

STATE OF MAINE
KNOX, SS

SUPERIOR COURT
CRIMINAL ACTION
LAU DOCKET NO. NM-89-126

STATE OF MAINE,

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Plaintiff

vs.

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JURY TRIAL
(VOLUME IV)

DENNIS J. D *NE,*

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:
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:

Defendant

BEFORE THE SONO LE CARL O. PO RD, JUSTICE

Rockland, Maine

March 6-18, 1989

APPEARANCES OF COUNSEL:

On behalf of the State:

Eric E. Wright, Esq.
Asst. Attorney General

On behalf of the Defendant:

Thomas J. Connolly, Esq.
George M. Carlton, Jr., Esq.

Reported by Philip M. **Galucki, Official Court Reporter**

(MARCH 13, 1989)

(The jury returned at 9:54)

5 MR. WRIGHT: Before Miss Simmons swears the next
6 witness, I want to move the admission of the anatomical
charts that Dr. Roy used in *explaining* his findings; that is
State's Exhibit Number 40 and 41.

MR. CONNOLLY: No objection.

THE COURT: 40 and 41 are admitted without
objection.

JOHN OTIS, being first duly sworn, was examined and testified
as follows:

DIRECT **EXAMINATION**

BY MR. WRIGHT:

Would you state your name for the record?

A John Otis.

Q Your occupation?

A I'm a detective with the Maine State Police.

Q How long have you been with the State Police?

A Ten-and-a-half years.

25 **Q Where are you currently assigned?**

1 A I'm a latent fingerprint examiner in Augusta at the
2 State crime lab.

3 Q In addition to doing work as an examiner, does your work
4 entail other responsibilities?

A Yes.

Q What other *things do you get* involved in?

A I'm involved in the processing of crime scenes, the
recovery and development and preserving of latent fingerprint
evidence to do fingerprint comparisons, I also do work in
tire wear and foot wear recovery and comparison as well. I
instruct at the Maine Criminal Justice Academy in Waterville
in fingerprint examination.

How long have you been doing the kind of work at the
crime lab?

A A little over two years.

What kind of training have you had to do the work you do
there?

A I'm a graduate of the Maine Criminal Justice Academy.
And I put on classes at the Royal Canadian Police Academy.
I've also attended courses sponsored by the FBI; fingerprint
classification, latent fingerprint development, collection
and preservation and police photography.

24 Have you had occasion to testify in courts as an expert
in the area field of fingerprint identification?

25 **A Yes.**

1 Q Have you testified in some of the other areas you've
2 described as well?

3 A Yes. In crime scene processing.

4 Q Let's go back if I could and ask you if you became
5 involved in either through your particular work doing
6 examination identification of fingerprints or with crime
7 scenes or otherwise in the *investigation of* the whereabouts
8 of Sarah Cherry?

9 A Yes, I did.

10 *What was your initial involvement* in this whole matter?

11 A I was initially called to respond to the crime lab in
12 Augusta, Maine to receive a vehicle which was being brought
13 in and being impounded which was believed to be linked with
14 the disappearance to a *girl in Bowdoin*.

15 Q When were you called in?

16 A I was called in at approximately 2:30 in the morning.

17 Q Of July 7?

18 A **Yes.**

19 Q Did you receive a vehicle at the crime lab?

20 A Yes,

21 Q *Tell us the manner in* which the car or truck or anything
22 was received for storage and the setting in which, I guess,
23 it is kept away from any other person so as it can't be
24 disturbed?

25 A At the crime lab we have three garage bays which are

1 secure. When a vehicle or any other evidence is brought to
2 the crime lab examiner or myself or other technician will
3 be there to receive the item and to put it in a secured area
4 where nobody outside of the crime lab has access to it. On
5 that night the truck arrived at the crime lab. I opened the
6 *garage doors, and the* vehicle was placed inside. I closed
7 the garage doors. I set the alarms which the lab has for
8 *intrusion and* then locked up the lab for the night.

9 Let me show you a photograph which I've marked for
identification as State's Exhibit Number 48, Do you
recognize what is depicted in that photograph?

A Yes.

Q What is that?

A That is a red Toyota pickup truck, 39676-V.

Q Where is it in is that photograph?

A It is in the secured bay at the, it's in one of the
secured garage bays at the State **Police** crime lab.

Q it appeared to you when you secured it on the morning
of the 7th?

A **Yes.**

MR. WRIGHT: I would offer State's Exhibit Number
48.

M. CO OLLY: No objection.

THE COURT: 48 is admitted.

(whereupon State's Exhibit Number 48

was circulated to jury)

BY MR. WRIGHT:

4 Q Did you receive any keys later on from any individual in
5 conjunction with this matter?

6 A Yes. I received a set of keys.

7 Q I show you State's Exhibit Number 14. Do you recognize
that?

A Yes, I do.

Q Did you do anything with any of the keys that are on
that ring?

A As far as with the keys themselves, no, I did not. I
used the keys after we had - I had been given them to start
the vehicle and to drive over a piece of cardboard to try to
obtain tire wear impressions.

You took what is obviously a - it says Toyota Motors and
you put that in the truck that is depicted in the photograph?

A Yes.

Q State's Exhibit Number 48?

A Yes.

Q This worked in the car?

A Yes, it did.

Q *By the way, in driving the car did you notice anything*
about the manner in which it drove, engine wear, handling,
25 anything of that sort?

1 A Nor I did not.

2 Q Later in the morning on the 7th of July did you continue
3 to work, continue your involvement in this case?

4 A Yes, I did.

5 Q By doing what?

6 A I was asked to respond to the residence where the girl
7 was missing from with the mobile State Police crime Lab the
8 Henkel residence.

9 Q When was it you went to the Henkel residence?

10 A It was roughly around 9, 9:30 in the *morning, closer to*
ten.

Q Could you tell us what you initially did there? I take
it you did a number of things there *in conjunction with your*
work?

A Yes. When I first arrived I arrived in Bowdoin where
the mobile command post was going to be set up. That would
have been, if I may refer to my notes, at the junction of the
Lewis Hill Road and Meadow Road. It was there that I met
Detective Al Hendsbee who apprised me of the situation at
that time as they knew it, and he went with me to the Henkel
residence,

Upon my arrival at the Henkel residence I was met by
other members of the Maine State Police. Detective Anna
Busbee, Detective Pat Lehand, Trooper Robert Jack and Mr. and
Mrs. Henkel were there as well.

1 Q Was your attention drawn to anything in the driveway
2 area of the Henkel residence?

3 A Yes. Detective Hendsbee pointed out to me a tire track
4 which he indicated at that time was in place beside the other
5 vehicles.

6 Q What if anything did you do with respect to that tire
impression?

A I photographed the impression with and without a
compensating scale. I then took casts of the impression to
preserve them.

Q Let me show *you State's Exhibit* Number 9. Do you
recognize that?

A Yes, I do.

Q Now, that's a picture of the Henkel driveway showing one
of the Henkel vehicles?

A Yes

Q There are **there some arrows** drawn on the photograph as
well along with some little rocks?

A Yes,

Q **Do those have significance?**

A Yes, the rocks tend to mark out the area where the tire
impression was that I was pointed out to.

Q *Let me show you State's Exhibit* Humber 49 for
identification. Do you recognize that?

A **Yes,** I do.

1 Q Let me show it to Mr. Connolly first. Tell us what
2 shows what is marked in State's Exhibit Number 49.

3 A State's Exhibit Number 49 is a photograph of a tire wear
4 impression which is in a gravel substrate or driveway. It
does show some of the tread design of the tire.

Q That is one photograph of a part of the impression that
you were pointed to?

A Yes,

Q Were there any difficulties in this case with respect to
the tire impressions?

A Yes.

Q Such as what?

A The impressions themselves were very *shallow and very*
faint. There was very little detail to be seen in the
impressions.

Q Anything about the composition of the driveway that
presented any particular problems to your examining any tire
impressions in the driveway?

A Yes. The driveway was a very hard-packed gravel which
obviously compressed very little when a tire surface was
rolled over it; therefore one of the reasons why a very faint
impression could be seen.

Q In any event what is shown in State's Exhibit Number 49
is a portion of the tire impression?

A Yes®

1 Q Does that photograph fairly and accurately depict that
2 portion of the tire impression as you saw it that morning of
3 July 7th?

4 A Yes.

5 MR. WRIGHT: I would offer State's Exhibit Number
6 49.

MR. CONNOLLY: No objection.

THE COURT: 49 is admitted.

BY MR. WRIGHT:

Q This photograph also has a scale in it. Is that what
you referred to as a compensating scale?

A Yes.

Q The purpose is to be able to get some measurements?

A Yes.

Q Since its not a one-to-one life size picture?

A Yes.

(whereupon State's Exhibit Humber 49
was circulated to the jury)

BY MR. WRIGHT:

24 Q You also mentioned a few moments ago that you took or
25 made a cast **of** the **impression** that **you** saw in the driveway?

1 A Yes.

2 Q How did you go about doing that?

3 A I used a material which is called dental stone. This
4 material is casting powder which when mixed with water and
allowed to set forms a hard cast.

By using that method how do you lift what you've found
from the driveway?

A Once the dental stone hardens its possible to take the
edge of it and peel it off, and the impression which was cast
now forms what is called a three dimensional cast of the
impression.

Q Can you by doing that get accurate cast of an
impression that is left in a surface such as from the Henkel
driveway?

A Yes.

Q I have in my hand item which I've marked as State's
Exhibit Number 50. Tell me if you recognize that®

A Yes, I do.

Q **What is it I've now given you?**

It's a cast that I made of the Henkel residence.

Q From the s e impression that was shown to you by
Detective Hendsbee and that you photographed?

A Yes.

Q Is that accurate lift of that portion of the tire
impression that you saw that day?

1 A Yes.

2 MR. WRIGHT: I **would offer State's** Exhibit Number
3 **50.**

4 MR. CONNOLLY: **No objection.**

5 THE COURT: **State's Exhibit Number 50 is admitted.**

6

7

8 BY MR. WRIGHT:

9 0 I've marked the bag and I'll mark the cast with the same
10 number. Both the cast and paper bag are now marked as
11 State's Exhibit Number 50.

2 Detective Otis, in looking at this as you stand on it,
I don't know what one can make out of it. Is there a means
by which it becomes easier to see what is depicted in the
cast here?

A Yes,

Q **How would one go about that?**

A To enhance that a little bit, the visualizing, some
cross lighting would **help.**

Such as?

A Such as taking a flashlight that I have here and placing
it towards the side of the impression.

MR. WRIGHT: **Your Honor, I wonder** with the
24 **detective's** assistance if he could do it for the jury's
25 **assistance.**

1 THE COURT: He wants to perform a demonstration by
2 casting a light on the cast itself.

3 MR, CONNOLLY: No objection.

4 THE COURT: Thank you. You may do that.

5 **THE WITNESS:** As you can see *the impression* does
6 appear to be quite faint.

7 Q Keep your voice up,

8 | A If you shine a light across it at angle you can see
9 the detail a little bit better than you could than from
10 looking at the cast directly on. Has everybody had a chance
11 to see it?

12 Q Now, what other cars *were* at the Henkel residence when
13 you were there that morning?

14 A There was a red Dodge Omni parked next to the residence
15 building and down the driveway back towards the main road a
16 little bit further than that was a white Subaru. There were
17 **also to my recollection one or two police units parked in the**
18 **yard as well.**

19 Q **In relation to the Dodge Omni, which is the car up** by
20 **the house in State's Exhibit Number nine?**

21 A **Yes,**

22 Q **Where were the other cars parked?**

23 A **Back towards me, and the Subaru would have been off to**
24 **the left and the other vehicles would have been back to the**
25 **right.**

1 Q Any of them in proximity or anywhere near the tire
2 impression?

3 A Only the Dodge Omni was near the tire impression.

4 Q Where was the tire impression run in the driveway; do
5 you recall?

6 A It ran just about straight as you are looking at the
7 *photograph* there.

8 Q Did it continue up under where the Omni is?

9 A *No. After casting* the impression the Omni was moved to
10 look underneath it and I saw no impressions there.

11 Q Did you take a look at the cars that were, as you
12 understood it at least to be the Henkel vehicles, the Subaru
13 and Omni?

14 A Yes,

15 Q Particularly the tires?

16 A I looked at the vehicles, and at this time I don't
17 recall the specific act of looking at the tires. But in my
18 notes I have it that I had discounted them as having them
19 having **made** that impression. I must have looked at them.

20 Q As your report states or indicated, you discounted the
21 fact that they were consistent with the tire impression that
22 *you were casting*?

23 A *That's correct.*

24 Q Before we leave the tire impression, you had mentioned
25 earlier that **you** had later **moved** the red Toyota pickup truck

1 that had been stored at the crime lab in order to get an
2 impression of its tires?

3 A Yes.

4 Q Tell us when you did that and how you went about doing
5 that?

6 A If I may refer to my notes.

7

8 (Whereupon a sidebar conference was held)

9

10 MR. CONNOLLY: I just wanted to to know what know
11 what the witness was looking at. Nothing more than that,

12

13 (Whereupon the sidebar ended)

14

15 **BY MR. WRIGHT:**

16 Q Tell us how you went about doing that?

17 A On July 12, 1988 **Detective** Craig **Hadley** of the **crime lab**
18 **and I took impressions** of the front tires of the red pickup
19 truck.

20 Q Just the front tires?

21 A Yes.

22 Q Why not the back tires?

23 A **Because** we had the cast **to look at - it was obvious**
24 **looking at the back tires** they **could not have** made that
25 **impression seen at the Henkel residence, therefore it wasn't**

1 **necessary to roll** them for a record of their tread design.

2 Q I'll hold them up for you what is marked as State's
3 Exhibit Number 51 and 52, two pieces of cardboard, what looks
4 to be an ink impression with tires on them; is that correct?

5 A Yes.

6 Do you recognize both of those?

7 I A Yes.

8 q **being?**

A One being the left front tire and one being the right
front tire of the red Toyota pickup truck.

Q Now, do these cardboard strips which are about three
feet long fairly and accurately depict the tire impressions
of the tires that were on the front of the Toyota pickup
truck?

A Yes. That section of the tires that were rolled.

MR. WRIGHT: I would offer State's Exhibit Number
51 and 52.

MR, CONNOLLY: **No objection..**

THE COURT: **They are admitted.**

BY MR. WRIGHT:

Let's go to 52 which is the right front tire. Were you
able to compare the impression of the right front tire of the
truck with the impression found in the Henkel driveway?

25 A **Yes.**

1 Q What if any conclusions did you reach?

2 A That that tire could not have made the impression that
3 was seen in the driveway.

4 Q The tread is different?

5 A Yes,

6 Q And next let's go to State's Exhibit Number 51 which is
7 the left front tire. I take it this is your writing?

8 A Yes.

9 Q As you've noted it's the left front tire. Did you also
compare that with the impression found in the Henkel driveway
that you casted?

A Yes.

What if any conclusions did you reach with respect to
this ink impression as compared to the cast?

A The conclusion I reached with that impression to the
cast is that that the design is consistent with the tread
design seen in the cast.

Q Now, is it possible to go further in a given case or in
this case and **make** a specific match to the exclusion of other
tires in the whole universe?

A It is possible with tire tracks to conclusively match
one tire or an impression of a tire to a specific tire.

However, in this particular case here due to the faintness of
the cast and the relatively poor quality of the impression in
25 the driveway that it was not possible to specifically match

1 the tire from the left front side of the red Toyota pickup
2 truck to the cast in the driveway.

3 Q In what ways however, did you find this print to be
4 consistent with the cast?

5 A This tire is consistent in that it is about the same
6 width, it has four groves and five, what are called ribs or
7 treads which run around the circumference of the tire. That
8 ! and the general configuration of the ribs is consistent with
9 ! that scene in the cast.

10 Q Can you say that that cast or that inked impression
11 absolutely came from the *left front* tire of the Toyota pickup
12 truck?

13 A No.

14 Q What can you say?

15 A The most I can say with that particular cast and rolled
16 *impression is that they are consistent*, meaning that the tire
17 could have made the impression in the driveway. But it
18 doesn't necessarily mean that it did make the impression in
19 the **driveway**.

20 Q I take it *in saying that that you rule out* the converse;
21 that the tire, the left front tire inked impression and the
22 cast impression are different so that the one could not have
23 made the other?

24 A Yes. That's correct.

25 Q Let's go back to the Henkel residence. I would ask you

1 if on the morning of July 7th what else you did there?

2 A While at the Henkel reside= I photographed all around
3 the outside of the building and I also examined the front
4 door of the *ground level and* the entrance door to the living
5 area for latent fingerprint impressions by dusting the doors
6 and frames with regular fingerprint powder.

7 Q You did the door downstairs as you first went *into the*
8 house?

9 A Yes.

10 Q There is another door at the top of the stairs leading
11 into the driving living area?

12 A Yes.

13 Q You dusted both of those?

14 A Yes.

15 Q Where on the doors did you dust?

16 A The inside and outside of the doors and around the door
17 casing,

18 Q **How out the doorknobs?**

19 A **Yes.**

20 Q **On both sides of both doorknobs?**

21 Q **Yes.**

22 Q **On both sides of the door?**

23 A **Yes.**

24 Q **Were you able to obtain any latent fingerprints which**
25 **I had sufficient ridge characteristics that you might *have been***

1 able to make an identification?

2 A Yes, I did.

3 How many - - from which door? Where were they?

4 A If I may refer to my report?

5 Q Go ahead.

6 A Yes. The impressions that I got on the front door of
7 the Henkel residence.

8 Q This is the lower door now?

9 A Yes. At the driveway level. I obtained two lifts which
10 were of comparable value.

11 Q Do you recall where they were on the door?

12 A No. Not at this time.

13 Q How about from the upper door, the top of the stairs?

14 A I recovered no impressions from comparable value from
15 the upper door.

16 Q Nothing of value from the upper door?

17 A **No.**

18 **Q Did you print anywhere else at the house trying to lift**
19 **latent *fingerprints*?**

20 **A *Not that I recall. Only around the doors.***

21 Q Did you later have available to you fingerprints of
22 Sarah Cherry?

23 A **Yes.**

24 Q **Where did you obtain those?**

25 **A *I obtained those during the postmortem examination.***

Who took those?

A I did.

Q How about inked fingerprints of Dennis Dechaine? Did you have those available?

A Yes, Do you want to know when I received those?

Q First, do you have with you the inked impressions of Sarah Cherry?

A Yes ®

Q I've now marked for identification three *exhibits*, State's Exhibit Number 53, 54 and 55. Do you recognize each of those?

A Yes.

Q As being the prints that you obtained at the autopsy?

A Yes

Q Of Sarah Cherry?

16 A Yes.

17 Q Do those accurately represent her fingerprints and two
18 of them are her **palm** print?

19 A Yes.

20 Q **Any** difficulty or problems encountered in the taking of
21 *prints during an autopsy such as* the one that you handled
22 *that day?*

23 A No. Not in this case.

24 MR. WRIGHT: I would offer State's Exhibit Number
25 53, 54 and 55.

MR. CONNOLLY: No objection.

2 THE COURT: They are admitted.

3 i

4 BY MR. WRIGHT:

5 ! Q Next, let me show you State^r's Exhibit Number 44 which is
6 a fingerprint card with the name of Dennis Dechaine; is that
7 correct?

S I A Yes.

9 Q Is that the fingerprint card that you used in seeking to
10 make any identification in this case?

11 A Yes.

12 Q With that in mind, tell us if you would what if any
13 conclusions you were able to reach with respect to latent
14 fingerprints obtained at the Henkel residence from the lower
15 door where you found two prints that might have been of
16 value?

A Of the two fingerprints that I compared to those
fingerprint cards neither of the *two prints matched* either
Sarah Cherry or Dennis Dechaine,

Q Detective, does the absence of fingerprints at a scene
or the inability to make a match when you have a comparable
print mean that somebody doesn't at the scene?

A No.

24 **0 Why not?**

25 **A The leaving of if fingerprints on a surface involves a**

1 number of factors. It can involve, number one, even if a
2 person touched the object being examined for fingerprints or
3 not. It can involve a person might have been wearing gloves
4 or something else over their hands. It could involve the
5 surface nature of the object being touched, how receptive it
6 is to receiving a fingerprint. It can involve the actual
7 type of transfer medium. By that I mean normally we think of
8 fingerprints left by sweat or oils. It can also be left by
9 blood, ink, whatever is on the hands. Even factors such as
10 environmental conditions, even the individual's state of
11 health will affect the way fingerprints are laid down.

12 ! Q What of the occurrences when two people ~~se~~ what happens
13 when two people touch the same area?

14 A Are you referring to smudging?

15 I don't know if that is the term you use?

16 A Very often obviously what comes to mind might be a
17 ! doorknobs. If its handled by a number of people and not
18 necessarily cleaned or polished in between you can have many
19 **overlaid prints or where prints become** where the object is
20 handled it **becomes** simply unuseable for identification
21 purposes.

22 Again, the s-+e thing with such things as partial
23 fingerprints. If you do not obtain a sufficient number of
24 ridge characteristics in a fingerprint *that print* cannot be
25 used *for identification purposes*. Therefore, it must be

1 disregarded as if there were no print there at all.

2 Q In this case the prints that you were able to obtain did
3 not belong to either Mr. Dennis Dechaine or Sarah Cherry?

4 A That's correct.

5 Q Did that take care of your work at the Henkel residence
6 *that morning?*

7 A Yes.

8 Where did you go next from there?

9 A I returned to the crime lab.

10 Q Do you recall going to the Sarah Cherry residence?

11 A Yes. *The following day.*

12 Q *The following day what did you do at the Sarah Cherry*
13 *residence?*

14 A I was met there by her mother who took me to the girl's
15 room. And my objective there was to fingerprint or try to
16 *develop fingerprints on personal items of her as no* known
17 record of her fingerprints existed on record. It *was an*
18 attempt to try to find her fingerprints and build a possible
record in case she should be found.

Q Was your work at the Cherry residence interrupted by
anything?

A Yes.

Q What was that?

A Sergeant Richard Phippen of the Maine State Police
advised me that a body had been discovered in the woods a

1 ways from the Henkel residence, and it was believed to be
2 *that of the missing girl.* I stopped what I was doing there
3 to respond to the **scene**.

4 **Q** So there **was no longer** *the need if the body* turned out
5 to be of Sarah Cherry to get her fingerprints?

6 A I would say this was more of a priority thing for me to
7 be doing.

8 **Q** Did you ultimately come to assist at the scene or later
9 that afternoon with respect to the handling of Sarah's body?

A Yes.

Q Tell us what you did.

A I arrived at the scene on the Old Hallowell Road *where I*
was met by Detective Steven Drake and advised me that the
body had been discovered some two *hundred yards off into* the
woods. *I was also joined by Dr. Roy* and Detective Gallant
is it all right to read my report for the names? Mr.

Goodrich from the medical examiner's office arrived with us.
Then I proceeded into the woods where the body was located.

Q From that **scene** did you later *have occasion to*
participate in the autopsy? I gather you did from the taking
of the prints?

A Yes, I did.

At that time, that is during the autopsy on Friday after
the 9th, did **you receive** a number of items?

25 **A** Yes.

1 Q Which you later turned over to the crime lab?

2 A Yes.

3 Q Let me show you that. That is State's Exhibit Number
4 36. Do you recognize what *is in that bag*?

5 A Yes, I do.

6 Q That is?

That's a purple dyed type T-shirt.

Q State's Exhibit Number 37.

Yes. It is a bra.

Q From the autopsy as well?

A Yes.

Q These are all items from the autopsy?

A Yes.

Q State's Exhibit Number 35?

A Yes. That is a link of yellow rope.

Q State's Exhibit Number 38?

A Yes. Its a purple and white handkerchief.

Q State's Exhibit Number 39?

A Yes, That is a blue and white scarf with a plaid
design.

Q State's Exhibit Number 42?

A That's a stick.

Q State's Exhibit Number 43?

A Yes. That is also a stick.

25 Q *All of which in **one fashion** or other on the bag with*

1 respect to the bag that is labeled stick in rectal cavity you
2 have labeled with your initials?

3 ! A Yes.

4 Q Did you obtain in addition to those objects pieces of
5 clothing, scarf, bandana, anything else from the autopsy?

6 A Yes, I did,, And I turned them over to Judy Brinkman.

7 Q What else?

8 A If I may refer to my report, Your Honor. I received

9 Q You received a host of items?

1 A Yes®

11 Q Did you receive a fiber from the right wrist of Sarah
12 Cherry?

A Yes.

Q Because we need to tie these in with lab numbers, what
lab number did you assign to that?

A That the right wrist. One was L-88309-12.

Q **How** about a hair from the left forearm?

A That **was L88309-13.**

Q **Fiber from the left hand?**

A **That would be L88309-17.**

Q **Fiber from** the right hand and palm?

A **L88309-18.**

Q Fingernail clippings?

A From the right hand and left **hand are L88309-20 and**
25 **L88309-'21.**

1 Q Did you receive as well from Dr. Roy a quantity of
2 Sarah's whole blood?

3 A Yes.

4 Q What lab number was assigned to that, the last number?

5 A Number 32. 33 I have a typo in my report here,

6 Q And her head hair?

7 A Samples of her head hair were number 34A through 34F.

8 Q And fingerprints you've already mentioned to us?

9 A That's correct.

10 Q Did *you yourself do anything* with those items that you
received or did you simply turn them over to Ms. Brinkman?

A Except for the fingerprints which I retained for my own
file, everything else was turned over to Ms. Brinkman.

Without making any alterations or changing the condition
of the ites?

A That's correct.

Q Did you later also obtain some items from Detective
Richards who had searched the truck?

A Yes, I did.

Q In particular do you recall receiving an ice cream
wrapper?

A Yes.

Q What number was assigned to that?

A Number 41.

Q And Sportsman Magazine?

1 A Yes.

2 Q That number was assigned what?

3 A Number 58.

4 Q Do you recall a wallet?

5 A Yes.

6 Q That number **was** what?

7 A Number 39.

Q Can you tell us with respect to those or perhaps other items, too, that you received from Detective Richards who had searched the truck what, if anything, you did with them?

A I examined many of these items for latent fingerprint impression by using various techniques depending upon the type of items and the physical com^Position of that item,

Q *You had the fingerprints of Sarah Cherry and Dennis Dechaine?*

A That^s **correct.**

Q **Did you find any prints useful or comparable value among all the items that you fingerprinted that you received from Detective Richards?**

A **Yes.**

Q **How many prints of comparable value?**

A **I found five prints of comparable valued**

Q **Those are on the items that I've mentioned the ice cream wrapper and the Sportsman Magazine?**

25 A **Yes,**

1 You fingerprinted a wide variety of other items and
2 found no evidence of use?

3 A That's correct.

4 ! Q In a general way can you tell us what items those
5 included? You don't *have to* go through the whole list. Try
6 to give us how many ite you fingerprinted, *what kind of*
7 items they were that you couldn't get any prints off of at
all?

A I fingerprinted probably a couple of dozen or more
ite:tt:- , and it varied from miscellaneous types of paper,
bottles, Sportsman Magazine, some scissors, miscellaneous
objects composed of paper, metal, glass.

 Items which you thought to which a fingerprint might
adhere so you might get something of value?

 That's correct.

 Among those were there items of various pieces of papers
with anybody's name on them?

A Not that I recall right off the top of my head, no.

 Let me go through a **couple** of items. State's Exhibit
Number 45 for identification, which has been marked and
testified to by Detective Richards a wallet that he
recovered.

A Yes, I recognize it.

4 **You tried to fingerprint that?**

Yes,

1 Q Without success?

2 A Without success,

3 Q **There are items inside the wallet?**

4 A **Yes, There is miscellaneous pieces of paper and so**
5 **forth inside the wallet.**

6 Q Do you know from your recollection or examination today
whether any of those pieces of paper have any names of any
individual on them?

A Yes. There appears to be a post office receipt with the
name of Dennis Dechaine on it,

Q Next, State's Exhibit Number 46 for identification. Do
you recognize that?

A Yes, I do. It is a Good Humor King cone ice ere
wrapper.

Q *And* were you able to obtain a latent print on that item
which you thought might have been of value to you?

A Yes.

Q Let me get back to that. *State's Exhibit* Number 47?

A Yes, That is a Maine Sportsman Magazine, July issue
19880

Q Did you obtain from that as well a fingerprint that you
thought could be useful?

A Yes.

Q What did you do with the page **on** which the fingerprint
from that **magazine contained** a print that **you** thought might



1 be of value?

2 A I cut that page out and placed it inside a document
3 protector.

4 Q Let me show you what I've marked as State's Exhibit
5 Number 56 for identification. Do you recognize that?

A Yes.

7 Q That is what?

8 A That is a piece of the Sportsman Magazine that I cut out
9 and placed inside the protector.

Q Finally, let me hand you one other item, State's Exhibit
Number 57 for identification. Tell us what that is?

A That is a fingerprint lift off of the ice cream cone
wrapper.

Q Now, with respect to the inked fingerprints, do those
accurately depict the latent prints that you found on the ice
cream wrapper and the Sportsman Magazine?

A Yes.

**MR. WRIGHT: Your Honor, before I ask the detective
for any conclusions that he reached, I move the admission of
those items we are talking about: the ice cream wrapper is
State's Exhibit Number 46, the magazine is 47, the page from
the magazine is 56, the inked print from the ice cream
wrapper is 57, the wallet I mentioned-was 45.**

MR. CONNOLLY: No objection, Your Honor.

THE COURT: 45, 46, 56 and 57 are admitted.

2 BY MR® WRIGHT:

3 Q Detective, if you would, tell us what if any conclusions
4 you were able to reach with respect to the inked fingerprints
5 that you lifted from the latent fingerprint from the ice
6 cream wrapper and *the Sportsman Magazine*?

7 A The latent print on the ice cream wrapper was matched to
the left index finger on the fingerprint card that was given
to me marked Dennis Dechaine® The number, what I've numbered
on R-2 of the Sportsman Magazine which is a latent
fingerprint impression which I marked to be the right thumb
of *Dennis Dechaine*,

- Did you find anywhere in the truck any fingerprints that
matched those of Sarah Cherry?

A No, I did not®

Q Let me show you Defendant's Exhibit Number 10 and 11,
which have been identified as the *manner in* which Sarah
Cherry® s wrists were bound.

Q I would ask **you** if you look at **those** whether their
physical position would present any difficulty to you you
would think in the obtaining of fingerprints from a person
whose hands were being held such a manner?

24 A Any restriction of the hands **would** definitely impact the
25 ability of a person to do **fingerprints**, to leave
fingerprints

1 Q You don't know of your own knowledge when her hands may
2 have been bound?

3 NO.

4 MR. WRIGHT: Thank you. That's all.

5 THE COURT: **Mr. Connolly.**

6

7

CROSS EXAMINATION

8

9 BY MR. CONNOLLY:

10 Q Good morning, Mr. Otis.

11 A Good morning.

12 Q Detective Otis, turning *your attention to* the discussion
13 you had with fir. Wright about fingerprints and out partial
14 prints. Do you recall the conversation you had just a few
15 moments ago with regard to partial prints?

16 A Yes,

17 Q Am I **fair to characterize your** testimony that when there
18 are not sufficient amount of ridge details that the partial
19 **latent fingerprint is of no comparable** value and should be
20 **disregarded?**

21 A **For** our purposes, yes.

22 Q That is because when there is insufficient ridge details
23 a conclusion cannot be reached to either include or exclude?

24 A **That's correct.**

25 Q **Although to some extent even with a partial you can do**

1 some excluding. If a ridge is inconsistent with a partial
2 ridge we can, under some circumstances, exclude a person?

3 A Under some circumstances if enough pattern exists and
4 you might be able to use it for that particular purpose.
5 Usually when a print is not of comparable value it's and we
6 don't use it.

7 Q That's because it's sloppy procedure and it leads to
8 screwed-up results?

A It's a standard that is set and we abide by the
standards.

Q Certainly. The same would apply to tire tracks?

A That's correct.

Q So in this case the standards that are normally met in
order to use tire track impressions as proof one way or the
other were not met in this case; isn't that true?

A You mean as far as the characteristics?

Q Yes.

A That's correct.

So using your same analysis, this evidence of tire track
should be disregarded according to your own theory; is that
correct?

MR. WRIGHT: Objection.

THE COURT: Sustained.

1 BY MR. CONNOLLY

2 Q Let's go to that tire track impression. It's fair to
3 say that three out of four tire track impressions that were
4 taken from the defendant's vehicle with completely
5 inconsistent with that single one?

6 A That's correct,

7 { Q It's also true that two snow treads on the rear end of
the Toyota vehicle would likely leave distinguishing
characteristics?

A Not necessarily. far yes, the tires are capable
of leaving a tread mark, but I observed none in the driveway
at the residence.

Q Those are bigger tires. They are wider tires and they
have a deeper bite, that's why people use snow tires; is that
correct?

A Yes.

Q **Turning your attention to the tire mark in the driveway.**
Your testimony is that it was about the same width as the
defendant's; is that correct?

A Yes,

Q at was the actual measurement?

A About five-and-a-half inches.

Q About or was it five-and-a-half?

24 **A Just slightly less than five.**

25 Q **Do you have any idea of the --** strike that. It's fair

1 to say, is it not, in reference to those, just the front left
2 and right, that there were no accidental or individual
3 characteristics that were observed?

4 A That's correct.

5 Q That means that you saw nothing on the track that you
6 took, the heavy 50, State's Exhibit Number 50, that showed
7 any gouges or any marks or any dings that would have been in
8 1 the tire or a piece of glass that may leave a distinct
9 impression?

10 A That's correct.

11 Q State's Exhibit Number 50 is a reverse impression, its
12 not the actual impression?

13 A It's a negative impression.

14 Q In order for us to think properly out this we have to
15 flip this up I had *down - and turn it inside out?*

16 A Yes.

17, Q That's a complicated factor using these cast
18 **impressions?**

A Not **necessarily** complicated; just the fact it has to be
taken into consideration.

Q at size tires were the Omni, do you know?

A I didn't record the size of the tires.

Q The Subaru?

A I didn't record those.

Q The police unit?

1 A I didn't record those items.

2 Q Were you aware of any other vehicles in and out of the
3 driveway?

4 A None that I was aware of. I was advised by Detective
5 *Hendsbee that vehicles* had come and gone, obviously.

6 Q *That is a significant factor in determining whether or*
7 *not there is a probative value into the evidence that you are*
8 *offering?*

MR. WRIGHT: Objection.

THE COURT: Sustained.

BY MR. CONNOLLY:

Q Sir, turning your attention to State's Exhibit Number nine, which is a photograph of the driveway with the red Omni in it which has been previously marked and offered. Just **take** a look at that **for a moment**, if you would, sir. Is that **more or less a fair and accurate representation of the scene** as you approached it when you did your research?

A **Yes.**

Q **Turning your attention to** the photograph itself. **ere** *characterizing it* **in reference to the Omni** does the tire *track stop?*

A It stops somewhere behind the **Omni over where by these rocks are located here.**

Q **I will ask you to draw a line in pen at the approximate**

1 stop where the tire impression stops, sir.

2 A Right there. Somewhere in this area right here.

3 Q That has been marked on State's Exhibit Number nine with
4 a line that you've drawn vertically, is that correct?

5 A Yes. In that general vicinity.

6 Q And it is fair to say based upon the State's Exhibit
Nu■er nine and the line that you've just drawn with
reference to behind the Omni, there are visible to the naked
eye a number of other tire marks. Were those checked out,
sir?

A Only just generally observed to **see** what kind of
atterns there were.

Q It's fair to say those other patterns were inconsistent
with the right tire, front tire of the Toyota and the two
rear ones?

A I did *not compare these particular patterns to the*
Toyota, so I cannot speak to those.

Q at were they compared to?

A **They** were compared by eye. Excuse me. Except being
able to determine if they were consistent with any other
tires in the yard there were no comparisons done with those
particular patterns,

Q So it's fair to say that they were inconsistent with the
vehicles in the yard or not?

A I don't recall at this time. This is, the impression

1 that I worked with was the only one which I could determine
2 was inconsistent with vehicles in the yard at the time.

3 • It's fair to say none of those impressions, none of
4 those tire marks were consistent with snow tires?

5 A I can't say; I don't remember.

6 • You were looking - - you are trained in the area of tire
7 impressions and you were looking for anything that was
8 distinguishing, is that not true?

9 A Yes.

10 • So would it be a fair representation to say you looked
11 at those and they didn't at the time call your attention to
12 them as being inconsistent?

13 A Not with any of the vehicles *that were already in the*
14 *yard.*

15 Q It's my understanding that you had the vehicle towed to
16 the State Police crime lab and began your analysis at that
17 time?

18 A **Yes.**

19 • I'm handing you two photographs which have been marked
20 as Defendant's Exhibit Number 7 and 8 for identification
21 **purposes.** I would ask you to **look** at **those.** Turning your
22 attention to what has been marked as 7 and 8. *First, can you*
23 *identify what those are?*

24 A These appear to be the pictures of the front seat of the
25 red '81 Toyota *pickup truck.*

Q Do they fairly and accurately represent the red Toyota pickup truck interior as you observed it in the State Police secured area on July 7th?

4 A Yes.

5 MR. CONNOLLY: I would offer Defendant's Exhibit
6 Number 8.

MR. WRIGHT: No objection.

THE COURT: Defendant's eight is admitted.

BY MR. CONNOLLY:

Q ruing your attention back to the scene at the *Henkel* residence. Let's discuss that. a preliminary matter you were aware there of discovery of a notebook and a piece paper?

A Yes.

Q They were not tested for latents?

A No.

Q That's because of why?

A **One, I never received** them for examination. Secondly, I presume they had **been through several** hands prior to **arriving, prior to being seized. I couldn't speak beyond that.**

Q **You did, however, proceed to the Henkel's door and the outside door and at that point did a dusting for latents; is that correct?**

1 A That's correct.

2 Q *Turning your attention to* what has been marked as
3 Defendant's Exhibit Number 2 _F which has been admitted at this
4 *point, and ask if you can* take a moment and look at that and
5 see if that gives you some prospective on the Henkel outer
6 door. Take a minute and look at that. Is that useful for
7 purposes of discussion as to the location of the prints that
were found there?

A If I could have the latents back I believe I marked on
the latents where about on the door I obtained them.

Yes, sir. Do you have those with you?

I might. Yes. I have them.

Q Are they two separate ones?

A Yes.

The first one we'll mark as Defendant's Exhibit Number
18 and the second one will be Defendant's Exhibit Number 19.
Turning your attention to what has been marked as Defendant's
Exhibit Number 18 and 19. Are those accurate and fair
representation of the latent prints that were taken off the
door?

A Yes.

MR. CONNOLLY: I would offer Defendant's Exhibit
Number 18 and 19.

MR. WRIGHT: *No* objection.

25

THE COURT: They are admitted.

BY MR. CONNOLLY:

2 It's fair to say that those latent lifts are of
3 comparable value?

4 **A Yes.**

5 Which means that from the ridge detail that was obtained
6 from them information could be obtained as to identity of the
person leaving the print?

A That's correct.

 And conversely to exclude others?

A Yes.

 Based upon your analysis you were able to exclude Dennis
Dechaine?

A Yes.

0 You were able to exclude Sarah Cherry?

A Yes.

Q Marked on those, sir, does it tell you the location of
where you found them?

A No. Only that I found one *on the front* door on the
outside and **one on** the front **door on** the inside of the door.

0 Turning your attention to page two of your report dated
7-21[®]88; **does** that help you?

A Yes,

Q Turning your attention to the second paragraph from the
bottom,

A Yes.

1 Q And does that refresh your memory as to the location of
2 where the two latents were obtained?

3 A Basically above the doorknob.

Q If you would in red marker on Defendant's Exhibit Number
5 two mark the location of those two prints?

6 A The one on the outside would have been near the edge of
7 the door; probably somewhere in this vicinity here.

8 Q That is 18 or 19?

9 Number 1.

10 Q Put 18 beside it. It might be helpful. Where was 19
11 located?

12 A It would have been on the reverse **side** *on the doorknob*.

13 Q Perhaps you could mark it to indicate that it was found
14 on the inside?

15 A Yes,

16 Q Put it in parenthesis. You can mark that 19. You may
17 return to your seat. Thank you.

18 It's fair to say some person other than Dennis Dechaine
19 and other than Sarah Cherry held the door at that point or
20 touched it at s; a point?

21 **A Yes,**

22 **Q You have no idea** in the **world** of possibilities who it
23 could be?

24 **A No.**

25 **Q It could be a detective to the Henkles themselves to any**

2 other person?

2 A Yes.

3 All we do know is that it isn't the defendant and it's
4 not Sarah Cherry?

5 A That's correct.

6 Q In your report, I'm now on page three, you indicate that
there is no indication of forcible entry to the door; is that
correct?

A Yes, That's correct.

Q That refers both to the door on the outside and the door
on the inside?

A Yes.

Q That is a term of art to some extent that detectives
use, forcible entry?

A That would indicate that the door was forcibly broken
into.

Q There is no indication of forcible entry anywhere that
you **observed; is** that correct?

A **That's correct,**

Q Similarly you draw a conclusion that there appeared to
**be no disturbance *indicating* a struggle either inside or
outside of the residence?**

A **That's correct. At least that I observed.**

Q **Turning your attention now, sir, to the items removed
from the decedent at the autopsy. I want to discuss some of**

1 those with you briefly. Basically these items were obtained
2 by you and turned over for further analysis?

3 A Yes.

4 Q I want to go down some of them. You discussed with Mr.
5 *Wright on* direct number 12 which was a fiber that was taken
6 from the right wrist of the victim; is that correct?

7 A Yes.

Q Now, number 11 was a hair that hasn't been mentioned.
That was a hair which was taken from the rope itself; is that
correct?

A That's correct.

And number 13, is a hair and a fiber or is that hair and
fiber?

A Hair slash fiber. *The reason* being I'm not a criminal
forensic examiner. I can't determine something from a hair
or fiber.

Q It was?

A It was hair and/or fiber.

Q Which was from the left forearm of the decedent?

A Yes.

Q Turning your attention to another item marked number 15,
and that is another hair that was obtained from the shirt of
the decedent which was in the middle?

Yes.

25 Q And number 17 was a fiber **from the left hand of the**

1 decedent?

2 A Yes.

3 Q Number 18 was some plant material taken from the
4 decedent's right palm?

5 A That's correct.

6 And number 19 are some fibers from the right hand and
7 the palm; is that correct?

A Yes.

Q And fingernail clippings were taken from the left and
right hand?

A *Yes,*

There were a number of them?

A Yes.

Q Five and five; is that correct?

A Yes.

Q Item number 27 was the transport bag that was also
turned **over to the** forensic chemist?

A Yes, it was.

Q As were a number of swobs and other items taken from the
decedent?

A That's correct.

Q A particular hair s...•le from the decedent was also
taken?

A Of the deceased's own hair?

Yes.

1 A Yes.

2 Q That was for comparison purposes later on of the hair?

3 A Yes.

4 Q And a specimen, a whole specimen of blood?

5 A Yes.

6 Q Turning your attention next to items that were taken from the defendant's vehicle. You had those items given to you by Detective Richards; is that correct?

A Yes.

Q You yourself performed the fingerprint analysis on them?

A That's correct, yes.

Q Turning your attention to what has been marked as Defendant's Exhibit Number 14, which is a diagram of the interior of the vehicle. I want to discuss this with you for a bit, if I may.

Calling your attention to various numbers that have **been placed on the Defendant's Exhibit Number 14, I wish to discuss some of those items. I will submit to you that the numbers correspond to your numbers as well. The first item is number 309-36. Brown** paper bag. That was tested for **latent fingerprints?**

A Yes.

Q What was your conclusion as to 36?

A **Number 36 there were no latent prints of comparable value on it.**

Q If you would just turnaround *and as I go down* the
2 numbers if you would note beside them with a zero to indicate
3 that nothing of comparable value was found.

5 (Whereupon a sidebar conference was held)

6
7 THE COURT: Is there any other way to get at this
8 by way of a shorter route? We are going to be here for a
9 month.

10 I MR. CONNOLLY: I would propose at the break to go
down the list and mark those items and in a summary fashion
go over it with the jury. There are several items *that are*
important to the defense.

THE COURT: We've established as part of the direct
testimony of this witness as to positively those items in
which he found any form of a latent fingerprint.

MR. CONNOLLY: *No*, That is not true. There are a
large number of other items that had latent fingerprints that
19 were thought the defendant's and not Sarah Cherry's.

20 MR. WRIGHT! No. The only prints of comparable
21 value are the ones that he brought in,

22 MR. CONNOLLY: Nonsense. Wait. The domestic
23 manual has one print. **Sportsman** *has two. That's* been gone
24 over. Ice cream cone. Miller beer bottle. I *want to get*
25 those **established**. There are a number of others that are not

1 matched. nailing director is not his.

2 MR. WRIGHT: You maintain he's the only person who
3 was ever in his truck *at any time in his life?*

4 MR. CONNOLLY: That's for your argument. I'm not
5 *going to argue. I* have a right to establish that there are
6 other prints in that truck that are not his.

7 THE COURT: Well, can you approach it from the
8 standpoint of drawing his attention to those items on which
9 his report indicates that there were latent prints that do
10 not match either the defendant's or Sarah Cherry's?

11 MR. CONNOLLY: Yes. I can do that. It does rob me
12 from my ability to establish a weight of evidence kind of
13 argument later on. I understand it does take up some
14 additional time.

15 THE COURT: Well, I'm looking at it from a
16 **relevancy standpoint under 403** as far as its cumulative
17 effect. If we are getting at anything, fine. The points
18 that you are getting at that **do** have relevance are the fact
19 that there were other latent prints there that *do not match*
20 either the defendant **or** Sarah Cherry.

21 MR. CONNOLLY: I will truncate the process.

22

23 (Whereupon the sidebar ended)

24

25

1 BY MR. CONNOLLY:

2 Q Detective Otis, in order to facilitate this process a
3 little bit, turning your attention to Defendant's Exhibit
4 Number 14, if you could mark those items *that were found to*
5 contain Dennis Dechaine's fingerprints and put a D beside
6 those items. Is that it?

7 A Yes.

8 Q There were some other items that you were able to obtain
9 latent fingerprint impressions that we haven't discussed as
10 of yet?

11 A Yes.

12 That's what I want to turn our attention to. The first
13 one is number 48, a domestic mailing manual. A latent print
14 of comparable value was found on it; is that correct?

15 A Yes.

16 That was determined not to be either the defendant's or
17 Sarah Cherry's?

18 A Yes.

19 Q **If you could mark** on the diagram on number 48 and just
20 place a question mark beside it. You could put a question
21 mark beside that. On the Miller Lite beer can, number 68 was
22 a ridge, was a fingerprint found on that?

23 A Yes.

24 Q That was not of sufficient quality?

25 A That's **correct**.

1 The next one is number 88. Correct?

2 A A direct mailing directory,
3 Turning your attention to page 11 of your report. Is
4 Rel the better number?

5 A Yes.

6 4 What was that, do you recall?

7 A (no response)

8 Is that the outside door of the truck then?

9 A I don't recognize it.

10 I'm sorry. I'm informed that is the door to the
11 Henkels. Or am I confused a little here?

12 A I believe you are looking for another print on the
Sportsman Magazine.

Mark that one down now. There was a print on the
Sportsman Magazine that was not the defendant's?

A Yes.

If you could mark where the Sportsman Magazine was
located. In addition, there was one on a mailing list. It
was compared against Dennis Dechaine's and it was not his; is
that correct?

A That's correct. I'm trying to think if those on the
mailing list was one of the assorted papers that we discussed
earlier.

24 Yes; it was.

25 A I only had five prints. I had three questionable ones

1 and two of Dennis Dechaine.

2 59 are two sheets of paper would that be consistent with
3 that?

4 A **(no response)**

5 **Do you know where that mailing directory was found? It**
6 ***was in the vehicle?***

7 A Yes. It was turned over to me by Detective Richards.

8 • one of the sheets of paper on item number 48 that was the
9 *mailing manual.*

10 • If you would mark *that with a* question mark beside it?

11 A That's already been marked,

12 Q that a separate one were there two latents lifted off
13 of there?

14 A Just one.

4 **Turning your list** at the top of page ten it lists 48
which was a latent and not the defendant's?

A Yes

On page 11 you have another one, R-11; the latent
impression developed from the mailing directory. Is that
just an analysis of 48?

A **Yes. It was the other papers associated** with 48 that
had no prints.

At one point Mr. Wright had his back turned when he
asked a question. I didn't catch it entirely. Did Mr.
Wright ask you and did you answer in response to a question

1 that there were not names on other items found inside of the
2 truck?

3 A Not that I can remember.

4 Q The conclusion is that there were no prints from Sarah
5 Cherry in the truck but there were some from the defendant?

6 A Yes.

7 Q *Its not unusual to* find a person's print in an area
8 where he has constant access to?

9 A That's correct.

10 j Q Those questionable prints we don't know who belong to
those?

A That's correct.

Q One of those prints were in the passenger side on the
floor and on the seat among the debris or papers?

A This being the passenger door?

Q Yes.

A Yes.

Q Mr. Wright turned your attention to the photograph of
the decedent's hand as she was bound?

A **Yes.**

Q That would explain to some extent why there were no
prints in the truck if her hands were bound, right?

A As I explained to Mr. *Wright, any* time a ^Person's *hands*
are restricted obviously their ability to put fingerprints in
places is restricted.

1 Q Does that presuppose that her hands were bound prior to
2 entry into the truck?

3 A I can^t say.

4 Q You don't know one way or the other?

5 A Yes,

6 Q All you are confronted with is the fact that there are
7 *no fingerprints* of hers inside of the truck?

8 A Not to be found.

9 Q One explanation she might have been bound ahead of
10 time?

11 A Yes.

12 Q Another explanation is that she was never in the truck;
1.3 is that correct?

MR. WRIGHT: Objection.

THE COURT: Overruled.

BY MR. CONNOLLY:

Q **You** may answer the question.

A It's a possibility if a person didn't touch an object there would be no prints. I can only state that no prints were found. If the person doesn't touch anything there are *no prints*.

Q One explanation would be, would it not, that she was never in that truck?

A Its a possibility, yes.

MR. CONNOLLY: No further questions.

2

31

RE-DIRECT EXAMINATION

4

5 BY MR. WRIGHT:

6

Q With respect to the fingerprints that you did find that were of use both at the Henkel residence and the truck, whether or not you could make identification or not, you can't say how long those prints were there; is that true?

A That's correct.

Q For instance, with regard to the prints in the truck, they could belong to anyone who had *ever been* in the truck by invitation of the owner?

A Yes.

Q They could belong to anybody who touched the items before they were placed in the truck?

A Yes.

Q Such as the beer salesman?

A Yes.

Q With regard to the prints at the *Henkel* residence, they could be anybody who was ever at the house at the invitation of the Henkels; even perhaps the builder who put the door up?

A Yes.

24

Q You just can't say?

25

A There is no way for me to tell the age of a print unless

1 something like the surface the print was found on was
2 recently cleaned and they know exactly what time it was
3 cleaned. Other than that there is no way to age a
4 fingerprint.

51 MR. WRIGHT: Thank you.

6 MR. CONNOLLY: Nothing further.

THE COURT: Thank you. You may step down. Members
of the Jury, we are going to take our morning recess at this
time. Please don't discuss the case.

(The jury was in recess at 11:28)

(chambers conference)

I.R. CONNOLLY: Your Honor, it has come to my
attention that Judy Brinkman is the next witness. There is a
pending motion in limine until it's timely. The issue is
with reference to a foot wear impression that was measured
and analysis was done upon it for which I don't believe a
written report has yet been filed; is that correct?

MR. WRIGHT: *Actually I* received it. I forgot to
bring it in. It's the same information you already received
from her.

MR. CONNOLLY: The basis for the motion was that no
written report had been received and that the oral report
which was received **contemporaneous** with the Assistant

2 Attorney General's knowledge of the information. He and I
3 received it at the same time that I moved in limine to
4 exclude that because it was not timely filed and has not
5 given me an opportunity to conduct my own test; and,
6 secondly, a written report had not been received in which the
7 discovery order said any expert testimony would be required
8 to be reduced to writing. That[®] s the basis for the motion in
limine, and Mr. Wright c respond.

MR. T: I do have it in writing; I neglected to bring it upstairs with me. I got it in writing when I got it in the mail Saturday when I was home. I didn't receive the information any sooner *than* Mr. Connolly. The info Ration as a whole, however, strikes me as simply a mathematical equation that the jury could perform based on the evidence that has been or I hope will be in evidence. This is simply a shorthand way of doing it and in a more accurate fashion.

Secondly, as to the lateness of things, this information was made available to Mr. Connolly about the same time I received any written report from his expert. So to exclude it *on that basis its* probably not a trade-off that he probably wants to make.

MR. CONNOLLY: I can address that. There was no particular discovery order requiring for experts

25

MR. WRIGHT: Yes, there was.

1 MR. CONNOLLY: That expert has not yet been called.
2 That is not the issue before the Court.

3 E COURT: Well, its my understanding that the
4 testimony that is being offered by Judy Brinkman at this
5 *point has to do* with the size of the footprint?

6 MR. **WRIGHT**: Yes, Both as to the one print that's
7 already been testified to and about another print which there
8 will be testimony later from Detective Hendsbee when he's
9 recalled«

10 THE COURT: The other print being where?

11 MR. **WRIGHT**: Along the Dead River Road *and those*
12 areas in which Dennis Dechaine was showing the police that
13 *night where his* truck might have been. The actual photograph
14 *may be fro the Buttrick's yard.* I don't recall. That rings
15 a bell with me that it was during right in the vicinity of
16 the **Buttrick's residence**«

17 **THE COURT**: **The one we** are talking about now is the
18 one that was the **foot impression in the riverbed or the creek**
19 **bed?**

20 **MR. WRIGHT**: **That's correct.**

21 THE COURT: With the quarter there for purposes of
22 **reference?**

23 **MR. WRIGHT**: **That's correct.**

24 MR. **CONNOLLY**: *If I* may add, in my conversation
25 *with Judy Brinkman* she **indicated she is not** an expert on foot

1 impressions per se. That *what she* did was a mathematical
2 equation.

3 MR. **WRIGHT:** That's correct. Its pure math.

4 MR. CONNOLLY: Since she will be qualified as a
5 forensic chemist it will have an aura of expertise testimony.
6 That's what I'm mainly objecting to.

THE COURT: Well, it may be considered surprise at
8 *this point*. I think the prejudice is arguable at best.
9 Where you are asking her no more than to make a mathematical
calculation then I'm going to allow it in. I would ask Mr.
Wright that when you do bring this out from her to preface it
in the form of a question that all you are asking her to do
is make a math calculation. Let's approach it *in that*
fashion.

(Whereupon the chambers conference concluded and
the jury returned to the courtroom at 11:57)

THE COURT: You may call your next witness, Mr.
Wright.

1 **JUDITH BRL M , being first duly sworn, was examined and**
2 **testified as follows:**

3

4

DIRECT EXAMINATION

5

6 **BY MR. WRIGHT:**

7 • Would you state your name for the record once again?

8 I A Judy Brinkman.

Q Your occupation?

A I'm a forensic chemist with the Maine State Police crime lab.

How long have you been employed at the crime lab?

A o-and-a@half years.

That is located in Augusta?

A Yes,

Would you tell us tell us what kind of things you do at the crime lab?

A As a forensic chemist; I work on all types of criminal evidence that is brought into the lab during a criminal investigation. There are basically three things I'm involved with analyzing the evidence: I'm doing a comparison of that evidence with other types of evidence, and identifying it as one type of evidence or another. I basically am **involved** with two different **groups, one is known** as trace evidence.

25 Trace evidence involves hairs, fibers, grass, paint, things

1 that are minute. The other type of evidence is serological
2 evidence, which is body fluids. This would include blood,
3 seaman and saliva,

4 **I also work on evidence in** a physical form where you
5 *are doing strictly* measurements, looking at it, seeing what
6 it consists of, which is known as a physiological match where
7 you put things together, similar to a jigsaw puzzle.

8 Q Could you tell us what your educational background is?

9 A Yes. I have a Master's in forensic chemistry
10 Northeastern University, a Bachelor's degree in Biology from
11 Butler University located in Fremont, Nebraska.

12 Q Do you have any prior experience in forensic chemistry?

13 A I worked one year with the Massachusetts Department of
14 Public Safety in their crime lab.

15 Q While you were and undergraduate did you also
16 participate in forensic chemistry and work as *intern*?

17 A Yes. I worked three years with the Nebraska crime lab
18 located in Lincoln, Nebraska. I was an intern there, so it
19 was an unpaid position. I *was doing, watching and having*
20 people **watch** my work closely,

21 Q Did the work that you **previously** have done in
22 Massachusetts or Nebraska by in large consist of doing the
23 same things you do here or other things?

24 A It mainly **involved** the same kinds of things. It was
25 broader **based**. As a student I was learning all of the areas

1 of forensic science. Now I'm basically involved with trace
2 and serology, as compared with before I was looking into
3 document examination, arson *investigation, some toxicology,*
4 drug investigation. So it was broader based.

5 • **Have** you done any teaching in the field of forensic?

6 A Yes. I was a teaching assistant at Northeastern
7 University for undergraduates. They were usually juniors and
8 seniors in the criminal justice program.

9 Q at kinds of things did you teach them about?

A Basically the same sorts *of things,* hairs and fibers,
there were body fluid lectures. Two different courses. They
were just known as forensic chemistry courses and a I ~~was~~
Along with teaching a lecture there was also lab work.

Have you testified previously in the field of forensic
chemistry in the courts of this state?

A Yes.

• And Massachusetts as well?

A No. Not in Massachusetts, just here.

• *In what areas have you* testified here?

A I've testified in basically all of the areas *I work on*
here *in Maine. They've* included seminal fluids, blood,
hairs, fibers, things like that.

• Now, let's get right into this case. I would ask you
whether on the 8th of July **you** had occasion to participate in
the search of a vehicle at the State Police crime lab?

1 A Yes. It was a 1981 red Toyotas and I believe the
2 *identification* number was Maine registration 39676-V.

3 • Could you describe both *its interior and* exterior as you
4 saw it with your own prospective when you searched it that
5 day?

6 A It the was basically a small Toyota. The outside was
7 red. Certainly not new looking. Nothing that I can recall
standing out to me *from the front of* it. The inside was
quite cluttered with things throughout the inside.

• You were assisted this by Detective Richards?

A Yes.

• It's fair to say that you and he or you or he took from
the vehicle a whole host of things?

A Yes, As we went through them he and I were working
together and there were some *things that pertained to his*
work and some things that pertained to my work. We took
those things. He took his things and I took my things.

Some things were taken that **were** turned over by you
later to others, such as **the Sportsman Magazine,** to Detective
Otis?

A **Yes.** I **don't believe** I had the magazine, but there were
some things, Once I had done an initial examination
pertaining to my section they were **turned over** to **somebody**
else,

Q Do you recall at any time finding a registration in the

1 car?

2 A There was in the glove compartment.

3 Do you recall who the truck was registered?

4 A To a Dennis Dechaine and *also another* individual; I would assume to be his wife. I'm not positive about that. I know there was one,

Q You searched throughout the whole cab of the truck?

A Yes.

Q How about behind the seat of the truck?

A Right. We searched - ^m *normally when we process a vehicle we are looking to any of the areas without tearing anything a part. But we look under the seats, we look behind the passenger seat, we look under the visor, pull up the floor mats, we go into the glove compartment. This particular truck had a counsel that sat between the driver's seat and the passenger seat. We went through that.*

I would like to direct your attention to the area behind the seat, first of all. How did you gain access to that area?

A **You just pull the seat forward.**

Q **I show you you a photograph which I've marked as State's Exhibit Number 58. Do you recognize that?**

A **Yes. This is a photograph behind the seat when you just laid it forward.**

2 Q **Does that fairly and accurately depict that portion of**

1 the vehicle behind the passenger seat?

2 **A Yes.**

3 Q *As it appeared to you on the 8th of July when you went*
4 *through the truck?*

5 A Yes.

6 MR. WRIGHT: I would offer State's Exhibit Number
58.

MR. CONNOLLY: No objection.

THE COURT: 58 is admitted.

(Whereupon State's Exhibit Number 58
was circulated to to jury)

BY R. WRIGHT:

Q *It shows in that* photograph a rope?

A Yes,

Q I hand you a paper bag which I've labeled as State's
Exhibit Number 59. Do you recognize that?

A Yes, I do. When we were going through the vehicle Ron
Richards **was** doing the writing and **I** *was pulling out of the*
vehicle and putting it into the bag. This is one of the bags
that we labeled that day,

Q It is the rope that was seized from behind the passenger
seat?

A Yes, On the passenger side.

1 Q Why don't you take it out for a moment and tell me
2 whether its the same condition it was in as you received it
3 or is in a different condition?

4 A Its in a slightly different condition because of what I
5 did to it during my analysis. The ends have been unraveled
by me. They weren't this unraveled when I received it. And
I put this tape around it with our lab number and my initials
on it to designate that this was the rope that I worked with;
otherwise its the same.

MR. WRIGHT: I would offer State's Exhibit Number
59.

MR, CONNOLLY: No objection. We would like to view
it.

THE COURT: Certainly.

*MR. CONNOLLY: No objection **

*THE COURT: 59 is admitted **

BY MR. WRIGHT:

Q Did **you** test **the vehicle** inside and out to try to
determine whether there was any blood anywhere in the truck?

A **Yes**, I did.

Q What did you find?

A The things that were tested for blood included the door
handle, the doorknob, the window cranking, nobs such as the
light switches, the windshield wipers, the steering wheel,

the crankshaft or what would be known as the gear shift,
2 **those things were all tested for blood. They came up**
3 } **negative. No** blood was determined.

4 On the passenger side the same things were tested for
5 on the doorknobs the window cranks the door handle and some
6 on the counsel. That came up negative. The seats, both the
7 passenger side and the driver's side were tested for seminal
fluid. That came up negative also.

Q You had *occasion to receive during* the course of your
work a quantity of whole blood from Detective Hendsbee
representing to you to be that of the defendant, Dennis
Dechaine?

Yes.

What, if anything, did you do with that quantity of
blood?

A When we received the whole blood we normally group the
blood, and that was found to *be type-O blood*.

Q **Type-O?**

A Yes.

There are in **addition** to the O syst which I guess
is the one most people are familiar with, there are other
component parts of blood that are helpful in forensic
chemistry; is that correct?

A Yes.

Q **Were you able to make any further determination as to**

the component parts of Mr. Dennis Dechaine's blood?

2 A There is a second grouping which we call the leukocytes®
3 It determines a secretor status. It was determined that the
4 O blood type of Dennis Dechaine *was* also a non--secretor.

5 To explain that we each have these antigens within our
6 body within our blood, If we are A blood type we have A
7 *antigens, If we are B* blood type we have B antigens. These
antigens are found normally in our blood system. If we are a
secretor, to which 80 percent of the population is, these
antigens are also found in all of our other body fluids.
This would mean in our tears and sweat in our seminal or
vaginal fluid, in any of our body fluids that is a secretor.
A non-secretor, which is 20 percent of the population, are
those people that have those antigens in their blood but they
remain there. They do not go into the other body fluids. It
was found in this case that Dennis Dechaine was O blood
type and a **non-secretor**.

Q By the way, how common is type O blood among the
population?

A Its **approximately** 45 percent of the population.

Q You also received from Detective Otis what was
represented to you to be the whole blood of rah Cherry?

A Yes.

Did you test that as well as similar to the tests you've
just described on Mr. Dennis Dechaine's blood?

1 A Yes. That blood was found to be type A, meaning it had
2 the A antigen. It the was also-found to be a non-secretor;
3 that means that the A *antigen would remain in* the blood but
4 would not be any in any of the other body fluids of Sarah
5 Cherry.

6 Q You received as well from Detective Otis a variety of
items which he reived at the autopsy?

A Yes.

Q Clothing and some other things?

A Yes.

Let me go through some of those with you. Let's start
with State's Exhibit Number 37. I want to ask you first, do
you recognize all *what is in that bag?*

A. Yes, Its a small bra and I have my initials and lab
number here on the paper sack. Also I have placed my
initials and our lab number on this item itself.

Q Tell us **before you** start talking about anything what you
did with that in way of tests or anything did you alter
its condition in any way?

A I did. During the **course** of blood grouping we have to
take *cuttings from item that we suspect has a* blood stain
on it. That is what you will see right here, here and also
on the strap of this item. Those were cuttings made by me.
When I received this item it **was** in its entirety.

Q No other changes made to it?

1 A No.

2 It appears to you as it was when you received it except
3 for those changes you described?

4 A Yes.

5 **MR. WRIGHT:** I would offer State's Exhibit Number
6 37.

7 MR. CONNOLLY: No objection.

THE COURT: 37 is admitted.

BY MR. WRIGHT:

Before we leave this *t* let me ask you what tests if
you performed on it?

A Mainly when we see something like a red-brown stain^g
that was obvious on that item we bin to t =st it for blood.
There are a few basic tests we go through. One is an
Ortho-tolidine test and that tells us that there is blood
present. We do a Takayama to determine if it was human blood
or other type of animal. After we've gone through all of
these steps we find out it's human and it's *blood and* then we
do a grouping which is we **look** for, what type of blood it is.
In this case the grouping was done on a *little cuttings that*
I removed. It was found to be ta-A blood.

4 Sarah Cherry had type-A?

A Yes,

A Next State's Exhibit Number 36.

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1 A This is a dyed T-shirt that I received. You will also
2 see where I *took my cuttings from*. Those were not there when
3 I received this shirt. This is pretty much the way I
4 received it®

5 One thing that I **would note because** it has been in a
6 *sack now for a few* months and when I received it it hadn't
been is that this neck area was was stretch a You can
receive still see it's dried out and dried from the body
fluid, but it was stretched in a way that it *had a* pinning to
it. That was a distorted neck ban that I noted on the side.

Distorted where on the neck ban and towards which
direction?

Lied

A It was distorted right here.

Q *I don't know where that is?*

A To the left and it was distorted as if it was pulled
towards the left so it was like the left front chest area had
a peak **to it**.

Left front had been distorted by apparent pulling?

A **Yes***

Now, did you test that **as well for presence of** blood?

A Yes. Also found to have human blood type A on it«

Q Consistent with Sarah Cherry's?

A That's correct.

24 Q **Anything else of note on the T'-shirt?**

r

25 A Not that. **There were some hairs found.** They **were found**

to be a light medium brown.

2 Q What kind of hairs?

3 A They were human hairs.

4 Q Did you make any comparison of those with anything else
5 submitted so you?

6 A Yes, I received some hairs from the autopsy which were
7 hairs of Sarah Cherry and they were made in comparison to her
known hairs.

Q What did you find?

A I found they were microscopically dissimilar, With
hairs whenever we received hairs from a person each person
his hairs on their head that fit into a range of
characteristics. Some of us, even though we may have blond
hair we have other color; we don't have all blond hairs.
We'll have a slight range of characteristics.

When we receive known hairs strands we establish the
range and then we take any unknown hairs such as what is from
this shirt and **see** if it fits within the range of
characteristics. **In** this particular case the hair that was
found on this shirt did not fit into the range of
characteristics that I had established from looking at her
known hairs.

Q Any other thing of note about the shirt?

A Not that I **recall**®

25 Q Any animal hairs?

1 A Possibly there were, *I'm not going to* remember.

2 Q *Do you want to check your* notes?

3 A I believe there was a white animal hair. There was one
4 *white animal* hair also found.

5 Q How can you go about distinguishing between animal and
6 human hair?

7 A Its quite different. Human and animal hairs are
8 different in size, also in their length. A lot of time you
9 can look at them without having to go to the microscope and
10 determine that its human versus *animal*. *Under the*
11 microscope there are characteristics that *runs* down the
12 center of animal hair that is extremely different f
13 *that of a human hairs. It's known as* a medulla and depending
14 *upon what type* of animal there will be different types of
15 medullas.

16 Q Let's **move** along to sought some other items. This is
17 State's Exhibit Number 39.

18 A This is a plaid scarf I also received from Detective
19 Otis.

20 Q what, if any, tests did you subject that to?

21 A First of all I did some basic measurements. As you can
22 see there was a cutting. I put it back together and found
23 that the diameter of this circle was **approximately** 7-and-
24 a-half inches. This **one was approximately** three inches.
25 These will be real rough because of the cutting that was made

1 in it. I was trying to piece it back together. There are
2 also hairs that were in here, inside of the knot They were
3 removed and a microscopic examination was conducted and they
4 *were found to* be similar to the known hairs from the victim.
5 Also there was some red-brown staining on this. *A cutting*
6 was done and it was found to be human blood type-A.

7 Otherwise except *for any cuttings you made in the*
8 T-shirt did you make any change s to it?

9 A No.

10 Q In addition or apart from any cuttings to the scarf did
11 you otherwise alter the appearance of the scarf or the
12 condition of the scarf after you received it?

13 A No.

14 Both were received and otherwise are the same except for
15 what you explained?

16 A That^s **correct.**

17 MR. WRIGHT: I would offer 36 and 39 which is the
18 scarf.

19 **MR. C[®] OLLY% No objection.**

20 **THE COURT: 36 and 39 are admitted.**

21

22 **BY MR. WRIGHT:**

23 **Q Next, State's Exhibit Number 38.**

24 **A This is a purple and white handkerchief I also received**
25 **from Detective Otis.**

1 Q What, if anything, did you do with that in your
2 examination?

3 A First of all, I just looked at it and saw that it was a
4 handkerchief or otherwise known as a bandana that had been
5 rolled up and secured with a safety pin. I also saw that
6 there was some red-brown stains in which *I took some cuttings*
for testing. They were found to be human blood type-A. I
also did a small amount of fiber analysis to see what it was
composed of. It was purple and colorless or white cotton
fibers.

Q *art from any changes that you had to make for your*
ex. ination, did that, did you otherwise leave this band
or handkerchief in the condition you received it?

A Yes.

Q **it appears today?**

A Yes.

**MR. WRIGHT: I would offer State's Exhibit Number
38.**

MR. CONNOLLY: No objection.

E COURT: 38 is admitted.

BY MR. WRIGHT:

Q *Ms. Brinkman, during the course of your work did you*
also have cause to examine certain fibers which had been
submitted to **you** and used those in comparison with any of the

1 items that you have just testified about?

2 A Yes,

3 Q In particular, rather than your searching through, did
4 you receive item which is labeled with lab number 12
5 represented to be from the right wrist of Sarah Cherry?

6 A Yes.

And number 17, which is represented to be from the left
hand of Sarah Cherry?

A That's correct,

Q And number 19 from the right hand of or palm area of
Sarah Cherry?

Yes,

Q What did you do with those fibers?

A All thee of those were *mounted on a microscope and*
looked through. Each one was found to be a wool fiber.
Number 12 was a red wool fiber as was item number 19. Item
number 17 consisted of a few wool fibers consisting in colors
of a blue a, light blue and a colorless.

Upon looking at the other items that were also submitted
I did a fiber analysis of them and found that the scarf, the
multicolored scarf that I just had out was also composed of
wool fibers and it ranged in colors from a light blue, a blue
colorless, yellow and red. The fibers found from that scarf
and the fibers of these three items mentioned from the
various areas were all microscopically similar.

ite that you have just testified about?

2 A Yes.

3 In particular, rather than your searching through, did
4 **you receive item which** is labeled with lab number 12
5 represented to be from the right wrist of Sarah Cherry?

6 A Yes.

7 And number 17, which is represented to be from the left
8 hand of Sarah Cherry?

A That's correct.

And number 19 from the right hand of or palm area of
Sarah Cherry?

A Yes.

Q What did you do with those fibers?

A All thee of those were mounted on a microscope and
looked through. Each one was found to be a wool fiber.
Number 12 was a red wool fiber as was item number 19. Item
number 17 **consisted of a few wool fibers consisting in colors**
of a **blue a, light blue and a colorless.**

Upon looking at the other items that were also submitted
I did a fiber analysis of them and found that the scarf, the
multicolored scarf that I just had out **was also composed** of
wool fibers and it ranged in **colors** from a light **blue, a blue**
colorless, yellow and red. The fibers found from that scarf
and the fibers of these three items mentioned from the
various areas were all microscopically similar.

1 Q You earlier mentioned that there were hairs in or on the
2 scarf itself which you presented?

3 A Yes.

4 Q I thought you said ^{tl} your conclusions with respect to
5 **that were what?**

6 **A I believe they were microscopically similar to her head**
7 **hairs.**

8 Q There was one other item which is listed with lab number
9 13, represented to have come from the, been from the left
10 forearm of Sarah Cherry, You received that or do anything?

11 A Yes, I received that. That was also found to be a
12 light medium brown head hair which was microscopically
13 similar to the head hairs of the victim.

It Q Let's go through a few more areas and then perhaps it
15 **would be appropriate time to break. You received as well**
16 **from Detective Otis from the autopsy fingernail clippings**
17 **from him?**

18 A Yes.

19 Q **And what if any observations did you make** of those and
20 **if you made** any what examinations did you do?

21 **A I received in two different items five fingernail**
22 *clippings. What that consisted of was the fine tiny parts of*
23 **the nails clipped off. They were very small clippings, You**
24 **could see they had some red-brown material underneath the**
25 **clipping. Each one of those were taken and it was found to**

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be human blood. They were grouped and it was found to have
an A antigen which is consistent with an A-blood type.
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A
ain consistent with that of Sarah Cherry?

That's correct.

Next let me hand you what is marked as State's Exhibit
r 42. Do you recognize that?

Yes.

What do you recognize it as being?

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A A stick that was received by me with the white paper
i-oweis wrapped around one end of it. I did basic
Measurements of it. Its approximately 8 inches long and
three quarter inches in diameter.

Did you test it in any way?

Yes. I tested the end that had the paper towel arou
for seminal fluid. We do approxi tely four tests fo
seminal fluids; each one of those were negative.

17 Q Was there any blood on the stick?

18 A No, Not on this particular stick there was no bi

19 Q You didn't alter the appearance or condition of
20 stick at all?

21 A No.

22 Q It is today as it was when you received it?

23 A Yes.

24 MR. WRIGHT: I would offer State's Exhir

25 AA2.

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MR. CONNOLLY: No objection.

E COURT: 42 is admitted.

BY MR. WRIGHT:

Q Next, State's Exhibit Number 43.

A This is also a stick that I received. Its approximately eight and half inches long and three quarters of inch wide, d about five inches up on one end of it there is some feces material and next to it are very small red-brown crust that were identified as blood.

Q It is today as you received it aside fr whatever scrapings you did to do the blood tests?

A Yes.

MR. WRIGHT: I would offer State's Exhibit Number 43.

MR. CONNOLLY: No objection.

THE COURTS 43 is admitted.

BY MR. WRIGHT:

Q Let me run through with you several ite which you received from various individuals and I would like to ask you by lab number and what, if anything, you found with respect to these items. First of all, item number 11, which was received from by you from Detective Otis from the autopsy?

A Yes.

1 Tell us what that was and what you found?

2 A It consisted of a light brown human head hair. This is
3 microscopically dissimilar to the hairs of the victim's.

4 Again we are in the range of characteristics. This hair did
5 not fit into the range of characteristics established by the
6 known head hairs from the victim.

7 Q By the ways is it possible to make a certain or absolute
identification from hair?

A No. You cannot tell that this hair c-, , from say one
individual compared to another. Hair is not identifying
characteristic, no.

- And to be clear so the jury understands what items
rather than numbers that was hair found on the rope which
had been used to tie Sarah^l's hands?

A Yes.

- The next lab number in your report is item number 15,
which is listed as *having come from* Detective Otis as well?

A Right. I received that. Number 15 consisted most of
hairs and fibers and are very minute. I received them in a
folded up paper towel from the medical examiners via *through*
Detective Otis and to me. In this particular cases item
number 15, it was a white paper towel that was folded up and
had tape around it. From me cutting the tape and opening it
up I did not find anything within this container, although it
was labeled as having contained something. Somewhere between

1 **all of this probably it was misplaced or something. I didn't**
2 **find anything in the container.**

3 So the jury understands, that was represented to have
4 *come from Otis from the center of Sarah Cherry's shirt or*
5 chest area. Item number 17.

6 A Okay. This was something we've already talked about.

7 Q That's one that matches the fibers on the scarf?

A Yes. They are all wool type fibers.

Q That's from the left hand of Sarah Cherry?

A Yes.

18?

A 18 was -^{se} sometimes when you are looking at things,
plant material looks like a fiber because of the inherent
nature of plants they are trying to *pick* up nutrient and pick
up whatnot from the soil. *They have very tiny what are* known
as fibrils that are able to pick these things from the soil.
In this case that was a plant fibril. *You can't tell that*
until you look under a microscope.

4 **That was described by Detective Otis as being matter**
from vegetable matter from Sarah Cherry's right palm. Item
number 27 having been described by him and you in your report
as a body bag?

A Yes.

Q Did you find anything of significance in that?

No. It basically held nothing that was of any value

1 that I could understand.

2 Next, items received from Detective Gallant from the
3 woods or nearby. First of all, item number 103?

4 A 103 consisted of a fiber that was placed under a
5 microscope and found to be a pink synthetic fiber. That
6 means its a man-made fiber versus a natural fiber which wool
is.

Q Anything else you could say out that other than it was
a pink synthetic fiber?

A No, It was very small.

In working with fibers is it possible to determine the
length of time during which a fiber was adhering to anything
where it was found?

A No.

Next, item 104?

A *104 consisted of an animal hair what is* known as a
banded animal hair. It changes color. It goes from white to
a dark brown.

In your work do you know what kind of animals might have
such hairs?

A All kinds of animals, some cats have banded hairs. I
can't recall ever seeing dogs, but there are numerous; like a
raccoon. There are quite a lot'of animals.

That was represented to have **come** from the branch beside
where **Sarah** Cherry was found. **109_f** **represented** in testifying

1 by Detective *Gallant to have* been fiber or hair or plant
2 material from the victim's buttocks area?

3 A I received three different containers all with that one
4 particular label **109**. One of the containers held a human
5 head hair, a light immediate brown color and similar to the
6 victim. The other two containers, one consisted of strictly
7 plant material, *plant fibrils*. I believe the other one did
too. The other tubes were strictly plant fibrils.

Little pieces of plant and one hair that was consistent
with Sarah Cherry's?

A Yes.

Lastly' number 110, which was the *cigarette butt as*
Detective Gallant testified to as found near where the truck
had been parked?

A With any cigarette butt we always test it or a few
different things' one is *ylace*, that is *enzyme* found
within our saliva used to breakdown carbohydrates. This
particular cigarette butt was tested for *ylace* and none was
detected. So once we see there is no *ylace* present we
don't go further into the grouping tests

4 Did you note what kind of cigarette butt it was?

A A Winston Light.

Next two items, one in each bag marked as State's
24 Exhibit Number **60** and 61.

25 A These are two pairs of Nike sneakers, size nine *and a*

1 half One pair, two sneakers. Both of these were tested
2 for, they were first looked at then they were tested for
3 blood. On the left sneaker a very, very tiny spot came up in
4 our presumptive notes and it the came up positive. That
5 meant that there probably was a presence of blood there.
6 This was further tested to determine whether it was
7 conclusively blood whether *it w human blood. There*
8 *wasn't enough. No conclusion was made where I had taken the*
9 *cutting trying to remove the blood. It was in this area.*
10 *Also on this sneaker, the right sneaker there also was a very*
11 *tiny spot that also came up in our presumptive test as*
12 positive for blood, and further there was not enough to do
even a confirmatory test or determine whether it was hu
That was located right here. You can see where there are
tiny cuttings where I removed it,

THE COURT: We are going to recess for lunch at
this time until 1:25. Please don't discuss the case. Thank
you.

(The jury was in a luncheon recess at 12:37)

(the jury returned at 1:45)

2
3
4
5
6
7

THE COURT: You may continue **your examination, Mr. Wright.**

CONTINUED DIRECT EXAMINATION

BY MR. IC :

Me. Brinkman, I meant to ask you with respect to the *cigarette that had been given to you by Detective Call* that he found in the truck did not contain amylase is that correct?

A That's correct.

The natural secretion?

A Amylase is an enzyme found within the saliva used to ***breakdown foods,***

Have you been acquainted in your cases to come in contact with amylase in cases?

A **Yes, Normally we get a lot of cigarette butts. In a lot times when we find =ylase on a cigarette butt it's a newly deposit, the cigarette butt. It's been smoked in two or three days. Sometimes we get old cigarettes butts that may have been laying around for a year or. We wouldn't find ylase in that instance, If it's weathered we wouldn't get a positive amylase,**

1 Q So the sence of ylase would suggest weathering or
2 aging of how much?

3 A At least a couple, approximately a couple of days, two,
4 *three, four, five days, If **you've** gone through a rain or*
5 *snowstorm that is going to wash away that body fluid, It is*
6 *a body fluid that begins to breakdown, Any type of*
weathering or aging will affect it,

Q Let's turn our attention to one further area, You've
already testified that you received, yourself, from the truck
a length of yellow roper which is State's Exhibit Number 59?

A That's correct.

You roe ived as well some other pieces of rope?

A Yes,

Q *Let me show you several items, First, State's Exhibit*
*er 35, which has a **lab er ending** in 16 on it?*

A I received this **from Detective** Otis, **yes.**

Q **That is, as its been testified to before, the rope that**
around Sarah's wrists?

A **Yes,**

Q **Did you also receive from Detective Gallant item**
found or retrieved by him in the woods between where the body
was and the truck, which is State's Exhibit Number 29?

A **Yes,**

Q **And the lab number is 106?**

25

A **Yes.**

1 And, finally, although well jump ahead for the moment,
2 did you receive from Detective Hendsbee a length of rope as
3 well that I've marked States Exhibit Number 62?

4 **A** Yes.

5 Let me hand you the fourth piece which is the piece from
6 *behind the* seat of the truck. You had those four pieces of
rope?

A *Yea,*

O As well as some others?

A *I had 11 items of rope altogether in this case. These
four along with those others, yesr*

 Let's concentrate on *these four. First of all, in the*
field of forensic chemistry are there recognized component
parts of rope that can be useful?

A There are some very pretty much physical measurements
that can be done with rope to differentiate one rope from
another.

 Ropes **have** a variety of uses and they are made in a
variety of ways for **those** different **uses.** Looking at these
four ropes together they all are componently built the
I'll take one since they are basically the same and explain
it to you. The one long length of rope can be broken-do
into three separate components. Each of these separate

ponents twist around each other to make a long rope. Then
each of these components the elves can be untwisted to have

I three more components *

2 So in the chronology of rope you would call this a
3 roper you would call this part a strand, and each one of
4 these a yarns So that you have in this particular case the
5 one rope, composed of three strands, each strand composed of
6 three yarns,

7 Then looking at basically at one of these in this
8 particular rope the yarn looks to be composed of plastic that
9 has been all rolled up and then twisted in various ways to
10 make this entire rope length® Other ropes, not like these
11 four, may have the yarn in cylindrical little pieces of
12 plastic. In this case that is not the type of rope this is *

13 Now, what do you look for in terms of you take a piece
14 of rope which breaks down into strands and yarns and pieces
15 of yarns Now, what do you look for in terms of the strands,
16 *the yarns and the fiber or pieces that make up the yarns*

17 *A Basically you do just a general comparison of this. You*
18 **look** at its *You do some basic things® The twist of this is*
19 *a **certain** way, is twisting this way known as a Z twist or a*
20 *right-handed twists You look at the strand® The strand if*
21 *you will notice goes the other ways This is noted This is*
22 *known as S twist or left-handed twists*

23 Logically **when you** think **of rope** to tie two things
24 **together** so your boat **doesn't takeoff in** the water **you have**
25 **the Z twist the** right-hand twist and **the S or** left-hand twist

2 when you pull a rope acting against each other. That is
3 giving the rope strength, The one going one way the other
4 going the **other, So any pulling** will give it the strength.
5 That differentiates this rope. Other ropes may have it going
6 opposite or have the twist going other ways.

6 The other thing you do is *see how tight the twist*
7 is. This tightness of each one of these ropes there are
8 about one twist per centimeter. We did most of our
9 measurements in centimeters because it is basically easier.
10 That is opposed to if you twisted it tighter or let it out
11 looser you would have a different measurement, That is
12 another measurement that is done. I believe those were
13 basically the ones.

14 I assume you also looked to determine what the rope was
15 composed of whether it's some kind of hemp or synthetic fiber
16 or cotton, whatever the rope is made out of?

17 A They make them out of a variety things. All of these
18 are the same components, just a plastic.

19 Q The color?

The colors are all similar.

**Does that kind of a rope have a name that is its design
in the way it appears?**

20 A **The basic design of this loop is called a cable-laid
21 construction. That's where you have two or three of these
22 things known as these yarns that are twisted together around**

1 a central axis; that means they twist and twist around a
2 central axis. That is what is known as a cable-laid rope.

3 There are so many other ropes some look like braids
4 where they are braided on top of each on top of each other
5 and various other types.

6 With respect to each of those four pieces, the piece
7 from Sarah's wrists, the piece recovered from the truck, the
8 piece given to you by Detective Hendsbee, and the piece found
9 by Detective Gallant in the woods, in terms of your work,
10 what conclusion did you reach?

11 A I concluded that they all have the same basic
12 characteristics, they all share the s e twist direction,
13 they all share the same makeup, the one yarn, one rope
14 broken into three strauds and each of the yarns rolled up.
15 Circular plastic. They all have the same twist direction.
16 They all have the same tightness. They are basically similar
17 to each other.

18 Q Now, that much I assume you can do just with the naked
eye?

19 A Yes,

20 Q Did you attempt to do any further work with any of the
21 rope assisted by any technical equipment?

22 A A microscope was used to look at the tips of each one of
the ends of each one of the ropes,

23 () Could you describe for us how you went about that, how

1 long it took you to do, in a general way how you went about
2 doing it?

3 A Because of the makeup of this particular rope as
4 opposed to other ropes you could take it and look under the
5 microscope and see that there are pieces that you may be able
6 to join together, that through some of the striations in
7 the rope® The rope has various lines running through it. It
8 is cut in various ways, What I basically did was took the
9 end of them and looked at each end, the 9 different yarns
under a microscope as to see how basically different one end
was from the other,

Under the microscope you could tell that this one and
this one looked different from each other. They did not look
similar to each other as both of these looked *different from*
this one as all of these looked different from each one of
these, tunder a microscope you could see that each one of
these sa:=; ;. 1 pieces of rope were able to differentiate from
each other just like people don't look the same; we all look
different from each other, Same with each *one of these ends*
of rope,

What is the actual process of putting these down? Bow
far do you go about making a match?

A What I did was took the ends of various ones and looked
at some of the things about them such as this one,

Q I don't know you say this one, Which one?

1 A This is State's Exhibit Number 59. This is the rope
2 from behind the passenger seat of the vehicle. This
3 particular rope, if you **look** at the end of it, **you could see**
4 **one of** these sticks **up above** all **of** the others. **You** can also
5 see, this will difficult for **you from** far **away**, that **some of**
6 *them are cut at an angle.* Is the chart here?

Yes. That might explain this better. You made a chart of some of the work you've done in this case; is that right?

A Yes.

I've marked this as State's Exhibit Number 63.

A I think this may better visualize it for you.

Q First, with respect to the chart, this is done by you?

A Yes,

You have tried here to demonstrate or to show *rather how* it is you **went** about **doing some of the** work and if you were able **to** *make a match* **along any of the** length of ropes?

A Ye

MR. TIZTS I would offer the exhibit, 63,

MR. COCYs No objection.

THE COURT 63 is admitted.

BY MR. MIMRTI

Now, why don't you, before you get started, with reference to the piece of rope that you've drawn at the top, designate what is a rope, what is a yarn and what is a

1 strand?

2 A This itself would be the rope. In this particular case
3 the rope will breakdown into three different stands. Each
4 one of these strands will once again unravel into a yarn.
That's the general construction of each of these four ropes.

6 Q Now, could you tell us then -- I take it you took all
the ends of all of the ropes and laid them down and tried to
turn them about and so forth?

A Yes.

How long did all of this take you to do?

A It was tedious because you have so many different ends.
I basically looked for something that would differentiate one
end from a different end. That's like I was originally
talking about how this one step went up so far. That
signalled what I need to look for, One of these ropes that
was indented a little bit such as you have this one long on
one piece of rope its corresponding or matching rope you
will have a short one. So that's what I did. I found a long
one and went *looking for* something that looked like a short
one, And I was able to find on the rope that was
approximately two hundred yards from the body.

4 The rope found in the woods?

A Yes. *That there was a very short piece of strand as*
opposed to this one with a very long piece. And after
looking at all of these in a general fashion I zeroed in on

1 these two,

2 Q **So you zeroed in on the piece found in** the woods?

3 A Yes,

4 Q **Found by Detective** Gallant?

5 A Yes.

Which has a slipknot?

A Yes.

At one end?

Yea.

And you zeroed in on that one together with which one?

A This is the one from behind the passenger s^pat of the pickup,

Q What did you find?

A *From these two, d using the microscope, I was able to*
look at the ends from this one and the ends from this **one and**
just tried to do what is basically known as a jigsaw puzzle;
tried to put them together to see if they correspond this one
with this one, Taking a long **one** and the short one, which is
kind of an easy one to work with here, I was able to just
take the two of th , put them under the microscope and try
to match them up, You can see when you are doing this you
have to match up the twists because the rope has these like
what is known as undulations with it. They have to
correspond. You also have lines through the rope which are
various striations from the manufacturer of the rope,, Those

2 have to line up. You also have to line up the cut ends so
3 the cuts are the same.

4 Where this one is angled the **corresponding side also**
5 has to be angled in the **opposite way**. Where this one has a
6 slight edge sticking out **there has to be indentation here**.
7 This one is cut like this, The **corresponding** one has to be
equally cut, Like right **here you have a small** piece that
sticks out, And you can see **looking at the other one** that
*there is a cut way down here on the other one so it just fits
together. A went with A, B went with B, and all the way
down, I was able to take all nine of them from the rope
found at the pickup truck and physically join them with all
nine of the various yarns from what was found at the scene.
That was done virtually like this and then going to the
microscope and looking at the cutting,*

**If you could say it in a sentence what was your
conclusion with respect to the rope in the truck and the rope
found in the woods retrieved by Detective Gallant?**

**A This rope and this rope were once one rope, That's the
basic conclusion, There is no other conclusion that could be
drawn. They were once one rope, There is no other way that
you could cut a rope and have it fit with a different rope.
To have all of these things match up with a different rope is
just not possible. These two were once one rope.**

25 Q Did you try *with the other ends to various ends of the*

1 various pieces of rope to make them match?

2 A Idid,

3 Q What success, if any, did you have?

4 A Not a whole lot, I went with this end because this was,
5 this was a rope that was seen having known where this end
6 originated from it was a question from where this came from.

I went to this rope that was around the victim's hands, and
you will be able to see I have little tags that kind o
designated me which one went with which one. I started to
do this one, But this rope is so frayed at the end of it you
begin to see right here labeled G o the other one are
slightly beginning to fray. They will begin to fray so that
they matched up. And so I was able to still see that. On
these two the fraying was quite large. I couldn't get them
to mc up, There was too much dge to the ends, I did
that with the various other ones with no success.

How certain did you require yourself to bbefore
calling a toil between the two pieces?

A I °m very conservative and picky. I wouldn't have called
it a match unless I was able to line up all nine with all
nine, *If one the;t had not tched* I would not have been
able to do that. Each one of *these went with a* corresponding
one in a very useable way. So I myself was satisfied in
saying that this one and this one were once together.

25 I take it that you ran into difficulty with the ends of

1 th other pieces because they were fraying a part as when you
2 had received them?

3 A Yes, *In fact this piece of rope shows it.*

4 Q *That is that?*

5 A That is from a rope on the wall by the goat pen of the
6 Dennis Dechaine residence. **You** can see if you could find
7 this rope you would have a very long strand and yet the
8 short strands match in this one. The damage of this was
9 quite evident, And the strands *with all the other* ends. They
10 were beginning to fray at the ends and you could either tell
11 right away they didn't go with one that was here or there was
12 just too much damage.

13 Q Did you find any similarities among any of the other
14 pieces but insufficient in your own mind to call it a
15 positive match?

16 **A All the other ropes that I received on** this case were
17 **obviously not similar to any of these. Either they were**
18 **white, which automatically rules them out, they were made of**
19 **cloth, which also rules them out, or they did not have the**
20 **smashed plastic. They had circular fibers which is common in**
21 **rim ropes, So these four are the only ones that had the**
22 **shed plastic layout which was twisted together.**

23 Q **Within these, keeping within these four ropes, whether**
24 **there were any other similarities which appeared perhaps to**
25 **touch but which you were not satisfied in your own mind could**

1 have matched?

2 A Other *than I'm not* positive, but I was beginning to
3 tch **some** of these. It wasn't good enough. I didn't think
4 there was enough there.

5 You were beginning *to match which two but you* decided
6 you couldn't call it?

7 A From the rope *found two hundred yards from the body and*
8 from around the wri. t* It's a possibility that these go
9 together. but I don't know. They are so damaged I couldn't
10 t 1

MR_S IG : Thank you, That's all®

12 THE COURT Mr. Connolly.

13

14

CROSS EXAMINATION

15

16 **BY MR* C OLLY:**

17 **Good afternoon. Is it fair to say one** of the primary
18 functions **of** a **forensic** chemist is to **look** at physical
19 **evidence and to draw conclusions from that evidence?**

20 **A That would be one of our duties.**

21 0 The theory behind that is that physical evidence that is
22 **a certain intrinsic quality about it in that its a piece of**
23 **the physical world which concludes the deed and conclusion**
24 **can be drawn from it?**

25 **A Basically dealing with facts based upon the physical**

1 evidence that you have and then inherently coming up with a
2 conclusion,

3 Q Sometimes those conclusions are subject to differing
4 **interpretations; that isn't really your function?**

5 **A That could be said,**

6 To that extent what the study of forensic chemistry is
to look at pieces of tangible evidence in order to make
observations about them for others basically to draw the
conclusion?

A That's basically right.

Q The first thing I want to draw your attention to is the
discussion you had with Mr. Wright with reference to the
Toyota that was towed to the State crime lab and analyzed?

A It was processed, We didn't analyze anything. We
just went through what was there,

Q It was turned **over to the fingerprint** people for
analysis?

A Yes,

- **You yourself did analysis for blood and semen?**

A Yes,

- **So it was processed.** Turning your attention to the
diagram marked Defendant's Exhibit Number 14, You and I at
**the lunch break had opportunity to save some time made
some notations on that, on that chart?**

A Yes,

1 Q Those were don in green ink?

2 A Yes,

Essentially what those markings are are numerical representations of various items that were taken from the Toyota by yourself and examined and put aside or looked at to see if they were of consequence in the case?

A Yes, Whenever we process a vehicle, any vehicle that we receive at the crime lab we automatically go through that vehicle to see what items are in the vehicle. Basically it's called an inventory, you pull everything out. You just list it, a lot of times we are dealing under a search warrant ... and we aren't making any basic decision as to what is or is not there unless it's on the search warrant, That *is in this* case most of the numbers you will see here are our inventory numbers. Once an item was seized, meaning we took possession of that item as a chemist or as a fingerprint person at the lab, it then received a lab number,

So there will be some **confusion** because there are two numbers for **one** item,

In order to **avoid confusion with** reference to what we've discussed previously, there are only about two *or three which* have both lab numbers and inventory numbers?

A **About six,**

The total number of items that were inventoried from the vehicle were approximately numbers ten through 56 and another

1 set which we'll get to?

2 A Yes. We **inventoried up to** 155 items but you only had me
3 ***list some of th but, yes.***

4 **Does that mean that your inventory list that *we went***
5 ***over*** before is a partial list; there were others as well?

6 A Yes,

7 • So the numbers I had you draw up there is only half of
8 the iteY4- that were actually inventoried?

9 A Yes,

With the green marks up there if we doubled them that
would give a fair reflexion of the items that were
inventoried?

A Throughout the entire vehicle.

Q It's fair to say there were a large number of items that
were inventoried and had no total significance?

A far as the judgment we were making based upon the
search warrant.

Q **It doesn't meet what you were looking for at the time?**

A **That's correct,**

Q ***There is a general notation as to what the ite are by***
number and where they are located in reference to the
location of the vehicle; is that correct?

A ***That's correct,***

Q ***So in other words, when we see a green marking with the***
number 49 we know that number was on the passenger side of

1 the vehicle?

2 A Yes. Actually that one is passenger seat. If its
3 right here it could be the entire passenger side of the
4 vehicle, That's why 78 and 79 have a parenthesis. It
5 means the passenger side or driver's side.

Q In shorthand, without going through each one, you found
7 a large number pieces of paper?

8 A There were quite a few personal paper items yes.

Q There were quite a few pieces of clothing for example
10 shirts and that kind of thing. There were several *shirts in*
11 the vehicle?

12 A Two shirts, a pillow, I believe a couple of gloves, a
right-handed glove, things such as that.

There were a number of car items like Marvel Mystery Oil
and a tire wrench set and things of that nature that go with
a truck?

A That's correct.

Q There were also some beer cans that were found, some
wire that was found, a film canister that was found, a
speaker that was found, and a large number of other items in
essence?

A That's correct,

Q Turning your attention to a *few things in particular*,
items listed **on page** two **of** your report, 34 and 57. **What**
were those items?

2 A Item 34 was a Vantage empty cigarette pack, Vantage
being the brand name.

3 • Where was that located?

4 A All of these items that are listed on this one side were
behind the driver's seat, That's where the Vantage cigarette
6 pack was.

7 Q As to 57?

A 57 was another Vantage cigarette pack; this one
containing two cigarettes.

Q And there were a number of tissues that were found as
well?

A There were three tissues found,

Q Those tissues **were 1"**; at where?

Two were located behind the driver's seat, both of those
tissues were seized by myself, One was found on the
passenger seat, that's what item 49 was.

There were a large number of other items, tapes,
toothbrush, candy, screwdrivers * pens, pencils, gum wrappers,
spark plug, can **opener** and that kind of stuff; is that
correct?

A Yes, A whole **conglomeration** of stuff.

• **You also found a knife in the vehicle?**

A Yes, I **believe** the knife **was under** the passenger seat«

Q **Do you have some of these items with you in court today?**
They are in the back room.

1 Q Its fair to say that a jackknife was found in the
2 vehicle: is that correct?

3 A That's correct,

4 Q And what size is that knife?

5 A Not large. I believe it was about this large.

6 (indicating) Not a very large one.

Q Which would me a knife about the size of a Swiss Army
Knife?

A Yes. It wasn't a Swiss Army Knife. I believe the ne
was ultra or ultrux.

Q It was plastic handle?

A I don't remember.

That was located where?

Under the passenger seat,

Did you tat that yourself?

A Yes.

Q No blood was found on that?

**A No *blood*, In fact the blade was very dull and had a lot
of debris which you will see is still adhering to it. It
looked like it had been there for quite a while. It was old
with a lot of stuff adhering to it.**

Q Were there any other knives found in the vehicle?

A NO.

**Q Did you find any other kind of cigarette package other
than Vantage?**

No.

2 You don't have any independent recollection that there
3 was only Vantage found in the trunk?

4 **No.**

5 **Turning to item 60 of your report. There were two items**
6 **that were found on the seat on the passenger side, is that**
correct?

A Yes.

Q *What were they?*

A One was reguirents for third-class bulk mailing; some
pieces of paper that you pick up that explains how to mail
things third-class. The other was insurance a prisers from
the hs body shop to Dennis Dechaine.

• Are these in the back room?

A I don't know because I didn't seize those.

• **Those were handed over to you for analysis purposes?**

A **They were seized by fingerprints, so possibly. I never**
had those,

Q **You did seize items from the ash tray?**

A **No, I don't think so.**

• **You seized everything else. Can we conclude that there**
was nothing in the ash tray then?

A **That might be a safe conclusion * I don't have any**
recollection of an ash tray *

Q **If there was no listing of them would that be a fair**

1 assumption?

2 A Yes.

3 Q You found at least one key in the vehicle; is that
4 correct, number 86. This was a key **for a Volvo.**

5 That was located where?

6 A In the counsel, This was a big tray that sat between
7 the driver's seat and the passenger seat®

8 • Is that marked on that chart up there?

9 A No,

10 Q Would you kindly mark that for me?

11 A That was located in the counsel which is a little
12 *indentation* where the stick shift was?

A *Yes. In this particular case it was a counsel with all
kinds of little different holes and candy thingse*

• Similarly, there were *some items in the counsel itself,*
a large number of things?

A **Yes.**

Its fair to say the truck was in a disorderly
condition?

A Cluttered,

Its also fair to say that there were other ropes that
**were found in the vehicle other than the ones you've
described?**

A **Yes. There were two ropes, one was a white cloth rope
found on the passenger side floor. There was another white**

rope found behind the passenger seat. Both of those I seized.

3 Q There was a pair of scissors there = well, number 92?

4 A Yes. Orange handled scissors. Those were not taken by
5 me but by Detective Ronald Richards.

6 The other its that were taken from the truck, some of
them were taken by *other persons*?

Either myself or Detective Ron Richards.

Q Those are the only persons that took anything from the
vehicle; is that correct?

A *That's correct.*

• *Turning* your attention to number 143 on page five of
your report. Has that item already been discussed?

A That might have been a separate one.

Q What is that?

A That is also a Vantage cigarette pack, That one was
p^{ty}.

**Q So based upon your reporting there appears to be three
empty packs of Vantage and *nothing in the ash tray?***

A I don't recall the ash tray.

**Q But *in the normal course of your training and experience*
you would normally look in the ash tray to see if there was
*anything of significance in there?***

A Yes.

Q You didn't mark ash tray?

1 A W there ash tray?

2 Q I believe so. Now, so its fair to say that over 150
3 items were *found in the truck and its fair* to say none of
4 them had blood *on them?*

5 A There was one that had blood on them.

6 There was a napkin that w+:s found?

A Yes.

- It had what appeared to be blood on it?

A Yes,

9 It tested positive?

Yes.

0 Can you tell us about it?

A I couldn't det rmine if it was human blood and I
couldn't get a grouping from it. It was r°ed-bro , very dark
red-bee

9 It appeared to be old?

A Yes.

- *That's one of the main reasons* that the Takay test
doen°t work b ause of the hemoglobin, doesn't it?

A In this case Takay⁴a was positive, It determined that
it definitely was blood. It w of h_{pt}an species, The test
didn't work because it couldn't be determined the species and
the grouping couldn't be determined.

4 **So the** human species conclusion c e back negative?

A Conclusion was negative.

3 a It was either old or *it wasn't a human* being?

2 A That's correct.

3 **So** it would be fair to say that **it was *inconsistent with***
4 **the victim?**

5 **A I would say looking** at the napkin which we have in the
6 back room, the napkin is very old and soiled, something we
all kick around the seat or the floor of our vehicle. It
had dirt stains, I would say its safe to say that it was
old.

How did you go about testing for secretion in the
vehicle itself? First you visually observe to see whether or
not there was anything that would call your attention to
something?

A *By* secretion do you mean body fluids?

Seminal fluid

A Whenever we look **for blood** or seminal fluids we use
reagents, which are chemical tests which can give us positive
or negative * **In this particular case** with seminal fluid **we**
took a swab which is like a tip, we dip, pen that and we run
it over the area we are testing; in this case it was a seat,
the passenger and the driver side, *We test that with our*
reagent. If it comes out a purple **color** there is a
possibility of semen there * **If it comes out no color change**
there is no semen present * **So its a chemical** reagent test
25 **that is utilized.**

1 **Q** **Before we get into more detail. it's safe to say you had**
2 **no indication whatsoever of those kinds of secretions?**

3 **MR. WRIGHT: I would object. In as much there as**
4 **there is no charge before this jury that would relate to**
5 **semen in any event, I don't know how this is relevant.**

6 **MR. CONNOLLY: I have a right to follow-up on cross**
ex ▶ ination.

THE COURT: Overruled.

BY MR, CONNOLLY:

Q Similarly it c be said that there were no hairs found
inside the truck that *were consistent* with Sarah Cherry's?

A That's correct, There were numerous hairs. We did a
vacuuming where you have a catch in it unlike the vacuu;>> w
have at home which goes all the way in® This vacuum catches
anything. There were numerous hairs picked up. There were
numerous animal hairs picked up. In this case none that were
found definitely **were microscopically similar** to the
victim's. There were always some, variations something
different that did not say that they were microscopically
similar®

Q *The cigarette butt that was found?*

A **Which one?**

Q **The cigarette butt that was handed over to you and you**
did a test for y ?

2 A I received two significant cigarette butts: one from
3 Detective Gallant and one from Al ilendsbee ® I received two
4 of them. Which one do you want?

5 Q Tell me the **one** you just got from Detective Hendabee,
6 Where did that come from?

A I don't *know* where it came from, I just tested it for
ylace and none was test ® Unlike the Winston Light
cigarette there were no you couldn't even tell what type of
cigarette it was *

Now_t let's talk about that Winston Light cigarette. Is
that in the back ro ?

A Yes *

Now, you were not able to *see the word Winston Light on*
the cigarette; is that correct?

A I'm not positive. I would have to look at my notes. If
we can not see the word Winston Light *I believe we were able*
to **see** Winston* But we have a book that is put out by the
Oregon I believe, its forestry *service in which you take a*
whole **bunch** of characteristics of different brands of
cigarettes and you follow this book down and it will narrow
down the types of cigarettes it could be* I believe you
could see Winston, and fro;_{+F} that book we c e up with Winston
Lights

**MR. CONNOLLY: Your Honor, perhaps this would be a
good time for her to get those items ***

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THE COURT: Sure,

BY MR, C NNOLLY;

Q You and I had a **chance to discuss** these **things prior to discussing testimony** and I asked for a number **of items to be pulled?**

A Ye . I pulled these out of two big boxes at the noon hour®

Let's go to the cigarette butte the one that was found *next to the truck?*

A Okay. It's right here and you c nnot see Winston its
• Let m rk tht as *Defendant's Exhibit Number 22* so we know what we are talking about. Then I t to discuss it *with you* * *This was the one that was turn over to you by Detective Gallant?*

A Yes,

Q Now, as **you indicated, what you do when** you get a cigarette butt you **look** at it to see if it satisfies the n e
• **the brand?**

A Yes *

Q In this case it **had been burned past** *the point where the n e was clear?*

A Yes,

Q **The second thing you do is you look at it for comparison purposes with a manual that you have in your office?**

1 A That's correct *

2 • *In which case it describes the coloring of the*
3 *cigarette, the length of the cigarette, and some other*
4 *variations as well?*

5 A Yes,

6 • *Now, in this particular one, 22, Defendant's Exhibit*
7 *er 22, and you seized that from Detective Gallant and*
8 *then did you your analysis?*

A Yes,

Is it in the sn e con ition?

A No. it's not

• Except for the testing you did?

A Not really. Because when I received this cigarette it was in a hole - you know how it looked all round out. I cut the filter out and there were s ashes. I didn't keep any of that with me, I cut out then I used things for my testing *and cut those out,*

• Although it isn't in the s a condition as when you **received**. it is a good indication of what it looked like when **you received** it?

A **Yes** « The outside of it

iR. CO LLYs I would **offer** Defendant's Exhibit **Number 22.**

MR. WRIGHT: Object. Relevance *

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(Whereupon a sidebar conference was held)

MR. CONNOLLYS Your Honor. its relevant because the defendant smokes *and it was found* near the truck. It has been discuss ; its been tested. I have a right to cross-ex ne. It ::.y be relevant to be exculpatory evidence.

MR. T: We know fro^s the evidence that there were a number of other people right there by the truck from time to te, Its logical to assume that at any time keeping in mind that this doe n't have y lase on it, and therefore *it was more than two days* o ; probably wasn^t associated with this case. And even if i ,w left there by anybody there se robing doean^t tell us anything about who was responsible for this, It was a cigarette butt that could have been there for any length of time. I don't see how its meaningful,

In addition to which *I'm afraid what is happening any relevant evidence that she has is going to be lost - I don't begrudge fir. Connolly, his effort, We are going to start going through a number of items and its all going to be lost to confusion. I think **some** restraints ought to be placed on it or **some** specific profer taken by the defendant as to how this is going to tie into anything. It's all vague. I don't **know where we are going, I asked only about specific i***

1 MR. CONNOLLY: I'm not limited to what he asked on
2 direct. It there are issues that are *relevant and probative*,
3 which I assure the Court there are, this is important
4 infer tiers for the defendant.*

5 MR. WRIGHT: That's what we ought to be
6 identifying,

MR. CONNOLLY: That's *your problem, not mine*.

MR. WRIGHT: I think it's the Court's problem.

MR. CONNOLLY: He's been allowed to ask about
whatever items he feels are relevant. I have a right to ask
about items that are *inconsistent*. That is the essence of
the defendant's case. I'm not going on a witch hunt for
things that have no probative value.

THE COURT: The probative value of this old
cigarette butt is what?

MR. CONNOLLY: Is that it's inconsistent with the
defendant, And Detective Callahan indicated that it was
fresh. It was not old,

MR. WRIGHT: Its appearance was, She has given a
more precise answer = to the length of the butt is
normally found on cigarettes which would probably, if not
completely, exclude it from the time period relevant to this
case.

THE COURT: Except for the rainfall.

MR. CONNOLLY: Yes.

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THE COURT: 1°11 let it in

(Whereupon the sidebar ended).

THE COURTs Defendant's Exhibit Number 22 is
itted.

BY MR. C O JOLLY s

Ms. Brinkman, in *your conclusion that that is a Winston Light cigarette wrapper, you reached that conclusion by looking at th kle pattern on the cigarette butt?*

A That's one of the ways. What you are referring to the lip paper and it's a model bro . That ^s one of the thing

I°m handing you what has been labeled as Defendant's Exhibit er 20 for identification purposes, I would ask *if in a general nse you can identify what that is and if that would be useful for comparison purposes?*

A Its a Winston cigarette Light pack, It contains cigarettes. They are Winston Light; I would hope.

Q Now, the wrapper on number 22 has been burnt so we can't *tell the len th; is that correct?*

A That's correct, **You** can't tell the entire length,

Q So, for example, the Winston Light has two lines running **around** the **very** bott of **the colored** paper?

1 A Re's talking about these two gold bans, yes *
2 0 Those have been obliterated by burning on 22?

3 A **No**
4 In part how many are left?

5 A Two.

6 SIR, WRIGHT* Your Honor, it may be of help, She
7 identified it as a Winston Light *

8 R, CONNOLLY* I have a right to inquire to
9 whether or not it is.

THE COURT* Its been conceded. Objection
sustained.

MR. CONNOLLY: Your Honor, may we approach side
bar?

(Sidebar conference was had)

THE COURTS *What is the the possible relevance of
this?*

MR. CONNOLLY* I've not conceded that that is a
*Winston Light cigarette, She has indicated - - she a State's
expert. I have the right to inquire as to her testing **

*THE COLT t Are you telling me you have submitted
something as tot that witness in the guise of something?*

MR. CONNOLLY: **Absolutely not. I've handed her a
package of Winston Lights. I also have another package of**

1 *cigarettes, I want to see if she can identify* one to the
2 other, which I think she *cannot do*.

3 MR. WRIGHT: *With* respect to the cigarettes we
4 don't know where those came from.

5 THE COURT: **IS** assume for purposes of this side
6 bar conference that you show her another cigarette that is
not a Winston Light. Compared with the package of Winston
Lights that you've given her c, ared with Defendant's
Exhibit Number 22, where is all of this leading us?

MR. CONS : She will *s^py she didn't know if it*
was a Winston Light or another brand.

COURT: So what?

L
. Co : So far as other individuals smoke
other brands of cigarettes and I *tie them in later on,*
that i relevant, Judge. That's probative and it may be the
whole case. I don't intend to belabor the point, but I have
a right to inquire.

THE COURT: *We are* getting so far away from the
issues in this c e that its nothing, no pun intended, but a
smoke screen we are getting into right now.

MR. CONNOLLY: I can assure the Court we are not.
I'm not doing this willingly. I'm not picking it for no
apparent reason.

THE CURT: I'm going to give a reasonable length
of leeway in this area. I'm tell you right now you better

1 *tie it in with other witnesses in this case.*

2 *MR. CONNOLLY: I will.*

3 *THE COURT: I'll be holding you to it.*

4

5 (Whereupon the **sidebar ended**)

6

BY MR. CONNOLLY:

Q I'm showing you what has been marked as Defendant's Exhibit Number 21 for identification and ask if you can identify that?

A It's a Merit filter cigarette pack and it also has cigarettes in it.

Q Comparing Winston Lights with Merits if you would the speckle pattern is the same?

A Yes. They both have a model yellow tips.

Q They both have a yellow double gold band at the bottom band at the bottom?

A That's correct.

• **And other than that how are they different if you can differentiate?**

A **Differentiation would be noted in the book that we use. That the bands themselves - we work in millimeters - they are quite small= that would differentiate those two. The gold, you have the yellow model lip then a gold lip a little bit of yellow and a little bit more of the yellow on the Winston**

1 *Lights.* On the Merit you will see if you could all see this
2 you have the yellow then you have a gold hang yellow-gold
3 *band. Then the white. So you are missing a yellow right*
4 *here, that is seen right here.*

5 Q When you did your analysis with the book that you had
6 you were not able to categorically determine whether or not
your number ten was Winston Light but you had a list of it. ▶ ~s
that it could have been?

A Yes. There were four cigarettes it might have been;
three during this listing could be ruled out, leaving Winston
Lights.

□ One of those on the list were Merit?

A *It . I have Marlboro 100e, C 4.e 100s. • inston Light*
100a, and Winston Lights. From the Merits the other three
could be ruled out leaving only the Winston Lights.

Q Was that cigarette butt ever checked for fingerprints?

A *looe*

Q Now, you indicated the lack of amylase indicates that it
y be older?

A **It may either be older or weathered, One of those two.**

0 **Another reason was that no amylase may have** been left on
it?

A Normally if a cigarette has **been smoked recently we do**
find amylase. I've had cigarettes of which somebody has
smoked it this far and I've gotten positive ylase. It

1 depends how somebody smokes their cigarette®

2 • When did you do your test for amylase?

3 A Like how long after?

Yes.

5 A *within a week of receiving it. Would you like the exact*
6 *date?*

7 Q *Within a week so or so?*

A Yes,

Q *There was no indication on that cigarette butt as to*
weathering in terms of heavy moisture content?

No4 Not really, It doesn't look too bad off,

• Let's talk now about so yae of the evidence that you found
Sarah Cherry's body and on her clothing, Now fir t what
I would like to draw your attention is your item 309 f I
believe it's dash five

A Okay*

Q *We'll mark that as Defendant's Exhibit Number 23*

A I received a huge bag of dris from around the body
area and in going through that debris - it was basically all
kinds of dry leaves and twigs and pine needles. In going
through that slowly - it was kind of a receiving process
came up with a very -tall piece of metal. It's shiny, I
couldn't identify what it is. It's an irregular piece of
metal. It's about so big,

Q **That's been marked as Defendant's Exhibit Number 23.**

1 that substantially similar as to when you found it?

2 A Yes. I have *don* nothing to it.

3 MR. NNOLLY: I would offer 23 at this time.

4 MR. WRIGHT: I would object. No foundation. T
5 don't understand the relevance of this either.

6 THE COUR : I assume this is leading us somewhere.
Admitted over objection.

BY MR. CONNOLLY:

Q Ms. Brinkman, that is a piece of metal that was found in
the debris that buried Sarah Cherry?

I'm not exactly positiv where the d ri^g c e from.
know it was a bag of plant material.

Q In searching through do *you know what bag you*
obtained it from?

A What was labeled as bag number five, 309-5.

Q **ere did those other bags come from?**

A **Also from** the same general area **of** the what you would
call the grave site, the burial site.

Q **Who provided you with the bags?**

A **This was given to me by John Otis.**

Q **If you would, could you take out number 23 so we could**
discuss it? You would describe that as a small section of
stainless, or a piece of silver or stainless steel one-half
centimeter by one-half centimeter?

2 A I wouldn't say it was stainless steel. I wouldn't know
the difference.

3 It's some metallic object that seemed to be clean as
4 **opposed to oxidized?**

5 A **Yes. It's shiny. It has one surface that is regular;**
6 the other surface **se-** to be irregular *

7 Q With ridges on it or how would you describe the
irregularity?

A No definite pattern. It has slight irregularities to
it.

Q That you would say would be inconsistent with a natural
iron find?

A *You don't normally find it in the woods, I would guess.*

Q *With reference to item number 37, State's Exhibit Number
37, which was the brassiere found on Sarah Cherry at the
time, that was tested for blood and it came back positive;
there was blood on it?*

A **Yes.**

Q **Of her own type?**

A **Yes.**

**In addition, the shirt she had on also had blood on it,
true? A blood?**

A **Yes.**

It had a hair that was dissimilar to Sarah Cherry's?

25 A **Yes.**

Q *There are a number of other items. I've worked up a*
2 *chart which is labeled as Defendant's Exhibit Number 24. Z*
3 *would ask you to turn your attention to this in just a moment*
4 *so that during the course of **our** discussions we can mark on*
5 *it. Turning your attention to the column that is marked as*
6 *Sar Cherry. I would ask you to start with the left-hand*
 side on the shirt and mark with a checkmark when the column
 is applicable. her shirt blood was found?

A *You just want me to put a checkmark?*

• *y s. And on her shirt hair was found as wet; is that*
correct?

A *Right.*

Q *And fibers were found or not found?*

A *The shirt its lf is **co s** of cotton fibers,*
 you found no fibers that were inconsistent with
cotton fibers?

A **Yes.**

So put a zero. With reference to her p= t W blood
found on her pants?

A **No.**

• And hair?

A **No.**

Q **And fibers?**

A **They were Levey denu so there cotton fibers.**

□ **Other than the elves nothing else was found?**

- 1 A No.
- 0 On her by itself there was blood?
- A *This is something that I wouldn't know because I wasn't at the autopsy,*
- So leave that blank, You were aware that a hair wasp*
- hairs were located *on her* body?
- 7 A I received various *hairs* labeled as having come from hands and what not
- 0 On the body there was hair?
- A Yes.
- 0 There were fibers well?
- Yes.
- On her h ds you checked for blood and you found blood ?
- A That's corrcct
- 4 That can be checked?
- Yes.
- 9 On her, in her hands there were hairs as well?
- A don't know about that. I would have to look. I know ***I have fibers from the hands.***
- Q ***Take a moment.***
- A ***I just have hair from the left forea***
- We can calf, that hands-forearm, Fibers were found as well?***
- A *The,*
- The nt item was on her bra. There was blood?**

1 A Yes®

2 There was no hair and *other than the* fibers that
3 *composed the bra that was all?*

4 A Yes.

5 Q Under her fingernails there was blood?

6 A Ye

There was no hair and no fibers is that correct?

A *That's correct,*

Turning your attention to the other column on Dennis Dechaine. You did analysis of various items seized from him?

A Yes. *What was brought to me from* Mr. Dennis Dechaine was two pairs of work pants, one was like dickeres, green work pants and *other work* work pants, green denim. I also received a blue *shirt, just a cotton T-shirt from him and* then two sneakers that you saw previously.

With reference to the shirt with respect to Dennis Dechaine, there was no blood located on that?

A That's correct. All of these were extremely clean when **I received** them. The **work jeans had some** soils on them but they **looked** like something that is ingrained over time.

Q The same with hair, there were no hairs unidentified on him?

A That's correct.

Q ***The same with fibers on his shirt?***

25 A **That's correct.**

I Q Turning your *attention to* his pants, there was no blood?

2 A *On either pair.*

3 • *No* hairs that were unexplained?

4 A Right.

No fibers that *were* unexplained?

6 A Right,

0 On his physical person?

The only thing I received from his physical person were fingernail clippings.

Q Fingernail clippings from the defendant were *obtained*?

A Yes,

There was no blood under his nails; is that correct?

A Right.

And there was no hair under his nails; is that correct?

A Yes.

• But there were fibers?

A Yes.

They did not match anything that Sarah Cherry was **wearing at the time; is that correct?**

A The fibers I received that were found underneath the fingernail clippings there was one brown wool fiber. It's dissimilar to the wool that was in the scarf. There was red, black, blue and colorless synthetic fibers which they didn't match what the victim or himself was wearing because they were both clothed in cotton. Totally cotton. There were

1 also a blue and colorless cotton fibers found in his
2 *finger nail clippings.* Because of the inherent denim fashion
3 scene we all have, we probably all do have some around. The
4 probative value of blue cotton is negligible because its so
5 inherent in our society.

6 Q Its fair to say under his fingernails, fibers not
touching Sarah Cherry were found?

A That's correct In the finger nail clippings I received

Q Did you check his socks?

A *I don't know if I received any socks. I don't think I
did.*

*What about his other the finger nail
clippings?*

A *I wasn't anywhere near the gentlemen to look at his
ds.*

Q With reference to the truck, its fair to say no blood
that is of relevance in this case was found?

A At least there **was some blood on a little tissue.**

Q **You think that was very old?**

A **I would say that was old.**

Q **No blood in reference that could be matched in any way
to match with Sarah Cherry's was found in his truck?**

A **I don't know if that was for me to decide. There was a
tissue with blood on it found in the trunk, I would say it
looks old. I have it here if you would like to see it?**

1 Q Sure. We'll mark that as Defendant's Exhibit Number 25.

A You can see the red-brown stain right there. That was
3 found to be blood, but you can also see how very soiled this
4 little piece of tissue is. There was a second one. They are
5 *now in more than one **piece because of** my cutting. It **looks***
6 *like coffee has been spilled on it or something like that,*
It does look old.

Q But other than that there was no blood found in the truck?

A **Other** than these few pieces there was none.

MR. COYNE: To the record is preserved we'll mark that as 25, and I will not offer it at this time. We'll have it marked as a trial exhibit.

THE COURT: All right.

BY MR. COYNE:

In reference to any blood of the victim, it's fair to say none was found?

A That's correct. Do you want me to mark that?

Q Yes. It's fair to say no hairs of comparable value to the hair found on the victim were found; although a large number of hairs were found?

A There were a large number of hairs found.

Q You may mark that no hairs of victim.

Okay. You'll notice whenever we talk about hairs all we

1 can say are similarities and dissimilarities because of the
2 inherent working of hairs - like there might be four or five
3 people in the room with similar hairs so I will put no hairs
4 similar to the victims were found.

5 Q Thank you. Finally, with reference to fibers. A large
6 number of fibers were found in the *vacuuming but* none of
7 *those were* consistent with Sarah Cherry; is that correct?

8 A That's correct. You know in this *c e f* as I said
9 before, because she was dressed in blue denim even if we did
10 find blue denim it has no probative value in this case, And
11 the cotton **sin** is so prolific in our our society it
12 *doe sn't* have any probative value.

13 Q But none was found nonetheless?

14 A Yes.

15 Q Was I correct in understanding that the *bandana had*
16 blood on it that was found?

17 A Yes.

18 Q If you would mark *in her column*, write in bandana. The
19 *s_{-,+e}* **with the scarf. If you would do that. That apparently**
20 **had blood on it well, Again, the conclusion that you c**
21 **you could draw from that blood on the bandana and the scarf**
22 **is that it was the victim's blood?**

23 A Yes. It was t^{yp}e-A, the same as her type of blood.

24 Q The fibers that *were* found on her hands were consistent
25 with the scarf that was around her mouth?

A That's correct.

Q And the hairs found on the scarf, if you would mark
hairs on the scarf, please. Those were consistent with her
4 own hair?

5 A Yes. You will notice on the scarf if you take a look at
6 *it in the knot of the scarf there are still some hairs* there.
I pulled some of the hair out. *There is quite a bit - if you*
tie a knot and your hair gets stuck. The hair I pulled out
is microscopically similar as to her hair.

It's fair to say no positive comparison with any of the
defend^t's head of hair had been done?

A I never received *of his hairs.*

Q *o no comparison exists at all?*

A That's correct.

So all we know is whether they were consistent *with her*
e hairs or not?

A That's correct,

MR. CONNOLLY* I would offer Defendant's Exhibit
Number 24.

MR. WRIGHT: **No objection,**

THE COURT: **Defendant's Exhibit Number 24 is**
admitted.

BY MR. CONNOLLY:

25 Q **Ms. Brinkman, you did an analysis of the fingernail**

1 *clippings that were received from the autopsy?*

2 1 A *I did.*

3 Q *There were ten **of them** originally?*

4 A **Yes.**

5 Q *And you brought them up?*

6 A *Yes.*

7 Q *We'll mark those as Defendant's Exhibit Number 26*

8 *There are two bags. **l**ive left **and ri** ht.*

9 • *We'll mark one 26 and 26-A. The left will be marked*

10 A *This is the right,*

11 • *The right will be marked 26 and the left will be marked*

12 *26-A.*

13 *I have **some** questions to ask you about those n.i*

14 *For demonstration p rposas I have a chart which I've marked*

15 *as Defendant's Exhibit Number 27 for discussion purposes **

16 *Now, turning your attention to the chart, there is on the*

17 *horizontal axis a series of blood grouping syste starting*

18 *off with O followed by the Lewis system and several other*

19 *different systems **

Q *Are you f iliar with **those** other systems?*

21 A *Yes **

22 *Its fair to say that in **this** particular case the **only***

23 *groupings that **were done were of** the **ABA** and the Lewis*

24 *system?*

25 A *Not the **Lewis** system.*

1 **To determine *whether the* present of antigens was there**
2 **or not?**

A **You want me to plain it?**

Yes.

A **What we have is a whole bunch of different systems in**
our body. We each have enzymes that make all of the
***chemistry of our body go, work.* And there are basically 12**
of these different enzymes that have some forensic value at
9 **some point or other This is kind of a misnomer because what**
I believe what ter. Connolly means is a secretor versus
non-secretor. H doesn't stand for that * Its the Lewis
12 **eye**

13 **On these particular fingernail clippings fiber was**
14 **eived from the right hand and fiber was received from the**
left hand. Basically I had to use up four out of five on
each hand to get me through the Takayama system, which isn't
here, which identifies blood, and I had to use up part of
it to get to the human species determination, And then with
what was left I did the 'ABO cyst

The Lewis system is not inherently done on dried blood
***stains throughout the forensic community.* So this is kind of**
a moot one.

What the Lewis *system for Sarah Cherry was she was a*
Lewis known as a positive B negative. That is-known a
non secretor. With Dennis Dechaine he also is a Lewis A

1 positive, B negative also *known as a non-secretor. With the*
 2 *fingernail clippings the elves the Takayama was positive*
 3 *meaning the red-brown stains we found were blood, human*
 4 **pies® It was positive so we know it wasn't chicken blood,**
 5 *or pig blood * it's human blood * And then do the*
 6 *fingernail scrapings and we come up with A and U and the*
generals meaning that it's Iced tee we did a
grouping of the ABO system here we found that Sarah Cherry
 was **A-blood** types Dennis Dechaine was 0 -blood type *

ill of the other systems were not done at that time
h t e es ;th en ly . this case, first of all, it was
e . e e :e., 1, seco of all# the a . State Police crime
lab de not

Q This facilities are available; its possible to do those tests?

A **If there is a need for it, ye**

Those additional tests, which are a large number, **are forensically significant tests?**

A **They can be, yes,**

Q **They are tests which determine proteina and antigens and other subgroupings of blood and blood serums?**

A **Yes. They are basically Senecal enzymes and proteins. They help the body do their chemistry.**

Q **A determination of those can be done by using a chemistry process like the O but different?**

2 A It's entirely different *system; that's why the* Maine crime lab doesn't have the equipment to do this whereas we *can do this and we* don't do this one. Mr. Connolly said, it's available, It can be sent out. *On these two bloods it* could have been if there was **evidence** necessary.

On the fingernail scrapings, as all of you can see, there is just not *enough here to warrant doing any of these.* In fact there is probably we are lucky we were able to take it this far.

10 Q *Had those other tests* been attempted that a positive
11 result could have occurred?

12 A I would say with 99 percent certainty there would not have been results.

Except for the last colu which is the DNA coin

A **DNA** *is a kind of the newest thing in serology and with* inal fluids. There are two different types being done.

One is known as the EP syst which **could not be done.**

There isn't enough. The second is Polorus chain reaction; it's a very new technique. And whether it would have been

successful or not I don't know. It just has not been done

enough* It has a great potent al for the future. But it's just like manned spaced trips. We aren't there yet.

Q **Although to some extent it could have been done similar to the other test it's the degree of chance of probability of successful results?**

1 A With the whole blood sample it could be done and
2 probably we would have had results without having **evidence**
3 **necessary to have** it done. There would be no need to go on.
4 And with the fingernail scrapings the **only** type **of evidence**
5 **that** may **have been in question there, they**, are in my opinion
6 as **a scientist** there isn't enough **here to** work *with*. *I had a*
difficult enough time doing the ones that were done® And I
can say that it would not *be necessary*. You would be wasting
everybody's time trying to do more.

Before you *are done with the chart*. Marked *the*
bottom part of the chart, which is 27, there is a percentage
of the population, the percentage of the population which is
A-b o type is what?

A Approximately 41 percent.

Q And as to B?

A **Approximately 10**, 11 right around there.

Q And to O?

A **45**. The rest, the rest is the **blood** type. That **is**
the other **s** all **percentage**.

MR. CO **LLY** a **I would offer Defendant's** Exhibit
Number 27 **into evidence**.

MR. WRIGHT: I wouldn't object.

THE COURT: 27 is admitted.

1 BY MR. CONNOLLY:

2 Q Its fair to say that based upon the fingernail evidence
3 that Dennis Dechaine is excluded from contributing type-A
4 blood?

5 A That's correct.

6 Q And it is probable that type-A blood was Sarah Cherry's
7 that was under her own nail?

8 A I would say that is a logical conclusion, yes.

9 Q You cannot state that with certainty, can you?

10 No. I didn't differentiate A-blood from the
11 fingernail A-blood of the population

12 Q It would be fair to say it's either Sarah Cherry's or up
13 to 41 percent of the population's blood?

14 A Right.

15 Q **The only way** that we **could get** a **more** definitive
16 **statement is if the other tests were done and added**
17 **information** to what we have available.

18 A **If your evidence upholds enough that there is enough**
19 **there.**

20 Q **If** we had **a favorable result on any one of** the other
21 **systems that did not match with Sarah Cherry, then it would**
22 **be an exclusion?**

23 **It could be.**

24 MR. WRIGHT: I would object. **We are dealing with**
25 **non-evidence, These tests weren't done. She has** [eap ether]

1 **why they couldn't be done, why they were 99 percent likely**
not to **come up with other results.**

Now, Mr, **Connolly is simply leading** us off into
vion with **non-evidence.** That's what all this comes down
to plain and simple. I would object. It's co t. ~inly non-
evidence. The possibility that further tests had they be ea
successful weld **have excluded this def n**

8 THE COURT: Yeti are engaging with sp ulation. she
9 objec~io ts e :5 4 'e

10

11 BY MR, COQ Y1

12 Q *ring our attention to other matters. You've had an*
13 *opportunity to retrieve some of the ite from the truck, I*
14 *would like to g back to them for a little bit. The first is*
15 *the aket knife. Do you have that with you?*

16 A Yes,

17 Q That w seized from underneath the passenger seat?

18 A **Yes.**

19 Q You tried to describe it earlier for the jury. Mark
20 *that as Defendant's Exhibit Number 280 Is that a fair and*
21 *accurate representation of the pocket knife it was*
22 ***obtained from the truck?***

23 A **That's correct.**

24 Q **Again, there was no blood, no hairs, no fibers of**
25 **consequence found on that?**

A There was lots of little debris and fibers and whatnot,
2 but you could tell it had been there for a long time * When
3 you look at it you will see there it looks like it was just
4 *under a car seat **for a long time, That's what it looks** like.*

5 MR. CONNOLLY: I would offer Defendant's Exhibit
6 Number 28 into evidence,

7 MR. WRIGHT: I would object on grounds of
8 relevance, I don't see how far it relates to anything in this

C

(Whereupon a sidebar conference was held)

*MR, CC O Y Your Honor, the relevance is this:
the defendant ^{has} no knife on his person when he's found.
the tiny st wounds were administered to the victim in his
truck he has access to **a large knife*** **It is a reasonable and
logical conclusion for the defense to** make that he had acces s
to a large knife, that he would not use a small tiny knife
**that he doesn't have; that its in his possession and control
at the time this incident occurs ; that it's in his truck
that the State is trying to tie to him. It makes sense for
the jury to underst d that that knife is available and
that's what it's being offered for.***

THE COURT' Objection is sustained.

(Whereupon the sidebar ended),

3 THE COURT: The admission of Exhibit Number 28 is
2 **denied**

3

4 BY MR. CO O s

5 Q Ms. Brinkman, in reference to item number 18, which were
6 plant materials and fibril materials £ nd in the victim's
right palm?

A Yes.

Q Do you have those with you?

A This was one plant fibril. It's in the back room, but
it's on a microscope slide, It's for use under a microscope.

Can you describe for the jury what that material was
like?

A Sure, Whenever you are looking at something it's just
like a tree *branch* **or just like a plant** leaves but it's on a
microscopic level. I explained this morning all of the
plants, all of the living syst: . **need to** be picking up these
nutrients from the ground or fr the atmosphere or whatever.
They have these very fine tiny fibrils similar to capillaries
in our system.

This actually looks like a very tiny fiber which we all
see everyday. Once you get it under a **microscope** you can see
that it's plant material, that it's very different from an
animal hair or human hair and it's very different from a
synthetic fiber.

1 **Is it fair to say or are you unable to say whether that**
2 **is consistent or inconsistent with the other plant material**
3 *that she was buried in?*

4 **A I would say I couldn't differentiate between a tree**
5 **plant fibril versus a flower. I couldn't differentiate**
6 **looking under the microscopic to see its plant material and**
not human.

Q With reference to 27, the transport bag. You indicated
on direct examination that there was nothing of consequence
to that?

A That's correct.

you recall, there was a large amount of blood
material in there?

A Yes, That's right. In the body bag, which is the
transportation vehicle, in this particular case I don't
recall if there was a large amount of blood. It's not
unclear; on for find that if you have a victim who has been
bleeding at all that you will find small amounts of blood in
a body bag.

In most cases we don't tend to think of that as any
probative value because we know that the victim was
transported in this particular item and if the victim was
bleeding, if there is blood it's that victim's blood. We
basically don't give it any probative value.

Q But others may have *different purposes, in which case it*

1 did have?

2 MR. WRIGHT: Objection.

3 THE COURT: Sustained.

4

5 **BY MR. COOLLY**

6 **Q Did it have blood?**

7 Let me look. I have small amount of twigs, leaves, soil
8 *and a few red-brown stains at one end,* Nothing was
9 characterized and then I put nothing of apparent evidentiary
10 value. That's my notes from having viewed it. So somebody
11 else may not agree with me, true,

12 *Q In reference to number 103, the fiber that was very*
13 *small which was a pink synthetic fiber found on the tree near*
where the victim's body was located, Do you have that with
you?

A That also is on a microscope slide in the back room

Q Let's discuss that, That is inconsistent with anything
that either the victim or Dennis Dechaine was wearing; is
that correct?

A That's correct, There was nothing pink synthetic in
of the items I received where that could have tied this
particular fiber into any of the clothing or any of the other
items that I received and that I'm aware of in connection
with this case.

Q It's synthetic because it's not wool and it's not

1 cotton, and it appears to be have been man-made of synthetic
2 strands?

3 A Yes, You can tell synthetic under a microscope because
4 of its luster. Synthetic is very **obvious** compared to the
5 natural fibers.

6 **In reference to the Nike sneakers** taken from the
defendant, there were two small spots on them that tested
positively on the presumptive blood test alone?

A I'm not sure of the numbers. Are those the State's
numbers?

Yes. and 61?

A Yes.

You didn't do the Takaya test on thus

There wasn't enough to do that test. The only thing
are doing is the Ortho-Tolidine test. That is a presumptive
test.

**When we are looking for blood in the vehicle we wet a
swob, and if we get a color in *this case it's a blue color*
then we presume that there is the presence of blood. We
try to further testing on that which is where we go into
Takay then the O system.**

**In this particular case, which you can see *on the*
sneakers. Its such a tiny little bit that was even found it
would give us a presumptive test, but nothing further could
be done with it.**

1 Q So we don't know whether its human or not human?

2 A That's correct.

3 We don't know the age of it?

4 A That's right.

5 Q In reference to other blood tests done, you received a
6 pocket knife that was obtained from a search of the
defendant's residence?

A I received it from Detective Hend *bee*.

• Did you do a test on that knife?

A That knife also was tested through the Ortho-Tolidine
test for the pros co of blood. None was found.

Q Now tthe roe\$ There were a number of ropes in the
case other th the three of significances the one *in the*
truck, the one between the truck and the body, and the on
around the body?

A **I believe I** received 11. Quite a few ropes.

Do you have those other ones with you or do you have the
ones with reference to the truck body?

A **I have them all in the back room.**

Q ***rning your attention to the ones that are of***
consequence right now. The first thing you cannot tell the
age of the cut on the rope?

A **No.**

• **You did not find any fibrils from that would be**

25 **consistent with the cutting of the rope inside the truck or**

1 *anything such as that?*

2 A No, I didn't find anything that inherently said that
3 the rope was cut in one place versus other.

4 Q On your striations on the rope when you join them
5 together there was stretching, was there not?

6 A There was, as you can see here, there was breakage as
7 the rope began to unravel and come apart. These are fairly
large. You can see them with the naked eye, Once you look
under the microscope they are obvious® They aren't
considered a fiber where it's microscopic.

Were there any indications of small broken rope pieces
in the truck that would be consistent with the rope being cut
inside the truck?

A No,

Q Do you know if it was a right to left or right to left
cut?

A I couldn't tell you.

Q Can you identify what kind of tool was used?

A **No.**

Q **The wear pattern on the rope, the one found in the truck
and the one that was a match half way between the truck and
the body or a distance between was fragmented and
splintered and frayed?**

A **Yes. There are some with frays, Right here they fray
and down here. It's not nearly as frayed as some of the**

1 other ends that you will see with the rope.

2 Q The frayed rope ends would indicate that it had been cut
3 for a substantial period and had frayed for number of times?

A That is on conclusion or a dull object had been used in
5 cutting it.

6 Q It could either be old or it could be something that had
been used to cut it?

A *There might be other things. I don't know.*

Q Reference to the other ropes that are the back room,
it's fair to say there were a number of other ropes in the
back of the truck?

A There was one other rope found behind the seat of the
truck and there was one rope found on the passenger floor of
the truck. There were two other ropes in the truck.

Q Those two other ropes that were found in the truck had
knots in them or did they not?

A **I believe the one behind the seat here if I'm thinking
correctly, had four knots in it. It had one of those metal
slider things. I don't know why you use those. Maybe
somebody who ties a boat up would know. The one found on the
passenger seat is a long coil of rope. And there was a
circle you know how many of us store ropes. It was
substantially long, I didn't take it a part to see how long
it was.**

NR. CONNOLLY* Your Honors I would offer 26 and 27

into evidence, which are the fingernails.

2

THE COURT: 26 and 26-A?

3

MR. CONNOL : Yes *

MR. WRIGHT: **No objection** *

5

E COURT: *They are admitted*

6

MR. CONNOLLY: *Thank you very much.*

7

RE-DIRECT EXAMINATION

BY M * WRIGHT:

Q Does the date of testing of a cigarette butt affect or not affect the presence of *ylase*?

A *Once it's received in the lab and removed from any type weathering it's put under conditions of be refrigerated where, which we do not only with cigarette butts but any type of seminal fluids, blood stains we put in the regrigerator. That breaks down or stops the breakdown of the body fluids. So once we receive it we tend to try to keep the integrity of the evidence at then a situation as when we received it.*

Which is to say no?

A Okay.

There w: ; one bag of debris with a little piece of metal in it?

A Yes *

I thought you said obviously this is not natural

1 occurring in the woods, If I were to tell you it was found
2 in the woods it obviously got there from somebody at some
3 time?

4 A Yes.

5 C you tell from who or when?

6 A No

Q Metal doesn't disintegrate in the woods?

A You might have **some** metal oidwtian.

Q After s r period of time?

A Yes,

Q Any idea how long?

A No, Depending upon the met

There was no skin or tissue adherent to the tissue?

A No. It was very clean.

Th clothes that Mr, Dechaine's that you received were
in what condition?

A They were very clean, folded nicely,

Q Did it appear **they** had been washed?

A **Compared to the clothes that we no o ly see I would
have to say ye**

Q **The pink synthetic fiber found in the w s, can you see
how long that fiber had been there or how it got there or by
whom?**

A No,

Q **Synthetic, it wouldn't deteriorate as quickly as natural**

1 *fiber or would it?*

2 A It would begin to deteriorate, but the natural fiber
3 would not hold its integrity as long. Both of them
deteriorate. Synthetic would be slower. You would be able
5 to identify it synthetic for a longer period of time.

6 Q *You couldn't say how long the fiber had been in place?*

7 A *No*

Q *The absence of fibrils within the yarns of the rope.*

You found no such fibrils in the truck and Mr. Connolly
suggested to you that you couldn't tell where the cut had
been made?

A That's correct.

Q Or the sharpness of the instrument?

A That's correct.

Q Does the nature of the rope in this case itself ve
anything to do with the fraying of the rope?

A I would assume anybody who is trying to e a rope and
sell it is going to try to make it as durable of a material
you can **which means you** don't want fraying. You don't
want it to be a material that constantly sheds some of its
strength. In this case this rope is not one of those types,
It's a very basic rope. If you ran your hand down *the length*
of the rope **you** aren't **going to have** a handful of firbrils.

Q **Keeping in mind that** Sarah's *hands were found bound in*
front **of her** neck, **fibers on the matching scarf® t e-A** blood

1 under the fingernails, hers is type-A, do you have any reason
2 to believe its anybody's else blood?

3 A No

MR. WRIGHT: *That's all.*

FURTHER CROSS EXAMINATION

8 BY MR. CONNOLLY:

9 Q But you cannot exclude all other possibilities as to
10 whose blood it is under her nails?

11 A Based upon the fact that its blood, and that's all I
12 can tell you, it's A-blood type and 41 percent of th
population has Ablo *t^{yp}e, b : d upon the facts of th*
se, bas upon what we know about its unlikely.

MR. CONNOLLY: No further questions,

THE COURT: Thank **you** & You may step down.

THE FOREMAN and . ies and Gentlemen of the Jury, we are
going to take our mid -afternoon recess at this time, Let me
caution you not to discuss the c e,

20

21

(The Jury was in recess at 3:23

22

and the jury returned at 3:46)

23

24

25

1 THE COURT: You may call your next witness, Mr.
2 Wright.

3 MR. WRIGHT* I would like to recall Detective
4 **Hendshee**

5
6 (RECALLING OF A •R **HENDSBEE**)

7
8 THE COURT : You are still under oath,

DIRECT EXAMINATION

BY MR. HENDSBEE :

Q Detective, *let's see if we can't next in the time that
re-ins this afternoon cover a few things with you. You left
in your testimony with us the other day having taken Mr.
Dechaine at around **4:29 in** the morning?*

A *That's correct.*

Q *Later the next morning what did you do to follow-up on
the investigation?*

A *I set up a command post at the location of the Dead
River Road and the Lewis Hill Road,*

Q *Early that same morning, the 7th, did any civilians come
to the command post?*

A *Yes. John Henkel, and the Crossmans.*

Q *For the purpose of?*

1 A Basically helping to assist in the search.

2 Q Later that morning did you go to the Henkels?

3 A Yes.

4 **Did you also observe tire impressions** which have already
5 been testified to?

6 A **Yes.**

Q Later in the s.t;e morning did you have occasion to
search along the Dead River Road?

A Yes, I was called to go up the Dead River Road by some
wardens to look at some footprints.

Did you come to photograph any of those?

A Yes, I did.

• I show you you what I've marked as tteⁱ's Exhibit
Number 64 for identification.

A I recognize this as with one of the footprints that I
photographed,

There is a ruler in there well?

A Yes. It belongs to one of the wardens.

0 For attempting to get some length measurement of the
impression?

A Ye.

**Do you rall where that impression, the photograph was
t ken, where that impression was in or along the Dead River
Road area?**

A **Yes, It's from the Old Hallowell Road leading towards**

1 the, at the intersection of the Old Hallowell Road and the
2 Dead River Road leading to where the Buttricks live. There
3 is a woods road approximately two or three hundred feet from
4 that intersection going to the right. This is where that
5 footprint was found.

6 Q Were there foot prints in just one area or a number of
areas? How many footprints?

A In a number of areas, There was one this one going *into*
the wooded area. There was - - on the next road up is where
Arthur Spaulding lives. There is a house trailer at that
particular driveway. There was one leading into that as
well. Th I was called to the Buttricks residence. On the
side of his driveway leading into his driveway there was
another footprint of a similar tread.

Q *All similar to the one shows in State's Exhibit er*
64?

A Yes.

HR. WRIGT[§] I would offer State's Exhibit Number
64.

MR. CO Y: **No objection, Your Honor ***

THE COURT: **State's Exhibit Number 64 is admitted.**

(State's Exhibit Number 64 was circulated to the jury)

1 BY MR. WRIGHT:

2 • Later did **you make any efforts to** try to find any
3 fishing equipment?

A **Yes.**

• **What were the results of those efforts?**

6 A *Later that **afternoon** somebody c re to the command post*
7 *and stated they had found an old plastic fishing pole in a*
dump located off the Lewis Hill Road approximately probably
one or two-tenths of a mile from where our co^s rand post was.
*I went to the area where it *was found*. It was at the bottom*
*the dump *leaning against a treat*. It would be described*
as a white-orge thr foot tall fishing pole. However, It
had no line ^{c,wing} through the eyelets.

Do you recall any other distinguishing characteristics,
the design?

A No.

Q **The area in which it** was found appeared to be a dump?

A **It was a dump.**

The nt day, Friday the 8th, on that day did you have
occasion to obtain search warrants for searches of certain
areas?

A **Yes, I did.**

Q **Those areas included what?**

A **The red pickup truck that was parked *in the lab as well***
as Dennis D haine's residence.

2 At that time at the time of obtaining the warrants had
Sarah's body been found yet?

3 A No, it had not.

4 • Generally what kind of items *were being sought*?

5 A Sarah's clothing.

6 4 And other artifacts?

7 A Yes,

8 Q Did you become involved in the search of either of those
9 two premises, the truck or the residence?

10 A I think I obtained the search warrant the day before.

11 I think it *was just the residence on the 8th. What was your*
12 *question?*

Whether you participated in the *search of the residence?*

A The residence,

Q When was that *done*?

A In *the afternoon of the eighth this about three* minutes
to two in the afternoon.

**Q I'll show you a series of photographs for identification
marked State's Exhibit Number 65 through 68, Do you
recognize those?**

A Yes, I do.

Let's go through them **one** at a time, **if you would.**

**A Number 65 is a photograph taken of Dennis Dechaine's
residence. Number 66 is the clothes line that is located at
the rear of Dennis Dechaine's residence with some clothing on**

1 it, Number 67 is a topographical map of the area, Litchfield
2 and the Dead River Road.

3 **Q** *That was where?*

4 A In the den of Dennis Dechaine's residence. Number 68 is
5 *the barn across from Dennis leech ine's residence on the s e*
6 *side of the road.*

7 **Q** *few feet fr his house?*

8 *Yes,*

9 *With respect to the exterior pictures of the house,*
10 *clothing on the clothesline and the barn, do they each fairly*
11 *and accurately depict those areas you saw them on the 8th*
of July?

A *Y s.*

MR. GRTs I would offer 65, 66, 67 and 6

R COURTS 65 through 68 are admitted.

***(State's Exhibits Number 65 through 68
were circulated to the jury)***

BY R. WRIGHT;

Q Referring to State's Exhibit Number 67, that was also in
the residence you saw it during the research of the Dennis
Dechaine residence?

A **Yes***

MR. WRIGHT:. I would offer 68.

MR.* CONNOLLY: No objection, Your Honor.

1 *THE COURTS 68 is also admitted,*

2
3 **BY MR. WRIGHT:**

4 **Now, before we talk about how you conducted *the search*,**
5 **could you tell the jury, please, what time you arrived at Mr.**
Dechaine's residence and what happened, with some precision,
what happened when you arrived on Friday afternoon at the
defendant's residence'

A *The time was 1:57 in the afternoon. I pulled into*
Dennis Dechaine's residence and Dennis and his wife. *Nancy*
were sitting on the front porch, When I pulled in, Dennis
came down off the porch towards my car, and, at a rapid pace.
His wife was following him. Dennis stated that I know what
you are here for. I can't believe I could do such a thing

Its not

If you don't remember please refer to your note

A **He states: I can't believe** that *I could do such a thing.*
The real me is not like that. I know me. I couldn't do
anything like that, It must be **somebody else** inside of me.
At that time I hadn't even gotten out of my car.

Q **It must have been somebody else inside of me -**

A **Who is doing this.**

Q **You hadn't said that. It must be somebody else inside**
of me doing this?

A **Yes. At that time I hadn't gotten out of my car. I**

asked *Dennis to step away from my door so I could get out of my car, at which time he did. But he kept saying that there has got to be somebody else inside of me doing this. I couldn't have **done** such a thing.*

When I got out of my car Dennis stated: *do what you have to do. At that time I told Dennis I was there just to serve a search warrant. He said do what you've got to do. I just can't believe I could do that.*

You then conducted your search that went on for some period of time?

At that time I went in the house with Dennis and Nancy and also arrived there with me was the Peter McCarthy. It was very difficult for me to do the search because I couldn't search one area and leave things in another area because things could change. I had to get some assistance in doing the search. So I basically stayed with Dennis and Nancy.

Did you make any requests of them or have any conversation with them regarding how the search would be conducted?

I told them that the items on the search warrant were so many and the house was so big that I didn't know where to begin the search. And he asked if he could be of any assistance. Basically I asked for his sneakers and where the dirty clothes were. I was told at that time that the dirty

2 *clothes had been washed. And they were on the line out back.*
3 *I went out back to the **clothesline** and there I found the blue*
4 *T-shirt, the dark blue color and the sleeve bottom part as*
5 *well as the pocket that **he wore** that night that I talked to*
6 *him **well as the green kacky pants.***

7 • *They were hanging on the lines that shows in the*
8 *photograph?*

A *Yes.*

Q *Now, you mentioned as well the sneakers. That you*
9 *tried to obtain the sneakers that he had been wearing and*
10 *that you had **seen** as you previously had testified on the*
11 *evening of the 6th the morning of the 7th?*

A *Yea. I obtained them off the front porch that he w*
12 *as wearing when I first drove in.*

Q *Did you obtain them at th s into or later on?*

A ***Around that time.***

Q *I show you you State[®] s Exhibit er 69 and 61. Do you*
13 ***recognize those?***

A ***Yes.***

Q ***being what?***

A ***Dennis D haine's sneakers, Nike sneakers; the ones I***
14 ***got off the porch.***

Q ***Was it indicated to you by Dennis Dechaine that those***
15 ***were the sneakers that he had been wearing on July 6th?***

A ***Yes.***

1 MR. WRIGHT: I would offer 60 and 61.

2 MR. COOPER: **Y: No objection.**

3 THE COURT: State's Exhibit Number 60 and 61 are
4 **admitted.**

5

R. WRIGHT:

Q As you were proceeding both inside and outside of the house looking at the clothesline and getting sneakers you obviously went in the house obviously at some time. Were there any other comments made by Mr. Dechaine during this time?

A Dennis stated several times, quite a few times, he couldn't believe he could do such a thing. It wasn't the real him. He even stated at one time that he can't believe he killed this girl and he can't even kill his own chicken; he took them to the slaughter house to have them killed.

Q **Could you tell us how he was acting and behaving, what his demeanor was like during this time when he was with you you were outside and inside the house?**

A **Yes. He was real nervous.** He was sad at times. Basically real nervous.

Q **Did you have any further discussion with him, any further comments in addition to those you've already stated that he had made? If you need to refresh your recollection I**

1 would direct your attention to pages to 13 and 14 of your
2 **report.**

3 **A Yes, Dennis stated that *he couldn't have done something***
4 **like this, Its not the real me , referring to *Dennis*. He's**
5 ***a person who likes to help people , do things for people , and***
6 **he made his life doing that,**

Q During that time did you talk to him about his physical condition?

A I asked him if he had any blackouts. He stated that its funny I should mention that. Just the other day he had a *sharp wincing pain over his eye while he was driving his truck. He didn't lose consciousness. He knew where he was at all times. But that was something that he recalls just the other day.*

Q That was at a time while driving a truck?

A Yes. While driving, He didn't say truck.

• **At some** point that **afternoon** did you take any steps **authorized** by **any law enforcement officer? Did** you take any steps as a **law enforcement officer** with respect to Dennis ***Dechain***

A **Yes,** *I arrested him.*

For?

A The murder of Sarah Cherry.

That occurred when?

A The exact time?

Yes.

2 A At 3s50 in the afternoon®

3 Q What happened to Mr. Dechaine after he was placed under
4 arrest by you for the murder of Sarah Cherry?

5 A I turned him **over** to the Peter McCarthy and tective
John Cormier of the Maine State Police to be transported to
7 the Sagadahoc Sheriff's Department.

Tell us wh t hi :- . r action was to being placed under
arrest?

A He was upset,

Q *ythi g further you recall about his dem =or during*
that time period during the afternoon you were there?

A I don't recall him crying but I recall him being
comforted by his wife and basically saying over and over that
he couldn't believe he could do such a thing and pacing the
floors a lot. He made several telephone calls.

After the defendant was **transported** after being placed
under arrest you r°et Lied at the house?

A I remained at the house to c• l to the search of the
living **room** and dining room area, and I Obtained another
search warrant.

Q During that time did you have occasion to go anywhere in
the house with Mrs. Dechaine?

A Later on that afternoon I did, yes.

Q Tell us about that?

2 A Mrs. Dechaine took me to the upstairs bedroom where she
3 showed me a drawer full of bandanas. Hy interest was to blue
4 bananas. I believe she produced two or three bandanas and
5 there were **two or three multicolored** ones.

6 Q Did she seem to have any apparent reaction that there
7 were more or two or three there?

A Yes. She thought she only had one.

• Any further discussion with Mrs. Dechaine relative to
Ste you were searching for?

A Yes.

MR. = °Ys I would object on the basis of
hearsay to the extent that the officer is going to t;.tstify to
ything she said.

MR. I s I will avoid that.

THE WITNESS: I asked about if there were any
penknives, show me any penknives in the residence.

BY MR. WRIGHT:

Q Were any delivered to you?

No, they weren't.

Did the subject of penknives come up in conjunction with
anything else?

A Scarfs.

Scarfs?

1 A Yes. I asked for scarfs.

2 • Did you see any scarfs yourself?

3 A No.

4 • Was anything said by you about car keys that you had to
5 Mrs. Dechaine?

6 A Yes, I advised her I had the truck keys, Those keys
right there, exhibit

Q Exhibit 14, the truck keys?

A Yes.

Q Was anything said relative to the car keys between you
and Mrs. Dechaine? Don't tell me anything she said to you,
but by you with respect to the truck keys and any knives
the elves.

MR. CONNOLLYs `roue Honor, t t is clearly client/
attorney privilge.

THE COURTS He's asking if he made any such
stat ants not what the response was.

BY MR, WRIGHT?

A And the answer?

A No.

Q Nothing was said by you to her?

A out in relation to a penknife and truck keys?

A Yes, Nothing was,

Now, you just mentioned a moment ago that you later

1 obtained another search warrant?

2 A Yes,

3 Q That was for what?

A His T-shirt that he was wearing that night that I
5 observed on *the clothesline, the green pants,* ^{e®} I have a
6 list h red

Q Well, you were looking for pants, a T-shirt?

A Yes* drop *

Q And rope?

A s.

Q Perhaps some other *ite of various asundry thins. Did*
you later that evening after obtaining tht further search
warn ;t go back to the residence and look for and seize any
of those itek ?

A Yes*

Q What did you find?

seized the shirt off the line, I seized the pair of
green pants off the line, and t o seized a pair of p t
that Mrs* Dechaine gave to me t and we went in the barn d
seized several pieces of rope *

Q First, with respect to the clothing * t was its
condition when you received it?

A They were all clean,

Q And next, with respect to the rope in the barn, tell us
about that. How many pieces did you find?

1 A I believe there were four or five, Five pieces of rope,
2 i And among those was one of them what is now marked as
3 *States Exhibit Number 62 to which Ms * Brinkman* has testified
4 to?

5 A Yes,
6 That w rope found by you?

7 A Yes,

Q Or seized by you from where?

A From the b rn, on the wall next to the goat pen,

• You lat r retained it until you turn it over to Ms,
Brinkman?

A Yes.

Without altering its appear ce?

A Ye

R®WRIGHT: I would offer 62.

MR, CONNOLLY: No objection *

THE CG Tt 62 is admitted.

BY MR, WRIGHT:

**Did you after the arrest of Mr, Dechaine on Friday the
8th come to see him again later?**

A Yes, I did,

When and under what circumstances?

**A A couple of days later, I believe it was on a Monday,
I transported him along with a Sagadahoc County Sheriffs**

1 Deputy to the District *Court in Bath for arraignment.*

2 At that time did you make any observations of his
3 physical condition cparing especially to how his physical
A appearance **condition** had **been** when **you** previously had seen
5 him?

6 A The day before, the Sunday, I also saw him at the
7 *Lincoln County Sheriff's Department.*

- That was when blood was drawn?

A *Yes.*

- You toll the story.

A *When I saw him at the Lincoln County Sheriff's*
Department in the jail I noted that a bruise th t was on his
arm the morning I spoke to °m was a lot bigger that day,

Q Anything els ?

A That's it,

- ***One final photograph which will take us back s• a time I would mark this State's Exhibit Number 69, Do you recognize that?***

A ***It looks like the area in which D is D ine'e ickup***
was found

It was found obviously around midnight of the 6th
7th?

A Yes,

Q That's a **daytime** picture?

A Yes,

1 That would give the *jury* a prospective, not at night *
2 where you could see something?

3 A Yes

4 Q Does it fairly and *accurately depict that area where the*
5 pickup truck was towed?

6 A Two The area does, But I don't recall the six-pack
and 12 pack of Coors beer laying there,

 You don't recall that at the time you first saw th
truck?

A Noe

There is also e tape across the front of the picture?

 Yes.

Q *That tape is what?*

A It looks like a they are sealing off the area,* evidence
tape.*

Q *Apart from those changes as you recall the scene as you*
saw it around midnight of the 6th or 7th, does it fairly and
accurately depict that area where the truck was?

A Yes.*

Rm WRIGHT: I would offer State's Exhibit 1 e

690

MR, CC OLLY: No objection *

THE COURT: Admitted *

BY m WRIGHT:

1 Q This picture is taken from where?

2 A From the Old Hallowell Road?

3 A Yes.

4 Q Mr. Dennis Dechaine's truck, now that you can see in the
5 daylight, was parked where?

A It was before this, before this pine tree,

Q Would you mark it with a pen? You've now marked where
the truck was as you recall it?

A Yes *

(State's Exhibit Number 69 was circulated to the jury)

2 R, WRIGHT: *That's all I have **

THE COUR : Mr. Connolly;

CROSS EXAMINATION

BY MR* Cb CLLYs

Q Good afternoonm What was the na of the person who
accompanied you to the defendant's residence at the time of
the search?

A Lieutenant Peter McCarthy.

1 Q In reference to the photograph that was introduced of
2 *footprints of the defendant, that was* located near the Dead
3 *River Road or on the Dead River* Road?

4 A On a **side road** off the Dead **River Road**.

5 **You know that other** *footprints* had been seized from the
6 Henkel residence?

A Not that I know of.

Q You did receive phone calls with reference to footprints
at the Thicket's trailer?

A Yes.

Q There were other reportings of prints?

A s.

• You found footprints leading into Art Building's or the
area of -

A **Yes.**

□ **Leading into or away from?**

A **I recall leading into.**

Q **There were photographs taken of th 7**

A **Yes.**

Q **What about the Buttricks? Were photographs taken of
those?**

A **Yes.**

**In reference to the search at the defendant's residence,
this was on July 8th at about what time?**

A **I got there at three minutes to three.**

1 Q The defendant came running out at you and made those
2 statements?

3 A He wasn't running, He was walking ^d at a fast pace
4 from his **porch to make those statements** *

5 Q **Those statements were that he couldn't do it; he**
6 **couldn't believe he did it, It must be somebody else inside**
of him, something as to that effect?

A Yes, sir,

Q He at no point said that he did it?

A That's correct *

During the course of the search Dennis asked if he could
be of assistance to you?

A Yes,

Q And was in fact assistance given to you in helping
locate some ^{ite:1R} ?

A **ies**

Q **In reference to the** dirty clothes, when you asked the
defendant for his clothes it was in fact his wife who
answered; that he asked his wife where the clothing was?

A **Yee.**

Q **He asked his wife where are the clothes to answer your**
question?

A **Yes.**

24 • **That's when it came out that they had been washed?**

25 A **Yes ***

1 a Turning your attention to the photograph of the laundry
2 on the line, which has been marked as State's Exhibit Number
3 66, it's fair to say that there are a large number of items
4 which are not male items, isn't it true?

5 A That's correct.

6 And that would be consistent with a load of laundry
7 being done?

8 A Yes @

9 • And despite the fact on your first search warrant the
10 green pants were listed and the defendant offered them up to
11 you?

A That's correct®

Q And it's fair to say he was fairly nervous or extremely
nervous at the time the search was being conducted?

A Y s @

Q At the s time he was cooperative?

A Y se

Q During the course of the search a number of photographs
were taken of the residence and the grounds and the area; is
that correct?

A That's corn t.

Q Turning your attention to some photographs I'm about to
give them toy you, If you could identify what they are and
we'll go from there. I'm handing what you what has been
marked as Defendant's Exhibits Number 29 to 34® Handing you

1 first what is eked 29, 30 and 31 and ask if in a general
2 **sense** you can identify those photographs?

3 A I can identify two of them.

4 • *Which two can you identify* and which one can't you?

5 A I can identify what appears to be *the front porch of*
6 *Dennis Dechaine's* residence.

7 • That is 29?

A Yea,

Y.

A *30 looks like the kitchen area of* the Dennis Dechaine
residence.

• Okay.

A 31 doesn't ring a bell.

• 29 and 30 are fair and accurate representation of the
Dennis Dechaine home on the day the search was effected on
July 5?

A I **believe** so.

MR. COOLLYs I would offer into evidence

Defendant's Exhibit er 29 and 30,

THE COURT: Admitted.

BY MR. CAL s

31 you have a blank on?

A Yee.

Q Turning your attention to what has been marked as

1 Defendant's Exhibit Number 32 , 33 and 34. I would ask if you
2 can identify what those are?

3 A 32 is a picture of a fishing pole.

4 • **Do you recall** where that was taken?

5 A I didn't take it. I was told it was taken.

6 Did you see it yourself?

No,

• You can't identify 32?

A oo

A 33 is a *picture, I believe it's the barn area of the*

Dennis Dechaine residence where the rope and other things

ere in it, 34 is another picture of the barn area with so

rope, including a fluorescent light.

• *Are those a fair and accurate representation of the barn
area at the time of the search?*

A **Yes.**

MR. CONNOLLY: I would *move into evidence*

Defendant's Exhibit Number 33 and 34.

MR. WRIGHT: *No objection.*

E COURT: 33 and 34 are admitted,

BY MR. CONNOLLY:

Q when you effected the first search warrant you had a
listing of items you were looking for' is that correct?

A **Yes.**

1 Q Included amongst those was items found on the decedent
2 herself, her clothing?

3 A Yea,

4 Q And the **body** itself w **you were looking** for at that
5 **time?**

6 A I don't know about the body, Just the items on it, I
7 believe_d

□ You were also looking for a pair of gold-post earrings;
is that correct?

A Yes,

• Those gold -post orange were requested on the second
search warrant and the warrant for the truck itself?

A That's correct.

Those you did not find?

A Nos

Q You did **seize a small Swiss** army knife from the
residence?

A Yes, we did®

0 That was ultimately turned over to the State chemist as
far as you know?

A Yes.

0 In reference to the questioning of the defendant or the
discussions with the defendant involving his headaches, he
never mentioned or you never mentioned in that report
blackouts, do you?

1 A No, Not that I recall *

2 Look at page 13 and 14 of your report.

3 A **Nog** I didn't mention that.

4 **You** would have written *it down in your report had it*
5 been of **consequence** on the day in question?

6 A Sure.

- How long were you present at the household at the Dechaine residence from the time you first arrived at three minutes to two until you left?

A I *left and came back again - the first time I left?*

- Yes. Break it down so we can get a total of the amount of time that you were there?

A Everybody there or just myself?

Q Start off with you and we'll go from *there*. You arrived at three minutes to two?

A Yes.

- **You were there** from, that time until when?

A **Until six o'clock.**

Then you left from six o'clock to when and when did you go back?

A ***I arrived back at 9:25.***

From 9:25 you were there until when?

A ***Until 10:49.***

- **And during that period when you were absent, the house was secured?**

1 A Yes.

2 By **other police officers** was the search continuing
3 or did it come to a halt?

4 A It continued during the daylight hours.

5 From two o'clock until **10:49** the house was being
searched?

7 A Not all the way to the end. I think Detective Drake was
8 taking photographs of the house at that time. I don't know
how long he searched.

How long was the defendant there during the search?

• (no response)

Approximately was there two hours?

A *To two to three hours,*

During that time you were having conversation with him
of a general nature sometimes and sometimes of a specific
natures is that correct?

A I wasn't having much **conversation** with him He was
basically I was sitting back and letting him express himself.
There was some small talk

You talked about farming and greenhouses and the weather
and that kind of stuff?

• **Sure.**

4 **And he was cooperative during** *that period of time*

Yes.

In reference to the bandanas that you were shown and

1 that you observed, you took none from that pool of b d asr
2 is that correct?

3 A That's core to
4 **You** seized no scarfs?

5 A That's correct.

6 • Although you did seize that Swiss army knife, you seized
no other knives?

A None that I recall, that's correct *

• You seized five pieces of rope?

A Yes
Different sizes and colors or just yellow?
I believe they were all yellow rope.

Q During the period when the defendant was being
*transported you noticed a bruise on his a that you had
observed earlier: is that correct?*

A **No**® I **believe** he had a **long-sleeve** shirt on when I was
there that day to search his house ®

Q The night previous July 7th?

A **Yes**®

Q **You had noticed the bruise on the** arm at that time?

A Yes *

Q **That photograph as depicted in Defendant's Exhibit
Number five?**

A **Yes** *

Q **bsws;ently on the 9th I understand you seemed to think**

1 that the bruise got much bigger, is that correct?

2 A *It was, yes.*

3 • *Did you take a **photograph** of that?*

4 A Yes

5 Q *Do you have that?*

6 A *No. I don't.*

*But on the night that he was first, that you discussed things with him on the 6th, this was the way it looked and then it appeared to *get* larger?*

A Yes.

• *And you did not notice as to any other bruises or marks. Subsequent you noticed that one got bigger you didn't see anything else get bigger on him?*

A *I couldn't check the rest of him without a search warrant.*

You took the blood from him?

A **No. That was a different day.**

When was that?

A **The following day.**

But you didn't notice anything in any event on that other day?

A **No.**

On the 9th?

A **No.**

There was quite a bit of concern at the time of

1 *transport with reference to his security, was there not?*

2 A *I don't believe there was any concern at all about that.*

3 Q *rn your attention to your report, sir **

A *Is this the day of court?*

5 *Yes **

5 A *Yes **

7 • *There was some concern?*

A *des **

So security was a factor not for him but protecting him?

A *Yes , it was **

• *Who was with you at the time of that transport, sir?*

I believe Deputy Reed.

Anybody else?

A *Yes, I think there was h r deputy driving * I don't
know who it was,*

• *And your **sole report with** reference to that incident is
contained in the continuation report you've filed in this
case which you have been referring to during today's
testimony?*

20 A *Yes .*

21 Q *No other separate, independent reports by yourself?*

22 A *No,*

23 • ***With reference to these iteF;;, these particular***
24 ***transaction?***

25 A *Yes **

1 Q *Particularly with respect to the transport there is*
2 *nothing else?*

3 A *I believe that was it*

4 *MR. CC OLLYs Thank you very much. No further*
5 *questions,.*

6

7

-DIRECT EXAMINATION

BY MR. WRIGHT:

Q *Did you find it all surprising or unusual that he asked*
whether he could be of any assistance in your search of the
residence?

A **Yes,**

Q *Why?*

A *It's not, through my years as a police officer, its not*
a common thing that I hear.

Mr. Connolly asked **you** whether he **ever** admitted to **the**
killings and you said **no?**

A **That's correct.**

• **Aside from the context or the manner in** which he **made**
the statements that you've already described, did he **ever**
deny it? Did he **ever** deny it?

A *The first night he denied it,*

• **Now, I'm talking about on the 8th when you met with him**
at his residence?

1 A No. He just stated he couldn't do it.

2 **Q** **You** have independent recollection asking him about
3 blackouts?

4 A *I don't believe I asked him about* blackouts.

5 **Q** *That's what the point of* confusion was. I believe you
6 asked him about blackouts and he described driving and
7 feeling

8 A Losing consciousness. He said he received a *sharp hit*.
9 He was talking about his well-being.

10 • Let's clarify that. You do not recall asking him
11 specifically about blackouts?

12 A No, I don't.

13 • I thought that's what you told us. What do you recall
14 was precisely the manner in which you put any questions to
15 *him about his physical health* or his condition?

16 A I don't recall we were talking about his general health.
17 I don't recall *asking him specifically about* having
18 blackouts, head problems, I do recall there was discussion
19 **about that** from him **receiving** a sharp pain.

20 **Q** **Be brought that** up hix el

21 A **Yes.** I recall it.

22 **Q** It was in that context that he talked about having sharp
23 pains to his **eye** or temple?

24 A Yes. **Be stated it made his eyes squinch up** when **he** was
25 driving. **It had happened** just the **other** day.

1 Q But he did *not lose consciousness or control?*

2 A That's correct.

3 Q That's the conversation then that you had with him?

4 A Yes.

5 Q After you returned at 9:25 in the evening *and stayed*
6 until 10:49 the search at that time was for what? That was
conducted where?

A It was som the house but a lot was in the *barn for*
the ropes.

MR. t MIGHT: Thank you. That's all I have.

FURTHER CROSS EXAMINATION

MR. CONNOLLYs

5 Q *Detective, do you recall him saying this: I couldn't*
16 have done it. **I don't believe I did it. That's a denial,**
17 **isn't it?**

18 **MR. Z : Objection.**

19 **R COURT: Sustained,**

20

21 **BY MR. C LL's:**

22 Q **The initial statement that Mr, Dechaine made to you was**
23 **when he came off the porch was** that he just heard it on the
24 **radio, something to that effect?**

25 A **He heard it on the news.**

1 *Is that correct?*

2 A *Yes.*

3 Q *That's why he knew what you were there for?*

4 A *I believe so,.yea.*

5 Q *That's when he said I couldn't have done it **

6 A *No. There was some dialogue before he said I couldn't
have done it.*

MR. COM Ys *No further questions.*

HR. WRIGHT: *Nothing else.*

THE COURT: *Thank you, You may step down,*

FAR. WRIGHT: *I would recall Mark westrum.*

(RECALLING OP MARX WE R)

THE CO Ts Sir, you are still under oath.

DIRECT EXAMINATION

BY HR. WRIGHT:

25 **Detective West m, you were working on the late**

1 afternoon of the 8th of July last year when Dennis Dechaine
2 was brought into the Sagadahoc Sheriff's Department?

3 A **Yes.**

4 Q After he had been arrested for the murder of Sarah
5 Ch rry?

6 A Th **is** correct.

7 Could you describe for us, for the jury's benefit, what
procedures then took place with respect to dir. Dechaine? And
get us to the point in which you had any involvement with Mr.
Dechaine that *afternoon?*

A At that time it was *about 4:30 in the afternoon. He w,s*
taken into the booking room and dcuffed. He was *put*
through the no booking procedure, which is *fingerprints,*
photographs, a questionnaire that they u^e within the
sheriff's department which I was not present for at that
time.

**When that was finished he had fingerprint all over his
hands* I took him into the bathroom. This was approximately
28 minutes past five. He got some soap and was just washing
the ink off his hands and I asked him if he would like to
have a drink or cup of coffee and he declined; he said, no,
he didn't want one.**

Q Let me back y^ou up. Had you become aware at any time
whether anybody had come to the sheriff's department to visit
him?

1 A Yes * *His* attorney, George Carlton, had come into the
2 sheriff*s department during the booking procedure *when* they
3 *were taking his fingerprints* and photographing him. He spoke
4 with the *lieutenant, Peter McCarthy* of the Maine State

5 **Police.** Some oft that was in my presence,

6 Q *Without going into it - what was* said obviously would be
7 *hearsay * a result of tt conversation, some of which you*
8 *overheard ** did you have anything to say to Mr. Dechaine?

9 A I went into the booking room and I told *Mr. Dechain*
10 that George Carlton was out in the hallway.

11 Q Did Mr. *Dechaine* say anything to you or do *anything at*
12 that point?

13 A He acknowledged the *fact that l told him and that was*
14 *it,* I went back into the hall and Mr * Carlton was gone.

15 ***Then you took him to the reatroom to wash up?***

16 A Yes, To wash the printing off his hands *

17 Q ***You offered him something to drink and he dj lined?***

18 A Yes * *die declined that,*

19 ***Now, at that point did you have any further contact with***
20 ***Mr, Dechaine? I want you to tell us whether you engaged in***
21 ***any questioning of Mr. Dechaine during this period?***

22 A ***Other than asking him for the drink of water or cup of***
23 ***coffee, no.***

24 Q ***Any interrogation to elicit information with regard to***
25 ***the case?***

1 A No.

2 Q After you offered him a drink and he declined, this gets
3 us to about what time in the afternoon?

4 A This is about about 25, 28 minutes past five that

5 **afternoon,**

6 **Almost 500?**

A Yes.

Q During that time what was Mr. Dechaine's appearance and
condition, d a or like?

A far as his appearance he had a shirt d pair of
pants on and he seemed to be somewhat nervous, but at that
time h was not out of control. He seemed I wouldn't say
nor.1 but he was calm.

Q Did your observations - at any time did that appearance
h get that is what he appeared to be fairly calm?

A **It did while he was washing his hands.**

Q **What happened?**

A **He started ® after I asked him for the drink he started
to wash his hands and he saidt I don't know whatever made ma
do that. I didn't answer him. Then he said I can't believe
it happened,**

Q **During that time did his demeanor change at all?**

A **Be started to cry somewhat.**

Q **Where did you then go, if anywhere else, with the
defendant?**

1 A *After we cleaned up we went back into the booking room
and both of us sat down.*

3 4 **How** much time passed before anything else occurred?

A I would say another two to three minutes. He sat down
5 *in a chair* and I sat down. Then he said to me: Oh my God; it
6 should have never happened. He said: Why did I do this? At
this time he again started to sob and he cried again
somewhat. And then he said to me: I'm sorry, I forgot your
name. I reminded him that my name was *Mark*® And then he was
silent. He said: Hark, I went home and told my wife that I
did something bad and she just laughed at me.

What else did he say?

refer to my notes?

If you think it would help you to get it exactly right.

THE COURT: Yes *

MR. WRIGHT:

Q With that helping **you** to get it exactly, tell us what
other **comments he had to** say?

A **After he made that comment to me, he said: I told her I
wouldn't kill myself ; besides that's the easy way out® Again
he sobbed somewhat. I offered him a cigarette which he
smoked for several minutes. At that time when he was
finished smoking his cigarette he said to me: Mark, please
believe me, something inside must have made me do that.**

1 le ;4 e believe me, He repeated that please believe me.

2 At that time I told Mr. Dechaine he had every right to
3 remain silent and he didn't have to speak to me at all, He
4 sat with his head down and he said: *I know, Again I said I*
5 *wasn't there or in the room to make him talk and he didn't*
6 *have to.*

 was silent for a moment then he said to men I knew
they were coming after me. I was waiting. He said: It wa
something inside that must have made me do that. Again he
said: I can only look forward; tht's all I have left. Then
he was sayings Why would I do this? At that paint I said I
answer that estion. I don't know. He's emotional at
this point. a walked around the rom and k pt saying: Why?

y I let him walk around the room again without saying
anything, **He wt back and sat do in his** chair or the
chair he was sitting in. At that point he looked up at me
dhesid^w -

Q Read yr **notes.**

A I didn't think it actually happened until I saw her face
on the newsy then it all c e back to me. I remembered it.
He started to cry again, and he **s aids** y did I kill her?
At *that point* he cried and he was shaking his head back and
forth, He **was clasping his hands together very** tightly. He
said: What punishment could they ever give me that would
al what I've done. At that point he started to cry very

I

1 loudly. He was thrashing about on his chair, He made some
 2 sort of a shreiking noise, I got up and walked over towards
 3 *him or to him, At that point he reached* out and grabbed me
 4 around the waist and he's crying and he was sayings Why,
 5 Hark? Why? He *hugged me very tightly for about two minutes*
 6 crying,

When *he let go he calmed down somewhat.* Then he said
 what I going to do now? At that point I asked him * I said
 do you believ in God and prayer? He said, yes. That's all
 I have n At that point I offered him another cigarette.
 He calmed do , smoked the cigarette, When h was done
 with his cigarette h *thanked* m a for being understanding*
 At that point he said to me again, he said: I feel so bad for
 h r, y God, how must her mother and father feel? It wa
 something inside that =sat have de me do that,

Q Go ahead *

Then he said: how can I live with myself again? He
looked right back at me **and s aids I wish I had never gone on**
that road that day, Why couldn't my truck have broken down
inside instead, Again he started to sob, He w crying, I
asked him if he wanted some time alone, He said no, Please
stay, I stayed in the room with him, At that point he
 continued to cry **somewhat,** At *that point I* asked him if he
had had a chance to talk to anybody about how he was feeling.
He said: I don't think my wife believes me.

1 *Now, he says after a few minutes of silence in your*
2 *report, do you see that?*

3 A *Yes.*

4 *Pick it up at that point.*

5 A After a few moments of silence he said I had it all. I
6 know she will sell it all and move back home with her
7 parents. He started to cry once again, He said this
shouldn't have happened to me. *Why did I let this happen?*
I'm Dennis Dechain . I love life. I had everything. I love
my wife. I love my farm. I love my garden. We wanted to
have a family some day. Again he started to cry to himself.

Stop there for a moment. That witness^a that brings us to
kind of the end of the comments he made to you that afternoon
about what happened?

A Yes,

At that particular period of time?

A **Yes.**

Q Later did you were you with him going elsewhere?

A Yes, I was.

Q Where were you going?

**A Arrangements had been made to place him at the Lincoln
County Jail in Wiscasset. During that time Sheriff Haggett
was driving an unmarked cruiser and I was seated in the back
with Mr. Dine® the way over he said to me he looked
at me - I had given him another cigarette -- when he was**

1 *finished he said: I can't* believe I did that. I didn't
2 answer him. I didn't say anything. Then it wasn't long
3 after that or shortly before we dropped him off he said to
4 me: Why did you guys ever let me go home that night? I
5 didn't answer him. He said: y. He kept saying why? I
6 made no response to him. Then we dropped him at the Lincoln
County Jail,

MR. T : Thank y .

CROSS EXAMINATION

H MR. CLY

Detective Westrum, according to your testimony Mr. Dechaine didn't know your name at the time he was making the statements?

A Until he asked me, correct.

Q Then after that he couldn't remember what your name was; isn't that true?

A He said Mark. He mentioned my name twice.

• Then he asked you again what it was= isn't that true?

A He asked me the first time. He said: I'm sorry, I forgot your name.

Q Right after he's made all of these comments?

A He made a few statements, yes.

Q You would have the jury believe that the attorney came

down to the county jail, dropped by, and then just left without having any conversation with him?

4 A I have no idea why Mr. Carlton had stopped by. He could
5 have had business upstairs or for some other reason. I just
6 *now he was out in the* hallway speaking to Lieutenant
7 McCarthy.

7 • You denied him access as to his client?

8 I did no

• Did somebody at the jail that you are aware of?

A Not to my knowledge. I did not deny it. If somebody
else did ^{*I'm*} *not aware of it,*

Mr. D haine was in emotional condition, is *that*
correct?

A I would say that, yes.

The stat ent that you took from him was never signed by
him, was it?

A Pio, it wasn't.

• In fact, you triad to get him into, after these
so-called statements, you tried to get him to *be question*
by two Maine State Police detectives with tape recorders?

A **No®**

Q *You didn't ask him to go* into **roe** where they were
waiting with a tape recorder?

A **We moved** into my office **and** two **State Police** officers
spoke to him.

1 Q You just brought him in there?

2 A Yes.

3 Q There was a tape recorder in that room; is that correct?

A I believe **so**, yes.

5 • But whether these so-called statements were made

6 MR. G : I would object. He continues using these statements. They are statements ; the jury will assess them.

THE COURTS There is a pending objection as to the form of question. The objection is sustained.

BY MR. CO DOLLY:

Q You brought Mr. Dechaine into your office and left him with two State Police detectives with two tape recorders?

A I was there at that time.

• No statements were **given them were they?**

No.

It's fair to say Mr. Dechaine was very concerned for the

19 **well-being of his family?**

20 A **He did mention his wife as I said earlier.**

21 Q He **doesn't discuss anything** else about his family other
22 **than his wife?**

23 A **Not to me** he didn't, **no.**

24 Q **Is your statement a fair and accurate representation of**
25 **everything that he said?**

1 A Yes *

2 *Nothing else* additional?

A *There is one point where he had been saying things to*
4 *himself that I couldn't understand, I mention that in my*
5 *report.*

6 Other than that you don't recall anything that is not in
7 *your report now sitting on the witness stand?*

8 A No.

How long did the interview last or the discussion last
or his statements last?

A His discussion lasted approximately half hour.

Q So it was back and forth?

A Other than what is in my report I *asked him if he*
believed in God and prayer. I asked him if he had spoken to
anybody about how he was feeling, That is the extent of it.

• *did all the talking, I did the listening,*

Q Did he indicate to you that he was feeling terrible
about the arrest = the consequences to him and to his
family?

A *Not that I recall.* no,

Q *He didn't make any such statements?*

A NO,

Q Never **said I can't believe this is happening?**

A Not to me he didn't, **There are other people** within the
sheriff's **department that day** that he had contact with,

1 I'm referring *to things that* happened when *we were in the*
2 room by ourselves.

3 What time was your interview from?

4 A It **wasn't** **interview**®

5 I understand. What time did this scenario take place
6 from?

A From approx i tely 5:30 to six o'clock,
What time w:= he arrested?

A I have no idea what ti he was arrested. He was
brought into our facility at 4130.

What happen from 4:30 to 5:30?

Had he was b ked through the booking procedure;
fingerprints, photographs,

Q What time did his attorney show up, do you kno

A Approximately quarter past five, as I recall *

• **So his attorney** was there prior to any of this
discussion that you had with him?

A That's **corn** t®

Q **Was there any discussion about the reaction of other
prisoners to him?**

A ***There were no other prisoners at the facility. I didn't
mention it,***

0 **He was to be transported?**

A **Yes,**

0 **He was informed of that, was he not?**

1 A Yes[®] He knew he was going to the Lincoln County ;ails

2 Q There was discussion between you and he with reference
3 to that, wasn't there?

4 A There may have been in the cruiser; nothing that I
5 recall,

6 If it's not in your report you don't recall it?

A I don't recall discussing about prisoners at another
facility, no,

Q You don't date your report[®] Why is that?

A I wrote it on July 8th when we came home, c e back to
the office from the Lincoln County Sheriff's Office[®]

• These statements that you took down, did you take them
• on a note pad at the time?

A There was a piece of scrap paper on the booking t i
d I jotted things down *

Q **Do you have that piece of paper?**

A **Not with me,**

• **Could you get it?**

A **Yes, It's in my office** in Bath*

Q **So he saw you writing things down on a** of scrap
paper?

A writing this time he was emotional and crying, I don't
know if he saw me write down everything, I don't know that[®]

Q **It's fair to say during the course of his discussion
with you that he said I can't believe I did this?**

1 A Yes.

2 He also gave you no details as to how any of this
3 happened?

4 A That's correct.

5 Q When you **were back outside** back at the car he continued
6 to insist that he couldn't believe that he did it?

A That's correct.

Q Isn't it true that by about six o'clock towards the end
of your interview his lawyer called him?

A That's true And they did speak.

Q That was pretty close to six o'clock when this broke
off, didn't it?

A When myself and Dennis had finished it was probably ten
minutes later after that. They were sitting in any office
that Mrs Carlton called him and Dennis spoke,

Q After this discussion with you and Dennis broke off?

A I hadn't had any discussion with him after they moved
into **into my office**.

Q So his attorney was there at **515** and he called at
around six o'clock?

A About that time.

Q It's your testimony at no point he said anything to the
effect that I don't **believe** that this is happening to me?

A Like I said. I had him **in** the bathroom **for two to three**
minutes and in the **booking room**. He may have made **those**

1 statements to somebody else.

2 0 If these statements were made they were made just in
3 your presence *nobody elses?*

4 A That's correct

5 A That's correct.

6 • *When you wrote up the report and from notes - and how
detailed were those notes?*

They were as detailed as he was saying things.

0 You hair *ages of notes?*

A There was a front *side and back backside from a piece of*
white paper that was sitting in the booking room.

• *He kept saying to you or said to you at least once or*
twice that, please, believe me, and he kept asking you why?
Why?

A He was asking *s* please believe me, something inside
must have made me do that. At a certain point he did **say**
why? Why, Mark? Why?

Q *Why would I do this?*

A **Yes.**

Q ***This was after he had been questioned by yourself the***
night before?

A **I hadn't questioned him. the night before. I had spoken**
to him the night of the 6th.

Q **After he had been interviewed on the 6th?**

A **Yes, This happened on the 8th.**

J

Q *This was after he had been interviewed on the 6th and*
2 you were aware of interviews by others on the 7th?

3 A During the day of the 7th I was at the command post and
4 I'm not sure what the State Police investigators were doing.

5 Q You were aware that he had been interviewed by others on
6 the 8th at the time of the search?

7 A I didn't know what was going on at the search. Nobody
8 told me and I didn't ask. I *had no* knowledge of it®

9 Q You had no prior contact with Dennis *Decl:mine other than*
this case; you weren't a confidant or a friend?

A That's corn is

. CO **LEA: I have** no further question

MR0 ¶ *MT: I have nothings*

E COURT: Thank you. You \$ y step do °

(Unreported side b r

**THE COURT: Hr. Fore and dies and Gentlemen of
the Jury, we are going to adjourn for the evening until nine
o'clock tomorrow morning. I would like to start at nine
o'clock if we could, So that it' maces ary for you to try
to get here say by quarter nine so we can hopefully get
started« I have one brief matter at 8:300**

**Again * it's important that you at all times avoid any
media exposure to this case. I've told you before, I know**

1 I'm sounding like a broken record, but if you are interested
2 in all of the print coverage of this have somebody set it
3 aside so that you can review it and satisfy your own
4 curiosity after the case has gone to you for your
5 deliberations.

6 Again, thank you very much, We'll see you tomorrow
morning at nine o'clock. Good night.

(the proceedings for the day concluded at 5:12)