

P.O. Box 1032
Brunswick, Maine 04011
August 14, 2000

Hon. D. Brock Hornby, Chief Judge
United States District Court
District of Maine
United States Courthouse
156 Federal Street
Portland, Maine 04101

RE: Dennis J. Dechaine
v.
Warden, Maine State Prison
Civil No. 00-123-PH

Dear Chief Judge Hornby:

In 1985, I retired as Agent-in-Charge for the U.S. Treasury Department's Bureau of Alcohol, Tobacco and Firearms in Portland, Maine after twenty-five years' service as a federal agent. In 1992, as a private investigator, I investigated the murder of Sarah Cherry.

The attached Declaration is filed with the Court in my capacity as a private investigator who probed the captioned matter. I am compelled to bring forth evidence not available to U.S. Magistrate Cohen prior to his adverse Recommendation regarding this case

While my experience makes me aware of the enormous burdens placed upon the Court's time, I pray that you will read and consider my Declaration which brings forth:

- Undisputed State's evidence establishing the impossibility of Dechaine's guilt.
- Improper/unethical conduct on the part of the Prosecution.
- The State's refusal to pursue leads incriminating a twice-convicted child-rapist residing nearby, a suspect never previously mentioned in any court document, even when a clue led the chief investigator literally to the suspect's door.
- Facts demonstrating the ineffectiveness of defense counsel Thomas Connolly, Esq. to a degree that, had the jury been presented with the undisputed evidence contained herein, **no reasonable juror could have found Petitioner Dechaine guilty beyond a reasonable doubt.**

Respectfully,

James P. Moore

cc: Andrew Ketterer Esq., Attorney General, State of Maine.
Gene R. Libby, Esq. Verrill & Dana, Kennebunk, Maine.
William Brownell, Clerk of the U.S. District Court.

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

DENNIS J. DECHAINED

Petitioner

v.

Civil No. 00-123-P-H

WARDEN, Maine State Prison

Respondent

DECLARATION OF JAMES P. MOORE

1. I retired from the U.S. Department of the Treasury as agent-in-charge of the ATF office in Portland, Maine in 1985, after twenty-five years as a federal agent. Subsequently, I heard a public presentation by friends of Dennis Dechaine indicating a variety of matters which convinced them that Mr. Dechaine was innocent in the murder of Sarah Cherry.
2. I commenced this investigation on June 25, 1992 and submitted a report to attorney Connolly on December 5, 1994. I'll not burden the Court with that single-spaced 132-page report, much of which deals with suspects other than Mr. Dechaine, but segments relevant to the instant litigation will be attached hereto.
3. Two elements of that report, based solely on the State's evidence and my own investigation, are relevant to this litigation:
 - a - The State's evidence, viewed in real context practically precludes the possibility of Mr. Dechaine's guilt; [Attachment A, C and D], and
 - b - This evidence, although the State's method of presentation tended to obscure its significance, would have been recognized and appreciated by competent counsel unimpeded by a naive confidence in the integrity of the prosecutor. [Attachments A, B, C, D, and H.]
 - c - Mr. Connolly's failures in this regard were fatal to his client's defense. **Had this evidence been clarified by a cogent cross examination of one State witness, it is doubtful that any juror could have found Mr. Dechaine guilty beyond a reasonable doubt.**
4. Within the past two months, a suspect has been identified who:
 - a - was, at the time of the Cherry murder, a twice-convicted child-rapist awaiting sentencing for one of those crimes;
 - b - resided between the scene of the abduction and the site where

the body was found;

c - whose blood-type is A (a- b+) secreter, [consistent with the "mystery blood" under the victim's fingernails as reported by the State's laboratory -- "A with H antigens."] The State reported that victim Sarah Cherry's blood was "type A (a+b-) nonsecreter"; and Mr. Dechaine's blood is "O Le (a+b-) nonsecreter."]

d - whose record and crimes were personally known to Maine State Police Detective Hendsbee, who failed to pursue evidence discovered and shown to Hendsbee during the search for the abducted victim Cherry [i.e. two sets of bare footprints, one large and one small, leading to this subject's door. The victim Cherry was already known at that time to be barefoot when abducted.]

Facts concerning this suspect is reported more extensively in Attachment "I" to this Declaration.

5. My investigation encountered a pattern of disturbing lapses in the investigation (such as Det. Hendsbee's failure to make even a token effort to pursue the intriguing clue described in paragraph 4-d, above), coupled with persistent efforts by the Office of the Attorney General to withhold and conceal facts. While it's possible that these officials perceived noble and pragmatic motives in their conduct; while the public pressure for a quick solution to this vile crime was enormous; while preserving the image of our public agencies is laudable; their acts did not contribute to a search for justice regarding the ghastly murder of little Sarah Cherry, the long-range interests of law enforcement in general, or the State of Maine in particular. Respondents cannot count on the hope that this case will "go away." [Attachment E.]

6.. Since it is necessary to cite certain disappointing prosecutorial conduct as evidence of, and contributing to Dechaine counsel's ineffective representation in this case, that prosecutorial pattern shall be reported in Attachment E to this Declaration.

7. Judge Cohen correctly cited specific items of evidence suggesting Dechaine's guilt:

a - Dechaine's truck was found near the body.

b - Rope from Dechaine's truck found between the truck and the body.

c - Rope binding the victim was consistent with rope in Dechaine's truck.

d - The police dog tracked from the truck toward the body.

e - "Confessions" reported by the officers.

- f - Statements allegedly made by lawyer Carlton to Fernald LaRochelle of the Attorney General's office.
- g - Dechaine emerged from the woods nearby.
- h- A neighbor thought she saw a truck like Dechaine's proceeding in a direction from the abduction site toward the scene where the victim's body would be found on the day of the crime.
- i - Dechaine's papers found in the Henkel driveway.
8. Items listed in 7, supra, are all treated in detail in Attachments to this Declaration..
9. From the moment Mr. Dechaine's papers were found in the Henkel driveway, the State's investigation focused exclusively upon proving his guilt, ignoring all leads suggesting the possibility of another suspect's guilt. In part, this conduct reflects the thinking of a veteran Maine State Police homicide detective who stated that a murder is just what it looks like; the state police didn't get "complicated" cases in Maine. This simplistic mindset does not explain the number of homicides that remain unsolved in Maine over the last two decades. [Attachment E]
10. As a career federal agent, I commenced my inquiries with a confident presumption that the already-convicted Dechaine was guilty. Concerned about another instance of citizens trashing the law enforcement community's methods and motives, I volunteered to examine the case. My intent was to discover explanations for the matters troubling these obviously sincere citizens who doubted Dechaine's guilt, and to provide facts demonstrating that their concerns were groundless. I charged no fee; and I requested no reimbursement for my expenses, although the group did pay court costs when I was compelled to lodge suit against the Attorney General to secure access to public records of Dechaine's trial; and again when I was compelled to resort to the Courts to secure police reports which should have been furnished defense counsel prior to trial. (The latter effort was defeated when the Respondent successfully argued that police records, at the time accessible under Maine law, had been suddenly subsumed into the Attorney General's files, which were not accessible under the law.)
11. I volunteered to look into these matters on two conditions: that Mr. Dechaine's attorney commission me to do so; and that my investigation would not aim to prove Dechaine innocent, but rather would search for the truth. Or, as I stated to all concerned, "I spent 25 years putting bad guys in; I don't get bad guys out." I was given a written commission to investigate this case on behalf of defense attorney Connolly, and a release signed by Mr. Dechaine authorizing everyone to tell me anything.

12. Judge Cohen's Recommendation regarding the instant litigation demonstrates a clear and logical interpretation and appreciation of the evidence presented to him.
13. Unfortunately, it appears Judge Cohen has been ill-served by Respondent's representations regarding the strength of the Prosecution's case. Evidence provided by Respondent has been less than candid and strategically incomplete with respect to the impact full disclosure would have had on the jury.
14. From the perspective of a career federal investigator, evidence in this case suggests that *the police painted a picture by the numbers -- numbers laid out for them by the killer ; Respondent framed that picture and exhibited it to a jury.*

I declare under penalty of perjury that the foregoing, and all attachments hereto, are true and correct to the best of my knowledge and belief.

Date: August 14, 2000

James P. Moore

Attachment A

STATE'S OWN EVIDENCE PROVES ITS THEORY OF THE CRIME SCIENTIFICALLY INCREDIBLE

The State's flawed theory of this crime suggests that Mr. Dechaine: kidnapped the victim between 12 noon and 3:20pm on July 6, 1988; then abused and murdered her before being observed between 8:00 and 8:30 pm that day by a resident who was starting his generator and 8:45p.m. when local resident Mr. Buttrick helped Dechaine search for his truck. Dechaine remained in the company of Mr. Buttrick until he came into police custody, where the Petitioner remained until 4:10 a.m. on July 7th when officers drove him to his home because he'd voluntarily consented to let them tow his truck to Augusta for a thorough forensic search.

The victim died within moments of when her killer applied the ligature -- a conclusion based on State's witness, Forensic Pathologist Dr. Ronald Roy's testimony that her neck was constricted to a diameter of 2 1/2 to 3 inches. But Dr. Roy also testified that the victim probably died "30 to 36 hours" prior to his examination of the body, and *AAG Wright's direct examination artfully avoided any mention that **this fact places the time of death between midnight and 6:00 a.m. on July 7, 1988.***

Astonishingly, at about 1:20 a.m. on July 7th -- well within the time span when the State's witness claims that the victim expired, Trooper Bureau and Detective Hendsbee heard "a commotion," which "we assumed to be deer," emanating from the direction where the body would be discovered the next day. They made no effort to approach those sounds. This occurred while Mr. Dechaine was still "enjoying the hospitality of the police" Reinforcing attempts to place the time of death earlier, on the afternoon of July 6th, Prosecutor Wright elicited testimony from Dr. Roy that the victim expired within hours of consuming hotdogs -- a meal she was known to have ingested at about noon on the day she was abducted. No attempt was made to determine

whether the hotdogs in the victim's digestive track were the same brand as those eaten at the Henkel home, rather than a meal consumed at any later time during the two days the victim remained missing, but this doesn't matter. Accepted pathology holds that one's digestive processes slow or stop completely during extreme exertion or stress. Hence, the value of this "hotdog" evidence is valueless in determining time-of-death in this case.

For Mr. Dechaine to possibly have committed this crime, he and his wife would both have had to lie about being together after 4:10a.m.; Dechaine would have had to return several miles to the scene in the early dawn where squads of police who would instantly recognize him still swarmed about searching for the missing girl; then strangle the victim whom he'd left there alive, earlier; then return to his home undetected.

The AG's office has refused to make available all police reports -- reports which should show that they had taken the normal precaution of having their sole suspect kept under surveillance to prevent flight or the destruction of evidence.

An attorney performing in a competent manner would have noted the State's evidence regarding time of death, conducted a searching cross-examination of Dr. Roy, and presented these facts in a manner that precluded any reasonable juror from finding Mr. Dechaine guilty beyond a reasonable doubt.

Attachment B

THE "CONFESSIONS"

A plethora of scientific research establishes the occurrence of *false confessions under circumstances precisely matching the situation in this case*. Notorious was the case of Connecticut's Peter Reilly, who confessed to having murdered his mother when, in fact, he had nothing to do with the crime. In the book, The Psychology of Interrogations, Confessions and Testimony, clinical psychologist (and former police detective) Gisli Gudjonsson of London's Institute of Psychiatry, described the Reilly case (among others studied during his ten-year quest regarding the topic):

...the prosecution argued that the evidence against Reilly was "overwhelming." In reality, the only evidence...except for some circumstantial evidence, was the self-incriminating confession. No forensic evidence was ever found to link him with the murder... It was emphasized by the prosecuting counsel that Reilly had been informed of his legal rights four times. Furthermore, Reilly was an intelligent, articulate individual... Reilly repeated his confession to two police officers after the interrogation was terminated, which was used by the prosecution to further indicate his guilt.

Gudjonsson reports several circumstances common in cases where men admitted crimes they had not committed. Among them:

- An inability (due to alcohol or drug abuse) to recall what had happened during the crucial hours;
- The existence of evidence suggesting his guilt -- facts he can't explain -- presented to the suspect by confident officers as "absolute proof" of his guilt;
- The subject's low self esteem; great respect for authority; and a compliant personality making him vulnerable to suggestibility.

The psychologist's evaluation of Dechaine characterized him as naive, passive, compliant, and "not particularly assertive."

Fearful that police would discover his illicit drug use, confronted by officers forcefully accusing him of a serious crime, shown evidence suggesting guilt and unable to recall his actions during the afternoon, the man whose childhood nickname was "Mouse" might well have made the statements attributed to him by the officers.

Detective Westrum, who reports the most lengthy "confession," did not testify from, nor ever produce any contemporaneous notes. The trial transcript [page 381, lines 16-19] shows trial Judge Bradford stating that the unprofessional behavior of Deputy Reed and Detective Westrum in this case was "established . . . ad nauseum."

Detective Westrum exercised his rights by refusing to discuss anything with me when I attempted to interview him four years after the crime.

None of the Dechaine "confessions" include any fact regarding the crime.

Attachment C

EVIDENCE FROM/RELATING TO DECHAINED'S TRUCK

Mr. Dechaine's Toyota pickup was parked near the site where the body was found. Or, equally accurate, the body was dumped near the spot where that truck stood parked.

One piece of rope from the truck was used to bind the victim (although the knots differed from any discovered by police at Dechaine's house and barn).

Another piece of rope from the truck was found between the truck and the body.

Papers from the truck were found in the driveway where the victim was abducted.

The State's contention that this truck was locked is misleading.

When found by police, the rear window of the cab was unlocked.

Maine State Police Trooper Bureau testified:

"The vehicle was locked and the wrecker operator, the State Police wrecker operator that hooked on the vehicle had to secure the steering wheel. So what I did, there was a sliding glass window on the back of the truck, and it wasn't secured. So I got in the back of the truck and I slid the window open... [Transcript page 420.]

Anyone could have entered the truck -- either via the unlocked window or an unlocked door -- took items, then locked the doors.

A twice-convicted child rapist, residing nearby and currently awaiting sentencing on his most recent such crime, might logically guess that he'd be a suspect in the murder of Sarah Cherry; this prediction would motivate an attempt to divert suspicion from himself. Dechaine's unoccupied truck was convenient and accessible

Regarding the papers in the Henkel driveway, it seems *incredible* that -- of the 150 items inventoried by state lab personnel (matchbook covers, Styrofoam cups, coins, candy wrappers etc.) -- the only two to "fall out during abductor's struggle with victim" bore his identity. [See Inventory/Report, Judith Brinkman, Forensic Chemist, Maine State Police.]

Bowdoinham Constable Jay Reed participated in the search for the missing Sarah Cherry and was present when State Police brought a bag of Sarah Cherry's clothing to the Dechaine truck. He stated in a signed statement on 8/23/92 that "The dog was given the bag of clothing to smell, but found no scent from the vicinity of the Toyota." ***[Dog Officer Trooper Bureau's report was not among the discovery material furnished to attorney Connolly; no indication of this incident was ever made known to the defense.]***

It was at first denied by Prosecutor Wright that Tpr. Bureau had ever filed a report, then acknowledged he had filed a report which was never given to the defense. [Transcript pages 407-410]

A thorough fingerprint search, vacuuming and microscopic examination of contents from this truck failed to find any fingerprint, blood, fiber or hair from the victim.

While the absence of fingerprints or blood, even fiber are inconclusive, it should be noted that natural blondes are born with approximately 140,000 individual scalp openings for hair growth and, "Taking into account the slight variations in growth rates of individuals, *between 65 and 80 hairs a day should be dropping out*" naturally, as the normal course of hair growth. [The Doctor's Book on Hair Loss by T. Gerald Aldhizer, M.D.; Thomas M. Koop, M.D.; and Joseph W. Dunn; Prentice Hall, 1983.]

The absence of a single hair from the scalp of a youthful blonde abductee in the vehicle where she was (theoretically) forced with a vigor that caused items to fall onto the ground, and transported against her will for several miles, is unusual. **This fact, coupled with the time of death, could cast reasonable doubt upon the State's theory and the Petitioner's guilt.**

Attachment D

THE DOG EVIDENCE

Trooper Bureau's testimony appears on pages 406-427 of the trial transcript.

On the subject of a trail picked up by the dog leading away from the truck, Tpr. Bureau "explains" his dog's unwillingness to follow that trail from-truck-to-body in two ways: first by stating that the dog is trained not to follow animal tracks [Trial transcript page411] then the officer amends his explanation

"After I was told where the body had been found I began putting things together. I've worked with my dog for quite a length of time. We've done a lot of training together, but my dog has never scented a dead body. And it was my suspicion at that time that he didn't like the smell...

"...after she had been removed, as we were walking in the path that we tracked and found the rope we continued to where she had been found and he kept shying off to the left. He didn't want to go to that location. Verbally I called him to that location. He kept shying off. I had to physically hook him on the lead and bring him to that location, at which point I put his nose where she was laying and gave him a good boy to assure the dog that it was okay." [pages415-416]

Apparently, Tpr. Bureau never considers the possibility that the tracking dog "kept shying off to the left" in order to perform the task for which it was trained -- trailing Mr. Dechaine from the truck to areas away from, and unrelated to the victim.

Tpr. Bureau also testified, regarding the night of July 6-7, 1988:

"So I then gave him the command to track. We heard some commotion in the woods up in here, Detective Hendsbee and I. We assumed [emphasis added] there were deer running through there. I weaved him back and forth this way for a little ways and he kept putting his nose up in the air but he wouldn't put his nose down and track any further. He kept turning around and looking back at me and walked back towards me. This was unusual for the dog to do that. My first instinct was that he was smelling those deers [sic] and he knows better than to track deer. When I found out where the body was found, then it occurred to me that he was smelling her and he didn't like the smell. [Pages 417-418]

With all due respect for Tpr. Bureau's ability to read his dog's thoughts, this latter

incident occurred within the time span established by the prosecution as the time of death.

The State's own evidence supports a conclusion that the "commotion" the officers heard could have been the commission of the murder, or the killer desperately covering the body with brush. This suggests a real and chilling possibility that Sarah Cherry was strangled to death mere yards from the police as they wandered through the woods locked into their implacable conclusion that the perpetrator was "enjoying their hospitality" a quarter of a mile away.

Investigators often err when they make early assumptions regarding a case and refuse to consider other theories or pursue new clues.

Had defense attorney Connolly recognized the significance of the evidence regarding time of death (so adroitly presented by Prosecutor Wright to avoid naming the parameters of specific hours during which death occurred), Mr. Connolly would have recognized the significance of the facts established by the dog evidence, and emphasized these facts to the jury, making it unlikely that jurors could have found Petitioner guilty beyond a reasonable doubt.

Attachment E

PECULIAR CONDUCT BY OFFICIALS IN THIS CASE

During the course of my inquiries into this case, I encountered instances of official obstruction far beyond any I'd ever experienced in my quarter-century as a federal agent.

Those acts reported to Mr. Connolly in my report to him in December of 1992 are appended to this Attachment.

A few of the incidents are less important than others, but a pattern is consistent.

Respondent has withheld evidence, denied access to public records, ignored leads and clues which counter their instant-theory of Dechaine's guilt (or suggest another suspect) and resisted scientific procedures. These acts concealed valid, vital evidence.

This conduct includes withholding the "dog report" [See Attachment D]; and the apparent withholding of discovery material by Fernald LaRochelle of the Attorney General's office regarding autopsy findings. [See Attachment F].

Peculiar conduct persisted into this year when the State Bureau of Identification denied to me, in writing, that convicted child-rapist Jason Fickett had any criminal record. The Sagadahoc County Court Clerk denied me access to public trial records for weeks, until Regional Court Administrator Hjort required the clerk to comply with the law. That record contained Fickett's blood type and details of his crime against a 12-year-old girl. [Attachment I]

On November 25, 1992, I interviewed James P. Pinette, retired Maine State Police detective with six-and-a-half years' experience investigating homicides. Mr. Pinette was also a private investigator hired by Attorney Connelly early in the procedures to conduct inquiries on behalf of the defense.

Mr. Pinette stated to me that, based on his experience investigating murders for the Main State Police, that "a murder is usually just what it looks like," and the state police "didn't get complicated cases in Maine, not as complicated as what Tom [Connolly] is talking about concerning Dougn Senecal."

Mr. Pinette also stated that, "If Senecal did it, Dechaine would have been just, the opportunity was there, and he took up on it by using items from Dechaine's truck to frame the crime onto Dechaine and divert suspicion from himself."

The following 5 pages catalog acts by the Prosecutor, AAG Eric Wright.

Attachment F

THE CARLTON-LaROCHELLE ALLEGATION

Regarding the allegation that lawyer Carlton improperly "leaked" allegations to Fern LaRochelle of the AG's office, my investigation cast doubts on the integrity of both men.

Concerning Mr. Carlton: aside from his braggadocios conduct and my prior information regarding his prior felony conviction and fugitive status, my interview of him at his office on February 24, 1993 produced denials that he'd said anything to law enforcement indicating Dechaine's guilt. Mr Carlton replied, "I'm sure you've been around all you life with these small town sheriffs departments, who are 90-percent assholes." He repeated that he didn't know how that allegation could have occurred because, "I've even had Judge Bradford, I see him all the time, and he's said, 'When are you going to tell me the truth about that case?' And I said, 'You'll never hear anything from me, Judge.'"

Concerning Mr. LaRochelle aside from the general conduct of the AG's staff under his direct supervision in this case, my distrust arises from an incident when I appeared at the State Medical Examiner's office on July 28, 1992 representing Attorney Connolly with a request to see the autopsy and forensic reports on file there. Ms. Sandra Hickey of that office said she would first have to ask Mr. LaRochelle of the AG's Office.

Ms. Hickey returned a moment later and stated that Mr. LaRochelle instructed her to "give him what we gave [Attorney] Connolly and nothing else."

Attachment G

NEIGHBOR WOMAN WHO SAW TRUCK LIKE DECHAINED'S

In Judge Cohen's Recommendation, he states among the evidence suggesting Dechaine's guilt:

A neighbor thought she saw a truck like Dechaine's proceeding in a direction from the abduction site toward the scene where the victim's body would be found on the day of the crime."

Respondent may have furnished the Court with only a selected portion of what this

witness stated and the time sequence of events.

In fact, Mrs. Lois Getchell told MSP Detective Roy Brooks on July 7, 1988, that she saw "a small red pickup that looks like a Toyota going back and forth. She has seen this on two or three different days. She last saw it yesterday [July 6th] at around 4:15."

- Sarah Cherry had been reported missing at 3:20p.m. that day. Police were already scouring that vicinity for the red Toyota pickup owned by the man whose papers were found in the driveway, i.e. the Dechaine truck.

Attachment H

SUMMARY OF THE STATE'S EVIDENCE

This summary of all the State's evidence was part of the report submitted to Attorney Connolly in December, 1992.

Every element of the State's case is included.

This summary was submitted to Prosecutor Wright with a request to advise whether anything was left out. Neither he, nor anyone else has ever suggested any deficiency.

Attachment I
SUSPECT WITH OPPORTUNITY, INCLINATION AND IGNORED EVIDENCE

- A - Subject Jason Fickett has convictions for sexual assault. One, against a 12-year-old girl, was in the judicial process during the period of the Sarah Cherry abduction and murder. Mr Fickett was free on bail, awaiting sentencing.
- B - Fickett resided less than a mile north of the abduction scene on Lewis Hill Road and about 3 miles south of where the victim's corpse was found.
- C - During the search for Sarah Cherry, at about 7:30 on the night of July 7th, police were led by a searcher to bare footprints, one set smaller than the other, leading to the Fickett trailer. MSP reports also show that Sarah Cherry was barefoot when abducted. [See report by MSP Det. Alfred Hendsbee dated 7/7/88 and report by MSP Det. Steven Drake re Case No. LC 88-00203.]
- D - Official reports made available to the defense indicate no attempt to investigate the fact set forth in C, above -- although detectives investigating the Cherry case were personally aware of Fickett's criminal sexual conduct toward little girls.
- E - DNA evidence was sought from Fickett regarding the child rape case which occurred shortly before the Sarah Cherry murder. It is not clear from docket entries whether DNA tests were ever conducted, but, ultimately examined, the trial transcript revealed that Fickett's blood had been typed by State technicians as "type A (a- b+) secreter." This appears to be consistent with the "mystery blood" (not Dechaine's; not the victim's) found beneath the fingernails of Sarah Cherry.
- F - Aside from the unusual "error" by SBI in denying to me, in writing, that Fickett had any criminal record, authorities at Sagadahoc County denied me access to a public record (the trial record regarding the sexual assault by Fickett shortly before the Sarah Cherry murder) for a period of weeks -- until prevailed upon by Regional Court Administrator Hjort to comply with the law and make the material available.
- H - The transcript of Fickett's trial for the rape of the 12-year-old Arnott girl also reveals that Maine State Police Detective Hendsbee had conducted that investigation and was so-occupied within days of the Cherry abduction and murder, and thus was familiar with Fickett's acts, preferences and proclivities when he walked away from
the fascinating clue noted in C, above. **It is even possible, given that the victim was still alive at this time for another 5-to-11 hours (according to Dr. Roy), that she may have been inside that trailer undergoing torture and abuse when Detective Hendsbee decided to "leave it to the Warden Service to check on it the next morning."** [See Detective Hendsbee's report re Case No LC 88-00203 dated 7/7/88, 1050 hours.]

I certify that copies of the foregoing Declaration of James P. Moore with cover-letter and all attachments were mailed via First Class Mail, postage prepaid, to:

Attorney General Andrew Ketterer
6 State House Station
Augusta, ME 04333

and

Gene R. Libby, Esq.
Verrill & Dana
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August 14, 2000
