

STATE OF MAINE

KNOX, ss.

Superior Court
Criminal Action
Docket No. KNO-CR-89-126

STATE OF MAINE,	:	POST-JUDGMENT CONVICTION
	:	MOTION FOR DNA ANALYSIS
vs.	:	AND FOR NEW TRIAL
	:	15 M.R.S.A §2136, et seq.
DENNIS DECHAINED,	:	
Defendant.	:	

COMES NOW the Defendant, Dennis Dechaine, by and through his attorneys, M. Michaela Murphy and Stephen Peterson, and moves this Court for an ORDER, pursuant to 15 M.R.S.A. §2136 et seq, requiring the State of Maine to analyze DNA evidence in the control or possession of the State that is related to the investigation and prosecution which led to the Defendant’s conviction, and further ORDER a new trial based on the results of that analysis.

As grounds for this Motion, Defendant states, through counsel, that he has presented prima facie evidence through the Affidavits of Attorney Michaela Murphy, Private Investigator Thomas Cumler, Attorney Thomas Connolly and Ms. Carol Waltman, that:

- A. The evidence sought to be analyzed is material to the issue of the person’s identity as the perpetrator of the crime that resulted in the conviction;
- B. A sample of the evidence is available for DNA analysis;
- C. The evidence to be tested has been subject to a chain of custody sufficient to establish that it has not been substituted, tampered with, replaced or altered in a material way;
- D. The evidence which the Defendant requests be tested has not been subjected to DNA analysis, or if it has been previously tested, will be subject to DNA technology which was not available when the Defendant was convicted;
- E. The identity of the person as the perpetrator of the crime that resulted in the conviction was in issue during the Defendant’s trial.

The Defendant further asserts, through counsel, that tests already performed on the thumbnails of the victim, Sarah Cherry, conclusively show that Defendant Dennis Dechaine is not the source of blood/DNA found in a mixed sample of DNA under her nails, while they show that she was one of the donors.

Should the Maine State Police Crime Laboratory confirm said findings, and/or produce results from testing of other extant biological evidence which exclude the Defendant as the donor of that evidence, we would respectfully move that the Court find that Dennis Dechaine's exclusion as the source of this evidence, balanced against the other evidence in the case, is sufficient to justify granting a new trial for the Defendant.

Dated at Waterville, Maine, this 20th day of May, 2003.

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