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COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS  
vs. : OF DAUPHIN COUNTY,  
JAMES HUGNEY : PENNSYLVANIA  
: No. 1296 CD 1978

Sworn Statement of : JEROME BRITTON  
Taken by : Public Defender's Office  
Before : Deborah Ruggiero  
Notary Public - Reporter  
Date : October 11, 1979, 2:00 p.m.  
Place : Dauphin County Prison  
Harrisburg, Pennsylvania

PRESENT:  
PATRICK KELLY, INVESTIGATOR  
For - Public Defender's Office

1 MR. KELLY: Today is October 11, 1979. Speaking is  
2 Patrick Kelly, investigator, Dauphin County Public Defender's  
3 Office.

4 I am at the Dauphin County Prison, and with me are  
5 Debbie Ruggiero of the Geiger Reporting Services and  
6 Jerome Britton.

7 We are here to take a statement from Mr. Britton  
8 concerning certain testimony which was delivered at the trial  
9 of James Hugney in February, 1979.

10 Mr. Hugney is presently represented by  
11 Marilyn C. Zilli, Esquire, assistant public defender.

12  
13 JEROME BRITTON, called as a witness, having been  
14 duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. KELLY:

17 Q Would you state your full name for the record,  
18 please?

19 A Jerome Britton.

20 Q And spell your last name for the record.

21 A B-r-i-t-t-o-n.

22 Q And what is your address in Dauphin County?

23 A 501 County Road.

24 Q Do you have an address outside the prison?

25 A 1205 South 13th Street.

BRITTON

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1 Q You are presently incarcerated, is that right?

2 A Yes, sir.

3 Q Were you in Dauphin County Prison in February of  
4 1979?

5 A Yes, sir.

6 Q During that time, were you aware of the fact that  
7 one James Hugney was being tried on a charge of murder?

8 A Not really until Whitman brought up his name.

9 Q So how were you made aware of the fact that he was  
10 being tried on murder?

11 A Like Whitman was telling me about it.

12 Q What is his full name, Whitman?

13 A I can't remember his first name.

14 Q Go ahead.

15 A Whitman was telling me about he was going to have  
16 this dude burned. He was talking about James Hugney. And we  
17 used to always talk, you know, like then he was telling me that  
18 his dad was messing with Whitman -- Hugney, his girlfriend.

19 Q Whitman's dad?

20 A Yes. Whitman's dad was messing with Hugney's  
21 girlfriend or his wife or something like that.

22 But he said that Hugney kept interfering with his  
23 dad and his broad, right, so he -- like he used to see his dad  
24 on visits every now and then, you know, and he was telling --  
25 like he was telling me what him and his dad was planning on

1 doing with Hugney.

2 So then like he told me one day, he said, "Well like,  
3 me and my dad was rapping today and we got a good idea how we  
4 can ice Hugney."

5 And so I said, "How?" And he said, "Well, this is  
6 the plan I am going to use." He said, "I am just -- " because  
7 like he used to go to the gym a lot and like I was up front  
8 for three or four months and he used to go to the gym, and I  
9 couldn't go back.

10 Q The gymnasium?

11 A Yes. So like he told me he was going to say that  
12 Hugney confessed to him about killing his son, whoever it was  
13 that died, right?

14 So he said he was just going to make up that but he  
15 didn't know if it was going to work but he was going to try and  
16 that will probably get him out of jail.

17 Q On how many different occasions did you have  
18 conversations with Harry Whitman about the same subject, about  
19 James Hugney?

20 A It was a few times but you know I never really paid  
21 attention like he used to always talk about it like every time  
22 his dad would come out, then that is when he talked about it  
23 more.

24 Q And when he came back from having a visit with his  
25 father, then he would tell you about his visits?

1           A     Yes, then he would tell me about what him and his  
2 dad was planning on doing. That is what his dad wanted him to  
3 do, you know.

4           He said -- like he was telling me like the girl that  
5 Whitman's dad was messing with, right, used to be Hugney's  
6 woman like every time she would bring up Hugney's name or  
7 something, Whitman's dad always used to beat her up, things  
8 he used to tell me about.

9           Then that is when he said well, they said they was  
10 going -- that was what they was going to do to get him out of  
11 the way.

12          Q     Did you talk to Whitman? Was this before the trial?  
13 Now, the trial was in February. Did you talk to him before  
14 that or after that?

15          A     That was before that because I came in here  
16 December 15th.

17          Q     Besides the problems that Whitman's father was  
18 having with the woman, did Harry Whitman indicate any other  
19 reasons why he was going to testify against James Hugney?

20          A     I can't remember really. I know he just always  
21 would say him and his pop had a personal thing about Hugney  
22 but what for --

23          Q     But you did hear him say that he was going to burn  
24 Hugney?

25          A     Yes.

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1 Q Did you ever discuss these statements with  
2 Jim Hugney's trial attorney, Mr. Foster?

3 A Yes.

4 Q When was that, was that after the trial?

5 A Yes, it was after the trial, I think it was.

6 Q How did that conversation come about, did you  
7 contact him or did he contact you?

8 A He contacted me like he came out one day and he  
9 asked me did I know anything about Whitman or did I hear  
10 Whitman talking about he was going to have Jim Hugney iced so  
11 I said, "Yes."

12 And he asked me would I talk to him about it, so  
13 then I was talking to him about it.

14 Q What is your reason for giving this statement today?

15 A It is not really no reason. It is just, you know,  
16 it was a personal thing they had against him, and they were  
17 going to have him iced for something stupid, you know.

18 Really no reason for the dude to get life for  
19 nothing, for something that somebody made up.

20 Q Do you understand that the public defender's office  
21 can't secure any benefits for you in exchange for this  
22 statement?

23 A Yes.

24 Q If this would go to court, would you be willing to  
25 testify to what you have just said in court?

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1           A     Yes.

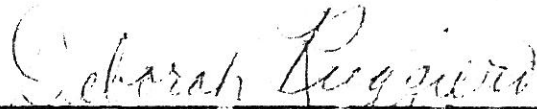
2           MR. KELLY: That is all I have.

3           (Whereupon, the statement was concluded.)  
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1 I hereby certify that the proceedings and evidence  
2 are contained fully and accurately in the notes taken by me  
3 on the proceedings of the above cause, and that this copy is  
4 a correct transcript of the same.

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6 

7 Deborah Ruggiero  
8 Reporter-Notary Public