

**STATE OF MAINE
KNOX, SS**

**SUPERIOR COURT
CRIMINAL ACTION
LAW COURT DOCKET NO. RHO-92-360**

STATE OF MAINE,

Plaintiff

VS.

DEPNIS J. DECHAINE,

Defendant

Motion For New:T0a1

VOLUME

Before the Honorable CARL D. BRADFORD, Justice

Rockland, Maine

July 20 1992

APPEARANCES OF COUNSEL:

On behalf of the States

**Eric Wright, Eegi
Asst. AttorneyGen .r l**

On behalf of the Defendants

**Thomas J. ConnollyiEsq.....
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Reported by Philip 11. Galucki, Official Court Reporter

FITNESS INDEX

	Direct	Cross	Redirect	Further Gross
(July 2, 1992)				
Chambers conference	1-25			
Argument	27-51			
(Witnesses)				
MARGARET STEELS	52	69	92	92
MARK WKSTRUM	101	113	128	130
WILLIAM SNKAKKSR	131	138		
STEVEN DRAKE	139	151	165	167
<i>KRISTIN COMEE</i>	178	209	216	.~«.

1 (July 2, 1992)

2 (Chambers, 8:45)

3
4 THE COURT: I will probably repeat this from the
5 bench, My intention is to take the State's motion to dismiss
for want of jurisdiction under advisement; written arguments
have been filed by both sides, I will decide that based upon
the written arguments. My intention is to go right into the
testimonial portion of this today being Thursday, July **the**
second. Tomorrow is a holiday, I will **have** today **available,**
and I will not have Monday or Tuesday, but I will have
available the 8th and the 9th, and, if necessary, I can
rearrange my schedule to have the tenth available. Is that
agreeable to counsel?

MR. WRIGHT: Yes,

MR. CONNOLLY: **Yes, Your Honor.**

THE COURT: We have some procedural matters that
need to be addressed before we go into the courtroom.

MR. CONNOLLY: The first one, if I may, judge, **there**
are two motions that are pending from **the defense before** the
Court. The first one is an application for subpoena that I
filed last week. The second one is an application for
subpoena that was filed this morning, That **one,** filed this
morning, is more pressing **for me, in insofar as I anticipated**
to **pick** up my witness, Pamela **Sabine,** at two **o'clock** on the

1 airplane yesterday and she was not on it. We have repeatedly
2 tried to contact her, and her phone has been disconnected e
3 disdonnected in the sense that it's an active phone. We
4 spoke with the phone company repeatedly yesterday. No
5 incoming or outgoing messages are there. It seems internally
6 they have shut it off.

7 She had not been subpoenaed. And the reason she had
not been subpoenaed, is she is out of state in Kansas, She
has been voluntarily complying with all the request of the
defense. She has had close *phone contact. I believe* I spoke
to her last Friday or Thursday of last week, My memo to file
didn't date it, It was a cryptic note having a conference
with her. There was no difficulty with her at that time.

It's my understanding that she was supposed to be
on the plane. I had prepaid for the plane ticket and she
simply wasn't there. I'm concerned about that. She is an
important witness. She is one of the two prime witnesses
that I see in the affidavit. We can certainly continue right
now, This need not impede things unnecessarily. It's just I
didn't know what else to do. And yesterday, when I got back
to my office after being in front of Judge Brodrick, I was
going to the airport and she simply just wasn't' **there.**

25 We-did receive a one--line statement from the
answering service, ostensibly from her husband, saying she
would not attend. That's all it said. We have **continuously**

1 tried to get in touch with her and have been unable to do so.

2 THE COURT: So you have the motion to subpoena
3 Pamela Babine as well as Lapiere, Bobby Lapiere, The State's
4 response.

5 MR. WRIGHT: First, with **respect to** Ms. **Babine**, I
6 don't know that it's necessary really for the Court to rule
7 on a motion to continue at this time or keep open the
hearing, As things stand right now we'll begin today, And
if all goes well, conclude next week. I am opposed to
keeping the hearing open past the scheduled dates that **Your**
Honor has given us for next week. But it strikes me if in
the meantime contact is made with Ms, Babine and she arrives,
the Court would be perfectly willing to hear from her in the
interest of giving Mr. Dechaine his day to present that which
he thinks is important.

THE COURT: Sure.

MR. WRIGHT: I'm opposed to a continuance of the
hearing beyond that which is scheduled as consented by
counsel. No effort has been made to subpoena her previous to
this, I understand that often with **cooperating** witnesses,
those witnesses who **are cooperating**, that that is not **done**.
And fine. I've done that on **occasion, too**, I **expect** if I
did that and got caught short the Court would tell me why
didn't you **go subpoena** through the **Interstate** Witness Act,
I don't see any need to continue the motion right

1 now, I have no problem with the Court giving that paper work
2 to go through the Interstate Witness Act. As the Court
3 knows, that is a complicated and can be a timely process.

4 THE COURT: I'm well aware of that, This is the
5 concern that I have. It's not that I'm trying to prejudge by
6 any stretch of the imagination what our procedure is going to
7 be here. I don't want to shutoff any possible avenue that
Mr. Dechaine may have to present what evidence he *thinks is*
important. I do have some concerns about the time
constraints here, though. And I just don't want this thing
to drag out forever. It's a question of resources: counsel
and judicial resources that I'm' concerned with here, I
realize that should take a back seat when it applies to
someone's freedom. But there are limits.

So I suppose what we could do is go *ahead and start*
the paper work and let's do whatever we need to do, Susan,
and to get the out-of-state subpoena paperwork going.on this
Pamela Babine, And do you have her address, Tom?

MR. CONNOLLY: Yes, sir, We have the sheriff's
office and the sheriff's telephone number. *Whatever you need*
for that jurisdiction.

MR. WRIGHT: You will need the **prosecutor's** office
and the Court's address.

THE COURT: My thought would be that if we **had some**
cooperating prosecutors and sheriffs out **there**, that what we

1 could do is if a judge needed any confirmation from me, that
2 the initial steps could be done by telephone and assure them
3 that, if necessary, we can fax whatever needs to be done. Is
4 there a fax machine available here?

5 MR. WRIGHT: There is *a fax machine that is*
6 available. I'm not going to get involved 'in the logistics of
7 this, All I'm doing is just suggesting that the **telephone**
8 contact be made and that we'll fax out the paper work to
them, with the assurance that it will be sent out priority
mail to protect them. And with that assurance and with the
fax paperwork in their hand, what can they do to get the
subpoena served on Pamela Sabine? And that is all I intend
to do

THE COURT: Now, is there anything further on
Pamela Sabine?

MR. WRIGHT: No, Your Honor.

MR. CONNOLLY: Nothing further,

THE COURT: Let's go over to Mr. Lapiere.

MR. WRIGHT: I understand there is a similar request
to issue from this Court for a court in another jurisdiction,
California in this instance, to direct Mr. Lapiere under **the**
Interstate Witness Act to appear here, This request is based
on the affidavit of Margaret Steele, which was filed just
earlier this week, I guess, Just recently in e

THE COURT: The date stamped **received here** was on

1 June 29th.

2 MR. WRIGHT: This is an issue that Your Honor, I
3 believe, ought to take some testimony out on. I'm prepared
4 to offer to the Court several witnesses with respect to this,
5 I view this is as an issue under Rule **104 involving both the**
6 **competence of** witnesses and **the** admissibility **of** the
7 evidence, I have witnesses to

THE COURT: The competence of Mr. Lapiere?

MR. WRIGHT: Of Margaret Steele,

MR. CONNOLLY: She **should be here this morning.**

MR. WRIGHT: That's right. And of the admissibility
of anything she would have to say. The affidavit taken at
face value is simply that Mr. Lapiere is **to have asserted to**
have told her something that is hearsay, I will tell the
Court that we have spoken with Mr. Lapiere. And to the
extent that the representation is made in the affidavit that
he said to Margaret Steele that Douglas **Senecal told him,**
Lapiere, that he, Senecal, killed Sarah Cherry, Mr. **Lapiere**
said that is not true. Says he knows nothing about this
case, other than that which *he has* **read in the newspaper.**

THE COURT: It presents a **nice question.** 'I suppose
what we **have to do** is make a preliminary inquiry **based upon**
hearsay **from two** sources: **one** would be Margaret **Steele** as **to**
what Bobby Lapiere **said to** her, the other **being from someone**
that the State *has* had speak with Mr. Lapiere. **And** I'm going

1 to have to make a determination based upon those, granted,
2 hearsay sources, *but the* ultimate issue being ^a assuming for
3 purposes of discussion on whether or not an out-of-state
4 subpoena is going to issue - that if Mr. Lapiere were to be
5 subjected to that subpoena and transported to the State of
6 Maine, would he testify to the effect that, in such a manner
7 *as to support the defense position that* there was an
alternative suspect here.

MR. WRIGHT: I think that is exactly the issue.

MR. CONNOLLY: I think there is a requirement. A
foundation be laid so that we just don't subpoena somebody
blindly and have them come in and take the Fifth Amendment.
Then I'm up a tree.

THE COURT: It seems to me, procedurally, what we
ought to do is to address that issue early on in the game
understanding our time constraints here. So everybody
understands we are not getting into the testimony yet of the
defense witnesses and the State's rebuttal witnesses, but
whether or not this one witness is going to be compelled to
attend here to testify on behalf of the defense.

Are there other preliminary matters **before** we get
into the order of procedure?

MR. WRIGHT: A couple.

MR. CONNOLLY: Except the things we've spoken about
with respect to the juror issue. **You** expressed **concern about**

1 that.

2 MR. WRIGHT: Let me do one thing quickly. I had
3 filed with the Court a witness list. I did not include two
4 names that I now wish to bring to the Court's attention
5 that I had not anticipated calling until yesterday when I
learned from Mr. Connolly that he intended, at least to one
of the witnesses he intended to call. A witness that he had
not included by way of affidavit. His name is Eddie Kenneth
Senecal, Mount Airy, North Carolina. I spoke *with him last*
night. So I would ask that he be added to the witness list?

MR. CONNOLLY: Without objection. I would give my
right arm to have Eddie Senecal in court.

THE COURT: Is he related to Douglas?

MR. WRIGHT: He's his uncle.

THE COURT: Okay.

MR. WRIGHT* Now, I don't know whether I intend to
call him or not. It depends how things goes. I would alert
the Court to him.

THE COURT: If you do not intend to call him, is
there a *basis upon which we can get him* up here? Because Mr.
Connolly has indicated that he has been trying to get this
guy for three years.

MR. WRIGHT: I have a witness here today who is
available who I can voir dire in front of the Court that
would provide a foundation similar to Margaret Steele, except

1 direct knowledge. Patrick Senecal is Eddie's brother, He's
2 here.

3 THE COURT: He's another uncle?

4 MR. CONNOLLY: Yes, sir. ,He's been looking for
5 **Eddie** for me. Eddie and he had three separate **conversations**
6 with respect to the statements he may have made to Eddie,
And Eddie and Doug are very close, Doug and Patrick are not
close. Patrick has a belief that Doug had some **involvement**
with his daughter, and so there is a complete break in the
family as far as that is concerned. Patrick will have no
conversation with Douglas Senecal and Eddie is close to his
brother, Patrick, So those two **have** talked *on occasion*,

MR. CONNOLLY: As I said, I have been diligently
trying to find Eddie for a long time,

THE COURT: Let me ask this. Eric, can you get him
up here?

MR. WRIGHT: I think so. Yes,

THE COURT: At the first break *we have, make*
whatever telephone calls are necessary,

MR. WRIGHT: He doesn't have a phone,

THE COURT: Who ever it is down there,

MR. WRIGHT: I'll try, I don't know if I can
accomplish it during the day. I may have telephone numbers
that are only home phones and people are out working.

25 THE COURT: I understand that. All I'm saying is

1 what I would like to do is for the State to take whatever
2 steps are necessary so that we don't have to go to the
3 out-of-state witness subpoena procedure.

4 MR. WRIGHT: I will do my"best. The second witness
5 is Trooper William Snedeker of the State Police. This
6 relates to the Margaret Steele/Lapiere business.

7 MR. CONNOLLY: I wouldn't object. **You have been**
very fair with me.that way. I don't know what he's going to
say.

MR. WRIGHT: Similarly, I spoke yesterday with Mr -
Connolly to ask him .. because I think I was entitled to know
who his witnesses were. He provided me with a list. Why
don't you put on the record, if you would, who you intend to
call. And I think, as Mr. Connolly said to me here this
morning, that's it.

MR. CONNOLLY: As far as direct, depending upon what
happens in rebuttal, everybody who is in the affidavit
essentially is eligible. I don't think - some of the
affidavits are as **to** issues **of where he** was **up in Madawaska**
on the fifth. I don't anticipate going into that **today** ^e
perhaps with *one* of them because he's in ill-health. The
first witness I would call would be Ralph Jones. **He's been**
subpoenaed. I spoke with him the day before yesterday

THE COURT: He's of where?

MR. CONNOLLY, He lives *in* **Howdoin.** Right on **the**

1 road where the incident occurred.

2 THE COURT: Okay.

3 MR. CONNOLLY: I haven't seen him this morning. He
4 *should* be *out* there now. The second witness I would call is
5 Kristin Comee, who is an affidavit witness.

6 THE COURT: Spelling?

7 MR. CONNOLLY: C-O-M-E-E.

THE COURT: Of where?

MR. CONNOLLY: She is of Phippsburg. The next witness I would anticipate to call would be Pamela Sabine, depending upon the status, of course. I must say, in my experience I've never had this happen to me **before** where a witness had promised to appear, made arrangements and *then* just had me all dressed up for the prom and didn't show.

THE COURT: Tom, you have been **very fortunate**. In 18 years of **private** practice^{e1} I lost **count**. I'm sure Mr. **Carlton** has lost **count** when they gave **you their assurance** they would be there and they didn't show.

MR. CONNOLLY: The next **one** I would call is, depending on procedure, Margaret Steele, for that issue as to the subpoenas. She doesn't have direct evidence.

THE COURT: But I think that will be number **one**, right? I think what we'll have to do *is call her and the State's witness* right on.

25 MR. CONNOLLY: I **agree**.

1 **THE COURT:** That will have to be our leadoff. That
2 will be even before we get into the testimonial part of this.

3 MR. WRIGHT: That's fine. I anticipate *that the*
4 witnesses that I would offer as relates to that issue are
5 here. I asked them to be here at **8:30**.

6 THE COURT: Fine.

7 MR. CONNOLLY: The next witness I would anticipate
to call would be Patrick Senecal. Again, he also goes «» I
would make an offer of proof where I would **have** him voir
diced on the issue of Eddie Senecal, if necessary. I don't
believe we need to do that at this point if Eric is going to
make an attempt to see if he's available, an attempt.

 THE COURT: All right.

 MR. CONNOLLY: The next witness I would **anticipate**
to call would be Arthur Landry. He's the fellow from
Madawaska on the fifth. The last witness would be **the** fellow
-- I **have** his name in my notes - Gerarid Paradis. .

 THE COURT: He's of where?

 MR. CONNOLLY: Phippsburg. He purchased Douglas
Senecal's house in May of **1988** with **other** persons.

 MR. WRIGHT: That's the next issue.

 MR. CONNOLLY: Yes. Right. That's it for **the**
defense,

 MR. WRIGHT: With respect **to** Mr. Landry, **Your Honor,**
before we take the time to take his testimony, maybe we can

1 address whether we even need to hear from Mr. Landry. There
2 are four affidavits in the file or attached to the new trial
3 motion. One from Nancy Emmons, who was the defendant's wife,
4 one from his brother Philip, who attended the trial and as I
5 recall had a heart problem.

6 MR. CONNOLLY: That's correct.

7 MR. WRIGHT* During the trial.

MR. CONNOLLY: That's right,

MR. WRIGHT: Philip's wife, who I don't recall at
the moment.

MR. CONNOLLY: I don't anticipate she would be
called anyway,

MR. WRIGHT: Her name is Barbara Dechaine. The
import of each of these four affidavits is

THE COURT: That was Nancy Emmons, Philip Dechaine,
Barbara Dechaine and Arthur Landry?

MR. WRIGHT: That's correct, The import of those
four affidavits it's the same as to each - is that Dennis
Dechaine and his wife left **northern Aroostook** County **late
enough** on duly fifth, 1988, and **that** they then **arrived** at
home in **Bowdoinham** sometime after dark *that evening* of **the
fifth**. Therefore, they could not have been back in the area
at a time when, according to Robert West, who was **one of the**
state's first witness in my case in chief. Mr. West saw a
truck which he identified as the defendant's truck driving

1 slowly up and down the Lewis Hill Road on the afternoon of
2 the fifth. At some point, although I haven't read the whole
3 motion for motion for new trial, Mr. Connolly makes a
4 representation that that testimony went to the afternoon of
5 the sixth. That is not correct. It was the **afternoon** of the
6 fifth that he testified to,

7 MR. CONNOLLY: That's my understanding, the fifth.

MR. WRIGHTs I thought I read ° - in any **event**, the
second witness in the State's case with respect to this
timing issue was Raymond Knight who testified in the State's
rebuttal case to the effect *that he had* dealt at his farm
store in Richmond, Knight's Farm Supply with Mr. Dechaine on
the afternoon of July fifth. As I recall he remembered that
because they were closed on the fourth of July and Mr.
Dechaine came in, whom he knew, came in on the afternoon of
the fifth*. He bought grain*. And the **evidence established at**
trial that a sack of grain - Course #14, I think it was -• was
in the back of Mr. Dechaine's truck when it was later found
about midnight on the evening of the next day, **the** sixth.

The motion for new trial states on page 78s "A
surprise at trial was affidavit evidence which was disclosed
22 during the course of rebuttal by the name of Raymond Knight."
23 Then on **to** page **79** his **testimony** is summarized, I **have** to
24 offer to the Court - I can put an exhibit sticker on it if
25 the Court wishes*. From documents from my own file I will

1 *represent to you as an officer of this Court that I number in*
2 *all the cases in which I handle all the separate pages of*
3 *discovery with a number in the lower right-hand corner; that*
4 *I do that myself. I don't leave that to a secretary to do,*
5 *and I did that in this case, I can tell that I *did that**
6 *because its my practice to **do** it, and **I recognize my own***
handwriting of the numbers. And that I then give the
*paperwork discovery, once I've numbered it, to the **secretary***
*to types out a letter that I have written which says as **the***
case** may be enclosed is **discovery or enclosed** as **further
***discovery** are **the** following, Those letters **include** a listing*
***of the pages of discovery that are going out** and a reference*
to what the discovery is.

In this case the report from Mr. Knight was
discovery page 296, which I think I should make a part of the
*record *in this case.* It says in part he came back into the*
*store on 7-5-88, he referring to *Dechaine, and* then goes on,*
*That letter or that piece of discovery, page **296**, was sent,*
*according to my records, was sent to Mr. **Connolly by way of***
*discovery **in** a letter dated November **23, 1988**. **That letter***
included discovery pages 278 through 297. Mr. Knight's was
296.

I will further tell you, Your Honor, that that is my
practice, and I know it was followed in this case. I'm
certain it was followed in this **case; that these discovery**

1 letters go out the same day that they are dated. Sometimes a
2 *secretary will not finish typing the letter* until late in the ,
3 afternoon, then it gets dated to go out the next day, And
4 that I review the discovery letters after they are returned
5 to me after the secretary has typed them. And I only sign
6 them after I check them against the documents that **have** gone
7 out as listed, to make sure those are in fact going out now.

My point.is, first of all, the statement in the motion for new trial that Mr. Knight was a surprise is simply not so, Discovery was sent to Mr. Connolly **three-and-a-half** months before the trial began in this case **relative** to Mr. Knight. And his testimony was consistent with **the** substance of page **296** of discovery, which is a police report of an **interview** done with him by **Detective Hendabee**. **However** the Court wishes to make that a part of the record, I don't mind, I do think it ought to be made a part of the record,

THE COURT: It should be.

MR. CONNOLLY: I don't object to that.

MR. WRIGHT: As well as the discovery letter.

THE COURT: Mark that and it will be admitted.

MR. WRIGHT: This letter also relates to **another** aspect of the new trial motion. There is a statement that I forget exactly how it was phrased or it's context, **so** I *don't want* to be held to exactly my quotation of this. But in **the** new trial motion **or** affidavit there is a **reference**

2 that no material whatever was provided to the defense
3 relative to Douglas Senecal. That also is not true. Jessica
4 Crosman gave a statement to Hendebee on the fourth of August
1988.

6 MR. CONNOLLY: I will admit I received the **289** page
he's talking about,

7 MR. WRIGHT: Okay. Let me put those in the record.
They are paper clipped together.

Now, with respect to Mr. Landry and **the other** three
with respect to this issue that the affidavits raise as **the**
Mr. Dechaine's whereabouts on **the afternoon** and **evening** on
the fifth. I know I've circled around this. This is where
we began. As I said, the imports of the affidavits is that
he could not have been in Bowdoin or Bowdoinham on the
afternoon or Richmond on the afternoon of the fifth because
he was in northern Aroostook County, and couldn't *have gotten*
back here in time,

Both Nancy Emmons Dechaine and Dennis Dechaine
testified to the fact that they left northern **Aroostook**
County late enough that day so *they didn't get home until*
late that evening. These then are not new facts. **The** facts
23 contained in the affidavit are facts known to the defense,
24 and in fact facts that the defense offered through testimony
25 of **both** the defendant and his wife during trial. There is
nothing new about any of them.

2 *The fact, as I take it, that Mr. Connolly hadn't*
3 spoken to Mr. Landry before is immaterial. That fact
4 establishes nothing more than he says the same thing that
5 others do, and others provided facts to him which clearly he
6 did know because it was evidence at the trial. There is
7 simply nothing knew. *This is just not newly **discovered***
8 evidence, It's not even new evidence. So I raise this.

9 I don't mind if the Court wants **to take the time to**
10 hear from Mr. Landry, but it's perfectly **obvious** to me that
11 under the five-part test of the Law Court, that this is
12 material which is of no consequence to a new trial motion,
13 That's why I wanted to raise it here now to save the time.

14 MR. CONNOLLY: *Prior to putting him **on**, I want to*
15 verify the letter that Eric sent. I want to check my notes.

16 MR. WRIGHT: This letter?

17 MR. CONNOLLY: Yes. I'm not disputing it. I want
18 to verify it. If I'm mistaken I will withdraw that issue
19 right away. I want an opportunity to do that. I **believe**
20 Eric is right insofar as the testimony of Dennis and Nancy
21 **are** concerned. They testified they both **were** up there that
22 evening. Landry I did not know about nor did they know his
23 name at the time of trial. It may go to that narrow issue.

24 MR. WRIGHT: Let me ask you a question. Philip I
25 **don't** know attended the trial because of his health problem. I
don't know his wife. Did she attend **also**?

MR. CONNOLLY: No.

MR. WRIGHT: I haven't heard Mr. Connolly say that he didn't know the facts contained in the affidavits from Barbara Lechaine, and I take it he -.

5 MR. CONNOLLY: I will admit that I did. I would
6 like to check on the point of the discovery that is **provided**, and I will be able to respond better. I don't think that will delay things.

THE COURT: Next issue.

MR. WRIGHT* A couple of **people** who I would anticipate calling apparently did not get my **message** or I **did** not sufficiently communicate to them to indicate that they didn't need to be here today. One of them I think has interrupted a vacation from Baxter State Park to come down. Another is a resident of Phippsburg, who, like many people, has never been in court before and hopes she never has to come back. If we can, I would like to have leave of the Court to present that today, even though it's out of order to just to get those people taken care of. I understand we may or may not be able to.

That leaves only one issue; that is with respect to the jurors. That's the point I wanted to bring up. I do not know what you intend to offer in this regard. It's only what I've heard. But in anticipation of that, let me say this. I have been involved in this on the civil side. And there has

1 been a case, at least one case decided since, but there was a
2 trial that occurred in Aroostook County which I'm familiar
3 with.

4 THE COURTS Cyr vs. Michaud is the case I'm
5 familiar with. What happened in that case is **there** was
6 confusion between what the jury intended to award and what
7 *they* actually *awarded in* the verdict form. As a result of
that, as a result **of** the statement made **by one of the jurors**
to another judge who happened **to know** that **juror, it** was
discovered that the jury **only intended to award 20 thousand**
dollars of a one-hundred **thousand dollars total** damage
finding. When, in fact, the verdict came back in **the** way it
was filled out was that it *was* 80 *thousand* dollars, and **the**
verdict stood.

The reason being that, citing a long line of cases,
the so-called Mansfield Rule stands almost in **violet** in that
you cannot inquire into what went on in the jury **deliberation**
process; with two exceptions. One is that there was
misconduct in the jury room itself. And the **other** being, if
I remember correctly, *that the* jury had **somehow been**
subjected to outside influence. In the absence of that, I'm
wondering whether - and I'm anxious **to hear your argument on**
this - as to what purpose it would serve for a member of that
jury panel to testify and say that he or she might have
reached a different result had they known of this additional

1 testimony; to say nothing of the fact that and its nothing
2 I read in the newspaper because I've tried to avoid any
3 newspaper coverage of this pending *motion for new trial, but*
4 what had been reported on one of the radio stations, that one
5 of the members of the jury - I think it may have been an
6 alternate - that said that she had serious doubts about Mr.
Dechaine's guilt in the first place, *without even having* had
the benefit of some 11 hours of deliberation. I'm moving
ahead. Let's discuss

MR. CONNOLLY' My understanding has always been that
a juror is not competent to testify as to **issues** of the
deliberative process. That because of the protection of the
privacy of the institution, that inquiry cannot be made
except in the instances of alleged misconduct or
contamination. I had never anticipated in dealing with a
juror until last week.

If I may explain briefly what happened.
This T-shirted group that is here contacted the jurors
without my being involved in it. They received two
responses: one from the alternate Leatrice Carnage and **one**
from an actual juror, Mr. **George** Rossbach. **Those responses**
22 came to my desk, and I had to respond to them, I felt, I
23 would offer - they both will be here voluntarily.

24 I contacted them after sending them a letter asking
25 them if it would be okay to contact *them*. *They* both called

me back, They both indicated that they would voluntarily be
2 here today, The purpose I anticipate to use them for is not
3 to talk at all about what happened in that jury room, because.
4 I don't think I can do that. I don't think I want to **do**
5 that. I think that there are important privacy issues there
6 that I find uncomfortable to address,

7 **MR. WRIGHT: One of them didn't know because she was**
8 **an alternate.**

9 **MR. CONNOLLY: The purpose why I *would even have***
10 **them here, why I would anticipate to **call them is because it****
11 **would be to instruct the Court, to educate the Court as to**
12 what a reasonable juror may, under similar circumstances,
13 **could have considered *important, Based upon their experience***
14 **in this case, akin to expert witnesses is what I anticipated**
15 The Court has, if it reaches that **point to decide whether or**
16 **not that the** evidence would have made some kind of a
17 difference, if it was newly discovered, if it **would, *have made***
18 **some kind of difference. It may be instructive to talk to**
19 the jurors and find out, based upon their review of the
20 information, whether or not they could have drawn a
21 conclusion that may have affected the **outcome, That **is the****
22 limited purpose I would offer it for,

23 **So it would be offered in - it would be as expert**
24 **testimony from actual jurors in the case. These two people**
25 **came in forward on their own. I think they were capable to**

1 address that very last standard, and insofar as its my
2 burden of proof, I felt I should at least try and put some
3 documentation, some proof as to the final issue as to whether
4 or not the evidence may have affected the outcome of the
5 case. That's why. I do not as a practice call up jurors and
6 ask them about cases, and I have not **done** so in this case.

7 MR. WRIGHT: There is a lot to say about this. My
8 understanding of **this** began only two days **ago or** so **when I**
saw a news report **on** the **eleven** o'clock news **on Channel** six,
where Mr. Connolly **intended to call** two jurors, **one an actual**
juror, who were then identified as *witnesses on this motion*.
Channel *six* then presented videotape of an interview with
Leatrice Gamage, during which time she said the conviction in
this case made her lose faith in the jury system, a point I
will get back to.

They also in their style, media television,
reprinted a portion of a letter that Mr. Rossbach, whom the
Court may recall was the elderly gentlemen in the front row
of the jury who at one point was perceived to have his eyes
closed and he listened again to Mr. Buttrick's - **watched**
again Mr. Buttrick's videotape. That is the juror. Channel
Six put on the screen a portion of a letter that he had
written, which has been quoted in the newspaper since to the
effect: as you present this - I think this is carefully
phrased -- as you present this, it might have or might well

have affected the deliberation or something of that sotto

2 Now, there is a lot that needs to be said. The
3 burden here is far beyond might have influenced« Even if you
4 are going to allow the juror to testify, and *you* shouldn't
5 for that reason alone * Secondly, this juror is getting a
6 one-sided view of things, getting material sent by Trial &
7 Error. I **have** that material. I would **like to make** that a
8 part of the record also. The material that was sent to the
9 jurors and sent to all 12 of them -- -

10 **THE COURT:** You *know, what I'm going to suggest is*
11 that we present all of this in open court.

12 MR« WRIGHT: Pine.

13 **THE COURT:** Because I want this to be heard in open
4 court« I want the media present« I **want Trial & Error**
5' present. I don't want anything to be construed as **us**,
16 conducting business behind closed doors, because this is very
17 crucial to this case, And I want it on the record, out there
18 for everybody to hear.

19 MR. WRIGHT: I would like to have leave of the Court
20 **in open** court **to** make an argument fully«

21 **THE COURT:** **You may.**

22 MR. WRIGHT: And to present that material which 1
23 have.

24 , **THE COURT:** All right« Then I will make a
25 preliminary Statement. We'll take that up first, along with

1 the matter *of the State's motion to dismiss,*

2 MR.WRIGHT: I think you should announce what you
3 are going to do in that respect.

4 THE COURT: Yes,

5 MR. CONNOLLY: Then the issue on Margaret Steele.

6 THE COURT: Yes, That will be first before we start
7 *taking out any* testimony.

8 MR. WRIGHT: That will take us the morning.

THE COURT: Fine.

(The chambers conference concluded at 9133
and the hearing resumed in open court at 9:45)

THE COURT: Good morning, I apologize for the
delay, Let me state some matters for the record here. We've
had some preliminary matters, logistical *matters to attend to*
in chambers before we came out here. I would like to
summarize what has gone on thus far.

There is before the Court a motion for new trial
filed by the defendant, Dennis John Dechaine, on grounds of
newly discovered evidence. The State has filed a motion to
dismiss the motion for new trial, The State's position being
that the Court has no jurisdiction because of the provisions
of our criminal rules; that is, that it is the State's
position that the motion for new trial has not been timely

1 filed within the two-year period.

2 I've indicated to counsel that I am not going to
3 address that motion this morning. The motion itself and the
4 motion to dismiss, both sides have briefed the issue. I will
5 take that matter under advisement, and I will render a
6 decision based strictly upon the written arguments that **have**
7 been filed.

8 Also raised preliminarily were the number of
witnesses that would be called by the defense and by the
State. Included among those witnesses **would be one which the**
defense seeks to have appear before this Court pursuant to an
out-of-state subpoena. The defense motion for the issuance
of the out-of-state subpoena is based upon an affidavit by a
Margaret Steele. And the State has indicated that they have
-- well, that the affidavit of Margaret Steele pertains to a
conversation that she had with a Robert Lapiere, who I
believe is in California; is that correct?

MR. CONNOLLY: Yes, Your Honor.

THE COURT: **And** based upon a **conversation that she**
had with Robert Lapiere and his knowledge of the **alternative**
suspect, Douglas Senecal. The State intends to call a
witness to rebut the testimony **of Margaret Steele, or the**
affidavit of Margaret Steele based upon a **conversation,** a
telephone conversation that the State's witness has had
within the past few days with Mr. Lapiere by *telephone.* *And*

1 so that was going to be one of the first matters that was
2 going to be heard.

3 The sole issue being whether the Court is going to
4 issue an out-of-state subpoena to compel the attendance here
5 of Mr. Robert Lapierre® In other words, I **have** to decide
6 whether or not Mr. Lapierre, if he does **appear** and testify,
7 could add anything to the case itself based upon his own
personal knowledqe and discussions that he may or may not
have had with the alternative suspect, Douglas **Senecal**, So
that will be one of the first matters that will be **addressed**,

Let me say at this juncture what we are talking
about time wise is. We have the rest of today, tomorrow is a
holiday, I will not be available Monday or Tuesday of next
week. I will have Wednesday and *Thursday, if* necessary
Friday of next week in order to hear all of the testimony
that the defense and the State wish *to offer on the defense*
motion for new trial.

There is another matter that has been raised. And
that is whether or not the defense will be permitted to call
two members who sat on the jury. And at this point I think
we should be discussing that on the record at this point, I
think this is an appropriate time to discuss that.

So these are preliminary matters, ladies and
gentlemen, that we are trying to resolve before we get into
25 the actual testimonial portion of this hearing. Mr.

1 **Connolly.**

2 **MR. CONNOLLY: May it please the Court. The issue**
3 **as to the two jurors is an issue of significance in the**
4 **motion for new trial. At the end of the analysis, as the**
5 **Court is well aware, the issue that the Court must address**
6 **preliminarily is whether or not the evidence was in fact**
7 **newly discovered. Whether or not the evidence could have**
been discovered with due diligence. And ultimately whether
or not had the evidence been presented during the course of
the trial, whether it would have made a difference in the
outcome.

The standard to be applied there - I think there is a' dispute between the State and myself as to, depending upon some other findings, regardless, the Court at some point will need to address the issue of affect on the outcome.

Insofar as affect on the outcome is a criteria for determining whether or not a new trial will be granted, it appears prudent to offer evidence which would tend to show that a juror of good conscience, having **reviewed the evidence** submitted in the motion for new trial, would **have affected** the outcome. That, in other words, whether or not that *jury* may **have** had a different decision based **upon the evidence** which is being offered as newly **discovered evidence.**

THE COURT: Before we reach **that point**, I **,believe** we should discuss at this point the yardstick for that, **because**

1 as I indicated preliminarily before we came into the
2 courtroom, the rule, almost universal rule is insofar as
3 whether or not a witness, a juror will be allowed to be
4 called as a witness, based upon the 1983 decision of *Cyr vs.*
5 *Michaud*, an Aroostook County case °- there has been at least
6 one case decided since then.on the civil side that the rule
7 remains constant, whether it's civil or criminal, is that in
order to inquire into what went on in the jury room, **the**
so-called Mansfield Rule, is that what goes on in the
deliberation room is sacred. And if you are to commence an
inquiry into what went on in the jury deliberation process,
it can have a chilling effect on free and unhampered
discussion, open discussion of the evidence and everything
that goes into the deliberation process.

There are two exceptions to that rules one is
whether or not there was misconduct that occurred in the jury
room that had an impact on how the jury reached its-verdict,
The other exception is whether or not the jury, during its
deliberation process or somehow during the course of the
trial was subjected to outside influence in the **deliberation**
process itself, So that is the general rule.

And I believe, without trying to cut you off, Mr.
Connolly, but I do believe you've indicated that it is your
intention to offer **one** witness, one juror *as a witness who*
25 actually participated in the deliberation in Mr. **Dechaine's**

2 trial, as well as one of the alternates who sat through and
3 heard the evidence but did not participate in the
4 deliberations' is that correct?

5 MR. CONNOLLY: That's correct, **Your** Honor. If I may
6 address that point that the Court articulated just now as to
7 the standard. There is no allegation by the defense that
there was any misconduct by the jurors. That is not an issue
that we are arguing whatsoever. I'm in complete accord with
the Court that the normal rule **of law** is that **jurors are not**
competent to testify as to their mental processes in reaching
the verdict. Nor under any circumstances do they have to
justify their verdict to anybody. That there is a need for
the Court to be extremely protective of *the rights of the*
jurors, per se and as the jury as a whole. I think that the
individual right of privacy of the juror is extremely
important. That that juror need never be brought forcibly
into court by any party to have to explain anything. I'm
absolutely in accord with that.

I think the two circumstances *that are exceptions*
that the Court did articulate to misconduct, which is not an
allegation and as to contamination, which is **also** not an
allegation here. We are not attempting to **use** *the juror and*
the alternate **for** any purpose **of showing** misconduct **or any**
kind of bad hands **or** bad actions.

What I do anticipate the jurors to be here for is

1 such that I do believe that in the fifth part of the analysis
2 on motion for new trial, the issue as to whether or not the
3 outcome would have been different or could have been
4 different depending upon the standard used, that jurors would
5 be enlightening to the Court on that issue, Therefore, I
6 anticipate not asking the jurors or the alternate how they
7 were going about reaching the decision at the time of the
trial, but rather now, later, with additional evidence, with
the documents that have been provided in the motion for new
trial, whether in a capacity of an expert based upon their
experience under Rule 701 and under the definitions of
experts which are in on own our Maine Rules of Evidence,
that's correct, The jurors are uniquely situated by their
experience, by their life experience to be able to assist the
Court, the trier of fact on the motion for new trial in'
reaching that issues

To that extent I do believe that the jurors would
be enlightening to the court as to what kinds of evidence,
the nature, the degree, the severity of the evidence would
have affected the outcome of the trial. And now, as experts,
those jurors I would call and request that they provide an
opinion as to whether the newly discovered evidence would
have affected the outcome.

It's my understanding in the case of the alternate
and in the case of the actual juror, Mr. Rossbach, that they

1 would testify that the motion for new trial evidence is of a
2 nature and quality which would have affected their thinkin
3 process, and that it is important evidence, and that based
4 upon that they can assist the trier of fact in reaching a
5 **decision as** to whether or not any new **trial should be**
6 **granted.**

7 THE COURT' Before I hear from the State, doesn't it
appear to you, as a preliminary matter, that the term "**expert**
witness" and "juror" are contradictions in terms when **you**
tend' to put them both into one of the same person?

MR. CONNOLLY: In every instance, except the **one** we
would have here today, where the sole question for yourself
but an important question *is whether or not this **evidence***
would have had an effect on their outcome. They have,
since they are neutral and detached, although they **have** a
breath of experience with the case, would be in a unique
position to merge their status as juror and as expert.

I would also very importantly let the Court
understand that these persons came forward **voluntarily**. **They**
were not forced into court. They **have** not **been subpoenaed** by
the defense. They have not been hounded by the **defense**.
They *have not* been solicited by the defense insofar that is
the case.

Another important point is that they also have
privacy rights and they also have First Amendment rights in

2 the sense they are entitled to give their opinion outside of
3 the context of the Court. I think that is important in
4 enlightening the Court, insofar as these individuals
5 voluntarily stepping forward; have placed themselves in a
6 position where they affirmatively chose to be involved in
7 this end of the process.

8 The concerns in *Michaud* and the other cases that the
9 State will argue is talking about chilling effect, about fear
10 of having jurors being embarrassed, about having jurors being
11 hounded by persons, potentially having some kind of threats
12 made to them or having names in the paper and having
13 difficulties.

14 Persons that are involved here, Ms. Damage and Mr.
15 Rossbach, have done the opposite. They have chosen out of a
16 sense of need on their parts to address the Court as to the
17 new evidence. It was provided to them by the group Trial &
18 Error, who is represented here today. It was done with my
19 knowledge, although I did not participate in sending out the
20 forms or sending out any questionnaires to them or any such
21 things. I don't think what they did was anything wrong. I
22 think they sent a letter - Mr. Wright has a copy^o-- that would
23 place upon the juror a request but not a demand, and it would
24 not impinge upon the jurors^o mental process. And I would
25 affirmatively avoid that during the course of questioning.

26 So I think that the evidence would be instructive to

1 the Court, helpful to the Court, and ultimately to this
2 defendant, to show that a new trial should be granted.

3 THE COURT: Thank you. In response.

4 MR. WRIGHT: Your **Honor**, my awareness **of** this **issue**
5 is when I watched the eleven o'clock news **on Channel Six in**
6 **Portland** two nights ago it was. At **which time it was**
reported that Mr. Connolly attempted **to** call **two** jurors,
George Rossbach, an actual **juror** who **I remember well from the**
trial who sat in juror seat number five, or perhaps six. And
Leatrice Gamage *who I don't* remember well. I **recognized** her
face in passing in a kind of way when Channel Six aired a
video tape interview with her, during which time she said -
without having had the benefit of the input on the 11 fellow
jurors during the deliberations in this case - that she had
lost faith in the system by virtue of the conviction in this
case.

Channel six also reported by quoting from, visually
depicting a portion of a letter that Mr. Rossbach had
written, during which he said something **to the effect that** as
you now present this, **it could have had or** might **have** had,
might well have -I forget the phrase exactly - an effect.

To jump ahead **for** just a moment, the test **that this**
Court must utilize under all the Law Court's decisions **which**
have been heard **for** a century is **not** whether **evidence on** a
new trial motion might be such as to warrant a **new trial**.

1 Its much higher than that. Mr. Rossbach's letter as quoted
2 was very carefully phrased, I thoughts " you have presented
3 this, which is to say that the material" - and I didn't know
4 what the material was when I saw the report, although I
5 presumed, and correctly. I now know the material was sent by
6 this group called Trial & Error, I doubt very much that Mr.
7 Roasbach expected such significance to be made of this
letter, which makes me wonder how Channel six obtained it.
I'm not inquiring that they do so. Nor was it illegal for a
private individual or a group to contact jurors. But **the**
jury in this case should know, and perhaps the only way to
tell them - unless the Court wishes to bring them back in and
further harass them - the jury should know that perhaps the
media will be kind enough to let them know that they are not
morally or legally bound to respond to such inquiries as were
made of them by *Trial & Error in this case,*

Mr. Connolly says that they *came forward , on their*
o ; came forward voluntarily. One wonders about that. I
now know that each of the jurors in this case **received** a
packet of materials from Trial & Error. I know **that** material
was not obtained from the Court, because it is not **date**
stamped by having been received by the Court nor were the
addresses of jurors publicly available. The names were. And
as to at least one juror, about whom I will speak shortly,
Janyce Chase. She had an odd spelling of her fist name,

1 **J-A-N-Y -E.** *The material* she received was spelled with the
2 name correctly spelled. Somebody, therefore, went to some
3 exceeding efforts to contact all these people and to get
4 their addresses, And since the addresses were not public
5 knowledge, one wonders how the addresses of all these
6 witnesses were made available to Trial & Error.

7 THE COURT: Let me interrupt you there. The names
of the jurors were, I assume, were available from the Court
file itself.

MR. WRIGHT: That's correct.

THE COURT: And I would further assume that at some
point in the archives of this Courthouse would be a file
containing the juror questionnaires, including their names
and addresses, which were matters of public record,

MR. WRIGHT: My understanding is that the records
are not public information, I may be wrong about that, My
understanding is that if somebody came in from the public and
requested that they would have gone through Ms. Guillette,
and I've asked *her*, that she doesn't recall any such person
coming. To move on for a minute,

MR. CONNOLLY: Excuse me. I *don't mean to*.
interrupt. I can answer that right now if the Court wants.
I looked for them. I would have given them to Trial & Error.
It was published in the newspaper.

25 MR. WRIGHT: The names, yes. Mr. Connolly, Your

1 Honor, once told me that he had nothing to do with Trial &
2 Error, and wished they would stay clear of him because they
3 were not being helpful in this case.

4 MR. CONNOLLYs That's not true.

5 MR. WRIGHT: If I could continuer In any event,
6 Your Honor, clearly the attempt has been made in this case to
7 retry this case in the press ever since the conviction. I
have tried to suggest some facts which I believe may indicate
that there is **more** to this than **jurors coming forward**
voluntarily. Nothing else **seems** to me explain **the** use by
Trial & Error of personal *communication* with Mr. Rosabach in
the public media, except further desire to try the case
outside of the courtroom.

In any event, the wish on behalf of the defense now
to call these witnesses is itself, in my view, **involvement** by
the defense in the very areas requiring the sanctity of
jurors, which Rule **606** of the Maine Rule of Evidence as well
as a number of cases from the Law Court tells use it ought
not to be done.

Rule **606** of the Rules of **Evidence provides**, in
part, "*that a juror may not testify as to any manner or*
statements occurring during the course of the jury's
deliberation or to the effect of anything upon his or any
other *juror's mind or emotions as influencing him to assent*
to or dissent from the verdict," It goes on.

1 **Clearly, as I understand what Mr. Connolly has to**
2 **say, that is essentially what is being *asked of this Court.***
3 **It is said we'll not go into the jury deliberation room.**
4 ***But, point of fact,* what is being asked here is for a view**
5 **from these jurors as to whether or not, if other evidence had**
6 **been made available, they would have assented or dissented**
7 **from the verdict.**

Rule 606. flowed from Patterson vs. Rossignol in a
case decided by the Law Court in 1968. That case involved
contact, actual contact by counsel into the jury room after
the trial was over. The Court said in passing that, "Such
contact by counsel is a serious impediment to the
administration of justice; causes jurors great embarrassment
and harassment; has the natural tendency to prevent the free.
expression of thought amongst jurors in their deliberation
and is an effective deterrent to a willing acceptance of jury
service."

Citing an older case the Court indicated, "It's
therefore useless for parties or their counsel, to'
interrogate jurors with respect to their verdicts, in the
hope thereby to obtain evidence on which to ground a motion
for a new trial. Such efforts will not avail," And the
Court then held, "We *now condemn the practice, not only as a*
useless gesture, but undesirable and highly unethical and
improper."

1 **The reasons for this rule, which has been one of**
2 **longstanding not only in Maine but around the country * is,**
3 **one, the need for stability of verdicts; two, the need to**
4 **conclude litigation and desire to prevent any prolonged**
5 **litigation; three; the need to protect jurors and their**
6 **communication to fellow jurors in the secrecy of the jury**
room; four, the need to save jurors harm less from tampering
and from disappointed litigants; five; the need to foreclose
jurors from setting aside verdicts which they may have agreed
reluctantly in the first place in light of subsequent .or have
doubts or change of attitude.

Now, with respect to the material *which the jurors*
received. I have a copy of the material which I obtained
yesterday from Bradly Hunter, the foreman of the jury, by
asking Detective Drake of the State ^Police *to contact him to*
ask whether if he received the material, and if so, if *he*
still had it could we have a copy. *And he* gave us a copy,
would like to make that a part of the record. It's still
contained *in the* envelope sent to Mr. Hunter.

That material, as the Court will see, is in many
respects false and others ill-informed and misleading. Its
certainly one-sided and presents only a view of this case as
members of Trial & Error had wished to see it without a
willingness or ability to understand the evidence.

The material seeks to have the jurors reach a

1 conclusion based upon untested affidavits. The last
2 paragraph of the cover letter which is dated June 1st of this
3 year, clearly asks for the jurors to violate Rule 606 by
4 asking them if this material would affect or might have
5 affected the verdict.

6 Your Honor, has been down this road before **recently**
7 in State vs. Jubert where a claim was made before trial that
the indictment should be dismissed because of pre-indictment
publicity. *And it was in that case* decided that we would
call the foreman, of the grand jury to **inquire** of him. The
Court may recall that questions had been asked of, **proposed**
to the Court which would go into the effect of any pretrial
publicity pre-indictment publicity on the foreman on that
case. And the Court was, this Court was **very** clear in
nailing those questions down so those kinds of questions
could not be asked.

All that can be asked of jurors is whether there
was extraneous *information or* misconduct; neither of which
has been asserted in this case. And as **conceded neither** is
asserted, then there is nothing else *left to ask these*
jurors.

I think the Court's point is well taken: by
definition jurors are not expert witnesses. **I know expert**
witnesses aren't from these people. Discovery was asked for
long time ago. Nothing was provided apart from that.

1 It's your job, when all is said and done, it's your
2 job to determine whether evidence presented in conjunction
3 with a new trial motion is going to make a difference, It's
4 *not up to the jurors who served on this case a couple of*
5 years ago. And what you are being asked to do is allow
6 testimony which calls upon these jurors three years, more
than three years after the verdict to speculate on what might
have affected them, and *to do so without regard for the*
manner in which 11 others with whom they would **have** been in
deliberations would likewise view the **same** material. It is
material sent by Trial & *Error* which is not only **one-sided**,
but itself is not admissible, that involving hearsay and
other troubling matters.

But, perhaps, most important however, is that if
this is done in this case it can be done it opens the door
and could be done in any later case. What we'll be doing is
inviting never ending challenges to verdicts contrary to the
values that the Law Court has outlined in Patterson vs.
Rossignol.

Now, a couple of last comments with respect to
material. Ms. Gamage was quoted on **television**, as I recall,
her saying how she has lost faith in the system as a result
of the verdict. To my knowledge she had **never** said this
before getting the packet of materials from Trial & **Error**.
She sat without deliberating with the *others*. **Her very**

2 willingness to respond to Trial & Error, it seems-to me,
3 proved that jurors are affected by contacts such as which
4 this, which occurred with all the jurors in this case,

5 By definition it seems to me *that is so when she*
6 says she now has lost faith in the system,

7 I will also tell the court that Mr. Hunter when
8 **Detective** Drake picked up the material from him - and Mr.
9 Drake was under careful instructions to simply be **low-key** and
10 obtain the information and not ask him about it. He said he
11 was bothered by having received it. He said he kept it
12 because out of a matter of personal interest. He told
13 Detective Drake he had been keeping a file on the case.

14 Janyce Chase, another one of the jurors, was troubled
15 *enough* by this that she called the State Police. **She** didn't
16 know who else to call last week, She spoke with **Detective**
17 Drake yesterday. She expressed *concern over the fact that*
18 **somebody** knew her and how her name was spelled directly and
19 knew her address. She said to Detective Drake she thought
20 this was harassment, And she thought she should write to the
21 Court about it. I don't know what **Detective Drake** said with
22 respect to that, except I told him basically yesterday that
23 we'll be in court dealing with it **tomorrow**. We'll take it up
24 then,

25 In any event, this doesn't qualify as expert
26 **testimony. It's not helpful. If under any theory it might**

1 be admissible, clearly under Rule 403 it's an utter waste of
2 time. And for all the other reasons under Rule 403 as well
3 as Rule 606 and all the cases and what they have stood for
4 for a century, this evidence is simply not admissible.

5 THE COURT: Anything further?

6 MR. CONNOLLY: Yes, Your Honor. Judge, we are not
7 here attacking the validity of the verdict. What **we** are here
saying is that some evidence should have been presented that
could not have been because it was unknown at the time. What
we are saying then is not that under **606** that a juror is
being asked to testify about their verdict per se. What we
are not asking them is to inquire as to what was important to
them at the time as to what was significant as to how
they were doing, as to what the other jurors said, That is
absolutely prohibitive. I agree with that. I do not think
it's appropriate for defense counsel or anybody to inquire on
that issue: Why they voted? Were they pressured? Mere they
tired? That's not the point at all,

What we are trying to do is to provide a tool for the
Court that would be useful. The jurors are drawn from the
community as a conscience of the community to evaluate
evidence that the Court gives them after being instructed.

23 The **Court** is not a **juror**. For you to **have** to place **yourself**
24 in the shoes **of** a **juror**, I think it is helpful **for the** Court
25 to have jurors to discuss things with.

1 Mr. Rossbach is outside. I *don't think it*
2 appropriate for Mr. Wright to talk about what his attitudes
3 are and what his feelings are. He's here voluntarily. I
4 asked him to be here at 11 o'clock, He's here now. He said
5 he came in early because he felt, morally he felt he had to
6 be here.

7 We are dealing with complicated issues on this
point, Your Honor,, because we have complicating rights of
free speech; that these Trial & Errors have a right as
citizens of the , United States, they **have** a right to inquire
of the jurors. They do have that right. The jurors can tell
them to bug off if Mr. Wright sends a detective and finds out
that the jurors were *unhappy*, we apologize and I apologize
for on their behalf. No attempt was meant to harass them in
any way. The package was sent to them by the people in Trial
& Error that something needed to be done. That is their
first amendment right. It's the jurors First Amendment right
not to respond. It's a jurors' right to say get lost.

 But being presented with that packet, Mr. Rosssbach, I
believe, feels he is morally bound to respond because these
morally situations where people are drawn from the community
and pass judgments upon **other peoples lives** affect **them**
forever. I think the foreman, Mr. Hunt's indication that he
keeps a file in the case is encouraging, because it means
these cases mean a lot to people.

1 Insofar as that kind of situation is the case, Mr *
2 Rossbach in particular has what he feels and I'm not going
3 to speak for him, and I don't presuppose to speak for him
4 he's here to try to help the Court on something that he finds
5 profoundly significant, profoundly troubling. The same with
6 Ms. Carnage. We can argue whether some of the **evidence** is
7 speculative or whether or not some of it is admissible; yes,
those things we can narrow the focus to the Court what is
appropriate* That is done all the time. **You** can narrow the
inquiry as much as possible in order to instruct to try to
help the Court. I think that is going to be the issue,

 We are not inquiring under **606** under any **sense** of
the imagination as to what the process that they were going
through was at the time. Rather, what we are *looking for is*
a highbred view of what the evidence is now, in light of **the**
new evidence. We are offering it to the Court as instructive
and helpful. We hope the Court takes it as such, We know
that the juror and the alternate have not been *harassed*, *The*
opposite* They feel a compelling **need** themselves to
personally speak on this issue. Thank you.

 THE COURT: Let's start with the **proposition** that
there. are two exceptions to the inquiring of jurors as to
what went on in the jury deliberation process. As spelled
out in subsection B of the Rules of Evidence, Rule **606**, the
rule, subsection B, reads in its entire:

2 "Upon an inquiry into the validity of a
3 verdict or indictment, a juror may not
4 testify as to any matter or statement
5 *occurring during the course of the jury's*
6 deliberations or to the effect of anything
upon that or any other juror's mind or emotions
as influencing the juror to assent to or dissent
from the verdict or indictment or concerning **the**
juror's mental process in connection **therewith,**
except that a juror may **testify on the question**
of whether extraneous prejudicial information was
improperly brought to the jury's attention or
whether any outside **influence was improperly**
brought to bear upon any juror. Nor may a
juror's affidavit or evidence of any statement
by the juror concerning a matter about which
the juror would be precluded from testifying be
received for these purposes."

19 I need **not** repeat again what **I had previously** said
20 and what counsel have said as to the reasons underlying that
21 rule in protecting the sanctity of the jury process itself.

22 As it relates to Leatrice Gamage, she was the
23 alternate. She sat through ten days of testimony. **The** jury
24 tired on the 11th day, returned its verdict on the 12 day
25 after 11 hours of deliberations. To ask Leatrice Gamage as a

1 *member of this jury as an alternate as to* what effect the
2 testimony or evidence if admissible of an alternative suspect
3 might have had on her mental processes, would have been as
4 relevant as asking a lay person who sat through this entire
5 trial in the audience as to how that person might **have been**
affected had they heard this evidence and had they been on
the jury that was deliberating.

So as it, relates to whether or not **Leatrice** Gamage
might be permitted to testify, assuming for purposes of
argument that I might be interested in how a person might
have *been* affected by evidence that was not **presented**, I fail
to see how her opinion would in the lease respect be
relevant. *So the testimony of* Leatrice Gamage will not be
permitted,

As it relates to Mr. Roasbach, in essence what you
are asking the Court to do is to permit Mr. Rosabach to
testify as an experienced juror. You are asking that Mr.
Rossbach be accepted as an expert. That is not what is
envisioned by our Rule of Evidence as it will relates to
expert witnesses. Because Rule 701 says!

"If the witness is not testifying as an
expert, the witness' testimony in the
form of opinions or inferences are limited
to those opinions or inferences which are
(a) rationally based upon the perception of

1 the witness and, (b) helpful to a clear
2 understanding of the witness' testimony
3 or the determination of a fact in issue * "

4 Under Rule 702:

5 "If scientific, technical or other
6 specialized knowledge will assist the
7 trier of fact to understand the **evidence**
8 or to determine a fact in issue, a witness
9 qualified as an expert by knowledge, skill,
experience, training, or education, may
testify thereto in the form of an opinion
or otherwise."

I fail to see how a person who has sat on a jury
would fall within the definition of an expert witness. But
it goes on to say in Rule 703:

That the facts or data in the particular
case upon which an expert bases an opinion
or inferences may be those perceived or
made known to him at or before a hearing *
If of a *type relied upon* by **experts** in the
particular field in forming opinions or
inferences upon the subject, the facts or
data need not be admissible in **evidence.**"

But I fail to see how Mr. Rossbach, as a member of
this jury panel would fall within the definition of an

1 expert. That throws us back to Rule 606. While I
2 appreciate, Mr. Connolly, that you are saying that you are
3 not asking the juror for speculation, it seems to me that is
4 the very thing you are asking this juror to do. Because
5 essentially what you are asking Mr. Rossbach to testify to is
6 *whether or not, if* he had the benefit of the **alternative--**
7 suspect theory, whether or not that might **have** made a
difference in the outcome of the trial from his standpoint.

And under the expressed **prohibitions of Rule 606,**
he would be asked **to do** the **very** things **that are prohibited**
by the Rules. Because you would be asking Mr. Rossbach to go
back to the thought processes that were engaged in, And
while he may not be asked to testify as to what was discussed
in the jury room itself during the deliberations, you are
asking Mr. Rossbach to reflect upon what went on in the 11
hours of deliberation. And if they had presented to them the
evidence that has been presented to him in this packet, that
I have not reviewed and has not been subjected to the test of
cross-examination and witnesses in opposition to the material
that has been presented to him, to speculate upon what he, as
one member of this jury panel might have concluded,

And among those prohibitions that are included in
the Patterson Rule, really, the Mansfield Rule, you need to
-- there is a profound need for the stability of the jury's
verdict. There must be a finality of their verdict. **And** the

1 need to protect close verdicts where after, as in this case,
2 11 hours of deliberation, where after 11 hours of
3 deliberation, thinking and rethinking, and the full and open
4 disclosure in that jury room of everything that went to reach
5 this verdict. And so it would be a **violation** of evidence
6 Rule **606**.

7 But even more importantly, at *this juncture on a*
motion for new trial, the question of **whether** or not this
evidence, if presented, could **have resulted** in a different
verdict, is a decision which must **be made** by the **Court**. **And**
so for all of those reasons, Mr. Rossbach's testimony, like
that of Leatrice Gamage, will not be permitted *

x suggest now we move to that phase of the case
where the preliminary question of whether Mr. Lapiere is
going to be subject to remain to testify through the issuance
of an out-of-state witness subpoena. And for purposes of the
record, I have this sealed envelope that has been **presented**
to the Court addressed to Bradly Hunter. And Mr. Connolly,
for purposes of the record and for purposes of appeal, I
assume you have no objection to this being marked as a
State's Exhibit?

MR* CONNOLLY: That's correct. I have *no* idea what
the contents are. My understanding of what was sent out was
a cover letter, which I have seen and a copy of my motion,
The reason it was unsigned is because they got it in a draft

1 form prior.

2 THE COURT: That will be admitted as a State's
3 Exhibit, Have you marked other exhibits?

4 MR. WRIGHT: I've given to Ms. Guillette a discovery
5 letter and two attached reports. I *haven't* **numbered them in**
6 chambers. This one could be two.

7 THE COURT* Very well.

8 MR. CONNOLLY: Its fair to say Mr. Rossbach is no
longer under the swage of a **sequestration**. He's a citizen.
He's allowed to be here; is that correct?

THE COURT: Yes.

MR. CONNOLLY: If I may, Your Honor, my
understanding is *the point we are at now*, is the request by
the defense to have an out-of-state subpoena request by this
Court to a court of comparable jurisdiction in the state of
California. It's my understanding *that the Court* needs to
have a factual predicate in order to request that subpoena.
That your request under normal rules of procedure is to be
given full faith and credit with another state, *although that*
is discretionary. And it's my understanding that a similar
hearing may have to be held out in California pursuant to
California rules before they would issue.

THE COURT: That's correct. Unless California
authorities agree to proceed without a hearing,

MR. CONNOLLY: To that end, sir, if I may, I would

1 *offer at this time, first, the affidavit of Miss Margaret*
2 **Steele, And if I may, I would call her as a witness. She is ,**
3 **present this morning. She is available. I would offer the**
4 **affidavit. If the Court thinks that her testimony would be**
5 **instructive and helpful, I would call her to the witness**
6 **stand at this time.**

7 **THE COURT: Well, I think for purposes of this**
hearing, I would prefer to have her testimony rather than the
affidavit.

MR. CONNOLLY: Yes, sir. I anticipated that, It 's
my understanding Mr. Wright is to have some issues such that
I think the Court would be best served by eyeballing her,

MARGARET STEELE, being first duly sworn, was examined and
testified as follows:

DIRECT EXAMINATION

BY MR. CONNOLLY:

- Q **Would you state your name nice and loud?**
- 22 A **Margaret Steele.**
- 23 Q **Can I ask you your age?**
- 24 A **73, October the 25th, 1918.**
- 25 Q **Do *you know why you are in court today?***

1 A Yes,

2 Q Why is that?

3 A Because I want to get something off of my mind that
4 *I've had on it* for a long time.

5 Q Do you understand what the purpose of the hearing is
6 today; why we've called you?

7 A Yes.

Q What is that briefly?

A Well, because you want to know what I have found out
through the years from 1988 to now. I assume that's why you
want me in here,

Q Do you understand why that may be of consequence?

A Yes.

Q *Why is that?*

A Well, because I'm just - this is just hearsay from me,
And the man that I know that told me this stuff is in
California. Is that right?

Q Yes,

A You will have to speak my way because I'm just an
ordinary person.

Q I think you are doing swell. The person that we are
talking about is named who, Bobby Lapierre?

A Yes.

Q *How long have you known* Bobby Lapierre?

25 A **Ever** since he was **about two** years old. **And he** must **be**

1 in his 40s now.

2 Q How did you come to know him when he was a young
3 child?

4 A From living across from him, and he used to be in my
5 house all the time.

6 Q Where was that at?

7 A Topsham, Maine.

8 Q Did you know his family?

A Yes.

Q And his parents?

A Yes.

Q Do you know a person by the name of Douglas **Senecal**?

A I should sure do.

Q How long have you known Douglas Senecal?

A A little over 20 years.

Q How did you come to know Doug Senecal?

A I had a home for sale on Front Street in Richmond.
Doug Senecal's father came to buy a home - came to my trailer
at that time and he came to buy my home for Dougie and his
first wife.

Q Do you know---

A But he bought it. In fact, he didn't want the home.

Q Do you know what Doug's first wife name was?

A Cathy.

25 Q Do you know what his second wife's name is?

1 A Maureen,

2 O *Do you know what her name is now?*

3 A Maureen.

4 4 **She is still married?**

5 A Yes.

6 Do you know their children?

7 A I knew the baby that they had, that *was born that had*
to have a lot of tubes because they came over to my house
after that and brought the baby. I did not know who the
other ones were. No, I didn't, because I knew Dougie mostly
with his first, wife and then shortly *with this wife*.

C How well would you say you knew Doug?

A Well, real well,

4 What context did you know him? How often would you
have receive him?

A When I moved my trailer out *on the County Road* and I
moved my trailer back there he was out there constantly .
When he would come home from work maybe from Woolwich or
someplace like that, and he would stop there *or he would help*
me out at the place. But I've known him through that because
I used to be over to Greene with him and Cathy used to be
over there all the time,

4 Would you characterize your relationship as friendly?
Were your motherly?

A Certainly. Yes. I would call him up. The last time

1 I heard from Dougie he called me on the phone and said he
2 couldn't come over because he was working. Then he gave me
3 Lapiere, who said he would come up the next day, which he
4 did.

5 Do you remember about when that was the last time you
6 saw Doug?

7 A The last time I saw Dougie I would say 19 ^r - I heard
him on the phone, not saw him, 1988 or 1989.

And as it relates to Bobby Lapiere, how well do you
know him? Are you close?

A Yes. He writes all the time. I letters in my
pocketbook that he writes me, And I haven't heard from him
since January of 1992. I called out there and the phone had
been disconnected, I worried because his father has been
very sick and he's been taking care of him and keeping me
informed,

Q So you were concerned about Bobby's father?

A Yes. So I called about two or three weeks ago, I
called his aunt in Topsham, I have the phone bill here to
prove it. I talked 30 minutes with her. And I asked her how
come the phone had been *disconnected out there?* And she said
she didn't know. But Bobby was here about three weeks ago,
she said. And she said he sang down at the Sheraton Hotel.
24 Then I said I didn't know Bobby did. I knew Maureen did.

25 Then I asked her, I asked her did he come by car?

1 She said no, he flew up here. He had business to attend to.
2 And he came to see his Uncle Henry and me for about one hour.
3 And she said she told the make of the car, that he went over
4 to Lewiston *and got his brother Larry's pickup truck so he*
5 *could use it around here, then he went back home. So that*
6 *same night she gave me the new telephone number. I called*
7 California and Linda answered. That is Jessica's child. I
asked for Bobby. She said he isn't here. I asked for Doris.
She said no, she isn't there, they've gone to play Bingo. So
I said would you have him call me and how is your father?
She told me. And said he was coming along a little **better**.
So then I mentioned that Bobby flew here and I said how come
he never comes to see me? I said I can't believe it. I
said this is really a shock to me. She said - she said
nothing. You could have heard a pin drop in other words.

So then I see she didn't want to speak, so I said
would you have him call me? By the way, how come your phone
has been changed, your number? She said *we were getting*
harassment phone calls. So I sat back and put two and two
together.

So the point is now you know where he's at, whereas
before you didn't?

A Yes.

Q Turning your attention back to the reason why we have
25 **you** here. There was a time, was there not, when **you had** a

1 conversation with Bobby about Sarah Cherry?

2 A Yes.

3 Q Let's start by telling the Court when, and where that
4 conversation took place?

5 A That took place in my kitchen at the kitchen table.
6 And he looked at me because Bobby and I - let me make this
clear - used to talk about our families and our problems in
our family. We trusted one another. He knew that I wasn't
going to tell and I knew that he wouldn't tell. Okay?

So Hobby looked at me and he said Margaret, **I've** got
something to tell you. And **you cannot** tell - he said you've
got to keep this to yourself. And I *said what is that? And*
he said Douglas Senecal killed Sarah Cherry. I said what are
you talking about? He said he killed Sarah Cherry. I said
oh, my God. What are you saying? He said if you ever tell
anybody, he would kill you and he would kill mew I said I
believe you; knowing of him the way I have **over** the, years.
could believe most anything. So I said I was upset.

So then - you don't want me to describe what he
said, do you?

Q **Yes. Go ahead.**

A He said

Q **If you find this difficult - you talked to me before
about this?**

A **Okay. He said - I guess I can compose myself and keep**

1 my feelings inside of me so I don't get too upset, He said
2 it was told to him about Sarah and about the knife wounds
3 that was in her body, and he said that they had sticks in
4 them. And he said I know that Dougie Senecal did it,
5 Margaret. I said oh, my lord, I told him, I said that
6 hasn't been out or around. He said I can't help it. I know
7 it. And I also know that Dougie Senecal was in *Bowdoinham*
that day and he took Maureen's brother home. As God is my
witness, I didn't know if she has a brother or not, I never
asked anybody, I've kept still about this until I told
Drake, then I confessed to you, but I confessed first to
Drake,

Q Drake is Detective Drake?

A I know he's sitting right there. And so anyways, then
he told me of him being over there and taking Maureen's
brother home and he was drunk, And that's what he told me.

Q On the day that Sarah was killed?

A No, Not on the day -- Dougie Senecal -- yes. I
thought you meant, yes. No, That he told me on that day,
no.

Q What is the *day that he* had conversation with you,
ma'am?

A It would be - he was to my home in 1988 in the summer.
And in '89 and he cleared out awfully quick. So I can't
remember which date. But it could be looked up if anybody,

1 as I told Drake, that if they got the records from the
2 hospital because Bobby had been in the Brunswick. hospital for
3 *an operation.* *That is about* the time he told me about all of
4 this stuff. But he talked a good three or four hours, He
5 telephoned me. So this part he told me would have to be *in*
6 '89 because he told me that he was going over to Thomaston to
see Dennis Dechaine. I said what is the matter with **you?**
They wouldn't let you in over there. He said I want to go
over and talk to him. Then he shut right up. He didn't say
anything more. He said he was going to the bar and he was
going to talk to somebody down there, And I showed him **the**
letter that I had wrote. I think it was the third of **1989** ₀
And it had some unanswered questions put in there. I had
wrote about the sheriff's department. I had to eat crow
because I always stuck-up for them. I didn't even know then
who the detectives were on that until after that letter come
out, Mark Westrum and David Haggett came to my house and
they had coffee with me. They often stopped in just to say
hello.

So something was brought up -- I brought it up **and**
mentioned about what I heard on the scanner, And I said **how**
come there was a piece of paper out **there** in the **driveway and**
it was set said set said *on the* scanner and then **the weather**
the **people** drove in their beyond a **reasonable doubt** why this
man was there then they said the *next thing I* heard it was

1 the same time was as this woman was scared because a man came
2 to the door and said he lost his truck because he had
3 been fishing, He said would your husband take me home? **Ho^es**
4 been gone half an hour she said, I'm worried.

5 Q You heard that on the scanner?

6 A Yes, I most certainly did,

Q You listen to a police scanner?

A Yes.

Q Regularly?

A Yes, I do, Even when they come in my how was they
turn it on because they come in for **coffee or to you know** sit
down and talk or see how I am,

Q So, Miss Steele, you told this information about what
Bobby Lapiere told to you to Detective Haggett and 'estrum?

A No, I told it to that gentlemen right there,

Q Detective Drake?

A No, sir, I wouldn't tell, let that out when he was
threatening. He told me if you see him come through that
door - you better lock it, Margaret, I have been sitting on
pins and needles.

Q **You were afraid to tell Sheriff Haggett?**

A He was sifting at **on** the Sarah **Cherry there. That's**
23 when I spoke something about what was **on there, David**
24 Haggett said to me - I can see him right today - he said oh,
25 yes, Margaret he did it, All signs point his way. That is

roughly how he said it. And I looked from him and I looked
2 right over to Mark Westrum and Mark looked me right in the
3 eye and he never said a word.

4 I've known Mark Westrum for a long time. And Mark
5 has never - we've never talked about this. In fact, when
6 Dennis Dechaine was on television I sat there and I heard him
in Thomaston State Prison speaking and I couldn't **believe** it.
I don't know what the gentlemen said now. He said to Mark
Westrum, holy mackerel! Then I turned and **looked** at the chair
this way and I could see **David** Haggett - whether **anybody**
thinks I'm nutty or not - I could hear him saying that and
Mark never said a word.

I have been close to Mark. And I consider him a
very, very nice person. And about two days after that was on
television my phone *rung, and it was Mark Westrum. He said*
how are you Margaret? It was right after election or
primary. I said pretty good. He said what is the matter?
You sound down in the dumps. I said probably I am.

Margaret, he said, what is the matter? Tell me. I said oh,
20 no. Never mind. He said tell me. I said well, I'm sitting
21 here thinking of Dennis Dechaine and **Dougie Senecal**.

22 He said, what? I said do you know Doug? I said of **course** I
23 do. I've known him for years. I said I **never** knew that.

24 What is it, he said? I said something that was said to me.

25 I said **I've** kept it to myself. I don't **even** think I told

1 Bobby **Lapierre's name, I've kept it to myself, I can't keep**
2 **it to myself any longer. I got in touch with Connolly, He**
3 **said I have been all day with the Attorney General's office**
4 ***who he met* I don't know. He said I've just left them. And**
5 **he said this is a coincidence that I called you to see how**
6 **you are, and then you have mentioned this to me.**

So he said is it all right maybe this better be
looked into. Then he said is it all right if I send an
officer from the Attorney General's office? I said, yes, I
don't care. So he said all right. Maybe tonight or
tomorrow. So my telephone wrong and what I wanted was the
dispatcher. And she said there would be an officer there,
but Mark couldn't come to the phone. And so I said all
right. Thank you, That was it.

Then Officer Drake came in the doorway with his
badge, and I let him in. We sat there and we had a lovely
conversation. And he was very nice and seemed to understand
everything that I had been talking about. He's the first
gentlemen that I've ever *said that to* about what Bobby
Lapierre had said about the Dougie Senecal, what he had done,
It's been very upsetting to me.

Then he wanted to take the papers, my papers that I
had. I said I've had them for years. If they could tell
about the papers and what I wrote down as Bobby had talked to
me on the phone or come to see me. Be said he was going to

1 take them over to the Richmond Police Department. I said no,
2 sir, I probably did a little bit of cussing. I said no,
3 sir. I don't want them to know nothing, I let them take
4 them with him and he brought them back the next day and he
5 asked me two questions, Then he left,

6 Do you want to know what those two questions were?

7 Q Go ahead.

A He said I've got to ask you two questions, Will you
tell me what Bobby Lapiere said to you? I said, yes. He
said - he sat across the table from me and I said that Dougie
Senecal killed Sarah. Now this is the second question he
said I have to ask you. Did he say that Dougie Senecal told
him? I said no, sir. Am I right?

Q Why did you keep this inside you for so long?

A Well, I'll tell you. I'm here - I have a knife that
my aunt had given me, a small blade knife. It was gold. And
when I was out on the County Road where Dougie used to come
out there it was lost. I don't know if I gave it to him or
if he stole it. That I really don't know, But I really do
believe that he stole it when he was up there, because he
would come in and make sandwiches: have the run of my place,
And so I could never find it, And that kind of disturbed me
because I had seen him out to my trailer there and he would
take that out and clean his fingernails, And I couldn't
25 believe that that was my knife, but I didn't dare to say

1 anything. I know his character. I know of it. He's got a
2 vicious, vicious temper. You better believe it.

3 So then I didn't do anything. Bobby Lapiere came up
4 to the place the same day that he was talking to me, I
5 mentioned about the knife. And he said I've seen Bougie
6 Senecal clean his fingernails with that knife. So that
7 disturbed me to think that when Bobby was telling me about
the knife wounds and all of that stuff, I kept thinking could
that be my knife?

Q How big was your knife?

A I have a clip in my pocketbook just to show you how
big it was. I've got no measurements, But this is a tie
clip that I've had for *a long time*. I brought it here today
because I thought you might ask me. You put it on a chain
around your neck or old fashion pins that used to hold a
wrist patch. It would be like that.

Q So the record that this gentlemen is recording right
now is clear, if you were to measure it, your estimate of
that would be *how long*?

A I don't know.

Q I'm going to hand you a piece of **paper** and ask **you** to
trace it on exhibit one.

A Is it two inches?

Q Why don't we measure it *on the piece of paper so we*
have a record. Just sketch it, if **you** would. The clerk has

1 just handed me a device, a ruler. y don't you measure it?

2 A It's just roughly about two inches and a half. So
3 your blade would be close to two inches long because you have
4 this whole thing here. This would be roughly what it was
5 with a little hook over the thing. In the old days that's
6 how he used to wear them. Put them around the chain.

7 Q How does it relate the fact that you believe that Doug
took your knife, how does that relate to the fact that you
were reluctant to tell about what Bobby told you?

A I was scared for my life. I was scared for my life.
I didn't want him to come to the door with anything to kill
me,

Q Did something else happen in your life that made you
want to come forward and get this off your chest?

A In my life time?

Q Yes. Did you have a **conversation** with your son about
things?

A Yes, Donny,

Q Do you remember what I'm talking about?

A Yes, **He** told me not **to** take **it** - **he's dead now. He**
died two years ago. He told me not to take it to my **grave.**
He knew, I told him.

Q **You** talked with him, with your son Don two years **ago**
about this?

25 A Oh, yes, Before two years ago. **Because he** knew **Bobby**

1 and he knew when Dougie came up there. He didn't like Dougie
2 at all. He didn't care for him at all. He always told me to
3 be careful, momma. He knew.

4 Q That's why you are telling us now?

5 A Yes. Because I want to get it off my mind.

6 Q Based upon your experience with **Bobby** Lapiere, was he
7 just telling you stories, do you think trying to scare you?

A No, But I, probably sat back and wondered. This is me
thinking of why the connection. Why I didn't even know that
Bobby knew Dougie Senecal. I didn't know that.

Q At that time?

A At that time, that's right, I *didn't know that he*
did,

Q Now you know they lived together for a while?

A Right. Summers. But he packed up and left. And
Larry his brother went down there and packed him up because
*Dougie Senecal had a room - this is hearsay from **Bobby ., he***
had a room. He had magnum guns and all **kinds of** guns **and he**
had all kinds of food and everything that he could stay right
there in that room. He told the sheriff's **department to stay**
away from him or he would blow them up and so forth. He was
up for the rape of this Jackie.

Q **You** knew about that when that was going on?

A Yes. Because Bobby told me about that. I didn't know
about it any other way. Bobby told me about it. He said I

1 know Margaret. That's why that Sarah took Jackie's place.
2 And knows that Jackie took the place, that Dougie knew it,
3 And he said he knew that where Sarah was. He said, in my
4 mind, he said I know he did it. Oh, yes,

5 Q Now, in 1988, in July, Bobby Lapiere and Douglas
6 Senecal - Bob took a room and rented it from Douglas **Senecal?**

7 A Yes. He packed his car up and Jackie left, **too.** But
Jackie didn't go with them because I called **over** to Lewiston
.. and I have the report *right here* » *that he went* down and
said that he would help Bobby pack, He said **that Bobby**
wanted to get the devil out of there.

Q You know when Jackie was sent from Maine to
California?

A Yes, She went also over to Bobby's house because
Bobby called me up and told me she was out there.

Q When Jackie was sent by Doug to **leave** Maine because of
the prosecution, that was taking place?

A Yes,

Q That Jackie went and hid at Bobby's house?

A Yes. And **Bobby told me on the** phone, **he** said **he** is a
child molester from Phippsburg, he said. Didn't you know
that Margaret? I said no, I didn't.

Q That's when he told *you the story* **about** Jackie?

A Yes, He said that Jackie was out to California; that
she had arrived out there. That's when he went back out

1 there to call me. He wanted me to send all information from
2 the papers and everything about Dechaine and the murder trial,
3 and so forth or everything to him.

4 Q Did you do that?

5 A No, I never did. *No. That is something that was in*
6 *the back of my mind. I just didn't do it.*

7 MR. CONNOLLY: That's all I have.

THE COURT: We'll take a short recess.

(Whereupon a recess was had)

CROSS-EXAMINATION

BY MR. WRIGBTS

Q Miss Steele, you are 73 years old?

A Yes.

Q *I understood you to say - ° I want to make certain - you*
*have no direct knowledge of any of the things you **have***
related** as to your claim **of** Douglas **Senecal's involvement?

A Would you please repeat that?

Q You don't have any direct personal knowledge of that
which you claim to be Douglas Senecal's involvement with
Sarah Cherry's death?

A No. Only what has been told to me. Mine is hearsay;
told to me **from** Bobby. And **I** trust Bobby.

1 I thought you said it was hearsay. I just want to
2 understand that?

3 A Yes.

4 You don't know now where Bobby is, do you?

5 A Yes, I do. He's out in California.

6 Q How do you know that?

7 A Because I called. I could look on my phone bill **here**
if you want me to.,

Q At some time in the past I understood you to say you
made a call to California?

A Yes, I did, And Bobby was playing **Veno** with his
mother, And I talked to Linda.

Q *That was how long ago, the phone call?*

A About three weeks ago.

Now, you can't tell us though that Bobby is in
California or more particularly at 1375 North Broadway,
apartment E3 in Escondido, California presently, or, will be
there in the next week or ten days, can you?

A No. Because he hasn't called me back. That's why I
wonder why he hasn't called me back,

Q Now,. ma'am, you live alone, do you not?

A Yes, I do.

Q **Your** son, Donny, you said had died a **couple** of **years**
ago?

A Yes.

1 Q Did he live with you before that?

2 A No.

3 Q The reason I'm asking is I would like to inquire of
4 you how long you've lived alone?

5 A I can't understand you.

6 Q I have a sinus infection. How long have you lived
7 alone?

A Since my husband died in 1971. That's how long I've
known Dougie and his father and his family.

Q You, I take it from what you say, **enjoy** having the
police come visit you?

A I think it's nice. I had Bill Snedeker, a state
trooper, lived over me for three years. So there were a lot
of police cars that came to the place,

Q You enjoyed their coming in and sitting and having
coffee?

A I loved it. I think its nice for the community. I
live in with the drugs and everything around there.

Q In fact, they - in fact, would you agree that in a
sense from your point of view they don't come **often enough?**

A They come often as they can; I'm sure of that.

Q I understand. But you would wish it would **even** be
more?

A Not really. Just when they have the time to call on
me. It's nice of them.

1 Q It's kind, am I right, kind of lonely out there by
2 yourself?

3 A Not me, Too much going on, If you had been there
4 over the weekend you would have seen it,

5 Q What kind of things were going on?

6 A Well, parties, But this is only **one** place. **The other**
7 ones are all right,

8 Q Some of the things that are going on **are** things that
9 you've gotten yourself **involved** in; is that correct?

A Yes, I suppose so, When a man was **beating up** his
wife and **I** called **Bill Snedeker** from upstairs, Bill **ran down**
with his shorts on and no shoes on and went **over to protect**
him, I guess, yes, I get **involved** because I certainly **love**
all the kids there and I get involved,

Q **You** have from time to time gotten yourself **involved in**
things as causes?

A Causes?

Q As causes,

A Causes of what?

Q Like do you remember the name Roy Hobson?

A Yes,

Q And Roy Hobson was an Englishman who the federal
government was trying to deport?

A Yes, I **got** a letter from **him** way off **someplace where**
they were going to - they were getting ready to deport him so

1 *I should have brought it.*

2 Q That's all right. But you had taken an active
3 interest in that case, although

4 A Yes,

5 Q *although you* weren't personally

6 A Yes, Because I considered him to be a con man. A
7 very much of a con man.

Q But you didn't know him personally?

A No. His son lived right beside him. I *know Ion.*

He's a lovely boy, regardless **of** his father **and how far he
got over here.**

Q And you had gone so far, as with Roy **Hobson, to make**
some calls to Boston to federal authorities about the case?

A I've sent letters. I've got letters from the
governor, all the troopers of the state from head officials,
yes. They have told me that he's trying to stay **over** here,
trying to beat the system,

Q Right. Now, -°

A Any questions on that I will agree to everything.

Q Let me try and concentrate **more on** this **rather than**

21 Mr. Hobson. You wrote a letter where you said, after the
22 trial in this case, expressing some concerns about **unanswered**
23 questions?

24 A Yes. I've got it here.

25 Q I've got it. And the letter begins, does it not, it

1 was published in The Times Record on April third?

2 A Yes.

3 Q Of 1989?

4 A Yes.

5 Q You would agree to that?

6 A **Yes.**

7 Q And the letter begins by sayings "I **have** a TV and read
8 two different papers daily."

A Yes,

Q "I have been one to praise the **Sagadahoc** County
Sheriff's Department and all other police."

A Yes,

Q "But now I do think I have to eat crow, I'm glad I
did not have to sit on the jury for Dennis Dechaine. I'm
also glad I was not the judge."

A That's right.

Q "Why?" "Because, I will tell you, because I think the
parties who did the investigation of it did a lot of screwing
up on their job."

A That's right.

Q "Others have had to see it. Also I feel deeply so
sorry for all; I really do." You finish by saying "I think a
23 lot of questions are unanswered."

24 A That's right,

25 Q Now, at the *time this* letter was published, you had

1 not talked to Bobby Lapiere, as I understand it, because you
2 talked to him about this in the summer of 1989?

3 A I don't know if you are talking if - you went too fast
4 for my hearing.

5 Q We've agreed

6 A I'm not upset.

7 Q We've agreed, have *we not*, that **the letter was**
8 published April third, 1989?

A Yes.

Q And as you recall it, that was within a couple of
weeks after the trial concluded?

A Well, it would be right after the trial, yes. About
two or three days after that letter was published David
Haggett and Mark Westrum stopped in my home, as I stated.
They often stopped to call, to use my phone and so forth.
They do that often when they are in Richmond and around up my
way.

Q Now, you didn't tell anything to them at that point
because ^A ^W

A No.

Q -- - because you didn't have any knowledge about this
Lapiere business?

A Yes. I knew.

Q **If** you said, as **you did on** direct examination, **you**
didn't talk to Bobby Lapiere until the **summer of 19897**

1 A I talked to him in 1988 and '89. He was here in '88
2 and he was here in '89. He was at my house and he was in my
3 cloakroom in 1990 also.

4 Q I understood you to say that in the summer **of 1989**
5 that's when be, Bobby Lapiere, told you these details about
6 what had happened?

A He told me - -

Q *Is that right?*

**A He told me about knowing, telling me about Sarah and
about Jackie and he had been operated on. And X said to the
detective *if he could get that information from there, then
he could go from there, That's what I think I said***

**THE COURT. Mr. Wright, I'm confused. So why don't
you start over again and ask your question again.**

BY MR. WRIGHT:

Q Bobby Lapiere told you you say about the penknife and
sticks?

A Yes.

Q He told you about that?

A Yes.

Q And when he told you about that, I thought you said a
few minutes ago that that was the summer of 1989?

A He was here.

Q No, wait. I'm trying to ask it simply.

1 A Wait yourself. He was here in 1988 and he was here in
2 1989.

3 Q And did I understand - -

4 A What I'm confused about is when he was *in the hospital*
5 and the date of that. That's when Dougie Senecal called me
6 up that night and said Aunt Margaret, I'm **too tired to come**
7 up. That's when he gave the phone to Bobby and **Bobby** said I
8 will be up the next day.

9 Q **Yes.**

10 A This is the time when he told this. I had **never seen**
11 anything in the paper about the knife or anything **like** that,
12 sir.

13 Q So?

14 A So it would have to be -- I don't know. He was there
15 both times. I don't know. I don't know.

16 Q All right. Let me try it this way. Am I correct, **are**
17 you confused about - -

18 A I'm not confused. I've got a damn **good** memory.

19 THE COURT: Wait until he finishes the question.

20 What he is trying to get at here is whether **or not when Bobby**
21 Lapiere was telling you these things, was this after the
22 trial?

23 THE WITNESS: No. I don't **think so.**

24 THE COURT: He's trying to find out when it was that
25 Bobby told you these things.

1 A It was before the trial, It was before the trial.

2

3 BY MR. WRIGHT:

4 Q Did you attend any of the trial? Were you here for
5 any of the trial?

6 A No, I haven't gotten involved in any of the meetings
7 they had or nothing. I'm not involved, I kept it to myself,
And that is probably hard to believe, but my lips **have been**
zipped.

Q Now, when you said in your letter to The Times Record
in April 1989 that you think a lot of questions are
unanswered

A That's why I sent it. That's what I must have wrote
about that because on account of what he said to me. What
other

THE COURT: Excuse me, Why don't you let him ask
you his question.

BY MR. WRIGHT:

Q That's exactly my question. When you said in your
letter "I think a lot of questions are unanswered," were you
referring to the fact that you thought the investigation was
screwed up?

A Yes,

Q And did you think the investigation was screwed up

1 because of what you had read in the newspapers, since you
2 hadn't attended the trial?

3 A *Oh, no.*

4 Q It was because you had this other information?

5 A Yes.

6 Q Now, I was uncertain as to when you said that Westrum
7 and Haggett had showed up and had coffee with you **one** day.

You were talking about that on direct examination. That is while Mr. Connolly was asking you.

A They showed up.

Q When?

A About two to three days after that letter was in the paper.

Q Thank you, At that time you did not tell either of them about this conversation that you say you had with Bobby Lapiere?

A No, I didn't.

Q Why not?

A I was scared for my life. I was scared of what Bobby had told me and everything. So I decided to keep my mouth shut. But then I decided to open it and tell what I *knew*. I don't consider I'm here for much longer, so get it off my chest.

Q Sure. The trial was three years ago. **So three years** ago, April of 1989, you would have been 69?

1 A Yes,

2 Q wouldn't it be equally true when you were 69 that *you*
3 wouldn't know if you were going to be around much longer?

4 A Yes, Nobody knows from day to day,

5 Q If you felt the same way then that you might not be **a**
6 around much longer, and now that is your **reason for coming**
7 forward, I don't understand why you didn't tell them at the
time?

A Well, I will tell you. I keep thinking of that
penknife. I keep *thinking of a lot of* things, I guess, or
probably with my son in knowing and knowing that the
Dechaine and knowing Bobby and saying to me probably about
two months before he died to get it off my chest,
But I still sat back and waited, and probably I shouldn't
have,

Q Was it at that time that Sheriff Haggett said to you,
as I thought I heard you saying something to the effect
Margaret, you're right, everything points his way?

A That's right. He did say it. He most certainly did.

Q Referring to Douglas Senecal?

A The conversation that I had with them about what I
heard on my scanner, That was the only remark *that they* made
to me, and Westrum just looked at me. He never said
anything,

Q I was unclear as -- are you clear in your mind that

1 when Sheriff Haggett said everything points his way, this was
2 after you told him about what you knew about Douglas Senecal?

3 A What I had heard on the scanner, yes.

4 Q I'm sorry. I got confused, This was on the scanner
5 with somebody coming to the door?

6 A Yes, *Over there, where* ever it was that this
7 happened, and that where it was supposed to be that **the** man
came to the door and he *was lost* he was fishing, he lost his
truck and he wanted a ride home,

Q I guess I'm really confused.

A I hope I'm not confusing you.

Q No. On that day when Westrum and Haggett were there
with you -- I don't understand the scanner business.

A You don't understand what?

Q The business of what you heard on the scanner,

A What I heard on the scanner?

Q Yes.

A After this happened as they were **over there to** the
place the sheriff's department and stuff were **over** there on
some funeral or something and I was listening to **the** scanner
and I kept it right on there, And I heard that this woman
had said they had come into their driveway and there was a
man there. The next thing I know is - what do you call
it that talks on the scanner? -• she said.

Q The dispatcher?

1 A Yes. She said who ever it was, said *that the man a*
2 man come to the door. He *had lost his truck. He* had been
3 fishing and he lost his way and would he take him home, So
4 *the woman was very upset they* said and he had *been gone* half
5 an hour would you please go up and talk to **her,**

6 Q Okay.

7 A Okay?

Q Now, on the ' day a few days after your letter was
published, on that day, a few days later when Westrum and
Haggett came up?

A Two to three days.

Q You were then telling them about having heard this on
the scanner?

A Yes, I did. *It's all that was said is what was said.*

Q That's all that was said?

A Yes.

Q At that time because you were still scared to'death
you didn't say anything to them about Douglas Senecal?

A No, sir. No, sir. Nor Bobby Lapiere Just this
month Mark Westrum just called me up and **asked me how** I was
because it was **election** for him, **you know,**

Q We are jumping ahead now **to** the **election.** **You mean**
just the recent primary election for sheriff in Sagadahoc
County?

A What did you say?

1 Q The election *you are talking about* **is the election**
2 that was just held for sheriff in Sagadahoc County?

3 A Yes. For him to see if he could be, you know,

4 Q Mark Westrum was running for sheriff?

5 A Yes.

6 Q **You** said as I understood you to say, that some time
7 after the election Mark Westrum came up to **see** you?

A No. No, He didn't come up to see me * **He called up,**

Q He called you?

A Yes, sir. 'Be called me on the **telephone** * I can tell you when it was is when that piece, when Dennis Dechaine was on the television. And he mentioned Mark Westrum * I didn't even know what was said about it * As I said, then he called me -- he called me the day that this gentlemen came up to my place just to see how I was probably about four or five at night,

Q *That was after you had seen* the **television interview** with Mr. Dechaine?

A Yes.

4 Which was a day or two before they have came?

A A the day before or two I would say roughly after that or shortly after that that he was on television, Because I didn't have any connection that Mark Westrum was **one of the** detectives until Dennis Dechaine said his name on **television.**

Q Now,?

A I'm a good friend of Mark Westrum's and he is mine *

2 Q But your clear it was after it was after the elect
3 which you know that that Mark Westrum called you up?

4 A Yes, Because I told him to put up more posters
5 because he said he spent five hundred dollars doing it.

6 Q And it was as a result of that **conversation** that
7 Detective Drake later that same evening came up to **see** you?

A Yes, And I didn't even tell Mark Westrum about
anything about all this stuff. I told it to Detective Drake *
And got it off of my chest.

Q You did tell Detective Westrum, didn't your that you
had already contacted Tom Connolly's office?

A Yes. Certainly. And that's when he said I guess he
said something like this. I guess it should be looked into.
Sit all right if I send somebody from the District Attorney's
office to your place tonight or tomorrow. I said certainly.
I'll be right here.

Q You had said the Attorney General's office on direct
examination. Now you said it's the district's attorney * Do
you know which one it is?

A I don't know. One or the other, **He** also stated that
I just been talking to them about the case. This is a
coincidence that I should call you now, Margaret.

Q And as I understand it, you gave him some papers?

A Yes.

1 Q Which he returned to you later?

2 A Yes,

3 And at some point I think it was you said after - when
4 he brought them back to you, he asked you two questions?

5 A *That's right.*

6 And the first one was what?

7 A What he said to me was would you please tell me what
you said that Bobby Lapierre said? I said I will. **Bobby**
Lapierre told me that Dougie Senecal killed Sarah, Now, he
said this is the second question I have to ask your Did he
say that Dougie Senecal told him that? I said no, sir.

Q Right. So let me see if I understand, Bobby Lapierre
never told you that Douglas Senecal had told him?

A *That's right.* He never told me, I didn't ask him who
told him.

Q Lapierre never told you that Senecal had admitted to
him, Lapierre, that he killed Sarah Cherry?

A That's correct. Maybe that's why I sit with locked
doors,

Q And when Detective Drake came **over you told** him, **did**
21 you not, as you had with Mark Weatrum that **you had already**
22 contacted Tom Connolly's office?

23 A Yes. Certainly.

24 Q **And then Bill Snedeker who -- you know Trooper**
25 Snedeker?

1 A Yes.

2 He lived above you for a number of years?

3 A Yes.

4 Q He came by to advise you shortly after this?

5 A He certainly did.

6 Q And you told him also, didn't you, that you had
7 already contacted Tom Connolly's office by telephone?

A Would you like to have me tell you? Bill came and he sat there and for quite a while and we **talked** about different things, Nothing about this at all. And then Bill got up to leave. I hate to, but I'm going to - it's the truth - he got up to leave and he said that he saw the envelope *that he gave me with M Steele on it.* I think he saw his card laying there. He said oh? Something about what is going on? I said well, Mark Westrum said that Detective Drake - do you know him? He said yes. I said well, he come up to talk to me about Dougie Senecal and Dechaine.

Hill got up from my chair and stood «- I was still in my recliner, and I'll quote him he said this to me t he said oh, Margaret he did it: all things point his way. This hasn't been told in here before, only to Reverend Hickson I told this to. He said all things point his way. I said were you there? Of course it surprised Bill that I talked back to him. He turned around and he looked at me like that and he said I could I can get two police officers from Lincoln

1 County that can prove that Dennis Dechaine said proved that
2 he murdered Sarah. I said were you there. Neither was
3 there. But I said here, Bill. *I will tell you something. I*
4 *said I showed it to Drake. I gave him a receipt for **one***
5 *hundred dollars for a police officer in Richmond and he stole*
6 *it from me, I showed the receipt to Drake that is 21 years*
7 *ago in memory of my husband to have a plaque in the police*
department and he took and went to Alaska.

Q This is a police officer in Richmond?

A Yes, Ron'liaison, With my one hundred dollars.
Though that was a lot of money in those them days.

Q Let me switch gathers, When you said in your letter
that you read two different papers daily?

A Yes, *but I haven't* since -- I stopped my Kennebec
Journal about eight months ago.

Q Let's go back to when you wrote the letter. The
papers that you were referring to that you read daily was The
Kennebec Journal and The Times Record?

A Yes.

Q It is your -- do you do you read the papers **regularly**?

A Yes.

Q Did you read the coverage with this case **the** trial
that was going on?

A Of course I did.

Q You took an a individual interest in it?

1 A No. Bobby had told me this stuff. Why wouldn't I
2 read it? Why wouldn't I be concerned? I think any **citizen**
3 should be concerned about anything **like this. This is**
4 **a life,**

5 Q Ma'am, I'm not suggesting **you didn't take an interest**
6 **in it. I'm trying to determine that when the trial was going**
7 **on, you were avidly following the trial in these two**
newspapers?

A Yes. And I cut them out like I cut out other stuff.

Q And saved those articles?

A Oh, sure.

Q Do you think that you read pretty much all the
coverage of the trial?

A No. *I wouldn't say that I did.*

Q Well, I mean in these two newspapers as the trial was
going on?

A Well, yes.

Q So as the trial was going on, you think you read all
the coverage in these two newspapers: The Kennebec Journal
and The Times Record?

A No. *I wouldn't say I read them all because my paper*
sometimes stays there for a day or two and I **don't get a**
chance to read it.

Q It's your *testimony, as I* understand it, that not
until sometime after the trial *that you* learned that Westrum

1 was involved in this case?

2 A I just learned it when I heard him on T.V. from Dennis
3 Dechaine, and I couldn't believe what I saw.

4 Q That was the day before Westrum came up to see you?

5 A The day before?

6 Q Yes.

7 A He came up -- no. Westrum didn't come up after that.
Westrum called me on the telephone, He never **come** up, **He**
hasn't *been to my* home since.

Q I'm sorry. I didn't mean that he came. The interview
on television with Dennis Dechaine was the a day **before**
Westrum called you; is that correct? which led to Drake's
coming up?

A It was whatever day it was that Drake came up. He's
got the date down there. I can't remember. It *was* a day or
two, I might say the 9th was when we held the election in
Richmond. I could be wrong,

At one point Bobby Lapierre said to you in my mind I
know he did it, referring to Senecal?

A No, He didn't say it *like that. He said 'to me when*
he first told me he said that Margaret, you've got to keep
this to yourself. He said you or I, Doug would kill us. And
he said never let him come through the **door. But he** said **he**
killed Sarah. *I said what? He* said he killed Sarah, *I said*
oh, my God. That's when he sat there and he started telling

1 me this other stuff.

2 *The other stuff was* the business about the :ticks and
3 the penknife?

4 A Yes.

5 Q That's where you now know about that from?

6 A Yes. *From him. I don't know how he* knew about it.
But it surely wasn't in any paper or television that I read
and no officer told me,

Q Are you aware that Jackie went to California with
Bobby Lapiere?

A Bobby did not take her to California. Bobby had a
small car which this gentlemen *over* here has got. I don't
know the make of cars or anything. And his brother went down
to Phippsburg to help him load his car up to get the heck out
of there. It was a very small car, one of those sports cars
because he came up to the house with it my place. It was
loaded down. So there was no place for her to go, And I
think she either went by bus or train, But she went out
there because after Bobby got out there he called me to say
20 he got there safe,

21 Q I want to make sure I understand **clearly that the**
22 basis upon which you are sure that Lapiere knew **something** *was*
23 because he told you about the use of sticks and about the
24 penknife?

25 A The whole thing he told me. He said he knew.

1 That's who you got it from, from Lapiere?

2 A Yes,

3 A Absolutely.

4 Q Do you think -- this happened four years ago when
6 Lapiere told you all this, you say?

6 A '89. He talked about it **all** the time. Every time **he**
7 comes up he talks about it. It's *on his mind* constantly.

8 Q You remember it clearly, although it happened three or
four years ago?

A Of course I do. I have a a good memory for 73 years
old. You bet your life I do.

Q Do you remember speaking with Mark Westrum last winter
about your health?

A About my health?

Q Yes,

A Who? Mark?

Q Yes,

A Yes, I'm a diabetic. I take the pills,

Q Do you recall telling him that you felt old **and** you
couldn't go on?

A We are always joking about that. He might call up and
say something like Margaret, how are you feeling? I'd say oh
dear, terrible. Life isn't worth living and stuff **like** that.
He would say don't talk that way.

25 Q Sure. And you told him how you missed your son,

1 Donny?

2 A Sure I miss him. Wouldn't you miss yours?

3 Of course.

4 A At the age of 51.

5 Of course, I just want to see if you recall saying
6 certain things to Westrum?

7 A Yes.

Do you recall telling him that you felt tired and
confused?

A No, I never told him I was confused in my life, I
don⁰ t get confused. If did I would have been dead years ago.

MR. WRIGHT: Thank you, very much.

REDIRECT EXAMINATION

BY MR. CONNOLLY:

Mrs. Steele, at the time when Bobby talked the first
time about Doug and Sarah Cherry, that was before the trial
but after the murder?

A Yes.

Q He talked to you another time?

A Yes.

Q When was that?

24 A This was in '90, Then also *when he* come up in '91.

25 But he told me that he would keep up my courage like that.

1 sounded kind of down in the dumps, which I think he realizes
2 *from what he* told me. That's what he said *in his letter that*
3 he wrote to me, and he was going to see me this spring like
4 that. This is 1992 when he came up here, and he never came
5 near me. Then to have the phone disconnected and **everything**
6 for harassment calls - now I'm confused in that I don't know.
7 I say I don't get confused, but I don't know who to trust if
they come to my door.

Q That's why when Detective Drake came you **doubled**
checked his badge, and when I came to see you - I was wearing
a hat - you had to double check me, too?

A Yes, I did.

Q When you heard this information from Bobby originally
when he first told you about Doug and Sarah, you wrote it
down on a piece of paper?

A Yes.

Q Do you have that with you in court today?

A Yes. I've got all of it.

Q Take a moment and find it. **You** write down important
things like that sometimes?

A Here's all of the letters.

Q Bobby writes you often, doesn't he?

A Yes. I didn't ^w I **have** since January **1992**₀ And **he**
mentions Doug name in here,

Q You gave them all to Detective Drake?

1 A Yes. He had them copied and he brought them back to
2 me.

3 Q So based upon those documents you know that **there**
4 there were a series of conversations with Bobby *in which*
5 Bobby admitted that he knew that Doug had killed Sarah?

6 A Yes.

7 Q *Now, Mr. Wright asked you whether or not Bobby came
right out and said that Doug told me this.*

A No. He *never said that.*

Q But based upon your conversation, is it clear to you
that Bobby had direct personal knowledge?

A Oh, yes.

Q How do you know that?

A I don't know. The way that he described everything to
me.

Q Explain how he described it so the judge can get a
feel about how you believe he has direct **knowledge?**

A He sat at the table. We were **having coffee.** And **he**
said - after we had talked for a *while* - *he* talked **about** his
father and *so forth, you know*, of different things. **He** said
Margaret, he said, I've got something to tell **you.** And I
said what Bobby? He said don't ever tell **anybody.** **You've**
got to promise me because he said Dougie would kill me or he
would kill me. He said he killed Sarah.

Q *That was - --*

A **Dougie killed Sarah,**

2 Q **That was well before the trial?**

3 A **Yes,**

4 Q **Do you have the paperwork there on that?**

5 A **I don't know, It's the papers - I've wrote down here**
6 **that he had the copy of things * I don't know it I put it on**
there, but I put on there *where* he was going after the trial
he said he was going over to see Dennis. I couldn't
understand that.

Q **After the trial you had further *conversation with***
Bobby about the same issue?

A **Yes,**

Q ***Again, that's when he* talked to you about w-**

A **He talked about it even on the phone from California ***
It's on his mind all the time,

Q **Has Bobby in past times confided in you about private**
things?

A **Yes, Bobby I've talked to him about *things in my***
family about different things and he's talked to me. And
this is how I become acquainted with Mark Weatrum as being a
detective. My two grandchildren got raped by a man in
Richmond.. They never told their father, I'm the one who did
it. I called *right up* Mark Westrum the sheriff's department
and I reported it, They've never told --

As a result of your reporting that, there was a

1 conviction, wasn't there?

2 MR. WRIGHT: Objection. I don't know how that is
3 *relevant to anything.*

4 MR. CONNOLLY: Just to show the authorities rely
5 upon what she says.

6 MR. WRIGHT: I would object.

7 THE COURT: Sustained.

BY MR. CONNOLLY:

Q Mark Westrum comes and speaks to you often times about things that are happening in your community?

A Oh, yes.

Q Mark Westrum writes you letters?

A Yes, he did. I gave that letter to you, sir, And Officer Drake never saw that letter.

Q That's the one where he says r --

A That he had all the cases of - at that time it was the cases of, the sexual cases and everything. And he told that the District Attorney, or whatever you want to call it, and the Human Service's was all at him and so forth. And this ^{is} before the trial. The date is on it. His name is on it. And he couldn't get - I had called up and said forget about Stacy; never mind about it.

Q In reference to what was happening when Mark Westrum, when you realized it was Mark Westrum that was the **detective**

1 in the case, that was a surprise to you. That occurred just
2 recently?

3 A Yes,

4 4 The conversation that you had with Sheriff Haggett and
5 Mark Westrum about the article in the newspaper happened
6 right after the trial?

7 A Yes, They were there about two or three days after
the trial.

Q So there was no confusion in your mind about these
separate incidents?

A No.

0 In discussing what Bobby talked about the very first
time before the trial, *that first time you had* conversation
with Bobby - do you remember that?

A Yes,

9 Did he tell you in addition about something about a
cat? Do you remember that?

MR. WRIGHT: I would object. I didn't ask her any
questions about a cat,

THE COURTS Sustained. Beyond the scope.

BY MR. CONNOLLY s

Ma'am, in reference to the scanner - so there is no
confusion - the scanner that you heard was about in July of
25 1988 when the person reported, the dispatcher of Sagadahoc

County was reporting over the radio that somebody had come to
2 someone's house, and that was the complaint then?

3 A Yes, it was put right on the air that all the other
4 stuff was off of the air.

5 Q In reference to knowing where Bobby is now, you called
6 within the past three weeks and spoke to him?

7 A To Linda, his younger sister,

Q She indicated that Bobby lived at that address?

A Yes, He takes care of his father, His father has got
a tube and speaking thing. He's bed ridden.

MR. CONNOLLY: I have no further questions. Thank
you,

FURTHER CROSS-EXAMINATION

BY MR. WRIGHT:

Q The records that you have of these conversations when
Bobby told you - - these things aren't dated, are they?

A What did you say?

Q The pieces of paper that you have where you recorded
what you say Bobby told you,

A Yes.

Q Those don't have any dates on them, do they?

A No. I don't think so. But they are all different
24 kinds of paper because when Bobby left I put all the stuff
25 down because it was hard for me to believe.

1 You told us again that when Bobby Lapierre told you all
2 *of this that it* was right at your kitchen table?

3 A Yes * Sometimes when he called me on the telephone
4 too from California.

5 Q You are very clear about that?

6 A Yes. I'm very, very clear.

7 Q You haven't lost any of the papers?

A No.

Q Got all those?

A There was 'one paper that I lost that just had Jackie's
name down on it. And Sarah's full name down on it that **Bobby**
had told me, and I put it right down there * But I don't
remember where that is because I had copied it off of this
other paper.

Q I guess you have no idea when you lost that?

A I suppose right in my garbage pail.

Q Right at home?

A Yes. I do clean my desk out once in a while and throw
stuff away.

Q Now, I didn't understand your reference to the letter
from Mark Westrum to you that you gave to Mr. Connolly. What
I want to ask you, since you said you hadn't given that to
Detective Drake --

A That's right. Because I didn't find it until after
afterwards *

2 Fair enough. Did that letter concern - who did it
concern?

3 A It concerned my grandchild.

4 Q It involves people. It is not Douglas Senecal or
5 Bobby Lapiere, its other people; is that correct?

6 A Nobody. They didn't even know. He didn't even know
7 that I knew Bobby Lapiere or even Dougie Senecal, He knew
8 nothing of it.

9 MR. WRIGHT: That's all.

10 MR. CONNOLLY: Nothing further.

11 THE COURT: Thank you. You may step down. We'll be
12 in recess for an hour.

13

14 (Whereupon a luncheon recess was had)

15 (The hearing continued at 1:12)

16

17 THE COURT: Mr. Wright, I believe it's your turn.

18 MR. CONNOLLY: Formally, I'm done with my portion as
19 to the affidavit and for the application for the subpoena.

20 THE COURT: Fine.

21 MR. WRIGHT: As we go on - Detective Westrum is
22 going to be unavailable next week. In fact, he's got a plane
23 tomorrow morning. There are a couple of questions that if he
24 were to come back I would want to ask him if I go ahead:
25 although it's not on the subject of Mr. Lapiere. I would ask

1 permission of the Court to go ahead and do that with him
2 today, I'll alert you when that point comes, *Perhaps I*
3 could do that as a separate thing.

4 MR. CONNOLLY: I'm not - I have **no idea what he's**
5 going to say. I don't want to give away **the store quite that**
6 easy. I understand he has scheduling problems, I'm not
7 going to cut my own foot off.

(whereupon Attorney Connolly
and Attorney Wright conferred)

MR. CONNOLLY*: No problem, **Your Honor.**

MARK WESTRUM, being first duly sworn, was examined and
testified as follows:

DIRECT **EXAMINATION**

BY MR. WRIGHT:

Q State your name again for the record?

A Mark Westrum.

Q And your occupation?

A Chief deputy sheriff for the **Sagadahoc** County
Sheriff's Department.

Q At the time of this case you were a detective with the

1 Sagadahoc County Sheriff's Office?

2 A That's correct.

3 Q When did you become the chief deputy?

4 A 1989.

5 Q Later the same year of the trial?

6 A Yes.

7 Q And have you recently submitted your name to people of Sagadahoc County for another position?

A Yes. For sheriff of Sagadahoc County.

Q There has been a primary election?

A Yes.

Q The election was on what day?

A June 9th of this year.

Q While I'm speaking to you about dates and the election of June 9th, do you recall at some point around that time seeing on television an interview conducted with the defendant in this case?

A Yes, I do,

Q Given that you recall June 9th, was the date of the primary election - do you recall when that interview was?

A I believe it was June 8th, the evening of June 8th on the 11 o'clock news.

Q You know Margaret Steele?

A Yes.

Q How long have you known her?

1 A About three-and-a-half years.

2 Q And the circumstances by which you came to know her
3 was what?

4 A Through my employment and family situation that she
5 had was our **initial** *contact from three years ago.*

6 Q Over the few years how regularly would you **see** her?

A X don't know --- I saw or kept *in contact with her by*
phone on a regular basis. I would say **once** a month.

Q Did you know her before the trial in this case?

A No. I knew of her, but I didn't know her **personally.**

Q And is it fair to say that with respect to the times
that you have seen her regularly or kept in touch with her on
the phone, has been on a variety of subjects?

A Yes, they have.

Q Are those instances in which she has called you or you
have called her or what?

A *Both. mostly she* calling me.

Q Now, let's go back if I might to a few weeks ago, Do
you recall speaking with her with respect to Douglas Senecal
as she said, and a Bobby Lapiere?

A On an unrelated conversation that we were *having at*
the time, she did make reference to the situation half way
through a different conversation.

Q On that day -- by the way, what date was that that she
called you?

1 A I had several messages from her the last week in May
2 and the first couple days in June, I believe the date was
3 June 3rd, Wednesday June 3rd.

4 4 There had been several calls. Did you know anything
5 about what those calls concerned?

6 A I knew she was having a problem with Matson's Housing
from Gardiner and the Richmond Police Department she had some
concerns with, and we spoke to those at length.

You then called her back on June 3rd?

A Yes.

Q As I understand it, it was during the course of that
conversation that she mentioned this case?

A Yes,

Is that the first time she had mentioned this case to
you?

A She had mentioned prior to me, a concern that Dennis
was not guilty. We never expanded on the conversation until
the date of June 3rd. Probably three weeks prior to that she
said, you know, Mark, I don't think Dennis is guilty. I
*didn't chose to carry on a **conversation** with her about it.*

Q Do you recall the circumstances of that earlier
conversation?

A Similar situation. Again she was having trouble with
the people that she rents from. Some concerns with other
police officers that we were discussing. She just brought

1 that up.

2 Q Did you at any time discuss , before June 3rd , discuss
3 this case with her in the company of Sheriff Haggett at her
4 residence in Richmond?

5 A I'm not quite clear on that. There might **have been**
6 some reference to it a couple of years back, but *it s nothing*
7 that stands out in my mind or a conversation that I
participated in. '

Q . Was it on June 3rd that she made mention of Douglas
Senecal?

A Yes.

Q was that the first time she had in **context of this**
case mentioned Douglas Senecal to you?

A Yes.

Q Could you tell the Court after you were talking to her
about those other matters that she had left messages for you
concerning Matson's and the Richmond Police?

A . She never actually told me why she was leaving
messages. It was just Margaret Steele , and please call.

Q *That's what it turned oh.*

A *Yes.*

Q Then you called her?

A Yes.

Q Tell the Court how this case came up during the **course**
of that conversation on the third of June?

1 A On the late afternoon of dune 3rd when we were
2 discussing several issues about Richmond and the police
3 department and Matson's, half way through the conversation or
4 through a conversation we were having she said, *you know*,
5 Mark, I don't think Dennis Dechaine is guilty, **Because** she
6 had made reference to it one other time, I asked her *why she*
thought that. That's when she went into her concern about
this Lapierre subject and **information** she said she had on
Douglas Senecal,

Q And as you recall when she related that day, what
information did she provide you?

A She said this Robert Lapierre had told her that Douglas
Senecal had admitted to him that him, being Lapierre, that
he's the one that killed Sarah Cherry,

Q Did she explain to you how she knew that?

A She said that Lapierre told her that,

Q Did she explain how Lapierre knew that?

A No. Other than the fact that she said that Senecal
told Lapierre and that's why Lapierre had told here

Q As a result of that call, that telephone call to her,
what, if anything, did you then do?

A At that particular time I took what little bit of
information that I had and noted her concern, And at that
time I called you,

Q As a result do you recall when that was on the third

1 of June?

2 A Sometime in the late afternoon; around 5 P.M.

3 Q As a result of that did you do anything?

4 A As a result of that conversation I had with you, I
5 then contacted Steven Drake and passed on the information
6 about the conversation that we had had,

7 Q By the way, during *that conversation on June 3rd, did*
Miss Steele indicate to you whether *or not she had contacted*
Mr. Connolly, the defendant's attorney?

A Yes, She said she had contacted Mr. Connolly's
office, and she was upset that nobody had been up to see her
yet.

Q **Do you recall speaking with Miss Steele last winter**
with respect to her physical condition or her health?

A **Yes, I do,**

Q **Was that on a visit to-her by telephone?**

A **The initial contact was about her health, and 'what I**
interpreted to be a state of depression that she was in was
by telephone,

Q **What did she *have to tell you last winter* about that?**

A In talking on the telephone she sounded depressed,
confused. I asked her what was wrong. She told me she
wasn't sure if **she** wanted to go on with things. Just
depressing type conversation that, basically, I got the
25 ***opinion that*** she didn't feel very good.

1 Do you recall if she said anything *that she was tired*
2 **and confused?**

3 **A Yes,**

4 **Q Did she do so?**

5 **A Yes,**

6 **Q She said that?**

7 **A Yes,**

**Q Now, you've dealt with her you said in a variety of
circumstances on a variety of different matters?**

A Yes

Q Police related or non-police?

A Both.

**Q Can you give the Court some idea you don't need to
provide specific details of other particular police matters
but what kinds of personal matters, what kind of
professional, that is police matters, would you have talked
to her about?**

**A Child abuse type cases, sexual abuse type cases that
involved not only family members but people that lived in the
same housing project. The weather, A whole host of topics.
Just friendly conversation a lot of the times that we've
spoken. I'm asking how she is doing. She is asking how I'm
doing, I'm asking her if she ever gets a chance to talk to
Trooper Snedeker.**

Q Have you in the past, with respect to a variety of

1 those particular police matters, I would like to ask you
2 about, observe the manner in which, I guess, the way to ask
3 it is process this information?

4 A Yes.

5 MR. CONNOLLY: This witness is not an expert on
6 processing information. I tried to **inquire of** Miss **Steele**
7 and Mr. Wright objected, and I was previously excluded from
inquiring into that such.

MR. WRIGHT: I objected **to** the specifics **of those**
information, not to the issue of, the more general issue
about how she went about assessing things.

THE COURT: Objection sustained.

BY MR. WRIGHT:

Q Do you recall Detective Westrum during the course of
this trial any television coverage?

A Yes, there was.

Q Do you recall from seeing **television coverage whether**
you yourself was on the TV?

A Yes, And there *continues* to be.

Q And in particular under what circumstances as you
recall television coverage were you on *television*?

A Mostly leading Dennis Dechaine in and out of **the**
lockup facility, in and out of the Court, pictures of me
testifying back during *the original trial. Those types of*

1 things,

Q How often - how many occasions would you say you saw news television coverage in which your own image was displayed on television?

A I would dare say 25, 30 times.

Have you had occasion *to review as well* **newspaper** articles, particularly those of The Kennebec Journal and The Times Record relative to the period between the death of Sarah Cherry and the conclusion of the trial in March 1989?

A Yes.

Q I'll show you what has been marked as State's Exhibit Number three. Do you recognize that?

A Yes, I recognize those are the newspaper articles that have been printed over the past few years.

And you reviewed a folder with a number of newspaper clippings?

A Yes,

And selected from those newspaper clippings what articles?

A Articles that have my name in it or comments, or statements that were made by me or testimony by me.

22 Q Are there any photographs of you?

23 A No.

24 Q And if you can recall - you've **counted those up. How**
25 many references in the newspapers in The Times **Record** and The

Kennebec Journal?

2 A Sixteen up to a particular point.

3 Up to the Conclusion of the trial?

4 A Yes,

5 MR. WRIGHT? I would offer State's Exhibit **Number**
6 **three.**

MR. CONNOLLY? I would object. The contents of those documents - I don't know what else is in there. Mr. Wright had not provided me with that, That's not the objection. My objection is I don't know what other extraneous materials are in there, I don't have any dispute that Mr. Westrum's statements and the 16 references to him are not true. I'm concerned what other statements may be contained in the documents.

THE COURT: I believe they are offered for a limited purpose. Perhaps I'm anticipating what you are going to say, Mr. Wright. Why don't you state for the record the purpose for which they are being offered.

MR. WRIGHT? Just to corroborate the fact that on a number of occasions, sixteen according to Mr. Westrum, his name was mentioned. What I intended to do was offer the document so you can decide for yourself, rather than going through specific questions about how prominently his name was displayed. To be sure, there are a lot of extraneous matters. I don't offer it, those extraneous matters

1 unrelated to Mr. Westrum were are of any concern to this
2 material that we are taking up right now. That's the purpose
3 for offering it.

4 MR. CONNOLLY: My concern is only those other
5 extraneous matters. I don't know what is in there. What has
6 been selected and what hasn't, I don't know if they **are**
7 editorials. I just don't know.

MR. WRIGHT: There are no editorials.

MR. CONNOLLY: Everything in the Kennebec **Journal** is
an editorial.

THE COURT: I thought you were the *one this* morning
who expounded on first amendment rights.

MR. CONNOLLY: I will withdraw the objection for the
limited purpose *that it's for this* limited use,

MR. WRIGHT: If you want to hold off,

MR. CONNOLLY: **That's fine.**

THE COURT: State's Exhibit Number one is admitted
for the limited - three is offered and admitted for the
limited purpose of showing that in 16 different newspaper
articles, according to Mr. Westrum's testimony, his name is
mentioned wherein he is either quoted or he is described as
being involved in the case in some capacity,

MR. WRIGHT: Thank you, That's all I have of Mr,
Weatrum as to this issue. The other issues that Mr. **Connolly**
and I just spoke of just before will take me about that

2 quickly to follow up on those other areas where Mr, Westrum
wouldn't be available next week.

3 THE COURT: I would prefer to handle the cross at
4 this point; keep things in somewhat chronological order, Mr.
5 **Connolly,**

6
CROSS-EXAMINATION

BY MR, CONNOLLY:

Q Chief Deputy Westrum, at the time of *your* first
contact with Dennis Dechaine, how long had you been on the
force?

A Two days.

Q Its fair to say that the envelope that you have with
all the little press clippings, is that your press clippings?
Did you save those or were those saved by somebody else?

A Saved by somebody else,

Q Did you yourself save press clippings?

A I saved some.

Q Who counted up the number of times that your name was
mentioned?

A I did.

Q Who counted up the number of times you were on TV?

A I did. That was a rough guess *that I gave you a*

1 little while ago.

2 Q It's a fair estimate that this situation that you find ,
3 yourself in is a political situation with the primary?

4 A It's a political situation not related to this case.

5 Q Please answer my question.

6 A Yes, I did.

7 Q It's a political situation or not?

A Yes.

Q You are saying this case has nothing to do with the
political situation that you find yourself in?

A i don't believe so, no.

Q How many times did my name appear in those papers?

A Twenty, if not more.

Q How many times did Eric's?

A Twenty, if not more.

Q Judge Bradford?

A Several.

Q Who was the detective prior to?

A Al Hendsbee.

Q How many times did Al Hendsbee's name appear?

A Several.

Q Did you count them?

A No.

Q Did *you count how* many times his picture was on '1'V?

A No.

1 It's fair to say you have some ego involvement in
2 counting the number of times you appear on and number of
3 times you appear in the newspaper?

4 A Absolutely none *

5 Q **You** are saying that this involvement with **this case**
6 *has had* no political benefit for you?

7 A None.

Q You are saying you don't use it as part of your stump
speech to say you were involved in the case?

A No.

Q You never used the expression that you helped land
Dennis Dechaine?

A If anything I refuse to discuss. It's not an issue I
want to talk about.

Q You put yourself in a political process, haven't you?

A Yes.

Q So you have to talk about it to some extent? '

A No *

Q You don't?

A Not other than here.

Q You are asked questions about it?

A On occasion *

Q You do have an answer for it, don't you?

A Yes.

Q You speak at Lions Clubs, don't you?

1 A No. I never do, I do public speaking engagements.

2 Q You use Margaret Steele on occasion as a source of
3 information, don't you?

4 A Not as a rule, no. She initiates the contacts and I
5 always am courteous to listen to her,

6 Q You listen to her. You've solicited prosecutions
7 based upon what she has said?

8 MR, WRIGHT: Objection,

9 MR. CONNOLLY: The purpose of the question is to
10 establish that this detective *uses* her when it's in his
11 interest to do so, Therefore, the attempt to rebut her and
12 impeach her is disingenuous.

13 THE COURT: Objection overruled,

14 BY MR. CONNOLLY:

15 Q It's true that you have used her successfully in some
16 prosecutions?

17 A I will be quite frank with you, no, I don't -recall
18 any, I did have contact with her grandchildren. who were
19 sexually abused by somebody.

20 Q She reported that that. She was the reporter?

21 A She reported that to somebody other than myself. X
22 was assigned the case.

23 Q As a result of that initial report there was a
24 conviction, was there not?

25 MR, WRIGHT: Objection.

1 THE COURT: Sustained as *to the* details.

2

3 BY MR. CONNOLLY:

4 Q It's fair to say, is it not, you consulted with her on
5 a number of other occasion and followed up the information
6 which she has given you?

7 A Yes.

Q It's fair to say you do not routinely take her
information and throw it in the trash?

A The substance of the information is often such that it
doesn't require much follow up, other than a telephone call
to satisfy her wishes.

Q There are other times when she has provided much
information?

A She has done that with people of the Richmond Police
Department. I've never done anything with her on a case that
led to prosecution. Personally, I have not.

Q Sir, I hand you a document which is **going to be marked**
as Defendant's *Exhibit* Number two for identification
purposes. Is it your testimony now, understand you are under
oath, you have not solicited her, discussed with her
information in reference to other criminal matters?

A I've talked to her about whole wide range of criminal
matters or what she perceives to criminal *matters in* the town
of Richmond. Yes, I've done that. What I'm telling you is I

1 don't recall any time that I ever used any information that
2 she gave me to successfully prosecute anybody,

3 Q Why do you bother going over *and talk to her then?*

4 A Because I feel she is a lonely, confused old *lady that*
5 needs somebody to talk to off and on. She doesn't have
6 family members, She doesn't have many friends. And I, quite
7 frankly, feel sorry for her,

Q So it's out of a sense of paternalism, trying to help
her out?

A That's how I've viewed it.

Q I hand you what has been marked as Defendant's Exhibit
Number two, Is that your handwriting?

A Yes,

Q Did you write her that letter to Margaret Steele?

A Yes.

Q What is the date of that letter?

A It's my handwriting. *That's what I* dated it,

Q Does that letter indicate that you are telling her
that you didn't make some appointments, and you were
concerned about that and you apologized for not *showing up?*

21 A Could I have is a moment to read it?

22 Q Of course.

23 A Your question, Mr. Connolly?

24 Q That letter does say, does it ***not, that you were***
25 **apologizing** for missing some appointments with her?

1 A Yes,

2 Q You were concerned about the information *that she was*
3 *giving you?*

4 A Yes.

5 Q And that you were going to try to see her at some
6 other point in the future?

7 A That's correct.

Q *And was that letter simply to just placate her and get*
her off your back, or were you sincere when you wrote that
letter?

A I feel I was sincere in writing the letter to her.

Q There are times when she provides useful information
which warrants further inquiry?

A Yes.

Q She is not a nut?

A I didn't say that.

Q I understand. But your posture now you are' saying she
is a confused older woman. She is not confused.

A *I feel she has gone down hill substantially in the*
past several months,

Q When she started bringing up evidence in this **case?**

A She never brought up evidence in the past few months.
This has only been in the past few weeks.

Q Did *you hear her* testimony here today?

A Pdor

1 Q You don't know whether or not she was confused today?

2 A *I have no idea.*

3 Q Sir, you said in direct testimony, did you not, that
4 pictures of you testifying in court were on television?

5 A I believe so. An artist's sketch of myself sitting in
6 this chair, I believe.

7 Q Are you certain that the information of Dennis
Dechaine's interview on Channel six television was on June
8th?

A I'm not exactly certain, no. I just believe it was
the day before the primary.

Q Its fair to say that did not shed you in a favorable
light?

A I have no idea. I never heard anything one way or the
other.

Q Did you see it?

A I saw him in the interview,
The interview included your name in saying that the
information you had provided in the underlying trial, was
less than accurate?

A Yes,

22 Q Now, in all candor, that is not in a favorable light,
23 is it?

24 A No.

25 Q **So** you know he did not shed you in a **favorable** light

1 the night before the primary, according to your own
2 testimony?

3 A No, he did not. But he never has.

4 Q *But the night* before a primary is a little different,
5 *isn't-it?*

6 A As far as I'm concerned it *had no bearing. It might*
7 have had a bearing *on other* people in the county, but it
didn't affect me at all.

Q Your political status on the night of a primary has no
bearing on you?

A Nothing that Mr. Dechaine has to say, no.

Are you indicating by your testimony that Margaret
Steele was not telling the *truth?*

MR. WRIGHT: Objection.

THE COURT: Sustained.

BY MR. CONNOLLY:

Q Were you indicating by your testimony, sir, that
Margaret Steele had said anything that was **inaccurate?**

MR. WRIGHT: Objection.

THE COURT: Here in court?

MR. CONNOLLY: Yes.

**THE COURT: Sustained. He's indicated he was not
present when she testified. You would have no basis for
knowing that even if he did; it would be argumentive.**

1

2 BY MR. CONNOLLY7

3 You don't recollect yourself whether *or not there was*
4 a time when you and Sheriff Haggett sat down with Margaret
5 Steele in response to a letter to the he editor that she
6 wrote?

A I don't have a specific recollection of it. It's
possible.

Q How many times have you met with her over say the last
- since 1988?

A More than 30, 40 times, It's safe to say once a
month, if not more,

Q Most of those are small snippets of time when you have
coffee with her?

A Sometimes small amounts of times. Other times it gets
rather lengthy.

Q Is it fair to say that she is the type of person who
would engender confidence; that you are willing to talk to
her?

A I **believe** so. I believe that's why she **keeps calling**.

Q You, as a trained detective, know about that part of
things in order to get confidence of people and get
conversation with them is important?

A Yes.

Q So that if a person *has that ability to be*.

1 considerational and to be friendly and to engender sympathy
2 for you as a detective, the same would be true of a person
3 who is not so well trained as you?

4 A I suppose.

5 So that a person such as Bobby Lapiere, based upon
6 your experience of Margaret Steele, is likely to disclose
7 **confidence?**

 MR, WRIGHT: Objection.

 THE COURT: Sustained.

BY MR. CONNOLLY :

Q You disclose confidence with her on occasion, personal
 things on occasion?

A Nothing that I went into details, but, yes.

 If something were to be bothering you, she is the kind
 of person you might turn to?

A Probably not.

Q But you would turn to her for other purposes at other
 times in order to just see how she is doing?

A Yes, I would.

 MR. CONNOLLY: I would offer Defendant's Exhibit
 Number two into evidence at this time.

 MR. WRIGHT: No objection.

THE COURT: Admitted.

1 BY MR. CONNCLLYs

2 Have you - did you ever take any notes from when you
3 meet with Margaret Steele?

4 A If it's information that I think one of my detectives
5 of the Richmond Police Department should follow up on I jot
6 information down and pass information on about certain
7 activities that she says have happened.

8 How often have you done that?

A I couldn't tell you. If she calls I jot it down. I
pass the information to the person who does the investigating
or the police department and throw it away. I don't keep a
running record of the times I talk to her, as she does.

Q In reference to this specific instance with Bobby
Lapiere, did you keep a note?

A No. As soon as I hung up from her I called Mr.
Wright.

Q As soon as you hung up, you called Mr. Wright because
you felt her information was important?

A No. Because I felt Mr. Wright should know about her
information.

Q Because?

A To be honest with you, I felt she was upset with you
because you hadn't been to her house, and that was important

Q Because you felt It had something to do with the
defense, that's why I contacted her, not because she is a

1 credible person?

2 A She had some information she was passing along, I
3 felt it important for the prosecution to know.

4 Because she -- so you felt that the information that
5 she had was important then?

6 A Yes. Had I not I never would have initiated a *phone*
call to anybody.

Q If it had been from a person of unreliable background,
you would have processed it differently?

A Any information I would have got to the magnitude that
she was explaining it to me on the telephone phone, I would
have passed it on.

Even if it was from an unanimous source?

A It made no difference who it was. I've done that over
the years.

You did that over the years? What do you mean?

A Other people have made reference or minor comment
about Dennis Dechaine, and I've spoken to Detective Hendsbee
or passed it along.

Q Have you ever used anything that Margaret **Steele** told
you in an affidavit?

MR. WRIGHT: Objection.

THE COURT: Margaret Steele in an affidavit?

24 MR. WRIGHT: He's already said he's never used any
25 of the information from her himself in any criminal

1 prosecution.

2 THE COURTS Overruled®

3

4 BY MR. CONNOLLY s

5 Q Have you ever used any of the information Margaret
6 Steele had given you in an affidavit or search warrant
7 application?

A I don't believe so. I know other people have, but I haven't.

Q Other people in the Sagadahoc County Sheriff's Office?

A I believe one of my detectives may have and Richmond Police Officers may have at *some point in time or Trooper Snedeker* from the State Police, but I don't recall any,

Q Were any of those instances when you made the referral to, other referrals to the Richmond Police Department or State Police?

A I don't recall,

Q Could have been?

A I don't recall,

Q So it's fair to say you don't know, you cannot **recall** whether or not you have ever provided, used information that
22 she gave you to get a search warrant?

23 A No.

24 Q You don't know?

25 A I told you I don't believe so. To the best of my

1 memory I've never used anything *she has* given me for an
2 affidavit or search warrant.

3 Q Is there any situation where you made a referral to a
4 *police agency that you* can remember now where her information
5 was used as the basis for a search warrant?

6 A There may have been, but nothing stands out in my mind
7 in the last three years that I've known her,

Q It would not be unusual for you to have a situation
where she provides information that you pass along to another
law enforcement agency,

MR. WRIGHT: Objection

THE COURT: You may answer.

A

THE WITNESS: I think I said earlier some of the
information she gives in these numerous phone calls is passed
on' others I just keep it.

BY MR. CONNOLLY:

Q It depends upon the information?

A That's correct,

Q It depends upon the circumstances in which the
information was given to you?

A Yes.

Q It depends how she reveals it?

25 A That's correct.

1 **It depends upon whether or not its important to her?**

2 **A If there is validity to her concerns, then its**
3 **obviously passed along for follow-up.**

4 **Q That's what you did *in this case?***

5 **A Yes.**

6 **MR. CONNOLLYs No further questions.**

7

REDIRECT EXAMINATION

BY MR. WRIGHT:

Q When did you count the number of times where your name
was in the newspaper?

A Last evening and again about an hour ago.

Q At whose request?

A Yours.

MR. WRIGHTs That's all.

MR. CONNOLLY: Nothing further.

THE COURT: We'll now move into the other area.

BY MR. WRIGHT:

0 Mr. Westrum, with respect - - we'll put Mrs. Steele a
side for the moment - you have read, have you not, or made
available to you an affidavit from a Ralph Jones?

A Yes.

Q *In which* Mr. Jones states that he provided certain

1 information to the Maine State Police on the morning of July
2 7th, 1988?

3 A Yes.

4 Q And further states that two days later I think it
5 was two days later - some detectives came back to speak with
6 him?

7 A I don't know if it was two days later, but, yes that
reference was in there.

Q Did you speak with Mr. Jones at any time on the
morning of the 7th of July?

A I never spoke with Mr. Jones at all,
I take it then by saying at all you include the couple
of days after?

A That's correct.
You didn't go back to speak to him about any
information?

A I didn't, no.

Q Do you know if Mr. Dechaine's truck is a diesel or
not?

A I don't believe so it's a diesel; not to the best of
my recollection of seeing it in the woods that night.

Q Had it ever concerned you whether it was or wasn't?

23 A **No.**

24 MR. WRIGHT: Thank you.

25

CROSS-EXAMINATION

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3 BY MR. CONNOLLY;

4 Ralph Jones in his affidavit never says that he talked with
5 you. does he?

6 **A** No.

7 **Q** You don't know if the truck **was a diesel or
non-diesel?**

A **No**, I don't. Just based upon seeing it **parked in** the
woods and watching the wrecker, it **doesn't look I can like**
the type of vehicle that would be a diesel.

Q It may make a difference to the way it operates,
right?

A I don't know that much about diesels, to be honest
with you.

Q It would make a fuel difference?

A Yes.

Q A variety of other things as well?

A Possibly.

Q You don't know one way or the other what it **is?**

A No.

Q *Are you aware of what the testimony in the trial was
as to what that truck was?*

A Nothing that I recall specifically, no.

MR. CONNOLLY: No further questions.

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MR, WRIGHT: Nothing else,

THE COURT: *Thank you. You* may step down.

WILLIAM SNEDEKER₀ being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. WRIGHT:

Q State your name again **for the record and spell your last name for the record.**

A William Snedeker, S-N-E-D-E-X-E-^rR.

Q Your occupation?

A I'm a trooper with the State Police.

Q How long have you been with the Maine State Police?

A Just under ten years.

Q What is your present duty assignment *with the State Police*?

A I'm a patrol trooper with Troop D, and I'm assigned to the State Police tactical team.

Q Have you in the past lived in the Richmond area of Sagadahoc County?

A I still reside in Richmond.

Q Do you know Margaret Steele?

1 A Yes.

2 Q How do you know her?

3 A We were next door neighbors for a couple of years.

4 And we've had a relationship ever since then, probably **six** or

5 seven years what I would call a grandmother/grandson

6 relationship type.

7 Q You were not yourself involved in the underlying
prosecution of this case?

A No, I was not.

Q Did you live near or next to Margaret Steele during
the time of the trial of this case?

A No, I didn't,

Q When was that that you lived next to her?

A Approximately 1984 to 1985.

Since that time ^m 1984, 1985 - and up through the
events underlying this hearing, that is the death and trial
in March 1989 and since then as well, have you seen Margaret
Steele on any kind of regular basis?

A Yes. I see her quite frequently.

Q How often is quite frequently?

A I would say biweekly or bimonthly. If I don't see her
in person we speak on the telephone quite often.

Q Have you over the years noticed any change in her
physical condition or intellectual capability?

25 A She has become what I would consider infirmed, but **she**

1 is a very intellectually sound person most of the time.

2 Q Now, did you at some point, Mr, Snedeker, speak with
3 her about the case of State versus Dennis Dechaine?

4 A Yes,

5 Q Do you recall when you had **first spoken to her about**
6 **it?**

7 A No. It's been several occasions **over** the last couple
of years.

Q Was it at any time before the trial or was it only
after the trial?'

A After the trial.

Q I guess you can't put a specific date or dates on the
times you've spoken *with her?*

A I wouldn't venture to do *that, no,*

Q Can you say whether it was - in a rough way whether
it was soon after the trial or some time after the trial in
which you first spoke to her about this case?

A Some time after.

Q Roughly how long after, would you say?

A *I couldn't be sure exactly,*

Q During the time either the first time you spoke to her
or any other occasion you spoke to her, did you provide her
with any information relative to the evidence in **the** case?

A Yes, I did. If I could put it into context.

Q Go ahead,?

A The relationship between myself and Mrs. Steele is
2 very close. And how it developed over the years was I'm
3 originally from out of state® When I first came to the state
4 of Maine I became a state trooper and moved into next door to
5 Margaret. It was the type of job where you come across a lot
6 of bad instances on the State Police. At the time I wasn't
7 married. Margaret Steele treated me like her own grandson.
8 And there were certain times when I would be **involved** in a
9 critical incident or child abuse where she would invite **me** in
10 for coffee, and I would speak to her. It was more like a
11 venting thing. I felt I was talking to one *of my relatives*
12 or close friend. She had a sympathetic ear over the years
13 and provided like a sounding board to take the stress away
14 from the job, that your immediate family would provide. That
15 is the type of relationship we developed over the years.

16 As this case progressed this relationship became -
17 I visited her on occasion when she started to bring up the
18 case and about Mr. Dechaine's involvement in the case. I
19 basically was looking at it in the context here was an
20 elderly woman who fervently believes certain courses of
21 action had been conducted by people involved in the case. I
22 felt it was over,

23 And what I was trying to do was provide her with **some**
24 of the facts that I knew about the cases more or **less** to put
25 her mind at ease. Because she is a very close and important

1 *person to me. I didn't want her to feel - in fact, I came*
2 *right out and made the statement one time to her that she*
3 *ought to save her pity and her passion for somebody who*
4 *deserved it, because there are a lot of causes out there.*
5 *think I even said that you know, there are starving people*
6 *out there, battered women. There are a lot of people. You*
7 *ought to save your pity for someone that deserves it and not*
the gentleman involved in this case, is basically how the
conversation came about.

Q Do you recall during the course of those kinds of
conversations *ever* providing her with any particular
information about the underlying evidence that was adduced
during the trial of this case?

A Yes,

Q In 1989?

A Yes, I did.

Q What specific pieces or kinds or bits of information
about the evidence itself had you spoken to Miss Steele
about?

A There was one day I was speaking to her and she was
really upset and showed a lot of compassion for Mr. Dechaine.
This was after I had spoken with Mark Westrum. And I went --

Q This is how long ago?

A *About a* month ago ago. Mark called me and said that
Margaret was upset about the case and asked me if X could go

1 up and speak to her and see if I could help, During the
2 course of that conversation she came out with some items that.
3 I realized to myself that these are items that I had spoken
4 to her about. And she presented them to me in the context
5 *that she had possibly* heard this from another party, namely
6 Mr. Lapiere,

7 When she made these statements I got thinking - I
didn't say it to her - *but I got thinking, I **wondered*** how
much you heard of this from Mr. Lapiere, because these are
things I've told you over the years in order to put your mind
at rest,

Q What kinds of things?

A I went into graphic detail on one or two occasions.
When I told her, she was upset with Mr. Dechaine. And like I
said *save your pity for somebody else because some of the*
unspeakable things that he did to this little girl. I know
the investigators, We talked about the case. If I thought
somebody was innocent, I would be just as upset as you. But
you can rest assured that we have overwhelming evidence in
this case. And a lot of the evidence that wasn't allowed
into court, Were it to be allowed into court someday, it
would put your mind at ease even further.

Q Do you recall any mention about the use of sticks or
penknife?

A *I certainly did.*

1 Q Do you have a specific recollection how you said there.
2 was some graphic details?

3 A I told Mrs. Steele about the insertion of foreign
4 objects into the body of the deceased.

5 Q And did you tell her about the use of the penknife?

6 A Yes.

7 Q As part of the homicide?

A Yes.

Q *This was in, I take it from what you **are** saying, in
one of the many earlier conversations you had *with her?**

A That's correct, The problem I had with getting
specific with you on dates is, like I said, I see her about
once every other week or on the phone or in person. There
has been a whole series. of conversations, We have a. very
close relationship. And the lady is very special to me.

Q Do you remember if there was any mention of police
officers in Lincoln County?

A I don't recall that.

Q *Do you have any* recollection or knowledge of any
involvement of any law enforcement official from Lincoln
County?

A I don't recall Lincoln County. All I knew was the
Sagadahoc County people involved and the Maine State **Police,**

MR. WRIGHT, Thank you, Nothing further.

CROSS-EXAMINATION

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3 BY MR, CONNOLLY:

4 Q How many murder cases have you investigated?

5 A I have been involved in the securing of the scene in
6 about three,

Q Securing the scene?

A Yes, I'm a 'uniformed officer, I^s m not **involved in**
the follow-up investigation of homicide,

Q You didn't have access to the files in this case?

A No.

Q What you told her was based upon your discussions with
officers at chow, or at the station, or what you saw in the
newspaper?

A Exactly,

Q When you told her things, it wasn't based upon
personal knowledge, was it?

A Personal knowledge from the primary investigators,,

Q Personal knowledge of the facts of the case you did
not have?

A No. I was not actively involved in the case.

4 If Margaret Steele yelled fire when you **lived next to**
her, would you have gotten out of your house?

MR WRIGHT: I would object.

25 A Yes, I would,

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MR. CONNOLLY: Nothing further.

MR. WRIGHT: Nothing further.

THE COURT: Thank you. You may step down.

STEVEN DRAKE, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. WRIGHT:

Q State your name again for us?

A Defective Steven Drake.

Q You are with the Maine State Police?

A Yes.

Q How long have you been with the State Police?

A Ten years in September,

Q Detective Drake, let me direct your attention to a day a few weeks ago. Did you receive a call from Mark Westrum relative to Mrs. Steele, who testified here today?

A Yes.

Q That was on what day?

A I believe it was the third of June,

Q And as a result of speaking with Mr. Westrum what, if anything, did you do?

1 A I went out and spoke with Margaret Steele.

2 Q What time of day was that?

3 A It was in the evening. I would say some time after
4 seven o'clock.

5 Q You heard her testify that you came **to the door and**
6 *she insisted that you show her your badge?*

7 A No, She didn't insist. I routinely identify myself
by holding my badge up after I knock **so** it puts **people** at
ease.

Q Did *you do that?*

A Yes,

Q Did you go in and speak with her?

A Yes.

Q What was the nature of the conversation then when you
went in?

A Information that I was led to believe that she had *

Q *How did you go about asking her whether she would*
share that information with you?

A I just started talking to her about it.

Q Did she give you information?

A Yes.

Q And just to get to the point, did it **involve Douglas**
Senecal and Bobby Lapiere?

A- Yes. -

Q If you could tell us, **first of all, did she describe**

1 *to you where she had* obtained information from Bobby Lapiere;
2 where he had met her or talked to her?

3 A Yes. She, as you can tell, she is a hard person to
4 follow. But talking to her the initial conversation started
5 out that Bobby Lapiere saw her and told her this information
6 at Bradley's, at the bookstand. She felt he was there and
7 they started talking about it,

As I talked to her more it became **more** clear, and I think I clarified it, that the conversation took place in the kitchen of her residence.

So initially she indicated that Lapiere told her things at Bradley's?

A That's correct.

Then as you went along it became the kitchen in her house?

A Yes. It progressed. -I clarified that.

Q And with respect to information provided - ultimately, did she give you a bunch of papers?

A **Yes.**

Q Which you went off and you **Xeroxed and brought back to her?**

A It was the next day. She didn't want me to go to the Richmond Police Department.

Q Did she indicate to you whether she had had contact with Mr, Connolly?

1 A She indicated that she had not had contact,

2 Q Had she attempted to?

3 A Yes,

4 Q Tell us about that?

5 A She indicated that she had spoken to Mr. Connolly's
6 secretary,

7 Q Had already spoken with his secretary?

A Yes.

Q But Mr. Connolly had not called her back?

A It was my understanding she had just spoken to the
secretary and hadn't spoken to Mr. Connolly,

Q Did she express any feelings with respect to the fact
that he didn't call her back?

A I don't recall.

Q And with respect now to Douglas Senecal and Bobby
Lapierre, could you tell us what she - what information she
provided to you that evening, June 3rd?

A She - I'm confused on this. But she said something
along the lines that they wanted to get Dougie up **there** to
talk to him, He didn't show up. But in the kitchen of her
residence, Robert Lapierre °- she calls him Bobby - that he
knew Douglas Senecal, killed Sarah Cherry, And she went on to
explain the conversation and gave *me the paperwork, notes and*
letters.

Q Did she explain to you how Bobby Lapierre knew that?

Was she able to do that?

2 A No. She wasn't able to say. There wasn't any direct
3 knowledge. She wasn't able to *clarify how she* knew, just
4 that Bobby told her that he knew.

5 Q Was there any further information, other than just the
6 *gist of that, that* she knew from Bobby Lapierre that Douglas
7 Senecal had killed Sarah Cherry but she didn't know how?

A There was a conversation about a knife. **She** said
there was something that older people used to wear, pinned or
with a necklace, `And she went into great detail. And
something about a railroad watch,

She also talked about the knife being seen in
Senecal's, Douglas Senecal's possession or something along
those lines.

Q You heard her testify this morning, Was it much like
she testified this morning that she made reference to Douglas
Senecal having a knife of hers?

A It's basically the same thing, yes.

Q Did she indicate to you how she said that Douglas
Senecal came into possession of this little knife?

A *I think she did, but I* don't recall. It was **quite**
awhile ago from the incident. It was stolen from **her**
residence, she believes. She wasn't sure if she gave it to
him. But she remembers seeing him cleaning his fingernails *

She is a very difficult person to understand, She

1 gets going off into tangents, and you need to bring her back
2 to what the question was and what we were talking out.

3 Q As a part of - did she tell you when Mr. Lapiere had
4 told her about his knowledge that Douglas Senecal had killed
5 Sarah Cherry?

6 A Yes. It dealt with Bobby had been in *the hospital for*
7 something.

8 Q And in either what she said or the paperwork that **She**
9 *gave you, was further information* provided to you that you
10 *thought you might be able to follow up on?*

11 A Well, there *was telephone numbers and stuff that I*
12 used, that I was going to use to help me find Bobby Lapiere.

13 Q *Tell me how you went about doing that? Were you able*
14 *to do so?*

15 A Yes.

16 Q Tell us how you went about finding Mr. Lapiere?

17 A Well, I tried calling the telephone number that
18 was on the one of her telephone bills to her mother, **She**
19 indicated it was Doris. I attempted to call that number. It
20 was disconnected. *Through various other means and calls and*
21 *stuff I was able to determine another number for Doris*
22 *Lapiere, who is Bobby Lapiere's mother. I spoke to her. And*
23 then she in turn had Bobby call me. At **headquarters.**

24 Q When *did that occur;* that is, Bobby Lapiere called
25 **you?**

1 A I believe it was the 16th of dune. If I could just
2 *check my report here.*

3 MR. CONNOLLY: I never received a copy of that
4 report.

5 MR. WRIGHT: I don't mind at all. There are a
6 number of items in the report that are irrelevant, that are a
7 matter of raw information, pretrial preparation. That kind
of thing. But as to information with respect to Miss **Steele**,
I have no problem.

MR. CONNOLLY: Anything he uses to refresh his
recollection I can have.

A You can use my notebook, I don't have *that with me*

THE COURT: Do you have an extra copy of that
report?

MR. WRIGHT% No.

MR. CONNOLLY: I'll look over his shoulder°. I don't
know what is there.

BY MR. WRIGHT:

Q Let's do this on the record. The **conversation** that
you had with Mr. Lapierre was recorded on page 14; is that
correct?

A Yes.

25 Q You **spoke** next to - it **says 2120**; that would be **9s20**
at night?

1 A Yes,

2 Q 9:20 at night?

3 A Yes.

4 Q You were going to check the report for the date?

5 A The 16th of June.

6 MR. CONNOLLY: Judge, I can't *follow while he's*
7 *flashing pages. There's a lot of stuff there. It's*
8 *important.*

9 THE COURTS I suggest we take about a five-minute
10 recess. And if you can redact out your work product from
11 that, then it will assist Mr. Connolly, We'll take a short
12 recess.

13 (A recess was had at 2:12)

14 (The hearing resumed at 2.30)

15

16 MR. CONNOLLY: I obtained copies of the document.

17 MR. WRIGHT* Mr. Connolly stayed *with me at the*
18 *Xerox machine. I think I found every reference to Margaret*
19 *Steele and the Lapiere family, I hope I have,*

20 THE COURTS Fine. You may continue.

21

22 BY MR. WRIGHT:

23 Q I think where we had left off was your reaching Robert
24 Lapiere - Robert Lapiere is reaching you?

25 A Yes.

1 Q I take it you had gotten several phone numbers, You
2 called a number of people. And ultimately sooner or later
3 through a train of events you got a call back from Robert
4 Lapiere?

5 A That's correct.

6 Q And had you provided a number to somebody requesting
7 that Robert Lapiere call you?

A Yes,

Q To whom?

A His mother Doris.

Q And it was then *on what date that you got a call back*
from Robert Lapiere?

A The 16th of dune.

Q And why don't you tell the Court, if you would, what
Robert Lapiere had to tell you on the 16th? Sf you want to
refer to your notes, go ahead and do so, If you could tell
the Court then the substance of the **conversation** with Mr.
Lapiere? First, what time of day was it?

A 2120, **9120** at night.

Q Where were you?

A At police headquarters.

Q Go ahead and tell us - -• then Mr. Lapiere identified
himself?

A Yes.

Q Did he give you any other personal information?

A No, He wouldn't give me his date of birth or address *

2 Did he tell you why he wouldn't do that?

3 A No. He just didn't want to give it to me,

4 Q Go ahead and relate it to the Court *

5 A I spoke with Robert Lapiere on the phone, And
basically what he told me after talking with him, that I

7 **could contact him if I had to through his mother' that he's**
8 **familiar with this case,**

9 Q Where was he when he called you?

10 A He told me he was in a hotel in the Lewiston area, I
11 believe. And basically what he said, indicated to me was
12 that he had no direct knowledge of *this case, other than what*
13 **he had read in the newspaper, and Douglas Senecal never told**
14 **him that he killed Sarah Cherry.**

15 Q Did you discuss Margaret Steele with him?

16 A Yes, I did *

17 Q If you want to refer to your notes go ahead * In
18 substance, what did he have to say to you about Margaret
19 Steele?

20 A Basically, that Margaret - after he told me he had no
21 knowledge of the death of Sarah Cherry, he stated the time he
22 saw Miss Steele was a year and three months ago at her house.
23 He continued while he was there she called Trooper Snedeker,
24 who used to live above her. He told that Dechaine did it
25 this is Trooper Snedeker * That he thought that he used to

live above her, And that he told her that Dechaine did it,
2 and Dechaine had told people that he had done, He had told
people in jail that he did it. He went on to indicate that
4 Margaret Steele and Douglas Senecal were not on the best of
5 terms, He stated that Doug had worked for her years ago and
6 probably overcharged her for sheetrocking or that Margaret
7 was holding a grudge.

8 Bobby indicated that Margaret did not think that
9 Margaret was too stable. She was lonely and would say
10 anything to get people to advise her or write her. He stated
11 that Margaret used to be very popular, but now nobody comes
12 around to see her. And she likes to have people around.

13 He further stated that Margaret Steele was stabbed in
14 *the throat* by *her* husband and he drove into the Kennebec
15 River, and he's deceased. Bobby stated that Margaret is
16 confused, I was advised that he was *in the hospital three*
17 years ago, but he was at her house a year and three months
18 **ago approximately.** He stated that's when Margaret talked
19 about the case.

20 That's also the day she called **Trooper Snedeker.**
21 And *he* indicated that he did not think that ^w Margaret
22 **thought** *that the case was* handled **incorrect** by **the** sheriff's
23 office. And she would spend the rest of her life showing
24 people that she could write. He also indicated that he had
25 known Douglas Senecal since he was five.

1 You had spent a couple of weeks trying to find Bobby.
2 You got the information from Margaret Steele. You had been
3 trying to find Mr. Lapiere?

4 A Yes.

5 Q Having then talked to him on the phone around the 16th
6 of June, you didn't do anything further with Lapiere's aspect
7 of this?

A Not that I recall.

MR. WRIGHT: That's all.

CROSS-EXAMINATION

BY MR. CONNOLLY:

Detective Drake, you never saw **Bobby** Lapiere, did you?

A No.

Q You don't know if that was him on the phone, do you?

A Only that he indicated who it was. And this was after
a call from his mother. I called his mother and I got a
person from, a person identifying himself all **Bobby'Lapiere.**

Q You don't know where the call originated from?

A No. He said he travels around a lot and that he was
in the Lewiston area in a motel room.

Q **You** have been a police officer a long time. Is that a
square answer or not?

25 MR. WRIGHT: I would object.

1 **THE COURT: Overruled.**

2 **I don't understand what you mean,**

3

4 **BY MR. CONNOLLYs**

5 **Q If a witness tells you I'm in a motel room in Lewiston**
6 **and wouldn't give my date of birth, is that person playing**
7 ***straight with you?***

A I guess he 'didn't want to tell me where he was,
That's the best way I can tell you.

Q Turning to page five of *your notes* * In the excised
version which I have, the information that Margaret Steele
gave you is documented in these several pages in your report;
is that correct?

A Yes.

There is no other additional information except that
was in raw notes that was transformed and typed?

A That's where this came from,

Q This came from your handwritten notes?

A Yes.

Q I've cross-examined you before?

A Yes, sir,

Q So I know you keep a little notebook and you routinely
have those transcribed?

A Yes,

Q That's your normal procedure?

1 A Yes.

2 Q Often times you get rid of your underlying notes?

3 A No.

4 Q You keep those?

5 A I keep my notes.

6 Q Regardless. Turning your attention to the page five.

It indicates that Margaret knew Doug for about **20** years. And *that the original* contact was in '72 when the house was for sales is that correct?

A That's correct.

Q That Margaret knew the whole family?

A Yes.

Q His whole Senecal family?

A Yes.

She established that there was a connection between herself and between Doug?

A Yes, sir.

Q She also established, did she not, that there was a connection between herself and Bobby?

A Yes.

Q Those things ultimately proved true, did they not?

A Yes «

Q What I want to do is run through some of the details in which things were confirmed, based upon your **investigation** of the information that you had. It's true, is it not, that

1 in your conversations with Margaret and the follow-ups with a
2 variety of other people, the information you obtained from
3 Margaret in order to find Bobby was true, in the since that
4 she gave you *information that* ultimately *led you* to finding
5 him?

6 **A** Yes.

7 **Q** She had the correct address for his mother Doris?

A I believe so. I can't recall for sure.

Q Turning your attention to page ten, talking about a
phone call that you had with Anita Lapiere.

A Yes, sir.

Q The information that you obtained from Anita Lapiere
was relevant to your investigation concerning, finding Bobby
Lapiere?

A Yes,

Q The way you found Anita was provided by information
from Mrs. Steele?

A Yes. And me calling.

Q You ran down the leads that she gave you?

A Yes.

Q But the leads were not futile leads?

A True.

Q When you confirmed with Anita what was going on with
Bobby, she indicated that Bobby was her *brother-in-law and*
that she hadn't seen him for a little bit; is that correct?

1 A Give me a moment.

2 Take your time. She indicated she hadn't seen her
3 brother-in-law for over a year, but that he had been around?

4 A Yes.

5 4 He showed up for a short time after they **moved** to
6 Florida in December 1991.

7 Q Then Anita brought information about Douglas Senecal
having abused the children; is that correct?

MR. WRIGHT: I would object. Not because its not
contained in the report - obviously it is, because you've got
it -- but because we are here concerned about Margaret **Steele**
and Bobby Lapiere, not Anita Lapiere information that she
might have provided.

MR. CONNOLLY: The purpose of this is not to show
the truth of the matter, but to show that Margaret Steele has
provided information verified by this officers leads and they
are very firing Margaret Steele's story, So what I intended
to do is to verify her story with the officer's own report,

MR. WRIGHT: The verification is going to be in this
sense: whether Douglas Senecal had abused children. These
people don't know that.

MR. CONNOLLY: No, sir. If I may. The issue is
whether or not the information that Margaret **Steele** gave is
being documented to confirm his investigation. I'm not
planning to spend much time on it or establish that that in

1 **fact happened. I'm trying to show that when information is**
2 **provided by another source that Margaret Steele gave, that**
3 **it's consistent.**

4 **THE COURT*** *You may do that without getting into the*
5 **details.**

6
7 **BY MR. CONNOLLY:**

Q *Isn't that true? That she provided Consistent*
information as to Margaret; in this case the disappearance of
Jackie?

A **Yes,**

Q So, in other words, when you called Anita, the
information that she gave about the disappearance of Jackie
and about Dougie's involvement, was the same that Margaret
told you about or consistent with?

A Consistent.

Q Slight differences in verbiage, but consistent with
what Margaret had said?

A Yes,

Q Anita indicated, sir, did she not, that Bobby "did not
care for **police**. **He** was scared **of** them?"

A I believe she did, yes.

Q You're police?

A **Yes,** I am.

Q It would be consistent in basing your experience as a

1 *police officer, as a person who does not care for police not*
2 *to give their correct date of birth; not to give their*
3 *location; not to give out information on how to reach them by*
4 *phone?*

5 A That may be one interpretation, yes.

6 Q That interpretation would be consistent with what
7 Anita told you?

A Just that she didn't think *that the family* liked
police.

Q The information that Anita Lapiere also gave you was
that Marie lived in California at the number that **Margaret**
Steele gave; is that correct?

A No, I believe Doris lived there. That's the mother *

Q *Mary* is the daughter, correct?

A I think Mary is - the way it's supposed to be is that
Marie also lives in California. I didn't understand it that
she lived with her mother *

Q Marie said that she lives with her mother at that
address; is that correct?

A I don't know if it was Marie. I didn't hear that * If
you say so,

q regardless of that, it is true, is it not, that you
did verify the fact that Doris Lapiere lives at that **address**
and at that phone number?

A At that phone number, yes, I didn't verify the

1 address, but this is the *phone number* .

2 There is no reason, is there, not to dispute that
3 address?

4 MR. WRIGHT: Object.

5 THE COURT: Sustained.

6

BY MR. CONNOLLY:

Q Have you found any information during the course of
your investigation which would tend to indicate that Doris
Lapiere does not live at that Escondido address?

 MR. WRIGHT: Objection.

 THE COURT: You may answer.

A I guess I lost track of you,

BY MR. CONNOLLY:

Q Sure. The question **is**: during your **investigation**, the
Escondido address that Margaret Steele gave has never **proven**
to be incorrect?

A True,

Q In fact, the phone number has proven to be correct?

A *That's how* I reached Doris, yes.

Q And some other indications of Margaret Steele's story
have also proven to be correct during the course of your
investigation?

A That's correct.

1 We'll turn to some of those. far as Anita is
2 concerned, she verified what Margaret Steele had essentially
3 told you?

4 MR. WRIGHT: In what respect?

5 MR. CONNOLLY: Insofar as addresses are concerned,
6 *insofar as location is concerned; insofar as the relationship*
between Douglas Senecal and Bobby Lapiere is concerned.

A Yes, sir.

BY MR. CONNOLLY s ,

 In addition, she also provided you **information** as to
Doug's involvement with Jackie's disappearance and going to
California?

A She said there was involvement.

Q Without going into much detail?

A Yes,

 You then at some point subsequent to that, later on,
called Doris Lapiere and again you had confirmation that the
Escondido phone number was in fact legitimate?

A Yes.

Q You spoke with Doris Lapiere who in fact is Bobby
Lapiere's mother?

A Yes, sir.

Q And, in fact, she would not disclose Bobby's date of
birth or his whereabouts?

1 A That's correct.

2 Q They went through this elaborate circuitous route of
3 getting back in touch with you?

4 A She said that if he *called in she would have him get*
5 in touch with me, He called me.

6 Q And she did she not admit **or acquiesce** to **the** fact that
she was aware of Margaret, she knew her?

A Yes,

Q That was verified when she said I know Doris, I know
where she is. I know all that is true, I know the **phone**
number?

A I believe so, yes.

Q At some point you received a phone call, up phone call
from the person who identified themselves as Bobby Lapiere?

A That's correct.

Q It's true, is it, not that there had been concern
based upon what Margaret Steele had said, that Bobby-had been
threatened with death if he revealed information that Doug
had given him?

A No. I understood Margaret to say that it was more he
was afraid of her, afraid of Douglas Senecal if he said
anything; not that he was threatened. He was just afraid.

Q There was a general pervasive belief that if
information was given about Senecal, that something bad would
happen to Bobby?

1 A That's how I understood it.

2 Q As opposed to a specific threat?

3 A Yes.

4 Q That was verified, that general feeling as opposed to
5 a specific threat in your conversation with Lapiere?

6 A I don't recall it.

7 Q Your summary of the conversation is on **page 14 of your**
notes; is that correct?

A Yes, sir.

Q *What I would like to go do is go through that, if we*
could. You start off by something saying that he wouldn't
give his name or date of birth. You told him that you were
looking for him in reference to issues of Douglas Senecal; is
that correct?

A Yes,

Q He admitted that he knew Doug?

A Yes.

You know now - or do you not know now that in July of
1988, that Robert Lapiere was living in a room rented by
Douglas Senecal?

A I didn't know that,

Q You didn't know that?

A No.

Q You didn't ask him that?

A No. I didn't have that knowledge. I didn't ask him.

1 Q Bobby told you he would not give you information about
2 how to get in touch with him, except through Doris?

3 A Yes, That's how he told me, That's the only way I
4 could be sure to get in touch with him; to leave a message
5 with his mother and he would get in touch with me.

6 Q The last time that Robert Lapiere saw Margaret **Steele**,
7 according to his statement, was about a year and three months
earlier; is that correct?

A Yes, Approximately three years and three months.

Q That's consistent with what Margaret **Steele** testified
as to when he was leaving?

A I can't say that for sure.

Q Bobby was aware in the phone conversation with him
about Trooper Snedeker and his relationship to Margaret
Steele?

A Yes, He brought Trooper Snedeker's name up to me. I
didn't indicate one way or the other. He mentioned that
Margaret was talking to him on the telephone.

Q You were aware from the letters that Margaret provided
to you, that Bobby Lapiere would send to her on numerous
occasions letters or post cards or notes?

A Yes. She had received letters from him.

Q Those letters you received you reviewed?

A Yes,

Q Those letters it's fair to say are of a friendly

1 nature?

2 A Yes.

3 Q And in fact they would be letters which would be, you
4 could say, of a more than friendly level. Confidential level
5 in some of the issues they discussed?

6 A I don't know if I would go that far. There were
7 letters,

Q There was an infinity between the two. There is a pet
name for example?

A Yes.

And there are little incidents and antidotes that they
refer back and forth to each other?

A They were friendly letters. I guess that's what I'm
trying to say.

Some of those letters included discussion about
Douglas Senecal; the last one she got?

A I can't recall that.

Q Do you recall in any of the letters would Bobby
mention anything about Doug?

A I can't remember.

Do you have those letters with you?

A I believe I give them all - I may have a copy of it,

Q Take a moment and take a look at the last one you
received. Turning your attention to the typed letter dated
January 21, 1992. That January 21, 1992 letter does include

1 a discussion about Doug?

2 A Yes. Doug asking if she ever hers from hire

3 Q Based upon what she had told *you, that was the last*
4 *correspondence, the last contact she had with Bobby Lapiere?*

5 A I believe so, yes.

6 Q So her testimony then that her last correspondence or
7 *discussion with Bobby Lapiere included discussion of Douglas*
6 *Senecal is accurate?*

MR. WRIGHT' I don't know. I haven't been
objecting. Isn't-that a conclusion for the Court to draw
rather than -

THE CURT' He may answer it,

A It's in the letter. I don't understand what you're
asking. His name is in the letter along with

BY MR. CONNOLLY:

Q That was the last time there was contact that-you had
proof that you could document and *confirm that what Margaret*
Steele was saying was in fact true, isn't that true?

A I can't recall that. I **recall these letters. She**
does make reference - I never hear anything about Douglas
Senecal. I know his sister Sheila Senecal, She lives in
Wiscasset. She is not well. Do you hear anything about Doug
or Sheila or her condition? I said write me. I like Sheila,.

Q The last letter that you were able to document that

1 Margaret gave to you, included that statement about Doug and
2 the family?

3 A Yes, This letter was given to me by Margaret Steele.
4 Yes, sir,

5 Q The next thing that I'm interested in is during **the**
6 course of your discussion with Bobby Lapiere, he indicated,
7 no, Douglas Senecal never admitted anything to me?

8 A True.

Q Based upon your experience as a **police officer of ten**
years on - how long have you been a detective?

A *Over six.*

Q *You were a trooper?*

A That's correct.

Q Its not unusual, is it, for an unanimous person, for
a person who wouldn't identify themselves, wouldn't give
their date of birth or address so you can't call them? It
wouldn't be unusual for them to say that they had no-
information, would it?

MR, WRIGHT: I would object.

THE COURT: As to the form of the question, it's
confusing and argumentive. I will sustain *the* **question** as to
the form of the question.

BY MR, CONNOLLY:

Q Sir, other than the conclusion by **Bobby Lapiere that**

1 Margaret Steele's statement about Doug's admissions, other
2 than that conclusion, was there anything that you
3 investigated that Margaret Steele said that proved not to be
4 accurate?

5 A I don't know if I actually went in and tried to
6 discredit her in any way. The information she gave me what I
7 used I used to find Robert.

.Q And everything she told you proved to be acquit
accurate except for the conclusion when Bobby **said hope, Doug
never admitted** it?

A There might have been other things, but that **is one of
them, yes,**

Q What *are* the others?

A I can't recall right now.

MR. CONNOLLY; Thank you very much. No further
questions.

18

REDIRECT EXAMINATION

19

20 BY MR. WRIGHT:

21 Q There are other letters, either typed or handwritten
22 letters from Robert Lapiere in that material which Miss
23 **Steele gave you** which **do** not refer **to** Douglas Senecal?

24 A That's correct.

25 Q Now, in *your* conversations - let's go back to Doris

1 Lapiere for a moment. When you spoke with Doris Lapiere,
2 that was - I don't think anybody asked you on what day?

3 A June 16th. That was at 2007 which is 807 in the
4 evening.

5 Q You spoke with her later *that evening*, **too**, did you
6 not?

7 A Yes. I went on and she wanted to make sure who I was,
and I offered her to have her call back. And then she called
me back. I called her back a little while later at her
request at 2035..

Q 8135?

A Yes.

Q You previously said that the conversation with Bobby
Lapiere was 9:20 that same evening?

A Yes.

Q Now, when you spoke with Doris Lapiere, she also
indicated to you, did she not, that her son Bobby had never
told her anything about Senecal being responsible for killing
anybody?

A True.

Q She further described Margaret Steele, did she not, to
you?

A Yes.

Q As what?

25 A She stated Margaret Steele is a troublemaker. That

1 she liked police and always got them involved in something.
2 She said she knew Margaret for 30 years, She thinks Margaret
3 *likes to have the police around.*

4 Q And in the letters that you got from Miss Steele on
5 June 3rd, none of those letters, insofar as any of them
6 mentions the name Douglas Senecal, says anything or speaks of
7 any involvement on Douglas Senecal's part *of the killing of*
Sarah Cherry?

A That's true.

Q Can you tell us what Bobby Lapiere's pet name is?

A *Snot blossom.*

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

FURTHER-CROSS EXAMINATION

BY MR. CONNOLLY:

Q The information that Mr. Wright was just eliciting
from you concerning a phone call to Doris Lapiere, all that
information proved to be true *that Doris Lapiere gave to*
you to confirm what Margaret Steele had given you?

A Yes.

Q Based upon your investigation, Margaret Steele **never**
claimed that Bobby Lapiere told his mother that Doug made the
admissions, so that is not inconsistent either, is it?

A True.

1 Q Its also not inconsistent from the Lapiere
2 prospective, Margaret Steele is a troublemaker? From Bobby
3 Lapiere or Doris Lapiere's prospective at getting police to
4 call them up, that is trouble making?

5 A Yes.

6 Q That is consistent also?

7 A Yes.

Q Its also consistent that Margaret likes to **have**
police around?

A Yes.

Q So all those facts kept confirming what Margaret had
been telling you all along?

A Yes, sir.

Q Except the ultimate conclusion that Bobby said on the
phone no, he didn't tell me that?

A For the most part, yes.

MR. CONNOLLY: Nothing further,

REDIRECT **EXAMINATION**

BY MR. WRIGHT:

Q The point was made, did you understand **that to be that**
you didn't know **in** fact you were talking **to** Bobby **Lapiere on**
the phone?

A That's true.

1 If somebody comes in to see you and doesn't have any
2 identification but says I'm Bobby Lapiere, would you have any
3 way of knowing whether that is Bobby Lapiere?

4 A Unless he showed some identification.

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

6 MR. CONNOLLY: Nothing further.

7 THE COURT: Thank you. You may step down.

 MR. WRIGHT: That's all on this matter on the
Interstate summons with respect to Mr. Lapiere. That's all
from the State.

 MR. CONNOLLY: That's all from the defense **also**,
except for whatever argument the Court wants to entertain,

 THE COURT: Well, perhaps we ought to address the
argument portion of this at this time as to whether or not a
subpoena is going to issue to an out-of^estate witness, Mr.
Lapiere.

 The problem I'm having, quite frankly, Mr.' Connolly,
is that the testimony, the testimony of Margaret Steele, to
the extent that I understand what she is saying, as I
understand what she is saying, she has said on **more** than **one**
occasion here today that Bobby Lapiere told her that **Douglas**
Senecal murdered Sarah Cherry. She has not **said** that Douglas
Senecal admitted to Bobby Lapiere that he murdered. **Sarah**
Cherry. From that we would have to conclude that it *was*
Bobby Lapiere's opinion that Douglas Senecal murdered **Sarah**

1 Cherry.

2 MR. CONNOLLY: Yes, sir. I think that is a fair
3 inference. I would like to address that, if I can.

4 THE COURT: Because based upon the affidavits and
5 the motion for the issuance of an out-of-state subpoena, I
6 came to the conclusion that Douglas Senecal had made
7 statements to Bobby Lapiere that would be at least, if not an
expressed admission, an implied admission that he had
committed the murder of Sarah Cherry. That's the problem I'm
having.

MR. CONNOLLY: I think that is exactly the problem.
The problem in part is I cannot speak to Bobby Lapiere hence
my need for a subpoena. The issue is whether or not Lapiere
dragged into court here is truthful, is going to have
anything admissible to say. That is the issue, If It's his
opinion that Doug did it, its irrelevant, Then I would be
totally wasting your time. I don't believe I am.

I tried to get Margaret to articulate why she felt
that Bobby had information, how Bobby came to *have it*. *What*
she said I think was important. She *said **she** knows him*. I
tried to have her explain how she came to the conclusion. I
think the State has given me a lot to work with here. If I
23 could expound on it. Trooper Snedeker is exactly my proof.
24 Snedeker, he says basically that he goes after things that
25 are very difficult: has a bad fatality, has a tough day on

1 the job, and then he goes to talk to Margaret. You don't
2 have to pay too much attention; she talks all day. He likes
3 to go there, Similarly, Detective Drake, his attitude.

4 I think the Court from seeing her can feel she is a
5 credible *witness; that she* knows what she is talking about.
6 She has a distinct recollection; that she is not fanciful or
7 *fabricating. She is in fact remembering two separate*
conversations with Bobby Lapiere. The first one *occurring*
prior to the trial. And that is extremely important, because
none of the information had come out prior to the trial about
the details in which she was aware. And most especially the
information did not come out **about Douglas** Senecal until way
after the trial was over. We were subject to an impoundment
order for a long time that we went before Justice McKuaick
and told me to keep your mouth shut. This information

THE COURT **He's not the first.**

MR. CONNOLLY: No. Hopefully *he wouldn't be the*
last. The point is, she is talking about admissions that
Douglas Senecal supposedly made way before the trial. I
think that is important for credibility purposes.

Secondly, she has a second **conversation** later on
which it's confirmed and more details are given. The
question is how does Bobby Lapiere know that? I can't tell
the Court with complete certainty how he knew it, except
inferentially he could know that information based *upon what*

2 Margaret told us. One, is that Doug admitted it to him. And
3 the inference for that is because of the details and because
4 of it occurring prior to the time of trial. Its possible
5 that he had some other type of participation, such as
6 involvement, such as secondary involvement, such as
involvement after the fact that made him have personal
knowledge because I believe - Mr, Galucki could yank that
section of the testimony in which I asked her what made you
think he had personal knowledge. She said something like,
yes, dear to me. That, yes, he did have personal knowledge I
knew based upon the tenor, based upon looking at him in the
eye, looking at him across the table *that he* knew this. This
was no game to scare me. This was no BS opinion. This was
coming from his heart.

I think the State put on their witnesses to that
extent has documented she *is the kind of witness that people*
go to. The same with the Sagadahoc County people * Officers
Weatrum and Haggett, they go there to talk to her and confide
in her and learn from her. She seems to be a resource in
that community because she sits and watches from the window a
lot.

I think with the experience she had with Bobby and
the experience she had with. Douglas Senecal going back *for a*
very long period of time, are indications of credibility and
reliability, I can't say to the Court for absolute certainty

1 that Bobby Lapiere has direct knowledge. I can't tell the
2 Court I've attempted to contact him. He wouldn't respond.

3 The information Detective *Drake* gives you was, is
4 troubling and helpful, both. Its helpful since that all the
5 minor details along the line all the way down check out.
6 That is an indication of credibility. What doesn't check out
7 according to Drake is the final statement, the admission. I
submit to you that it is ridiculous to assume that Bobby
Lapiere is going to admit to a Maine state police officer
over the phone of the game we have been having of doing to
Doris, going down to Anita in Florida, not giving your **date**
of birth, not telling you where you were, that he's going to
admit something as serious as we have here.

 The circumstances *under* which the admissions were made
in '88 and later on, I think, give us a reasonably good basis
to issue the subpoena. I think that is the standard, and I
think it should be issued. It is not an attempt to do
anything but to try to get *at something which seems to be*
profoundly serious.

 Finally, the reason I kept asking about these **other**
cases and whether Margaret would **be used in other cases.** *is*
because police officers rely on this kind of **evidence** all **the**
time to get affidavits. They rely upon this **information** to
get subpoenas. They rely on this **information** all **the** time to
25 get. The standard I'm being required to show right now is

2 much greater than a neutral magistrate would issue to get a
3 search warrant, That kind of information is usually not as
4 detailed, not as sworn to, not as well researched as this
5 here,

6 I think I've met my burden, And I respectfully
7 *suggest that this Court issue that subpoena.*

THE COURTS Mr. Wright.

MR. WRIGHT: Your Honor, the issue it seems to me is whether there is a reasonable likelihood that Bobby Lapiere, if called as a witness in this case, would say anything other than that which he has previously said. We know from a variety of people, Margaret Steele, first, Doris Lapiere and Detective Drake, in fact, thirdly, that he has consistently said that Douglas Senecal never admitted to *him that he had* any involvement in *the death of Sarah Cherry.*

Margaret Steele testified that she remembers all of this very clearly, That she is not confused, contrary to other testimony. But the proof of the pudding on this is small things, which mean a lot. For instance, she got **the** dates wrong when people would come to see her. The election, it was June 3rd.

THE COURT: Mr. Westrum was **also confused on that also?**

MR. WRIGHT: As I ¹heard it as **to the broadcast date** of the television interview.

1 MR. WRIGHT: But she also indicated, for instance,
2 that one of the reasons - I take it she put so *much faith* or
3 stock in the truth of what Lapiere has to say, is because
4 only from Lapiere did she learn of details, such' as the use
5 of the sticks and the penknife, when, in fact, we know from
6 Trooper Snedeker it was he who provided those graphic details
7 *to her many months before.*

THE COURT: Just a moment. Trooper Snedeker was not that clear. He could not recall his present recollection. He could not recall if the subject of the insertion of **the** foreign objects into the body and the use of a knife were based upon information that he had supplied to her, or information that she had discussed with him and he confirmed. That was my recollection of his testimony talking about his present recollection.

MR. WRIGHT: I understood the testimony to be that as she was explaining those details, he realized *this is what* I told her myself.

THE COURT: Yes,

MR, WRIGHT: And had told her many months ago. Similarly, she, Miss Steele, said she was clear that **Snedeker** had told her about involvement of **Lincoln County**, which **he** didn't even know existed until today.

25 The argument from the defense, as I understand it, centers on the notion that many facts were in fact confirmed\$

1 that is as to the telephone numbers and so on and so forth.
2 Therefore, we could accept all the rest of what Margaret
3 Steele has to say as well. Its not surprising it seems to
4 me, she having had contact with these people and being a
5 friend of Robert Lapiere.

6 When all is said and done, what *she has got to offer*
7 is no personal knowledge, only hearsay. It's not **even**
hearsay. She said'Lapiere told me .M I put two and two
together. She said that Lapiere told me, Here, in my mind,
I know I did it confirming that Lapiere indeed had never said
any such thing to her that Douglas Senecal did this. So she
has information which the hearsay declarent Lapiere denies.

When all is sudden said and done, I think this case
fails from the defendant's point of view because the fact of
the matter is confirmed by every witness that Bobby Lapiere
never told Margaret Steele that Douglas Senecal had told him,
Lapiere, that he, Senecal, had killed Sarah *Cherry*. *And that*
being consistent testimony, it seems to me the **only**
conclusion is that there is no reasonable likelihood that
Bobby Lapiere is going to *say anything* different.

THE COURT: This affidavit that Margaret Steele
signed, prepared by Mr. Connolly or at least on Mr.
Connolly's letterhead, states paragraph 13: During the
conversation with Bobby I asked him about Dougie. It was
25 troubling the answer by Bobby. Bobby said he had direct

1 knowledge that Douglas Senecal killed Sarah Cherry. Se also
2 Indicated *that on the date of the* abduction, Douglas Senecal
3 was in Bowdoin.

4 The in-court testimony is a little bit inconsistent
5 with that. And the witnesses *that have* been called by the
6 State have, to a great deal, to a great extent disputed th
7 in-court testimony and the affidavit of Margaret **Steele**.

8 ***Let's put this whole thing in perspective. Through
this alternative suspect theory, the defense has made no
secret of the fact that they are accusing Douglas Senecal of
the murder of Sarah Cherry. This is one of the linchpins of
their argument. It's discretionary what I was going to do
in this case. I want to lay this thing to rest forever.***
I'm going to order the issuance of the **out-of-state witness**
subpoena to Robert Lapiere.

We'll take a recess.

(a recess was had)

(The hearing resumed at **3:43**)

1 KRISTIN COMEE, being first duly sworn, was *examined and*
2 testified as follows

3
4 DIRECT EXAMINATION

5
6 BY MR. CONNOLLY:

7 Q Can you state your full name?

8 A Kristin Comee.

0 What is your age?

A 38.

Are you - is it fair to say you are very nervous?

A Yes,

Q Can you briefly explain why you are so nervous?

A I'm - it's an unfamiliar situation and the stress of
the situation.

Q Let's go into that a little bit, because I think it
will bear on what you have to say. *Are you married?*

A Yes,

Q What is your Husband's name?

A Roger Comee.

Q How long have you been married?

A Nine years.

Q How many children do you have?

A Three children and a stepson.

25 Q Are one of those children have a stepfather, a

1 godfather by the name of Douglas Senecal; is that correct?

2 A Yes. Carl.

3 Q How old is he?

4 A Four.

5 Q You have been brought in by the defense in this case,
6 is that correct?

7 A Yes.

Q And this has placed you in a difficult **position in**
your family; is that correct?

A **Yes.**

Q That's because Douglas Senecal was **close to your**
family for a period of time?

A Yes.

Q And still is?

A **Yes,**

Q You are afraid - is it fair to say today's testimony,
you are concerned that it might permanently destroy that
relationship?

A Yes.

Q And this is something that is hurtful to you?

A I'm very fond of the family.

Q Those connections *are important to you that way?*

A **Yes,**

Q The reason that you are in court today - you
understand why?

1 A Yes,

2 Q Let's go to that right away, You in the period of
3 July 1988 were living where?

4 A The old Coast Guard station at Popham Beach.

5 Q Those who are less familiar with that area, that is
6 outside of Phippsburg?

7 A Yes. Its north of Phippsburg,

Q How long did you live at the old Coast Guard station?

A Eight years,

Q And did you own it?

A Yes.

Q During that time was it renovated and you
rehabilitated and fixed it up?

A Yes,

Q *Xs that how you came to know Douglas Senecal?*

A Not strictly speaking,, Its one of *the reasons*, We
met Douglas Senecal through my mother and father-in-law, **He**
had done some work for them, and they were very friendly with
him and his family.

Q At that time when you first moved in, your family was
smaller than it came to be?

A Yes.

Q During that time you came to be friendly with the
Senecals?

A Yes, They are very good to us.

1 Q You knew which members of the Senecal family?

2 A Well, initially, Jackie, the oldest girl who bby-sat
3 for us. And Jessica was little. And then the two younger
4 children. We met other members of the family - there was a
5 collage of people, but the nuclear family we got to know **quite**
6 well.

7 Q Jackie, what is her last name?

8 A Crosman.

Q Jackie Crosman would sometimes baby-sit for you?

A That first summer Jackie baby-sat a lot for us.

Q What year would that have been * the first summer?

A 1984.

Q The relationship between yourself and the Senecals as far as baby-sitting, did that develop and continued as your family grew and developed and as you lived longer in the Phippsburg area?

A There was a child in the middle. Jackie was doing other things. And before Jessica was ready to baby-sit, Jessica was very good with the children, and as she became older she baby-sat more. But there was a year or two they were more or less just social friends than baby-sitters.

Q You said Jessica would baby-sit for you?

A Yes.

Q What is Jessica last name?

A Crosman.

1 She is Maureen's daughter?

2 A Yes.

3 Q She is not Doug's natural daughter?

4 A No,

5 Q But Doug was the stepfather?

6 A Yes,

Q How often would Jessica baby-sit for you in the **period** of 1988, approximately?

A Two, sometimes three times a week,

Q Was it unusual to have Jessica **brought over** by **Maureen** or Doug?

A Usually *it was Maureen who brought her over*. Once in a while Doug dropped her off.

Q Is it fair to say they were to your house frequently?

A Yes,

Q And that the baby-sitting assignment that you *were* involved in at the time - strike that - *that you had with* Jessica, was fairly regular?

A Yes.

Q You didn't have her on a particular contract but on an as-needed basis?

25 A Usually it was Tuesday and Thursday, but it was flexible because I wasn't working and it was more to give me a break and to allow me to do things like gardening, So I was there most of the time.

1 So as the summer progressed the days became more
2 varied. It started Tuesdays *and* Thursdays.

3 0 There came a time did, there not, in July of 1988,
4 right after the Fourth of July celebration, in which there
5 was a switch in baby-sitters or there was to be a switch of
6 baby-sitters. Were you aware of that?

7 MR. WRIGHT: I would object to the question of **aware**
of any switch, That may call for hearsay. So that is
something which somebody else told her.

 THE COURT: If this question is directed to what **was**
to take place with her arrangement, she may testify.

 MR. CONNOLLY: That's my intention.

BY MR. CONNOLLY:

0 Do you understand the question?

A Yes.

Q Why don't you tell the Court what you know about that
incident.

A I called up and asked Jessica if she could baby-sit.
I called up the Senecal house. I asked if she could baby-sit
the next day, She said - -

 MR. WRIGHT: I would object. This **is going to be**
hearsay.

 MR. CONNOLLY: We'll take it slow. Is

 THE COURT: Please do.

1 BY MR. CONNOLLY %

2 Q We have rules of evidence that we have to abide by.
3 So they may not be clear to you, but they are important for
4 the Court. You were the one responsible for making
5 baby-sitting arrangements, generally speaking?

6 A Yes,

7 Q Your husband does what for work, *and is he around*
usually?

A He was around. He had his own business, **He's** an
architect. He was around on and off, but not a lot.

Q The person in the household who was responsible for
making baby-sitting arrangements was who?

A Me.

Q So you have direct knowledge yourself of making
arrangements?

A Yes.

Q During the period of time in July, the early part of
July 1988, did you have any other baby-sitters that you used
besides Jessica Crosman?

A Yes,

Q Who was that?

A Christa McDonald and there was a little boy - I forget
his name - who baby-sat for us once, playing with the
children, that was it.

25 Q Did you have one person Christa McDonald or Jessica

1 Croaman who do would do the obligation more often or would
2 baby-sit more often?

3 A Jessica, Christa McDonald ^m *I had one with special*
4 *needs. She spent more time with him. Jessica took care of*
5 *the younger children just about all the time.*

6 Q And the normal procedure would be *that she would* be
7 *dropped off in the morning and return at night?*

A Yes, Or I would take her back or it was on an as come
basis, Generally one of her family would pick her up, but it
wasn't set up that way,

Q Turning your attention to July 6th, **1988.** Do **you**
recollect that time frame?

A Yes.

q And on July 6th, 1988: had you made arrangements to
have a baby-sitter that day?

A When I called Jessica up.

0 Okay, so the answer is, yes?

A Yes

Q How did you go about making those arrangements and
what did you do to get arrangements made?

A I called up. I asked her if she would baby-sit, She
said « - °

MR, WRIGHT: Excuse me. **I would object. I know**
it's difficult,

1 BY MR. CONNOLLY:

2 Q You called up Jessica; is that correct?

3 A Yes.

4 4 And you spoke with her?

5 A Yes *

6 Q *Without saying* anything that she said, were
arrangements made for baby-sitting?

A She was to call me back,

Q Did she call you back after that?

A She did.

Q Were the arrangements which were then confirmed the
normal arrangements?

A Yes,

Q Was there some time when there was confusion or a
problem *with making those arrangements?*

A My understanding was that she couldn't do it because
she had other -- -°

MR, WRIGHT: Objection.

THE COURT: Sustained *

BY MR. CONNOLLY:

Q Was there a period of time in July 6th, **1988** when you
were uncertain as to whether or not Jessica was going to
baby-sit for you?

A Yes.

1 Q You yourself did not know whether the plans would go
2 through?

3 A Right.

4 Without saying what somebody else told you, you were
5 given a reason as to why that was to happen, what the
6 difficulty was?

7 A Yes,

And without saying how you came **to know about** that
difficulty, there came a time when Jessica physically came to
your house?

A **Yes,**

Q That was on July 6th, 1988?

A Yes,

You had a conversation with Jessica at that time? You
discussed things with her?

A Yes.

And she baby-sat for the children that day?

A Yes, she did.

Q And during that time, at the end of the day do you
recollect how she got picked up?

A Yes.

Q Without saying what anybody said but what you
observed, who picked her up?

A Maureen.

Q Maureen Senecal?

1 A Yes.

2 Approximately, if you know, what time was that?

3 A Four o'clock, approximately.

4 Q Now, this incident happened, or this baby-sitting
5 happened a substantial time ago?

6 A Yes.

7 Q Its fair to say your memory is not as good as it once
was on this issue?

A No.

Q So that the time frame in which the pickup occurred is
subject to a variation?

A Yes.

Q One way or the other?

A Yes. I do know that it was the end of the afternoon.
I brought my children in to wash the sand off them, and I was
expecting my husband home from work. So it must have been
between four and five.

Q That would be Maureen picking up Jessica?

A Yes.

Q Prior to that, had there been a discussion about
switching baby-sitters?

MR. WRIGHT: Objection,

MR. CONNOLLY: I'm not asking what was said. I'm
asking whether or not she had a discussion, whether she
25 participated in the discussion,

1 THE COURT: *with whom? The* question isn't complete.

2

3 BY MR. CONNOLLY:

4 4 Did you have and Jessica have a discussion about a
5 difficulty in the baby-sitting arrangements?

6 MR. WRIGHT: Your Honor, I would object **because**
although he's not asking for what was said, the import of the
question is ultimately the same. If the answer is yes -
presumably its going to be - then the same point is that
there was a discussion about a swap of baby-sitters, which
she learns only as a result of what was said to her by
Jessica, which as a witness here under our rules she is not
competent to say.

MR. CONNOLLY; I think she is competent to say she
participated in the conversation, She has a conscious
interpretation of what was said. She has a particularizing
recollection. I'm asking what she interpreted as being said,
I'm asking for her mental process. I think that gets around
the hearsay rule.

The point is, I'm not asking her what was said. I'm
not asking for an out-of-court statement. What I am asking
is what was her personal understanding, impression, mental
state, mental process at the time in question. She is
competent to,

MR. WRIGHT: I would object. I think that - I know

1 myself, we all do this we say what was your understanding?
2 The objection is often not made that your understanding calls
3 for hearsay. Its often done. It's often not objected to.
4 But I do object to it. It's just as much a violation of the
5 hearsay rule as anything else.

6 MR. CONNOLLY: I'm asking for her inference, not for
the statement. Her inference is admissible. The **inference**
is admissible.

MR. WRIGHT: It's her understanding as -

MR. CONNOLLY: I'm not asking her understanding,
I'm asking for the inference.

MR. WRIGHT: But *you are trying to ascertain* the
truth of that out-of-court declaration by asking this witness
for that, of her understanding of that conversation,

MR. CONNOLLY: That's correct, I'm trying to get
around the objection. I agree. There is no question, I'm
trying to do that.

THE COURT: Nice try, **Mr, Connolly. Sustained.**

19

20 BY MR. CONNOLLY:

21 4 Had there been any times in which other members of
22 Jessica's family baby-sat for you?

23 A Yes, Jackie.

24 0 Had there been other times in which you had attempted
25 **to have other** members of the family baby-sit **for you** in which

1 there was somebody unavailable for you?

2 A I don't understand the question,

3 Q Had there been other times in which Jessica was
4 unavailable or Jackie was unavailable and the normal
5 provider, either Jessica or Jackie, attempted to find
6 somebody else for you?

7 A No.

Q were you aware of the another member of their family
who was is interested in doing baby-sitting?

A No,

Q Did anything occur on July - was there anything
unusual happening on July 6th, 1988?

A The day that Jessica baby-sat for me?

Q Yes,

A No.

Q The next day, which would be July 7th, 1988, did
somebody baby-sit for you then?

A Jessica.

Q And who dropped Jessica off that day?

A Maureen.

Q Now, do you recollect later in that day who picked up
Jessica?

A Maureen.

Q By herself?

A I'm confused.

1 That's all right.

2 A I'm confused which day we are talking about.

3 Q July 6th, 1988, a Tuesday, July 7th, 1988 was a
4 Wednesday, July *8th, 1988, Thursday. Do you* recollect
5 providing an affidavit in this case?

6 A Yes, I do.

Q Have you reviewed that before coming into court today
or yesterday?

A No.

Q Would review of that document perhaps refresh your
recollection?

A Yes, I'm confused with the days. The dates run
together in my head.

4 Without going to the affidavit for the time being
then, there are some things that in your mind that are clear,
however?

A Yes.

Q And these things, would it be a fair characterization
to say are troubling to you?

A Yes.

Q You came and contacted my office as a *result of these*
things that were troubling you, is that correct?

A *I came into contact* with your office.

Q Or through another person?

A Yes, I mentioned something to **another person. They**

1 got in touch with you and then you contacted me,

2 Q That's how you ultimately came

3 A That's how I came to ultimately to do that,

4 Q In that early contact was way back now - the first
5 time you had conversation was it Christa McDonald?

6 A Yes. A shortly after this whole thing. **Shortly after**
7 this whole thing came about, So back **whenever** that summer
the end of that summer,

Q In the scheme of things, do you recollect when in
order to put a time frame on this when Sarah was found?

A The day?

Q Yes,

A Yes, I do.

Q Does it help you as a pivotal time point if I told you
that it was the 8th the body was found?

A **Yes.**

Q *Does that give you a means by which to put things into
perspective?*

A Yes,

Q If we assume for purposes of the discussion that **the**
8th was the day the body was found, Sarah's body was found,
does *that* clarify the time frame I'm asking you about?

A Yes.

Q The day prior to that would have been the 7th?

A In which case Jessica didn't baby-sit for me that day,

1 The day before &

2 Q The day before, which is the 6th?

3 A Yes

4 On the 6th did something occur which was troubling to
5 you?

6 A Yes *

7 Q Can you explain - not what anybody said, but what **you**
observed and why you felt it was important?

A When Maureen came to pick Jessica up, X saw -- well,
it's hard *to say without saying what people said* *

Q I know, try to explain where you were at, who you saw,
what you observed, and what physically happened not what
somebody was saying.

A I was at home * I was bathing the children * **Maureen**
came in and was looking for Jessica. She found Jessica *

Q At the house?

A Yes * Spoke to her, And Jessica burst into tears *

Q You observed Jessica crying?

A Yes,

Q Frantically?

A She was very upset, yes,

Q In your experience with Jessica ask a to **that** point of
two years that she had been baby-sitting *for that long?*

A We had known her for four or five years *

Q Had you **ever** seen her seen a **reaction** such as **that?**

1 A I hadn't, no.

2 Did you hear the statement that Maureen made to
3 *Jessica that resulted in that reaction?*

4 A Yes, I did,

5 O You yourself heard it?

6 A Yes.

7 Q You then observed the response of Jessica to that
statement?

A Yes.

The statement had to do -- -

MR. WRIGHT: I would object,

THE COURT* Sustained.

BY MR. CONNOLLY:

Q Did you know what - you heard the statement yourself?

A Yes, I did.

Then you saw the reaction?

A Yes.

Q Were you surprised at the reaction?

A Yes.

Q Were you troubled by the reaction?

A Puzzled.

Q Were you concerned about it?

A Concerned for Jessica, concerned why she should be
crying.

2 This is on the 6th again to the best of your
recollection?

3 A Yes

4 Q You know now that the body of Sarah Cherry was not
found until the 8th?

A Yes.

7 Q **The reaction that you observed, did it cause you**
8 **further difficulty once events unfolded later on after the**
9 **8th, after the discovery of the body?**

10 A **It was weird. It gives me goose bumps because like**
11 people have premonitions that something awful is going to
12 happen. It felt at the time - it seemed out of **proportion.**
13 Afterwards oh, my God.

14 Q Did you see either Jessica or Maureen or Douglas
15 Senecal on the 7th, between the time when Jessica 'baby^p-sat on
16 that Tuesday and the -

17 A I didn't. My husband did.

18 Q Did you have conversation later on , *without saying*
19 *what the conversation was - with Jessica about what had been*
20 going on?

21 A Yes. I had several short **conversations**, yes.

22 Q And were those related **to** the **reaction, the**
23 **information** that Jessica reacted to?

24 A **Yes,**

25 Q **were those conversations about the death of Sarah?**

1 A Yes. In a general way. She seemed very troubled and
2 would touch on the subject.

3 Q The did you notice a change in Jessica after the
4 information *that Maureen gave her on the 6th?*

5 A Yes.

6 Q **Did you** notice a change **in** Jessica **personality-wise,**
7 **demeanor-wise,** after she received that **information?**

A Yes.

Q **How would you** characterize that change?

A She was **obviously** very sad. **She became very**
withdrawn. Very quiet. **Very** troubled. Very, **very troubled,**
I mean it seemed to me that there was a lot going on inside.
Incredibly troubled by It.

Q *You had conversation with her later on about those*
things?

A Yes.

Q *And based upon your knowledge of her over the four*
years in which she baby-sat for you, can you say whether or
not it *was related to the information provided by Maureen on*
the 6th?

MR. WRIGHT; Objection.

THE COURT: I will allow it.

THE WITNESS: I don't understand the question.

25 **BY HR. CONNOLLY:**

Q You noticed a change in Jessica?

2 A Yes *

3 Q It concerned you?

4 A Yes *

5 Q Can you trace it back to tell when it started?

6 A It started when her sister was missing *

7 Q The **information** that was, that was **obtained** by Jessica **about** what was troubling her occurred when, do you know?

A I'm losing the question *

Q Can *you say that the point from which Jessica had this* reaction and change in her personality and demeanor stemmed from that conversation that you witnessed on that day, July 6th, 1988?

MR. WRIGHT: She didn't say it *was July 6th. She* said it was July 7th that the conversation took place, as I understood the testimony. Maybe she can clarify it.

A Not specifically -- yes and no t Yes * she changed because her sister was missing. The next time I saw *her, her* sister had been found. It seems - **obviously, she** was devastated * There was a very big **difference** in **her. She was** troubled by it, by the whole thing, I *thought.*

~Y MR. CONNOLLYt

25 Q Were **you aware that Jessica** baby-sat **for the flenckela** **as well as for you?**

1 **A** **No.**

2 Q Were you aware she did other baby-sitting jobs?

3 A Yes,

4 Q You didn't know the particular persons that she
5 otherwise covered?

6 A Once in a while I did, but not always,

7 Q More likely you knew the children's names?

A She would mention things to me, yes,

Q After you heard Maureen speak to Jessica, did there
come a time when you yourself started to **receive some calls**
that were troubling to you?

A This is something we hadn't -- yes. I had a whole
series of telephone calls, Very odd, very peculiar **telephone**
calls that went on and on,

Q Is it fair to say they were threatening phone calls?

A Yes,

Q Would it be fair to say that those phone calls were in
reference to things you might have observed or knew?

MR, WRIGHT: Object,

THE COURT: Mr, Connolly, we are into an **area** of
hearsay here. You are beyond it. I'm groping for the
revelance here,

MR, CONNOLLY: If I could ask one question, **The**
question is this. The issue is this whether or not **some**
25 information that she personally had, that she personally

2 reacted to is relevant. That's the issue that I'm trying to
3 get at, The witness indicated that calls were made to her
4 that were troubling and of a threatening *nature*, *I'm trying*
5 to establish what they related to. If she knew.

6 BY MR. OONNOLLYs

Q Do you know what those phone calls related to?

'MR. WRIGHT: Yes or no?

A I don't know if we are talking about the same phone.
calls. I'm lost.

BY MR, CONNOLLY:

Q Following July 6th, 1988, did you start receiving a
series of phone calls at your house?

A Yes.

Q Had you ever received them at your house before?

A No.

Q Was it a male voice?

A Yes.

Q Was it a voice you were somewhat familiar with?

A It called to my mind I knew who it with was,

Q Who did you believe it was?

A I didn't believe it was anyone .. I questioned whether
it was Douglas Senecal.

Q What made you question that?

1 A Something about the voice twigged in my mind. I said
2 to my husband that I *thought it might* be Doug, He said no.
3 That passed off, and I didn't think about it again.

4 Q Twigged« You're British. Twigged is a British
5 expression?

6 A It rings bells.

7 Q It means that there was something familiar?

A Yes, We were groping around who could this be This
person knew a lot about me, Could it be? No«

Q The kinds of things that were scary to you, based upon
those phone calls, had to do with your own safety?

A Yes«

Q And the safety of your children?

A Well, yes. They were just scary,

Q Were they threats?

A Yes« Well, yes. They were threatening,

Q Was there a time when they stopped?

A Yes.

Q When did they stop?

A Three years ago, in the summer *

Q Was that coincidental with anything else that happened
at the time?

A Yes. Doug and Maureen moved to North Carolina.

Q Is that when the phone calls stopped?

A Yes, they did.

1 Q Is it fair to say you were concerned about the
2 information that you had that you are presenting in court
3 today?

4 A Yes.

5 Q You had provided in the past some statements to me in
6 conversation and to Christa McDonald and other persons as
7 well?

8 A Yes

Q Has the process of your recollection become less
secure than had been earlier on?

A Yes. I was positive of certain things. But it seems'
like through many interviews and talking to many people, **I've**
become foggy. The more I talk the foggier I become, because
I lose track of what I knew with an absolute certainty and
what is being suggested to me or making me doubt myself, But
I guess that's what happened. I've begun to doubt myself. I
know I was absolutely certain in the beginning,

Q The time frame in which your doubts started when you
started get getting hit upon by lawyers and interviewers and
police officers?

A Yes.

Q At the time when you first had conversation about
this, your mind was clearer than it is now?

24 A Yes, it was.

25 Q You recollect specifically having a conversation with

Christa McDonald?

2 A Yes.

3 Q You've had an opportunity since that time to discuss
4 the matter with her?

5 A Yes, I have,

6 Q Has discussing the matter with her clarified at all,
7 or are you still in the gray area?

8 A I still stand by everything I said to her.

9 Q The statements that you made to her early on were as
10 to that same issue of the conversation of Maureen to Jessica;
11 is that correct?

12 A Maureen's conversation with me t which was troubling *

13 Q In addition to hearing Jessica and Maureen speak,
14 Maureen spoke to you about some things?

15 A Yes *

16 Q They had to do with things that caused you trouble?

17 A **Yes.**

18 Q Those things that caused you trouble?

19 A Questions not so much -- it brought **questions** to my
20 mind like why - not so much troubling * Afterwards I started
21 feeling troubled. At the time I just questioned *

22 Q At the time you did not know that Sarah Cherry was
23 missing, did you?

24 A I didn't know who she was even t specifically *

25 Q But she was not - the newspapers and the **television**

1 *had not brought it* forward at that point, had they?

2 A I only heard it from Maureen.

3 Q It was only later that it appeared on the television
4 and the radio, isn't that right?

5 A I didn't watch it. I heard it. Later on I saw it
6 *later on the* television, but I think it was the next day I
7 *saw it.*

Q Based upon your recollection now in court of what you knew back then, did the information that you obtained from Jessica and from Maureen lead you to believe that there was a connection with Sarah Cherry's death?

MR. WRIGHT: Objection.

THE COURT: Sustained.

BY MR. CONNOLLY:

Why did you think ^m not what was said - why did you think the information that you obtained was important?

MR. WRIGHT: Objection.

THE COURT: What information are you referring to?

MR. CONNOLLY: From Jessica and Maureen.

THE COURT: Sustained.

MR. CONNOLLY: May we *approach side bar.*

24 (Whereupon a side bar conference was held)

25

1 MR. CONNOLLY: I would like to make an offer of
2 proof at this time. I think its appropriate. Obviously,
3 I'm being terribly inartful in the getting to this point. I
4 would propose to ask the witness what she knew based upon
5 what was said. There has been a hearsay objection. Eric is
6 indicating *that he's* making that hearsay objection. I would
7 then make an offer of proof.

MR. WRIGHT* Strictly, it's she is not competent to
give testimony to which she has no personal knowledge.
Hearsay is not personal knowledge.

MR. CONNOLLY: Are there any other **objections?**
because I want to make the offer of proof. What I would
anticipate the witness to say *is she was told that Sarah was*
dead on July 6th, when the body was not found until July 8th
that there was no report of the missing of Sarah until the
7th. And that, therefore, two days ahead of time Jessica
knew that Sarah was dead based upon what Maureen told her.
And that news accounts did not come out until the 7th, as to
the disappearance until the 8th. That is how I would
anticipate she would answer the question if allowed to.

THE COURT: And from this we are invited to infer
what?

MR. CONNOLLYs That - two things: First, that one
critical thing, one of the critical parts of denial of my
original offer proof at the trial was the statement by Mr.

1 Wright that I could not establish Jessica knew about Sarah
2 disappearance; that I could not establish that Douglas
3 Senecal knew about it; and that I could not establish at that
4 time that Jessica .~ in fact, Mr. Wright offered a statement
5 by Jessica saying she did not know about it until the 8th.

6 So this would be to show that they had pre-existing
knowledge. I can show you that on the report. That you
relied on that, therefore, they did have pre-existing
knowledge. And that because they had pre-existing knowledge
the knowledge of Sarah Cherry's location at **the Henckel**
residence could be directly inferred from the facts of the
case. It's relevant to that point.

One of the links *that the Law Court said I was*
missing in *the footnote was direct* knowledge by the Senecala
or Doug Senecal of the disappearance or the location of Sarah
Cherry at the time of death.

MR. WRIGHT: I'm going to object for the same
reasons I have been objecting right along. In the first
place, we are now being asked about the afternoon of the 6th
of July. This witness has said that something happened on
the afternoon of the 7th, which led Jessica to be upset. It
was thereafter she became troubled and upset.

MR. CONNOLLY: She said the 6th.

MR. WRIGHT: She said the 7th.

THE COURT: Number one, we better clarify that.

24

25

1 MR. WRIGHT: But in any event. the link cannot be
2 made through a witness who does not herself have personal
3 knowledge of those things.

4 MR. CONNOLLY: She heard it herself.

5 MR. WRIGHT: That makes it hearsay.

6 THE COURT: It's still hearsay. I think what we've
7 got to do is if this is what you are *trying to do. that the*
8 Senecal family knew this. then that has to come from **Jessica**
9 or from Maureen or even Doug himself. not from statements
10 that were made to this witness.

11 MR. CONNOLLY: Yes. I do understand that. My point
12 is that in the original underlying trial there was a
13 statement by Mr. Wright who had a report that said Jessica
14 never told anybody where Sarah was; that there was a switch.
15 She never told anybody. This is a clear *indication that was*
16 not so. More important. since Douglas Senecal in the
17 affidavit filed in the Court here now said that he didn't
18 know about it until the 8th until the 7th. He said he didn't
19 find out about it much later.

20 MR. WRIGHT: There is no affidavit filed by Doug
21 Senecal. It's not filed in the Court.

22 **THE COURT:** Even so. Tom. we still have the person
23 who knows whether or not there was a switch in baby-sitting
24 or arrangements would be the baby-sitter herself; namely
25 Jessica.

1 M.R. CONHOLLY: *She is lying about that to show she*
2 is if I can show she is lying.

3 THE COURT: You have to establish that first, then
4 you get her back to establish by showing a prior

5 MR. CONNOLLY: It was **done in the State's offer of**
6 **proof. When I tried to put the evidence on three years ago**
7 **you- -**

MR. WRIGHT: There was no testimony from Jessica
from the trial, because there was no purpose - -

MR. CONNOLLY: Because you wouldn't let it in.

MR. WRIGHT: I'm not sure what you are referring to.
I understand there was a report in the discovery from
Jessica, but I have no recollection of offering or saying
anything about it. This statement is, what is proposed is a
statement to impeach Jessica, who never testified to it.

MR. CONNOLLY: Except it *was made as an offer of*
proof.

THE COURT: It doesn't make it any less.

MR. WRIGHT: If it's offered for impeachment. It's
not substantive of anything. It's just impeaching evidence.

21 THE COURT: To cut off this whole thing, the
22 objection has to be sustained at the present time because
23 this has to come in - if it's going to come in through the
24 direct testimony of Jessica, and if Jessica takes the stand
25 and says no I was not scheduled to baby-sit **at the Henckels**

2 and it there was not a switch in baby-sitters, and it could
3 have been me rather than Sarah Cherry, then this is the lady
4 who comes back in and says: wait a minute. That's the way
5 it's got to come in.

6 MR. CONNOLLY: Very well.

7 (Whereupon the side bar ended)

MR. CONNOLLY: Nothing further.

CROSS--EXAMINATION

BY MR. WRIGHT:

Did I understand you to say that Jessica indeed did
baby-sit on July 6th, 1988?

A Yes,

Do you recall what day of the week that was?

A Not offhand, I don't.

4 Was there a day of the week that Jessica regularly did
not baby-sit for you will?

A Not to my knowledge. Well, generally she didn't
Fridays.

Q Did not on Fridays?

25 A Yes. Weekends she didn't ever baby-sit.

1 Q The affidavit that you had signed on the fourth of May
2 which has been filed with the Court in association with the
3 motion for new trial, does not say in it that Jessica
4 baby-sat on the 6th?

5 A I don't know. I said I don't know. I don't remember
6 what it says,

7 Q Let me show you a copy of it. Take a **look** at it.
8 That's your affidavit, isn't it?

A Yes.

Q Take a look at both pages.

A *Yes. That's my signature.*

Q That's the affidavit of the fourth of May of 1992?

A Yes.

Q Did you have a sufficient opportunity to read it?

A No.

Q Excuse me. Please read it.

(whereupon the witness read her affidavit)

A Then I'm confused about the days. But I do remember
several things in order -

THE COURT: Can we go back to that pending question.

BY MR. WRIGHT:

Q The question had been: the affidavit does not say that
Jessica was baby-sitting on the 6th, is that correct? It
says she was baby-sitting on the 7th?

A That it mentioned the 6th and the 7th *

2 Yes* But there is no mention with respect *to the 6th*
3 of her in fact baby-sitting on that day?

4 A If it doesn't mention it, it doesn't mention it,

5 O All right.

6 THE COURT: Well, what I would like for you to do,
7 since she has been questioned about this, and for purposes of
making an accurate record, would you read into the record
those two paragraphs or more that you were referring to so we
can have established as to the dates that Jessica baby-sat in
July and the days she did not,

MR. WRIGHT: The first relevant paragraph is
paragraph five which says: "Jessica had previously baby-sat
for us and we had requested that she sit on July 6th, 1988 o"
It further says: "I became aware at that time that she had
other commitments with some people on that day, and that she
made arrangements for somebody else to swop with her so she
could baby-sit for us."

With respect to July 7th, paragraph eight# "On July
7, 1988 in the early afternoon, I had a conversation with
Maureen Senecal who came to pick - came to my house to pick
up Jessica. The conversation involved the fact that Sarah
was missing, Douglas Senecal had later stated that I hope
it's not Sarah or one of her friends in reference to a
25 missing girl. What struck me was Jessica's reaction, which

1 was very emotional and was disproportionate under the
2 information that was then known,

3 THE COURTS Thank you.

4

5 BY @1R« WRIGHT:

6 Now, the affidavit also says nothing about any
7 troubling phone calls that occurred during this time period
in the summer of 1988?

A No.

You have told us -- tell me if I'm wrong - but your
memory about the specific days is now very - is much less
clear than it was four years ago?

A Yes.

And part of the reason for that is because a number of
people have talked to you and said things to you, and you now
can't sort out what you really can remember and what others
have said to you?

A What I remember are a series of events that happened
one day, the next day. What I'm having a hard time sorting
out is what day of the week that was. What day of the month,
Other people have fitted the day of the **week and the dates on**
to those days. What I remember *are* specific **events**
happenings this happened that night, that **happened** this
morning as a sequential thing. I **remember** that **very clearly,**
the order it happened.

1 Q One of the people with whom you spoke was a Ron Horan?

2 A Yes.

3 In fact, he initially contacted *you, which was when?*

A Last year. Last spring,

5 Q After he initially contacted you he remained in
6 contact with you, if not coming down to visit you by phone on
7 a regular basis; weekly almost?

A Very regularly. It petered off after awhile, but ^e

Q One **of** the difficulties you **have now** in trying to
recall the dates specifically, **information** that **he provided**
you by which you got confused about who was saying what
happened exactly when, whether you remembered it *or whether*
it was what he wanted you to remember?

A No. I'm no *more* confused with him than I am with you
now concerning the 6th or 7th or the 15th, I'm confused.

Now, Douglas Senecal is a godparent to your youngest
son?

A Yes.

Q And when did that relationship begin? When did you
nominate him as a godparent?

A I was trying to remember. He was about a year old.
So -- no. About four years ago. Jessica was two, She is
the Godmother.

Q Jessica Crosby?

25 A Yes.

1 Crosman?

2 A Yes,

3 I take it that you selected people to be Godmother and
4 Godparents of your children whom you like and trusted and
5 thought well-off?

6 **A** Yes,

7 Q Let me go back to the affidavit for a moment. The
present affidavit was not the original affidavit that you had
spoke with Mr. Moran about?

A I signed an affidavit for him, too.

Q That was later returned to you with changes having
been made that contained things which were inaccurate?

A Yes. What I signed initially was not what Mr.
Connolly said to me when he wanted me to sign it again * It
was different.

 The sequence of events were - Mr. Connolly discussed
with you what you thought he could swear to in the affidavit
and the - -

A What I did was make changes to the affidavit. Then
Mr. Connolly came to my house and witnessed what I signed *
made the changes. He had it typed up.

Q That's the present one?

A Yes.

Q And as I understand it, **even** as to that, **however, you**
now are unclear about the dates: July 6th and July 7th?

1 A Sitting here I'm confused, yes.

2 Q That's fine. And do you recall you met with Detective
3 Drake, sitting right here?

4 A Yes.

5 On June 24th?

6 A If you say so.

7 About a week ago?

8 A Yes.

9 You told him at that time, did you not, that you **were**
10 not sure of the day that Jessica baby-sat for you?

11 A No. I didn't say that, I said - I didn't say I
12 wasn't sure of the day she baby-sat. I'm sure of the
sequence of events, I'm not sure of the dates,

Do you recall telling Detective Drake it was the same
day that Maureen came to pick up Jessica -- strike that« You
knew Pamela Babine as well?

A I know her to see her. I'm not - *I don't know her.*

Do you recall when Detective Drake spoke with you
telling Detective Drake that Pam Babine would have done
anything to get Douglas Senecal in trouble?

A No, I said that she and the man she was living with
seemed to have this fight going on with Doug, this kind of
thing. I wasn't privy to all the details, I was -. **however,**
I did see some of the effect. I was privy to **some** of the
effect.

1 It appeared to you that Pamela, by the details, had a
2 chip on her shoulder about Douglas Senecal?

3 A Yes.

4 The details of which you were not aware of?

5 A Yes.

6 MR. WRIGHT: Thank you, very much.

7

REDIRECT EXAMINATION

BY MR. CONNOLLY:

Q Despite all this torturous questioning about dates,
you are certain that something really bothered you about what
happened in that time frame?

A Very definitely, yes.

 These are people that you had a very close
relationship with before?

A Yes.

 And you don't come in here lightly, do you?

A No,

 MR. CONNOLLY: *Thank you.*

 MR. WRIGHT: Nothing further.

 THE COURT: Thank you, **You** may step down.

 We are *going to recess at* the present time. And we
will resume the trial of this matter next Wednesday, July.8th
25 at 9 a.m. Thank you.

(The hearing concluded for the day at 4:40)

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