

1 Larry couldn't because of his employment.

2 MR. SMITH: I think this is all I have of this  
3 witness at this time.

4 RE-CROSS-EXAMINATION

5 BY MR. NESS:

6 Q Mrs. Kuhn, wasn't there any attempt to involve  
7 the father in any of this business with parenting classes?  
8 The child had a living father in the Military Service.

9 A Are you speaking in reference to Cameron?

10 Q Yes.

11 A I never had any contact with him during my in-  
12 volvement.

13 Q The mother talked about "Larry this" and "Larry  
14 that"; didn't she talk about any participation the father  
15 would have in the protection and raising of this child?

16 A She had just said that Cameron had left her; he  
17 had left her with car payments, and a trailer payment, and  
18 really in a financial stress situation, and that he really  
19 didn't care about Aleta at all.

20 Q That's all.

21 STEPHEN CRIDER CALLED AND SWORN

22 DIRECT EXAMINATION

23 BY MR. SMITH:

24 Q State your name for the record please.

25 A Officer Stephen Crider.

1 Q And to what unit are you assigned?

2 A West Manchester Township Police Department.

3 Q Were you so assigned on February 18, 1982?

4 A Yes, I was.

5 Q Now, on that date did you have an occasion to see  
6 or meet a Larry Hake?

7 A Yes, I did.

8 Q Can you tell us how that came about?

9 A We were dispatched through York County Communica-  
10 tions Center to respond to the Sharlo (spelled phonetically)  
11 Fire Department that they had received a phone call from a  
12 Mr. Hake, that he wanted to talk to us.

13 Shortly thereafter we received a radio communica-  
14 tion through County Control that was relayed by Northern  
15 York County Regional Police Department to be on the look-  
16 out for that individual. So, we responded to the Sharlo  
17 Fire Company, which is in our area, and not too far away  
18 from the West Manchester Township/Dover Township line.  
19 That's where we met Mr. Hake at.

20 Q What took place at that time?

21 A We pulled up to the rear of the Fire Company, and  
22 there were two individuals standing outside, just outside  
23 the rear doors. I exited the patrol car and asked the one  
24 individual, who was later turned out to be Mr. Hake, that if  
25 his name was Larry Hake, and he said, "Yes." I asked him if

1 he had called us, and he said, "Yes." I said, "What is  
2 the problem?" He said, "I think I just killed a little  
3 girl."

4 Q That's all.

5 CROSS-EXAMINATION

6 BY MR. NESS:

7 Q Officer Crider, Mr. Smith is not continuing his  
8 direct examination. Did Mr. Hake tell you he thought the  
9 child suffocated to death?

10 A He was advised of his rights and --

11 MR. SMITH: Your Honor, may we approach the Bench  
12 at this time?

13 THE COURT: All right.

14 REPORTER'S NOTE: On-the-record Side Bar dis-  
15 cussion held as follows:

16 MR. SMITH: The statement that was elicited from  
17 Officer Crider on the stand was, in effect, a res gestae  
18 statement or a spontaneous declaration. Now, after Mr. Hake  
19 is advised of his rights, he starts to give a statement.  
20 As far as I am concerned, at that point it's a hearsay  
21 statement. There is a difference between the two.

22 THE COURT: It's a declaration against penal in-  
23 terests, isn't it? If he is going to admit he did something  
24 regarding the child.

25 MR. NESS: Also, Your Honor, Mr. Smith opened the

1 door with respect to Mr. Hake's statements, and then to cut  
2 it off in the middle is unfair to the Commonwealth.

3 MR. SMITH: As far as I am concerned, this was a  
4 spontaneous declaration within the res gestae. Once this  
5 man gets advised of his Constitutional Rights, as far as I  
6 am concerned, that becomes a hearsay matter.

7 THE COURT: Objection overruled.

8 REPORTER'S NOTE: End of Side Bar discussion.

9 BY MR. NESS:

10 Q Officer, if you will just answer my question.  
11 Isn't it true that Mr. Hake then went on to tell you that  
12 the child had suffocated under the covers somehow?

13 A He felt that happened, yes.

14 Q Did he also tell you that "We", meaning the  
15 child's mother and himself, had given her some alcohol?

16 A Yes, he did.

17 Q And then he said that all this, the cause of the  
18 death of the child, happened about ten minutes ago?

19 A His answer was approximately 15 minutes ago.

20 Q He indicated in the course of these other state-  
21 ments that the mother was there, didn't he?

22 A Yes, he did.

23 Q You didn't see the child after her death, did you?

24 A No, I didn't.

25 Q Did you see any photographs of the child?