

1 COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS  
2 vs. : OF DAUPHIN COUNTY,  
3 JAMES HUGNEY : PENNSYLVANIA  
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Sworn Statement of : THOMAS McQUAID

Taken by : Public Defender's Office

Before : Deborah Ruggiero  
Notary Public - Reporter

Date : October 11, 1979, 1:30 p.m.

Place : Blackstone Building  
Public Defender's Office  
8th Floor  
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 public defender's office, and with me  
5 are Debbie Ruggiero of the Geiger Reporting Services and  
6 Thomas McQuaid.

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

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

12  
13 THOMAS McQUAID, called as a witness, having been  
14 duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. KELLY:

17 Q State your full name, please.

18 A Thomas Lee McQuaid.

19 Q Spell your last name.

20 A M-c-Q-u-a-i-d.

21 Q What is your present address?

22 A 1502 Market Street, Camp Hill.

23 Q Are you presently incarcerated in Dauphin County  
24 Prison?

25 A No, I am not.

McQUAID

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1 Q Where were you in February of 1979?

2 A Incarcerated at Dauphin County Prison.

3 Q Were you aware of the fact that one James Hugney was  
4 being tried on the charge of murder?

5 A No, not at the time. Not until after I was told  
6 that Harry Whitman was in a separate part of the prison because  
7 he testified against James Hugney.

8 Q Who told you that?

9 A One of the people that were in the cell block that  
10 knew Harry Whitman. I happened to ask why he was up front,  
11 and they told me all about Jim Hugney being tried for murder  
12 and that Harry was testifying.

13 I never met Jim before. I didn't know him or  
14 anything like that.

15 Q When did you meet Jim?

16 A Well, I told this person about a deal that  
17 Harry Whitman had taken. I don't remember the guy's name that  
18 I was talking to.

19 Q One of the inmates?

20 A Right, but I told him about a deal that Harry was  
21 supposedly -- well, was making with the DA's office and that he  
22 wasn't really -- that, you know, he was lying in his testimony.

23 Q Let me stop you there.

24 How did you know that he was making a deal and that  
25 he was lying in his testimony?

McSUAID

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1           A     Through a telephone conversation that he had with  
2 Linda Lane.

3           Q     When did that conversation take place?

4           A     When Harry first went back to jail.

5           Q     Do you remember what month that was?

6           A     No, January possibly.

7           Q     Where did that conversation take place, the phone  
8 conversation?

9           A     I believe it was Camp Hill, from White Hill to  
10 620 North Third Street, Hotline Rentals.

11          Q     Was that where you were at the time?

12          A     Yes.

13          Q     Was Harry Whitman at 620 or was Linda --

14          A     Linda Lane was at 620 North Third, and Harry Whitman  
15 was in White Hill.

16          Q     How do you know that was Harry Whitman that was on  
17 the phone?

18          A     Because I picked up the phone.

19                There was like -- we probably have about ten lines  
20 that come into the office. The phones are always answered,  
21 and I happened to pick up the phone.

22                Linda had a habit of always talking to girlfriends  
23 and stuff on the phone, and I stayed on the phone to find out  
24 if it was business or not.

25                It turned out to be Harry Whitman, and they talked

1 about how he was going to get out of jail in time to see -- she  
2 had twins -- in time to see the twins born and, you know, start  
3 a new life and all that there and . . .

4 Q So that conversation is how you found out that he  
5 was making a deal?

6 A Yes. Through that whole conversation -- I don't  
7 remember the exact words, I did at the time -- but he just said  
8 that you know -- well, he also sent a letter to her, okay.

9 In the letter he told her to get in touch with  
10 certain people at the district attorney's office, that he had  
11 information that would help the Hugney trial, okay.

12 So through the conversation you know he said that  
13 you know he was going to testify that Jim burned the house down,  
14 knew his son was in there and also that -- let's see, I forget  
15 how he said he found this out but she said, "Well, did he  
16 really do this?"

17 And he said, "Well, it doesn't really matter."  
18 He said, "I just want to get out for the babies being born and  
19 -- " Let's see. What did she say next?

20 She said well, if you lie that you can really get  
21 in trouble for it. He said, "I really don't care." He said --  
22 I forget exactly how it went but I know that, you know, he was  
23 lying. I remember that I got that out of the conversation.

24 Q This was before you were in prison?

25 A Yes. This is before I was in jail.

MCGUIN

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1 Q Once you were in prison, did you have any conversa-  
2 tions with Harry Whitman yourself?

3 A I walked by Harry one time. He was up front, and  
4 he asked me about what was happening, you know, why I was  
5 giving this information up and I just told him not to worry  
6 about it and I kept going.

7 He was in a separate part of the prison. He was up  
8 front.

9 Q Did you ever discuss these statements that we are  
10 discussing now with Jim Hugney's trial attorney?

11 A Yes, I did back in February or else it might have  
12 been early March.

13 Q How did that conversation come up? Did you contact  
14 him or did he contact you?

15 A No. This person I was talking to originally when  
16 I first came in told me that Harry was testifying against  
17 Jim Hugney.

18 I believe later after Hugney was convicted that  
19 this person had told Hugney about it, and Hugney came to me and  
20 asked me about it.

21 Q This was in March?

22 A Yes, this was right --

23 Q Before the trial?

24 A I am not sure if -- no, it was after the trial.

25 Q It was after the trial?

MC GUARD

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1           A     Yes, I believe. I am pretty sure.

2                     Then his attorneys came in. I gave them a  
3 statement which was more exact than what it was now because I  
4 remembered the conversation and that was for an appeal I think,  
5 to try and get an appeal.

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

7           A     Well, I met Jim Hugney and I like him. He is a nice  
8 guy. As far as Harry, I know Harry is the type of person that  
9 will do anything to get out of jail once he is in jail and,  
10 you know, I really don't think Jim Hugney did it from what I  
11 know about what happened.

12                    I don't know very much about the trial or anything  
13 like that, but I really don't think he did it from what is going  
14 on. I don't want to see him spend the rest of his life in jail  
15 for that.

16           Q     Do you understand that the public defender's office  
17 cannot secure any benefits for you in exchange for this state-  
18 ment?

19           A     Yes.

20           Q     And if it goes to court, would you be willing to  
21 testify in court to the facts that you have recited today?

22           A     Yes.

23                    MR. KELLY: That is all I have.

24                    (Whereupon, the statement was concluded.)  
25

McGUARD

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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.

5  
6 *Deborah Ruggiero*

7 Deborah Ruggiero  
8 Reporter-Notary Public  
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