Fierro:

That is all. Step down.

(Excused from witness stand.).

RICHARD A. DEFFENDERFER, being duly sworn according to law, testified as follows:

Richard Dieffenderfer.

DIRECT EXAMINATION

By Mr. Fierro:

Q. What is your name?

A. Richard Allen Dieffenderfer.

Q. How old are you?

A. 17.

Q. Where do you live?

A. Nesbit.

Q. Do you know Kim Hubbard?

A. Yes.

Q. About how long?

A. Well, since about 8th Grade...four years.

Q. Were you familiar with his car last year?

A. Yes.

Q. Particularly in July and August, were you familiar with it then?

A. Not as familiar as I was later.

Q. But were you at all?

A. Yes, I was.

Q. Did you ever see it in July and August of last year?

A. Yes, I did.

Q. About how often would you say you saw it?

A. Once a week, maybe twice a week.

Q. Were you ever in it during that period of time?

A. Yes, I was in it.

Q. About how often?

A. It was not very often, it was once, twice a month

Richard Dieffenderfer.

maybe.

Q. Well, whenever you were in it or whenever you saw it in July and August of last year, did you ever see in that car a white, or anyother colored type helmet?

A. No, I did not.

Q. Cross examination.

CROSS EXAMINATION

By Mr. Ertel:

Q. Did you ever see in it a sheath or bayonet?

A. No.

Q. Did you ever see the bayonet?

A. No.

Q. You were in the car in July and August, were you not?

A. Yes.

Q. You looked in the car during that period of time?

A. I didn't give it any investigation, but I looked through it, saw on the floors and stuff.

Q. What was on the floors?

A. I would say the most things was clothes.

Q. What kind of clothes?

A. Jeans, "T" shirts.

Q. Were they scattered all throughout the car?

A. They was on a pile in the floor.

Q. Was there anything on the back ledge that you recall?

A. No.

Q. You don't recall whether or not, or there wasn't?

A. There wasn't anything on the back ledge.

Richard Dieffenderfer. - Gerald Brown.

- Q. Nothing at all?
A. No.
Q. At any time you looked at this car?
A. No.
Q. Everything was on the floor?
A. Everything that I saw was on the floor.
Q. What kind of shoe wear did you see in the car?
A. I never saw any shoe wear.
Q. You never saw any shoes?
A. No.
Q. Ever see any hub caps in the car?
A. No.
Q. Never saw any hub caps either?
A. No.
Q. No further questions.

By Mr. Fierro:

Step down.

(Excused from witness stand.).

GERALD BROWN, being duly sworn according to law,
testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

- Q. What is your name?
A. Gerald Brown.
Q. Gerald, where do you live?
A. 463 Main Street, South Williamsport.
Q. How old are you?

Richard Dieffenderfer. - Gerald Brown.

- Q. Nothing at all?
- A. No.
- Q. At any time you looked at this car?
- A. No.
- Q. Everything was on the floor?
- A. Everything that I saw was on the floor.
- Q. What kind of shoe wear did you see in the car?
- A. I never saw any shoe wear.
- Q. You never saw any shoes?
- A. No.
- Q. Ever see any hub caps in the car?
- A. No.
- Q. Never saw any hub caps either?
- A. No.
- Q. No further questions.

By Mr. Fierro:

Step down.

(Excused from witness stand.).

GERALD BROWN, being duly sworn according to law,
testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

- Q. What is your name?
- A. Gerald Brown.
- Q. Gerald, where do you live?
- A. 463 Main Street, South Williamsport.
- Q. How old are you?

Gerald Brown.

A. 17.

Q. Do you know Kim?

A. Yes, I know Kim.

Q. About how long?

A. Well, I have known him since Junior High, I really got to know him last year probably.

Q. Did you know Kim's car last year, particularly during July and August?

A. Yes.

Q. Did you see it?

A. Yes, I saw it.

Q. How often would you say you saw it during that period of time?

A. About everyother night.

Q. Were you in it during that period of time?

A. About two or three times.

Q. Now, the times that you were in it and the times that you saw it during July and August, did you ever see a white or anyother type of color of hard type helmet in that car?

A. No, Sir.

Q. Cross examination.

CROSS EXAMINATION

By Mr. Ertel:

Q. What color is Kim's car?

A. Green.

Q. What color is it?

A. I don't know, silverish green.

Gerald Brown.

Q. Would you call it metallic?

A. No.

Q. You would not call it metallic green?

A. No.

Q. Do you know what metallic green is?

A. Sparkle, isn't it?

Q. Was this car sparkling or shining?

A. It, no, it was already dull, you couldn't tell the color as far as it shines.

Q. You mean it was always dirty?

A. Yes, sort of, it was not always dirty, no, but the paint was old and it was dull.

Q. This was in July and August?

A. Yes.

Q. You don't know that Kim got his car painted?

A. No.

Q. Was it damaged in July and August?

A. I don't think so, no.

Q. What did you see in the car when you looked in it?

A. Nothing, there was never nothing in it.

Q. Was it always clean?

A. Well, yes, except maybe cigarette butts on the floor or something.

Q. Never saw anything else in the car?

A. No.

Q. Never saw a bayonet?

A. No.

Gerald Brown.

Q. Never saw any hub caps?

A. No.

Q. Have you talked to anybody about your testimony outside?

A. Not really, no.

Q. You didn't have an opportunity to find out when the car was damaged?

A. No, I didn't.

Q. You didn't talk in the group out in the hallway then, did you?

A. Not about that, no, I talked to them, but not about my testimony.

Q. When were you subpoenaed to come here?

A. This morning.

Q. Where were you when you got the subpoena?

A. At school.

Q. Who served that on you?

By Mr. Fierro:

I object, it is immaterial.

By The Court:

The objection is sustained.

By Mr. Ertel:

Q. Did you talk to Mike Grimes?

A. No, I didn't talk to Mike Grimes.

Q. Who did you talk to?

A. I didn't talk to anybody, it was called over the loud speaker.

Gerald Brown. - Kim Lee Hubbard.

Q. Did you meet somebody then?

A. Yes, I met my Principal.

Q. Did you meet anybody else that brought you down here?

A. Yes, I came over with Bill Crofutt.

Q. Now, you didn't see any hub caps in the car during July and August, did you?

A. No.

Q. Nothing further.

By Mr. Fierro:

You may step down.

(Excused from witness stand.).

By Mr. Fierro:

I have one last witness, your Honor, on this point. It happens to be the Defendant, whatever the Court wishes.

By Mr. Ertel:

I object to that...well, let's approach Side Bar.

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

KIM LEE HUBBARD, being previously sworn, recalled and testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. You are Kim Lee Hubbard and you have previously been sworn?

A. Correct, Sir.

Q. Now, you were in Court when you heard testimony from a Shellhammer.....

By Mr. Ertel:

I object, he can ask a question.

Gerald Brown. - Kim Lee Hubbard.

Q. Did you meet somebody then?

A. Yes, I met my Principal.

Q. Did you meet anybody else that brought you down here?

A. Yes, I came over with Bill Crofutt.

Q. Now, you didn't see any hub caps in the car during July and August, did you?

A. No.

Q. Nothing further.

By Mr. Fierro:

You may step down.

(Excused from witness stand.).

By Mr. Fierro:

I have one last witness, your Honor, on this point. It happens to be the Defendant, whatever the Court wishes.

By Mr. Ertel:

I object to that...well, let's approach Side Bar.

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

KIM LEE HUBBARD, being previously sworn, recalled and testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

Q. You are Kim Lee Hubbard and you have previously been sworn?

A. Correct, Sir.

Q. Now, you were in Court when you heard testimony from a Shellhammer.....

By Mr. Ertel:

I object, he can ask a question.

Kim Lee Hubbard.

By Mr. Fierro:

I want to ask him if he heard the testimony.

By The Court:

The objection is over ruled.

By Mr. Fierro:

Q. Were you in Court when you heard Shellhammer (Shellmar and Kinney testify concerning helmets?

A. Yes, his name is Shellman.

Q. Is Kinney the other correct name?

A. Yes, Sir.

Q. Now, Kim, can you explain, if you can, why during July and August there was a possibility that someone saw a helmet in your car?

By Mr. Ertel:

I object.

By The Court:

The objection is sustained, reword your question.

By Mr. Fierro:

Q. While you were employed at this place, Eastern Wood, did you ever have any riders?

A. Yes, I did, Sir.

Q. Who were some of them?

A. Well, David Kinney, we switched off all of the time.

By Mr. Ertel:

I object, this is irrelevant.

By Mr. Fierro:

It is leading up to his riders.

Kim Lee Hubbard.

By The Court:

Proceed.

A. Well, we traded off riding back and forth to work, and I worked Saturdays and once in awhile I would take people downtown and drop them off.

By Mr. Fierro:

Q. Take them from where?

A. Eastern Wood, Sir.

Q. Would these people that you took from Eastern Wood ever have anything with them belonging to Eastern Wood?

A. Yes, Sir, the helmets. That is, naturally, they would walk right out of the place with them.

Q. Do you know whatever happened on any occasion with these people concerning their helmets in your car?

A. They forgot their helmets maybe once or twice, I give it back to them the next day. Might I explain something?

Q. No. When was the last that you, well as far as you can remember, that you worked at Eastern Wood?

A. May, Sir, of 1973.

Q. Did you have any helmets that you took with you?

By Mr. Ertel:

Objection is over ruled, although he has testified before.

A. Well, Sir, I know I did not take no helmet with me.

By Mr. Fierro:

Cross examination.

Kim Lee Hubbard.

CROSS EXAMINATION

By Mr. Ertel:

No questions.

(Excused from witness stand.).

By Mr. Fierro:

The defense rests.

By The Court: —

Now, are all of the Exhibits in evidence that the Commonwealth desires to have in evidence or the Defense?

By Mr. Ertel:

All of the Exhibits are in that the Court has admitted.

By The Court:

You have none you want to offer?

By Mr. Fierro:

No.

By The Court:

Do I understand sur-rebuttal is closed?

By Mr. Fierro:

Yes.

By The Court:

We will not reconvene until 1:30 today. The Defendant is excused. The Jury is excused.

(Recessed at 12:15 P.M., EDST.).

(Reconvened at 1:35 P.M., EDST.).

By The Court:

Mr. Fierro.

(Mr. Fierro began closing to Jury at 1:35 P.M., EDST.).

By Mr. Fierro:

Do you think a person was ever executed in this country and later proved he was innocent?

By Mr. Ertel:

Objection, your Honor.

By The Court:

Side Bar, please.

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

By The Court:

Proceed, Mr. Fierro.

(Mr. Fierro continued closing to Jury.).

(Mr. Fierro completed closing to Jury at 3:00 P.M., EDST.).

By The Court:

The Court will recess for fifteen minutes.

The Defendant is excused. The Jury is excused.

(Recessed at 3:02 P.M., EDST. and reconvened at 3:25 P.M., EDST.).

By The Court:

Mr. Ertel.

(Mr. Ertel began closing to Jury at 3:25 P.M., EDST.).

By Mr. Ertel:

Now, you say "What about Jack Hill's phone call?".
Well, Jack Hill said it was around 5:00. The Police Officer
said he told him it was somewhere between quarter of five and five,

NICKINA STATED SHE LOOKED AT THE CLOCK AND IT