

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF JACKSON

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NOREEN RENIER,)
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Plaintiff,)
)
vs.) Case No. 85-3781-J-1
)
JOHN DOUGLAS MERRELL,)
)
Defendant.)

DEPOSITION OF JESSICA HERBERT

BE IT REMEMBERED that the deposition of JESSICA
HERBERT was taken on behalf of the Plaintiff by means of a
telephone recording on the 28th day of August, 1986.

LEE S. WERDELL
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APPEARANCES

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2 For the Plaintiff:

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4
5 For the Defendant:

Roxie A. Cuellar
Attorney at Law
5940 Main Street
Springfield, OR 97478

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8 . . .
9 At said time and place the following stipulation was
10 entered into between the attorneys present in behalf of the
11 respective parties:

12 IT IS HEREBY STIPULATED That all irregularities as
13 to notice of time and place and manner of taking said deposition
14 are hereby waived, each party reserving the right to object at
15 the time of trial as to the competency, relevancy or materiality
16 of any question or answer, but that objections as to the form of
17 the questions are waived unless made at the time of taking said
18 deposition.

19 IT IS FURTHER STIPULATED That the reading and signing
20 of said deposition by the party and the filing thereof, are here-
21 by expressly waived.

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STIPULATION

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JESSICA HERBERT

1
2 was thereupon called as a witness to testify on
3 behalf of the Plaintiff and having been first
4 ~~duly sworn by the Notary to tell the truth, the~~
5 whole truth and nothing but the truth, was ex-
6 amined and testified as follows:

DIRECT EXAMINATION

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9 BY MR. WERDELL:

10 Q Jessica, as you know my name is Lee Werdell, I represent
11 a lady named Noreen Renier, who is the Plaintiff in a case
12 against John Merrell. On the telephone with us today is
13 Roxie Cuellar who represents Mr. Merrell. This will be a
14 deposition regarding your knowledge about certain facts
15 involved in that case. Roxie and I have agreed that with
16 taking this deposition over the telephone and on a tape
17 recorder, we will use it in lieu of a deposition back where
18 you are in Massachusetts or in lieu of having you come out
19 here to testify in Oregon. Would you raise your right hand?
20 Do you solemnly swear that testimony you are about to give
21 in the cause now pending will be the truth and nothing but
22 the truth?

23 A I do.

24 Q For the record would you state your full name and your
25 occupation?

26 A Jessica Herbert. Occupation is broker for Carlson Real

1 Estate.

2 Q Do you live in Massachusetts?

3 A Yes, 95 (inaudible).

4 Q All right. Do you know a person named Noreen Renier?

5 A Yes, I do.

6 Q Did you have a brother who was involved unfortunately in
7 an airplane crash sometime back?

8 A Yes.

9 Q About how long ago was that?

10 A Approximately 2½ years ago.

11 Q Could you tell us what your brother's name was?

12 A Arthur Joseph Herbert.

13 Q All right, how did you happen to become acquainted with
14 Noreen Renier?

15 A I...at the time of my brother's involvement with the plane
16 crash.....a.....we'd been working with the civil air patrol
17 and the air force searching for the whereabouts of the plane
18 in January of 1984. January and February I should say.
19 After approximately 10 days of extensive searching the air
20 force made a decision to cease any further operations mainly
21 for monetary reasons as they have fixed budgets....and I
22 spoke with a Captain in Illinois who was in charge of this
23 particular case, and asked him what I might do to get them
24 to continue the search and he said they would need much more
25 information and I said what type of information and he said
26 well, basically, more specific....the location of the plane.

1 They need to know the exact location and he said basically
2 yes...(inaudible)...so, after talking with the Civil Air
3 Patrol people and other people I decided that I needed to
4 ~~look at some other measures and I had never used psychics~~
5 or that sort of thing before, but just over the years of
6 reading different police cases and so forth, sometimes they
7 had been referred to as being somewhat successful or at
8 least useful. So at this point I called the police depart-
9 ment in Los Ang and in San Francisco to get some infor-
10 mation on how successful they had been in different cases
11 such as the Charles Manson case, etc., they basically didn't
12 give me much information. They weren't too supportive of
13 the idea of using psychics basically. They didn't want to
14 say so over the phone anyway. So then I called the Atlanta
15 P.D. who was in charge of the Wayne Williams case and asked
16 how he felt about it. It had been written up in the papers
17 that they were fairly successful using a psychic and his
18 response was that he felt they were very useful but they
19 were organized people who come into a chaotic situation and
20 put together facts, create some order out of disorder, there-
21 fore very useful to police departments and so forth. He
22 didn't really believe in psychic powers per se or at least
23 he wasn't willing to say he did, but he did feel that it
24 would be worth a shot. So I asked him for some names and he
25 gave me a few and I talked to other people about it and one
26 of the names that was suggested was Noreen Renier and she was

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1 recommended by an F.B.I. agent who had taken a course that
2 she had given at Quantico on E.S.P. and thought she was very
3 impressive and as far as he knew reputable person, she had
4 been doing this course for a number of years there, had
5 worked with police departments and so forth and of all of
6 those that I had mentioned she sounded like maybe my best
7 bet and also location wise she was in Charleston, Virginia
8 at that time.

9 Q Could I ask you whether or not at that time were you mar-
10 ried to a person connected with the F.B.I.?

11 A Yes, Mark Babyak.

12 Q All right...did you contact Noreen Renier then?

13 A Yes, I did.

14 Q And would you tell us about what you did to contact her
15 and what happened?

16 A Well, basically she asked me to bring some items that be-
17 longed to my brother and come out to Charlottesville,
18 which I did and he had, I don't know what you'd call it,
19 a session or whatever, where she took the items and I gave
20 her a little information basically that my brother had been
21 missing for over 10 days at that point and we believed that
22 he was involved in a plane crash, at that time we didn't
23 know for sure that he had been because they had not filed
24 a flight plan. There was no conclusive evidence that he was
25 aboard the plane. (Inaudible)...but since he wasn't any
26 place else we assumed he was and so I said that we felt the

1 plane had gone down somewhere in Massachuttes or New Hampshire.
2 We didn't know where or if it had gone down in the ocean.
3 Basically only that information. I also told her that my
4 brother was pretty healthy, an athletic person, played
5 professional hockey and I felt that if anyone could survive
6 this kind of thing, he probably could but you know time was
7 of the essence so she and I sat down and she did her thing.
8 Essentially started free wheeling information about things
9 that came into her head as she got involved, I guess trying
10 to figure out where he was, and what had happened and so
11 forth. And I think just to summarize it, basically she felt
12 very interesting information such as....

13 Q Yes, go ahead tell us what that is.

14 A Okay. She first described my brother. She had no infor-
15 mation there, nothing written in the papers about the crash,
16 up here anyway and even in...I should say Washington...and
17 there had been something in the newspaper in Massachuttes
18 but they had thought my mother was involved in the plane
19 crash because the car registration was in her name at the
20 airport and there had been absolutely no information any-
21 where about my brother, no description of any kidd, so she
22 proceeded to describe him that he's not quite 6 feet tall,
23 he's 5'11 $\frac{3}{4}$ ", she could have guessed that he had a good
24 build, but she pointed out that he had some sort of a space
25 in his front teeth, then she said 'no, I'm wrong, there's
26 something happened to that space', she said, 'It's very

1 strange, I see a space but I see no (inaudible);. Well,
2 in fact he had quite a space in his front teeth, and he had
3 just one year before that got braces and the space just
4 at that point, did close within the last few months. (In-
5 audible) So, I thought that was fairly interesting and she
6 also...she mentioned to me that she thought he must be very
7 nervous because she noticed that his nails had been bitten
8 down....well, he had never bit his nails by himself, but
9 had become one because of circumstances he was involved in.
10 That was something she couldn't obviously known. Other
11 details about him physically. Then she proceeded to des-
12 cribe the four people in the plane which I had gotten more
13 information about the woman and then two other men besides
14 my brotherand a described them incredibly accurately.
15 She would have no way of knowing. Also as to the (inaudi-
16 ble) she described the area as being almost primitive with
17 gorges, quicksand and all this. Well, that in fact, I
18 didn't even know. That is the western part of Massachuttes
19 and it is like that, but I had no knowledge of that and I
20 lived all my life in Massachuttes except for 5 years in
21 D.C., which I thought was pretty interesting.

22 Q Five years where?

23 A In Washington.

24 Q Okay.

25 A And she said that in that area where the crash occurred that
26 there was an old woman...lived in a house but it had been a

1 gas station...vision of general store type of thing. It
2 had a Texaco sign, rusting out in front of it. She described
3 a lot of stone fence, foundation, mentioned old woman in that
4 area but she couldn't really see her, it's there now, but
5 she had been there for many years and she mentioned dogs.
6 Dogs barking everywhere in the area, at....I'll come back
7 to that. She also described where the plane went down...
8 a...it was at a junction of 3 letters and she gave me those
9 letters and she didn't know exactly what they meant.

10 Q The letters?

11 A Yes, letters. She said, 'I see a junction and I see three
12 letters'. Well, as it turned out those letters were the
13 first letters of three towns and where the plane went down
14 and as a matter of fact, it took the authorities a couple
15 of days to determine whether it went down in Templeton,
16 Gardner or...I forgot the name of the third town, but she
17 had given me the letters of the three towns. It had gone
18 down right at that point.

19 Q Let me ask you a couple of questions about that. Did she
20 know what the letters meant?

21 A She didn't at the time, she said they could be letters of
22 streets, they could be towns, they could be....she said I
23 don't know, but they will be significant. One of the things
24 she said, 'the information I've given you could be all just
25 visions, you'll have to take it, it will all be there in the
26 end, but you'll have to figure out how to put it together.

1 All I could do was pull out what I see related the the
2 situation, I don't know how to put it together into con-
3 text, that's something you'll have to do'.

4 Q When you say a junction of letters, I don't know if she
5 used the work junction, how did that seem to you to be
6 meant when you received that information, was it somewhere
7 in between these three towns or....?

8 A Well, it was right....

9 Q A highway junction or what?

10 A Well, it was right where the plane was down, it was right
11 where the actual town lines crossed and so it was out in
12 the woods, but Templeton and Gardner and I forget the name
13 of the third town, but the three of them where they meet,
14 where the town lines are together, at that point.

15 Q All right. I'm afraid that leads me to another question.
16 I gather from what you say that in Massachuttes the boundries
17 of the towns extend a long way out of town?

18 A Right.

19 Q Okay, that's somewhat different here in the west in Oregon.
20 That helps me.

21 A So each town would have a center of a town, but there would
22 be outskirts, an area where they all met, it would have to
23 be a very rocky terrain. The plane crashed approximately half
24 a mile off the runway of the Gardner airport.

25 Q All right. Besides the information which contained the
26 letters that were the first letter of the three towns, and

1 the idea that they were somehow all connected or there was
2 a junction that was important to those three letters....

3 A I'd have to go over my notes....she may have even said that
4 she thought they were letters of a town or towns.

5 Q Okay. Let's leave that for now and I'll ask you whether
6 or not she gave any more informaiton about location. Things
7 she described so far, a rather unusual residence of an old
8 woman, that had been a gas station or general store, and
9 the information about letters and town names. Did she
10 give you any other information about where you might find
11 the plane?

12 A Well, she had given me a lot of numers. She, you know,
13 said some of them could be numbers of major highways, or
14 small backroads, whatever and so I jotted all those down.
15 Some of them she had feelings were major highways and
16 others she thought might be smaller roads and then she had
17 three other numbers that I've forgotten exactly what they
18 are...20, 24, 68, something like that, and she kept re-
19 peating them, and she said 'I don't know what these mean
20 but they definitely have something to do with the location'.
21 It turned out when I got to Gardner and gave that information
22 to the Colonel in charge of the Civil Air Patrol, we were
23 putting everything together to see how this all related to
24 those towns longitude and latitude, so we put those down,
25 we were using a map to pinpoint areas, and then she said some-
26 thing else about it being a...hundred seventy-five or...

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whatever the mileage is from Gardner to New York City,
she said that...she kinda rambled and she said, 'It'll be
175 miles...

Q I'm sorry I didn't catch that last....It'll be?

A One Hundred and Seventy-Five miles from the big city and
after we measured it out on the map and first we were going
into it backwards, taking all of her information and trying
to pinpoint this area. Then I hired a pilot from the Agency
and chartered a plane and we flew to...

Q Let me interupt you for a moment...with the information
about 175 miles from the big city...did you make any judg-
ment about what city that would be?

A Well, we were trying to decide...we knew it couldn't be
Boston, if it were in fact Gardner as everything pointed
to Gardner. She took a map and with her finger put it on
Gardner area...

Q Who did?

A When...

Q Noreen?

A Yes. So we were using Gardner as the hub of where we were
looking and a...measured out from there, and it turned out
that the longitude and latitude were correct for Gardner.
Numbers she had given me and all the different route numbers
like 93 and some of the other ones all went through this
area so all these clues that she had given me...the last
thing she did was take the map and put her finger on the

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area and she basically went through this free wheeling session first...so anyway we tried to put all this together and then included the flight plan she'd given me.

Q Jessica, I'm sorry but I'm going to have to ask you if you ever came to any conclusion about what the large city was?

A Oh yes. New York.

Q Okay.

A Because that was the only large city from Gardner that happened to be the exact miles she gave me.

Q Now, one last question about that. Do you recall today whether it was 175 or are you using that as...?

A I'm just using that. I don't remember but whatever number she gave me was the exact as the crow flies miles from Gardner to New York City.

Q All right. I think you were going to tell us about a plane. Did you charter a plane?

A Yes I did.

Q Who flew it?

A An F.B.I. agent who was a friend of my husbands.

Q All right. What happened then when you chartered the plane?

A Well we....it was a very stormy day, we had some difficulty trying to fly low, in low areas, but anyway she had given me some locations in the hills and a description of area on the ground and water being near it and she said that she felt it was very very close to the airport, so we were...and she also described how the plane had taken off, how it had been

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1 flying over the airport and had accelerated and made a
2 sharp left and a right, so that's what we did, we took
3 off, made a sharp left, a sharp right and she'd given us
4 a certain number of seconds before the crash, so we were
5 trying ... you know, basically to replay this crashing,
6 getting to this area she was talking about, and as we did
7 this several times did come to this hill area and there
8 was water near by and many of the things she described were
9 there. And so we kept flying over this area, the weather
10 got worse and we had to come in. So, I left all this infor-
11 mation with the Civil Air Patrol people, and headed back to
12 Washington (inaudible). The next morning the Civil Air
13 Patrol was back out with better light and they found the
14 plane. The one other piece of information was at the same
15 time we were flying, my husband's cousins were in a car
16 sitting from where we were, trying to drive to that area,
17 and they got to more or less a dead end street which
18 abutted a forest area. They couldn't go any further and
19 they tried to get out of the car and when they did, there
20 were all these dogs coming from almost nowhere, barking and
21 so forth and they couldn't get out of the car. That related
22 back to, as I was putting all the pieces together again,
23 after...that related back to what she said about the dogs
24 barking, that would be in this area.

25 Q Had she told you that there would be....?

26 A She had told me that in conjunction with this woman, old

1 cabin....

2 Q Did the...

3 A That existed also in the area, that's what the Colonel
4 of the Civil Air Patrol...why he got very interested in

5 putting some of the other clues together because he didn't
6 know about the old woman. A couple of State Troopers came
7 to the airport at the time and were interested in what was
8 going on and so forth and mentioned (inaudible).

9 Q You're going to have to speak up a little.

10 A Okay. The Colonel of the Civil Air Patrol was talking to
11 a couple of State Troopers and explaining that a psychic
12 had given some information that might be helpful to the
13 case and they were very skeptical and so forth and then he
14 divulged some of the information including the old woman,
15 the cabin, the gas pumps and so forth and all of a sudden
16 their whole attitude changed because there was in fact an
17 old woman who had this cabin with a dry goods store-gas
18 station type of thing and there was a rusting, old type
19 of sign hanging outside. She had died about a year pre-
20 viously, which went back to what Noreen had said about this
21 old woman being there, but she wasn't. And so...

22 Q Let me ask you this question. Was the plane found where
23 she had described it?

24 A Yes.

25 Q Was it...how precise was it in terms of being where she had
26 described it?

1 A Well, it was in an area exactly the way she had described
2 it...there being, you know, very thickly forested, very
3 primitive. She said very rocky and there was quicksand
4 around the area, big gorges, in fact this hill that they
5 actually crashed into ...the tree...she mentioned also that
6 there was a down draft that had sucked the plane down, she
7 could feel the ...well, in fact, this down draft caused by
8 that hill being there, the way the air current flowed off
9 the runway and a...they were flying too low at that point
10 and that's what she had said, that it was flying too low
11 and it had caught in a down draft. That's exactly what
12 happened. And she also described the injuries that people
13 had....

14 Q I was going to ask you about that. Did she say anything
15 about your brother's injury?

16 A Yes. She said that he had a broken leg and she said that
17 he had survived the crash and he'd tried to help the girl
18 and that the pilot and the other fellow had been killed
19 by severe head injuries and so forth, severe trauma, that
20 she had severe trauma to the head, her face and her eyes
21 were bleeding (inaudible) in fact she had ended up being
22 decapitated. She said that my brother had tried to help
23 her out of the plane and he was going to go for help, well
24 the two people, the pilot and the other fellow in front of
25 the plane were crushed to death, head injuries as she said.
26 The woman was lying between two trees, and as though she

1 had been placed there. This is exactly what some of the
2 fellows who were first in (inaudible) told us directly..
3 (inaudible) we had trouble getting information...state
4 troopers don't like to tell too much about it. Anyway
5 he said it looked as though she had been placed there and
6 I asked about my brother. You know I was trying to find
7 out how much was true and he says, 'Well he and his
8 daughter had gone in on snowmobiles and were the first
9 persons to get there'. And he said, 'Well, we'..his
10 daughter said, 'We tripped over your brother' and he
11 said, 'the first thing my daughter said was, 'this fel-
12 low walked here, he lived'. and I said what made her say
13 that? And he said, 'well just above him was a branch of
14 a tree sticking out and a piece of sweatshirt was torn and
15 hanging from the tree, and the way he was sitting, his
16 sitting position on the side of the hill, he couldn't have
17 been thrown from the plane and landed in that position'.
18 It appeared that he had walked there and had sat down at
19 that point. Well she said the....she told me that he had
20 left the plane and set the girl in a hard place with trees
21 above her and she was laying on the rocks underneath the
22 trees...and that as he went down this hill to look for help
23 that he had to sit down because the pain in his leg was so
24 bad, sitting down going down hill, well in fact he was
25 sitting down, going down hill, and he had a broken leg.
26 He also had a severe head injury which they determined was

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1 the cause of death, well it wasn't clear whether or not
2 that was caused by the accident or what, I was told later
3 that animals had gotten near him....but none of it was
4 clear exactly.

5 Q What had Noreen Renier told you about those things you
6 described that turned out to be the case regarding, I
7 believe you said she indicated there was a broken leg?

8 Q Did she say anything about your brother leaving the plane?

9 A She said all that. Noreen said that he had survived, the
10 girl had survived....and that he had taken her out of the
11 plane, set her in a safe place and gone for help. Also
12 described how he had tried to get down the side of the big
13 hill and sat down because of the broken leg.

14 Q All right. Would you...have you ever received any inquiries
15 or has your former husband Mark Babyak as far as you know,
16 ever received any inquiries from the defendant in this case
17 John Merrell?

18 A No.

19 Q Had you received an inquiry from Mr. Merrell or any other
20 person, if you had received an inquiry from Mr. Merrell or
21 any other person would you have been willing to disclose
22 these facts to them?

23 A Certainly. I mean I don't have any reason why not to.

24 Q All right. I believe you had indicated you have never had
25 anything to do with a psychic prior to contacting Noreen
26 Renier, is that correct?

1 A No, I never had.

2 Q All right. I think that's all the questions I have. Now
3 it's going to be Roxie Cuellar's turn and before we start,
4 Roxie, I'm about to get to the end of this tape again, so
5 I'd better put a new one in.

6
7 CROSS EXAMINATION

8 BY MS. CUELLAR:

9 Q Ms. Herbert?

10 A Yes?

11 Q I just have a few questions. The newest article that
12 appeared is the Ashland Tidings on May 4, 1985 and in it
13 it described the condition (inaudible)...in regards to a
14 downed airplane. The ariticle says that she used (in-
15 audible) to locate a lost aircraft in Virginia. Now the
16 plane crash you described occurred in Massachuttes, is
17 that correct?

18 A Yes.

19 Q Okay. Could you tell me...you indicated that there was
20 no flight plan that was filed...did the authorities know
21 what airport left from?

22 A Yes, they did.

23 Q Okay, so they left from the Gardner airport?

24 A It left actually from Mansfield...the south shore.

25 Q Okay, where is Mansfield in relationship to Gardner?

26 A Mansfield is on the south shore about 30 miles south

1 of Boston....Gardner is the western part of the state
2 about oh....oh about a 3 hour drive from Boston, so maybe
3 180 miles or so.

4 Q Okay, so about 100...the plane was found about 180 miles
5 from where it took off?

6 A A....well yeah, I guess so because they flew toward Boston
7 and went left or west to Gardner, so it could have actually
8 been more miles than that.

9 Q Was there ever any indication (inaudible) that the plane
10 landed in Gardner and took off from there?

11 A No.

12 Q It never did land in Gardner?

13 A No.

14 Q So when Renier, Noreen Renier described the fact that it
15 went left and then it turned sharply to the right and then
16 seconds later went down (inaudible) ...is that correct?

17 A It did (inaudible)...as far as we know. I mean...she was
18 describing how to get to where it was. She was, quote in
19 the plane...you know she was putting herself in that position.
20 Saying, I'm in the plane now...I'm over the airport..and
21 now we're going to accelerate..and all of a sudden, I don't
22 know why we're doing this, but we're making a sharp left
23 and a sharp right and then....

24 Q (Inaudible)

25 MR. WERDELL: I request that she be allowed to finish.

26 Q Well, I'm a little confused and I just want to clarify

1 whether I'm confused or what...When you say that it did
2 happen are you saying that's what your brother's plane
3 did or are you saying that this is what Noreen used as
4 a way to identify the location?

5 A This is the way Noreen described...what the plane did in
6 terms ofwhat she thought happened...and I said how
7 do we get to where the plane is. I need to know specifically
8 where it is....and she was putting herself in the ...
9 supposedly in the plane...and it was describedI mean
10 the authorities were going back over and there are official
11 reports that we had thatyou know they try to go back
12 and figure out how the crash occurred and basically one of
13 the conclusions was that they accelerated at too low an
14 altitude and they came upon this hill and there was a down
15 draft at that point that pulled them down, they didn't
16 have enough (inaudible) at that point to make it up over
17 the top of the hill with the trees and therefore crashed
18 into one of the tall trees.

19 Q Okay. So when you said that you followed the flight plan
20 and you made the sharp right and left...you were taking
21 off from the Mansfield airport,....

22 A No...from Gardner. I chartered a plane in Washington and
23 flew to Gardner. We were following the same flight plans
24 that supposedly my brother's plane had flown.

25 Q Okay then I'm still confused. Are you saying now that
26 he did take off from Gardner airport or he did not?

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1 A No....let me just explain it. He left from the Mansfield
2 airport on the south shore. There was no flight plan filed
3 and it was believed that they were going to New Hampshire
4 to visit friends. My brother's birthday was two days away.
5 There was no reason for them to be in the Gardner area, so
6 no one was looking and where we thought they might be was
7 there was a meteor shower that night and several people
8 had reported what they thought they saw was a plane going
9 down, so they were actually looking at Beverly which is
10 on north shore...we thought the plane might have gone down
11 in the ocean. So everybody was looking north of Boston and
12 then they thought possibly that west of Boston someone had
13 reported they thought they heard a crash of a plane in that
14 area, but they also thought it could have been a car crashing
15 too and so after 10 days there was ...you.know... the auth-
16 orities thought they would try to track down every possibility
17 and it wasn't until later that this report of a crash....
18 they never landed in Gardner, they were flying over. They
19 were having engine trouble I think. The reason they went
20 west was because they were going to go to the Gardner air-
21 port for help but the airport was closed and there were no
22 lights there and they couldn't just land. So they never
23 landed there. And a...another thing that happened was she
24 described as she was saying.....

25 Q Ms. Herbert? A...I have quite a few questions (inaudible)
26 I have a few, maybe I could ask those first..maybe some of

1 them will pertain to what you're about to tell me. A...
2 could you tell me how much time elapsed (inaudible) from
3 when you first contacted Noreen Renier?

4 A First contacted Noreen?

5 Q Right and the time that you saw her....how much time
6 elapsed?

7 A A...maybe a day.

8 Q So you contacted her maybe on say a Wednesday and saw
9 her on a Thursday?

10 A Yes.

11 Q Did you tell her that a....where the plane flight originated?

12 A Yes.

13 Q So she knew that the plane originated from Massachuttes?

14 A Right.

15 Q Did you at that time give her any information about where
16 you were speculating the plane was going?

17 A Yes.

18 Q Do you know where in New Hampshire people thought that they
19 might be going?

20 A In Manchester. Which is just over the Massachuttes line.

21 Q You indicated that you were working with somebody in the
22 Civil Air Patrol in Massachuttes, do you remember anything
23 (inaudible).

24 A Did you say names?

25 Q Yes.

26 A I'd have to think about it, I have it all written down but

1 I don't have it in front of me.

2 Q Do you remember what town they were located in?

3 A Oh, it was all Gardner.

4 Q Now were you... about when before you met with Ms. Renier

5 was it the Civil Air Patrol in Gardner that was working
6 on the case there?

7 A Yes.

8 Q If (inaudible) Gardner, if nobody thought at that point
9 that there was a reason to look for them in Gardner....

10 A Well as I said they hadthere had been a report of a
11 crash near the airport....a loud noise that neighbors had
12 called the police the night of it which had been like 10
13 days before this time...that I was speaking with Noreen
14 and they had determined it must have been a car crash be-
15 cause they had sent people out looking and they didn't
16 find anything so they had assumed it must have been a car
17 crash.

18 Q Did you tell Noreen about that reported crash near the air-
19 port?

20 A Yes. And I also explained that they had started looking
21 in that area also.

22 Q Okay. When had they started looking in that area? Like
23 the day before you contacted Noreen?

24 A Yes.

25 Q Had they stopped that search?

26 A Yes.

1 Q And they concluded it was a car crash or something?

2 A Yes.

3 Q Who told you that?

4 A The Civil Air Patrol...the person in charge, this person
5 in charge by the way changed every couple of days because
6 they are a volunteer organization. Also I was in contact
7 with the FAA person at Logan Airport. I don't know what
8 his title is but the person in charge of the FAA there and
9 he was actually my main contact. He was (inaudible)...stop
10 searching and when I got...(inaudible)...Captain Illinois
11 ...(inaudible) ...air force portion of the search.

12 Q When you called on Noreen and first approached her about
13 your problem on the day before you actually saw her did
14 you give her your brother's name?

15 A Yes.

16 Q Did you tell her where he lived?

17 A Yes.

18 Q What other information (inaudible).about where he worked?

19 A No. She...I didn't give her any other information. Matter
20 of fact she told me not to give her too much information
21 because she wanted to just see what came out. I might add
22 that I was very skeptical, so I was pretty careful about
23 what I did and didn't tell her.

24 Q You don't have any idea whether she...you don't have any
25 way of knowing whether she made phone calls after she talked
26 to you to find out what the (inaudible)

1 A There wouldn't have been anyone to call because my brother's
2 a....

3 Q Well I mean she didn't call anybody, I meant (inaudible)...

4 A What the terrain was like?

5 Q (Inaudible)

6 A Possibly.

7 Q Do you remember...who was it....did you go out to the site
8 of the crash ..(inaudible)....

9 A It was described to me by the state police, the Sergeant
10 in charge, it was described to me by the fellow who was
11 the first person at the scene of the crash.

12 Q (Inaudible)

13 A No I could get it for you....newspaper clippings and my
14 own notes and so forth.

15 Q Ms. Herbert would you be willing to give me a phone number
16 of (inaudible)

17 A Contact what?

18 Q Contacted you (inaudible).

19 A I really can't hear you...could you speak up?

20 Q Sure. Would you be willing to give me a phone number so I
21 could contact you when you are at home and....

22 A Yes.

23 Q More information?

24 A Sure.

25 Q What is it?

26 A It's 744- area code 617-744-4360.

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Q And you'd have the name of the gentleman who talked to you when you went out there as well as the Sergeant of the police department?

A I will have to dig it all out. I have it basically in some folders in storage, but I'll be happy to try to get it together. Tell me when you need it.

Q How about would it be inconvenient for say Tuesday or Wednesday of next week?

A I'll try to do that.

Q Okay. Maybe I could tell you the names I'd like. I'd like if possible the names of anybody that you spoke with in the Civil Air Patrol regarding (inaudible) and the Sergeant of the State Police (inaudible) positions of the bodies... (inaudible) and the gentleman who with his daughter (inaudible).

A Okay.

Q (Inaudible)

MR. WERDELL: Okay. The tapes about finished now. Very timely. I'll probably call you back and ask for the same information.

A Okay.

Q Thank you very much for taking time to talk to us today. We certainly appreciate it. Good-bye.