

STATE OF M
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SUP IOR C =; T
IMI ACTION
LAU DOCKET N 0 KN 0-89-426

and OA.

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Plaintiff

vs,

(VOLUME VII)

DENNIS . DEC

Defendant;

BEFORE THE HO

CARL 00

00 , JUSTICE

Rockland t =nine

March 6-1 f 1989

ACES F COUNSEL*

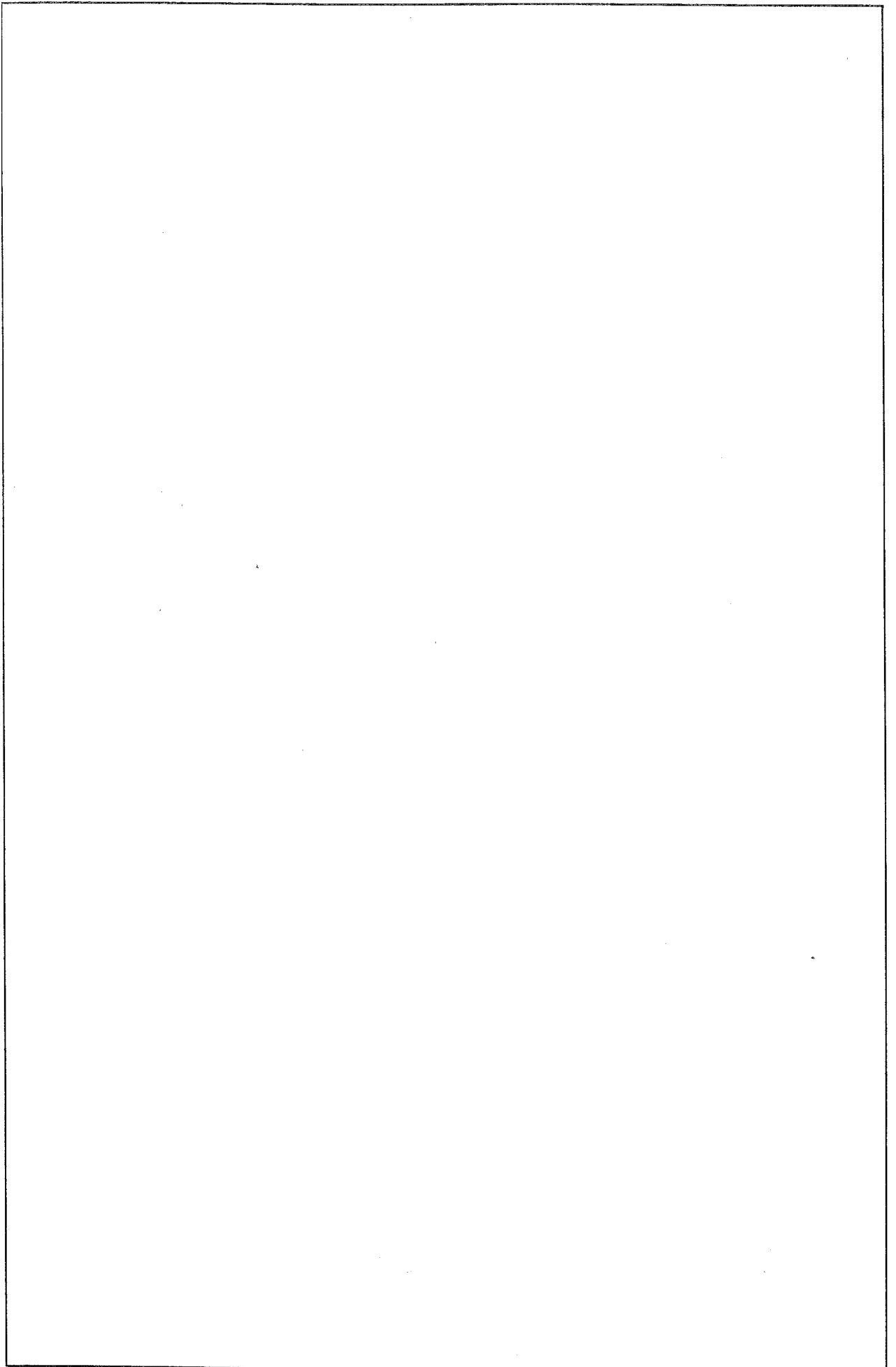
behalf of the State*

Eric Eo Wright, Esqo
Asst. Attorney General

behalf of the Defendant:

Thomas Jo Connolly, Esq.
George Mo Carlton, Jr., Esqo

Reported by Philip Mo Galucki, Official Court Reporter



(March 16, 1989)

2

3

THE COURT: Good morning. We appreciate your help
in letting us get an early start this morning.

5

Mr. Dechaine, may resume the stand.

6

7

(CONTINUED EXAMINATION OF DENNIS DECHAIINE)

BY MR. CONNOLLY:

**Q Good morning, Mr. Dechaine. I want to remind you you
are still under oath. When we finished off yesterday we were
approximately at about four o'clock on the morning of July
7th, What I want to do is discuss what happened after you
were taken home. This in that period of time.**

**A I was taken initially to the Bowdoinham Police
Department.**

Q After that you were taken home?

A Yes.

Q You were taken home by Detective Hendsbee?

A Yes.

**Q When you arrived at home was your wife up waiting for
you?**

A She was upstairs and awake, yes.

Q When you got home what did you do first?

A I went straight upstairs.

Q When you went upstairs you greeted your wife?

2 A Yes.

3 Q How were you dressed at that time? Did you change
4 whatsoever?

A No, I had not,

6 Q At that time how were you feeling?

7 A I was shaken. Worried over what happened.

8 Q *What were you worrying over?*

9 A I had basically been interrogated for the abduction of a
10 young girl, and I was very worried about that.

11 Q At that point did you have any hint at all that the
12 *young girl was not living?*

13 A **No**, *sir*, I did not.

14 Q When you discussed the matter with your wife at any
15 point did you mention that that young girl was not living?

16 A **No**, I did not.

17 Q And when you explained to your wife where you had been,
18 what was her reaction to it?

19 A She was very upset. I told her about the drug use.

20 Q Was that more upsetting to her or was the fact that you
21 had been questioned was upsetting or do you know?

22 A It would be difficult for me to say, She was very upset
23 over my drug use,

24 Q Did you take a shower at that time?

25 A **No**,

Q What did you do with your clothing?

2 A I removed it and put it in the laundry basket and
climbed into bed.

4 • Did you fall asleep?

5 A NO,

• Why not?

7 A I suspect there was residual effects of the amphetamine
that I had taken, along with the worry.

9 Q *What was your mental state at the time with reference to*
10 *clarity or lack of clarity or lack of confusion; what was*
11 *your mental state at that time?*

12 A *I would say relatively normal.*

13 • During the course of that night you did not sleep
14 whatsoever?

15 A No. I spoke with Nancy for a while. I did describe
some of the events that had occurred to her in terms of the
interrogations and so on, and I did express some confusion at
that time that *I couldn't understand why that was* happening.

Q Did she ultimately fall asleep?

A I think she did, yes.

Q Do **you** recall getting up the next morning and leaving
the **bedroom**?

24 A I **know** I did, but I can't recall exactly when or what
time it **was**.

25 Q The next day was July 7th, the later morning hours of

1 *July 7th?*

2 A Thursday. I believe.

3 Q What did you do after getting up on July 7th?

4 A I came downstairs. had some breakfast.

5 Q How were you feeling at that time emotionally and
6 mentally?

7 A I was very tired. I hadn't slept. Maybe I dozed off a
8 little but I certainly hadn't had a night's sleep. I was
exhausted and still worried.

Q What was the nature of your worry about; something you
had done or what?

A **Well.** I was worried that at that point what I was hoping
for was that the missing girl would be found and that I would
basically no longer be **a suspect** in this matter. Later that
morning Detective Hendabee arrived; I believe it was more
than - it may have been early afternoon. He arrived with
another police officer who remained in the car and he came in
and asked if I wanted to make a statement to him. At that
point I realized -- I believe that was after I had seen
George Carlton prior to that or spoken to him. I don't
recall which.

Q **Do you recall** going into Bath and seeing Mr, Carlton?

23 A **Yes***

24 Q **Why did you** go to a lawyer?

25 A **I was worried.**

About something that you had done or what?

2 A No. I was worried about what I was being accused of.

3 Q Did you feel better after talking to the lawyer?

Yes. Much.

5 Q Had you ever been to a lawyer before?

6 SIR. WRIGHT: Objection.

7 THE COURT: Overruled.

8 THE WITNESS: No,

9

10 BY MR. CONNOLLY:

11 After you had been into Bath you came back to the house,
12 the farm?

13 A Yes,

14 Q That's when Detective Hendsbee and the other officers
15 arrived?

16 A Yes.

17 How long did they stay for?

18 A Only Detective Hendsbee came in the house. He came in
19 with a tape recorder. He *stayed for a very short period.*
20 said I have something to give you and he sat down at the
21 table in the kitchen and I returned from my office with
22 George Carlton's name and phone number, and I said I had
23 hired Mr. Carlton and that if he had any questions at all
24 that Mr. Carlton prefer that he deal directly with him.

25 Q And Detective Hendsbee left you at that time?

1 A Yes*

2 Q What happened as the 7th day progressed?

3 A A few unnerving things occurred that I guess rattled ray
4 *cage. on two occasions - actually this may only be one*
5 occasion. It could have occurred again on Friday morning. I
6 can't be certain. A police car drove rapidly into our
driveway unmarked with two men in it. And they stopped. We
have a circular driveway as previously mentioned and they
came into the driveway and at a pretty quick speed, stopped
and stayed there for a few minutes and drove off again. I
guess that was very upsetting,

(2 That happened after Detective Hendsbee had been to see
you?

14 A Yes,

15 Q What happened after that? During the course of the day
16 was there anything major - - did you do your chores?

17 A I guess I just tinkered around the house and yard. Did
18 a few things.

19 Q Were you aware of the status of the search for the
20 missing girl?

21 A Not at that time, I don't believe so. Maybe Detective
22 Hendsbee had informed me of what they were doing. But I
23 really didn't know in any detail what was going on.

24 Q Did your wife come home in the afternoon?

25 A On Thursday she returned home. I can't recall at what

1 time.

2 Did she not go to work that day or do you recall?

3 A *I'm not sure. I would be guessing.*

4 We don't want that. Did anything else of consequence
5 happen during the afternoon hours *up until dinner time?*

6 A I don't recall.

7 Q **How** were you feeling at that time?

8 A Basically I was worried, anxious.

- Did, during the course of the remaining part of the 7th, anything of consequence occur?

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

- Did *anyone notify you or contact you* other than police officers about your involvement with this case? Did any of your friends call to wish you luck or *anything* like that?

A NO.

Q Is it fair to say during the rest of the part of the 7th nothing of consequence occurred?

A To the best of ray recollection that's correct.

- *The next day, the 8th, which is Friday, do you recall that day?*

A **Yes.**

Q **What** time did you arise that day?

A **Fairly** early, 6:30, seven o'clock, I imagine.

Q What **did** you do after arising?

25 A Probably just went through my regular - had breakfast.

a *Did your routine?*

2 A *Yes.*

Did you ask your wife to wash your clothes?

4 A **No**, I never did.

5 Q Was your roommate Richard around then?

6 A I can't say. I don't know.

7 Q What happened during the course of the morning hours of
8 July 8th of consequence, anything?

9 A I can't recall what time Detective Hendsbee came back to
my house. I'm not sure whether anything of consequence
occurred before then or not.

Did you become aware at a certain point that the missing
girl had been found?

A **Yes**, I did.

0 **now** did that information come to you?

A **I heard it on** the radio initially. Actually I had **gone
to Bath; I was coming back from Bath.**

Q **What were you doing in Bath?**

A **I had gone to see Mr. Carlton again.**

On Friday?

A **Yes.** When I returned home my roommate Richard was there
and **he** advised me that he had heard the same thing.

0 What was your reaction to that news?

A I **was** very upset.

0 **Why** was that?

1 A I had been hoping all along that Sarah Cherry would
found or she would return home by herself and that everything
3 *would be basically* taken care of. And when I found out that
4 *she had been* found in the woods that was very upsetting to
5 me.

6 What was your understanding of what was going to happen
7 to you as a result of that news?

8 A I had been told I was the suspect in the case. I had
9 not been *told that* there were any others, so I expected that
10 the police would be coming to the farm *

11 How did you prepare yourself for that?

A Well, I just waited, I guess.
Your wife was home with you at that time?

A Yes.
Where were you waiting?

A I believe we went out onto the front porch and sat there
together and talked things over.

19 And as you were waiting on the front porch did Detective
Hendsbee *and somebody* else arrive?

20 A Detective Hendsbee arrived in his own car and I believe
21 he was *followed* shortly by officer or Detective McCarthy,
22 Peter McCarthy *

23 And when Detective Hendsbee arrived did you go down and
24 greet him?

25 A Yes.

Q What transpired at that point, what happened?

2 A I went over to ask him if they were implicating me in Sarah Cherry's murder. And he nodded his head.

4 Q What else happened at that time?

5 A He stepped out of the car and said that he had a search warrant to check our house.

7 Q Were yOU given a copy of that warrant?

A I don't think I was. It was shown to me though. I **did**
9 **look** it over.

10 Q And what happened after that? Was there other
11 conversation with Detective Hendsbee?

12 A There may have been. I don't remember exactly what
13 transpired. We went *into the house*.

14 Q What did you do in the house?

15 A He told me what he needed to get and I told him that I
16 would gladly help him in any way I could.

17 Q To that end what did you do?

18 A He asked for my sneakers and tennis shoes. They were on
19 the front porch *and I went to get* them for me. He asked for
20 *my pants*. I asked my wife where they were. *And she said*
21 they are **probably on the clothes line** if they were in the
22 *laundry* basket.

23 Where was the *laundry basket* located?

24 A Its kept in our bedroom.

25 Q Although those weren't on the warrant did you go get

1 them to give them to the detective?

2 A He did *not want then*, at that time because the search
3 warrant didn't cover the clothesline. He said would you be
4 willing to *sign* a release *form or* just sign a statement
5 **saying that you gave us permission** to take them, and I said
6 yes. I was never asked to do that. I believe he had some
7 contact with somebody else on the telephone concerning that
8 matter and they decided *not to do that*.

9 Q **You** allowed them to *use* your phone?

10 A Yes

Q What other way did you help with the search?

A I think that's about all I did or was asked to do.

Q During that period of time were you conversational with
the detective or with other persons?

A To a degree, yes.

Q **You** had been apprised of your Miranda *rights upon the*
detectives coming to your house?

A I can't recall who read them to me, but it was in the
house somebody read it. It might have been Peter McCarthy
who read *rights both to myself* and my wife.

Q **And during the course of** the search - how long did that
last?

A I don't know. I wasn't there for a better part of it.
It **really was** just beginning when I was arrested.

Q **During** the course of the search were you aware a knife

1 was taken from your house?

2 A No, I was not.

3 Q Turning your attention, are these your keys?

4 A Yes. Toyota keys.

5 During the period in July of 1988 was there a penknife
6 on these keys?

7 A No, there was not.

8 Q Why would your wife might have said there might have
9 been?

10 I MR, WRIGHT: Objection.

11 THE COURT: Sustained, You have no idea of her
12 thought processes,

13

14 BY MR. CONNOLLYs

15 Q *At any point did you have a knife on these keys?*

16 A Yes *

17 Q When was that?

18 A Probably through the winter.

19 Q When did it get taken off?

20 A I had been working in the greenhouse in Brunswick and we
21 **have** basically a potting station there where we break open
22 **compressed bales** of Pro-mix and mix them with water so they
23 can be used for transplanting seedlings. I had removed the
24 knife from my key ring in order to cut those compressed bales
25 open and that knife remained in the greenhouse on a shelve

1 above the potting station.

2 Q Do you know where that knife is now?

3 A **No**, sir, I don't. I haven't seen it since.

4 Do you have other knives around in and about your house?

5 A I believe I do.

6 Q Do you often times carry a knife on your person?

7 A When I'm working yes. If I need one. For instance, if I'm harvesting vegetables that require cutting broccoli, cabbage, vine crops **that** need to be cut I have a knife with me or if I'm cutting flowers from the field I use a knife.

Q What kind of knife do you use?

A *I've had* a variety of them. I have a tendency to lose them, so usually what I do is I've had Swiss Army knives. I bought blightly colored handle knives because *of my tendency* to lose them in the field. Single bladed knives. And I don't know how many of **those** are kicking **around**.

Q Was there a knife in the truck that you can recall?

19 A I don't recall a knife being in the truck.

20 Q Would it have been unusual for one to have been found in
21 the truck?

22 A No. Especially if it was some -- I don't know where it
23 would have been, but it's possible.

24 Q I'm showing you what hand has been marked as Defendant's
25 Exhibit Number 28 for identification purposes. I *would ask*

1 if you can identify what that is?

2 A Yes, I recognize this.

3 Q What is that?

4 A It's a knife given to me by George Christopher.

5 Q Do you recall where that knife was located?

6 A No, I hadn't seen that for a long time.

7 Is that that your knife?

A Yes,

9 MR. CONNOLLY: I would offer 28.

10 MR. WRIGHT% Object. Without foundation since he
11 *didn't know what* became of the knife * I would object. The
12 knife is without foundation since he didn't know where it
13 was. I don't know what relevance it's going to have at all.

14 THE COURT: Can you tie this in?

15 MR. CONNOLLY: Yes. I had offered it previously
16 *and the State* objected at that point. I'm not sure. I think
17 it was through forensic chemist Brinkman.

18

19 (Whereupon a sidebar conference was held)

20

21 THE COURT: Purpose?

22 MR. CONNOLLY: The purposes is to establish that he
23 had access to real knives, to big knives.

24 THE COURT: That's not in dispute.

25 MR. CONNOLLY: No, sir. It's not. But at the same

1 *time that* knife was located in *the truck* even though he has
2 indicated that he was not aware of it. I think I should be
3 allowed to argue to the jury that the opportunity for him to
4 have a real knife would make it incredible or less likely
5 that he would use a *penknife*.

6 MR. WRIGHT: How could he possibly claim that he
7 had access to a knife rather than a small penknife? He said
8 he *didn't know it was* there.

MR. CONNOLLY: It still doesn't mean that it wasn't
available to him. That goes to weight, not to admissibility.

MR, ^{WRIGHT:} ***The argument is that he wouldn't have
used a penknife to kill*** somebody because he had a larger ,
knife available to him, and yet he's just said on the *stand*
that he didn't know it was ***even*** there; therefore the argument
***he would have had a larger knife available doesn't make any
sense.***

THE COURT: Your logic is somewhat flawed.,

18 MR. CONNOLLY: I understand.

19 THE COURT: **sustained.**

20
21 **(Whereupon the sidebar ended)**

22
23 **BY MR. CONNOLLY:**

24 Mr. Dechaine, turning to other **issues**, did anything of
25 **consequence occur during** the course of the search?

Well, I don't recall anything of any great consequence p
no.

4 Mr. Dechaine, in the barn area you keep a large *supply*
of rope; is that correct?

I don't know if it's a large supply. I have quite a bit
of rope.

Turning your *attention to* what has been marked as
Defendant's Exhibit Number 33. I would ask if you can
identify that?

A Yes. That's the photograph taken from the double doors
leading into the front of the barn.

Q **Does** that picture portray rope?

A Yes, There is a coil of rope hanging on one of the
beams.

Q What do you use rope for in a general sense on the farm?

A **The** uses are endless. You use it to tie things down. I
use **them** a lot or did use them a lot in constructing my
greenhouse in Brunswick. I've used them on my tractors to
tow other vehicles that were stuck. I guess I tie a lot of
things **down on** my truck. That's about it.

Q It's fair to say, or is it, that you are familiar with
working **with** rope?

A **Yes.**

Do you keep rope in your truck as **well?**

Yes, I do.

For what purpose do you keep it in the truck?

5 A I've always kept rope in my truck for if I'm coming back
6 from the stand , for instance, we go through a lot of cartons
7 of fruit. We don't have dump privileges in Brunswick so we
8 need to load all the cartons onto the pickup truck, tie them
9 down and bring them to Bowdoinham so they can be taken to the
10 recycling center there.

11 Q And do you have a certain *rope that you keep in the*
12 truck?

13 A Basically what I do is I have a lot of the cheapest rope
14 that I could find. I have **some** of that in my truck.

15 Q How long has that rope been in your truck; for a while
16 or not awhile?

17 A A long while, yes.

18 Q And I'm turning *your attention to a* photograph marked
19 State's Exhibit number 58. I would ask if you can identify
20 what that is?

21 A That looks like the back seat of my pickup truck, and
22 there is a coil of rope ^{back} there.

23 Q Is that rope recognizable to you?

24 A Yes. That is rope that I kept in the back seat of my
25 truck.

Q Did you keep other ropes in the back seat of your truck?

A I might have, But principally I recall using yellow
rope more than anything else.

1 Do you recall a white rope with a grommet on it?

2 No, I don't. Are you talking about a slider?

Yes.

4 A I think what you are describing is one of the nylon
5 ropes that came with an awning that we purchased for our
6 business in Brunswick. That is used to adjust tension *on the*
7 rope.

8 Who tied that rope?

9 A *It was a used rope. The knot* had been tied previously.

10 Turning your attention to State's Exhibit Number 29,
11 which is the rope found in the woods. I would ask if you can
12 identify what that is, Mr, Dechaine?

13 A It looks like the same yellow rope that I would have had
14 in the back of my truck.

15 Turning your attention to the knots *that are on* those.
16 Are those your knots?

17 A They look like they might be, yes.

18 Do you recall having that rope in your vehicle for a
19 particular purpose?

20 A Well, the fact that there is a slipknot on it makes me
21 I believe that it was in the back of my truck for the purpose
22 of tying down items. I have catches, three on each side in
23 the back of my truck and I would leave knots on ropes so I
24 wouldn't have to tie them again. I would make slip knots so
25 I could tie on to those brackets.

Turning your attention to photographs four and five, are those catches on the sides of the bed of the pickup?

A That's correct.

Q And what would you use the rope for?

A *Bringing home* empty boxes from the produce stand. What I **would do is** take the slipknot *and tie it, pull it taunt*
7 onto one of the brackets and pull the rope over the boxes to
8 secure them so they wouldn't blow away.

9 Q Turning your attention now to Defendant's Exhibit Number 41, 42, 43 and 44. I would ask if you can identify what these items are, **sir?**

A **43 looks like** a yellow *rope with* half hitches in them.

• *Is that a knot that you tie?*

A Yes, it is, 42 is the same& Just a piece of rope with half hitches in it. 44 is a white piece of rope once again with the same type of hitch. 41, once again the same thing. **The yellow** repes I readily recognize as being a brand that I **Purchase** ^{and} the white rope is braided rope and it's **unfamiliar to me.**

Q **With reference to the yellow ropes, you** heard testimony **with reference to** those items being taken from the hanging **fluorescent lamp** in the barn?

A Yes.

Q **Do you recall** putting that up yourself?

A Yes,

I Did you tie those knots yourself?

2 A If its off the fluorescent lamp.

3 Do you recall doing that?

4 A Yes,

5 Do you tie other kinds of knots as a rule?

6 A I imagine I could, but half hitches are my favorite.

7 • Why is that a *good knot in farming business*?

8 A It's quick.

9 Is it a strong knot?

10 A Probably not as strong as others. But I work alone on a
11 lot of projects and when you are holding something up and you
12 have to secure it with a piece of rope; getting it tied in a
13 hurry is of importance.

14 Q **So** you have familiarity with having to bind things
15 quickly?

16 A **Yes.**

17 • In reference to the remaining part of the search, did
18 anything of consequence occur that you recall at that time?

19 A I was arrested.

20 Q **Was** that an item of consequence in your life?

21 A **Yes***

22 What did it do to you when you were arrested?

23 A It was **very** shocking to me. Very upsetting.

24 Q **You had** been to see your lawyer twice; weren't you
25 **prepared?**

1 A No. As a matter of fact not® I had been discussing
2 *with my lawyer basically how to keep myself protected in case*
3 the police should continue to come over asking for
4 statements * I never believed for a minute that I would need
5 him for other reasons.

6 So what did it do to you when you were arrested? What
7 did it do emotionally to you?

8 A I would say I was shocked, horrified, very upset.

9 Once you were arrested you were searched?

10 A I don't recall that.

11 You were taken and transported somewhere?

12 A Yes.

13 Where was that to?

14 A I believe it was the police station in Bath, the
15 sheriff's station *

16 Q What happened once you were at the sheriff's station in
17 Bath?

18 A *I went through* fingerprinting process or booking
19 *process.*

20 Q What did that do to you? Was that troubling? What kind
21 of situation was that?

22 A It was very troubling. I thought the booking process
23 was reserved for criminals, and I did not consider myself
24 one *

25 Q What did you consider yourself? A drug user?

MR. WRIGHT: I would object to the leading nature
2 of this.

3 THE COURT: Sustained.

4 MR. WRIGHT: Let the defendant testify himself.

5
6 BY MR, CONNOLLY:

7 Q What happened during that proceeding? Anything unusual?

8 A No. I went through it and then I was placed in an
9 office. I don't know if it was the same one or whether I was
10 moved,

11 Q Your emotional condition at this time? This was on July
12 8th?

13 A **Yes.**

14 Q In the late afternoon?

15 A Yes, On Friday.

16 Q Were you crying at that point?

17 A I don't recall. I did shed some tears that afternoon.

18 Q Were you extremely distraught?

19 A Yes, I would say so.

20 Q **And** you were there at that facility for how long?

21 A I can't be certain, Maybe an hour or two.

22 Q And from there what happened next?

23 A *The office I was in waiting in* Mark Westrum walked into
24 and joined me.

25 Q And you recognized him?

2 A I recognized him as being somebody who had been on where
3 ever that command post was set up the night of the 6th. He
4 wasn't familiar to me but I recognized his face.

5 Q What was your attitude toward him? Were you hostile or
6 what was your attitude?

7 A Towards him?

Q **Yes.**

A I really wasn't thinking much about it. He came in and
asked if he could do anything for me and he asked me how I
was doing,

Q **How** did you respond?

A I told him I was doing terribly. I couldn't believe
this **was** happening.

Q What else happened?

15 A **He** sat -- I don't believe he sat down. It's a fairly
baron room, There is *one chair and a desk*. I was seated in
a chair. **He** was standing across the desk, He said are you
going to be okay? I said I didn't know, I was really
worried. And we had *a conversation*. *He* said you don't need
to talk to me about anything if you don't want to. And I
said I realize that. He said I'm just concerned that you are
going to be **okay**. I believe it was at that point that I
broke down **and** started shedding tears. I was really worried
about my wife, my family, what this would do to them. I told
him that.

Q Did there come a point during this conversation *when you* were aware that your attorney was present?

A I was never told that.

Q Would you have wanted to *see him*?

A Of course,

Q *During the period* when you were having the conversation with Detective Westrum, what else did you talk about?

A just I couldn't believe this was happening. I told him I was shocked and horrified by the whole thing. That a mistake had been made.

Q Did you ever say I don't know whatever made me do that?

A I told him that I don't know why this was *happening*.

Q Did you ever say I don't know whatever made me do that?

A No, I did not,

Q Did you say I can't believe it happened?

A I may have said that in reference to my arrest.

Q Did you say: Oh my God, why did I do this?

A **No,** I don't recall saying that.

Q What were you saying at the time, do you recall?

A Yes. I was telling him that I couldn't believe that **this was happening** to me. I told him I was really worried **about my family.** Basically I was just very upset and **worried.**

Q **Did you ever say** to Detective Westrum that you went home **and told your** wife that you had done something bad and "she

1 laughed at you?

2 A Of course not.

3 Q Did you say that I told my wife I *wouldn't kill myself*
4 because that's the easy way out?

5 A **No.**

6 Q Did you smoke cigarettes in there?

7 A He offered me some, yes.

8 Q Did you smoke?

A **Yes.**

Q Did you say to the officer: Mark, please believe me;
something inside must have made me do that?

A **No,** I never said that.

Q Did you say: **Why would I do this**

A I may have said, you know, I may have asked him why he
believed that I would have done something like this.

Q What was was your level of anxiety and worry about
17 concerned during this period of discussion?

18 A Probably as high as it had ever been in my life.

19 Q Did you say to the ^{detective:} I didn't think that it
20 actually happened until I saw her face in the news; then it
21 all came back. I remember it.

22 A No. On the contrary.

23 Q What happened when you saw the picture?

24 A When I saw her on the news I told my wife that I had
25 never before seen that child.

1 Q Had you ever before seen that child?

2 A **No**, *sir, I had not.*

3 Do you have any mental impression of that picture other
4 than what was in the news and what you have seen since the
incident?

6 A I have seen her picture since the incident.

7 Other than those impressions from photographs that you
3 have seen, do you have any impression in your mind as to her?

A Absolutely none.

Q Is that because you can't remember?

A No. Because I had never seen her.

Q Did you further say to Detective Westrum: I can't
believe I did it?

A I don't think I would have said that, no.

Q During the period of time that you were being questioned
did you believe that you did do it?

A No.

18 Q *What happened after that* interview?

19 A Immediately after that he asked me if I would join him,
20 come with him, and I followed him into another office. There
21 were two State Police detectives sitting there with a tape
22 recorder and they asked if *I would be willing to discuss my*
23 whereabouts again with them on the evening of the 6th.

24 Q And did you do that?

25 A No, I did not.

1 Q Why?

2 A I explained to them that under advice of my counsel I
3 was not allowed to discuss the case at all.

4 Q You just discussed it with Westrum, didn't you?

5 A I was discussing my emotional reaction to being
6 arrested. I was not discussing the case.

7 Q Did you receive or have conversation at some point
8 during this period with your attorney?

A I requested that I be placed *in contact with my attorney*
because they were being very persistent in their requests.

Q **Who was being persistent** in their requests?

A Peter McCarthy was there and I don't know the name of
the other gentlemen.

Q Did you finally have an opportunity to have a telephone
call?

A Yes.

Q Did anything else happen after that telephone call?

A I believe it was shortly thereafter I was transported to
the Lincoln County Jail.

Q Just prior to your transport and during the transport
were you made aware of situations involving your
incarceration at the Lincoln County facility?

A **We** had walked through *a mob of reporters on the way out*
of the jail. And Mr. Westrum was with me and he said I
really feel sorry for you. He said the publicity this is

going to generate will cause you some trouble ⁱⁿ *Jul*

2 What did you take that to mean? Were you concerned?

3 Yes, *Very concerned.*

4 Concerned for what?

A My physical well-being.

6 Q Were you given any other information about your physical
7 well-being in being placed in the facility?

8 A No. That was basically all I was told.

Q What was the level of concern for your physical safety
as you went into that facility?

A I did not know.

• You were transported to the Lincoln County facility?

A **That's correct.**

• And you entered the facility?

A That's correct.

Q When you entered the facility what happened next?

A **I believe I was interviewed.**

Do you recall by whom?

A I believe the only two people there at the time were
officers Maxcy and Dermody.

Q **The witnesses** that testified yesterday?

A **Yes.**

Q **Do you recall** discussing things with them?

A They sat me down and took out several forms, medical
25 **forms, that sort** of thing, and asked me questions about my

medical history.

9 Q How long did that last for?

3 A I don't know.

4 Q After that how were you doing at that time with
5 reference to them? Were you doing well or poorly?

6 A What do you mean in reference to them?

7 Q With regard to the emotional state you had while being
3 asked these medical questions on the form?

9 A At that point I guess I was basically dispondent,
10 sullen, fairly quiet. I just answered the questions they
11 asked of me. They weren't causing *me any* problem at all.

12 Q Then did there come a time when you were brought into
13 the shower area?

14 A Yes. I believe after those forms were filled out.

15 Q Do you recall taking a shower?

16 A Yes, I do.

17 Q Was there anything eventful about that whatsoever?

18 A No.

19 Q Upon leaving the shower area *did something happen next?*

20 A Well, I came out and being concerned about what was
21 going to be happening to me - I had never been in jail before
22 and I didn't know how things were done - I felt it important
23 to tell them what I had been accused of so I would be placed
24 accordingly.

25 Q What did you tell them?

A I told them that I'm the an accused of the murder or Sarah Cherry.

Did you tell them anything else?

4 A *That's about it.*

5 Q Did you ask to be put in isolation?

6 A I asked to be placed accordingly. I may have said
7 isolation.

8 Q Did you know the term isolation at the time?

A I don't believe I would have,

Q Did you say to them you people need *to know* that I'm the one who murdered that *girl and* you may want to put me in *isolation?*

A I really don't believe I could have said that, If I did it was certainly a regrettable error of semantics. To the best of my recollection I certainly thought nothing of it. I told them I was the one accused of murdering Sarah *Cherry*. They told me you don't have to worry; *we'll be putting you in the holding cell.*

19 Q Did there come a time when you later learned the nature
20 of that statement?

21 A Yes. The next morning.

22 Q **How** did you come to know the nature of that statement?

23 A The holding *cell* is in *close proximity* to the booking
24 desk where the guards are stationed. They *have* a telephone
25 on that desk. And the next morning I overheard somebody on

2 the telephone saying that Detective Hendsbee was coming to
3 take statements from officers Tlaxdy and Dermody concerning
4 the confessions Dennis Dechaine made.

5 Q What was your reaction to that statement?

6 A I was shocked

7 Q Had you at any time in discussing with Maxey and Dermody
8 intended to confess?

9 A Absolutely not. I had nothing to confess to,
10 Mr. Dechaine, I want to turn your *attention to your red*
11 Toyota. You owned the red Toyota?

12 A Yes. I believe it's listed jointly owned by myself my
13 **wife.**

14 Q **How long** have **you owned** that vehicle?

15 A I believe since 1983. Maybe 1984; I don't recall
16 **exactly.**

17 Q **Did you** buy it new?

18 A **No. I bought it used.**

19 Q At the time of this incident in July how many miles did
20 it have on it, do you remember?

21 A **Maybe 130,000.**

22 Q **And generally speaking** what was the condition of the
23 **truck?**

24 A It ran beautifully. Diesels go forever, but it had some
25 **rust, superficial** rust on the body, some on the tailgate.

And there was some damage to the right front fender.

1 Is that where the receipt *that has* been involved in this
2 case came from?

3 A Yes. I needed to get estimates made so that I could
4 collect from the insurance company of the individual that hit
5 my truck.

6 Q Were you in the truck at the time it was hit?

7 A No. I was working at the produce stand and a pretty
8 major accident occurred in front of the stand while somebody
was turning in. One of the cars slid across the road into
the yard and hit my truck.

Q About when did that occur, do you recall?

A Probably May or June *

Q And you went to get the receipt so as to make an
insurance claim?

A Yes *

17 Q **Had you made the insurance claim** by the time of July
6th, 1988?

A Yes.

Q **Where was** that estimate kept?

A **It was in** the truck.

Q **Do you know** if it was in any particular place?

A That would be a guess on my part.

Q **And in reference** to the notebook, which is State's
Exhibit Number 11, I believe, is this your notebook?

25 A **Yes, it is.**

1 Q Turning your attention to that State's Exhibit Number

2 11. Do you know where that notebook was kept?

a Having looked -- the night that it was shown to me,

4 which is the night of the 6th, I believe I've already

5 mentioned this, when I looked through it I saw a pay to the

6 order of Coastal Savings Bank only with y number on it.

7 That rubber stamp never leaves the sales stand at Paul's

8 I Produce, They asked me was if this notebook was in your

9 truck. I **said** I can't be sure. Indications are that it may

10 *have originated from my business in Brunswick.* And if it was

11 in my truck I certainly **don't** recall placing it there *

12 Q Where is the last time you have a conscious memory of

13 that notebook being located?

14 A I don't know. I wouldn't be able to say with any

15 accuracy.

16 Q Turning your attention next to photographs which are

17 marked as 20, Defendant's Exhibit Number 7 and Defendant's

18 Exhibit Number 8. I would ask if you could look at those.

19 Do you recognize those?

20 A Yes, These are photographs of both the driver's side

23 and the passenger side of the Toyota pickup truck. The seats

22 are principally shown here.

23 Q Is there anything unusual about the interior of the

24 truck that you notice?

25 A Yes. I would say so. I find it odd that there is an

empty Tampax; box and a paper bag on the driver's seat.

2 Q Do you have a memory of having those on the *driver's*
3 seat when you were there?

4 A No. They don't look like they have been sat upon.
5 don't know how they - I *don't know*.

6 Q When you placed the truck in the woods did you lock the
7 **doors?**

8 A I don't believe I did.

9 Q In order to lock the doors in your truck what do you
10 have to do?

11 A I think it's one of these doors that you press the lock
12 down and hold the handle and slam it closed.

13 Q What do you mean you believe?

14 A I'm not certain.

15 Q Do you have a habit or practice of not locking your
16 doors?

17 A To be honest with **you** I don't recall if I ever have
18 locked the doors of that truck.

19 Q **Do** you keep an extra key in that truck?

20 A I can't be certain.

21 Q **You** had a **Volvo** key in that truck?

22 A **Yes.**

23 Q Where is that **Volvo** car now?

24 A In the junk yard.

25 Q How long had that **Volvo** key been in there?

A Probably since 1986, '87.

2 Do you usually keep your keys in the truck?

A I often do, yes.

4 Q Your other vehicles as well?

5 A Yes,

6 • When you were questioned by the police on the night of
7 July 6th you had the keys in your position, did you not?

8 A Yes.

9 Q These keys?

10 A Yes.

11 Q *Is that unusual to have your keys?*

12 A Well, not unusual but it was unlikely I would have had them with me. I don't *know why I* took them out of the *ignition. Probably because* I was in a remote area and I was afraid it would be an easy thing to steal.

Q The back tires of the Toyota are what kind of tires?

A They are **snow tires**.

Q **How** long have they been on the truck? For a while?

A I think two seasons.

Q Fairly recent tires?

A **Yes. They** were sold to me by Gary Nash as being the ***finest snow tires that could be purchased according to him.***

Q **Who** is Gary Nash?

24 A **Nash's** Mobile *Station in Richmond, Maine.* He uses them
25 **on all** of his oil trucks that particular brand because they

1 don't wear. They don't wear quickly.

2 Q Turning your attention to Defendant's Exhibit Number 15
3 and 16. I would ask if you can identify in 15 if that shows
4 the rear tire accurately?

5 A Yes.

6 Q Turning your attention to the photographs themselves,
7 **would** you have a recollection of having the vehicle parked in
8 that position?

9 A I'm afraid I would be speculating. I couldn't say with
10 any accuracy.

11 Q When you parked your vehicle do you know what road you
12 Parked it on?

13 A Nor I don't.

14 Q Do you know what time you parked it?

15 A *Sametime in the afternoon.*

16 Q *Once you went into the woods* did you return to your
17 vehicle?

18 A I don't recall ever having returned, no.

19 Q Turning your attention to what has been marked as
20 State's Exhibit Number 7 and 8 *for identification purposes*,
21 which are **photographs** of the Henkel residence. **Have** you ever
22 been to that house?

23 A No, I have not. I don't recognize this house.

24 Q Did you ever drive up that driveway to stop and urinate?

25 A I don't believe I would have. I wouldn't do that, I

1 *wouldn't go into* somebody's driveway area. I would go to a
2 more private place.

4 Did you speculate to the *officers on the* night you were
questioned on the 6th-7th that you might have done that to
5 Detective Reed or Officer Reed?

6 A At that time he asked me if I had gone into any
driveways and I told him that I turned off onto some side
roads, logging roads, and he said, he asked me do you have a
tendency of Urinating in people's driveways? And it was at
thatpoint that the heated exchange began.

Q **You** were present when Dr. Roy testified, were you not?

Yes.

Q You were present when he described the discovery of the
body?

A Yes.

Q What was done to the girl?

A Yes.

What was your reaction to that testimony?

MR. WRIGHT: Objection.

THE COURT: Sustained.

BY MR. CONNOLLY:

Q Did anything that Dr. Roy say in reference to that body
and what was done strike a chord of memory **or experience in**
25 **you?**

1 *Oh, no. What he described is entirely out of*

2 MR. WRIGHT: Objection.

3 THE COURT: The question has been asked and
4 answered. There *will be no voluntary* statements especially
5 as to any reaction from Dr. Roy's testimony.

6

7 BY MR. CONNOLLY:

Q Were your *finger nails scraped after your arrest?*

A **Yes**, they were,

Q **Blood** taken from you?

A At a later date, yes, at Lincoln County. *My fingernails*
were scraped *in Bath*.

Q Did you have any blood on *your* clothes, Mr, Dec haine?

A No. Not that I know of*

Q Do you know the route that you traveled through the
woods in order to get out of the woods?

A **No, I have no idea.**

Q Did you ever go to the Henkel residence and abduct Sarah
Cherry?

A **No, I did not,**

Q Did **you ever** tie **her** up?

22 A No, sir, I did not.

23 Q Did you ever bury her?

24 A No.

25 **MR. CONNOLLY: No further questions,**

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E COURT: Mr. Wright.

CROSS EXAMINATION

BY MR. WRIGHT:

Q Did the real you kill Sarah Cherry or did somebody else do it?

No part of me did.

Q You told Detective Hendsbee that the real you couldn't have done it?

A I said I couldn't have done it,

Q You said the real you *couldn't have* done it.

MR. CONNOLLY: Asked and answer.

THE COURT: Overruled.

E WITNESS: I told him I couldn't have done it,

BY MR. WRIGHT:

Q You told Detective Westrum that there was something inside of you that made you do it?

A **No.**

Q **You** deny that?

A **Yes,** I do.

Q You originally denied to Detective Hendsbee before the discovery of Sarah Cherry's body anything to do with her being missing, didn't you?

1 A *'ve denied all along that I had anything to do with*
2 Sarah Cherry's.

3 After discovery *of her body* you never denied
4 anybody, did you?

5 A Yes, I did.

6 After the discovery of her her body you admitted it to
several police officers, didn't you?

A That is false.

Q Once you learned of the discovery of her body you knew
you were going to be taken into custody, didn't you?

A I suspected I would be, yes,
Indeed when Detective Hendsbee arrived on *Friday*
afternoon you said do what you have to do?

A I told him that I realized he had a job to do, yes.

Q You even told Detective Westrum I knew they were coming
16 *after me; I was waiting, didn't you?*

17 A I may have said that, yes.

18 Q Is it your claim - I take it it is - that because of
19 drugs you don't have recollection of significant periods of
20 time in the afternoon of July 6 , 1988?

21 A **No**, that is not exactly my claim. My claim is that I
22 have no exact recollection of events of that afternoon
23 because nothing of significance occurred.

24 Q The drugs had nothing to do with an absence of
25 recollection?

1 A *As far as I know that is correct.*

2 Q You've had for eight months all the discovery the State
is required to provide available to you?

4 A I've seen the witness statements only.

5 Q *That's right.* All of which tell you exactly what the
6 police officers at the time wrote down that you had said,
7 **correct?**

8 A No. That's not right. There is - Tom has three or four
different notebooks. I have been given access to only one of
them, which was the interviews of the witnesses.

Let me understand you. You were not given any of the
reports of the police officers as to what the police officers
wrote down when you told them?

A As part of those, yes. There were some of some in those
witness reports. It was not complete.

You've had a chance to review those reports?

A Yes.

Q Have you had a chance to learn either through the review
of the discovery materials or in testimony exactly what was
found in your truck item by item by item; isn't that true?

A **Yes.**

Q You've had eight months now to consider precisely what
your testimony would be, isn't that true?

A Well, I've certainly had time to think about it, yes. I
25 didn't realize I would be testifying.

1 0 You made a free election to testify, didn't you?

2 A My lawyer asked me to.

3 Q It not your choice; it's his idea?

4 A He's the one who calls the shots.

5 Q You mean you didn't want to testify?

6 A I left it up to my lawyer.

7 Q You've had eight months now to figure out exactly how
8 you would fit your testimony into the discovery that was
available to you; isn't is that true?

A I've already told you that I had plenty of time to think
about it, yes.

Q You've had that eight month period to decide how you
were going to respond as to the reports that the officers
wrote last summer?

A I didn't get those reports until probably - I'm guessing
16 - November or December.

17 Q Six months. Then you've had six *months to* review?

18 A Three months.

19 Q **You** never drank in the middle of the day you say?

20 A Very rarely.

21 Q *Why is that?*

22 A Mostly because I don't like to be under the *influence of*
23 alcohol while I'm working.

24 Q It doesn't both you to do drugs in the middle of the
25 day, does it?

1 A It's a different thing. I wasn't working that day.
2
3 a So if you have a day in which you don't plan to work you
4 *can go ahead and drink?*

5 A I might have a beer with lunch, yes.
6 • *That isn't what you* said yesterday, As I recall what
7 was said you said never drink in the middle of the day; do
8 you recall saying that?

9 A Yes, I recall saying that.

10 Q So that wasn't true. Sometimes you do and sometimes you
11 don't?

12 A I very rarely *drink during* the day*.

13 Q Your claim is that you took drugs on July 6th, 1988?

14 A That's correct,

15 Q No one in this whole world can corroborate or confirm
16 *that claim, can they,* Mr. Dechaine?

17 A *Aside from what?*

18 0 I asked you a simple question. I would like to give me
19 *an answer.* Nobody can corroborate or confirm that. If
20 that's **too** complicated a question I - -

21 MR. CONNOLLY: I would object *and ask that the*
22 defendant be allowed to answer the question.

23 THE COURT: The question is pretty clear and plain
24 on its face and calls for a yes or no answer. It's not
25 argumentative. The objection is overruled. The witness will
answer.

1 A I would say no.

2

3 BY MR. WRIGHT

4 • You did very well in college, didn't you?

5 A Yes.

6 Graduated at the top of your class?

7 A Yes.

8 I suppose during college you were given projects as a part of your training, farm training to solve problems?

A Yes.

• *You are a pretty bright young man?*

A *I guess I'm all right.*

• Indeed, Mr. Dechaine. You know how to figure ways out *of problems, isn't* that true?

A I solve a lot of business problems and so on and so forth, yes.

• You've never had a serious reaction to intravenous drug *use, have you?*

A Yes, I have.

Q You have?

A **Yes,**

Q When?

23 A You mean in terms of psychologically, no. I haven't had
24 a serious reaction in that event. But physically one time
25 that I did use drugs intravenously I injected into my muscle

1 tissue which caused me some pain.

2 • This was the TUC episode?

3 A No. That was ingested orally.

4 • I guess what I was asking was psychological ill effects,
5 and your answer is no?

6 A That's correct.

7 Q But on this occasion then, the first time in your life
8 you found yourself in a predicament due to drugs and you
9 claim at least some lack of recall and confusion; isn't that
10 true?

11 A Yes. I would say that.

12 Q Which you had never had before in all the years you've
done drugs intravenously and otherwise?

A I had never been in this kind of situation or similar as
to this one in the past.

Q You say you can't be sure where you were and what you
were doing all the time that afternoon?

A That's correct.

• There is no reason for your confusion or lack of recall
other than drugs that you claim you took?

A And the fact that my memory is such that it works best
when there is something significant to attach itself to.

Nothing was happening that day that was *significant*;
24 therefore I don't remember exactly the details of that day.

25 • You would remember them better if you had not taken the

1 drugs?

A Possibly, yes.

3 Q So it is the drugs that had an effect upon your ability
4 to recall?

5 A It may have, yes.

6 • You understand that this time period in which you say
7 *you were confused and* have some lack of recall is precisely
8 the time period in which Sarah Cherry was abducted?

A I realize that.

Q You've tried in your life a whole variety of drugs,
haven't you?

A Yes, I would say that is correct.

□ THC?

A Yes.

Marijuana?

A Yes.

• Hashish in India?

A Yes.

LSD?

20 A *One occasion.*

21 **Cocaine?**

22 A Yes

23 • PCP?

24 A Never.

25 Q That's an animal tranquilizer. You wouldn't touch that?

A *I don't know* anything about that.
*if a you are farmer don't know PCN is an animal
tranquilizer?*

4 A I would assume a vet would know about that.

5 Q You have syringes to inject your animals for their
6 health *and* well-being, don't you?

7 A These drugs are mostly vitamins?

A We don't have any reason to tranquilize animals.

Q Nevertheless, there are drugs that you regularly use at
your farm with animals; is that correct?

A Yes,

4 **You** are telling us **you** don't **know** what **PCP** is?

A No. I didn't know that until you told me,

Q You told us yesterday that you smoked pot once or twice
a month in high school?

A That's correct.

17 Q So that would be about 24 times a year?

18 A **Give** or take.

19 Q Throughout the course of high school?

20 A Last two years.

21 Q All right. So that's between 24 and 48 times you are
22 smoked marijuana during high school?

23 A Yes,

24 4 How many times did you use cocaine in high school?

25 A I believe one time my senior year.

* Q That was the only time when your friend from Connecticut
2 brought it up?

3 A Yes.

4 You took the risk of using it intravenously?

5 A Yes.

6 And not having ever used any other kind of drug before?

7 A I observed him doing it.

8 You thought *it was worth the risk that* the euphoria
might bring you?

A I suppose.

You used LSD one time?

A Yes.

Q THC one time?

A Actually I did THC over a period of three or four days.

• Several times?

A I would have taken it more than once.

• Was there something that prompted that or did you just
want to feel however you felt on THC?

A *I don't know.*

You don't recall?

A **Not** exactly. I don't know what compelled me to take it.

• **You** can recall all the times you've taken all those
drugs but you don't recall why you took THC on a four day
period?

A I **don't** know what compelled me.

1 Q Prior to July 1988 the last time you took cocaine was at
2 Christmas 1987, wasn't it?

3 A Yes, I believe that is right.

4 At a time when you and your wife went to visit her
5 parents at your in-laws in Colorado?

6 A No. It must have been 1986 because I've never done
7 cocaine in Colorado.

8 So you have a recollection *of where you do drugs as well*
9 *as when?*

10 A Well, I have an idea of when and where but these are
11 events that occurred years ago in many instances. I'm doing
12 my best to recall exactly when *and where these things*
13 occurred. I may be subject to some error.

14 • How many times in your life have you done cocaine?

15 A I don't know. Maybe half a dozen. Give or take.

16 • **You can remember all of those?**

17 A **Most** of them.

18 Q Despite all of that use of drugs and your wife's
ultimate threat to you *don't do drugs anymore or I'm **leaving***
you, you continued to do drugs?

A **Yes.**

Q **Her** ultimate threat **to** you didn't **stop you from** doing
drugs?

A **No.**

Q **You were willing to** risk losing her to continue to use,

1 to continue your drug usage?

2 A I never believed that I would lose her.

3 You never thought she would carry through with her
4 ultimate threat?

5 A To a degree, that's correct.

6 **You never stopped** taking drugs because you wanted to
7 satisfy your own desires just to continue drug use?

8 A I suppose that is correct.

9 0 Despite the effect it would have on your *partner, your*
10 *loving wife whom you've* known for ten years you were so
11 selfish that you wanted to continue drugs for your own
12 benefit in feeling good?

13 A As I mentioned earlier, it's probablyly the most
14 irresponsible thing I've ever done.

15 For almost half of your life, isn't that true, Mr *
16 *Dechaine?*

17 A Yes.

18 A But you must remember that I did drugs very
19 sporadically. I was not using them on a regular basis.

20 That is somehow a comfort to you that you only did them
21 sporadically?

22 A I guess what is a **comfort** to me is I never allowed
23 myself to become drug dependent.

24 You did not?

25 A No, I have never been physically dependent.

Q You would not claim you were a drug addict?

2 No

Q You never felt so ashamed of your drug use that you
4 stopped, did you?

5 A No.

0 Q And now what you want this jury to believe, as I
7 understand it, you felt ashamed and embarrassed over your
drug use on the evening of July 6th, and that's *why you lied*
9 to the police; is that your claim?

10 A That's my claim with the Luttricks, My claim with the
police is I did not want to be arrested for drug use.

- Did you tell the Rotary Club before you went off to
India of your drug use?

A Of course not.

Q Because you were afraid if they found out they wouldn't
send you?

A **Yes,**

Q You were trying to hide it from people?

19 A They never asked me.

20 Q They never asked you I understand, but you didn't
21 volunteer it either?

22 A That's correct.

23 **Q** You spent a good deal of your life feeling ashamed of
24 yourself because of your drug use?

25 A Yes.

2 And for that much of your life I take it then, Mr.
3 Dechaine, you have found it useful to portray yourself
4 publicly as a far different person than you know yourself to
5 be?

6 A That's not true.

7 Q By the way, when you bought the drug in Boston did you
8 tell Nancy you bought it?

A **No.**
You tried to hide it from her?

A Yes, I kept it from her.

Q **How** much land do you own in Bowdoinham?

A Maybe 22, 24 acres.

Q It's both open field and wood land?

A Yes.

Q You said that on July 6th, as Nancy said as well, that
when you got up she had already gone to work?

A Yes.

Q So she wasn't around?

A That's correct.

Q And you said as well, that your roommate Richard Bruno
was not home when you arrived back from the West Gardiner
Beef Company?

A **Yes.**

24 Q **So** nobody was a around when you decided to do drugs?

25 A Right.

Q You've got some pretty secluded areas on your farm?

2 A Yes.

3 Q No need to drive to Hallowell Road to do drugs?

4 A Yes, there was. Richard Bruno could have returned home
5 at any moment.

6 Q And found you out in one of your 22 or 24 acres
7 secluded. How would he have found you if you were in some
8 back lot?

A The object of taking that day off was to go exploring.
I wanted to do something other than just sit around and do
drugs, and so I wanted to go see some things that I hadn't
seen before *

Q **You** didn't **know** where you were going to end up?

A After I knew I was leaving for the wildlife refuge.
After that I didn't know where I was going to end up.

Q You didn't even realize *when* you wound up where you
wound up?

A That's correct.

Q **So** nobody else would have known you were there?

A To the best of my knowledge that's correct,

Q **Nobody** else in this whole world would you have known
your truck was there?

A Unless it was seen by somebody else.

24 Q But **you** have no knowledge of that?

25 A **No**, sir, I don't.

1 You realize that the testimony is, if the jury accepts
it, that the doors were locked when the truck was found?

3 A Yes.

4 Q You had the keys, didn't you?

5 A **Yes**, I did.

6 Q You told Detective Hendsbee you did not; that nobody
7 else drove your truck?

8 A That day?

9 Q That's correct.

10 A I told him I didn't know of anybody else driving my
11 truck, but it had been a possibility.

12 Q You've told us there was a **Volvo** key in the truck?

13 A Yes.

14 Q But you can't recall if there was another key to the
15 Toyota in the truck and you had your own keys, correct?

16 A That's correct. That does not exclude - -

17 Q Thank you. Listen to my questions. The reason, Mr.
18 Dechaine, you locked the truck was to insure the best you
19 could do if somebody found the keys before the police so
20 nobody could find the rope behind the seat; isn't that true?

21 **No,**

22 **Q You** got distressed when you couldn't find your way **back**
23 to the truck?

24 I was worried. I wanted to get **out of the woods**.

25 **Q You** began **to panic, didn't you?**

No.

Q A little bit?

3 A No.

4 Q You knew if you could get back to the truck you could
get home without anybody having seen you in the area of the
6 Hallowell Road and the Dead River Road?

7 A That wasn't of any concern to me at that time.
8 I just wanted to get back to my truck so I could go home and
9 be with my wife and my house.

10 Q As you told us, as I understand it, you became somewhat
11 confused that afternoon by drug usage?

12 A I would say that would be fair.

13 Q You tried LSD once in your life?

14 A Yes.

15 Q And in fact in that experience you went off into a field
16 for six hours more or less; is that correct?

17 A Yes,

18 Q And you've said previously that that was the closest
19 you've ever come to losing the ability to maintain your **sense**
20 of self was that LSDy isn't that correct?

21 A That's probably correct.

22 Q The effects of the drug you took on July 6th was nothing
23 like the effect of LSD?

24 A **No. Not even remotely.**

25 4 You had no hallucinations on July 6th?

A None.

2 Q Isn't it a fact you told the jury yesterday, if I recall
3 your testimony correctly, that the effect was heightened
4 awareness?

5 A That would be a fair representation.
6 Not less awareness but greater awareness?

7 A Clarity of mind, yes.

8 Q The drug was sold to you as speed you said?

9 A That's correct.

10 You can't say what it was for sure?

A **No.**

This fellow who sold you the drugs in little film
canisters, the little plastic film containers?

A Yes.

Q Were his pockets bulging with these things as he was
walking around the science museum?

A **No.**

0. Just you and the other fellow whom you saw buying drugs
were the only two people he was selling drugs to?

A As far as I know that's correct.

- One was sold to you as enough for one hit?

A That's correct.

- Yet you took two or more syringes with you that day?

A I was going to break it down to be sure that it was
safe.

So all of a sudden that day you were cautious about this drug?

A I'ra always very cautious in my summation. I don't want to die doing drugs.

5 Q Tell me the name of any dealer from whom you've ever
6 gotten drugs before that could insure you the quality or
7 purity of the drugs you previously had been using drugs
8 before?

A I can't. I can't answer that.

Q Yet on this occasion all of is a sudden you became very cautious about it?

A In terms of quantity, yes.

Q Well, you didn't know what was in it, did you?

A That's correct.

A very little of a drug can kill just as much of another drug in greater quantify?

A That's correct.

Q So quantity doesn't have *anything to do with caution, does* it?

A It increases the level of safety, wouldn't you agree?

Q You wanted to be alone to do the drugs?

A Yes.

Q This area that you located, found yourself was pretty much wilderness?

A Yes.

1 You saw somebody else in the woods?

2 A No,

3 Q Saw nobody else on the road?

4 A I can't **say for certain.**

5 Q Didn't need to wander of into the woods to do drugs, did
6 you?

7 A I told you the purpose of my being in this area was not
8 just to do drugs but to explore the area at the same time.

9 Q Then you got high and went back to the truck?

10 A *At what point?*

Q You tell me? You are the one who was there, not me.
You got high and went back to the truck. I think that was
your testimony yesterday, wasn't it?

A Yes. When I crossed the overpass after going past a
municipal building I stopped, I used some of the drug, and I
went back to my truck.

Q Unlike the first time when you had taken it at the
wildlife refuge, which had no effect, the second time you
19 took it, boom; it had some effect?

20 A Yes, that's correct,

21. Q So after taking, after getting up the Hallowell Road
22 area you injected yourself for a second time?

23 A That's correct.

24 Q With a second needle?

25 A No, sir. I was using the same one I had used at the

wildlife refuge.

2 It's the same one? Yet you took more than one needle.
Now you were telling us that you were repeating the use of
4 the previous syringe?

5 A Yes.

6 Q Why did you have to take more than one needle if you
7 were going to use the same needle over again?

8 A *I don't know why I did.*

9 0 The reason you have told this jury is because you know
10 very well a syringe was found in your car and you have a need
11 to account for some other syringe that could not be found;
12 isn't that?

13 A I took one monoset and two syringes. There was only one
14 tip. What I was going to do was after doing one third, I was
15 going to dispose of the original and use the second clean one
16 to finish off the drugs.

17 So you had decided from the outset to finish off the
18 drugs?

19 A Depending *upon what* the first *and third* did to me.

20 Q The first didn't do anything to you?

21 A That's correct.

22 Q How did you know the second was going to do anything?

23 A I didn't.

24 Q Yet you decided to take a second syringe to use up all
25 the drugs even though you have told us you didn't know it

1 would have any effect on you after you took the first one?

2 A You would have to repeat that a little more slowly.

3 Q You then drove the roads after getting high stopping at,
4 stopping a few times?

5 A Yes.

6 Q You remember doing that while high?

7 A Yes.

8 Q You then got lost in the woods?

9 A Yes, I would say that right.

10 • Simply because the woods were so thick?

11 A I don't think that that is entirely the reason. It's
12 certainly part of the reason. I had stopped for quite
awhile. I was sitting down for quite awhile. When I got up
I couldn't remember what direction I had come from.

Q You then tried to get back to your truck?

A That's correct.

Q You recall doing that while being high?

A Yes.

Q You wondered around for 15 or 20 minutes, do you recall
20 that?

21 A Can you tell me the context? I believe I wandered for a
22 greater period of *time than that* when I was lost.

23 • I don't have to tell you context. You know your
24 activities better than anybody that day. And *what you told*
25 the jury yesterday, and you *can correct me if* necessary, is

you wandered around for 15 or 2 minutes; is that true?

A If I said that that was prior to having been lost. When I **was** lost I wandered around for a longer period of time than that.

Q You remember doing that while you were high?

A Yes.

Q You remember being available therefore to put a time period on the amount of time you wandered around while being high?

A While I was lost?

Q Well₁ no. It doesn't have to be while you were lost. I'm asking in terms of being high.

A I'm not sure I could say that with any degree of accuracy. At the end of the day when I was lost as we were losing the light I can tell you.

Q "We," Mr. Dechaine?

A Yes.

"We were losing the light_f" Mr. Dechaine?

A Isn't that a common expression?

Not if we are alone, Mr. Dechaine.

A I wouldn't say for instance that I had six inches of **snow** yesterday. I would say we had six inches of snow.

Q Yes. Because the whole community gets snow.

A **The whole community experiences the sunset. Any great acts of nature are subject to pluralization.**

You found a grove of deciduous trees?

A Yes *

You remember them as being deciduous trees?

A Yes.

5 **You remember it being a grove?**

6 **A Yes.**

7 **You remember that precise detail while being high and**
0 **confused?**

9 **A Can you repeat that?**

10 **0 You remember that precise detail while being *high and***
11 **confused?**

12 **A I remember the deciduous grove, yes.**

13 **Q You heard the motor of a generator?**

14 **A Yes.**

15 **Q You recognized that's the sound of the generator without**
16 **first seeing it?**

17 **A No. I have just heard a motor running.**

18 **Q You recognized the sound of a motor running?**

19 **A Yes.**

20 **Q That was while you were still high?**

21 **A That's correct.**

22 **Q You then recall walking down a lane with beat-up old**
23 **cars on it?**

24 **A Yes.**

25 **Q Past a shack?**

1 A Yes, A small home.

2 THE COURT: Excuse me. I believe we'll have to
3 take a brief recess,

4

5 (Whereupon a sidebar conference was held)

6

7 **MR. WRIGHT: I would ask** the court to instruct -
8 this is the middle of cross examination - that counsel have
9 no contact with the witness,

10 MR. CONNOLLY: That is a direct violation of the
11 right to counsel.

12 MR. WRIGHT: Not during the middle of cross
13 examination.

14 MR. CONNOLLY: I will make a strong objection.

15 THE COURT: You may have your strong objection.
16 Please keep your voice down. I'm telling you right now I
17 don't *want any contact with* your client during this recess.
18 All I'm saying is I had a signal from the jury officer that
19 we had to have a kidney call. We are not *going to take any*
20 *extended recess.* We'll take five or ten minutes. As soon as
21 we are ready to go I will instruct Evelyn to come back in
22 here.

23

24 (Whereupon the sidebar ended).

25

(Whereupon the jury was in recess
and the jury returned at 1:4)

2

3

4

THE COURT: You may resume the stand, Mr. Deohaine.

5

6

BY MR. WRIGHT:

7

You then walked down the dirt road, which we you now know to be the Dead River Road, for five or ten minute?

A After going through the yard, yes.

All that time while you were still high?

A Yes.

• **You've** never had a memory problems before as a result of drug use, have you?

A I would say probably not.

• It just so happens this time, the time that Sarah Cherry was abducted and killed, you claim to have suffered such ill effects from drugs?

A I said I did not suffer serious memory loss that day.

You had spotty memory problems and confusion; that's what I'm asking you about.

A I would say I had those, but -- yes.

Q Your answer is yes?

23

A **Yes,**

24

Q **You** told the Buttricks that you were - -

25

THE COURT: Would you clarify that yes as to what?

BY MR. WRIGHT:

2 Yes as to the fact that - - let me go back. What I had
3 asked you, Mr. Dechaine, you had never suffered any serious
4 ill effects from drug use before. And I believe your answer
5 was that's correct?

6 A Yes *

7 Q My next question to you was it just so happened on this
occasion, the very occasion when Sarah Cherry was abducted
and murdered, you claim to have suffered ill effects from
drugs in the way of spotty memory and confusion?

A To a degree, yes.

Q Which you had never suffered before?

A To the best of my recollection.

• In 13 or 14 years of drug use?

A Yes.

Q You told the Buttricks you were from Oregon originally?

A I may have said that.

 That was a lie?

A Yes.

Q **You** told them that you were from Yarmouth?

A **Yes.**

Q That was a lie?

A That's correct.

Q You told they them you were looking for fishing holes?

25 A Yes.

Q That was a lie?

2, A *Looking for fishing holes was not entirely a lie.*

3 not one to pass up a fishing hole if I see it. I would have
observed it and made a mental note.

5 Q *You had no fishing equipment with you, did you?*

A No. As I mentioned I was exploring.

7 Q You were still high when all of this occurred with the
8 Buttricks?

9 A Yes.

10 Q You had the presence of mind to lie while still high,
11 didn't you?

12 A I was afraid that they would be able to notice my
13 condition of *being high*. I did not want them to know who I
14 was.

15 • So your claim was to hide the fact that you had been
16 doing drugs?

17 A That's correct.

18 Q You thought the lie would be an effective way to hide
19 the truth of your having done drugs?

20 A No, I thought to lie about who I was would disassociate
21 me from the fact that I had been doing drugs.

22 • *But you told them your correct name, didn't you, Mr.*
23 *Dechaine. You didn't lie about that part?*

24 A No, I did not.

25 Q Yet you just told this jury not 20 second ago you

1 thought you had to disassociate yourself from doing drugs yet
2 you gave them your exact name?

3 A Yes. I'm not the world's best liar.

4 Q Say that again,

5 A I'm not a good liar.

6 Q You thought lying was going to mask your drug use better
than simply saying to them I got lost in the woods?

A They asked me what I had been doing in the woods. I
told them that I had been fishing or looking for fishing
holes.

Q What was wrong with the explanation, Mr. and Mrs.
Buttrick, I lot got lost, in the woods looking for fishing
holes?

A That's where it stopped. Then they asked me further
where are you from. I feared at that time that they observed
that I was high and that's when I began my

17 Q You have been lost in the woods before?

18 A Yes. Twice.

19 Q So getting lost was not a big thing?

20 A No. I wouldn't say that. I was unduly worried.

21 Q **You've testified** that you were embarrassed by your drug
22 use?

23 A Yes. Embarrassed and ashamed.

24 Q Ever find it necessary previously having **to lie about**
25 *who you were* and where you were from and what you were doing?

1 A No.

2 Q The answer is no?

3 A Right.

4 Q You wanted very much to find your truck?

5 A Yes, I did.

6 Q In fact, the fact of the matter is you just couldn't
7 find it?

8 A That's correct.

9 Q Indeed you heard testimony, from among others, John
10 Henkel, who went out in broad daylight and couldn't find it?

11 A **That's correct.**

12 Q **You** wanted to reach your wife?

13 A Yes, I did.

14 Q **You** said yesterday you were not worried about her
15 however or her worrying about you?

16 A Pardon me?

17 Q I thought you have said yesterday, correct me if I'm
18 wrong, you said you were not worried about her or her
19 worrying about you, but you simply wanted to reach her to
20 have her come *and help you find the truck?*

21 A **No.** I was worried about her worrying about me.

22 Q But you did also testify yesterday, did you not, Mr.
23 Dechaine, you wanted to reach her to have her come help you
24 find the truck?

25 A **Yes.** I **wanted** to have her come pick me up,

1 0 You looked in earnest for the truck Mr. Connolly asked
you several times?

3 A Yes. With Mr. Buttrick's aid.

4 Q Mr, Buttrick was nothing but kind to you?

5 A He was a very nice man, yes.

6 Q The reason that you looked this earnest for the truck
7 was if you could find the truck you could get out of there
without getting implicated in anything, isn't that true?

A No. The reason I wanted to find the truck was so I
could go home.

You had no contact yet with the police?

A No, sir.

Q You still didn't know that the police had found your
papers?

A That's correct.

Q *So what you really thought was all I had to do was get
to my truck and I'm home free?*

A I thought if I could get to my truck I could go home.
Without anybody seeing you in the Hallowell Road area?

A That was never in my mind,

Q You injected yourself three times?

A That's correct,

Q *With an animal syringe?*

A *No. A syringe is a syringe* whether they are used for
humans or animal. They are all different sizes.

Q Are you telling me an animal syringe is the same as a hospital syringe?

Let me tell you an animal syringe - if you are using something on a horse, penicillin say, you would use a large syringe. If you were injecting a tetanus shot into the uterus of a ewe you would be using a syringe at least as small as what a diabetic would use. So what I'm telling you is that there is no difference between an animal syringe and a human syringe that they use.

10 Q What syringe did you take with you on the 6th; a small
11 one that you put into the uterus of a ewe or a larger one?

12 A I took a small monocet, and I can't recall what size CC
13 tube I took.

14 Q You realize that a syringe was found in your truck still
15 wrapped up?

16 A Yes.

17 Q It is your claim that the photograph which shows the
18 bruise also shows a tract mark on your arm?

19 A Yes.

20 Q You don't want to change your story? That's a tract
21 mark?

22 A That's correct.

23 THE COURT: For purposes of the record, is one of
24 those bags empty?

25 MR. WRIGHT: Yes. *I've now sorted out from it the*

1 exhibit that is contained within it. One can do that because
2 all the other ropes have Defendant Exhibit Number stickers
3 *on it. This one was marked by Ms. Brinkman and also with the*
4 lab number that links up with the number on the bag.

THE COURT: Thank you.

6

7 BY MR. WRIGHT:

8 Q That's your arm, right?

9 A Yes.

10 The puncture that - -

THE COURT: Could we reference that to the exhibit
number?

THE WITNESS! Yes. State's Exhibit Number **five**.

BY MR. WRIGHT:

State's Exhibit Number **five** is now in front of you?

A Yes.

• That is your arm?

A Yes.

• You claim the little mark on your arm to be a tract
mark?

A I think it's **very evident**, yes.

23 • Let me show you what I've marked as State's Exhibit
24 Number 7 for identification. Do you recognize that as a
25 blowup of Exhibit Number five?

1 A Yes.

2 Q Do you see any blood or puncture in it now that it is
3 blown up to a larger size?

4 A I don't clearly see a puncture wound.

5 Q Do you still want to maintain that is a tract mark?

6 A Yes.

7 Q From that day, July 6th?

8 A Yes, that's correct.

9 MR. WRIGHT: I would offer 5.

10 MR. CONNOLLY: I'm not sure that is the same
11 exact photograph.

12 F.R. WRIGHT: He said it was the same photograph
13 blown up.

14 THE COURT: He just identified it. It is admitted.
15

16 BY MR. WRIGHT:

17 Q There is no blood on that tract mark, is there?

18 A **No,**

19 Q That's the only tract mark that appeared on your arm?

20 A As far as I can see.

21 Q You managed to inject yourself three times in the same
22 spot?

23 A No, That tract mark is evident because it seems to me
24 that I punctured a vein and went under the skin.

25 Q How come we have no other tract marks?

A They wouldn't be evident they were well-done.

Q There would be no indication of a tract mark left on
3 that day of a needle mark?

4 A I don't think it would be seen, no.

5 Q Have you ever been to a doctor and gotten a shot?

6 A Yes.

7 Q Hours later you can see a little mark on your arm from a
8 shot, can't you?

9 A But if you are using the caliber monocet that a diabetic
would use, which is 26 gauge, the hole would not be evident,
unless it was improperly done.

Q Unless it was not properly done?

A Yes.

Q So you claim that this mark which appears to be right on
top of a vein shows because it was not properly done?

A That's correct.

Q Well, Mr. Dechaine, after you injected yourself the
first time then realized that you had no effect from the drug
you realized that perhaps you hadn't hit your vein the first
time, correct?

A I'm sure that I had.

Q **You** are sure that you had hit your vein?

A That's correct.

Q When Mr. Buttrick came upon the sheriff on the road you
knew that you should act cooperatively **or** you could cast more

1 suspicion on yourself?

2 A No.

3 Thank you. When you got into the car you didn't know
4 what the sheriff was doing in the area, did you?

5 **A No,** I did not.

6 So you were still unaware of your receipt and notebook
7 having been *found*?

8 A That's correct.

9 You had no reason because you hadn't done anything wrong
10 to feel intimidated by the police?

11 A That's correct. I was worried whether they would notice
12 I was high or not.

13 • Yet you testified yesterday, as I recall correct me if
14 I'm wrong that you were afraid they had already found your
15 truck with the syringe in it; isn't that what you said?

16 A That was at the command post after I had been placed in
17 another car and hauled away for quite a period of time.

18 That was suspicious to me why were they holding me.

19 • So early on after you arrived at the intersection of the
20 Dead River Road and Lewis Hill Road - -

21 A Is that where the command post was?

22 • That's right. I don't mean to confuse you. That's the
23 *main intersection* there. You became afraid they had already
24 found the truck with the syringe in it?

25 A After having waited there for a period of time, that's

1 correct.

2 Q You also testified that they told you they could help
3 you find your truck?

4 A Sheriff Ackley told me that prior, a long time before.
5 As *soon* as he picked me up he told me that he could help me
6 find the truck.

Q So it's a reverse now?

A What happened in sequence is I went into the police car;
he told me that they could help me find the truck; they drove
me to the *command* post and I was placed in a car there and I
was held. I waited. And I knew that something was wrong.

Q You are persuaded that something was wrong?

A Yes.

Q You just waited - this is before Reed came and started
screaming at you; you knew something was wrong?

16 A I can't recall if it was before or after I spoke.

17 Q If it was before how would you have known anything was
18 wrong? Here were the police volunteering to help you find
19 your truck?

20 A They volunteered to help me find my truck and they put
21 me into a police car by the side of the road; wouldn't you
22 think that was suspicious?

23 Q Where else would they put you? It was dark on a country
24 road?

25 A I'm the one who lost the truck. Wouldn't you think they

I would take me *with them to try to find it?*

2 Q Which *is what they did?*

3 A That was several hours later.

4 Q You acknowledge that the receipt was in your truck?

5 A Yes,

6 Q *As far as you know the* notebook was also. You can't be
7 certain but you believe it was?

A Yes.

Q You testified yesterday you remember being read your
Miranda right only one time?

A Yes. Detective Hendsbee read me my Miranda right later
that evening.

Q By the Sagadahoc County Sheriff's Office only one time?

A Yes. That I recall.

Q Let me go on. Officer Reed asked you where your truck
16 was then?

17 A Yes. I believe that was part of his questioning.

18 Q You told him you parked it in the woods to go fishing,
19 and while fishing you got lost in the woods *and you were*
20 unable to locate the truck?

21 A Yes.

22 Q He asked you if you caught anything?

23 A Yes.

24 Q You said no?

25 A Yes.

1 Q He asked you where your fishing gear was?

2 A Yes.

3 Q You told him once you realized you couldn't locate your
4 *truck you ditched the pole?*

A Yes.

6 Q A valuable pole?

7 A *There wasn't a fishing pole.*

Q This is all a lie, isn't it?

A Yes.

Q This is at the very on outset of the conversation you had with Officer Reed; that you began lying to him right from the start?

A I lied to him about why I couldn't find my truck.

Q Right from the start?

A Yes.

Q Before he ever raised his voice to you which made you feel intimidated?

A I cant be certain when that came up.

Q Let's go through it. Officer Reed asked you if you **could** be on the Lewis Hill Road, on this road, and he pointed to it?

A Yeso

You denied having *been on it?*

A I didn't deny. I said I didn't know where I was and therefore couldn't say whether I had been on that road or

1 not.

Q He then showed you the items and asked you whether they
3 were yours?

4 A That's correct.

Q You denied that they were yours at first?

6 A No. I told him immediately, as stated in his original
7 report, I said yes, those items are mine. The only confusion
8 I expressed was whether the notebook originated from my truck
9 or my stand.

10 Q But you didn't tell him that that night, did you?

11 **A Yes, I did.**

12 Q He then asked you how the items could have been found in
13 a driveway off the Lewis Hill Road if you hadn't been there?

14 Yes.

15 Q You told him you didn't know?

16 A Yes.

17 Q He told you that an individual had seen your truck
18 heading in that direction that afternoon?

19 A Yes. He told me that.

20 Q At that point you then said that you thought he you had
21 gone down the road that **afternoon looking** for a fishing hole?

22 A I told him that I had been on some roads, that I may
23 have been on the Lewis Hill Road.

24 Q Because once he told you that your truck had been seen
25 you had to come up with an explanation of why you might have

been seen on that road; isn't that so?

2 A no. What I told told him originally I told him I might
have been.

4 Q He asked you whether you turned around in anybody's
5 driveway?

6 A That's correct.

7 Q You said that you do remember turning around in one?

8 A I told him I pulled out onto some side roads. I never
9 said I was in somebody's driveway.

10 Q You didn't tell him after he asked you whether you
11 remembered anything about the driveway, it was a long
12 driveway with a house setback from the road?

13 A I never said that.

14 Q You deny that?

15 A Yes. That's when the heated exchange began. That's
16 when he started saying things that I knew were false.

17 Q He then asked you whether you drove all the way into the
18 long driveway?

19 A I don't recall that.

20 Q You told him no; all you did was turn around?

21 A I told him that I had been - I pulled into a lot of
22 *logging roads* and all I had done was stopped and checked them
23 out and turned around,

24 Q You met two older people and asked them directions for a
25 fishing hole?

I might have asked them that.

2 Q That was a lie?

3 A Yes.

4 And the two old older people told you to follow this
5 road to the end and make a right?

6 A I don't recall that.

7 You don't remember if two older people might have said
8 that to you?

A I never spoke with two older people.

Q He then asked you how the items wound up in the
driveway?

A Yes. I think he did.

Q Then you said probably when you got out to urinate they
must have fallen out?

A I said that was a possibility. And I said I really
didn't know how they got there.

Mr. Dechaine, you've just told us that you never told
Officer Reed that you were in a driveway but on logging
roads. Only now he was asking you about being in a driveway
and you acknowledge to him that maybe the papers fell out at
that point. Which is it?

A I told him that, I said maybe the papers fell out and
somebody might have picked them up and placed them in the
driveway, I never said I had been in the driveway.

25 **You** had told him all you had done was turned around and

drove down logging roads?

2 A That's correct.

3 Then he asked you whether you always stopped to urinate
4 in the middle of one's driveway in the middle of the day?

5 A Yes.

6 Q You told him it *wasn't the* middle of the day; that you
7 had worked at the farm until five o'clock?

A Yes.

Q That was a lie too?

A Yes.

Q You had to tell him that lie to account for your time
during the very time *that Sarah Cherry was* killed; isn't that
true?

A **No**, it's not.

Q You further told him that you worked at the farm until
five o'clock until you came out to fish?

A I didn't want him to know that I had been in this area.

Q I asked you a very simple question. I would like you to
give me have a simple answer, if you are capable of doing it?

A I told him I had been there to fish, yes.

That was a lie within a lie. Not only did you tell him
that you had been at the farm until five o'clock, but you
compounded it by saying that you had come out to fish?

A I did *not want to tell* him that I had been on that road
for the purpose of doing drugs.

1 *I bet you didn't want to tell him you were on that road.*

2 MR. CONNOLLY: *Objection.*

3 THE COURT: *Sustained and as to the comments*

4 MR. WRIGHT: *I apologize.*

5

6 BY MR. WRIGHT:

7 He then asked you if you didn't dropped those items at
8 the end of the drive how did they get up to the house?

9 A **Yes.**

10 Q **You told** him whoever grabbed the girl placed them in the
11 **driveway** to set me up?

12 A Prior to that he asked me, we had had a conversation
13 about the missing girl.

14 You heard him testify to the contrary about that,
15 haven't you?

16 A I don't recall that. He *didn't say that. What he told*
17 *me was that I don't know if he mentioned the name of Sarah*
18 *Cherry that evening, but he told me that a girl was missing*
19 *from the house where the papers were found.*

20 That's right. He told you the girl was missing, that's
21 exactly right.

22 A Yes.

23 Q *And you* turned right around and told him whoever grabbed
24 the girl must be **doing** it to set me up?

25 A As part of that heated exchange he accused me of being

responsible for that girl abduction.

2 You have been in court for a week. You never heard him
3 say that in court, have you?

4 A No. He didn't say that.

5 This all occurred after you had been read your Miranda
6 *rights or not?*

7- A I couldn't tell you whether or not with any accuracy
8 whether I had any of my Miranda rights read.

9 • **You** seem to have a precise recollection of exactly what
10 Officer Reed to said to you during this *conversation; yet you*
11 can't recall whether he advised you of your Miranda right,
12 which you had never been read before?

13 A I'm not sure.

14 • This is State's Exhibit Number 40 which your own
15 attorney put into evidence.

16 THE COURT: Defendant's Exhibit Number.

17 Hit, WRIGHT: Defendant's Exhibit Number 40.

18

19 Q It shows on it, does it not, Mr. Dechaine, you were read
20 your writes rights twice?

21 A (no response)

22 Q **You** signed it at the *bottom. That is the* second time
23 because it has a time period on it?

24 A Where does it say twice?

25 • I'm directing your attention to it. The **bottom of the**

form as has your name on it?

2 A Yes.

3 Q Look at the top left-hand column. That does it read,
4 top left-hand column?

5 A Of the bottom part?

6 Q Top left hand?

7 A First Miranda reading at 2130.

8 Q First Miranda reading at 2130.

9 A I don't recall the first Miranda reading. I do recall
this second one,

Q **You** felt intimidated by the police?

A Yes, By Officer Reed.

Q The reading of your rights put you on edge as well. You
thought, my God, why are they reading me my rights; I haven't
done anything wrong?

A I'm not sure my rights had been read at that time.

Q When they read it to you the second time is that how you
felt?

A Yes. I felt worried.

Q Yet you don't remember if they had read you your rights
the first time, even though the second time they had an
enormous impact on you as you you just said?

A I would say that is correct. I don't recall having been
read my rights prior to Detective Reed questioning me.

25 *Q* You heard Detective Westrum testify that right after the

2 reading of the rights and being told about a missing girl you
3 threw your hands to your face and said: My God, you think I
4 did this. Do you deny doing that?

5 A I may have done that, yes. I had already been accused.

6 Q Let me understand very clearly. It is your claim the
7 police accused you from the very outset of abducting this
8 little girl?

9 A Dan Reed asked me where the girl was. He said that my
10 papers were found in the driveway where she was taken from.
11 He asked me where she was. I told him I did not know. So in
12 my summation I had been accused.

13 Q You came to feel intimidated by the police you said?

14 A By Officer Reed.

15 Q You nevertheless were able to criticize Officer Reed to
16 the sheriff by *saying that the* way he behaved you didn't want
17 to talk to him anymore?

18 A That's correct.

19 Q So you didn't feel so intimidated you couldn't go to
20 sheriff and complain about one of his subordinates?

21 A I told him I felt Mr. Reed was out of control.

22 Q You felt intimidated by Deputy Reed, yet you went to the
23 sheriff and complained about one of his officers. You
24 weren't so intimidated that you *couldn't do that*?

25 A Not by the sheriff, no.

Q The sheriff was unlike Office Reed. He was your

1 P rotector and guardian?

2 A Officer Reed and I had had a heated exchange. I had no
3 heated exchange with any other officer that evenings

4 Q So the intimidation was only from Reed?

Yes. For the most part, that's correct.

6 Q Yet it was not Reed who read you your rights the second
7 time, it was Westrum?

8 A I don't recall. The form shows Westrum. You don't need
to show it to me,

Q The form shows Westrum, doesn't it?

A Yes,

Q He was not the officer who intimidated you, it was just
Reed?

A **Yes,**

Q You've also said that you felt intimidated by the
reading of the right?

A I think you **have said tha**

□ I thought you had agreed. Correct me if I'm wrong.

A I was worried by the reading of the rights, yes.

Q **Your** real concern, Mr. Dechaine, that night was that
21 Sarah Cherry a's body might be found?

22 A **No.**

23 **Q** **You** want the jury to believe that your concern about
24 Sarah Cherry was just as a self-less individual who was
25 *concerned for her well-being as* the police were?

1 A I was hoping that Sarah Cherry would return home.

0 Q If you had felt intimidated by Reed you didn't feel so
3 intimidated that you couldn't turn on a portable police radio
4 and hear what was going on outside, could you?

5 A Pardon me?

6 Q You were sitting in a car by yourself?

A Yes.

Q The portable radios were off, right?

A As far as I know.

Q You turned one on, didn't you?

A I don't recall ever having done that. I wouldn't know
how to use one of those radios.

*How many buttons do they have on them; one, two on top
and one for channel and speaker?*

A I don't know. I've never seen one before.

Q Do you deny turning on a police radio?

A Yes, I do.

Q And feeling intimidated by Officer Reed you were still
able to tell the police that you felt you could still find
your truck?

A I felt if I could go with them I could find it.

Q One of the two officers that went with you was Reed, the
officer you felt so intimidated by?

24 A I had no choice in that matter.

25 Q Why didn't you ask the sheriff, look, I don't want to go

1 *with this monster; I want to go with you.*

2 A They said jump in the ear; we will help you.

Q You said you were fearful that the police would discover
4 your drug use by finding the syringe *in your truck*, and
5 that's why you lied to them?

6 A Yes.

7 Q But suddenly you were willing to go with them to help
them find your truck?

A Yes.

Q So all of a sudden you were no longer worried about them
finding the syringe?

A *At that point* I believe that they would just let me go
home, I realized that they had not found my truck because
they were willing to help me look for it.

Q at lady led you to believe that if the sheriffs were
going to find your truck that they would do anything but come
back to you and say Dennis we've found your truck, go on
home. Why would they have looked through your truck to find
a syringe to uncover your supposed drug use?

A **Because** of the tract mark on my arm and the fact that I
was, in my summation, still visibly high.

Q **You have recollection of all of these precise detailed
events while still** high, *do you not?*

A **I would say yes.**

Q Both at the beginning of your getting high and at the

1 end of this evening, while still embarrassingly high with the
2 Buttricks and the police you have precious, detailed
3 recollection of event, do you not?

4 A I wouldn't go so far as to say precise in detail but I
5 have good general recollection.

6 Its only the in-between time period the exact time when
7 Sarah Cherry was abducted and murdered that you claim, while
8 still being high, not to recall?

9 A That's not true.

10 Do you now want to tell us you do recall that time
11 period?

12 A What I'm telling you nothing of any significance
13 happened in that time period for me to recall. I've already
14 testified to the fact to what I was doing. I was wandering
15 roads, checking things out. That's it. And doing drugs.

16 So a deciduous grove of trees takes on significance
17 other than wandering through woods becomes less important to
18 you?

19 A I don't understand the question.

20 Q **You've** said that all of a sudden nothing of *significance*
21 was happening during the time you were in the woods?

22 A That's correct.

23 Q **You've** also said that you *remember going* into the woods
24 and doing various things including seeing or being in a
25 deciduous grove of trees?

That's correct.

2 This must have been of some significance, this grove of
3 trees?

4 A In a way it was, yes.

5 What of significance other than that was going on at
6 that time?

7 A Nothing.

8 Yet you remember that?

9 A Yes.

10 Later you say nothing of significance was going on,
11 that's why you don't remember anything?

12 A **No.** That's not true. The reason I remember the trees
13 is because I sat there. I was able to observe it for a
14 period of time.

15 How would a wrapped syringe implicated you in drug use?

16 A Assuming they had determined that I was high and had
17 marks on my arm, needle marks, I think that could be seen.

18 Q Wasn't there anything to prevent you from simply and
19 honestly explaining as to them that if a syringe was found in
20 your truck that you were a farmer and you use syringes in
21 *farming trucks*?

22 A That would be difficult to explain if they decided I was
23 high and had a mark on my arm.

24 Q That would have been the honest answer. I'm a farmer.
25 I **use** syringes in farming **work.** Nothing untruthful about

that, is there?

2 A No.

3 Q Yet you found it necessary you thought to continue to
lie about that?

5 A Yes, Because I felt that they knew I was *high*.

6 Q You heard everyone of those officers testify that you
7 appeared to be normal but nervous?

8 A Wide-eyed.

Q You didn't hear any one of them testify that they
thought you were high, did they?

A I believe that they -

Q Answer my question.

A **No**, they did not.

Q Nor is it contained in any single written report in this
case that any police officer ever thought you were high?

A That's correct.

18 Q Detective Hendsbee arrived on the scene and treated you
with concern?

19 A **That's correct.**

20 **Q You were relieved to** be **with an officer** who treated you
21 **so well?**

22 A **Yes.**

23 **Q You then** consented to the search I think **you testified**
24 **because you thought** it would clear you?

25 A **What search?**

Of the truck?

2 A Yes.

3 Q He asked you if he could have the truck and you said
4 sure?

5 A After he explained the forensic process to me I said you
6 are more than welcome to my truck.

7 You knew there was no blood in the truck, of course?

8 A I knew there would be nothing in the truck except that
syringe.

Q And the rope?

A I didn't know that. I knew there was a rope back there,
but I didn't realize that that would implicate me in
anything.

You've got no explanation for how the rope wound up in
the woods, the rope cut from the rope in your truck?

A I couldn't say with any accuracy.

Q **So** suddenly Detective Hendsbee, although you had been
concerned about the police and sheriffs earlier finding a
syringe in your truck, suddenly, with him, you are no longer
concerned with the police discovering the syringe?

22 A At that **point** I had been accused of an abduction. I was
more than **willing** to be cleared of that.

23 Yet, **even** after consenting to the search, after now
24 **wanting** to be clear of this, you continued to lie to this
25 **officer** who expressed concern for you whom you were relieved

1 to be with?

A I basically repeated the same lies.

3 Q You told this very detective you had been fishing?

4 A That's correct.

5 Q Another lie?

6 A The same one, yes.

7 Q That was the lie that you previously told the Buttricks
8 to avoid being found out to be a drug user?

A That's correct.

Q But you no longer were concerned about being found out
to be a drug user because you consented to the search of the
truck and knowing there was a syringe there?

A Yes. The gravity of the situation mandated that.

Q You then hid the keys?

A **No.** That was much earlier.

16 Q I'm going back. I jumped ahead. You hid the keys?

17 A Yes.

18 Q You hid the keys?

19 A Yes.

20 The real reason you hid the keys was so as to avoid, so
21 as to be able to **avoid** being in possession of the keys and
22 being associated with the truck?

23 A **No,** That is not true. The truck was mine. Of course I
24 had been associated with it. I own the Toyota pickup truck.

25 Q **You would** be associated with it and *nobody else would be*

1 I associated with it, correct?

I guess that is right.

3 O And in fact inconsistent with that you told Detective
4 Hendsbee *that only you had been in the* truck driving the
5 truck that day?

6 A As far as I knew that was correct.

7 O **So** nobody else would have access to the truck?

8 A *Unless somebody did have access to* it when I stopped.
9 That I can't say I did.

10 There is no way for you to say that anybody else had
11 access to your truck that day, isn't that true?

12 A **No.** I couldn't say that.

13 • **You** expected to be taken into custody that *night* because
14 you had been accused of a horrible thing?

15 A I wasn't sure. I didn't know for sure. I was afraid.

16 O You were afraid of that and being afraid of it, that's
17 why you got rid of the keys?

18 A No, sir. I got rid of the keys to avoid another
19 *confrontation with* Daniel Reed.

20 Q But he never consulted with you after this. It was
21 Westrum and Haggett **who** dealt with the keys, not Reed?

22 A Yes. *But the reason he didn't is because* I just I don't
23 know why he didn't participate. I'm not sure.

24 Q You later told Detective Westrum: Why did you let me go
25 home. Why did you guys let me go home?

2 A Yes. I did tell him that. I said if you really believe
I did this why did you let me go *home that night.*

4 □ You didn't hear Detective Westrum say the first part of
the phrase, you just said if you guys really believe me?

A That's what I asked him.

Q You also told Detective Westrum I knew they were coming
after me, didn't you?

A Yes.

• You told Detective tendsbee: Do what you have to do,
when he arrived?

A I told him that he had a job to do.

Q You expected him to be coming to arrest you, didn't you?

A I guess I was ready for that, yes.

Q Because you had just learned the discovery of Sarah
Cherry's body?

A *That's correct. I knew I was a suspect; as far as I
knew the only suspect.*

18 Q .Well, you said the police told you that?

19 A Yes.

20 **Q** *You were the only suspect?*

21 A Yes,

22 Who told you that?

23 A I believe the previous day on Thursday that --

24 0 My question is who told you that you were the only
25 suspect? Name me a name.

1 A I believe it was Detective Hendsbee when he came on
2 Thursday.

3 *You were willing to give Detective* Hendsbee your truck
4 because you thought it would clear you?

5 A Yes.

6 Q You didn't know what Ronald Roy, what Dr. Roy could
determine?

A I'm not sure I follow that.

Q You've said that Detective Hendsbee talked to you about
forensics?

A Yes,
You didn't have any working knowledge of forensics?

A Yes.
You didn't know what somebody like Dr, toy, the medical
examiner, could determine out the sequence of infliction of
16 harm upon a body, where a body died and how it died and so
17 *than, did you?*

18 A I didn't know anything about that.

19 Q **You** didn't have any idea that Judy Brinkman could
20 determine all that she could determine from the ropes?

21 A No.

22 Q You **thought** you had hidden Sarah's body so well you
23 thought it would never be discovered, isn't that true?

24 A That is false. I did not murder Sarah Cherry or bury
25 her body.

2 Q After you were incarcerated at the jail you asked for
some medical attention, didn't you?

3 A In Lincoln County?

4 Q Yes.

5 A Yes.

6 Q Doctor Edward Kitfield came over?

7 A Yes.

8 Q He gave you a questionnaire?

9 A That's correct.

10 Q Among the questions he asked had to deal with drug use?

11 A I don't recall exactly what the questions were.

12 Q **Have** you ever taken narcotics; do you remember that
13 question?

14 A Yes.

15 Q And your answer was no, wasn't it?

16 A I don't believe I would have said no. I just told Maxey
17 and Dermody the previous day yes, why would I say no?

18 Q **You told** them yes?

19 A I believe I did.

20 Q *In fact what you had said to* them was you refused to
21 answer questions, isn't that true?

22 A *Who did I say that to?*

23 Q Dermody and Maxcy?

24 A I don't recall saying that.

25 Q Another question that Doctor Kitfield asked you after

1 you asked for medical attention at the jail was whether you
2 had lost memory or amnesia. You told him no?

3 A That's correct.

4 Q You've had a long-standing drug problem?

5 A I have been using drugs sporadically over a long period
6 of time.

7 Q You don't consider yourself to be a drug addict?

8 A No.

9 Q Do you recall after your arraignment on August 2nd, 1988
10 telling Reed: I know what I've done is wrong, but I do not
11 consider myself to be a murderer, I consider myself to be a
12 drug addict?

13 A I never said that. I've never called myself an addict
14 *at any time* in my life.

15 Q You deny saying that to Officer Reed?

16 A At any time in my life or to anybody?

17 Q *You deny saying to Deputy* Reed I know what I've done is
18 wrong but I did not consider myself to be a murderer, I
19 consider myself a drug addict?

20 A I told him -

21 Do you deny it **or not?**

22 A Yes. That particular statement, yes. I told him a
23 variation of that.

24 Q All that you said to Detective Uestrum you never told
25 him that any of this was due to drugs, did you?

1 A No, did not. Not that I recall.

2 Q In all that you said to Detective Hendsbee about what
3 had happened, you never said that it was due to drugs, did
4 you?

A No,

6 Q What you said at the jail to Deputy Maxcy you never said
7 it was in any way related to drugs, did you?

8 I A That's correct.

9 Q What you said to Dermody you never said was involved
10 with drugs, did you?

11 A That's correct.

12 Q So you are willing in short as to allow yourself to be
13 accused of kidnapping and murder and gross sexual misconduct
14 rather than reveal drug usage?

15 A I had been advised by my attorney not to discuss the
16 issues at all.

17 Q Yet you had a lengthy conversation with Detective
18 Westrum after you were booked?

19 A As I explained earlier, we did not discuss the case. We
20 discussed my emotional state at the time.

21 Q When you arrived home at four o'clock in the morning on
22 July 7th, did you tell your wife about the drug use?

23 A Yes.

24 Q *Because you* needed some explanation to account for your
25 time?

1 A Right.

Q At that time, by that time in your life I gather from
3 what you've said earlier you thought you could *tell her about*
4 drugs without running the risk that she would really leave
you?

6 A I feared that.

7 Q Isn't that right?

8 A I thought that, yes.

9 Q You could get away with it?

10 A Yes.

11 Q With her?

12 A Yes,

13 Q This nice lady who has been your partner for ten years,
14 you were using her that way?

15 A As-

16 Q Yes or no?

17 A Yes,

18 Q Do you recall Detective Hendsbee stopping over the next
19 Thursday and you told him not to talk to her; what she knows
20 is all she knows and not to *talk about this*?

21 A No, What I told Detective Hendsbee was that my counsel
22 had said do not let them talk to your wife about the case.

23 Q Do you recall Detective Hendsbee asking Nancy what she
24 knew and she replied bits and pieces?

25 A That's correct.

2 *And then you said to her, in the context of your*
3 + *attorney that is true, what Nancy knows is all she knows and*
4 *not to talk to her about the case?*

4 A That's basically what I said.

5 You became upset over the discovery of Sarah Cherry's
6 body?

7 A Yes.

8 And the reason really was you knew you had been had?

9 A **No**, sir. The reason was as I had been hoping that Sarah
10 Cherry would be found or she should would show up at home by
11 her own means and I would be freed from this predictrnent.

12 Detective Hendsbee told you you were the sole suspect?

13 A Yes.

14 Q Yet he didn't arrest you right away, did he?

15 A **No**.

16 He was there to do a search, wasn't he, of the
17 residence?

18 A He told me he was there to search and he would be
19 arresting me.

20 □ When he arrived he told you you were *going to be*
21 *arrested?*

22 A Yes.

23 Q **You** claim to have been intimidated by the police before
24 the discovery of the body?

25 A Yes.

0 Reed?

A Yes, Detective Hendsbee came to the house and other police cars, yes.

Yet suddenly after the discovery of Sarah Cherry you
5 became fully cooperative in the search of your residence?

6 A Once again I wanted to do everything I could to speed up
7 the process so I would be freed from implication in this
8 1 crime.

9 a You wanted to do nothing but help the police?

10 A That's right.

11 The penknife that used to be on your key chain you say
12 was left at Paul's Produce?

13 A To the best of my recollection.

14 It was used in the greenhouse?

15 A To cut compressed bales of Pro Mix, yes.

16 Q You last saw it some time last winter, about a year ago?

17 A No. I saw it when I was working in the spring at the
18 **greenhouse.**

19 Q The spring a year ago?

20 A Yes.

21 Q Work continues at the greenhouse, continues after
22 *spring, didn't it?*

23 A It goes through until June.

24 Q You had *through the* Economeaus continued access to
25 Paul's Produce, hadn't you?

1 A Not since July 6th I haven't spoken with the Economeaus.
0 Until they were in court the other day?

3 A That's the first time I've seen them, yes, or heard them
4 speak.

5 The Economeaus still run Paul's Produce?

6 A As far as I know that is not the case.

7 They don't anymore? They did for a period of time?

8 A Yes.

9 Your attorney had access to the *Economeaus* because he
10 called them as witnesses?

11 A Yes.

12 0 He called Mrs. Economeau as a witness?

13 A *That's right.*

14 0 Did you make any efforts to find the knife?

15 A I told my wife one time to go look for it.

16 You can't produce that knife?

17 A She could not produce it in the greenhouse,

18 MR. CONNOLLY: I would object and request we go to
19 side bar.

20

21 (Whereupon a sidebar conference was held)

22

23 MR. CONNOLLY: Your Honor, I need not remind the
24 Court that the defendant need not produce anything in this
25 trial. That the accusation by the prosecutor is improper,

and at this point I would move for a mistrial.

THE COURT: Motion is denied. I will instruct the jury.

4

(Whereupon the sidebar ended)

6

7

THE COURT: Mr. Foreman and and Ladies and

8

Gentlemen of the Jury, you will disregard the last question

9

from Mr. Wright to Hr. Dechaine that he had made no effort to

10

produce the knife. You will recall that when we started this

11

trial a week and a half ago I told you about the presumption

12

of innocence. The presumption of innocence alone is enough

13

to acquit a defendant of a charge, unless you are satisfied

beyond a reasonable doubt that the State has produced

evidence of each and every element of that offense beyond a

reasonable doubt. And the burden never shifts to a

defendant. The law never requires a defendant to produce any

evidence or any witnesses whatsoever. So, therefore you will

disregard that last question by Mr. Wright. You may

continue.

BY MR. WRIGHT:

24

Thank you. The piece of rope that was found in the
woods that Mr. Connolly showed you earlier you recognize as

25

being yours' with a knot probably tied by you? That was the

1 piece that Ms. Brinkman said was cut from the rope that was
2 cut in your truck?

3 A Yes.

4 ; Q Did I understand you correctly to say that you used that
piece of rope to tie things down in your truck?

6 A Yes.

7 You testified on direct examination earlier this *morning*
8 *that you know how to tie* things quickly?

9 A Yes, I would say that is fair to say.

10 Detective Westrum treated you with concern asking you if
11 he could help, asking you if you were going to be okay,
12 telling you you didn't have to talk to him; isn't that true?

13 A Yes.

14 4 He treated you kindly?

15 A Yes,

16 He didn't intimidate you. I'm now on the evening of
17 the 8th of July?

18 A **Yes,**

19 0 **You** deny however, that Detective Westrum told you that
20 your attorney had come and you simply nodded?

21 A I was never told that my attorney had come. The last
22 contact I had with him was at the farm.

23 Q You never believed that you had committed this crime?

24 A That's correct.

25 4 **So** the police could not have talked you into believing

2 that you had done it because you never believed you had done
it?

3 I A That's correct.

4 Q The police never threatened you?

5 A I wouldn't say direct threats, no.
They never used any force against you?

7 A No.
You were treated well at the Lincoln County Jail?

9 A Yes, I would say that is right.

10 Q Deputy Maxcy and Deputy Dermody were nothing but
11 **professional** toward you?

12 A That's correct,

13 Q They didn't intimidate you?

14 A **No**, They never did.

15 Q You told them I'm the man accused of this, correct?

16 A Yes,

17 Q You've heard them testify, however, that they already
18 knew ypu were coming *into the jail; isn't that correct?*

19 A Yes. I didn't know that **though**.

20 **Q You've called** the language -- as I understand your
21 testimony this morning, you do not directly deny having **said**
22 you people need to know I'm the man who killed that girl.
23 You said it was a regrettable error of semantics?

24 A Yes. But -

25 Q You've answered the question. Is all that you said to

1 Detective Westrum also a regrettable error of semantics?

2 A Many of the things that Detective Westrum said that I
3 said I never uttered.

4 Q When you told Detective Hendsbee it must be somebody
5 else inside me that is doing it, is that simply a matter of
6 regrettable error of semantics?

7 A No. I said I did not do this crime.

8 Q I don't dispute you told him you didn't do it. You also
9 told him it must be somebody else inside me doing it?

10 A No.

11 Q That wasn't a matter of regrettable semantics? You
12 simply deny having said it?

13 A Yes.

14 Q Your fingernails were scraped two days later after your
15 arrest?

16 A Right after I was arrested.

17 Q Are you claiming you hadn't washed in two days?

18 A No, sir. I believe I *took a shower Thursday.*

19 Q Mr. Dechaine, you recognize, don't you, that only you
20 wandered out of the woods off the Hallowell Road?

21 A Yes.

22 Q Those woods were the same woods that Sarah Cherry's
23 abused body was found, wasn't it?

24 A Yes.

25 Q Only your truck was found nearby, wasn't it?

A That's correct.

2 Q Rope matching only your rope and your truck was found in the woods, wasn't it?

4 A That's correct.

5 Q *You've heard testimony as well that it was the same kind*
6 *of rope that was on Sarah Cherry's wrists?*

A Yes,

Q You heard testimony that the truck was locked?

A Yes,

Q Only you had the keys to **the** truck?

A That's correct.

Q Only you knew where you were?

A Pardon me?

Q Only you knew where you were that day?

A That's true, °

Q Only your papers were found at the Henkels?

A That's correct,

Q You've acknowledged that the receipt and the **notebook** were in your truck that day?

A Tothebestof -- yes.

Q **You** said only you **drove** your truck that day?

A Yes,

Q **You've** changed your story repeatedly about the papers and about fishing and other matters?

A No, That's not true. What I did was I fabricated a lie

1 when I came out of the woods, and I told that same lie to
2 everybody. I didn't change.

3 • *You told the same lie to everybody, even after Detective*
4 *Hendsbee arrived and expressed great concern for you?*

5 A **Yes.**

6 Q You told Detective Westrum: Why did I kill her?

A I told Detective Westrum why am I being arrested for
this?

Q You deny saying, why did I kill her?

A Yes, I asked him why was I being accused of killing
her.

Q You deny *saying when you* saw her face on TVs It all came
back? Now I remember?

A I told him that when I saw Sarah Cherry's face on the
that I had never before in my life laid eyes on that girl.

Q He's got it 180 degrees the opposite and 180 degrees
wrong?

A **Yes.** That's correct,

Q **You** said to Detective Westrum: Why, Mark? Why, Mark?

A **That's** correct.

Q **You** said to Detective Westrums What punishment could
they **ever** give me that would equal what I've done?

A I don't recall saying that. When I asked him why I said
why in terms of why I had been arrested.

You may well have said that, but it's only a matter of

1 regrettable semantics when you said: You need to know I'm the
2 person who murdered that girl?

3 A I didn't. My *intention was to tell* them I had been
4 accused.

5 Q In the face of all of these admissions as the person who
6 killed Sarah Cherry, you still deny doing it?

7 A I did not murder Sarah Cherry,

8 MR. WRIGHT: I have no other questions.

9 THE COURT: We'll take a morning recess at this
10 time before resuming direct.

(the jury was in recess at 11:39)

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(chambers conference was had)

3 MR. CONNOLLY: The defendant wants to make an offer
of proof prior to resting. The defendant would call Lisa
5 Ford Christie, who would *testify that she was a* worker, an
6 employee at Paul's Produce stand, and that on the morning, to
the best of her recollection, of the 8th of July, she
returned to the stand to find that it had been gone through.
Items were taken that were particular **to** Dennis Dechaine;
particularly the stamp, which has the Paul's Produce name on
it as well as the check number,

During the course of her inquiry into the ransacking
of the stand a number of other items were missing, which were
of a personal nature relating to Dennis Dechaine with his
name on it. And that at the time she found a cat which had
been killed, what appeared to be strangled, with blood in its
mouth outside of the stand placed in a position where a cat
18 **would** not normally be, and what appeared to be the result of
19 a human being placing the cat there. I would try to
20 introduce that evidence.

21 The State I understand would be objecting on the basis
22 of relevance because the time is not appropriate and the
23 Court would make its ruling.

24 MR, WRIGHT: Particularly because the defendant has
25 **acknowledged** the receipt was in his truck on the 6th from all

1 knows and, although he can't be certain about it, the
notebook also was in his truck on the 6th. But be that as it
may, we know from the evidence that those two items were
4 found by Mrs. Henkel on the 6th and turned over to the police
5 on the 6th, so they could not possibly have been at Paul's
6 Produce at any time after that. Therefore, testimony being
7 offered to suggest that those items were taken during a
8 break-in following the 6th is of no probative value whatever
9 and simply irrelevant, and I would ask that they be excluded.

10 MR. CONNOLLY: *The only* other basis I would offer
11 it **would** be to show if somebody was setting up the defendant
12 the conduct was continuous in terms of other actions
13 against the defendant were taken which were of an odd and
14 unusual nature.

15 THE COURT: **Well**, in the first place, my previous
16 *ruling on* the testimony concerning the dead cat would remain
17 the same regardless of my *ruling on the other items*. But
18 there is nothing to indicate that on the date of Sarah
19 Cherry's abduction from the Henkel residence that these items
20 had been taken before her abduction and murder. Therefore,
21 any items that were taken in a break after July 6th would
22 have no probative value. Therefore, not relevant to this
23 case at issue and therefore the proffered testimony of Miss
24 Christy is excluded.

25 MR. CONNOLLY: The defense is indicating to the

1 *Court now that we'll rest.*

THE COURT: We'll do that in the courtroom.

(off-the-record discussion)

THE COURT: Mr. Wright, I've gone off the record
for purposes of trying to get a feel for what was remaining
6 of witnesses after the defense rests finally. He's indicated
7 *that he will be calling* Deputy Reed to testify as to
statements made by Mr. Dechaine after his arraignment on his
9 way back to Thomaston by way of an admission that had been
10 not pursued as part of the State's case in chief. And one of
11 the other witnesses will be Doctor Ronald Roy, The State
12 intends to recall him to testify as to Exhibit 70, which is
13 the blowup of the arm of Dennis Dechaine, for the purpose of
14 *showing or having Dr. Roy* testify that that would not be from
15 *an intravenous* injection of a drug, It may be from why
16 *don't you say what you expect him to say.*

17 **MR. WRIGHT:** He said it could be from a small
18 needle mark, but given its appearance to him and the time
19 **period which** he's aware of between the taking of the drug and
20 **the photograph** that if it had been an *injection it would*
21 **leave** a **different** indication or a different **mark.**

22 **THE COURT:** Mr. *Connolly is objecting on the*
23 **grounds** that there was a discovery order in this case that
24 the State was to furnish the names, addresses, and
25 **conclusions of** any expert witnesses as a part of the State's

1 case in chief or for purposes of rebuttal. For purposes of
2 this record is that the position of the State? You would not
3 know of this witness's opinion in this regard as a part until
4 the testimony of Mr. Dechaine that the mark on his arm in
5 those two photographs came exclusively - that it was a needle
6 *tract from an injection.*

7 MR. WRIGHT: I suspected right along that Mr.
8 Dechaine would make out the smaller mark in that photograph
9 to be a needle mark, and as a part of that suspicion asked
10 the crime lab to blowup the smaller photograph which is in
11 evidence. That was done. And prior to trial I did show the
12 blowup photograph to Dr. Roy in anticipation if the defendant
13 were to testify to this, which he has now done. So its
14 certainly - I sensed it would be coming but couldn't be put
15 *into the State's case by any means.*

16 Moreover, I may add, that with respect to issues
17 concerning medical examiner, that the written reports that
18 are typically prepared are those autopsy reports with which
19 the Court is familiar, that in addition at trial typically
20 and in this case without objection, Dr. Roy testified to a
21 number of acts that are not included in that autopsy report:
22 the sequence of events during the assault upon Sarah Cherry,
23 the time of death, where she likely died and so on. None of
24 that was objected to. My point is simply that there **is**
25 **always a problem** of greater or lesser extent of under or over

1 inclusion in expert's reports, *and these kinds of issues I*
2 *think among anybody who has tried any* number of these cases,
3 as we all have now, knows that these kinds of issues arise
4 and are testified to with common knowledge *and that they are*
coming.

Finally, with respect to Dr. Roy and anything he may have said, I do know that Mr. Connolly has had full opportunity to talk to Dr. Roy before trial. He in fact called me and said could I go see him. That's not up to me * You have a perfect right to go see him, and he did. He was there free to ask Dr. Roy about anything he wished to, including any theory that he might have for his own case including making out the smaller mark to be a tract mark.

MR. CONNOLLY: First, it's clear that there was
15 *sandbagging going on. He* talked to Dr. Roy ahead of time and
16 had the photograph blown up and discussed what that was going
17 to be. Mr. Wright knew what the defendant's allegations were
18 with regard to the bruise because he reviewed that on the
19 State's tape. He did shoot up and there was a bruise left on
20 the arm. The request for discovery indicates explicitly any
21 testimony that was going to occur of an expert naturally
22 would have to be reduced to writing and provided.

23 Insofar as other non-objections occurred that was
24 because I had access to Dr. Roy. Dr. Roy explained to me all
25 his opinions and **conclusion** with reference to those items *and*

1 are not objected to. He's never mentioned any opinion
2 whatsoever to me and I never asked because I didn't know that
3 this would be an issue, in with reference to any needle mark.
4 Had I known this rebutal evidence would have come in I would
5 have my own expert or had the opportunity to get my own
6 expert who would say they are consistent with tract marks.

7 **THE COURT:** *I'm going to allow him to testify. I*
8 *think that this is something that was merely finalized as a*
9 *result of the testimony of Mr. Dechaine. As I recall **dr.***
10 *Wright's cross **examination**, there were numerous questions in*
11 *regard to this as it relates to Exhibit 70 of the State's and*
12 *that it was, Mr. Dechaine was persistent in his contention*
13 *that that is the result of a needle mark. As I recall there*
14 *was some testimony by Dr. Roy in the State's case in chief of*
15 *the appearance of a bite mark, or was that from another*
16 *witness?*

17 **MR, WRIGHT:** I think that was from another witness
18 and not with respect to the smaller mark but the larger
19 bruise *

20 **THE COURT:** **You** are right.

21 **MR. WRIGHT:** At some **point somebody** thought it
22 might be a bite mark.

23 **THE COURT:** Well, I **don't** think that this is a case
24 where Mr. Connolly is *that surprised by the anticipated*
25 *testimony of Dr. Roy.*

1 MR. CONNOLLY: I assure the Court that I had no
2 idea he was going to do it.

3 THE COURT: I'm going to allow it. What other
4 witnesses, Mr. Reed and *Dr. Roy*?

5 MR. WRIGHT: The only other rebuttal witness would
6 *be a young man by the name of Raymond Knight*, who owns the
7 feed store where - there has already been testimony the
8 Dechaines bought their syringes, feed and so on on Route the
9 201 in Richmond, I believe it was Nancy **eons** specifically
10 mentioned that store as the place they went to to buy those
11 kinds of things.

12 Mr. Knight' testimony would be that he recalls the
13 defendant came in on July first, Friday, bought some grain, I
believe, had a bunch of chickens in the back; said he was on
his way to West Gardiner to have them slaughtered, which is
consistent *with the* testimony in this case, That Mr.

Dechaine said he was going away for the weekend, which
appeared to be consistent with the testimony that he was in
Madawaska over the fourth of July weekend, and that this is
the point of the rebuttal that he, Mr. Dechaine, was in the
Knight store on the afternoon of July fifth. Both he **and his**
wife have specifically said they returned to town late in the
evening of July 5th. *The testimony is* **offered in direct**
24 **contradiction of** *that.* *And of course you will recall from*
25 **what the one of the** State's witnesses in the case, Mr. West,

1 he saw a truck on the Lewis Hill Road on the July fifth which
2 he identified as being *the Dennis Dechaine* truck.

3 THE COURT: *For that purpose I will allow it.*

4 MR. WRIGHT: In contradiction of the defendant's
5 statement that he was not in town on the 5th.

6 THE COURT: Which would contradict the statement of
7 perhaps I didn't state it clearly. Mr. Connolly's
8 witness, both Mr, and Mrs. Dechaine testified that they had
9 returned in the evening like, if I recall the testimony. It
10 was in the evening after dark when they came back from
11 ***northern Maine.***

12 All right. Let's proceed.

13

14 (The chambers conference concluded at 2:46

15 **and** the jury returned at 2150)

16

17 **THE COURT:** Thank you for your patience. I
18 **apologize** for the delay in getting matters started. I
19 **believe** we have those matters resolved. Mr. Connolly.

20 MR. CONNOLLY: The defense rests, Your Honor.

21 **THE COURT:** Does the State have any rebuttal?

22 MR. WRIGHT: We do offer short rebuttal.

23

24

25

1 RAYMOND KNIGHT, being first duly sworn, was examined and
2 testified as follows:

3

4

DIRECT EXAMINATION

5

6 Would you state your name for the record?

7 A Raymond Knight.

Your occupation, sir?

9 A I work in a feed store in Richmond.

10 Q Who owns the feed store?

11 A My brother, Richard Knight.

12 And the name of the feed store?

13 A *Knight's Farm* Supply.

14 Its located on what route of travel in Richmond?

15 A *201 in Richmond* Corners.

16 You have been in business for some period of time?

17 A Yes, I have worked there for five years.

18 Do *you know the defendant in this case, Dennis Dechaine?*

19 A Yes, I do.

20 How do you know him?

21 A Just as a customer,

22 Do you know his wife as well?

23 A Yes, I do.

24 Q Do you remember her name?

25 Nancy Dechaine,

1 Q Did you know her also as a customer?

2 1A Yes.

When you saw Mr. Dechaine or Mrs. Dechaine at your
store, typically what vehicles would either of them be
5 driving?

6 A It would be, he would drive his red Toyota pickup and
7 *she drives a Toyota station wagon.*

8 Q I would like to direct your attention to July of last
9 year, early in the month, and ask if you can recall Mr.
10 Dechaine coming into your store on a couple of occasions?

11 A Yes.

12 Can you put it in prospective for us with reference to
13 the fourth of July weekend?

14 A He came in July first, a Friday, and was on his way to
15 West Gardiner Beef with his chickens.

16 Q *That's what he told you?*

17 A Yes, He had the chickens right in the truck.

18 Q Did you see anything that would confirm his stated
19 intention of going to West Gardiner?

20 A **He** had the chickens in his truck.

21 Did Mr. Dechaine indicate anything to you about his
22 weekend plans coming up?

23 A Yes. He said he was going away for the weekend. He was
24 taking his chickens up to be dropped off.

25 Q. When did you next see the defendant?

1 A I saw him again on Tuesday after that.

2 Q The day after the fourth of July?

3 A Yes,

4 Q What time of day did you see him?

5 A I believe it was in the afternoon.

6 Q Do you recall anything in particular about his coming in
7 on that day?

A No, Not really,

9 Q **How do you recall however,** that it was the fifth of July
10 when he was back in Richmond?

11 A It had to be the fifth of July. We weren't open Monday,
12 and I recall that he came in before his name was mentioned in
13 the news * I recall he was in earlier that week.

14 MR. WRIGHT: Thank you.

15 *THE COURT:* Mr. Connolly.

16

17

CROSS EXAMINATION

18

BY MR. CONNOLLY:

Mr. Knight, do you remember Mr. Dechaine being in the
farm stand before July first?

A **Before** July first?

Q Yes,

A As a regular customer?

Yes.

A He came in quite regular.

2 Q Did he come any day that week other than July first,
3 that Friday?

4 A If he did I don't recall. I recall July first very
5 **vividly**, yes.

6 **Do** you recall any other time earlier than that?

7 A **Not** to my knowledge. He may have, yes.

8 Q *I'm handing you an item* which has been marked as
9 Defendant's Exhibit Number 46. I would ask if you can
identify on the back of that. Is that your farm stamp, the
business stamp?

A Yes,

Q You recognize that as being the business stamp?

A Yes.

Q And would that business stamp be applied to that check
in the normal course of business?

A Yes,

18 MR. CONNOLLY: I would offer Defendant's Exhibit
19 Number 46 into evidence.

20 MR, WRIGHT: I would have the same objection as I
21 did **before** Mr. Connolly tried to offer it in the same way
22 **through** another witness.

23 THE COURT: It's admitted over objection.

24

25

I BY I.R. CONNOLLY:

Can you tell me what the date on that is?

3 A June 30th.

4 Q You have no recollection of Mr. Dechaine being on there
5 on that date?

6 A **No.** He may have, but I don't remember exactly that he
7 came in. We have customers coming in all the time. I can't
8 remember exactly.

9 Q And you think Mr. Dechaine came in on July first, but
10 you aren't *sure of that date either?*

11 A He came in that day, yes. I don't know what time he
12 came in, but, yes, he came in that day.

13 Q **How** do you know it was that day?

14 A Because it wouldn't have been Monday; we were closed.
15 *And it wasn't* Wednesday. Tuesdays I'm there alone, and I
16 waited on him.

17 Q What day was the incident with his name in the paper, do
18 you recall?

19 A It **would** be like Thursday or whatever, Friday that the
20 news came out about him. I had heard about the red Toyota
21 pickup truck.

22 Q At that time you thought you would come forward and give
23 information that was helpful?

24 A I didn't come forward, no.

25 MR. CONNOLLY: **No** further questions.

MR, WRIGHT: Nothing further.

2 THE COURT: Thank you. You may step down.
3
4

5 (RECALLING OF DONALD ROY, M.D.)
6

7 THE COURT: Doctor, you've already been sworn. You
have may be seated.
9

10 **DIRECT EXAMINATION**
11

12 **BY MR. WRIGHT:**

13 Q Dr. Roy, I would like to show you a photograph, State's
14 Exhibit Number 70, as well as Defendant's Exhibit Number 5.
15 Could you generalize in a general way what is depicted in
16 those photographs?

17 A It appears to be the upper arm and forearm.

18 () I will tell you that that has been identified as the
19 left arm of the defendant, *Dennis Dechaine*. You've had an
20 opportunity to view prior to today the enlargement of
21 Defendant's Exhibit Number 5, which is the smaller
22 photograph; is that correct?

23 **A Yes.**

24 Q The question I would like to put to you is whether you
25 are able to describe for us not the larger bruise mark but

the smaller, more circular mark that also appears in particular with reference to the reference to the blowup, whether or not that appears to be *an intravenous* injection site?

A Well, this lesion consists of a ring of bruising with a central tail area. I don't see any blood and I don't see an obvious puncture of the skin. It does not appear to be a typical intravenous *injection site*.

If it were to be suggested to you that the claim was that one had intravenously taken amphetamines in that *location, would you expect* to see an intravenous injection site that appears as the little mark appears in those photographs or somehow different?

A Well, as I said, a typical injection site will show evidence of perforation and/or flesh blood or a scab, in the at the hemorrhage in the center. If the needle is tiny and fine such as subdermal injections it might *produce something like this*,

There is an entity known as skin popping where people can abuse drugs by injecting it just underneath the surface **of the skin. You** might not be able **to see the hole under that because the** needle is so fine. The problem here is the **center of this lesion is** quite **pail**. *And this indicates that* there is some basal construction. What that terms means **is that the blood vessels** are closed down cutting off a blood

1 *supply just around the* injection site. This can be caused by
2 intravenous needles. It does have those properties like when
3 you make an injection into the skin the surgeon will often
4 I times put Lidocaine to kill the pain and that stops the
 bleeding. This effects only last a short period of time.

6 Q **How** long?

7 A Beyond a few hours I would be surprised.

Q If I were to tell you that that photograph was taken at
4 p.m. on Thursday July 7th at a time approximately 14 hours
or so, 15 hours perhaps, after a claimed injection of
amphetamines, would you expect to see a lesion that is shown
there in that photograph?

14 A I would have a difficult time accepting that it would
 have that type of effect after 14 hours.

15 MR. WRIGHT: Thank you.

16

CROSS EXAMINATION

BY MR. **CONNOLLY**:

Q Doctor, are those the same photographs to you?

A **One appears** to be a blowup of the other. I don't know
if they are the same photographs.

Q Do you **make** judgments *and* diagnoses based upon
photographs often exclusively?

A **No.** Not exclusively; certainly not.

1 Q You never examined Dennis Dechaine did you?

2 A Mo.

3 Q So *you are basing all your opinion upon photographs?*

4 A That's correct.

5 Q If an amphetamine type substance was introduced under
6 the skin and entered the tissue, you could explain the
7 possibility of a sealed lesion that way, is that possible?

8 A With a very fine needle, a subdermal injection.

9 Q If trace amounts of an amphetamine did not go into a
10 vein but remained on the skin it could produce that effect,
11 could it not?

12 A Yes, it would; which would last a short time.

13 Q But the dissipation of the drug would not occur if it
14 was in the muscle tissue except over a long period of time,
15 isn't that true?

16 A **No.** These things will get degraded by the body.

17 Q But in order to do that you require a transference of
18 the substance into the blood and the blood to take it out of
19 of the system?

20 A There is amphetetic fluid that will remove substances.

21 Q That's a much slower process?

22 A Certainly.

23 MR. CONNOLLY: No further questions.

24 MR. WRIGHT: Nothing else.

25 THE **COURT:** Thank you You **have** may step down.

Why don't we take a brief recess.

(The jury was in recess at 3:11)

(chambers conference)

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THE COURT: Now that we are all but one witness away, I feel it only fair to bring up the following. It came to my attention that a young fellow who is doing some unpaid volunteer law clerking for Judge Pease chatted with Judge Pease yesterday or within the last couple of days, and it was related to me, and I called in this young fellow, whose name is Bill Maddox, a native of the area here, who is a young lawyer, not practicing. And the focus of his discussion with Judge Pease about this case had to do with the sequestration order as to the purpose of the sequestration order. He said the reason I asked is because Mrs. Dechaine's lawyer has been sitting in the front of the courtroom taking notes and on each recess before she testified had been going down and talking at length with Mrs. Dechaine.

MR. CONNOLLY: I'm unaware of that, Your Honor.

22

23

24

25

THE COURT: I don't know whether this would constitute a violation of the sequestration order from the State's standpoint. The State may take a different view of the extent of the testimony of *Nancy Emmons-Dechaine*, and her knowledge, if any, of what was said before she had taken the

stand.

I raise it now before the State has rested finally because, quite frankly, gentlemen, there is a tightrope that everybody is walking here. There is no question but that Nancy Emmons-Dechaine knew that there was a sequestration order here.

6

7

MR. CONNOLLY: She absolutely knew.

8

9

THE COURT: She understood the purpose of it and I **would** assume that through that her counsel, Elizabeth Scheffee would have been aware of the sequestration order.

10

11

And **so on the one** hand we have the Court's concern for the extent and purpose of a sequestration order versus my **having** the right to inquire into an area that might involve the attorney-client privilege if the attorney chose to sit in **the courtroom** for a witness and go to that witness/ client, and relate to that witness/client what has been going on in **the course of** the trial.

20

23.

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In an abundance of caution I waited until we were **virtually at** the end of it. I called Mr. Maddox in this **morning, early on,** and had this discussion with him, because **you fellows** had a enough on your minds at the time. **So why don't I give** you about ten minutes for you fellows to **consider this** and see what, if any, action you would like to **take** at *this point* before the jury is excused for the night.

MR. CONNOLLY: I think the **hall** is in Mr. Wright's

court.

2 HR. CARLTON: Before we get into that I think I do
3 have to make some sort of disclosure of some, of my previous
4 relationships with Elizabeth Schaffee.

5 THE COURT: All right.

6 MR, CARLTON: That came about as a result of a
7 civil action that was brought, which you probably have *no way*
8 of knowing, about it's not that germane, But my only
9 exposure to her was at one time when Tom and I first started
10 I guess I told you this.

MR, CONNOLLY: I'm not sure. Co ahead.

MR, CARLTON: Elizabeth came in in the District
Court one time and said something to me about that she had
been to see my client. And of course immediately I picked up
my ears I said I don't know what the hell Elizabeth Seheffee
is doing with my client. I said what was that about. Had to
have some statements made and I was boiled. I said you
certainly, as an attorney, know better than to go off to
Tommy Town and sit with my client or anybody at that stage
when **you** start *becoming involved* in statement. That's as far
as I **know** took place. But as I understand it her only excuse
for all of this is she was involved in the civil matter.

23 **THE** COURT: On behalf of Mrs, Dechaine?

24 MR, CARLTON: Yes. What difference that makes to
25 me makes a heck of a lot of difference because its all

wrongo

THE COURT: There is the appearance of a problem there where potentially there were adverse interests between Mr. and Mrs. Dechaine at that point.

5 MR. CONNOLLY: Mrs. Dechaine needed separate
6 counsel. There is a multidollar lawsuit filed in the case,
7 attachments on all the defendant's property and anything that
8 has a joint interest has occurred. I'm well aware that is
9 the case. But in reference to *what the Court's* concern is, I
10 don't know what to say,

11 THE COURT: I suppose the ball is in Eric's court
12 *as to whether or not you want inquiry* made. And you may
13 perhaps want to recall one of the witnesses from the
14 *standpoint of*^a— I'm not going to say anymore than that.
15 It's a tactical choice. You gentlemen are adults. You are
16 very bright lawyers. You've done a hell of a job as
17 prosecuting and defending this case, I'm raising it outright
18 *now. I'm going* to give you ten minutes before Mr. Reed gets
19 here and proceed,

20 MR. CARLTON: Somebody does have to establish the
21 fact, although you have said he's a fellow attorney and all
22 on that of.

23
24 (Chambers conference concluded)
25

1 (RECALLING OF DANIEL REED)

2
3 THE COURT: You are still under oath.

4
5 DIRECT EXAMINATION

6
7 BY MR. WRIGHT:

8 Sr. Reed, I would like to directed your attention to the
9 second of August, 1988, I would ask you *if on that day you*
10 had further contact with the defendant, Dennis Dechaine?
11 Subsequent, that is, to your contact which you've already
12 described to us earlier in July?

13 A Yes, sir, I did. I was involved in transporting, with
14 Sheriff Haggett, Leo Scapino and myself, we transported
15 Dennis Dechaine from Thomaston prison to Lincoln County
16 Sheriff's Department, where he was arraigned,

17 Q And from the arraignment back to Thomaston?

18 A Yes.

19 Q On the way back he was obviously in your custody?

20 A Yes, sir.

21 Q Was there any questioning of him *going on?*

22 A No, sir. Not as far as questions.

23 Was there any conversation at all?

24 A Yes, sir. Dennis and myself, we spoke general

25 conversation most of the way back to Thomaston from Lincoln

County.

2 Any recollection in particular *about what the nature of*
3 the conversation was?

4 A Mainly it was over farming.

5 As you arrived at or approached Thomaston was there a
6 more particular discussion which led to certain marks with
7 reference to the matter that has brought us all here together
for the last two weeks?

A **Yes.** While we were speaking, Dennis had mentioned the
fact that how the inmates treated the guards terribly in the
prison here. And he had mentioned how he treats the guards
with a lot of respect. And that night I mentioned to him I
asked him do you feel you belong here? And Dennis then
stated to me he knows what he did was wrong, but he doesn't
consider him to be a murderer; he considers himself to be a
16 drug addict. That was all.

MR. WRIGHT: Thank you.

CROSS EXAMINATION

BY MR. CONNOLLY:

Detective Reed, that incident took place on August 2nd?

A **Yes.**

Q **You** didn't write your report until January 10th?

25 A **Yes,**

1 Q At the same time you wrote that report is when you
2 supplemented your July report?

3 A That's correct.

4 Q Was there anything that required you to precipitate to
5 write a report some six months after this?

6 A Well, sir, the way it happened is *on - okay, I really*
7 *wasn't sure if this would have been admissible in court.*
8 *Okay?* So we had a meeting and I spoke with Mr. Wright
9 himself. At that time he then informed me that, yes, he
10 wanted a supplement of this. That's the reason for the long
11 delay.

12 Q That's the reason why you supplemented the other report
13 on July 7th. This is because you spoke with the attorney and
14 *you realized there were* additional items you wanted to put in
15 *your previous report?*

16 A Yes, sir.

17 Q Do you have a direct recollection - did you take notes
18 at the time of?

19 A Which time?

20 Q Either time? When you supplemented your report on
21 January ten, 1989 were you working from notes?

22 A **No, sir** I was not.

23 • **Were** you working from memory?

24 A **Yes.**

25 Q **What was** he wearing that day?

- 1 A I have no idea.
- 2 Q Did you see me that day?
- 3 A Which day?
- 4 Q Arraignment day, August 2nd?
- 5 A I believe so.
- Q *Sure. How did you get him into the vehicle? Was there*
- 7 *a difficulty?*
- 8 A *No, sir.*
- 9 Q *None at all?*
- 10 A *Not that I recall.*
- 11 Q *There wasn't a stumble?*
- 12 A No, sir.
- 13 Q When you had the conversation with Mr. Dechaine did you
- 14 talk about your wife?
- 15 A I'm not married.
- 16 Q You don't know the Economeaus at all?
- 17 A Yes.
- 18 Q How do you know them?
- 19 A Through my girlfriend.
- 20 Q **She** works right next to the Economeaus?
- 21 A Yes.
- 22 Q Your testimony is that what he said was I know what I've
- 23 done is wrong, but I *don't consider myself to* be a murderer;
- 24 I consider myself to be a drug addict?
- 25 A Yes.

1 Q That's from recollection at the time; is that correct?

2 A Yes.

3 Q Some six months later?

4 A That's correct.

5 a Could he have said the only illegal thing I did was
6 drugs?

7 A No, sir. That's not what I remember.

Do you remember saying to him yourself, I can't believe
9 that you did this either, Dennis.

10 MR. WRIGHT: Objection.

11 THE COURT: Overruled.

12

13 BY MRo CONNOLLY:

14 Q I know you are only a victim of circumstance?

15 A **No.**

16 (2 *You never said that?*

17 A **No.**

18 (2 Were you engaging in and luring him in conversation in
19 *hopes that he might make a statement for you?*

20 A **No, sir, I was not.**

21 Q Did you advise him that what he said to you was going to
22 be written down six months late?

23 A No. It was general conversation.

24 Did you say anything to him on this day, August 2nd,
25 that was untrue to try to get him to make statements?

1 A No, sir.

2 Q You did say things that were untrue to elicit
3 statements from him back in July?

4 MR. WRIGHT: Objection.

5 THE COURT: Sustained.

6 MR. CONNOLLY: Nothing further.

7 THE COURT: Re-direct?

8 MR. WRIGHT: Nothing further.

9 THE COURT: Thank you. You may step *down*.

10 MR. WRIGHT: That concludes the State's rebuttal,
11 and the State rests finally.

12 THE COURT: Defense *rests finally*?

13 MR. CONNOLLY: Yes, sir.

14 THE COURT: Members of the Jury, the testimony and
the evidence is concluded in this case. The final phase of
this trial will be the final arguments of counsel and my
instructions on the law. We'll not do that today.

When you first reported for jury service I indicated to
you that I did not believe in sequestration of a jury.

That's why you had been permitted to go home every night.

exception to this rule is that once the jury starts

deliberations I must keep you together until you have reached
a verdict. What this means is that I'm alerting you now that

according to my best estimate we have heard from some 47

witnesses, I have been keeping count. We have over one

2 hundred exhibits in this case. This *is the 9th day since*
3 this case started. On the 10th day you will hear the final
4 arguments of counsel and my instructions on the law.

5 This case, because of the nature of the case, especially
6 because of the nature of the case, but in every criminal case
everybody accused of a crime is entitled to the utmost
consideration so that you may not be rushed. Because of the
number of exits and the length of case and the number of
witnesses it's essential that you *not be the* least bit rushed
in the deliberation process. So for that reason we have made
contingency plans so that if you reach a point once your
deliberations start tomorrow where you feel you can no longer
deliberate for the day, that we have motel rooms available.

14 They are on standby, as well as restaurant facilities,
1 *because once that* deliberation process starts you must be
16 kept together until you reach a verdict. So *I'm alerting you*
now to this. That if you go into tomorrow evening and you
find that you've got to have some rest, then what we'll do is
as a **group** take you to those motel rooms that have been
reserved for you so that you can get a good night sleep and
return and resume your deliberations the following morning.

24 It's absolutely *crucial at this point that you again*
and **continue** to avoid any media coverage of this case, The
25 final arguments of counsel in this case, like their opening
statements, of course, are not evidence. But you are going

to have the benefit of the final arguments of counsel for them to sum-up and call your attention to those portions of the testimony and the evidence that they feel are most important for your consideration in considering whether or not Mr. Dechaine is guilty or not guilty of the five counts in this indictment that are against him.

So I'm going to release you at this time and ask you to return at 8:45 tomorrow morning so we can hopefully get started at nine o'clock. My plans at that time will be for *you to hear the final argument of counsel. You will hear* from Mr. Wright first. You will then hear from Mr. Connolly. Mr. Wright then has an opportunity for a brief rebuttal because the State *does have the* burden of proof, and I'll get into that tomorrow in my instruction on the law. But when you have heard the final arguments at that conclusion we'll take a brief recess so that you can stretch, get a drink and so forth before you return and I instruct you on the law. At the conclusion of my instructions on the law I will then announce the two alternates in this case, *at which time you* will retire to commence your deliberations and review of all of the exhibits *and* the evidence in this case.

So, again, thank you for your patience with us. It's greatly appreciated by everybody. Have a good evening, *and* we'll see you tomorrow morning at 8:45.

MR. CONNOLLY: It's come to my attention that

1 Defendant's Exhibit Number 35 had not been offered. I would
I request to do so. I understand there is no objection.

3 MR. WRIGHT: No objection.

4 THE COURT: Defendant's Exhibit Number 35 is
5 admitted without objection.

THE COURT: Thank you very much.

(The proceedings for the day concluded at 4:01)

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