



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## INDEX OF TESTIMONY

	Direct	Cross	Redirect	Recross
RALPH JONES				
By Mr. Connolly	220		382	
By Mr. Wright		318		391
PAMELA BABINE				
By Mr. Connolly	395		453	
By Mr. Wright		417		
GERLAD PARADIS				
By Mr. Connolly	457		481	
By Mr. Wright		474		

## INDEX OF EXHIBITS

		Offered	Admitted
Defendant's Exhibit #	3	316	316
	4	315	316
	5	316	316
	6	316	316

## TRANSCRIPT OF PROCEEDINGS

(This matter came on before the Honorable Carl O. Bradford, at Rockland, Maine in the Superior Court, Knox County Courthouse on July 8, 1992 for hearing commencing at 9:25 a.m.)

THE COURT: Mr. Connolly, you may call your first witness.

MR. CONNOLLY: Good morning, your Honor. Thank you very much. The defense would call Ralph Jones. I understand he is out back.

THE CLERK: Please raise your right hand and state your name.

THE WITNESS: Ralph Jones.  
Thereupon,

RALPH JONES

was called as a witness and, after having been duly sworn, was examined and testified as follows:

## DIRECT EXAMINATION

BY MR. CONNOLLY:

Q Good morning, Mr. Jones.

A Good morning.

Q Would you please state your full name.

A Ralph Leon Jones.

- 1 Q And how old are you, sir?
- 2 A 37.
- 3 Q And what do you do for work?
- 4 A I'm unemployed right now.
- 5 Q When you do work what do you do for work?
- 6 A I drive a truck. Siding.
- 7 Q Do you work for yourself or are you employed
- 8 with somebody else?
- 9 A Self.
- 10 Q How long have you been doing that kind of work?
- 11 A Oh, 15 years.
- 12 Q How much education have you had, sir?
- 13 A 10th grade, went in the service, GED, and
- 14 college after out of the service. I went two
- 15 terms, business.
- 16 Q And are you married, single or divorced?
- 17 A Single.
- 18 Q Do you have any children?
- 19 A Yes, one son.
- 20 Q What is your son's name?
- 21 A Jarett.
- 22 Q How old is Jarett?
- 23 A 13.
- 24 Q Does he live with you on a regular basis or on
- 25 an intermittent basis or what?

1 A Regular.

2 Q Do you own property in Maine, sir?

3 A Yeah.

4 Q Where?

5 A In Bowdoin.

6 Q How long have you owned property in Bowdoin?

7 A Nine years.

8 Q Where in Bowdoin do you own property?

9 A On Dead River Road. I am in the process of  
10 selling it.

11 Q How long have you been in the process of selling  
12 that particular parcel, a long time?

13 A A year.

14 Q And is there a structure on it, is there a house  
15 or a trailer or something?

16 A A house/trailer.

17 Q How long has the house/trailer been on that  
18 property?

19 A When I got there -- now just a year and a half.

20 Q Had there been one there before?

21 A Yeah.

22 Q Sir, I am turning your attention to what is  
23 going to be marked for identification purposes  
24 exhibit -- Defense Exhibit Number 3. We will  
25 take a few minutes just so we can orient the

1 court.

2 Sir, I just want if you would to take a  
3 little walk in the area on Defendant's Number  
4 3. First of all, can you identify what this is  
5 supposed to be?

6 A Yeah, it's a map.

7 Q Of what?

8 A Of Bowdoin, Dead River Road, Litchfield Road.

9 Q Okay. Turning your attention to what is marked  
10 the Lewis Hill Road, the Dead River, Sandy Knoll  
11 Road, in this area here, sir, where is your  
12 house located? If you would mark with a marker  
13 the location.

14 A Here is the river right here and there's a  
15 bridge, a steel bridge. I used to own right  
16 from the bridge up, 850 feet, and my driveway is  
17 right there.

18 Q Perhaps we could use a little bit larger  
19 marker. I forgot mine.

20 THE CLERK: I have to send out for  
21 one.

22 MR. CONNOLLY: That's all right.

23 BY MR. CONNOLLY:

24 Q If you could mark a little bit darker,  
25 Mr. Jones, so it's easier for the court to see

1 from a distance.

2 If it's all right with the court I have a  
3 small pen that would be helpful to the court.

4 THE COURT: I have a red felt-tip pen  
5 that would work a little better.

6 MR. CONNOLLY: Would the court like a  
7 small version of the map for the desk?

8 MR. WRIGHT: This is a national  
9 geographic survey of the area that I have, it  
10 was an exhibit and therefore is already in  
11 evidence before you for this hearing.

12 MR. CONNOLLY: They are both helpful.  
13 I think this one is a little bit larger, the  
14 geological survey is --

15 MR. WRIGHT: The smaller one is what I  
16 meant, the national geological survey.

17 MR. CONNOLLY: Fine.

18 MR. WRIGHT: You were referring to a  
19 smaller map.

20 MR. CONNOLLY: I just want to make  
21 sure the court can see.

22 THE COURT: Yes.

23 THE WITNESS: Right here.

24 MR. WRIGHT: This is -- was State's  
25 Exhibit 23 at the time of the trial.

1 MR. CONNOLLY: I have no objection to  
2 the court having it if it's instructive,  
3 whatever the court wishes.

4 THE COURT: Fine.

5 THE WITNESS: Do you want me to show  
6 you on that map?

7 MR. CONNOLLY: Give him a minute to  
8 get oriented.

9 THE WITNESS: This is Lewis Hill Road  
10 and this is Dead River Road. There's a river  
11 right here with a steel bridge. I used to own  
12 -- I sold part of that -- 850 feet right from  
13 that river right there right up to here is my  
14 driveway.

15 THE COURT: Okay.

16 BY MR. CONNOLLY:

17 Q Thank you, sir.

18 Still turning your attention to what's been  
19 marked Number 3 so that we can have some common  
20 reference points, the area that you have marked  
21 now if you would just go over that in red again,  
22 this is the location of where your house is?

23 A Yeah.

24 Q Correct?

25 A (Motions head up and down.)



1 Q If you would for the court can you explain how  
2 the house is located as it relates to the  
3 roadway, is it set back from the roadway, can  
4 you describe for the court?

5 A Set back. My trailer was set back about 300  
6 foot length wise right here. It's about a 250-  
7 , 300-foot driveway.

8 Q Is the driveway paved or unpaved?

9 A Unpaved.

10 Q You have lived in this area about nine years on  
11 and off?

12 A Yeah.

13 Q And are the roadways leading from the Lewis Hill  
14 Road to the Dead River Road, is that a dirt road  
15 or is that a paved road, sir?

16 A Dirt road.

17 Q Has it pretty much always been a dirt road?

18 A Yeah.

19 Q Is there a difference in the roadway now  
20 compared to what it was like in 1988?

21 A Yeah, they built it up.

22 Q And built it up means that they have paved it  
23 and leveled it?

24 A Built it up higher because it used to flood out  
25 all the time.

1 Q So the physical roadway is slightly different  
2 but the route is the same?

3 A About six inches, that's the only difference.

4 Q Other than that the roadway and the geographic  
5 locations are the same?

6 A The same.

7 Q You were living in that area, excuse me, in that  
8 trailer, sir, in July of 1988?

9 A Off and on.

10 Q We will get to that off and on part in a moment,  
11 but off and on in July of 1988 that's where you  
12 were; is that right?

13 A Yeah.

14 Q Is there another roadway that you are familiar  
15 with, the Hallowell Road up higher?

16 A That's Hallowell Road right here, it goes up to  
17 Litchfield Corners, the store and the school.

18 Q You are familiar with that roadway also?

19 A Yeah.

20 Q And are you familiar now with the location where  
21 Mr. Buttrick lived?

22 A Yeah, right up here.

23 Q Can you mark just a location in pen?

24 A House/trailer right here.

25 Q If you could mark with a B for Buttrick just so

1 we get an orientation as to where things were.

2 A B. Right there is a trailer and there's a white  
3 farmhouse on the corner.

4 Q So in relation to Mr. Buttrick's you are about  
5 how far is that distance would you say, sir?

6 A From my house to Buttrick's?

7 Q Yes, sir.

8 A It's one mile to Buttrick's because it's a mile  
9 and one tenth to the end of the road.

10 Q And do you know where the Henkel residence is?

11 A The Henkel residence is down in here somewhere.

12 Q On the Lewis Hill Road?

13 A Yes.

14 Q If you would mark with a H where that is located  
15 approximately, sir.

16 A (Witness complies.)

17 MR. CONNOLLY: Your Honor, if I may  
18 for the record, Mr. Wright has with him a map  
19 that has been previously introduced into  
20 evidence that shows a variety of locations.  
21 This had been previously marked State's Exhibit  
22 1-B and admitted into evidence.

23 MR. WRIGHT: I am sorry, the map  
24 itself is 1-A. The ruler -- the court may  
25 remember we had a ruler so the jury could have

1 it. The ruler is 1-B.

2 THE COURT: Very well.

3 MR. WRIGHT: That was State's 1-A and  
4 -B.

5 MR. CONNOLLY: I think it would be  
6 illustrative to use a combination of these  
7 because we have some premarked locations that  
8 have already been testified to and we have some  
9 common language to use, so if we may refer to  
10 both of these so that our information is more  
11 complete.

12 THE COURT: All right.

13 BY MR. CONNOLLY:

14 Q Do you know now, sir, where the command post had  
15 been set up at the time of July 6th and 7th of  
16 1988?

17 A Command post, right here, parked right beside  
18 the road, that was there.

19 Q And now based on your information do you know  
20 where the deceased body was found?

21 MR. WRIGHT: Your Honor, I object to  
22 information. The questions are phrased does he  
23 know now based on information. I would like to  
24 know what his personal knowledge was at the  
25 time, not what he has been told since then.

1 THE COURT: Sustained.

2 MR. CONNOLLY: Yes, sir.

3 BY MR. CONNOLLY:

4 Q That's all right. If you would return back to  
5 the seat -- your seat for now we will discuss  
6 some things.

7 Mr. Jones, do you know a person by the name  
8 of Douglas Senecal?

9 A Yes, sir.

10 Q And how long have you known Douglas Senecal?

11 A Well, since '72 he came -- '72 -- '71, '72 he  
12 came to school in Lisbon Falls.

13 Q And were you in Lisbon Falls High School  
14 together?

15 A Yep.

16 Q And you didn't graduate from high school because  
17 you --

18 A No.

19 Q -- went into the service?

20 A Yes.

21 Q But did you know him during that period of time?

22 A Yeah, from school.

23 Q How well would you say that you knew him, were  
24 you chummy with him, were you friendly, did you  
25 associate with him?

- 1 A No, just talked with him back then off and on at  
2 school, not chummy with him.
- 3 Q Can you speak up nice and loud, please.
- 4 A I wasn't chummy with him that much.
- 5 Q But you knew who he was?
- 6 A Because when he came to school I think I was in  
7 10th grade and I went in the service after  
8 that.
- 9 Q Upon returning from the service did you have  
10 further opportunity to meet Douglas Senecal?
- 11 A Yeah.
- 12 Q About when was that and under what  
13 circumstances, sir?
- 14 A Well, just -- I knew his brother, sister and  
15 just, you know, circumstances, and just meeting  
16 him off and on.
- 17 Q Had you ever been over to his house?
- 18 A Mr. Senecal's?
- 19 Q Yes.
- 20 A When we was in school or?
- 21 Q After school, after the service?
- 22 A No, that was in school I was over his house.
- 23 Q How often were you over his house when you were  
24 in school?
- 25 A Just once.

1 Q After school --

2 A Well, no. I knew Steve. I had been over there  
3 with Steve, his brother, so I hung around with  
4 him for a little while, two or three times I  
5 guess. I can't remember.

6 Q And after school were you still friendly with  
7 Doug's brother, Steve?

8 A Yeah.

9 Q And with his sister also?

10 A Yeah.

11 Q And did you get on occasion opportunities to  
12 meet with Doug Senecal?

13 A Yeah.

14 Q And had Doug Senecal ever been to your house?

15 A Yeah.

16 Q How often?

17 A Well, he just came out once and it was '84, I  
18 think we established that. He came out with  
19 Bill Crosman, he was doing Bill Crosman's house,  
20 sheetrocking.

21 Q Where was Bill Crosman's house?

22 A Bill Crosman. Let's see, it was -- I don't know  
23 if I can show it on the map. It's on --

24 Q In the general area of where we are looking,  
25 sir?

1 A Yeah, it's on this Meadow Road up here.

2 Q On the Meadow Road?

3 A Yeah.

4 Q And did Doug Senecal ever go to your trailer on  
5 the Dead River Road?

6 A He came in the yard, he didn't come in the  
7 trailer.

8 Q When was that, approximately?

9 A Oh, it was winter of '84, I think.

10 Q Did you know other members of Doug's family  
11 other than his brother and sister? Do you know  
12 Billy Crosman, for example? Is he a close  
13 friend of yours or not a close friend or how  
14 would you characterize your relationship?

15 A No, we have been close, you know, off and on for  
16 years since high school.

17 Q How often would you see him, on a fairly regular  
18 basis?

19 A Well, yeah, now, but I have been gone for two  
20 years and I ain't seen him the last two years.

21 Q There was a period of time after 1988 when you  
22 left the State of Maine?

23 A Yes.

24 Q From 1988 until about 1991 were you down in  
25 Florida?



1 A Yeah.

2 Q But prior to that period of time during 1988 you  
3 were friendly with Billy Crosman?

4 A Yes. He stayed at my house.

5 Q How often would Bill stay at your house?

6 A Oh, he lived there off and on. He had a camp  
7 with his boy and girlfriend and he lived at the  
8 camper quite a while.

9 Q When you say for quite a while, is that already  
10 almost a year?

11 A About six, eight months I guess off and on.

12 Q During that six to eight months when Bill  
13 Crosman lived at your property were there times  
14 when Doug came over to visit him that you are  
15 aware of?

16 A No. He was gone.

17 Q During this period of time did you get to know  
18 any of the members of the Crosman or Senecal  
19 family, the children?

20 A Did I know them?

21 Q Yes. Did you get to meet them?

22 A Yeah, down at a beach last -- I think it was  
23 right around '87, '88, I went down to one of  
24 Billy's -- I don't know which one owned it but  
25 Billy's brother owned a camp.

1 Q And you met with some of the children and what  
2 have you there?

3 A Yeah, down there.

4 Q Do you know a person by the name of Chris  
5 Crosman?

6 A Yes.

7 Q How long have you known Chris Crosman?

8 A About off and on since I have known Billy. We  
9 went to school together and -- I didn't go to  
10 school with Chris, I went with Billy.

11 Q So about 20 years you have known Chris?

12 A 15.

13 Q 15?

14 A Off and on.

15 Q How well do you know Chris?

16 A Just through Billy, brothers.

17 Q You met with him a dozen times, maybe more?

18 A Through the years, yeah.

19 Q And did you know his stepdaughter, Sarah Cherry?

20 A Yes.

21 Q How many times had you met with Sarah?

22 A The last time I think I saw her was at the  
23 beach, that time we went to the beach in '87  
24 I think it was. I am not sure of the year we  
25 went down there for a cookout.

1 Q Do you know a person by the name of Gilbert  
2 Austin?

3 A Yes.

4 Q Who was Gilbert Austin, sir?

5 A He's a friend of mine, he is Sarah's father.

6 Q How do you know Gilbert Austin?

7 A School.

8 Q And had he been over to your house?

9 A Oh, yeah.

10 Q Many times?

11 A Yeah.

12 Q How many times would you say many would be  
13 during the period up until 1988?

14 A Oh, I don't know, 15, 20 times I guess.

15 Q Turning your attention, sir, to July 1988 you  
16 were indicating that you were living off and on  
17 on the Dead River Road; is that right?

18 A Yes.

19 Q What were you doing at that time for work?

20 A I weren't working, I just sold the lands and I  
21 was on my way to Florida. I was going to stay  
22 in New Hampshire, traveling back and forth  
23 getting ready to move to Florida.

24 Q Did you have a phone at that time?

25 A Yep.

1 Q When did you leave the State of Maine in 1988,  
2 do you recollect?

3 A Two, three -- two to five days after the  
4 incident.

5 Q The incident you are referring to was when all  
6 the police had a command post and there was a  
7 search for a little girl?

8 A Yeah.

9 Q You remember that incident distinctly?

10 A Yeah.

11 Q Turning your attention to that time frame in  
12 July of 1988, do you recollect the date of July  
13 6, 1988, sir?

14 A Yes.

15 Q And how is it in a general sense that you  
16 recollect that date?

17 A Well, we came -- I came up from New Hampshire  
18 and I was going to stay there for a couple of  
19 days and I -- the electricity was unhooked, I  
20 was planning on going to the movies so I started  
21 the generator up and -- to run the pump and  
22 everything, clean up to go to the movies, and  
23 after we got done I was out putting the  
24 generator back in the car, closing it up, and I  
25 heard a truck come down and pull down, and it

1 pulled down about 50 feet past my driveway on  
2 the left and --

3 Q This is on the Dead River Road, sir?

4 A Yeah.

5 -- and I started to run down there.

6 Q Why did you start to run down, just because you  
7 heard a truck?

8 A Well, because they pulled right over and some --  
9 they pulled over to the left. You know, they  
10 were going kind of fast and they pulled over,  
11 and I turned and looked and I heard him talking,  
12 then I heard him say, "Get out and go --"

13 MR. WRIGHT: Excuse me, I object.

14 THE COURT: Sustained.

15 BY MR. CONNOLLY:

16 Q We will go nice and slow, Mr. Jones, okay?

17 You heard a truck pull in rather fast to  
18 the location at the bottom of your driveway?

19 A Yeah.

20 Q It wasn't in your driveway itself, though, was  
21 it?

22 A No.

23 Q How long to the driveway was it?

24 A 50 feet.

25 Q Now, that area that's 50 feet from your

1 driveway, is that visible from your house?

2 A No, not from my driveway.

3 Q From your house compared to where you saw the  
4 truck or heard the truck is there a shorter  
5 distance than your driveway? In other words,  
6 the driveway goes one angle whereas the truck  
7 was at a different angle from the house; is that  
8 right?

9 A Yeah, the truck was right here. I ran up and  
10 the truck pulled over right here, 50 feet, and  
11 then I heard him say, "Get out and go --"

12 MR. WRIGHT: Excuse me, your Honor, I  
13 object.

14 THE COURT: The objection is  
15 sustained.

16 MR. CONNOLLY: I will be careful with  
17 this witness. I understand the witness and I  
18 will take it slow.

19 BY MR. CONNOLLY:

20 Q Without saying what anyone said, Mr. Jones, we  
21 are going to go through this nice and slow,  
22 okay?

23 You observed the truck in that location; is  
24 that right?

25 A Yeah.

1 Q Now, had you had some difficulties in your house  
2 that made you particularly sensitive to the  
3 sounds of traffic in the area?

4 A Yes.

5 Q What was that difficulty?

6 A Break-ins.

7 Q How many times had your house been broken into?

8 A Oh, out there quite a few times. Let's see,  
9 motorcycle, stereo, house --

10 Q Three or four times anyway?

11 A Five to six times.

12 Q Is that in part because you travel and when you  
13 came back you would find that your place had  
14 been gone through and things taken?

15 A Yes.

16 Q Had any of those five or six times your place  
17 had been -- you have had items stolen, on any of  
18 those times you were home?

19 A When I was living there --

20 Q Right.

21 A -- and just gone? Yeah.

22 Q Were there any times when you were actually  
23 physically in the structure when someone stole  
24 items from you or broke in?

25 A No.

1 Q So those incidents took place when, in '87 and  
2 '88?

3 A Yeah, through there.

4 Q Just prior to July of '88 had there just been an  
5 incident when someone stole from you?

6 A Let's see, I think they stole my boy's  
7 motorcycle.

8 Q About when was that, do you recollect?

9 A Well, it got stolen three times and I found it  
10 three times. I can't -- I am trying to think  
11 what days -- you know, when it got stolen, but  
12 it was in -- it was before I sold the land that  
13 it got stolen.

14 Q When did you sell the land, do you recollect?

15 A I sold it in April of '88.

16 Q So in the time frame of just before April of '88  
17 that was the last burglary or theft from your  
18 home that you recollect?

19 A Yeah. I can't think of the right month now but  
20 it was before then.

21 Q Okay. Had you expected yourself to be home on  
22 the July 4th weekend or had you been traveling  
23 that July 4, 1988 weekend?

24 A I had been traveling. I was in New Hampshire  
25 July 4th and I came back to Bowdoin.



1 Q How often was it that you were living at the  
2 property in Bowdoin, were you there twice a  
3 week, three times a month, approximately?

4 A I would come up and stay two or three weeks and  
5 try and get everything ready to go to Florida,  
6 and I had a dispute on the land with one of the  
7 persons I sold the lands to, that's why I was  
8 waiting, to get the rest of the money.

9 Q Turning your attention then back to July 6, 1988  
10 when you heard the sound of a truck, why did you  
11 go out to investigate?

12 A Because I thought there was somebody going to  
13 break into the -- my place.

14 Q Okay. Now, approximately what time are we  
15 talking, do you recollect?

16 A It was right -- between 7:30 and 8:30 because we  
17 was going to the movies and we missed the first  
18 one because of that and we went to the second  
19 movie in Lewiston.

20 Q So it was still light out at the time?

21 A Yes, sir.

22 Q Now, who was with you in the house, was your son  
23 with you in the house?

24 A My son was in the trailer. I was outside when  
25 the truck pulled over, putting a generator in

1 the car.

2 Q And so where was the car located in relationship  
3 to the house?

4 A It was right on -- it was right next to my  
5 trailer, backed right in lengthwise, going the  
6 same way as my house/trailer was.

7 Q Okay.

8 A Backed right in.

9 Q Can you tell us what you did and what you saw,  
10 not what you -- not what somebody said but when  
11 you heard the truck pull into that spot what did  
12 you do and what did you see if you would, sir?

13 A All right. I ran down halfway, I stopped, I  
14 listened, I ran down to the end, then I saw the  
15 red and white truck taking off.

16 Q We will go through this step by step if we  
17 could, sir.

18 When you heard the truck stop you went  
19 running down the driveway?

20 A Right.

21 Q Approximately how far had you gone down the  
22 driveway when you stopped to listen?

23 A Probably about 150 feet.

24 Q Is that approximately halfway or more?

25 A Halfway.

1 Q Then without saying what you heard you did hear  
2 something; is that right?

3 A Yeah.

4 Q Let me ask you, did you hear the sound of human  
5 voices?

6 A Yes.

7 Q Were the voices -- how many voices did you hear?

8 A Two males and one little female.

9 Q Without saying what was said could you hear and  
10 understand words being said?

11 A One distinctly because it was hollered, a raised  
12 voice.

13 Q So you heard a raised voice with words that were  
14 understandable?

15 A Yes, sir.

16 Q Was that a male voice or a female voice?

17 A Male.

18 Q Was that a voice which you recognized?

19 A I didn't recognize it at the time but it sounded  
20 familiar, which was in my first statement to  
21 the --

22 Q To the?

23 A -- police.

24 Q To the police. We will get to your statements  
25 to the police in a moment, but you heard a voice

1           which was familiar to you?

2           A    Yes.

3           Q    Did there come a time when you recognized that  
4           voice?

5           A    Yes.

6           Q    How did that come about, how did you come to  
7           know who the voice was or recognize it?

8           A    Well, because I was trying to find out  
9           everything, and it didn't until after everything  
10          calmed down and I kept going through because --  
11          I don't know if you want to get into this right  
12          now because when I went down there  
13          Mr. Dechaine's name was mentioned.

14          Q    Okay. This is in reference to talking to the  
15          police?

16          A    Yeah.

17          Q    Okay, so before we get to that point there came  
18          a time when you talked to the police in which  
19          the sound of the voice became recognizable?

20          A    It was familiar and I was trying to think then  
21          even on the way to the movies because I have had  
22          people that I known stole from me and I was  
23          trying to think on the way.

24          Q    Do you know now, sir, whose voice you believe  
25          that to be?

1 A Yes.

2 Q Whose voice do you believe that to be?

3 A Doug Senecal's.

4 Q Without saying what the words were, were they  
5 angry or were they calm?

6 A Angry.

7 Q Was there a sound that you could hear from the  
8 little girl's voice without saying anything that  
9 she may have said?

10 A Yes.

11 Q Was that voice happy or sad?

12 A It sounded like it was, you know, happy or sad,  
13 like crying or laughing.

14 Q Without saying what she said can you  
15 characterize?

16 A She didn't -- I didn't hear her say no words, I  
17 just heard her crying -- you know, it sound like  
18 crying or laughing and it was muffled.

19 Q Did you hear the sound of the third voice?

20 A Yes.

21 Q Who did you hear?

22 A I just heard one word clearly.

23 Q Do not say what it was.

24 A Oh, yeah.

25 Q But that voice was distinguishable from the

1 first male voice?

2 A Yes.

3 Q Do you know --

4 A Just one word and the rest was muffled.

5 Q As you heard these sounds what was your  
6 impression as to the activity in the truck, was  
7 there a commotion going on, what was -- based on  
8 what you heard could you figure out or did you  
9 believe yourself that you knew what was  
10 happening in the truck?

11 MR. WRIGHT: Object.

12 MR. CONNOLLY: I am trying to get his  
13 mental sense, impression so that the court can  
14 glean without hearsay as to what the ambiance of  
15 the sound was in its totality.

16 MR. WRIGHT: Without having seen  
17 anything, which he acknowledges he did not as I  
18 understand it, I think there's an insufficient  
19 foundation for him to give a personal opinion as  
20 to what was going on.

21 THE WITNESS: I saw the truck.

22 THE COURT: Just a moment.

23 MR. CONNOLLY: If I may --

24 THE COURT: You are given one of two  
25 choices --

1 MR. CONNOLLY: I could rephrase the  
2 question, Judge, and that would be easiest, sir.

3 BY MR. CONNOLLY:

4 Q Mr. Jones, did you see the truck?

5 A Yes.

6 Q And you heard a male voice. Was it yelling or  
7 was it quiet? How would you characterize that?

8 A It was yelling. He was out -- that yelling  
9 voice was outside the truck.

10 Q And that voice is the one that you now know to  
11 be Doug Senecal?

12 A Yes.

13 Q And Doug Senecal was yelling in an angry manner?

14 A Yes.

15 Q And the girl's voice was either laughing or  
16 crying?

17 A Yeah, muffled sound with her head down or  
18 something.

19 Q And the other voice you could not distinguish?

20 A Just one word.

21 Q And that was from inside of the truck?

22 A Yeah.

23 Q Now, at the time was the conversation, the words  
24 that you heard spoken very rapidly or were they  
25 spread out over time?

1 A No, it was rapid because I was running down  
2 there. I wouldn't have stopped, you know --

3 Q Would you say that the sounds of the voices were  
4 excited?

5 A The distinctive one was excited.

6 Q Which voice was that?

7 A The one of --

8 Q Doug's voice?

9 A Yeah. The one that was out -- Doug was outside  
10 the truck because I heard the door, he got back  
11 in, and I heard the door shut.

12 Q What did you do at that point when you heard the  
13 door shut?

14 A I ran down the rest of the way and that's when I  
15 saw the truck driving off.

16 Q You saw the truck drive away? How far were you  
17 when you saw the truck drive away?

18 A Oh, I was probably about 500 feet down the road  
19 because I got three numbers of the license  
20 plate.

21 Q If we stop here for a minute. 500 feet in your  
22 description would be approximately in this  
23 courtroom from where you are sitting to where,  
24 about how far just to get a perspective?

25 MR. WRIGHT: Excuse me, 500 feet?



1 THE COURT: Wait a minute. Did you  
2 say 500 feet?

3 MR. CONNOLLY: Yes.

4 THE COURT: The witness has testified  
5 to 500 feet and your question is --

6 MR. CONNOLLY: I just want to get --

7 THE COURT: -- for him to relate 500  
8 feet to --

9 MR. CONNOLLY: To this courtroom --

10 THE COURT: Just a moment. I am  
11 ruling on an objection. Wait until the question  
12 comes.

13 MR. CONNOLLY: I want to get him -- he  
14 has said 500 feet and I want him to put some  
15 concrete existence insofar as a comparison as  
16 possible and I am asking him to say in terms of  
17 this courtroom about how far away he believed  
18 the truck was.

19 THE COURT: If he can make an  
20 estimate, he may.

21 BY MR. CONNOLLY:

22 Q Approximately how far based on using this  
23 courtroom as an example would you say 500 feet  
24 is, sir?

25 A Well, I can't. There ain't 500 feet in here.

1 Q So longer than this courthouse, outside that  
2 distance?

3 A Yeah.

4 Q Were you able to see the truck?

5 A Yes, sir.

6 Q And you were able to see it to the point where  
7 you were able to obtain some license plate  
8 numbers?

9 A Three letters -- three pieces of it.

10 Q Okay. I am showing you, sir, an exhibit that  
11 has been marked Defendant's Exhibit Number 4 for  
12 identification purposes and ask if you can  
13 identify this Number 4?

14 A Yes. It is a red and white truck that I saw, a  
15 Ford.

16 Q And turning your attention to the license  
17 number, is that license number familiar to you?

18 A I just remember double digits.

19 Q You don't recollect at this time in court what  
20 the license number was?

21 A No. I had it written down. I gave it to the  
22 detective.

23 Q We will get back to that in a minute, Mr. Jones.

24 As things stand, Defendant's Exhibit Number  
25 4, is that consistent with the truck that you

1 saw?

2 A Yes, sir.

3 Q Is there any difference between Defendant's  
4 Number 4 and the truck that you saw except that  
5 there's no people in the picture?

6 A Any difference?

7 Q Right.

8 A No, I saw the side of it and the back of it. I  
9 saw this side and the back of it pulling off.

10 Q And you saw it pulling off -- you saw the side  
11 that's in the photograph and the back-end side?

12 A Yeah.

13 Q Had you seen that truck before?

14 A No.

15 Q Are you sure that that truck was the same as in  
16 number four?

17 A Yes.

18 Q What happened next?

19 A As we were driving off and I got the plate  
20 number, part of it, Gary Jasper drove up, he was  
21 traveling at a high rate of speed, and I turned  
22 around --

23 Q Let's stop for a minute.

24 Gary Jasper is a person that lives where?

25 A On Lewis Hill Road.

1 Q On the road that connects with the Dead River  
2 Road?

3 A Yeah.

4 Q And that's where the Henkels live you now know?

5 A Yeah.

6 Q And Gary Jasper pulled up. Which way was he  
7 traveling?

8 A He was traveling the same direction the truck  
9 was pulling off, up towards the Litchfield Road.

10 Q Okay. And do you know Gary Jasper?

11 A Yes.

12 Q How long have you known Gary Jasper?

13 A Oh, I known him probably six years.

14 Q When Gary Jasper pulled up to you, without  
15 saying anything that he said, did you have a  
16 conversation with him?

17 A Yes.

18 Q And did you inform him about what you suspected  
19 was happening with the red and white Ranger  
20 pickup truck?

21 A Yes.

22 Q And did you ask him to do something?

23 A Yes.

24 Q What did you ask him to do?

25 A To -- well, I didn't ask him, he told me, he

1       says --

2                   MR. WRIGHT:  Objection.

3                   THE COURT:  Sustained.

4                   MR. CONNOLLY:  You can't quote  
5       somebody who is not in court, okay?

6                   THE WITNESS:  All right.

7       BY MR. CONNOLLY:

8       Q   He had conversation with you, he told you  
9       something?

10      A   Yeah.

11      Q   As a result of the conversation what did he do?

12                   MR. WRIGHT:  I object unless he knows  
13      personally.

14      BY MR. CONNOLLY:

15      Q   If you know.  Do you know what he did next?

16      A   Yeah.

17      Q   How do you know?

18      A   How do I know what he did?

19      Q   Yes.

20      A   Because I saw him and he told me.

21      Q   Take away the part where he told you.  What did  
22      you observe?

23      A   I observed him going up -- well, the truck, I  
24      was still watching the truck and it pulled --  
25      there's a knoll right here.

1 Q A knoll? A knoll is -- how high was the knoll?

2 A There's a hill, a grade -- 30 percent grade I'd  
3 say.

4 Q Okay.

5 A Right here, it was sitting there for 30 seconds,  
6 about 30 seconds.

7 Q Okay, meaning the pickup truck --

8 A The pickup truck.

9 Q -- that you had just seen at the foot of your  
10 driveway?

11 A Yeah, and it was looking down this old wood road  
12 right here.

13 Q If you would mark where that wood road is, sir.  
14 You saw the truck stop in front of that?

15 A Yeah.

16 Q Are you familiar with that wood road?

17 A Yes, sir.

18 Q How are you familiar with that wood road, from  
19 living in the area?

20 A Yeah, living in the area, hunting, walking down  
21 there.

22 Q Had you been down there before?

23 A Yeah.

24 Q How many times?

25 A Oh, I drove down in there hunting, I have been

1 down there, gone in there a couple of times, you  
2 know.

3 Q What is in that wood road, is there anything  
4 down that way?

5 A You can walk down, it's a path and it's all  
6 cleared woods and you walk down a thousand feet,  
7 1500 feet, you have two old rusted junk cars,  
8 one piled on top of each other.

9 Q Is there a trailer down there?

10 A No.

11 Q Was there at the time?

12 A No, never a trailer there.

13 Q Is there another trailer nearby?

14 A Yeah -- well, one now but that weren't there  
15 then. You go up here about what is it, another  
16 thousand feet or so, two tenths of a mile,  
17 there's a road that goes up in here, there's a  
18 camp up in there and there was a blue and white  
19 trailer parked at an angle right there.

20 Q Okay. When you first saw the red and white  
21 pickup truck on the knoll it was directly across  
22 from that woods road?

23 A Pulled -- yeah, pulled right over, not in this  
24 way, just pulled over like a U and sat there for  
25 about 30 seconds.

1 Q What did you do at that time?

2 A That's when Gary Jasper went after it.

3 Q And what happened next?

4 A Well, he took off, Gary went up through.

5 Q Did you lose sight of them at that time?

6 A Yeah, I see them pull off, lost sight of them  
7 because it goes down a hill, and Gary went after  
8 them and he went up all the way to this road.

9 Q You don't know, you couldn't see where Gary  
10 went, correct?

11 A I could see -- well, I see him on this knoll, it  
12 goes down and then on up the other knoll up  
13 passed here and he went passed here.

14 Q So you saw Gary's truck continue straight down  
15 the Dead River Road?

16 A Car.

17 Q Excuse me, car. Down the Dead River Road?

18 A Yes.

19 Q Did you see the red pickup, red and white pickup  
20 truck continue down the road?

21 A It continued from here.

22 Q Yes.

23 A Then he went down the knoll and I lost sight of  
24 him.

25 Q From where the knoll drops down the truck



1 disappeared from there?

2 A Right.

3 Q You saw Gary's car continue forward?

4 A Yeah, he went up over the knoll and I could see  
5 the dust flying because he was going fast.

6 Q Did he come back to you, Gary?

7 A Yes.

8 Q After about how much time had elapsed?

9 A Oh, it don't take a minute and a half.

10 Q At that time you had a conversation with him?

11 A Yeah.

12 Q About the truck?

13 A Yeah.

14 Q And without saying what he said, what did he do  
15 next?

16 A Without saying what he said?

17 Q Right.

18 A He came back and said what he said and left.

19 MR. WRIGHT: I will accept that.

20 BY MR. CONNOLLY:

21 Q Based upon -- what did you do after Gary left?

22 A I went back and got in my car, drove out --  
23 well, I checked the tire marks right while I was  
24 there while he was up chasing it.

25 Q Let's stop for a minute.

1           You checked what tire marks where, sir?

2   A   Where the red and white truck pulled over.

3   Q   Where, next to your driveway?

4   A   Next to my driveway.

5   Q   Were there tires marks there next to your  
6       driveway that you could see?

7   A   Yes.

8   Q   And what did you do after you saw those tire  
9       marks?

10   A   Well, I looked at them. Gary came back and  
11       left. I went and got the car and we was going  
12       to the movies, going to Lewiston this way, and I  
13       checked them tire marks right here, stopped  
14       here, checked the tire marks here and -- checked  
15       the tire marks, they had pulled up in there  
16       where that blue and white trailer were, and they  
17       were all the same three tire treads.

18               MR. WRIGHT: Excuse me, I object. If  
19       he is suggesting that the tire tracks matched  
20       each other I move that that testimony be  
21       stricken. He has absolutely no expertise that I  
22       have heard about in analyzing or comparing tire  
23       tracks, unlike Detective Otis who testified at  
24       trial.

25               THE COURT: The objection is

1           sustained.

2                   MR. CONNOLLY:  If I may, the objection  
3           came too late, he already testified.  
4           Regardless, let me try and lay a foundation.

5                   MR. WRIGHT:  Well, the answer --

6                   MR. CONNOLLY:  This is too important.

7           BY MR. CONNOLLY:

8           Q   How long have you been a truck driver?

9           A   Oh, I have been driving trucks since I was -- my  
10          father put me in the truck when I was 15, 16.

11          Q   What do you do for work; is that what you do?

12          A   Yeah.  Well, I have been doing it for years.  I  
13          do different things but mostly truck --

14          Q   Do you do maintenance and mechanical work?

15          A   Yeah, I have done all the mechanical work on my  
16          truck.

17          Q   What about the tires and those things, do you  
18          change them?

19          A   Change them by hand.

20          Q   Are you responsible for that?

21          A   Yes, my truck.

22          Q   Had you ever worked in a mechanics -- in a  
23          capacity as a mechanic?

24          A   As a mechanic and was a tire manager in -- in  
25          Dover, New Hampshire.

1 Q How long?

2 A About eight months.

3 Q And in that capacity what was your job?

4 A Changing all kinds of tires, buying them,  
5 stocking them, inventory.

6 Q In your experience as a truck driver is it  
7 important to keep track of tires for safety  
8 reasons?

9 A Yes.

10 Q Why is that?

11 A Because it's the law and because of danger,  
12 blowing a tire.

13 Q Do you keep track of tires for other reasons, do  
14 you have a curiosity about them?

15 A Yeah.

16 Q Explain to the court what you mean by -- what I  
17 meant by curiosity.

18 MR. WRIGHT: Excuse me, your Honor.  
19 The question was explain what I meant by  
20 curiosity. I don't understand how the witness  
21 can explain.

22 MR. CONNOLLY: The witness has to  
23 answer the question; you do not have to  
24 understand it, do you?

25 BY MR. CONNOLLY:

1 Q Do you understand the question, sir?

2 A Yes.

3 MR. WRIGHT: Just a moment, there's an  
4 objection.

5 THE COURT: Does he have a curiosity  
6 about tires?

7 MR. CONNOLLY: Yes, sir, that's where  
8 the phrase comes from.

9 THE COURT: All right.

10 BY MR. CONNOLLY:

11 Q What do I mean by curiosity? What is your  
12 curiosity about tires?

13 A My curiosity is many times my place has been  
14 broke into and every time I -- I know the tire  
15 marks because I am always curious who pulled in  
16 my driveway, and every time something got  
17 stolen, I think on two occasions I found them  
18 myself because I told the sheriffs that nobody  
19 else was in my dooryard and these tires marks  
20 are the ones that stole it. They never took a  
21 cast of it. They never took fingerprints of  
22 stuff that was stolen out of my place, and I  
23 even showed them a fingerprint on the car that  
24 was still there and they still did not take it.  
25 That's why I always check the tire marks that

1 pull into my driveway when I am not there, and I  
2 found two things by tire marks.

3 Q Two things? What do you mean, two things by  
4 tire marks?

5 A Well, the kids stole a stereo out of my car I  
6 had there and one kid that stole the motorcycle,  
7 I found his truck tire marks.

8 Q How did you find his truck with the tire marks?  
9 Explain that.

10 A Because -- well, I had pulled in and it was  
11 backed right up to the where the motorcycle  
12 was. I had a trailer, a van -- 45-foot van  
13 trailer and it was underneath there and he  
14 backed up to the trailer and put the motorcycle  
15 in the truck, and I went asking around questions  
16 and stuff and when I saw the tire marks on his  
17 truck I went out to the back of his house where  
18 that truck was parked and that motorcycle was  
19 there.

20 Q You recognized those tire tracks?

21 A Yeah.

22 Q Was there another time when you recognized tire  
23 tracks that led to the discovery of stolen  
24 property?

25 A Them are the two main times.

1 Q Twice then?

2 A Yeah.

3 Q When you looked at the tire tracks which were at  
4 the foot of your driveway could you observe  
5 something about them that was unique?

6 A Yes, that they were all the same tread. They  
7 were all the same, all -- and I checked all  
8 three places.

9 Q One at a time, sir. The ones first that were  
10 next to your driveway where you saw the red and  
11 white pickup truck, were you able to determine  
12 that the red and white pickup truck left certain  
13 tire impressions?

14 A Yes, because I ran right up to where it was  
15 parked.

16 Q And you saw it being left in fact?

17 A Left within 10 seconds.

18 Q And the characteristics that were in the sandy  
19 part of the road were such that you could  
20 identify and recognize that tire?

21 A Yes.

22 Q You went down the roadway then; is that right?

23 A Yep.

24 Q And you went first into that little woods road;  
25 is that right?

- 1 A Yep.
- 2 Q And then you after that went to the other access  
3 road where the trailer was?
- 4 A Yes.
- 5 Q In the first instance and the second instance  
6 you went looking for tire marks; is that right?
- 7 A Right.
- 8 Q Now, in the first instance, the little woods  
9 road did you see a tire mark?
- 10 A Yes.
- 11 Q In the second instance, in the woods road where  
12 the trailer was did you see a tire mark?
- 13 A Yes.
- 14 Q Did you -- were you able to look at them and see  
15 if they were similar to one another?
- 16 A Yes.
- 17 Q And were you able to see whether the tire marks  
18 in the first and second woods road were the same  
19 tire marks as were left by the red and white  
20 Ford pickup?
- 21 A Yes.
- 22 Q Where were those tire marks located, sir, the  
23 ones in the woods road and then the one in the  
24 woods road where the trailer if you could tell  
25 the court, please?



1 A They were right in front of the woods road, he  
2 pulled in like a U, like that, and then up the  
3 other one I had pulled all the way, I spotted  
4 him pulling in right here where the blue and  
5 white trailer was, he pulled in there and I  
6 spotted them there, and then I spotted them up  
7 on the hill the next day, another -- the same  
8 tire marks up on the hill the next day.

9 Q The hill the next day?

10 A That's the same road where the blue and white  
11 trailer was. I didn't go in there the night we  
12 went to the movies, I just -- I went to the  
13 bottom of it and I got out and I looked at the  
14 tire marks where they turned in because that's  
15 where Gary went by them.

16 Q So the court is clear, on the night you went to  
17 the movies you were going to the 9 o'clock show  
18 in Lewiston?

19 A Well, we was headed for the first show but we  
20 missed it because of this incident.

21 Q Okay. When you pulled into the roadway where  
22 the trailer was you went to the bottom of the  
23 road and not to the top of the road?

24 A Yeah, that first day.

25 Q The first day. At the bottom of the road on the

1 first day you saw tire marks that were the same  
2 as left by the truck in Defendant's Number 4?

3 A Yes.

4 Q The next day you went back and found further  
5 tire tracks up higher up in the road more into  
6 the woods?

7 A Yes.

8 Q And those were or were not the same as left by  
9 Number 4?

10 A They were the same.

11 Q Now, were you able to see the location of the  
12 red and white pickup truck -- strike that.

13 Were you able to see the location where the  
14 tire tracks were deep into the woods from the  
15 bottom of the road where you saw them where the  
16 trailer was? If you understand the question.

17 A I saw them at the end of the road --

18 Q Yes, sir.

19 A -- pulled in there, and I didn't pull up in  
20 there that night because somebody lived there  
21 but it's way up in.

22 Q Could you see way up in?

23 A No.

24 Q So if the red and white pickup truck had been  
25 there you would not have seen it?

- 1 A No.
- 2 Q Then did you go to the movies?
- 3 A Yes.
- 4 Q With your son, Jarett?
- 5 A Yes.
- 6 Q And what time did you come back?
- 7 A It was a second movie, it was between 11:00 and  
8 11:30.
- 9 Q That you came back?
- 10 A Came back.
- 11 Q When you came back where did you go?
- 12 A Home.
- 13 Q What happened the next day?
- 14 A That day or that night?
- 15 Q I am sorry, the --
- 16 A Coming home?
- 17 Q Coming home did something happen?
- 18 A Yes.
- 19 Q Okay.
- 20 A I came home and I was in a hurry to get back  
21 anyways in case, you know, there was something  
22 stolen. I was going pretty fast down Dead River  
23 Road coming home and I come up over that knoll,  
24 this one, there's a dip right here, or this one,  
25 I come up here and the sheriff was with a

1 spotlight looking in the woods right here, and  
2 so I slowed down and I got down to about here  
3 and I sped up a little bit because I didn't have  
4 a license at the time.

5 Q And were you afraid the sheriff would inquire of  
6 you?

7 A I thought he was going to come after me because  
8 I came up awful fast and slowed down, but I  
9 looked in my mirror and he turned left down  
10 Hallowell Road.

11 Q Now, the sheriff at that time do you know who  
12 the sheriff was?

13 A No, I didn't know who was in the car, no.

14 Q But it was a Sagadahoc County Sheriff?

15 A Yes.

16 Q And you know that the time was approximately  
17 11:30; is that --

18 A 11:15, 11:30.

19 Q And you saw the sheriff with a floodlight  
20 working the woods?

21 A Yeah.

22 Q And you saw the sheriff turn down the Hallowell  
23 Road; is that right?

24 A Yes, sir.

25 Q And did you see the sheriff working the woods

1 with the light at that point?

2 A No, because I was driving not on the Hallowell  
3 Road. He still had his spotlight when he  
4 turned. He was -- when he turned I looked back  
5 because that's when I noticed him turning with  
6 the spotlight, then I turned in my driveway  
7 fast. I didn't see him. I just see him turn  
8 down there. I didn't go back and see him --  
9 didn't want to go near him.

10 Q And that's July 6th, and then you went to bed  
11 that evening?

12 A No, went in and called the sheriffs department.

13 Q When did you call the sheriffs department?

14 A Probably say, what, a minute after I passed him  
15 I ran in, dialed the number and asked him what  
16 was going on because of the incident earlier.

17 Q And did you speak with the dispatch?

18 A Yes.

19 Q And without saying what they said were you  
20 informed as to what was happening?

21 A Yeah, they were just looking for somebody.

22 Q Did anything else happen that evening?

23 A No -- well, I mean, just the cruisers going back  
24 and forth.

25 Q Did you notice that all evening?

1 A Until I fell asleep.

2 Q But you noticed that there was an unusual amount  
3 of traffic in the road?

4 A Yes.

5 Q If I may, sir, how much traffic normally is  
6 there on the Dead River Road during the course  
7 of the normal day, is it a busy road?

8 A Back then it wasn't.

9 Q How often would you see cars or trucks going by,  
10 often or not often?

11 A I have been stranded out there many times with a  
12 vehicle all day long, you wouldn't see none  
13 until somebody going -- coming home from work,  
14 down the end of the road or whatever, because I  
15 got stranded out there and needed a boost or  
16 something because it was real desolate back  
17 then.

18 Q So it's fair to say that when you lived there in  
19 July of 1988 traffic was an unusual occurrence?

20 A Yes.

21 Q Something that you would look out the window and  
22 take note of?

23 A Yes.

24 Q Did anything else of consequence happen on the  
25 evening of the night of July 6, 1988 after you

1 spoke with the sheriffs dispatch?

2 A No.

3 Q What happened the next day in relation to this  
4 case?

5 A I got up, I was on the phone and I heard a plane  
6 going over the trailer, I mean coming down low  
7 and I couldn't hear on the phone, and I got a  
8 friend, he's got a plane and I thought it was  
9 him, he might be coming down by the land, and I  
10 got in the car -- I hung the phone up, got in  
11 the car and drove down towards Lewis Hill Road  
12 and that's when I ran out to the cruisers and  
13 the command post.

14 Q Okay. Approximately what time was that in the  
15 morning?

16 A Oh, 8, 9 o'clock.

17 Q Early in the morning, though?

18 A Yeah, around there.

19 Q This is July 7, 1988?

20 A Yeah.

21 Q The location of the command post was where you  
22 have had marked on the map where it says C?

23 A Yes, right on that corner.

24 Q And that's in the area of the corner of the  
25 Lewis Hill Road and the Dead River Road?

1 A Yeah.

2 Q When you saw the command post describe to the  
3 court briefly what you saw. What was it?

4 A I saw the cruisers parked on the right-hand side  
5 of the road with the hood up and I saw the  
6 command post bus there, the motor home, and  
7 then I saw the relatives on the lawn, Gilbert,  
8 Chris --

9 Q Did you recognize those people?

10 A Yes, that's when I pulled over and asked what  
11 was going on.

12 Q Who did you recognize at that point?

13 A Gilbert.

14 Q Gilbert Austin?

15 A Yes.

16 Q So you went over to him to speak with him?

17 A Yes.

18 Q And what happened next, sir, did you go and  
19 discuss anything with the police?

20 A Well, you don't want me to say what Gilbert  
21 said.

22 Q Correct.

23 A Well, I told him that I -- what I heard --

24 Q The night before?

25 A The night before.



1 Q So you told Gilbert Austin about what you had  
2 seen in reference to the red and white pickup  
3 truck the night before?

4 A Yeah.

5 Q And also about the girl?

6 A Yeah.

7 Q Okay, and you told him that on July 7th in the  
8 morning?

9 A Yeah.

10 Q Based upon that what were you instructed to do?

11 A Well, I see Ron Jacque, and I went over to him.

12 Q Who is Ron Jacque?

13 A He is a state police officer that lives on Lewis  
14 Hill Road.

15 Q How long have you known Ron Jacque?

16 A Oh, off and on, I don't know, to talk to him  
17 four or five -- four years -- no, because when I  
18 first moved out there he stopped out with a  
19 friend of mines father a couple of times.  
20 Probably six, seven years.

21 Q So you know him fairly well?

22 A Well, not fairly -- yeah, fairly well to talk  
23 to.

24 Q Enough to know his name?

25 A Yeah.

1 Q And to call him by name?

2 A Yeah.

3 Q Where was he located at the time when you  
4 entered the command post?

5 A I think he was coming out of the command post,  
6 walking out, and I went out over and told him  
7 what went on and he said, well, come in and tell  
8 the detective.

9 Q Let's stop. You told Ron Jacque about what was  
10 going on. What do you mean by that, what you  
11 testified in court today?

12 A Yes -- I mean, not every little thing. He says  
13 -- he says, "You come in and tell them what you  
14 saw."

15 Q Did you in fact go into the command post?

16 A Yes.

17 Q With whom did you speak, do you know?

18 A No, I can't remember. I don't know if it was  
19 Lehan or Lehan was the one that I brought --  
20 came down and showed the tire marks.

21 Q We will get to that in a minute.

22 In the command post did you tell some  
23 police officers your story?

24 A Yes, sir.

25 Q And this was in the morning of July 7, 1988?

1 A Yes, sir.

2 Q And you told them about the red and white pickup  
3 truck?

4 A Yes, sir.

5 Q What -- did they show you something other than  
6 the red and white pickup truck?

7 A Yes, sir.

8 Q I am showing you what has been marked as Number  
9 5 -- I am showing you what's been marked as  
10 Defendant's Exhibit Number 5 for identification  
11 purposes and ask if you can identify what that  
12 is, sir?

13 A It's a red Toyota pickup.

14 Q Is that the pickup truck that the officers  
15 pointed to?

16 A He showed me this picture and asked me if this  
17 is the truck I saw.

18 Q Did he show you a picture or the actual truck?

19 A Yeah, this picture right here.

20 Q That exact one?

21 A I don't know if this is the exact picture but  
22 the exact same, you know, where that truck is.  
23 He showed me this and he asked me if that was  
24 the truck.

25 Q What did you say?

1 A I said, "No."

2 Q Do you know which police officer you said no,  
3 that was not the truck?

4 A No. It was either -- it was either detective --

5 Q Somebody at the command post?

6 A Ron Jacque was at the computers, the computers  
7 were on the right and the desk here, and we were  
8 both were sitting down here and he was writing  
9 down what I said, and he showed me the picture.

10 Q And you said what?

11 A I said, "No, that is not the truck," and he  
12 said, "Was it diesel," and I said, "No, it was  
13 not a diesel."

14 Q Meaning the one that you saw the night before?

15 A Yes.

16 Q How do you know it was not a diesel, the one  
17 that you identified?

18 A Because I know a diesel motor from a gas motor  
19 running and I was listening to the motor because  
20 they did not shut the truck off.

21 Q Once you gave them information that that truck  
22 that you had seen on July 6, 1988 was not the  
23 one that they had you look at, what happened  
24 next?

25 A They said when -- after he asked me if it was

1 diesel, said -- Mr. Dechaine's name was brought  
2 up.

3 Q By them?

4 A Yeah, and -- he said, okay, it weren't a diesel  
5 and this was. In other words, end of  
6 conversation.

7 That's right, that was the end of the  
8 conversation, I went out and then the name  
9 Dechaine was brought up.

10 Q That was outside the trailer, though?

11 A Yes.

12 Q Let's stop for a minute and then we will talk  
13 about that.

14 Inside the trailer had you told them about  
15 the tire tracks?

16 A Yes.

17 Q And did you tell them that they were still there  
18 and could be checked?

19 A Yes.

20 Q Then you went outside and had a conversation  
21 with whom, another police officer or somebody  
22 else?

23 A I think I went back over to Gilbert, but the  
24 name Dechaine was brought up.

25 Q And this was the morning of July 7th?

1 A Yes, and I -- and that's why I was trying to  
2 think of that voice, okay, and I -- then  
3 Dechaine popped in, and I knew a girl over in  
4 Bowdoinham -- Richmond, Bowdoinham that was  
5 going with somebody in Bowdoinham close to that  
6 name and so I went in and I says, "Well, I know  
7 a girl who is going out with somebody by that  
8 name and he had beat her over at the sandpit  
9 over in Bowdoin," and they said, "Well, go and  
10 find out, go find the girl."

11 When I finally found the girl it was a  
12 Desjardin, it was not a Dechaine, so I went back  
13 and I told them, I says, "No, the girl said the  
14 guy's name was Desjardin that beat her, not  
15 Dechaine." So -- and I had gone back in again  
16 and told them that.

17 Q When you had originally told them that Number 5,  
18 the Toyota, was not the truck that you had seen,  
19 was there a change in their attitude?

20 A Yeah, it was -- that's when they said, "Okay, if  
21 you come up with anything else come back," and  
22 out the door --

23 Q Did there come a time later July 7, 1988 when  
24 police officers came to your house?

25 A Yeah.

1 MR. WRIGHT: I am sorry, when?

2 MR. CONNOLLY: July 7th, later that  
3 afternoon.

4 MR. WRIGHT: That day?

5 MR. CONNOLLY: Yes.

6 BY MR. CONNOLLY:

7 Q Later on that afternoon they came down to the  
8 house. About what time?

9 A Oh, geez, I don't know because I was running --  
10 I was running back and forth to Bowdoinham  
11 trying to find that girl, and when I got back on  
12 the lawn they said that Detective Lehan and  
13 someone else I think was looking for you, and  
14 they came over and I brought them down to my  
15 house from the command post.

16 Q Okay, you physically went up to the command post  
17 because you knew somebody was looking for you?

18 A Yeah, they told me they was looking for me when  
19 I got back from riding around trying to find  
20 out.

21 Q Then you brought the detectives back to your  
22 house?

23 A I brought them back to the house to show them  
24 the tire marks.

25 Q Which tire marks did you show them, sir?

- 1 A The same ones that were there pulled over the  
2 night before.
- 3 Q Both --
- 4 A Red and white truck.
- 5 Q Both at the foot of your road?
- 6 A Yeah.
- 7 Q Also did you show them the ones that were down  
8 the road?
- 9 A They didn't want to go see them.
- 10 Q Did you tell them about them?
- 11 A Yeah.
- 12 Q Did they say to you anything that indicated that  
13 they were --
- 14 A They asked me if it was a diesel truck again.
- 15 Q What did you say?
- 16 A I said, "No, it was not a diesel." I told them  
17 in the command post it was not a diesel truck.
- 18 Q Your recollect two separate detectives looked at  
19 those separate tire tracks?
- 20 A Yeah.
- 21 Q And they chose to look at the first one but not  
22 the other?
- 23 A I pointed up the hill and told them the whole  
24 story that I just told here, and I says, "Do you  
25 want to go up there and see," and they said,



1 "Was it a diesel truck," and I said, "No," and  
2 they said, "Okay, if we need you be around," and  
3 I said, "I will probably be down on the  
4 corner."

5 Q Did anything else happen that day?

6 A About what I did?

7 Q About what did you, right.

8 A I went -- well, when I was told that --

9 MR. WRIGHT: Excuse me, I object.

10 THE COURT: Sustained.

11 BY MR. CONNOLLY:

12 Q What did you do?

13 A I went -- when I was told --

14 MR. WRIGHT: Excuse me, object.

15 BY MR. CONNOLLY:

16 Q You can't say what somebody told you to do,  
17 okay?

18 A Oh. Well, when I was looking and heard all the  
19 names and everything where the incident  
20 happened, I went over to the sandpit looking  
21 around.

22 Q The sandpit is located where?

23 A Located -- go down to Dead River Road, take a  
24 right, about 500 feet you take a left, go down  
25 this road and then you take a right and it's

1 right -- it's marked right here, this is the  
2 sandpit, and you have all this 50, 60 different  
3 roads -- wood roads down in there.

4 Q If you would just mark SP for sandpit in that  
5 area.

6 A (Witness complies.)

7 Q When were you down at the sandpit was there  
8 anything you noticed?

9 A Yes, I was looking for more tire marks.

10 Q Did you notice them?

11 A I spotted a set that matched the three places  
12 that I saw before, backed down in by a little  
13 brook down there.

14 Q Did you see them -- any other tire marks that  
15 would have marked the one that you had seen  
16 before?

17 A Yeah, they matched all three places, the ones I  
18 saw down in the sandpit back down into -- next  
19 to a little brook down there.

20 Q Had you ever been down to that sandpit before?

21 A Oh, yeah.

22 Q With whom?

23 A Oh, my boy, we would go down there and -- down  
24 there shooting one day, a friend was down  
25 there. I went down there just -- go over there,

1           they had a party there. They have parties on  
2           Saturday nights.

3       Q    Is it a well-known place, fairly well-known  
4           place?

5       A    Yeah.

6       Q    It's out of the way and not visable from the  
7           street?

8       A    Yeah.

9       Q    Did anything else relating to this case happen  
10          with you that day?

11      A    Yeah, I went back and told them I spotted the  
12          same tire marks over in the sandpit.

13      Q    Who did you tell that to?

14      A    The command post.

15      Q    Did they ask you any other questions at that  
16          time?

17      A    No, just said okay, they knew where the sandpit  
18          was.

19      Q    Did you have any other further conversations  
20          with the police officer at the command post or  
21          elsewhere in relation to this case on that day?

22      A    That day? No, I think that was the end until  
23          the next day.

24      Q    What happened the next day, sir?

25      A    Well, I still -- I was -- went back over to the

1 sandpit, still -- because it's a big sandpit,  
2 still looking and asking around about Dechaine  
3 over in Bowdoin and Richmond, trying to get some  
4 information because everybody had his name stuck  
5 in their mind, I guess. I did too, we was all  
6 -- just mad, you know, and I was over in  
7 Richmond trying to find out people that knew him  
8 and, you know, find out about him.

9 Then -- well, we was sitting there on a  
10 lawn, they brought down lawn chairs and lemonade  
11 and stuff and it was all day on and off, and  
12 they sent everybody over on the Lewis Hill side  
13 road, all the pedes -- public people.

14 Q To search?

15 A Yeah.

16 Q Why were you there?

17 A I -- because where I knew that truck was up  
18 there they let me through because I lived there,  
19 I was looking up that way. I didn't go up on  
20 Hages Mountain where they had everybody  
21 searching.

22 Q Sir, turning your attention to Number 5, the  
23 photograph that I had you look at, are you  
24 familiar with the Hallowell Road?

25 A Yes.

1 Q Is there a woods road approximately a third of a  
2 mile down on the Hallowell Road on the  
3 right-hand side?

4 A Yes -- no, it ain't a wood road. A wood road --  
5 this is just a pull off.

6 Q Okay. What is the difference in your vocabulary  
7 between a pull off and a wood road?

8 A A wood road you can drive right through. This  
9 is -- a guy parks his camper there, owns the  
10 land in the winter to go hunting.

11 Q And you have seen the camper there in the years  
12 past?

13 A In the winter.

14 Q And the location of where that little pull off  
15 is is visible or not visible from the Hallowell  
16 Road?

17 A It's visible, very visible.

18 Q Sir, you have been up the woods road in which  
19 the trailer -- the blue and white trailer was  
20 where you saw the similar tire marks; is that  
21 right?

22 A Yes.

23 Q Where does that woods road come out, if at all?

24 A That --

25 MR. WRIGHT: I am sorry, which roads?

1 MR. CONNOLLY: Excuse me.

2 BY MR. CONNOLLY:

3 Q The woods road in which the red and white  
4 trailer is where you found the second set of  
5 tire tracks --

6 A That ain't the woods road, that's a driveway.

7 THE COURT: I thought that he said it  
8 was a driveway. There's a woods road further  
9 back up towards the Lewis Hill Road, that is a  
10 woods road but the one that goes to the trailer  
11 I understood it to be a driveway.

12 BY MR. CONNOLLY:

13 Q It is not paved, however?

14 A No.

15 Q Okay. Excuse me then.

16 The driveway, do you know where that leads  
17 to?

18 A Yeah.

19 Q Have you been -- how do you know where it leads  
20 to?

21 A Well, I have been up there to ask the people  
22 before if that trailer was for sale. It leads  
23 right up to a camp. It's about a thousand feet  
24 up in there, the camp.

25 Q Have you been hunting up behind that way?

1 A You are talking the woods road, not where the  
2 blue and white trailer was.

3 Q Then I am confused. Let's stop for a minute and  
4 straighten me out.

5 A You are talking the woods road first. This is  
6 the woods road, this is the road where the blue  
7 and white trailer is.

8 Q That's a driveway?

9 A That's a driveway --

10 Q So when I said woods road it's a driveway?

11 A This is the woods road. This is the woods road  
12 and you pass two junk cars down there.

13 Q Do you know where that leads to?

14 A Yeah, this leads -- well, it comes to a stop but  
15 it's a big long path in there and it comes into  
16 a -- it stops.

17 Q Is there a clearing there?

18 A There's a clearing, a little clearing where them  
19 cars are.

20 Q And beyond is there a place where the streams  
21 come together?

22 A Yeah, if you kept walking you would come into  
23 the stream.

24 Q And are those locations a direct line from the  
25 first woods road as opposed to the driveway?

1 A This goes right down the big long -- down here,  
2 woods road, it comes in -- it's still clear, it  
3 ain't -- the path stops and you got like five or  
4 six feet between trees.

5 In other words, it's -- you know, you could  
6 walk right down to there but you could walk  
7 right up through here to this house where --  
8 behind the blue and white trailer.

9 Q If I may, sir, turning your attention to exhibit  
10 -- State's Exhibit 1-A, without writing on this,  
11 please, if you would explain to the court on  
12 this map where does that woods road lead to and  
13 just point it out?

14 A That woods road leads right down to here.

15 Q What is here, what is that mark on that map?

16 A Where the victim was found.

17 Q What did you do following July 8, 1988?

18 A July -- I went back to the house, got ready, and  
19 that was after they found the victim, and I went  
20 back to --

21 THE COURT: Back to the matter --

22 MR. CONNOLLY: Absolutely.

23 THE COURT: You should go back to the  
24 point of inquiry where you had returned to the  
25 sandpit and was asking around and then you were



1 asked if the Hallowell Road was a pull-off road  
2 versus a woods road, and somehow we got off  
3 track.

4 MR. CONNOLLY: Yes, sir, we did. Let  
5 me clear it up.

6 BY MR. CONNOLLY:

7 Q Mr. Jones, the spots that I have been asking you  
8 about, the pull-off road that I asked you about  
9 where the trailer is from the fellow that hunts  
10 in the winter --

11 A Oh.

12 Q -- okay, on the map that's been identified as  
13 State's Exhibit 1-A, can you tell us where that  
14 road is?

15 A That pull-off, right from this corner to where  
16 that little pull-off where the trailer is, three  
17 and a half tenths of a mile, it's right here  
18 where they found the truck.

19 Q And it says truck on this map?

20 A And it ain't no woods road.

21 Q That's a little --

22 A Pull-off.

23 Q -- pull-off. The woods road is further down,  
24 the Dead River Road?

25 A Right.

1 Q And that's the road which leads to where it says  
2 on this map victim?

3 A Yeah.

4 Q Is that correct?

5 A It don't lead to it. The path don't go right to  
6 it, it stops.

7 Q Then how far? Does it continue, the woods  
8 continues?

9 A The woods continues but the wood road don't.

10 Q Okay, the wood road stops?

11 A Stops.

12 Q But the line is towards where that says victim?

13 A Yeah.

14 Q The other road which is a driveway with the red  
15 and white trailer --

16 A Is down --

17 Q -- that's where it says Spaulding?

18 A Yeah.

19 MR. CONNOLLY: Does that clarify it  
20 for the Court?

21 THE COURT: Yes.

22 MR. CONNOLLY: Thank you, sir.

23 BY MR. CONNOLLY:

24 Q Just for further clarification, Defendant's  
25 Exhibit Number 5 where the truck photograph is,

1 based on your knowledge is that the location off  
2 the Hallowell Road where the little pull-off is?

3 A Yes.

4 Q And where it says on the map 1-A where the truck  
5 is?

6 A Right. It's the very first pull-off.

7 Q Based on your experience the first pull-off on  
8 the Hallowell Road, the truck is -- the pull-off  
9 is visible from the roadway?

10 A Yes.

11 Q When did you leave for Florida?

12 A Three to five days after that.

13 Q Approximately when was this now, the 11th of  
14 July or thereabouts?

15 A Around there.

16 Q And you went down to Florida for how long?

17 A What was it, about three or four weeks, then I  
18 came back and went back down.

19 Q How long had you been down to Florida after you  
20 came back up?

21 A Until '90.

22 Q And when you were down in Florida --

23 A July of '90.

24 Q -- did you stay in the same place or were you  
25 moving around?

1 A No, I was staying at relatives' homes. Well, I  
2 stayed there then I -- disputes with them and  
3 then I was living in a camping area.

4 Q And that camping area did not have a phone, did  
5 it?

6 A No.

7 Q And did you have contact with your parents at  
8 the time?

9 A No.

10 Q Did you have contact with anybody in Maine at  
11 the time?

12 A No.

13 Q Was there anyone in Maine at that time who knew  
14 where you were other than your son?

15 A Yeah, everybody knew I was going to Florida.

16 Q But where in Florida?

17 A No, they didn't know where.

18 Q When was the first time, if you recollect, that  
19 you spoke to anyone on the defense for Dennis  
20 Dechaine?

21 A Spoke to -- on defense?

22 Q Yes.

23 A Just you.

24 Q When was that the first time, do you recollect?

25 A In May.

1 Q Of this year?

2 A Yeah.

3 Q So from the period of July of 1988 to May of  
4 this year you spoke to nobody on the defense?

5 A No. I tried.

6 Q What do you mean you tried?

7 A I tried to call you, you didn't return my calls.

8 Q When? When did you call me, let's get that  
9 straight?

10 A I called once when I was living in New  
11 Hampshire, I lived in -- when I first came back  
12 from Florida I was home two days, I went to  
13 Chris Crosman's house, asked him what they were  
14 doing about Douglas and if they had been around  
15 asking about me --

16 Q Let's stop. You asked Chris Crosman what they  
17 were doing about Douglas. What, did you think  
18 he was getting charged with this crime?

19 A Yeah, I thought with all this stuff that was  
20 brought in.

21 Q Then it was a surprise when you learned the  
22 results of this Dennis Dechaine trial?

23 MR. WRIGHT: Objection.

24 THE COURT: Sustained.

25 BY MR. CONNOLLY:

1 Q If I may, let's put this and the time frame in  
2 perspective. When you returned from Florida you  
3 went and talked to the Crosmans; is that right?

4 A Yeah, two days after I came back. Someone did  
5 call my father and he told him --

6 MR. WRIGHT: I object.

7 THE COURT: Sustained.

8 BY MR. CONNOLLY:

9 Q If I may. Your dad was living down in this  
10 area, Waldoboro area, right?

11 A No, Portland area.

12 Q Who lived down this way, a member of your  
13 family, anyone?

14 A No.

15 Q Was your dad ill at the time?

16 A When I came back from Florida?

17 Q When did you come back from Florida, Mr. Jones?

18 A It was in July of -- June -- July of '90.

19 Q In July of '90 you came back. What happened  
20 then?

21 A I went to my father's and I had to use his  
22 vehicle to go up and check on my land, and I  
23 pulled in the Meadow Road, Chris lives on the  
24 Meadow Road, I pulled in and asked him what they  
25 were doing about it and if they were trying to

1 get ahold of me, and he said they don't keep --

2 MR. WRIGHT: Object.

3 THE COURT: Sustained.

4 BY MR. CONNOLLY:

5 Q You can't say what somebody else --

6 A Okay.

7 Q But you had a conversation about what was  
8 happening with this situation?

9 A I left my father's phone number with them in  
10 case anybody wanted to get ahold of me.

11 Q Okay, and that was the best of your recollection  
12 in July of 1990?

13 A Yes.

14 Q After July of 1990 you went back down to Florida  
15 then?

16 A Yes.

17 Q What did you do then?

18 A I stayed in the Portland area, worked for my  
19 father and went back to New Hampshire.

20 Q And in that time frame is when you made the  
21 calls?

22 A I made one call from New Hampshire and two from  
23 Bowdoin to you.

24 Q About when was that?

25 A That was when -- well, when it came on the news

1 I called, and then -- I called and left a  
2 message.

3 Q What came on the news, do you remember?

4 MR. WRIGHT: Object.

5 MR. CONNOLLY: In order to get a time  
6 frame. I am not asking for the truth of  
7 anything on the news, believe me.

8 THE COURT: You may answer.

9 THE WITNESS: About the case.

10 BY MR. CONNOLLY:

11 Q At that point there had been publicity about --

12 A A new trial.

13 Q And that's when you contacted me?

14 A Yeah. You didn't call me back.

15 Q But at the time of the original trial did you  
16 not try to contact me?

17 A No.

18 Q Because you were down in Florida?

19 A Down in Florida.

20 Q Based on what you understood when you moved down  
21 to Florida was it your understanding at that  
22 time that Douglas Senecal was being prosecuted?

23 MR. WRIGHT: Object.

24 MR. CONNOLLY: It's relevant insofar  
25 as it shows what this witness understood the



1 meaning of the truck on July 6, 1988.

2 THE COURT: He may answer.

3 BY MR. CONNOLLY:

4 Q Do you understand the question?

5 A Yes.

6 Q Okay. What is your answer.

7 THE COURT: Lay the foundation first  
8 as to whether or not he had any knowledge of the  
9 search or murder trial while he was in Florida.

10 MR. CONNOLLY: Yes, sir.

11 BY MR. CONNOLLY:

12 Q Mr. Jones, while you were in Florida did you  
13 know what was happening in the Sarah Cherry  
14 case?

15 A No.

16 Q Did you know who was charged in the case?

17 A Yeah, Dechaine.

18 Q Did you know anything about any allegations that  
19 were being made about Douglas Senecal?

20 A No.

21 MR. WRIGHT: Objection.

22 THE COURT: The answer may stand.

23 MR. CONNOLLY: Thank you.

24 MR. WRIGHT: I didn't hear the answer.

25 MR. CONNOLLY: He said, "No."

1 MR. WRIGHT: Okay.

2 BY MR. CONNOLLY:

3 Q It was only when you came back from Florida and  
4 went to New Hampshire that things came out?

5 A Yes, that I knew that Doug was not being  
6 involved because I thought --

7 MR. WRIGHT: Object.

8 THE COURT: Sustained.

9 BY MR. CONNOLLY:

10 Q Mr. Jones, you have taken a videotape of the  
11 scene where your house is located, where the  
12 woods road is located, where the pull-in is  
13 located; is that right?

14 A Yes, sir.

15 Q When did you do that, sir?

16 A I did it while me and the other guy that did it.

17 Q You made a videotape about the locations  
18 yourself, right?

19 A Yeah. Well, somebody --

20 Q With somebody's camera?

21 A Yeah.

22 Q You borrowed a camera in order to make a tape?

23 A Yes.

24 Q This tape was made about two years ago?

25 A Yeah.

1 Q On a Saturday?

2 A Yeah.

3 Q And it shows what?

4 A It shows where I walked down, stopped, walked  
5 down, looked at the tire marks and pointed up  
6 towards the end of the road, and it shows where  
7 that first woods road is, where I saw the tire  
8 marks, and it shows where that blue and white  
9 trailer was, it's moved 300 feet down the road  
10 now but it showed the trailer and said it was up  
11 the road 300 feet in Spaulding's dooryard, and  
12 then it shows that -- went down the road, you  
13 cannot go by this path --

14 Q Path in Number 5?

15 A Where this truck is found. I took this picture,  
16 and this stump, parked a red car there, and you  
17 cannot go by this path without seeing a vehicle  
18 in there.

19 Q And you took this videotape last week. Now, the  
20 roadway has been graded and changed; is that  
21 right?

22 A Just been built up about six inches.

23 Q How has that changed the layout at all?

24 A Well, it's a little bit smoother.

25 Q Beyond that is there any substantive change?

1 A No.

2 Q Is the road in a substantially similar position  
3 geographically as it was or has that been  
4 changed --

5 A Same position.

6 Q Is the videotape a fair and accurate depiction  
7 of the sites that you would have seen on July 6,  
8 1988 except for the grading of the roadway and  
9 some slight changes in foliage?

10 A Yeah -- well, you can see it better by original  
11 eyesight than, you know -- we saw one thing you  
12 can't see in the video going but you can see in  
13 original eyesight and it didn't come out in the  
14 video.

15 Q In other words, the video camera is not as  
16 accurate as the human eye --

17 A It didn't show that one.

18 MR. CONNOLLY: What I propose is that  
19 we take the morning recess now or simply put on  
20 the tape and have the witness narrate what it is  
21 so that the court for clarity purposes can see  
22 exactly what we are talking about, I think it  
23 would be a helpful demonstrative aid.

24 THE COURT: Let's --

25 MR. CONNOLLY: We are set to go, sir.

1 MR. WRIGHT: How long is it?

2 THE WITNESS: About five minutes.

3 THE COURT: Let's set it up now then.  
4 Why don't you bring the video around.

5 MR. CONNOLLY: Thank you, sir.

6 BY MR. CONNOLLY:

7 Q Mr. Jones, I am handing you what has been marked  
8 as Defendant's Number 6 for identification  
9 purposes and ask if you can identify that?

10 A Yes, that's a tape that Patrick Senecal give me  
11 to use and the camera.

12 Q Is he the other person that gave -- that helped  
13 you with the tape?

14 A Yes.

15 Q And is this the box that the tape was contained  
16 in when you gave it to me?

17 A Yes.

18 Q As far as you can tell, substantially similar to  
19 the time that you gave it to me?

20 A Yes.

21 Q Is this all set to turn on?

22 Mr. Jones, if you would narrate the tape in  
23 the sense of tell the court what it shows if you  
24 would, please.

25 A Okay. This is where I saw the truck pull down

1 the end of the dooryard.

2 Q I am sorry, sir, first of all where are we right  
3 now?

4 A We are in my driveway right now, my trailer -- I  
5 am standing right where my old trailer was.

6 Q So in 1988 the camera is shooting from where the  
7 trailer would have been?

8 A Yeah. I was right where I was standing when  
9 that truck pulled down.

10 Q And the truck would have been down where, sir?

11 A Pulled right down there.

12 Q At the bottom --

13 A The bottom of the driveway.

14 Q In reference to the large tree in the center of  
15 the screen, it's behind that or to the left of  
16 it?

17 A To the left of it.

18 Q Okay, and this is where the trailer was.

19 When you first were loading in the  
20 generator your car was down a little ways; is  
21 that right?

22 A Yeah.

23 THE COURT: So for purposes of the  
24 record then if I understand looking at the  
25 State's Exhibit 23, the geological survey map,

1 we would be looking in a northerly direction  
2 towards the Dead River Road?

3 THE WITNESS: Yes.

4 MR. CONNOLLY: Yes, sir.

5 THE COURT: And as I understand the  
6 witness' testimony the red and white pickup  
7 truck would be westerly of the intersection of  
8 this driveway and the Dead River Road; is that  
9 correct?

10 THE WITNESS: Yes, sir.

11 MR. CONNOLLY: That's correct, sir.

12 Thank you.

13 BY MR. CONNOLLY:

14 Q Why don't we continue, Mr. Jones, if you would,  
15 please.

16 A Okay. We started taping it and I started to run  
17 and then it will show where I got -- well, that  
18 was the exact angle from where they had  
19 stopped.

20 Q Can you see through the thicket from the --

21 A No, not in July.

22 Q Not in July.

23 Go ahead, tell us further what's happening  
24 in the film.

25 A I am walking down here and I am going to show

1           where I stopped and listened.  If I wouldn't  
2           have stopped and listened I would have seen  
3           them --

4   Q   Okay.  Go ahead.

5   A   -- but I stopped and listened halfway right  
6           there.

7   Q   Approximately where the camera is showing now?

8   A   Yeah.

9   Q   Okay.

10  A   And head-on -- that's when I heard -- I already  
11           testified what I heard.

12  Q   You heard the yelling and what have you?

13  A   The yelling and whatever.

14  Q   Then what happened next?

15  A   I ran down to the end.  It will come to the  
16           end.  We just walked it.  This -- all right,  
17           right there on the left, where they pulled over  
18           in the soft shoulder there, that's where they  
19           pulled off from -- I could see them, the truck  
20           -- can you point that -- stop.  Right down --  
21           no, up, right there, that tree sticks out, right  
22           about there is where I started reading the plate  
23           number.  We tried to get -- you can see the  
24           knoll but a car had gone by that day and it was  
25           dusty.



1 Q The day that you took this film --

2 A Yes, the day we took this one --

3 Q Excuse me. So when you described to the court  
4 that from here you could see the truck on the  
5 knoll, the video does not quite show it although  
6 it shows the direction of where the knoll was?

7 A Yes, and that's when I saw it heading up on  
8 the knoll. Go ahead. It will show where the  
9 knoll --

10 Q The first spot where you saw the truck stop was  
11 in this little indentation right next to your  
12 driveway?

13 A Right.

14 Q And that's where you showed the detectives the  
15 tire marks also?

16 A Yes, sir.

17 Q Tell us what the tape shows us further.

18 A I was trying to show where the knoll was but the  
19 car went by. We are going to get in the car and  
20 go up to the knoll.

21 Q In the film you are going to get in your own car  
22 to show where the knoll was located?

23 A In Patrick Senecal's car.

24 Q Okay, Patrick Senecal's car.

25 A This is where I am showing the tire marks.

1 Q The section where it shows the man pointing his  
2 finger is where --

3 A The tire marks were.

4 Q The tire marks were.

5 A That's where we tried to show the knoll, right  
6 there --

7 Q And in real life as opposed to on the video you  
8 can see the knoll clearer than you can in the  
9 video?

10 A Yeah.

11 Okay, this is the knoll where they stopped  
12 for about 30 seconds and that's where the other  
13 set of tire tracks I saw right there, sir, in  
14 that dirt.

15 Q In the area after this was a little break in the  
16 film, the film now shows where the knoll is and  
17 it's pointing to the area in which the second  
18 tire tracks were found?

19 A Right.

20 That's the wood path.

21 Q Is that the path which we call the wood road  
22 which would stop some ways into the woods but  
23 from which you identified the body was found  
24 down further?

25 A Right.

1 Q Is that where you saw the tire tracks --

2 A Yes.

3 Q -- also?

4 A Yeah, back there for about 30 seconds looking  
5 down that road, but there weren't nothing there  
6 because I stopped there two minutes later.

7 Q Now, explain what the next picture is, sir.

8 A See that dip there, it goes down the hill and  
9 then up. We are driving.

10 Q There seems it be ribbon-candy roadway there?

11 A And that third knoll was where the trailer was.  
12 We are going to show you the trailer and it was  
13 up the road where it was 300 feet back in 1988.

14 Q That's when you saw the red pickup truck, red  
15 and white pickup truck on the top of that second  
16 hill?

17 A Yeah.

18 Q Now we have a photograph of someone driving.  
19 Can you explain what this is?

20 A Well, this is -- you must -- you messed --  
21 somebody messed the tape up. You missed the  
22 blue and white trailer. Did you fast forward  
23 it?

24 Q I don't believe so. We will stop for a minute.  
25 I don't think so. Let's see where we are.

1 A This is where the truck is parked in the path.

2 Q You understood that there had been another  
3 section?

4 A Yeah, there was.

5 Q What were you showing at that time?

6 A Is it still going forward or back?

7 Q It's going forward.

8 A No, that's after.

9 Q So this --

10 A We stopped after.

11 Q So this is not part of it?

12 A No.

13 Q I won't bore you with that.

14 A You must have, when you took the sound out of --

15 Q The sound only consisted of your narration,  
16 though, right?

17 A Yeah.

18 Wait a minute. Okay. We went down -- this  
19 is going by, we took -- where you can't go by  
20 that and not see a vehicle first, then we went  
21 up to where the blue trailer was, that's right.

22 Q So we are in this spot in the middle of the tape  
23 which shows a red car off to the left of the  
24 image. What is that, sir, what is that trying  
25 to show?

1 A That's trying to show you cannot drive by that  
2 path just -- we was driving normal with not  
3 looking for it and you cannot drive by this path  
4 and not see a vehicle in that path parked  
5 there.

6 Q And the path --

7 THE COURT: Can we tie this down to  
8 location?

9 MR. CONNOLLY: Yes, sir.

10 BY MR. CONNOLLY:

11 Q That path being the one which turning to State's  
12 1-A would be the location where the truck was  
13 found?

14 A Where they found the truck.

15 THE COURT: So as it's shown on the  
16 video then you are coming in from the north --  
17 in a southerly direction down --

18 THE WITNESS: Yeah -- well, we went --  
19 we did both ways, sir, we did both ways so you  
20 can -- to show you that you can go both ways,  
21 and you cannot go by that spot and not see a  
22 vehicle in that spot. So we went both ways,  
23 down -- we went down, took off, and just before  
24 we got there by eye we could see it through the  
25 woods. The video didn't pick that up, but then

1           when we got right to it you can see it, and then  
2           we went down, turned around and come back and  
3           took the video this way, and that's it coming  
4           back this way, and you cannot go by that spot  
5           and not see a vehicle in there.

6                        THE COURT: I was thrown on the time  
7           sequence here. We were looking westerly on the  
8           Dead River Road and then the next thing I know  
9           we are heading in a southerly direction on the  
10          Hallowell Road in the film.

11          BY MR. CONNOLLY:

12          Q   Not to try to confuse the court, but there are  
13          two things that I believe the tape is attempting  
14          to show, the first is the view down the Dead  
15          River Road, the second one is down the Hallowell  
16          Road --

17          A   Yeah.

18          Q   -- is that right?

19          A   Yeah, then after this we come back up and show  
20          where the trailer is too.

21          Q   So on the tape then you went down the Dead River  
22          Road, then you went down the Hallowell Road to  
23          where the little pull-in was?

24          A   Yeah.

25          Q   Then you came back around and videotaped it

1           again?

2           A    Again.

3           Q    And then you are going to go back down the Dead  
4           River Road to show where the trailer was; is  
5           that correct?

6           A    Yeah.

7           Q    Okay, so what we have for the location on the  
8           tape right now is on the Hallowell Road, showing  
9           the location of a pull-in, Number 5-A or the  
10          state's location where the truck is.

11          Mr. Jones, we are seeing now what?

12          A    Right there. Go back. You passed it. That's  
13          what I was waiting for. I am showing right when  
14          you go by it looking at a normal speed and you  
15          can -- and if you look in this picture you can  
16          see it's almost exactly where this truck was  
17          parked, and just before we got to it you can see  
18          it from eyesight in the woods but you can't pick  
19          it up on video until you get right by it, and  
20          it's right there.

21          Q    And the location there is the location where the  
22          pull-in road is?

23          A    Yeah. You can't go no farther, maybe another  
24          five or ten feet. You can't drive farther than  
25          that, but if you look at this picture --

1 Q The picture meaning Defense 5-A?

2 A Yeah. If you look there -- I have it almost in  
3 the same spot. This truck is higher and you  
4 cannot go by that spot especially during the day  
5 and not see a vehicle driving normally never  
6 mind looking for it.

7 Q And the tape will take us back to the Dead River  
8 Road, take us down the Dead River Road to the  
9 location of the trailer?

10 A The trailer.

11 Q Tell us if you would, sir, when we get back on  
12 the Dead River Road.

13 A (Witness complies.)

14 Q Thank you.

15 These photographs are of the anterior of  
16 the truck?

17 A I think she left it running. We walked out and  
18 got over to the scene. I think she left it  
19 running in the car. You should probably fast  
20 forward it because we were out there for about  
21 ten minutes. She left the camera running.

22 Here we go.

23 Q Now, the photograph that we see now of a woman  
24 with the camera reflected in it, from this point  
25 forward now --



- 1 A You are going to see the blue and white trailer.
- 2 Q It will take us down to the Dead River Road to  
3 see the blue and white trailer?
- 4 A The blue and white trailer. We had to back up.
- 5 Q And the blue and white trailer, is it in the  
6 position in which it was in 1988?
- 7 A No. They had just put -- built a new house -- a  
8 lot in there and put another house/trailer in  
9 it. That house/trailer was up the road about  
10 300 feet.
- 11 Q So the first one we are seeing in the image is  
12 not the one that we are going to talk about?
- 13 A No. That was all woods. They just moved it.  
14 It's the same exact trailer, though.
- 15 Q But it was just moved to a different location?
- 16 A Yeah, 300 feet up the road.
- 17 Right here, that's -- all right, this is  
18 the driveway to Spaulding's, and that trailer  
19 was parked right in there, left at an angle.
- 20 Q Go ahead.
- 21 A Okay. And this is where the third set of tire  
22 marks I saw go up that driveway.
- 23 Q And where were the tire marks in reference --
- 24 A Down at the end of the road.
- 25 Q At the front of it?

1 A That first night when I went to the movies, I  
2 stopped and got out and looked there and they  
3 were up in there, and that's why Mr. Jasper went  
4 by, didn't find them. They were right in  
5 there.

6 See, that goes up about a thousand feet and  
7 there's a camp there, but it goes up on a knoll  
8 and there was another camp, a little two-room  
9 camp on the right and you could pull in there  
10 and nobody -- you can see how -- you can't see  
11 up in there when you go by.

12 MR. CONNOLLY: And that's the end of  
13 the tape.

14 THE COURT: Let's take about a  
15 10-minute recess. Thank you.

16 (Brief recess.)

17 BY MR. CONNOLLY:

18 Q Mr. Jones, just a few last questions if I could,  
19 sir. The Defendant's Number 4, which is the  
20 photograph that I have had you identify before,  
21 is there any question in your mind that that is  
22 the truck that you saw on July 6, 1988?

23 A Yes, that's the truck I saw.

24 MR. CONNOLLY: I would ask that the  
25 Defendant's Exhibit Number 4 be admitted into

1 evidence at this time.

2 MR. WRIGHT: No objection.

3 THE COURT: Thank you. It's  
4 admitted.

5 MR. CONNOLLY: I would also ask at  
6 this point foundation being laid that  
7 Defendant's Number 5 be admitted.

8 MR. WRIGHT: No objection.

9 THE COURT: Admitted.

10 MR. CONNOLLY: Thank you.

11 Number 6 be admitted, the video tape.

12 MR. WRIGHT: We have already seen it.

13 THE COURT: It's admitted.

14 MR. CONNOLLY: And I believe the  
15 Number 2, which is the diagram -- Number 3,  
16 excuse me. I offer Number 3, the defendant's  
17 diagram.

18 MR. WRIGHT: That's fine.

19 THE COURT: Okay. Admitted.

20 BY MR. CONNOLLY:

21 Q Mr. Jones, when you testified on direct  
22 examination you said something to the effect  
23 that had I not stopped at the driveway. Does  
24 that -- the fact that you did stop at the  
25 driveway and didn't continue running down the

1 road, does that bother you and is that somehow  
2 important for you coming into court?

3 MR. WRIGHT: Objection.

4 THE COURT: Relevance?

5 MR. CONNOLLY: Relevance to his  
6 explanation of credibility -- as to his  
7 credibility, it goes directly to that issue.

8 THE COURT: Sustained.

9 BY MR. CONNOLLY:

10 Q Mr. Jones, do you -- have you thought an awful  
11 lot about the testimony prior to coming into  
12 court today?

13 A Yes.

14 Q Does it weigh heavily on your mind a lot?

15 A Yes.

16 Q Do you think of it every day?

17 A Yeah. I think of it because if I wouldn't have  
18 stopped --

19 MR. WRIGHT: I object. I think the  
20 court just sustained the objection --

21 THE WITNESS: If I would have ran  
22 faster --

23 MR. CONNOLLY: Mr. Jones, you can't.

24 BY MR. CONNOLLY:

25 Q Mr. Jones, do you have any doubt in your mind

1           that the voice you heard was Douglas Senecal's?

2   A   No, I don't.

3   Q   Do you know his voice well?

4   A   Yes.

5   Q   Have you heard his voice since?

6   A   Since?

7   Q   Since the incident.

8   A   The incident?

9   Q   Since July 6, 1988, have you heard his voice  
10       again?

11   A   Yes.

12   Q   Is there any question in your mind that the  
13       voice you heard screaming in an angry manner on  
14       July 6, 1988 was Douglas Senecal's.

15                   MR. WRIGHT:   Object.   He just asked  
16       and answered it.

17                   THE COURT:   Sustained.

18                   MR. CONNOLLY:   That's all right.   I  
19       have no further questions of Mr. Jones.   Thank  
20       you, sir.

21                                   CROSS EXAMINATION

22   BY MR. WRIGHT:

23   Q   Mr. Jones, let me ask you a few questions if I  
24       might about the layout of things first of all.  
25       The grading that was done on the road has not

1           only raised the road up, that is the Dead River  
2           Road, but cleared it out on the sides of the  
3           road, hasn't it?

4           A    Yes, it's better.

5           Q    Better?  So you can see better today than you  
6           could in July 1988 along the Dead River Road?

7           A    On the Dead River Road?  No, they didn't widen  
8           it, they didn't clear the brush out.

9           Q    What I am saying -- asking you is:  In the  
10          process of grading it, bringing the road up --

11          A    Yeah.

12          Q    -- it cleared the sides of the road some?  I  
13          don't mean that it went back 30 feet or  
14          something but they cleared brush out along the  
15          side of the road in order to bring the equipment  
16          in to grade it?

17          A    Not Bowdoin.

18          Q    I am sorry?

19          A    Not Bowdoin.

20          Q    If may I understand you then it is your  
21          testimony that you can see just as clearly today  
22          along the Dead River Road as you could in July  
23          1988?

24          A    Yes.

25          Q    And it is your testimony with respect to where

1 on State's Exhibit -- Trial Exhibit 1, which is  
2 the large map where it says truck, that that  
3 area looks just the same as it did in 1988?

4 A No, it's grown up more, four years' growth.

5 Q You think it is less clear today than it was in  
6 July 1988, do you?

7 A Yes, sir.

8 Q And how did it come to be that you placed the  
9 car there on that turnout, as you call it -- I  
10 guess that was your lingo. I want to be sure of  
11 the lingo because we have been using different  
12 terms.

13 A Just a pull-in.

14 Q Where it says truck on the map and where I  
15 watched the videotape there was a red vehicle  
16 parked up in there?

17 A Yeah.

18 Q Okay. How did that come to be?

19 A Well, I didn't know where the truck was found.  
20 See --

21 Q That's exactly what I want to ask you. You have  
22 no idea, do you?

23 A Yeah, I did, because --

24 Q The question is: You have no personal knowledge  
25 where Mr. Dechaine's truck was found up that

1 little turn-in, do you?

2 A Yes, I do.

3 Q Do you have personal knowledge of that?

4 A Yes, --

5 Q From seeing it yourself on July 6th?

6 A Oh, not seeing the truck but a picture. The  
7 detective came forward and he didn't have that  
8 picture with him at the time but said the truck  
9 was found there. I was walking around with him.

10 Q Okay. So --

11 A And I didn't know for sure that that was because  
12 he didn't have the picture, and I said, "If it  
13 was there's no way he could go by it without  
14 seeing it." Then I saw the picture from the --  
15 he showed me where they found the truck, and I  
16 said, "Well, that's the turn around."

17 Q This one?

18 A Yes, and I said, "There's no way that you can  
19 drive by that place without seeing a vehicle in  
20 there --"

21 Q Okay. Let me ask you --

22 A I identified it by that stump right in front of  
23 that tree. You look on the video of it, it will  
24 be the exact same thing, two trees and a stump.

25 Q I don't see the stump. Excuse me.



1 A This one right here, see that? These two trees,  
2 you look in the video, I bet you it ain't a foot  
3 off?

4 A I see the stump now, all right. Okay.

5 Well, what I want to know is, you didn't  
6 see Mr. Dechaine's truck that night, July 6,  
7 1988?

8 A No, I didn't go down that road.

9 Q So somebody had to have told you where his truck  
10 was located for you to put a vehicle up in there  
11 to replicate it as were, I take it?

12 A Yeah.

13 Q What you understand had happened four years ago?

14 A Yeah.

15 Q And who told you that?

16 A The detective, and then I saw that picture.

17 Q What detective?

18 A I -- Ron -- he is in here. Right there.

19 Q Ron Morin sitting over here?

20 A Yeah.

21 Q And Ron Morin was an investigator working for  
22 the defense?

23 A Yeah.

24 Q And -- well, excuse me, I thought you said on  
25 direct examination that you had talked to nobody

1 on the defense side of this case except  
2 Mr. Connolly about a month ago or two months  
3 ago. Now, is that a mistake?

4 A No -- yeah, that's right.

5 Q All right, so you talked to Mr. Morin, didn't  
6 you?

7 A Yeah.

8 Q Where did you first talk to Ron Morin?

9 A That was last year sometime.

10 Q When did Mr. Morin speak with you?

11 A At my house.

12 Q At your house?

13 A Yeah.

14 Q How many times has Mr. Morin spoken with you?

15 A Just once.

16 Q Just that one time?

17 A Yeah.

18 Q Okay, and at that time you gathered from  
19 Mr. Morin sitting right over here, did you not,  
20 whom you did not mention on direct examination  
21 that the defense was going to try to pin this  
22 case on Douglas Senecal; isn't that true?

23 A What?

24 Q The question is: Did you learn from Mr. Morin,  
25 didn't you, that the defense was interested in

1           trying to pin this on Doug Senecal --

2   A   No, I did not.

3                   THE COURT:   Let him finish the  
4   question.   We have three conversations going at  
5   once.   I sat through this since about 9:30 this  
6   morning and this court reporter is human, she  
7   can only do just so much and I don't want two  
8   people talking again for the rest of this  
9   hearing.   Now wait until he finishes his  
10   question.

11                   MR. WRIGHT:   Sorry.

12                   THE COURT:   Start again.

13                   MR. WRIGHT:   Okay.

14   BY MR. WRIGHT:

15   Q   The question was:   When Mr. Morin came out to  
16   see you, you learned at that time that he was  
17   trying on behalf of the defense to suggest that  
18   Douglas Senecal was involved in this case?

19   A   No, that ain't the first time, no.

20   Q   No?

21   A   No.

22   Q   You deny that anything was said to you by  
23   anybody working on behalf of the defense, they  
24   were trying to suggest that Douglas Senecal was  
25   the one involved in the murder of Sarah Cherry?

1 A No, he was trying to say that Dennis didn't have  
2 no involvement, that's what he said.

3 Q Right, and my question to you is whether then  
4 the name Douglas Senecal ever came up with him?

5 A I brought it up because I told him I heard his  
6 voice out there.

7 Q Okay. Any idea how it had come that he reached  
8 you?

9 A Because I had a blue and white trailer in my  
10 dooryard.

11 Q No, I mean how it was he had come to find you on  
12 the Dead River Road.

13 A He was at the next-door neighbor's and he was  
14 looking at -- I had a blue and white trailer for  
15 sale at the end of my dooryard, and I went out  
16 and talked to him.

17 Q You know that Mr. Jasper, when he spoke to the  
18 police, mentioned your name?

19 A Yes, sir.

20 Q And that this had been done on the 7th of July,  
21 that your name had been mentioned to the police  
22 that day --

23 A Yeah.

24 Q -- by Mr. Jasper, did you know that?

25 A Yeah. He told me they were looking for me.

1 Q Now, you -- let's see, you went to -- through  
2 the 10th grade in high school?

3 A Yeah.

4 Q At what high school?

5 A Lisbon Falls.

6 Q And Douglas Senecal was not in your class, was  
7 he?

8 A No. I didn't say he was.

9 Q I understand, but I want to make sure I  
10 understand he was not in your class at school?

11 A No.

12 Q He is older than you are and he was ahead of you  
13 in school by a couple of years, wasn't he?

14 A Right, right.

15 Q Okay. In fact, would I be right to say that he  
16 was a senior when you were a freshman, would  
17 that be about right?

18 A No, I don't think he was that --

19 Q You don't think it was that far apart?

20 A No.

21 Q In any event, what was he, a couple of years  
22 ahead of you?

23 A Yeah, I think one year.

24 Q What?

25 A I think one year.

1 Q You told us that you were not chummy with him,  
2 not friendly with him. How often did you speak  
3 with him in high school --

4 A Oh, --

5 Q -- seldom?

6 A -- maybe a couple of times a week.

7 Q And when did you leave high school, after the  
8 10th grade?

9 A I didn't finish the 10th grade, I went into the  
10 service.

11 Q Okay, but when was it that you left high school  
12 during 10th grade, what year was that?

13 A Oh --

14 Q 19-- what?

15 A '70, '71.

16 Q Then you said you got your GED --

17 A Yeah, I got a GED in the service.

18 Q I am sorry.

19 -- while you were in the service?

20 A Yeah.

21 Q Did you leave high school in the 10th grade to  
22 go into the service?

23 A Yeah.

24 Q So you were out of the area in the military?

25 A For a year and two months.

1 Q And then that brings us to 1972 sometime?

2 A '72, '73.

3 Q And during that time you didn't see Doug  
4 Senecal, I take it?

5 A No.

6 Q And then you came back and you said, I think,  
7 you went to business college for two years?

8 A No, two terms.

9 Q Two terms, I am sorry. And where was that?

10 A Up in Farmington.

11 Q Okay, and two terms is what, two semesters?

12 A Two semesters.

13 Q So that's another year of schoolwork?

14 A Yeah.

15 Q So that brings us to '70 what, 1974, that you  
16 were in school in Farmington?

17 A No, I was only at Farmington for like two --  
18 they called it like two quarters, we went for  
19 break, went four weeks and then went back and  
20 went for another four weeks and that was it.  
21 That's what I meant by a semester, I meant  
22 quarters or whatever.

23 For weeks. It was through the service. It  
24 weren't regular college, it was through a  
25 service program.

1 Q Okay. I just want to know how long you were in  
2 school at Farmington altogether.

3 A Only about probably three to four months.

4 Q And was that during 1974?

5 A '73, I think.

6 Q 1973, okay.

7 A Right when I came out.

8 Q During that time you didn't see Douglas Senecal?

9 A No.

10 Q All right, so that you hadn't talked to him  
11 since sometime before you had left high school  
12 -- 10th grade in 1970 or '71, you hadn't talked  
13 to him for a couple or three years or more?

14 A Yeah.

15 Q Is that right? You have to answer for her.

16 A Yes.

17 Q Thank you.

18 Then you said on direct examination as I  
19 heard it you saw him after you got out of the  
20 service back in this area a couple of times, two  
21 or three times?

22 A Yeah, and I went over to his house --

23 Q I am sorry, I didn't mean to interrupt you. Go  
24 ahead.

25 A I went over to his house, there was another



1 friend of mine, Buddy Aire, was at his house.  
2 He was in a body cast and I had seen him and  
3 talked to him then.

4 Q Doug was in a body cast?

5 A No, Buddy Aire, a friend of mine.

6 Q I don't care about body casts. And when was  
7 that?

8 A That was in around '75, '76.

9 Q And then there was a time once in 1984 that you  
10 said that he came with Bill Crosman to your  
11 dooryard?

12 A Yeah.

13 Q In the winter?

14 A Right.

15 Q I guess it was cold outside?

16 A Yeah.

17 Q He didn't come into the trailer?

18 A No.

19 Q You didn't talk to him then?

20 A Yeah, I did.

21 Q You did?

22 A I talked to both of them a few minutes.

23 Q Just for a few minutes?

24 A They were both drunk.

25 Q Now, you said you were close to Billy Crosman

1           who stayed with you for six to eight months.

2           In fact, you have seen him just recently within  
3           the last few weeks, right?

4   A   Right.  He is with me now.

5   Q   What?

6   A   He is with me now.

7   Q   Okay, and you have been working together, you  
8           saw him off and on?

9   A   Yeah, I just helped him do a siding job --

10  Q   Speak up.

11  A   I just helped him do a siding job in Bangor.

12  Q   Now, since 1984, since you spoke with Douglas  
13           Senecal for a few minutes in the dooryard, you  
14           haven't spoken with him?

15  A   I ran into him again, he was in a fight up in  
16           -- I think it was the Ramada.  He was in a fight  
17           with somebody, he was hollering and screaming.

18  Q   When was that?

19  A   It was around '86, '87.

20  Q   Okay, and that was the last time you talked to  
21           him?

22  A   Yeah, talked with him.

23  Q   So since high school in 1970 or '71 as I  
24           understand it you have talked to Douglas Senecal  
25           you say or seen him hollering and screaming five

1 times in 20 years, is that about it?

2 A Yeah, but he has a very distinctive voice.

3 Q And based on that I want you -- I want to give  
4 you every chance in the world. Based on hearing  
5 a voice five times in two decades you are  
6 telling us that there's no question that was  
7 Douglas Senecal's voice?

8 A Yes, sir, because I went over and over and first  
9 it was -- at most of the times it was always  
10 hollering and that's why it was distinctive, the  
11 minute I heard him get out of the truck and  
12 holler.

13 Q What does the voice sound like?

14 A It's a deep voice.

15 Q What?

16 A A deep voice.

17 Q Anything else?

18 A Well, just deep voice and special tone to it.  
19 It's just like I have got one, you got people  
20 who have certain voices.

21 Q So what's distinctive about it is that it's a  
22 deep voice like your own? Is that --

23 A Deep in the voice in the way he hollered.

24 Q You don't claim as I understand it from what  
25 your testimony has been or for that matter from

1 reading your affidavit that you saw Doug  
2 Senecal?

3 A No.

4 Q I was confused and I want to try to clarify it.  
5 You said the little girl's voice was happy?

6 A Well, it was happy and it was muffled, it was  
7 inside the truck, but I could tell it was a  
8 little girl.

9 Q All right, but you said it was a happy voice?

10 MR. CONNOLLY: Your Honor, I object,  
11 it's a mischaracterization.

12 THE WITNESS: Well --

13 MR. CONNOLLY: Just a minute.

14 MR. WRIGHT: We will try to find out.

15 MR. CONNOLLY: Just a minute. It was  
16 a mischaracterization. He did not say happy, he  
17 said either sad or happy. It's a  
18 mischaracterization. He is trying to put words  
19 in the witness' mouth and I am objecting.

20 THE COURT: Rephrase your question,  
21 please.

22 MR. WRIGHT: All right.

23 BY MR. WRIGHT:

24 Q Did you not say at first on direct examination  
25 that the voice sounded happy?

1 A No, I did not say happy, I said laughing or  
2 crying. That's what I said in the first  
3 statement when I gave it to the police too.

4 Q And, okay, but you couldn't tell whether it was  
5 laughing or crying?

6 A No, because she was a real high voice, young.

7 Q All right, and you didn't see who that was?

8 A No, I did not see them in the truck.

9 Q And you then heard a third voice of a second  
10 male?

11 A Yes, sir.

12 Q You heard one word and then you couldn't  
13 understand the rest of it?

14 A Yeah, because he was muffled.

15 Q All right. Now, you didn't see any of the  
16 people interacting with one another or what was  
17 going on?

18 A No.

19 Q You don't know who was speaking to who, do you?  
20 Let me rephrase it.

21 You can't tell us because you didn't see  
22 who was talking whether the first male voice  
23 that you heard was talking to the other male in  
24 the truck, do you?

25 A I know he wasn't talking to the other male

1 because the other male said get in -- said,  
2 "Let's go." The other male said, "Let's go."

3 Q Excuse me, Mr. Jones, I didn't ask you what  
4 anybody said, okay? Try to answer the questions  
5 for me.

6 MR. CONNOLLY: Your Honor, he is  
7 trying to answer the question the only way the  
8 question can be answered is by saying what was  
9 said. Since he is not allowed to do that he is  
10 trapped. It's a trick question.

11 MR. WRIGHT: Well, I don't mean to  
12 trick anybody.

13 MR. CONNOLLY: Not today.

14 THE COURT: The responses as to what  
15 was said is ordered stricken.

16 BY MR. WRIGHT:

17 Q Now, you told us as I understood your testimony  
18 on direction examination that by the time you  
19 got to the end of your road -- let me ask you  
20 first, you said it was dusty on the road?

21 A No, that was in the video.

22 Q I am sorry, I misunderstood you, in the video.  
23 It was a dirt -- I mean, Dead River Road was  
24 then and is today a dirt road?

25 A Yes, sir.

1 Q And the truck when you got down to the red and  
2 white truck -- when you got down to the end of  
3 your driveway, what, it took off at a high rate  
4 of speed?

5 A Yeah.

6 Q Are you saying that it left no dust in its  
7 tracks, in its trail as it took off at a high  
8 rate of speed down the dirt road?

9 A No, it didn't spin. No, it didn't.

10 Q It wasn't raining that day, was it?

11 A No, but it was packed down, the road.

12 Q Do you have any recollection what the weather  
13 was like? Do you have any recollection what the  
14 weather was like that day?

15 A Yes.

16 Q What?

17 A It was -- the sun was going down. It was sunny,  
18 but what I am saying is --

19 Q How warm was it?

20 A Huh?

21 Q How warm was it?

22 A Oh, probably about 70, 75.

23 Q About 70 or 75? Kind of a nice, fresh summer  
24 Maine day like today?

25 A Not as hot today.

1 Q What?

2 A Well, yeah, hotter in Bowdoin today.

3 Q All right, and the sun was going down so you  
4 were looking directly -- you were looking down  
5 the road into the sunlight, is that it?

6 A Right.

7 Q Okay, and you told us on direct examination that  
8 when the truck was 500 feet away you got three  
9 letters or numbers off the tag?

10 A Right.

11 Q Let me understand if I got it right. The truck  
12 took off at a high rate of speed heading into  
13 the sunset that you were looking right into, and  
14 at --

15 A No --

16 Q Wait a minute.

17 -- at 500 feet away you saw three numbers  
18 or letters on a Maine registration plate?

19 A Yes, sir. If you let me tell you where the sun  
20 was.

21 Q Okay.

22 A There was no glare on the end of my driveway,  
23 there weren't glare until he was up on that  
24 knoll. That's when -- me and Jasper was trying  
25 to figure what they were doing pulled over



1           there. That's where the glare was, on that  
2           knoll. There was no glare on the end of my  
3           driveway 500 feet.

4       Q   Did it just happen that Gary Jasper just  
5           coincidentally came along?

6       A   Yeah.

7       Q   And you then talked things over with him and he  
8           went on and he followed the truck --

9       A   Yeah.

10      Q   -- up the road? Okay.

11                   I want to be -- make sure I understand.  
12           You are saying that the truck that Gary Jasper  
13           followed up the road is the same truck that you  
14           had seen?

15      A   Yes.

16      Q   You and he saw the same truck?

17      A   Yes.

18      Q   No question?

19      A   No question.

20      Q   Do you know, Mr. Jones, that in the trial of  
21           this case Gary Jasper identified that truck as a  
22           red Toyota with the defendant's license plate  
23           except for one figure, he got the last letter,  
24           which was a V, that he identified as a number?

25      A   If you did your homework and read it --

1 THE COURT: Wait a minute. I am only  
2 going to say this one more time, you are going  
3 to wait until he finishes his question and then  
4 you are going to answer his question. If you  
5 need to do any explaining that's Mr. Connolly's  
6 role here because Mr. Connolly is the one that  
7 called you as a witness.

8 THE WITNESS: All right.

9 THE COURT: Do you understand that?

10 THE WITNESS: Yes, sir.

11 THE COURT: Okay. Let's back up and  
12 start again.

13 BY MR. WRIGHT:

14 Q What was in the bed of the truck?

15 THE COURT: No, let's get to that  
16 question. There is a pending question.

17 BY MR. WRIGHT:

18 Q The question was: Are you aware that Mr. Jasper  
19 identified the truck that he saw with you that  
20 day as a red Toyota and he identified the tag  
21 number at the time of trial in this case except  
22 for one letter at the end of the license number  
23 as being Mr. Dechaine's?

24 MR. CONNOLLY: Your Honor, I am going  
25 to object. That's a mischaracterization of the

1 testimony. The report I have indicates that he  
2 did not provide the defendant's --

3 MR. WRIGHT: I will be willing to rely  
4 on the testimony.

5 THE COURT: Fine, let's go to the  
6 record. Can you find it? Do you have a  
7 reference to it?

8 MR. WRIGHT: Yes.

9 THE COURT: Let's go to the  
10 transcript. You tell me because I have the  
11 record right here.

12 MR. WRIGHT: Mr. Jasper's testimony is  
13 in Volume V, it starts at page 940. My  
14 reference, if the court would like me to  
15 respond, page 942.

16 THE COURT: Did you find it,  
17 Mr. Connolly?

18 MR. CONNOLLY: Sir, my transcript is  
19 in my car. My secretary is going to get it.

20 MR. WRIGHT: I can read it.

21 THE COURT: Why don't you stand next  
22 to Mr. Wright and read along with him.

23 MR. CONNOLLY: Yes, sir.

24 BY MR. WRIGHT:

25 Q The question was asked by Mr. Connolly: What I

1 want to ask you if during the period of July  
2 7th, he said 1988, you saw a red Toyota pickup  
3 truck, and the answer was: Yes.

4 MR. CONNOLLY: Your Honor, we are  
5 talking about July 6th.

6 MR. WRIGHT: Well, it gets cleared up  
7 later.

8 On page 954 is reference to tag number and  
9 lines 13 through 15 -- or through 16 --

10 MR. CONNOLLY: It says I am not sure  
11 of the number, your Honor.

12 BY MR. WRIGHT:

13 Q Question: 936761?

14 Answer: Yes, I wrote it down in coming  
15 across my scanner.

16 MR. CONNOLLY: Wait a minute, what  
17 Gary Jasper is talking about is the number he  
18 got off of a scanner, not about the number that  
19 he saw driving up the road. Mr. Wright is  
20 mischaracterizing the evidence on a very  
21 significant point.

22 Jasper said that he was listening to the  
23 police scanner, that the number came across on  
24 the scanner and that's the number he was  
25 identifying, the number of the truck that he

1 saw, and that's Mr. Jones' --

2 MR. WRIGHT: Well, I don't want to get  
3 bogged down in the transcript but the redirect  
4 -- the testimony of Mr. Jasper further --

5 THE COURT: Continue.

6 MR. WRIGHT: -- was that the number he  
7 heard on the scanner was the number of the truck  
8 that he had seen earlier in the day.

9 MR. CONNOLLY: He said right above  
10 that line that he could not be sure, he didn't  
11 know --

12 THE COURT: Wait a minute. In the  
13 interest of time if we go to the redirect  
14 examination at the bottom of page 955, perhaps  
15 this will tie this in to what was or was not  
16 heard on the scanner and what was seen and not  
17 seen.

18 THE WITNESS: Sir, can I say  
19 something?

20 THE COURT: Do counsel want to put  
21 something on the record as far as it relates  
22 to --

23 MR. CONNOLLY: I can't identify the  
24 defendant's license plate based upon 5, Number  
25 5. It's the only immediate document.

1 MR. WRIGHT: There were exhibits in  
2 evidence which I am perfectly willing to give  
3 the court again as part of the record. I will  
4 do that. As I said, I don't want to get bogged  
5 down. You can read it for yourself.

6 THE WITNESS: Can I say something,  
7 sir?

8 BY MR. WRIGHT:

9 Q Now, Mr. Jasper, what was in the bed of the  
10 truck?

11 A My name ain't Mr. Jasper.

12 Q Mr. Jones.

13 A He didn't know either.

14 Q What was in the bed of the truck?

15 A What was in the bed of the truck?

16 Q Yes.

17 A Nothing.

18 Q By the bed I mean, just so we are clear about  
19 it, back behind the cab part.

20 A Yeah.

21 Q Okay?

22 A I know what you --

23 Q You didn't see anything, you didn't note  
24 anything?

25 A No.

- 1 Q Had you had --
- 2 A Not when --
- 3 Q I am sorry?
- 4 A No.
- 5 Q You are a truck driver by profession?
- 6 A Yes.
- 7 Q And that's what gives you the experience in
- 8 analyzing --
- 9 A I --
- 10 Q -- examining -- let me finish.
- 11 A Sorry.
- 12 Q -- in examining tire tracks?
- 13 A Well, I would say more of spotting tire tracks
- 14 would be all the experience, I got more on car
- 15 tires in my dooryard than I do on the truck.
- 16 Q And it's important as a truck driver going long
- 17 distances to obey the law and so on?
- 18 A Yeah.
- 19 Q And you try to do that?
- 20 A Safety reasons.
- 21 Q Safety, sure. What kinds of tires were these?
- 22 A They were Radials.
- 23 Q Snow tires or no?
- 24 A No.
- 25 Q Any idea what brand?

1 A I would say probably Goodyear, I would say.

2 Q Are you just guessing or do you know?

3 A I know most of them -- most of the tread that I  
4 had seen of Goodyear is usually like that.

5 Q Is this a fairly common tread?

6 A No -- yeah, I would say it's fairly common for  
7 that type of radial tire for trucks.

8 Q What size tires were they?

9 A Oh, I couldn't tell you that because there was  
10 -- the mark -- you know, I couldn't tell you  
11 what size tire it was. I mean, I could by --

12 Q I am sorry?

13 A I know what they are on them size trucks but I  
14 am saying I can't tell the size of tire by the  
15 mark, what you are trying to get out of me.

16 Q No, I am just seeing what you know, that's all.

17 Now, --

18 A Well, 15 in tires.

19 Q In the tread itself you didn't find any  
20 particular nicks that were repeated or gouges or  
21 anything like that?

22 A No, that's why I asked the detective to take a  
23 cast.

24 Q Right, and who was the detective you asked to do  
25 that?



1 A Lehan, I think. He came down to the house.

2 Q Had you ever met him before?

3 A No, sir.

4 Q Do you remember him at all?

5 A Probably if I see him I would.

6 Q What does he look like?

7 A Medium build -- there was two. Medium build,  
8 about five ten or so.

9 Q About five ten?

10 A Right around there.

11 Q What color hair?

12 A Dark.

13 Q Dark, okay.

14 Q Who was the other detective?

15 A I don't know. I can't remember.

16 Q You never got his name?

17 A Yeah, I got his name.

18 Q But you just don't remember?

19 A I remember Lehan because they said Detective  
20 Lehan wants to talk to you and there was two  
21 that came down.

22 Q All right. Do you not remember the name of the  
23 other detective?

24 A No, I don't.

25 Q Okay. What did he look like?

1 A He was a little -- I think he was a little bit  
2 heavier. Might have been Hendsbee, I think.  
3 The name sounds familiar.

4 Q How did you know the name Hendsbee?

5 A Because they said Lehan and Hendsbee, I think.

6 Q Now, the evening of the 6th you didn't want to  
7 stop to find out what was going on because you  
8 said you didn't have -- as I understand it you  
9 didn't have a license and you just wanted to get  
10 home so the police wouldn't stop you and find  
11 out you didn't have a license; is that right?

12 A Yeah, I thought -- they were with the spotlight  
13 and I come up on them fast and I slowed down, I  
14 figured they would pull me over.

15 Q Okay. The next day, however, you said you drove  
16 down to the command post?

17 A What?

18 Q The next morning you drove down to the command  
19 post?

20 A Yes.

21 Q And that was between 8:00 and 9:00 a.m.?

22 A Right around there because I got up early.

23 Q It was early?

24 A Yeah. It was early. They should have it on  
25 record. They took the statement.

1 Q The photograph that was shown to you was not  
2 this photograph, was it?

3 A Yeah, it was that one. It was shown to me.

4 Q This is the one that was shown to you?

5 A No -- yeah, the back to, they showed that, the  
6 red truck back to, that must have been the  
7 picture that they showed to me. The exact same  
8 picture I don't know.

9 Q That's what I am asking: Is this the exact same  
10 picture or not?

11 A I mean exact same in the picture, you know, the  
12 same area. That he showed me, that back of it.

13 Q How many photographs?

14 A Just one.

15 Q And it was the back?

16 A Yeah.

17 Q Was it this same size picture?

18 A I think it was smaller.

19 Q Smaller?

20 A I think it was a Polaroid.

21 Q All right. Did the officer, Detective Lehan,  
22 ask you to initial it or anything like that that  
23 you had seen it?

24 A No.

25 Q Because you said -- okay, I am sorry, I didn't

1 mean to confuse you. You said that was the  
2 truck that you had not seen?

3 A Yeah, that's the one I had not seen.

4 Q Had not seen?

5 A Yeah, because it was red and white that I saw.

6 Q Do you recall seeing in the photograph that was  
7 shown to you that on the back just as it does in  
8 this photograph it says diesel right on it?

9 A Yes.

10 Q Okay.

11 A They asked me that before they showed me the  
12 picture, though.

13 Q And this -- tell me exactly where this was.  
14 This was early in the morning, 8:00 or 9:00 a.m.  
15 and you met up with Trooper Jacque from the  
16 state police who invited you or asked you to go  
17 into the command post?

18 A Yeah.

19 Q And let me just understand, I want to make sure  
20 I understand it. And when you went into the  
21 command post that's when you talked to Lehan and  
22 saw the photograph?

23 A He asked me if it was --

24 Q Now listen to my question. Is that when he  
25 showed you the photograph, in the command post?

1 A Yeah, in the command post.

2 Q Okay, within a few minutes I take it after you  
3 got down there early that morning?

4 A Yeah.

5 Q The videotape that you took, that was done with  
6 Patrick Senecal?

7 A Yes.

8 Q And how were those arrangements made?

9 A I asked him --

10 Q Asked who? You are going to have to give us  
11 names.

12 A Well, before I couldn't say none, now I can. I  
13 asked Pat after I seen the picture of him saying  
14 there's no way he could go by there without  
15 seeing a vehicle and if I had a video camera,  
16 you know, I could take a picture of it and show  
17 it, and he said that he had one so I says, well,  
18 maybe you can come down some weekend -- and I  
19 was planning on putting a red truck there, I was  
20 going to be trading for one, but I says -- I put  
21 the car there.

22 Q So you know Patrick Senecal?

23 A Not till just three weeks ago.

24 Q All right, and how was it that you met him?

25 A I called him.

1 Q You didn't know a man until three weeks ago and  
2 out of the blue you called him?

3 A I called him. I was trying to find out because  
4 I have to look over my back to see if what he  
5 knew where Doug was because I don't -- I am  
6 sticking my neck out. I have to find out where  
7 he is.

8 Q Okay, so you called Patrick Senecal with whom  
9 you know to be Douglas Senecal's uncle, okay,  
10 three weeks ago, never having met the man before  
11 to find out what he knew --

12 A If he knew where Doug was.

13 Q Right. It was important for you to know what  
14 somebody else knew so that you could testify as  
15 to what you saw --

16 A No.

17 Q -- is that it?

18 A No. I said I wanted to know where Doug was. I  
19 knew he was in North Carolina somewheres.  
20 specifically before I did this. I wanted to  
21 know where he is.

22 Q How --

23 A Because I have a boy 13 years old.

24 Q How did you get the name of Patrick Senecal?

25 A From Mr. Connolly.

1 Q And how did you get the phone number of Patrick  
2 Senecal?

3 A I looked it up in the -- I called information  
4 for Oxford.

5 Q What town?

6 A Oxford.

7 Q Now, the affidavit that you have filed, this was  
8 prepared after you spoke to Mr. Connolly, right?

9 A Right.

10 Q And it is dated -- well, I am sorry, it is not  
11 dated. Do you recall when that affidavit was  
12 prepared?

13 A May.

14 Q Okay. By May you had -- because you told us on  
15 direct examination you thought a lot about your  
16 testimony, right, so by the time you gave that  
17 affidavit you thought a lot about it?

18 A Yeah.

19 Q Is that right? Yes?

20 A Yes.

21 Q Okay, and you wanted to be in preparing an  
22 affidavit as careful as you could to tell the  
23 truth?

24 A When I made that --

25 Q Well, listen to my question. The question is:

1 In preparing the affidavit, in signing the  
2 affidavit that was prepared, you wanted to be as  
3 careful as you could to tell the truth and the  
4 whole truth?

5 A Yes.

6 Q And what it says is that this incident as you  
7 saw it happened on the morning of July 6, 1988,  
8 doesn't it?

9 A The morning?

10 Q That's right. Paragraph 8: On the morning of  
11 July 6, 1988, I had the generator going, and  
12 then you go into the next several paragraphs and  
13 business about seeing --

14 A You must have typed it wrong. I didn't say it  
15 was the morning. I knew it wasn't morning.

16 MR. CONNOLLY: Your Honor, he is  
17 mischaracterizing the affidavit. We are talking  
18 about the earlier part of day.

19 MR. WRIGHT: I would be glad to read  
20 it.

21 BY MR. WRIGHT:

22 Q Paragraph 8: On the morning of July 16, 1988 I  
23 had the generator going on the back of my house  
24 because there was no electricity -- On the  
25 morning of July 6, 1988, I had the generator



1 going at the back of my house because there was  
2 no electricity. I was with my son, Jarett. As  
3 I was in the dooryard of my trailer I heard some  
4 300 feet at the bottom of my road -- heard talk  
5 -- I am sorry, heard talk some 300 feet at the  
6 bottom of my road and saw a red and white  
7 truck.

8 Okay, paragraph 9, just to go on so we know  
9 it's the same: Because I was concerned about  
10 possible break-ins into my trailer I ran down  
11 the road and took a look at who was there.

12 Paragraph 10: I heard through the bushes  
13 two men talking and the sounds of a young girl.

14 Now, my question to you is, Mr. Jones, did  
15 you sign an affidavit, did you not swear to the  
16 truth of its contents claiming that what you had  
17 seen and heard on that morning was in the  
18 morning --

19 A No --

20 Q That day was in the morning?

21 A I didn't know -- I didn't mean -- I didn't say  
22 it was in the morning. I don't think I said  
23 it. Mr. Connolly must have misrepresented me  
24 because I know it wasn't in the morning.

25 Q Nevertheless you signed it, didn't you?

- 1 A Yeah, but I didn't type it.
- 2 Q Are you telling us that you --
- 3 A They might have made a mistake. I read a lot of  
4 it. There's a lot of mistakes in there.
- 5 Q In any event the incident that you say you saw  
6 and heard was between 7:30 and 8:30 at night?
- 7 A Yes.
- 8 Q What is your date of birth, sir?
- 9 A 9-2-54.
- 10 Q And during this time period, 1988, you lived on  
11 the Dead River Road part of the time?
- 12 A Yeah -- well, I lived there all of the time  
13 until I sold the land, and I was trying to get  
14 that settled and go to Florida, move to Florida,  
15 but --
- 16 Q And you mentioned something about New Hampshire,  
17 I thought. Were you living also part time or  
18 more regularly in New Hampshire?
- 19 A No, I was more regularly in Bowdoin. I just  
20 went down there weekends.
- 21 Q And did you live alone on the Dead River Road or  
22 with your son?
- 23 A With my son.
- 24 Q In New Hampshire was your son with you?
- 25 A Yeah.

1 Q And anybody else or did just you and he live  
2 alone in New Hampshire?

3 A No -- well, we stayed with people. I didn't  
4 live there, I didn't have a residence, I stayed  
5 with relatives.

6 Q Relatives?

7 A Yeah.

8 Q And their names?

9 A Brunelle.

10 Q I am sorry?

11 A Art Brunelle.

12 Q Art Brunelle?

13 A He is my uncle. Dennis Brunelle.

14 Q Anybody else?

15 A No, just stayed with different friends. Went  
16 down there on weekends just until I was getting  
17 the land settled.

18 Q Can you recall the names of any of those  
19 friends?

20 A Larry Dupuis.

21 Q Is that all you can remember?

22 A No, I can name off all kinds. I know a lot of  
23 people down there. Ed McMahon.

24 Do you want me to name them all?

25 Q Well, where did you live in New Hampshire?

1 A I stayed in --

2 Q Or stayed, whatever. Where was it?

3 A I ain't saying, there are news reporters here.  
4 I have to watch out.

5 Q I would like to pose the question to the witness  
6 again. Where in New Hampshire were you staying  
7 or living?

8 MR. CONNOLLY: I will object,  
9 relevancy.

10 MR. WRIGHT: If you give me a little  
11 leeway I would be glad to make it relevant.

12 THE COURT: Overruled.

13 BY MR. WRIGHT:

14 Q Where? Where?

15 A I am not saying.

16 THE COURT: You are ordered to say.  
17 You are ordered to answer the question.

18 A I have the boy to protect.

19 THE COURT: You are ordered to answer  
20 the question.

21 A Manchester.

22 Q Okay. Was it in an apartment --

23 A I am planning on moving back down there. I have  
24 to watch over my back. News reporters here.

25 Q Was it in a house or an apartment?

1 MR. CONNOLLY: I will object to this  
2 line of inquiry. Whether he lives in a house or  
3 apartment in Manchester has no relevance.

4 MR. WRIGHT: I am not asking about  
5 after necessarily at all, I am asking  
6 contemporaneously.

7 THE COURT: This goes to the time  
8 frame during which this incident occurred on or  
9 about July 7th because his testimony has been  
10 that he had sold off part of the land, he had  
11 come back up here for a limited purpose, and  
12 it's within this time frame that I understand  
13 the question is to be directed. Is that  
14 correct, Mr. Wright?

15 MR. WRIGHT: Yes.

16 THE WITNESS: I was staying in  
17 people's apartments.

18 BY MR. WRIGHT:

19 Q Did you get mail there?

20 A No.

21 Q No?

22 A (Motions head sideways.)

23 Q Your affidavit says that when you went down to  
24 the command post, paragraph 29: At that time I  
25 was shown Dennis Dechaine's red truck.

1 A Yeah, when I went into the command post. When I  
2 went down -- I didn't go down, I didn't know  
3 that command post was there. I drove down there  
4 and I didn't know what was going on, and I saw  
5 Gilbert and Chris and them on the lawn and I  
6 went over and asked Gilbert what was going on,  
7 and I told him -- then I went into the command  
8 post.

9 Q I understand, and at that time you were shown  
10 Dennis Dechaine's truck?

11 A Yes.

12 Q The affidavit doesn't say anything about being  
13 shown photographs, it says being shown the  
14 truck, doesn't it?

15 You can read?

16 A I said photographs.

17 Q So you meant to say photographs --

18 A Yeah.

19 Q -- is that right?

20 A Right.

21 Q Did you speak with any other officer that  
22 morning when you went down to the command post,  
23 that is the morning of the 7th, whom you knew  
24 personally?

25 A Ron Jacque.

1 Q Yes, besides Ron Jacque. I meant anybody else.

2 A I might have talked with a sheriff later on in  
3 the day after because I was running back and  
4 forth.

5 Q What sheriff?

6 A I think it was Ackley.

7 Q I am sorry?

8 A I think it was Ackley.

9 Q John Ackley?

10 A Ackley.

11 Q And that was what time?

12 A Later on in the day.

13 Q When later in the day?

14 A I couldn't say right now.

15 Q Still morning or in the afternoon?

16 A It was afternoon, in the afternoon.

17 Q In the afternoon?

18 What did you tell John Ackley in the  
19 afternoon of the 7th?

20 A I think I told him what I -- you know, about the  
21 truck and stuff like that. He just said if you  
22 get any more go talk with the command post.

23 Q Did you describe the truck to him?

24 A I said -- I think I told him I saw a red and  
25 white truck but he didn't carry a conversation

1 on about the thing.

2 Q Okay. Did you give him the numbers on the tag  
3 that you saw?

4 A Not Ackley, no.

5 Q Did you give those to somebody?

6 A I gave them to the command post, the detective  
7 in the command post.

8 Q That's Lehan?

9 A Lehan. I wrote them down on a piece of paper  
10 and I don't know if he gave them back. I have  
11 been trying to find them through all my papers  
12 but I think he kept them.

13 Q Now, when you went down there that morning you  
14 didn't give them the name of Douglas Senecal as  
15 the person you had heard, did you?

16 A No, I did not. I said it was familiar.

17 Q And at no time thereafter, after you started  
18 thinking about this and came to realize you say  
19 whose voice it was, did you ever tell any  
20 authority, any member of the state police whose  
21 voice you claimed you had heard? Did you?

22 A No, because --

23 Q Okay. The truck didn't have a cap on it or  
24 anything, did it, on the back?

25 A No. We thought it did but we was looking at the



1 sun when it was on the knoll, but it didn't when  
2 it pulled off.

3 MR. WRIGHT: Excuse me, your Honor.

4 BY MR. WRIGHT:

5 Q Don't you recall or let me ask you, do you  
6 recall saying to John Ackley on the 7th of July  
7 that last night around 8 o'clock, 8:00 p.m., a  
8 pickup truck drove through the area and had a  
9 fish-type box in the back and that you had heard  
10 screams coming from the truck?

11 A We -- me and Jasper, when we saw it on the  
12 knoll, it looked like a fish-type box. It might  
13 have been because of the sun up on the knoll.

14 Q Well, you have told me already that it had  
15 nothing in the back bed of the truck, and my  
16 question is --

17 A No.

18 Q -- is: Do you recall telling Deputy Sheriff  
19 John Ackley that you last night around -- this  
20 was on the 7th of July now I am talking about,  
21 that last night meaning the 6th?

22 MR. CONNOLLY: I will object.

23 Mr. Wright is reading from a document and I  
24 would like to know what the document is.

25 MR. WRIGHT: It's a police report

1 prepared by Detective Steven Drake.

2 MR. CONNOLLY: When?

3 MR. WRIGHT: From notes taken that day  
4 from Deputy Sheriff Ackley.

5 MR. CONNOLLY: If I may have a moment  
6 to inquire of my file.

7 Do you have a date?

8 MR. WRIGHT: July 7th.

9 Do you have our page numbers there?

10 MR. CONNOLLY: Yes.

11 MR. WRIGHT: 170, bottom right-hand  
12 corner. 170.

13 THE COURT: It's now 25 past 12:00.  
14 We are going to recess for lunch until 1:30.

15 (Thereupon, the lunch recess was taken  
16 between 12:25 p.m. and 1:38 p.m., afterwhich the  
17 following proceedings took place:)

18 BY MR. WRIGHT:

19 Q Mr. Jones, I think we left before lunch and I  
20 was talking about your recollections of anything  
21 which you said to Deputy Ackley?

22 A Yes.

23 MR. WRIGHT: Mr. Connolly, have you  
24 found --

25 MR. CONNOLLY: Yes. Thank you.

1 BY MR. WRIGHT:

2 Q And the question I don't know that we got an  
3 answer to yet, I thought I had asked, was  
4 whether you recall telling Deputy Ackley that,  
5 this being on the 7th of July now, that last  
6 night, meaning the evening of the 6th around  
7 8 o'clock at night a pickup truck drove through  
8 the area and had a fish-type box in the back and  
9 that you thought you heard screams coming from  
10 the truck.

11 A Yeah, I said that, it looked like the fish-type  
12 box up on the knoll.

13 Q All right. Do you recall saying that to Ackley?

14 A Yes, but up on the knoll.

15 Q And this is the extent of the information that  
16 you gave to Ackley?

17 A Let's see. Unless I went in the thing, because  
18 I usually talk to John a lot so I might have,  
19 you know, said it stopped up on the knoll, and I  
20 think I told him about Gary.

21 Q Did you also give him a registration number that  
22 had been driving through the area back and  
23 forth; do you remember that?

24 A No, I didn't.

25 Q Well --

1 A I might have gave them three numbers.

2 Q Registration number that you may have given him,  
3 79597 R, do you remember -- I mean, does that  
4 registration bell ring -- registration number  
5 ring a bell with you as those numbers?

6 A No, it don't ring no bell.

7 Q Okay. Now, the affidavit that Mr. Connolly  
8 signed -- I am sorry, that you signed -- well,  
9 Mr. Connolly signed it as a notary public as  
10 lawyers do, I take it that you read it before  
11 signing it?

12 A I -- when I said it to him he took it on a tape  
13 recorder, I think.

14 Q Did you read it before you signed it?

15 A No, I just signed it.

16 Q Have you ever read it?

17 A Because it -- no, because I was -- he was tape  
18 recording it, I think.

19 Q How do you know if you have never read it then  
20 that there are lots of mistakes in it which you  
21 said before lunch?

22 A In the other -- all the other statements.

23 Q No, in the affidavit.

24 A I said there's other mistakes in other  
25 statements that I was reading.

- 1 Q Did you say before lunch that there were lots of  
2 mistakes in the affidavit?
- 3 A Not in mine, in the other affidavits.
- 4 Q Oh, you have been shown other affidavits?
- 5 A Yes.
- 6 Q What other affidavits?
- 7 A Buttrick's affidavit.
- 8 Q I am sorry, I know you are not a lawyer so maybe  
9 you are --
- 10 A Statement, Buttrick's statement.
- 11 Q Well, with respect to the Buttricks it was in  
12 this kind of a form, in a volume that had -- you  
13 know, like this?
- 14 A Yes, sir.
- 15 Q Okay. Trial transcript then?
- 16 A Yeah.
- 17 Q Okay, and who showed you that?
- 18 A Mr. Connolly. Reading it to determine where  
19 they went.
- 20 Q The affidavit that you signed, paragraph 2 gives  
21 your date of birth and then says you are over 18  
22 and so on, and it says you believe in the  
23 consent of oath or affirmation and have personal  
24 knowledge of matters contained in this  
25 affidavit; is that right? You can look at it to

1 make sure I have quoted that right, paragraph  
2 2.

3 A Yeah, Mr. Connolly read that to me.

4 Q Okay, and you understood that to mean, I take  
5 it, that you believe in telling the truth under  
6 oath?

7 A Yes.

8 Q I apologize to you for my failure of  
9 recollection but did you say that this -- the  
10 truck which is a large photograph here, I don't  
11 see the exhibit sticker -- I am sorry, 4,  
12 Defense 4 for this hearing, that's the truck  
13 that you identified as the one you saw?

14 A Yeah.

15 Q And that that was the only day on which you had  
16 seen it?

17 A Yep.

18 Q Your affidavit, sir, says that in observing --  
19 paragraph 14, in observing the truck there's no  
20 question in my mind that it was Douglas  
21 Senecal's truck that I saw at the end of my  
22 driveway; does it not?

23 A I meant to say -- it should be voice.

24 Q Well, the paragraph -- okay, but hold on with  
25 me. Paragraph 12 said I heard the voice clearly

1 and there is no doubt in my mind that it's  
2 consistent with Douglas Senecal's voice?

3 A Yeah.

4 Q All right, and paragraph 13, I know Douglas  
5 Senecal's voice from personal contact with him  
6 on a number of occasions?

7 A Yeah.

8 Q So paragraphs 12 and 13 are directed towards his  
9 voice, right?

10 A Right.

11 Q And paragraph 14 is directed towards seeing, not  
12 hearing but seeing something which was a truck  
13 which you have said is Douglas Senecal's truck?

14 A Yeah.

15 Q Now --

16 A That must have been --

17 Q Wait with me just a minute, Mr. Jones.

18 Now, the affidavit which you have  
19 acknowledged is matters within your personal  
20 knowledge contained something then I take it  
21 since you have never seen the truck on any other  
22 occasion --

23 A Other than --

24 Q -- which isn't true?

25 A I haven't, other than seeing the picture asked

1 if that was the truck I seen.

2 Q Yes, but you had no personal knowledge that this  
3 was Doug Senecal's truck when you saw it because  
4 you had never seen it before?

5 A I seen it at the end of the driveway.

6 Q Yes, but you had never seen it before so you had  
7 no way of knowing what kind of truck Doug  
8 Senecal owned, wouldn't that be right?

9 A I didn't say I did.

10 Q Well, you said in paragraph 14, did you not,  
11 Mr. Jones, that there's no question in my mind  
12 that it was Doug Senecal's truck that I saw at  
13 the end of my driveway?

14 A Yeah, I saw the picture of it. I made the  
15 statement after I saw the picture of it.

16 Q I see, so somebody told you that that was Doug  
17 Senecal's truck?

18 A No, they showed me the picture and asked me if  
19 that's the one I seen and then I said yes and  
20 they said that's Doug's truck and I said that's  
21 the kind of truck that I saw at the end of the  
22 driveway.

23 Q So you had no personal knowledge that it was  
24 Doug Senecal's truck?

25 A No, not personal before that.



1 Q So that at least in that sense the affidavit  
2 which in paragraph 2 says you were swearing to  
3 tell the truth of things within your personal  
4 knowledge, that is not true, is it?

5 A Yeah, I saw the truck before I made that  
6 statement in the picture.

7 Q The diesel engine seemed to be of concern to you  
8 -- to the police officers?

9 A Yes.

10 Q When you told them that you had not heard a  
11 diesel they just excused you?

12 A They just said okay, and I told them about the  
13 girl and Dechaine, and they said if you get any  
14 more information come back, so I said --

15 Q You have identified today the person with whom  
16 you spoke as Detective Lehan. On a couple of  
17 occasions you spoke with him, right?

18 A Yes.

19 Q His name does not appear in the affidavit  
20 anywhere, does it?

21 A No.

22 Q Is there some reason for that?

23 A What?

24 Q If you have known for a long time now what  
25 happened and who you spoke with why couldn't you

1 put it in the affidavit?

2 A He didn't ask me who the detective was.

3 Q Didn't you think it was important to identify in  
4 your affidavit --

5 A I said detectives came down, I brought them down  
6 to the driveway, the two detectives.

7 Q Did you not think it was important to identify  
8 for purposes of this affidavit that you prepared  
9 who it was specifically you had talked to?

10 A I didn't prepare it. I said how it happened  
11 back in 1988, that's what happened. I did not  
12 sit down and prepare every single word.

13 Q You then signed an affidavit swearing to its  
14 truth of things within your personal knowledge  
15 that you never read --

16 A What I said --

17 Q -- is that right?

18 A I said it and he wrote them down.

19 Q The question was, Mr. Jones, I want to be clear  
20 about this with you, you signed an affidavit  
21 that is under oath, you were making a statement  
22 and you signed that statement without ever  
23 having read it; is that correct?

24 A I skimmed over it, wrote it.

25 Q What did you skim over? I thought you said you

1       hadn't read it.

2       A   I just got done saying --

3       Q   Skimming, I am sorry.  Go ahead.

4       A   I just got done with the statement, I just got  
5       done saying I know what I said so I signed it.

6       Q   And it's in skimming it over nothing caught your  
7       attention as being in error; is that right?

8       A   No.

9       Q   Is that correct?

10      A   Correct -- yeah, there was because she made --  
11      the secretary -- I saw one mistake and she  
12      corrected it.

13      Q   What mistake was that?

14      A   I am trying to think.  I can't think right  
15      offhand what it was.  She crossed it out and  
16      retyped it.

17      Q   Was it just a typo, a little thing or was it  
18      something that struck you as being pretty  
19      important that you needed to change?

20      A   No, I thought it was pretty important to say it,  
21      that's why I caught it.

22      Q   Was the change then made?

23      A   Yes.

24      Q   You watched Mr. Connolly's secretary make the  
25      change?

1 A Yes.

2 Q And it was after that that you signed it without  
3 reading it?

4 A Yes, without reading it fully because I just got  
5 done saying it.

6 Q So that you found one error, corrected that  
7 error and then was satisfied that that's all  
8 there was that needed to be corrected?

9 A Yeah.

10 Q So that the rest of it would be true?

11 A Yeah.

12 Q Is that right? Yes?

13 A Yes.

14 Q You have to speak up for the court reporter.

15 A Yes.

16 Q Now, when was it after you went down to the  
17 command post on the morning of the 7th and spoke  
18 first with Trooper Jacque and then with  
19 Detective Lehan, and perhaps it was Hendsbee you  
20 thought?

21 A Might have been -- it's four years ago.

22 Q I understand, I understand, a long time ago.

23 Then I thought you said earlier this  
24 morning that detectives -- the same two  
25 detectives came back to speak with you later?

1 A Yeah, they came back twice.

2 Q Twice?

3 A Yeah.

4 Q And when -- I thought -- that's where I wanted  
5 to clarify with you because I got lost.

6 A I think the next day they came back again.

7 Q Okay. Later that day they came -- they talked  
8 to you again, later on the 7th?

9 A No, I think it was they came back on the 8th.  
10 Talked to me on the 7th, I think they -- I  
11 brought them down there once and --

12 Q On the 7th?

13 A Yeah.

14 Q And showed them tire tracks?

15 A Tire marks.

16 Q Okay. That was on the 7th?

17 A And they came on the -- they came on the 8th  
18 too, I think.

19 Q So when the affidavit says two days or so  
20 following this incident two detectives came to  
21 my house and took a statement, that's what you  
22 are referring to, is them coming back the next  
23 day?

24 A Yeah, they came back again. They found me down  
25 on the corner at the command post, they followed

1 me down, and I got out and showed them and then  
2 they came back I think the day after again and  
3 asked -- I don't know if it was about that girl  
4 they was looking for. They just asked me some  
5 more questions.

6 Q And that you thought --

7 A Oh, asked about Gary.

8 Q That was Lehan and the other detective again?

9 A The same two.

10 Q The same two the next day?

11 A Yeah.

12 Q I just want to be clear about this so I know all  
13 the conversations that you say you had. In  
14 paragraph 33 of your affidavit when you say two  
15 days or so following this incident, is that what  
16 you are referring to? I mean --

17 A Yeah.

18 Q All right. So finally after you corrected  
19 something in the affidavit it seemed okay to  
20 you?

21 A Uh-huh.

22 Q Right?

23 A (Motions head up and down.)

24 Q Well, Mr. Jones, you acknowledged this morning  
25 that in addition to speaking with Mr. Connolly

1       you spoke to Mr. Morin?

2       A    Uh-huh.

3       Q    Right, and was there anybody else that you spoke  
4       with?

5       A    Prior to that?  When he first came out I didn't  
6       know what detective he was at first.

7       Q    My question was:  Was there anybody else you  
8       spoke with?

9       A    No.

10      Q    All right.  Paragraph 35 of your affidavit says,  
11      I had never spoken with anybody from the defense  
12      in reference to this case and was unavailable at  
13      the time of trial, does it?

14      A    At the time of trial I did not talk to nobody.  
15      I talked to Ron Morin two or three months -- I  
16      don't know, about six months ago, I would say,  
17      when he -- when he came out -- that's on the  
18      time of the trial I did not talk to nobody.  I  
19      was not here.

20      Q    You are not meaning to suggest by this that you  
21      never spoke with anybody else from the defense?

22      A    From the defense on the time of the trial.

23      Q    You have said a couple of times today that the  
24      truck as it shows on State's Exhibit 1 where it  
25      says truck off the Old Hallowell Road --

1 A Right.

2 Q -- was clearly visible -- would be clearly  
3 visible to anybody driving back and forth?

4 A Driving, right, back and forth. I will take you  
5 right out there and you drive right there and  
6 you see the same thing. You cannot go no  
7 farther than -- more than ten feet where that  
8 picture is and that truck is.

9 Q Was -- why is it so important to you to stress  
10 that the truck where it was parked would have  
11 been visible to anybody?

12 A Because they started looking at it at 4:30 and  
13 Mr. Buttrick's statement said he went by with  
14 Dennis Dechaine, it says in the statement they  
15 went down the Old Hallowell Road, went to  
16 Litchfield Corners, turned around, come back,  
17 they went by that spot twice. He would have  
18 seen his own truck looking for it. We took the  
19 video out, not looking in.

20 Q Right, during daytime?

21 A During daytime.

22 Q And you understand Mr. Buttrick was out there on  
23 the road with Mr. Dechaine at nighttime; isn't  
24 that correct?

25 A It was right around getting -- no, not dark, it



1 was 8:30. It's in there. I couldn't figure out  
2 4:30 in the afternoon --

3 Q Excuse me, Mr. Jones, I didn't ask you a  
4 question.

5 Do you know who Gina Marie Graham is?

6 A No, sir.

7 Q You are familiar with the area in which you  
8 lived you told us at great length today,  
9 correct, the whole area around?

10 A Yeah.

11 Q When you go up the Old Hallowell Road here up  
12 towards Litchfield Corners and as you go up  
13 towards the turnpike -- right by the town line  
14 and county line too for that matter, right?

15 A Yeah.

16 Q There's a house on the right?

17 A Yeah -- well, the old farm house, the first one.

18 Q It used to be a tavern from a couple of hundred  
19 years ago, are you familiar with that?

20 A Yeah.

21 Q Do you know the name of the folks that lived  
22 there during this time period?

23 A I am trying to think. I guess it would be a  
24 selectman, and I hauled a car off back then --  
25 or was it empty then? I know it but I can't

1 think of it right offhand. He used to own it.  
2 He used to be a town selectman.

3 Q But in any event you know the house I am  
4 speaking about?

5 A Yes.

6 Q Mr. Jones, it's true, is it not, that in the  
7 afternoon of September 27, 1990 you were  
8 arrested by Chief Brian Lemieux of the Sabattus  
9 Police --

10 MR. CONNOLLY: I will object. His  
11 arrest is irrelevant.

12 MR. WRIGHT: Well --

13 MR. CONNOLLY: Mr. Wright knows about  
14 it, impeachment may not be done by that kind  
15 of --

16 MR. WRIGHT: I am not seeking to  
17 impeach him by means of the arrest at all.

18 MR. CONNOLLY: Then I move it stricken  
19 on relevancy grounds, it's in 1990.

20 MR. WRIGHT: Well, it is not the  
21 arrest, the facts of the arrest doesn't  
22 determine it, I just want to identify the date  
23 for him. If I can finish my question.

24 THE COURT: Finish your question.

25 MR. WRIGHT: Okay.

1 BY MR. WRIGHT:

2 Q And at the time of that arrest by Chief Lemieux  
3 of the Sabattus Police Department you had in  
4 your possession a number of identification  
5 cards, bank cards, birth certificates, Social  
6 Security cards --

7 A No bank cards. It was --

8 MR. CONNOLLY: I object.

9 THE COURT: Wait a minute. Would you  
10 let him finish the question so I can see where  
11 this is going before you register an objection.  
12 You have been doing nothing but interrupting  
13 each other. We don't have a jury and I am  
14 giving you a little credit for having to sort  
15 things out to see what is admissible and what  
16 isn't, okay?

17 MR. CONNOLLY: Fine.

18 THE COURT: Start over again please.

19 MR. WRIGHT: Okay.

20 BY MR. WRIGHT:

21 Q At the time of that you had in your possession,  
22 did you not, various credit cards,  
23 identification cards, bank cards, birth  
24 certificates including one in the name of Gina  
25 Marie Graham, whom you don't know you said --

1 MR. CONNOLLY: Now I object.

2 MR. WRIGHT: I am not done. I am  
3 sorry.

4 BY MR. WRIGHT:

5 Q -- other identification cards with your  
6 photograph on it and different names with  
7 different birth dates?

8 A Not just one.

9 MR. CONNOLLY: Wait just a minute.

10 THE COURT: Now let's address the  
11 relevancy of this, please.

12 MR. WRIGHT: Relevancy is under Rule  
13 608 (B). I have the case too if your Honor  
14 would like.

15 THE COURT: Let me have the case.

16 So I gather that the reason you are  
17 offering under 608 (B), specific instances of  
18 conduct as to it goes to the truthfulness or  
19 untruthfulness as it applies to Gina Marie  
20 Graham?

21 MR. WRIGHT: No, no, as it applies to  
22 this witness by his possession of certain items  
23 which I am perfectly willing to go through with  
24 the witness.

25 THE COURT: Well, I am going to

1           exclude it because clearly it's discretionary  
2           with the court and it's going to get us bogged  
3           down into collateral issues.

4                       MR. WRIGHT: Thank you, your Honor. I  
5           have nothing further.

6                       THE COURT: Redirect.

7                       MR. CONNOLLY: Yes, your Honor.

8                               REDIRECT EXAMINATION

9           BY MR. CONNOLLY:

10   Q   Mr. Jones, do you know what a jurat is?

11   A   A what?

12   Q   Okay, I thought not.

13   A   A jurat?

14   Q   Do you know that when signing an affidavit that  
15       there's some gobbledegook on the bottom right  
16       before where my signatures is?

17   A   Yep.

18   Q   Just take a moment to look at that if you would,  
19       sir.

20   A   Yep.

21   Q   When your oath was taken on that affidavit did  
22       you indicate that this was based upon your  
23       personal knowledge, information and belief.

24                       When Mr. Wright inquired of you it was  
25       based solely on personal knowledge, and that is

1 not what the jurat says, does it?

2 MR. WRIGHT: Excuse me, the jurat is  
3 what is signed by Mr. Connolly --

4 THE WITNESS: No.

5 MR. WRIGHT: -- and is his swearing of  
6 this witness' knowledge, not the witness'  
7 knowledge. We have the affidavit in the  
8 record.

9 MR. CONNOLLY: If it please the court,  
10 to make it easier I have a copy right here.

11 THE COURT: I found it.

12 MR. CONNOLLY: Thank you, sir.

13 So the point of your objection is what,  
14 Mr. Wright?

15 MR. WRIGHT: Well, the jurat is  
16 written by -- written I presume by Mr. Connolly  
17 and signed by him, that to which Mr. Jones swore  
18 is that which comes through -- in paragraphs 1  
19 through 36. The notarization in the affidavit  
20 does not -- says nothing about that which the  
21 witness is swearing, it's the notary swearing.

22 What he is swearing to is what comes before  
23 it, it is not to the jurat.

24 THE COURT: It's understood.

25 BY MR. CONNOLLY:

1 Q Mr. Jones, you didn't type up this affidavit,  
2 did you?

3 A No.

4 Q Do you talk like this in normal language the way  
5 this affidavit is?

6 A No.

7 Q You are aware it was prepared by a half-baked  
8 lawyer --

9 A Yes.

10 THE COURT: Do you want me to take  
11 judicial notice of that?

12 BY MR. CONNOLLY:

13 Q But, Ralph, the statement, nitpicky statements  
14 that are contained in here are the fault of --  
15 are my fault; is that right?

16 A Yes, sir.

17 Q So if there's a spelling mistake in there, you  
18 know how to spell?

19 A Yeah.

20 Q What you are saying in court today is the truth,  
21 though, isn't it?

22 A Yes, sir.

23 Q And what you have testified you have independent  
24 recollection on, right?

25 A Why don't they take this --

1 Q Well, yes or no, okay?

2 A Yes.

3 Q Okay. Mr. Jones, I want to talk to you a minute  
4 about sheriff -- is it Deputy Ackley?

5 A Ackley.

6 Q You know him for a long time?

7 A Six, seven years.

8 Q Based on what you recollect did you ever give a  
9 number, registration number to Ackley?

10 A I gave him the one before.

11 Q But in this case, sir.

12 A In this case? The next day I saw -- no, I  
13 didn't. I know I didn't. I didn't -- unless it  
14 was after I was riding around trying to find  
15 information out and I wrote one down and give it  
16 to him.

17 Q And that would have been from the next day?

18 A That would have been from the next day.

19 Q But the information that you obtained as far as  
20 registration is concerned on a red and white  
21 truck that you saw on July 6th, the numbers that  
22 Mr. Wright gave to you are not the numbers that  
23 you recollect giving to the detectives; is that  
24 right?

25 A Right. I only gave three. I remember it was a



1 double digit and then 3. It should be in there  
2 with their statements. They wrote it down.

3 Q You saw them write it down, sir?

4 A Yes.

5 Q What kind of notebook did they have, do you  
6 recollect?

7 A I think it was white paper, white lined paper.  
8 I am not sure. I am not sure.

9 Q The fish-box thing, what did you tell Deputy  
10 Sheriff Ackley about the fish box? Explain to  
11 the court what that is about.

12 A All right. When me -- can I say his name?

13 Q Yes.

14 A Me, and Mr. Jasper came up, it was sitting on  
15 the knoll with the sun coming down on the knoll,  
16 that's where the sun was right then, and I said  
17 up on the knoll it looked like it had a fish box  
18 on it, but when it didn't, when I saw it down on  
19 the bottom and we turned the sun was beating  
20 down off the paint but I told Mr. Ackley when it  
21 was on the knoll it looked like the whole thing  
22 was white, but it was red and white when it  
23 drove off.

24 Q Is that when you were meeting -- when you were  
25 describing that it looked like it had a fish

1 box?

2 A Yes, fish box, all white, because it was all  
3 white.

4 Q The truck which has been identified in  
5 Defendant's Number 5 as Dennis Dechaine's truck,  
6 that truck does not look like it has a fish box,  
7 does it?

8 A No.

9 Q Now, the truck that you have identified in  
10 number four, that doesn't look like it has a  
11 fish box, does it?

12 A No, but it's white on the tailgate, see, and I  
13 was looking back to and the sun was coming down  
14 and the white was glaring up.

15 Q And is that what you meant --

16 A About the way it looked -- I said fish box  
17 because the fishermen around there have a white  
18 box.

19 Q And that's what it --

20 A Insulation.

21 Q So you were describing what, the color and the  
22 sun reaction to that rather than the physical  
23 presence of a box?

24 A Yeah.

25 Q Mr. Jones, in response to a number of questions

1 by Mr. Wright about New Hampshire and what have  
2 you you became quite concerned about giving out  
3 your address and what have you; is that right?

4 A Yes, sir.

5 Q Why is that?

6 MR. WRIGHT: Objection.

7 THE COURT: Sustained.

8 BY MR. CONNOLLY:

9 Q Have you, Mr. Jones, received any information  
10 which would lead you to believe that your  
11 testimony in this hearing today would lead you  
12 or your family to potential harm?

13 MR. WRIGHT: Object.

14 MR. CONNOLLY: The relevancy is his  
15 explanation as to why he was concerned about New  
16 Hampshire and giving out the information.

17 THE COURT: Well, is there anything  
18 that would indicate that he has any knowledge  
19 that he hasn't given you or that somehow he has  
20 been less than forthright with the court and to  
21 counsel in response out of fear for his own  
22 personal safety or that of his family?

23 MR. CONNOLLY: I am sorry, I am  
24 confused, I don't follow you. I am sorry.

25 THE COURT: Well, he has already

1 testified he has answered all the questions  
2 under direct orders from the court.

3 MR. CONNOLLY: That's correct. I want  
4 to address motivation as to that so it does not  
5 appear that there's any impropriety, that's  
6 all.

7 MR. WRIGHT: I wasn't suggesting any  
8 impropriety on Mr. Connolly's part at all.

9 MR. CONNOLLY: I understand that.

10 THE COURT: We are getting too far  
11 afield. The objection is sustained.

12 MR. CONNOLLY: Yes.

13 BY MR. CONNOLLY:

14 Q In reference to the identification of the voice,  
15 you have known Doug Senecal for approximately 20  
16 years?

17 A Yes, off and on.

18 Q Sometimes closer to him than other times?

19 A Yes.

20 Q But mostly as a person with whom you were  
21 friendly with the family, not to him directly?

22 A Yes.

23 Q And you had seen him in the number of times that  
24 you could state, that you can articulate you  
25 have seen him at least those number of times?

1 A At least, or more.

2 Q Could there be a larger number of times that you  
3 don't recollect?

4 A Over 20 years I would say so.

5 Q In reference to the family, were you fairly  
6 close to various family members during that  
7 20-year period?

8 A Steve and Debbie.

9 Q And some of the Crosmans also?

10 A Yep.

11 Q And during that time you heard Doug's voice  
12 yelling on a number of occasions?

13 A Yes.

14 Q And you can state or can you state whether or  
15 not that the voice of Douglas Senecal is  
16 distinctive?

17 A Yes.

18 Q And is that the voice that you heard on July 6,  
19 1988?

20 MR. WRIGHT: I object, I didn't ask  
21 him that question on cross examination and it's  
22 already been asked on direct several times.

23 THE COURT: He may answer.

24 THE WITNESS: Yes.

25 MR. CONNOLLY: No further questions.

1 Thank you, sir.

2 RE CROSS EXAMINATION

3 BY MR. WRIGHT:

4 Q Now, you know, Mr. Jones, the family is a large  
5 family, the Senecal family is a large family?

6 A Medium family.

7 Q How many brothers and sisters does Doug Senecal  
8 have?

9 A Oh, just -- I knew one, Steve, and Debbie.

10 Q And -- I am sorry?

11 A Steve and Debbie, and he had an older one but I  
12 don't know.

13 Q And there are lots of uncles and aunts?

14 A Yeah. I didn't say I knew the whole family. I  
15 meant family --

16 Q You know Patrick Senecal?

17 A Yes, but I just met him.

18 Q And you have heard others in the Senecal family  
19 talk, I guess. Do you know members of the  
20 family --

21 A Have I what?

22 Q You have heard the voices of other members of  
23 the Senecal family, haven't you?

24 A Not all of them.

25 Q Some of the others?

1 A Yeah.

2 Q And it's true they all sort of sound alike, do  
3 they?

4 A Not Steve and Doug don't.

5 Q No? All right.

6 Now, the double digit and the 3, was it  
7 Lehan who wrote that down?

8 A No, it was the officer in the command post, he  
9 didn't write nothing down. They just looked and  
10 asked.

11 Q Where was the officer in the command post that  
12 wrote down those numbers?

13 A He was -- I was standing behind him, he was  
14 standing here writing them down and Ron Jacque  
15 was over here on the computers and I was behind  
16 him.

17 Q On computers?

18 A Well, in the command post, radios, computers on  
19 the left-hand side.

20 Q What was it like inside the command post?

21 A It was pretty enclosed.

22 MR. CONNOLLY: Excuse me, this is way  
23 beyond the scope of redirect.

24 MR. WRIGHT: I will move on to  
25 something else.

1 THE COURT: All right.

2 MR. WRIGHT: I don't want to get too  
3 far afield either.

4 BY MR. WRIGHT:

5 Q Now, the description that you gave to Ackley, I  
6 take it you acknowledge giving that description  
7 to Ackley?

8 A Yes, I do.

9 Q Okay, that it was a truck, 8 o'clock at night,  
10 you thought you heard screams coming from it and  
11 thought it had a fish-type box in the back, and  
12 you acknowledge giving that to Ackley?

13 A I thought -- I told Ackley that me and Gary saw  
14 the truck up on the hill and it looked like it  
15 had a fish-box thing on it.

16 Q All right, but as --

17 A And I didn't thought that I heard voices, I  
18 heard voices.

19 Q Okay. All right. So what you told him was of a  
20 description of a truck with a fish-type box up  
21 -- I understand what you are saying now is that  
22 that's where it was when it was up on the knoll  
23 stopped for 30 seconds?

24 A We thought that it had a fish box and when I  
25 talked to Gary he said it didn't have one when



1           it pulled off.

2           Q   You knew it did not have a fish-type box on the  
3           back because you had seen it up close as it was  
4           pulling away?

5           A   Within 500 feet I saw it.

6           Q   So you gave -- let me see if I understand. You  
7           gave to Deputy Ackley then a description of a  
8           truck including this fish-type box which you  
9           knew to be less accurate than that which was  
10          true, that is, that it didn't have a fish box in  
11          the back; is that right?

12          A   Yeah, I said what -- I told Gary Jasper what we  
13          was looking -- I told Mr. Ackley when me and  
14          Gary Jasper was looking up on a hill it looked  
15          like it had a fish-type box. I think Gary  
16          mentioned it first then I said it didn't have  
17          one when it pulled off.

18          Q   All right, I understand. What you told Ackley  
19          was that it looked like it had a fish-type box?

20          A   Up on the knoll.

21                           MR. WRIGHT: That's all.

22                           THE COURT: Mr. Connolly.

23                           MR. CONNOLLY: Nothing further,

24          Judge. Thank you.

25                           THE COURT: Thank you, sir.

1 THE WITNESS: Okay.

2 (Witness excused).

3 MR. CONNOLLY: The defense would call  
4 Pamela Babine.

5 THE CLERK: Raise your right hand and  
6 state your name, please.

7 THE WITNESS: Pamela Babine.  
8 Thereupon,

9 PAMELA BABINE  
10 was called as a witness and, after having been  
11 duly sworn, was examined and testified as  
12 follows:

13 DIRECT EXAMINATION

14 BY MR. CONNOLLY:

15 Q Good afternoon.

16 A Good afternoon.

17 Q Can you please state your full name.

18 A Pamela Ruth Babine.

19 Q And where do you currently reside, ma'am?

20 A In Kansas.

21 Q How long have you lived in Kansas?

22 A Eight weeks.

23 Q Where did you live before moving to Kansas?

24 A Lewiston, Maine.

25 Q Prior to Lewiston Maine?

- 1 A Sabattus, Maine.
- 2 Q Before then?
- 3 A Naples and then Phippsburg.
- 4 Q In July of 1988 where were you residing, ma'am?
- 5 A Phippsburg, Maine.
- 6 Q Phippsburg, Maine is located approximately where  
7 in relation to Bowdoin, ma'am?
- 8 A I would not have the slightest clue.
- 9 Q Okay, so you don't have any idea?
- 10 A No.
- 11 Q Now, in July of 1988 you were living in  
12 Phippsburg with whom?
- 13 A My husband.
- 14 Q And his name?
- 15 A Richard J. Babine.
- 16 Q And where was the house located? Was it a house  
17 or apartment?
- 18 A It was a house. It was -- I didn't find out the  
19 name of the road until I lived there for a while  
20 but it was on a road called Devil's Highway.
- 21 Q On Devil's Highway?
- 22 A Yes, sir.
- 23 Q Okay, and who were you renting from?
- 24 A Doug Senecal.
- 25 Q How long had you known Doug Senecal prior to

1 your renting from him?

2 A Two hours.

3 Q And when did you start to rent from him, what  
4 was the date, if you know?

5 A I would not know, I would have to -- the records  
6 -- I would not have that. It was I think in '87  
7 but I don't know -- I think August or something  
8 like that.

9 Q There is a letter that you sent to me that  
10 talked about the tenancy that you had with  
11 Mr. Senecal?

12 A Yes.

13 Q But you know that was in the period of  
14 approximately 1987 until when did you get out?

15 A I left in July, I think, the last of July in  
16 1988.

17 Q Do you know the date in July of 1988 that you  
18 moved out, ma'am?

19 A Sir, I was so upset at the time when I left,  
20 no.

21 Q Towards the end, however?

22 A Yes.

23 Q Can you explain for the court if you would,  
24 please, where your house that you were renting  
25 from Douglas Senecal was located in relation to

1 the Senecal house?

2 A Less than a quarter of a mile. I could see his  
3 house from my house, from my living room.

4 Probably about an eighth of a mile I would say.

5 Q Approximately an eighth of a mile?

6 A Yes.

7 Q Such that you could still see his property from  
8 yours?

9 A Very clearly.

10 Q And the driveway --

11 A And he could see mine.

12 Q And the driveway, ma'am?

13 A His driveway?

14 Q Yes.

15 A Yes.

16 Q Visible?

17 A Yes.

18 Q During the period of July of 1988 were you  
19 working?

20 A No, sir.

21 Q And did you spend a good amount of time at home  
22 or did you --

23 A I spent most of my time at home.

24 Q Did you come to know Douglas Senecal and his  
25 family during the period prior to July of 1988?

1 A Yes, sir.

2 Q Who did you know in that family?

3 A I knew the children and I got to know his wife  
4 as well as you could I would say.

5 Q And that's Maureen Senecal?

6 A Yes, sir, and I got to know Douglas as far as I  
7 wanted to know him.

8 Q How would you characterize your relationship  
9 with them prior to July of 1988, the beginning  
10 part of your tenancy with them?

11 A It was just fine.

12 Q And was it friendly?

13 A Pardon me?

14 Q Was it friendly, were you visiting at the house,  
15 did they come to your house or was it more just  
16 a landlord/tenant situation?

17 A No, my husband even worked for Doug Senecal. He  
18 gave my husband a job because he worked  
19 construction and Douglas was working on a house  
20 over on Popham Beach and my husband helped  
21 finish out that house.

22 Q And do you know if the name of the person there  
23 was Norris?

24 A Sir, I would not know that, I just know that you  
25 had to cross the beach on low tide and get back

1 before the high tide came in or they couldn't  
2 get -- or they would have to swim, and my  
3 husband does not swim.

4 Q How long did your husband work for Mr. Senecal,  
5 do you know?

6 A Several months but that's about it. He wanted  
7 nothing to do with the man.

8 MR. WRIGHT: I object, move that it be  
9 stricken, not responsive.

10 THE COURT: Sustained.

11 THE WITNESS: Excuse me.

12 BY MR. CONNOLLY:

13 Q For several months?

14 A Yes. Yes, sir.

15 Q Did there come a time when he stopped working  
16 for Mr. Senecal?

17 A Yes.

18 Q Approximately when was that, do you know?

19 A Probably about three months afterwards.

20 Q Do you know what date that would be thereabouts?

21 A No, not really.

22 Q Was it before July of 1988?

23 A Yes.

24 Q Turning your attention, ma'am, to July 6th of  
25 1988, is that date significant to you?

1 A Yes, sir, it is.

2 Q And how is it that that date is of consequence?

3 A I was in fear of my own life.

4 Q And that is because why, ma'am?

5 MR. WRIGHT: I object.

6 THE COURT: Relevance?

7 MR. CONNOLLY: I am trying to explain  
8 where the witness was and why she would have had  
9 a particular -- why to recollect July 6, 1988 to  
10 show her memory and also to show a reason for  
11 the memory.

12 THE COURT: You have established that  
13 she recalls the date, you have established the  
14 date of July 7, 1988 as it was a date in which  
15 she recalls it for a significant reason because  
16 she was in fear of her life. You do not need to  
17 go into the details.

18 MR. CONNOLLY: That's fair enough,  
19 sir, yes.

20 BY MR. CONNOLLY:

21 Q The date then, July 6, 1988, was personally  
22 significant to you; is that right?

23 A Yes, sir.

24 Q And you remember it as we sit in court today?

25 A Yes, sir.



1 Q During that day on July 6, 1988 did you have an  
2 opportunity to see Douglas Senecal during that  
3 day?

4 A Yes, I did.

5 Q And do you remember seeing him?

6 A Yes, I do.

7 Q And when you saw him where did you see him?

8 A In my driveway.

9 Q In your driveway?

10 A Yes, sir.

11 Q When he was in your driveway was he on foot or  
12 otherwise?

13 A In a truck.

14 Q Are you familiar with Doug Senecal's truck?

15 A Yes, sir, I am.

16 Q I am showing you what's been marked as Exhibit  
17 Number 4 and ask you if you can identify that as  
18 Douglas Senecal's truck?

19 A Yes, sir, I can.

20 Q And is Exhibit Number 4 the truck you saw  
21 Douglas Senecal in on July 6, 1988?

22 A No, sir, it is not.

23 Q Was Douglas Senecal alone in the truck on July  
24 6, 1988 when he was in your driveway?

25 THE COURT: I am sorry, was her answer

1           yes, that was the truck?

2                       MR. CONNOLLY: Excuse me, that is Doug  
3 Senecal's truck but that was not what he was in,  
4 sir.

5 Q Is that correct, ma'am?

6 A Yes, sir.

7 Q If I may, approximately what time frame are we  
8 talking about, when did you see him?

9 A About 10:30, 11 o'clock in the morning.

10 Q And at that time can you describe what kind of  
11 vehicle you saw him in?

12 A He was in a red Toyota pickup truck.

13 Q And showing you what's been marked as  
14 Defendant's Exhibit Number 5 for identification  
15 purposes is that the truck that you saw Douglas  
16 Senecal in?

17 A Could I see it closer, please?

18 Q Yes, ma'am.

19 A Yes, sir, it is.

20 Q The photograph that you just identified as  
21 Number 5, have you seen a photograph before  
22 today's hearing of a red Toyota truck?

23 A Yes, sir, I did.

24 Q How did that come about, do you recollect?

25 A It was on the news.

1 Q And the news was TV news?

2 A Yes, sir.

3 Q And the news was in reference to what, ma'am?

4 A Sarah Cherry's murder.

5 Q How did it come that the photograph -- that a  
6 photograph of a truck was shown on the news, do  
7 you know? You just saw it?

8 A I just walked in the house, turned on the news,  
9 I didn't even know what the truck was about and  
10 when I saw it and then they showed her picture  
11 and they had found her and she was dead, I  
12 screamed to my husband because that was the  
13 truck that was in my yard that morning -- I call  
14 it midafternoon, to me it's midafternoon.

15 Q When you saw the truck on TV you had an  
16 immediate spontaneous reaction?

17 A Yes, sir, I did.

18 Q And do you recollect what you said at that time?

19 A Yes, sir, I do.

20 Q What did you say?

21 MR. WRIGHT: Object.

22 THE COURT: Overruled.

23 BY MR. CONNOLLY:

24 Q Go ahead.

25 A I said that is the truck that was in our yard

1 that Doug Senecal had, there's no way that I can  
2 live here, and I wanted to leave, that's all, I  
3 wanted to get out.

4 Q You wanted to leave after you saw that truck?

5 A Yes, sir, I did.

6 Q That time frame we are talking about was July  
7 7th or 8th, do you recollect which day that  
8 would have been?

9 A Probably the 8th, it was a Friday.

10 Q At the time on July 8th, after having seen that  
11 photograph did you have a conversation with  
12 Douglas Senecal?

13 A Yes, sir, I did.

14 Q Before we go into the details of that  
15 conversation did you eventually report that  
16 conversation to some authorities?

17 A Yes, I have.

18 Q And when did you report that conversation to the  
19 authorities?

20 A Right after it happened.

21 Q What authorities did you report it to?

22 A I think it was the Phippsburg Police  
23 Department.

24 Q Anyone else?

25 A There was -- yes, but I don't remember who.

1 Q Do you recollect, if I may, ma'am, any persons  
2 from the Department of Human Services?

3 A Yes.

4 Q A woman by the name of Bonnie Holladay?

5 A Yes, sir.

6 Q Perhaps somebody else from the Department of  
7 Human Services?

8 A Yes, I reported him for sexual abuse of his  
9 children.

10 MR. WRIGHT: Object, it is not  
11 responsive at all.

12 THE COURT: Sustained.

13 BY MR. CONNOLLY:

14 Q Okay. In reference only, ma'am, to the issue  
15 that's before the court right now --

16 A Okay.

17 Q -- as it relates to the conversation you had  
18 with Douglas Senecal on July 8th or thereabouts,  
19 1988, the conversation, the fact of the  
20 conversation, not its contents, you reported to  
21 some authorities, Phippsburg Police and others?

22 A Yes.

23 Q The conversation that you had with Douglas  
24 Senecal, without talking about what he said can  
25 you tell us what it was about?

1 MR. WRIGHT: Object. I mean, that's  
2 the back doorway of accomplishing the same thing  
3 which is prohibited by the hearsay rules.

4 MR. CONNOLLY: That's fine as long as  
5 I don't ask prohibited questions, hearsay.  
6 That's what lawyers are supposed to get paid  
7 for.

8 THE COURT: Sustained.

9 BY MR. CONNOLLY:

10 Q Ma'am, subjectively, your own subjective  
11 limitation of what you heard, we are going to go  
12 through that slowly, okay? If there's an  
13 objection, please don't answer it until the  
14 court has a chance to rule.

15 When you spoke with Douglas Senecal on July  
16 8, 1988, can you characterize his demeanor -- do  
17 you know what that word means?

18 A Yes, sir, I do.

19 Q What was his demeanor first of all?

20 A He was very paranoid.

21 Q And that's a technical term. Explain why you  
22 say that word, explain to the court what you  
23 physically observed.

24 A He watched everything, he would just -- he was  
25 really, really nervous all the time.

1 Q How did you know he was nervous, what would make  
2 you say that he was nervous, what did you  
3 observe?

4 A I watched him.

5 Q How did he manifest it, what did he do that made  
6 you know or feel that he was nervous?

7 A He would get angry, he would blow up. It was --  
8 he was like a time bomb.

9 Q And during this conversation on -- in July of  
10 1988 that you had with him, did he blow up with  
11 you?

12 A Yes.

13 Q Were you concerned for your physical safety?

14 A Yes.

15 Q Did you report that information to the  
16 Department of Human Services?

17 A Yes.

18 Q Did it relate to the death and the homicide of  
19 Sarah Cherry?

20 MR. WRIGHT: I object, I don't know --  
21 she reported it to DHS. I don't know beyond  
22 that what the details matter.

23 THE COURT: The objection is  
24 sustained.

25 MR. CONNOLLY: Yes, sir.

1 BY MR. CONNOLLY:

2 Q Had you provided information to the Department  
3 of Human Services before this incident?

4 MR. WRIGHT: Object -- I will withdraw  
5 the objection, let her answer it.

6 THE WITNESS: Yes, I did.

7 BY MR. CONNOLLY:

8 Q In reference to Douglas Senecal?

9 A Yes, sir, I did.

10 Q Prior to that conversation on July 8, 1988, had  
11 you had meetings or had you had an encounter  
12 with Jessica Crosman on July 6, 1988?

13 A Encounter at Tom's store.

14 Q And did you have -- at that time did you obtain  
15 knowledge about baby-sitting?

16 MR. WRIGHT: Object, it's clearly  
17 going to call for hearsay.

18 THE COURT: Sustained.

19 BY MR. CONNOLLY:

20 Q On July 6, 1988 did you know about Jessica  
21 switching baby-sitters?

22 MR. WRIGHT: I object.

23 THE COURT: Sustained.

24 MR. CONNOLLY: Sir, I am not asking  
25 for a statement.



1 THE COURT: What would be the source  
2 of her knowledge?

3 MR. CONNOLLY: It would be hearsay.

4 THE COURT: The objection is  
5 sustained.

6 BY MR. CONNOLLY:

7 Q How long was the truck in your driveway on July  
8 6, 1988?

9 A Approximately an hour and 15 minutes.

10 Q What is nearby to your house other than the  
11 house, is there any other outbuildings or  
12 anything such as that?

13 A A well.

14 Q Anything else?

15 A Just his house, a bunch of cars.

16 Q Did you see any comings or goings at that time?

17 A No.

18 Q So you didn't see any other person with Douglas  
19 Senecal?

20 A There was no other person with Douglas Senecal.

21 Q How long was he in the truck for?

22 A He sat in the truck for an hour and 15 minutes.

23 Q On your driveway?

24 A Yes, sir.

25 Q Had that -- had anything such as that relating

1 to Douglas Senecal occurred prior to July 6,  
2 19 --

3 MR. WRIGHT: Object, relevance.

4 THE COURT: I will allow it.

5 MR. CONNOLLY: Thank you.

6 BY MR. CONNOLLY:

7 Q Had you ever seen anything like that?

8 A No.

9 Q Had you ever seen him in a truck other than his  
10 own truck prior to July 6, 1988?

11 A No.

12 MR. CONNOLLY: If I may have just a  
13 moment, sir.

14 BY MR. CONNOLLY:

15 Q Did you know Jackie?

16 A Yes, I do.

17 Q Did you know Jackie prior to the weekend of July  
18 4, 1988?

19 A Yes, I did.

20 Q How did you come to know Jackie?

21 A She stayed at Doug's house but most of the time  
22 she -- she would just come by to visit, she  
23 wanted somebody to talk to.

24 Q Did you know where Jackie was on July 6, 1988?

25 MR. WRIGHT: Object, unless it's

1 personal knowledge or observation.

2 THE COURT: Sustained unless it is  
3 personal knowledge.

4 BY MR. CONNOLLY:

5 Q Did you have personal knowledge on July 6, 1988  
6 where Jackie was?

7 A Yes.

8 Q What was your personal knowledge, established  
9 basis of it?

10 MR. WRIGHT: I am sorry, I want the  
11 witness to understand it has to be from her own  
12 observations of where Jackie was.

13 THE COURT: As to the form of the  
14 question I will sustain the objection. The form  
15 of the question must be whether or not she had  
16 the occasion to observe Jackie.

17 BY MR. CONNOLLY:

18 Q Did you observe or see Jackie on July 6, 1988?

19 A Yes, I did.

20 Q Did you have a conversation with her?

21 A Yes, I did.

22 Q What was her demeanor at that time?

23 A Very nervous.

24 Q How long had you known Jackie to that point?

25 A Almost a year.

1 Q Were you close in the sense of sharing  
2 confidences?

3 A I would think so.

4 Q Based upon your experience with her can you  
5 characterize the severity of the nervousness?

6 A Yes.

7 Q You can? How would you characterize the  
8 severity of that nervousness?

9 A Very, very severe.

10 Q Were you aware as to the reason for her  
11 nervousness? Yes or no?

12 MR. WRIGHT: Object.

13 THE COURT: She may answer that yes or  
14 no, then comes the next question.

15 MR. CONNOLLY: Yes. I understand.

16 BY MR. CONNOLLY:

17 Q Yes or no?

18 A No.

19 Q Were you aware whether or not as to what she  
20 intended to do about it? Yes or no?

21 MR. WRIGHT: I am sorry, say it  
22 again.

23 BY MR. CONNOLLY:

24 Q If you can state, yes or no, did you know what  
25 Jackie intended to do about the nervousness



1 THE COURT: The objection is  
2 sustained. You get the exception once you get  
3 him on the stand.

4 MR. CONNOLLY: Yes, sir.

5 BY MR. CONNOLLY:

6 Q Following the incident that you discussed now  
7 you left the Phippsburg area?

8 A Yes, I did.

9 Q Were the terms that you left on good or not good  
10 with Douglas Senecal?

11 A When I left they were -- I was under the  
12 assumption they were. When my husband went  
13 back --

14 MR. WRIGHT: Excuse me, she has made  
15 -- answered the question and made an assumption  
16 on that.

17 THE COURT: It is answered.

18 BY MR. CONNOLLY:

19 Q When was the first time, Miss Babine, that you  
20 had an opportunity to talk to somebody from the  
21 defense, do you know?

22 A Pardon me?

23 Q When was the first time that you talked to  
24 anybody from my office, do you know?

25 A I wouldn't remember. I ran for a long time.

1 Q Were you hiding out?

2 A Yes, sir.

3 Q Why were you hiding out?

4 MR. WRIGHT: Objection.

5 MR. CONNOLLY: I will strike that.

6 BY MR. CONNOLLY:

7 Q Was the fact that you were hiding out, did it  
8 have anything to do with your fear as a result  
9 of the knowledge that you obtained on July 6,  
10 1988?

11 A It had a lot to do with that fear.

12 Q Were you afraid of me?

13 A No.

14 MR. WRIGHT: Object -- all right, I  
15 will withdraw that objection.

16 Q Were you concerned for your physical well-being  
17 if you testified?

18 A Yes.

19 Q Are you still?

20 A Yes.

21 Q Is that fear based upon a knowledge of the  
22 representation of Douglas Senecal's character in  
23 the community?

24 MR. WRIGHT: Object.

25 THE COURT: The objection is

1           sustained.

2           BY MR. CONNOLLY:

3           Q   Who were you afraid of?

4                     MR. WRIGHT:   I object.

5                     THE COURT:   She may answer.

6                     THE WITNESS:   Douglas Senecal.

7                     MR. CONNOLLY:   Thank you.   I have no  
8           further questions.   He has some.

9                               CROSS EXAMINATION

10           BY MR. WRIGHT:

11           Q   Miss Babine, you are distantly related to  
12           Douglas Senecal; is that true?

13           A   Pardon me?

14           Q   You are distantly related to the Senecal family?

15           A   Not that I know of.   I would have no knowledge  
16           of that.

17           Q   Through an aunt or some such thing?

18           A   Not that I know of, sir.

19           Q   You have never made it any secret that you don't  
20           like Doug Senecal, have you?

21           A   I have never said I didn't like Doug Senecal.

22           Q   Do you like Doug Senecal?

23           A   At which period of my life, sir?

24           Q   In July of 1988 did you like Doug Senecal?

25           A   No, I feared him.



1 Q Do you like Doug Senecal now?

2 A I have nothing against him besides what he has  
3 done to my life.

4 Q During the course of this case since July 1988  
5 have you ever said a positive word about Doug  
6 Senecal that --

7 MR. CONNOLLY: I object, it's totally  
8 irrelevant.

9 THE COURT: Overruled.

10 THE WITNESS: I don't speak --

11 BY MR. WRIGHT:

12 Q Have you ever said anything about Doug Senecal  
13 that's positive?

14 A I don't speak of Doug Senecal. I am sorry.

15 THE COURT: Excuse me, that is not the  
16 question.

17 THE WITNESS: Have I spoken --

18 THE COURT: Positive about Doug  
19 Senecal since July of 1988? That's the  
20 question.

21 THE WITNESS: I haven't spoken of him  
22 so, no, I guess I haven't.

23 BY MR. WRIGHT:

24 Q In the summer of 1988 did you say anything bad  
25 or harsh about Doug Senecal to anybody?

1 A I may have, I don't know.

2 Q When you and your husband moved to Phippsburg  
3 you originally were living out in the woods  
4 somewhere, weren't you, and he gave you this  
5 house to live in, didn't he?

6 A No, sir, we were living in a tent at a friend's  
7 house.

8 Q Okay, and he gave you this house to live in?

9 A He gave it to us? No, sir, he rented it to us.

10 Q I didn't mean he gave it. Thank you.

11 And the house was unfinished?

12 A Yes, sir.

13 Q And isn't it true that at one point you  
14 threatened to burn it down unless he fixed it  
15 up?

16 A No, sir.

17 Q Now, in the spring of 1988 around about May or  
18 something or so Douglas Senecal and his wife got  
19 a prospective buyer for the house that you were  
20 renting, didn't they?

21 A Yes.

22 Q And you were to be out of the house by the end  
23 of June 1988, that is just a week before Sarah  
24 Cherry was murdered; isn't that right?

25 A We would be out by July 31st.

1 Q And when you moved out where did you go?

2 A I went to Florida; my husband stayed in Maine.

3 Q Excuse me, you went to Florida?

4 A Yes.

5 Q And even before July 6, 1988, the day on which  
6 Sarah Cherry was murdered you had reported  
7 Douglas Senecal to the Department of Human  
8 Services, hadn't you?

9 A Yes, I had.

10 Q At that time when you reported him you called  
11 anonymously?

12 A No, I gave my name.

13 Q You also had threatened to report your  
14 brother-in-law, John Babine, to the Department  
15 of Human Services, hadn't you?

16 A No, sir. John is a very good father.

17 Q You didn't know Sarah Cherry?

18 A No, sir -- I had met her once. I didn't realize  
19 it but I had met her once.

20 Q Where was that?

21 A In my house.

22 Q With whom?

23 A She was with her little sister. They came to  
24 see my Christmas tree.

25 Q What Christmas was that?

1 A The year of '87.

2 Q Okay. When you called -- well, let's see, let  
3 me ask it to you this way: In July of 1988,  
4 early July of 1988, before Sarah Cherry's  
5 murder, that is, Sarah Cherry wasn't on your  
6 mind?

7 A No.

8 Q When you called -- then you called after Sarah  
9 Cherry's murder, you called the Department of  
10 Human Services again?

11 A Yes, sir.

12 Q And when you called that time that was an  
13 anonymous call?

14 A No, sir. I have always given my name. They  
15 asked me if I wanted to be anonymous or not and  
16 I said I don't care.

17 Q Excuse me, I didn't ask you a question.

18 When you called the Department of Human  
19 Services did you not tell Bonnie Holladay that  
20 you had seen Douglas Senecal in a small red  
21 truck in your driveway on July 6th, did you?

22 A I don't recall exactly telling almost anybody  
23 that besides a very good friend and people that  
24 I could trust.

25 Q You did not tell that to Bonnie Holladay at DHS,

1 did you?

2 A Not that I know of.

3 Q And you did not report that fact to any member  
4 of the police department at any time, did you?

5 A I had told the Phippsburg Police that he was  
6 there.

7 Q That he was?

8 A At my house in a red Toyota. They dismissed  
9 it. They said it wasn't important.

10 MR. WRIGHT: I am going to move to  
11 strike what she said they said to her as  
12 unresponsive to the question.

13 THE COURT: It will be disregarded.

14 BY MR. WRIGHT:

15 Q I take it that you believed that at the time you  
16 called DHS and talked to Bonnie Holladay within  
17 a few days after Sarah Cherry's murder that you  
18 believed Douglas Senecal was involved in her  
19 murder?

20 A I don't know whether he was or not.

21 Q You didn't know, okay, and you had nothing, no  
22 facts to prove that he was, did you?

23 A I still don't.

24 Q Now, you must have learned by the time of the --  
25 I think it was around the 12th of July, would

1           that be about right, when you called the  
2           Department of Human Services?

3       A    I was gone by the 12th of July, sir.

4       Q    So it was not on July 12th that you called?

5       A    I don't think so. I was gone. I was in  
6           Florida.

7       Q    All right. In any event by the time you called  
8           the Department of Human Services, had Dennis  
9           Dechaine been arrested for this murder?

10      A    I have no idea.

11      Q    When you went to Florida this case didn't just  
12           vanish from you, did it?

13      A    Yes, sir, it did.

14      Q    Okay.

15      A    It didn't diminish from my mind if that's what  
16           you are asking me.

17      Q    Right, right. You were aware that somebody had  
18           been arrested and the case was going on?

19      A    I was unaware that anybody had been arrested. I  
20           knew really nothing except for fear.

21      Q    What I want to ask -- understand from you is at  
22           the time of the trial in March of 1989 -- well,  
23           let me ask it to you this way: When the trial  
24           was going on in March of 1989, where were you?

25      A    Naples.

1 Q All right. At that time did you understand, did  
2 you know the trial was going on?

3 A No, I did not.

4 Q And when was it, Miss Babine, that you first  
5 spoke with anybody, Mr. Connolly or anybody on  
6 behalf of the defense?

7 A I really would not have the date on that.

8 Q Was it before March of 1989?

9 A I don't think so. I wouldn't -- I really cannot  
10 recall the date of it. I lived in a house in  
11 Naples in the woods where nobody could find me.  
12 When you are running for your life, sir, you do  
13 not keep track of the day, you keep track of the  
14 minute.

15 Q Okay. Well, what minute was it that you first  
16 notified Mr. Connolly's office then?

17 A I don't know, sir. I wasn't in fear of him  
18 anymore. It wasn't fear but --

19 Q Miss Babine, it's true, is it not, that almost  
20 immediately after Sarah Cherry was murdered you  
21 were in touch after Mr. Connolly became involved  
22 in this case with his office to tell him about  
23 Douglas Senecal?

24 A Not with Mr. Connolly's office. No, I didn't  
25 know anything about Mr. Connolly.

1 Q How about his first lawyer, Mr. Carlton?

2 A I didn't know Mr. Carlton.

3 Q You never reported what you had seen to anybody  
4 with the Maine State Police?

5 A Sir, I was scared to death. I ran.

6 Q Did you ever report --

7 A No.

8 Q -- to the Maine State Police what you had seen  
9 on July 6, 1988?

10 A I told you I reported it to the Phippsburg  
11 Police.

12 Q When you say Mr. Senecal was sitting in a truck  
13 in your driveway did you ever report that to the  
14 Maine State Police?

15 A Not the Maine State Police, Phippsburg Police,  
16 that's where I lived.

17 Q All right. Now, when you spoke with somebody on  
18 behalf of the defense first, who was that?

19 A I think it was Mr. Connolly.

20 Q How many times?

21 A I have no idea how many times I have spoken to  
22 Mr. Connolly.

23 Q And when was it that you first spoke with him?

24 A I have no idea, sir, but I know it was not as  
25 early as you think it is. I ran for two years,



1       sir. I stayed in my house. I lived in a  
2       one-room cabin.

3       Q    In Naples?

4       A    Yes.

5       Q    Okay, and you moved from Naples?

6       A    To Sabattus.

7       Q    To Sabattus, so you were --

8       A    To Lewiston.

9       Q    Did you know where Douglas Senecal was then?

10      A    No. I heard that he was in North C --

11      Q    Excuse me?

12      A    That's all. You asked me a question and I  
13      answered it.

14      Q    North Carolina?

15      A    North Carolina.

16      Q    You didn't know, however, if he was back in this  
17      area?

18      A    I had heard that he drops in and out of the  
19      state.

20      Q    So you were -- I understand you to say then that  
21      being afraid of Douglas Senecal you moved back  
22      to Sabattus into the very area where you heard  
23      he came to visit from time to time?

24      A    Sabattus?

25      Q    Yes.

1 A He visited Sabattus.

2 Q This area, Maine, southern Maine area.

3 A Sir, I lived in my house, I didn't live outside.

4 Q The house was in Sabattus, right?

5 A Yes, but that doesn't mean I have to go out of  
6 my house. It's very hard to get your address.

7 Q And from Sabattus then you moved to where?

8 A Lewiston.

9 Q Okay.

10 A Very crowded area. I still didn't leave my  
11 apartment.

12 Q Just did what with yourself, just hold up  
13 inside?

14 A Yes, I did. I saw a therapist. It's called  
15 agoraphobic.

16 Q What is that?

17 A Fear of someone, of the outside, and that is  
18 what Doug Senecal did to me for a year. When  
19 you fear someone with that much of your life you  
20 are not willing to put yourself out on the  
21 street.

22 Q You came forward to Mr. Connolly --

23 A I talked to him over the phone.

24 Q Sure. All right, but did he contact you first  
25 or did you contact him first?

1 A I think there was a private detective that came  
2 to my home.

3 Q First?

4 A Yes.

5 Q And who is that?

6 A Asked me if I could -- pardon me?

7 Q Who was that?

8 A I can probably point him out to you better than  
9 I can remember his name.

10 Q Is it that gentleman sitting over there?

11 A Yes, it is, in the gray suit. But I am sorry, I  
12 don't remember his name.

13 Q And he came to your house first?

14 A He came to my apartment, he had heard about me  
15 from my sister-in-law.

16 Q Your sister-in-law?

17 A Thelma Jones.

18 Q Okay. It certainly appeared to you when you  
19 spoke with Mr. Morin whom you have identified  
20 and Mr. Connolly that they were interested and  
21 eager to have this information?

22 A It made me realize that I knew more than I  
23 should have and that I wasn't telling anybody  
24 and that it was time to speak up and it was time  
25 for the justice to do something about it.

1 Q And during this time by the way you knew Kristin  
2 Comee, that is in July of 1988?

3 A Chris who?

4 Q Kristin Comee.

5 A Kristin Comee?

6 Q Yes.

7 A How would I know this person?

8 Q I am asking you, did you know Kristin Comee who  
9 lived at the old Coast Guard Station down at  
10 Popham Beach?

11 A Not that I know of, sir. If I meet somebody on  
12 a one-day basis --

13 THE COURT: Excuse me, there's no  
14 pending question.

15 THE WITNESS: Thank you.

16 BY MR. WRIGHT:

17 Q Where was it that you saw -- exactly where was  
18 it that you saw Douglas Senecal in this truck?

19 A In my driveway.

20 Q How far away from your house was that?

21 A Right next to my house.

22 Q Can you tell us how far?

23 A From you to me.

24 Q What?

25 A From you to me.

1 Q Okay, so Douglas Senecal sat, what, ten feet  
2 away from your window? Was it a porch or door?

3 A Its a balcony.

4 Q Balcony.

5 A And there was a door with a window in it, that  
6 was the only window that wasn't foiled in my  
7 house.

8 Q Excuse me, you had foil up in the windows of  
9 your house?

10 A Would you like somebody watching you bathe?

11 Q Aluminum -- excuse me, you have aluminum foil  
12 windows up in your house?

13 A Yes, sir.

14 Q In your windows?

15 A And curtains because I didn't want to look at  
16 the foil, but I didn't like being watched.

17 Q From ten feet away Douglas Senecal sat there?

18 A Yes, he did.

19 Q For an hour and --

20 A 10 or 15 --

21 Q For an hour and 15 minutes?

22 A Yes, he did.

23 Q And you remember that completely because you are  
24 pretty precise on that time?

25 A Yes, I am.

1 Q How is it you are so precise about that?

2 A Because I reached over across my desk, I did not  
3 dare move, I called Thelma Jones, who was not  
4 Thelma Jones at the time --

5 Q Did you look at a clock, is that how you know?

6 A There's a clock in my office, yes.

7 Q And I want to know did you look at that clock so  
8 you know it was an hour and 15 minutes?

9 A It was from 11:00 to about 12:30, 12:15,  
10 somewhere in between there. But it was an hour  
11 at least and 15 minutes, I know that for a  
12 fact. Impatience is one of my --

13 Q Excuse me. I thought you said it was between  
14 10:30 and 11:00 you saw the truck.

15 A Okay, fine.

16 Q Earlier.

17 A Somewheres between 10:30 and 11:00. 11:00 is  
18 11:00.

19 Q Yes.

20 A 11:00 to 12:30 is an hour and a half, so I am  
21 wrong by 15 minutes.

22 Q So you -- so you saw Douglas Senecal in that  
23 truck from -- I just want to get -- understand  
24 since you have a clear recollection of this.

25 A Fine, then it was 12:15.

1 Q From 11:00 to 12:15?

2 A Yes, and I probably hung up the phone with  
3 Thelma Jones at 12:30.

4 Q As of the 6th of July, at that time you did not  
5 like Douglas Senecal at all --

6 A I have --

7 Q -- did you?

8 A I have no feelings for Doug Senecal. Would you  
9 for the devil? That's what he is to me.

10 Q All right. I take it you don't like the devil  
11 so you don't like Douglas Senecal; is that fair  
12 to say or not?

13 A I don't like a man to watch me bathe, I don't  
14 like him to watch my house, I don't like him to  
15 watch my every move so, no, I can't say that I  
16 like being watched.

17 MR. WRIGHT: Your Honor, I move that  
18 that all be stricken.

19 THE COURT: Permission is granted. We  
20 are going to back up and I want him to ask the  
21 question again and I want you to listen to the  
22 question and I want you to answer only the  
23 question.

24 THE WITNESS: Fine, sir.

25 BY MR. WRIGHT:

1 Q The question is simply on July 6, 1988 you  
2 didn't like Douglas Senecal?

3 A I had no feelings on July 6, 1988, whether I  
4 liked Doug Senecal or not.

5 Q You were scared of him on that day?

6 A Yes.

7 Q On that day you watched him for an hour and 15  
8 minutes sit 10 feet away from you and you called  
9 your sister-in-law?

10 A Yes.

11 Q You didn't call the police?

12 A He hadn't done anything wrong. It is his  
13 property.

14 Q Excuse me, is it yes or no? Did you call the  
15 police?

16 A No.

17 Q As you look out -- say you are looking out, what  
18 is out the window?

19 A A door.

20 Q Door, all right.

21 Which way was the truck parked, was it  
22 parked --

23 A Long ways, this way.

24 Q So the passenger side of the truck was closer to  
25 you?



1 A Until he backed up and turned it this way.

2 Q And did you pay any attention to the truck?

3 A Yes, I paid attention enough to know that it was  
4 a red Toyota.

5 Q That's all you noticed?

6 A Yes. I was more watching him. It's my only  
7 defense.

8 Q For instance did you notice what was in the back  
9 of the truck, in the bed of the truck?

10 A No. I didn't take my eyes off of him.

11 Q Did you notice whether Douglas Senecal was, say,  
12 wearing a hat?

13 A He was not wearing a hat.

14 Q Was he wearing glasses?

15 A He was not wearing glasses half the time.

16 Q Oh, you watched him enough to see him take his  
17 glasses on and off --

18 A I didn't take my eyes off of him.

19 Q Right, for an hour and 15 minutes?

20 A That's right.

21 Q And that's -- what you have told us about the  
22 truck is all that you recall about the truck?

23 A Sir, the truck didn't mean anything to me. I am  
24 sorry.

25 Q Well, where on the side of the truck --

- 1 A That's all I know. I am sorry. I remember it  
2 was a red Toyota.
- 3 Q Where alongside of the truck did it say Toyota?
- 4 A No, it says it in the front when he turned the  
5 truck around to face me.
- 6 Q So you saw the front of the truck?
- 7 A He turned the truck around facing me.
- 8 Q You saw it on the front? Where on the front of  
9 the truck?
- 10 A It's on the -- I don't know. It's up on the  
11 dash -- not the dash but the hood.
- 12 Q On the hood?
- 13 A Yeah. I am not a mechanic. I am sorry. I know  
14 when he left you could read it on the back.
- 15 Q Excuse me, Miss Babine.
- 16 Before the 6th of July were you also  
17 fearful? I guess you were?
- 18 A Yes, I was.
- 19 Q After the 6th I guess you were fearful?
- 20 A Very much so.
- 21 Q But you didn't leave until the end of the month?
- 22 A I left way before the end of the month.
- 23 Q I am sorry, speak up, please.
- 24 A I left way before the end of the month.
- 25 Q When was it that you left?

- 1 A I don't remember the day. I got in my car and I  
2 drove to Florida.
- 3 Q Leaving your husband here?
- 4 A Yes.
- 5 Q And was that within, what, a day or two after  
6 the 8th or so? I am just trying to figure out  
7 when you left.
- 8 A Probably about the 10th. 9th, 10th, something  
9 like that.
- 10 Q So by the 15th, that is the middle of the month,  
11 you were long gone to Florida?
- 12 A I was, yes.
- 13 Q Yes, no question?
- 14 A No.
- 15 Q And during that time, that is around the 15th,  
16 your husband, Richard, was still up here?
- 17 A Yes.
- 18 Q And at some point Mr. Senecal gave you or gave  
19 to your husband a check in settlement -- a  
20 return of security deposit and that kind of  
21 thing, do you know anything about that?
- 22 A I don't have any idea.
- 23 Q No?
- 24 A I know that he was supposed to.
- 25 Q I am sorry?

1 A I know that he was supposed to.

2 Q But you don't have any knowledge of such a check  
3 written by Douglas Senecal to your husband?

4 A I can look in the checkbook if you want to know.

5 Q No, this is not your checkbook but the check  
6 from Douglas Senecal to you.

7 A To me?

8 Q To Richard?

9 A I don't know. I don't keep Richard's accounts.  
10 I am sorry. We don't keep different accounts.

11 Q Let me ask it to you this way: Do you ever  
12 recall seeing a check written from Douglas  
13 Senecal to your husband around the 15th of July  
14 when you were now off in Florida?

15 A Yes, I do.

16 Q How was it that you saw that?

17 A Because I signed that check because I was -- he  
18 was supposed to give Richard the full amount  
19 back because we left early and we left it  
20 spotless.

21 Q Okay.

22 A And he did not and I signed the check and put it  
23 in and I got the hell out of this town.

24 Q All right, so that was -- you signed that check  
25 so that was before you left for Florida?

1 A Yes, it had to be on the 15th that I left. I  
2 left the same day that I signed the check.

3 Q What, you just endorsed the check?

4 A Yes, I did.

5 Q That's all?

6 A That's it.

7 Q Signed your name and endorsed the check?

8 A Yep.

9 Q With no ill will towards Douglas Senecal?

10 A I wanted to go home to my parents. No, no ill  
11 will, okay? I wanted to go home. No ill will.

12 Q So the check that you -- let me see if I  
13 understand. You recall now a check from Douglas  
14 Senecal to your husband on the 15th of July  
15 which you endorsed?

16 A Yes, I did.

17 Q And you just signed your name and nothing more?

18 A I know I signed my name.

19 Q Don't you remember, Mrs. Babine, writing on the  
20 back of that check "Go to hell"?

21 A Probably. I wouldn't doubt it.

22 Q Well, you just told me that all you did was sign  
23 it with your name, now you are saying --

24 A Well, maybe it is something I did but I didn't  
25 remember that I did that. But, yes, sir, I did

1 do that because I am proud that I did, yes, sir.

2 Q So when you signed that check from Douglas  
3 Senecal did your husband sign "Go to hell"? You  
4 had a lot of ill will --

5 A Just because you say go to hell doesn't mean you  
6 have any ill will. I wanted him out of my life  
7 and that's what I did, I left.

8 Q So when you endorsed this check "Go to hell" and  
9 endorsed it with your name on it, you meant no  
10 ill will towards Douglas Senecal?

11 A Are you sure it doesn't say anything else on  
12 it?

13 Q Well, I will get to that but I am asking whether  
14 you intended no ill will?

15 A I really didn't. I said what I meant.

16 Q Right.

17 A "Go to hell," and then it also says, "Child  
18 abuser."

19 Q Well, it says, "Rapist, rapist of children,"  
20 doesn't it?

21 A That's right.

22 Q And this was a man towards whom you had no ill  
23 feelings? You were afraid you say that's why  
24 you left but otherwise no feelings at all?

25 A I was getting out, I had no feelings, I was

1 happy, I was leaving hell.

2 Q Do you recall writing an affidavit or signing an  
3 affidavit?

4 A Yes.

5 Q And that affidavit says that you saw the truck  
6 in which Douglas Senecal was sitting on the  
7 afternoon of July 6th, doesn't it?

8 A As I said, the afternoon starts at 11 o'clock.

9 Q Excuse me?

10 A My afternoon starts at 11 o'clock. I take my  
11 first afternoon medication at 11 o'clock.

12 Q So what you meant by when you said in your  
13 affidavit that you saw Douglas Senecal in this  
14 truck in the afternoon of July 6th, you meant it  
15 was any time after 11:00 a.m.?

16 A It was after 11:00. That's afternoon, that's  
17 early afternoon.

18 Q Well, I guess that's what I wanted to  
19 understand. When you said the afternoon of July  
20 6th, do you mean after 11:00 a.m.?

21 A Yes. You go by a time zone; I go by medicine.

22 Q Miss Babine --

23 A Yes, sir.

24 Q -- it's -- I mean, the point of truth is you  
25 will do anything to get Douglas Senecal, won't

1       you?

2       A    You are wrong there.  I don't want anything to  
3       do with Douglas Senecal.

4       Q    And the easy way to make sure that you don't  
5       have anything to do with Douglas Senecal is to  
6       try to get him in prison for something, would  
7       you agree?

8       A    No, sir.

9       Q    So you deny having any motivation in this case  
10       to try to get Douglas Senecal?

11       A    Justice.  But I am not after Douglas.

12       Q    The magnanimous motive of justice is your only  
13       motive?

14                       MR. CONNOLLY:  Clearly argumentative.  
15       It's clearly beyond at this point.

16                       THE COURT:  You may finish.

17       BY MR. WRIGHT:

18       Q    Is the motivation of justice your only  
19       motivation?

20       A    Yes, sir, it is.  I don't put my life on the  
21       line for anything else.

22       Q    This was the motivation which you didn't come  
23       forward with to anybody until when?

24       A    I had no idea that it was -- that I really knew  
25       -- it seems like a great big puzzle to me that



1 all these pieces had to fall before I even knew  
2 that I was involved in anything.

3 Q Right. Well, you knew on July 6, 1988 that  
4 Douglas Senecal was sitting in your driveway?

5 A No, I thought -- no, I knew he was in my  
6 driveway.

7 Q And you reported that to the Department of Human  
8 Services?

9 A Pardon?

10 Q Did you -- is that part of what you reported to  
11 the Department of Human Services?

12 A That he was sitting, yes.

13 Q Yes, so on July -- so within a couple of days  
14 after July 6, 1988 you reported to the  
15 Department of Human Services that Douglas  
16 Senecal was sitting in your driveway?

17 A Yes. I had turned --

18 Q For the reason that, as I understand it, that  
19 you wanted them to know about this horrible  
20 creature?

21 A No, I wanted to be protected because I had given  
22 them information.

23 Q Okay, and also the Phippsburg Police, you  
24 contacted them?

25 A Yes, I did.

1 Q And are you saying that at the time that you  
2 reported that to the Department of Human  
3 Services and to the Phippsburg Police it was not  
4 for the purpose of suggesting that Douglas  
5 Senecal may have had some involvement in the  
6 Sarah Cherry murder?

7 A Sir, if I wanted to go after Douglas Senecal  
8 I would have gone and pursued it instead of  
9 running to Florida.

10 THE COURT: Now, will you please  
11 answer the question?

12 THE WITNESS: Will you repeat the  
13 question?

14 THE COURT: The reporter will read  
15 back the question.

16 (Thereupon, the pending question was  
17 read by the court reporter.)

18 THE WITNESS: I didn't know whether he  
19 had any involvement in it. I just new the  
20 facts, that's what I gave them.

21 MR. WRIGHT: Will the court direct a  
22 response from the witness to the question.

23 THE WITNESS: I didn't know for sure  
24 whether he was involved in a murder.

25 THE COURT: That is not the question.

1 That is not the question.

2 THE COURT: Kim, read back the  
3 question again.

4 I want you to listen to the question.

5 (Thereupon, the pending question was  
6 read by the court reporter.)

7 THE WITNESS: I did.

8 THE COURT: Well, you can answer yes  
9 or no.

10 THE WITNESS: Okay.

11 THE COURT: Just answer it yes or no,  
12 and I want to hear the question again read.

13 (Thereupon, the pending question was  
14 read by the court reporter.)

15 THE WITNESS: No.

16 BY MR. WRIGHT:

17 Q It was not for that purpose?

18 A It is not a straight yes or no answer, but I  
19 guess I will have to change that no to a yes  
20 because --

21 Q Okay, so --

22 A -- it's straight out and out. I mean --

23 Q So that within a couple of days after July 6th,  
24 you now acknowledge that you were reporting  
25 Douglas Senecal to alert people of his possible

1 involvement in Sarah Cherry's murder?

2 A I didn't alert people, sir, I alerted --

3 Q Well, the Department of Human Services and  
4 Phippsburg Police, right?

5 A The Phippsburg Police is one policeman, he told  
6 me not to worry about it because I was leaving.

7 The Department of Human Services are to  
8 protect children.

9 MR. WRIGHT: Your Honor, again I will  
10 ask the court to disregard any Phippsburg -- it  
11 was not responsive to the question.

12 THE COURT: Sustained.

13 BY MR. WRIGHT:

14 Q Now, Mrs. Babine, you had earlier said that, as  
15 I understood your testimony, that you left the  
16 state without knowing whether anybody had been  
17 arrested for this crime?

18 A That's true.

19 Q Are you saying to this court now -- you say you  
20 acknowledge being here on the 15th and leaving  
21 after that, that you didn't know by the 15th of  
22 July that Dennis Dechaine had been arrested on  
23 the 8th of July for the murder?

24 A No, sir, I did not know Dennis Dechaine had been  
25 arrested.

1 Q Yet it was on the 8th of July that you were  
2 watching television coverage of this case?

3 A Yes, sir, it was.

4 Q And where by the way was this photograph that  
5 you saw of the truck?

6 A On TV --

7 Q What was in the background?

8 A In the woods, I guess, or -- it was either in  
9 the woods or right at their house. I have no  
10 idea.

11 Q Right at whose house?

12 A I guess it's the parents, the people that she  
13 baby-sat for, on the side of the road. All I  
14 saw I told you, I walked in the house, turned on  
15 the TV, saw the truck. That don't tell you  
16 anything besides I saw the truck.

17 Q Right, and I am trying to understand --

18 A I didn't pay any attention to what was around  
19 it.

20 Q I am trying to understand if you can tell me  
21 what the setting was of the --

22 A No.

23 Q -- of the picture of the truck when you saw it  
24 on television?

25 A I just knew it was the same truck that Doug

1 Senecal was driving the next morning.

2 Q And -- oh, that morning, not that afternoon.

3 A You called it morning, sir.

4 Q And was it a videotape on the television or  
5 still photograph?

6 A Yes, it was.

7 Q A videotape?

8 A Yes, sir, it was.

9 Q Daytime?

10 A Evening.

11 Q Daytime evening?

12 A Evening, 6 o'clock news.

13 Q I am not asking you what time you saw it on  
14 television, I am asking you what time it was,  
15 was it a daytime scene on the television?

16 A Yes, it was daylight.

17 Q Of this Toyota pickup truck?

18 A Yes.

19 Q Either in the woods or by a house?

20 A I remember that they showed the trailer.

21 Q They showed what?

22 A They showed a trailer or a house.

23 Q Okay.

24 A They said some paperwork was there, I really  
25 don't know what that was about.

1 Q And the truck was there?

2 A And the truck was there. That's all.

3 Then they showed the truck, I don't know  
4 where it was, I don't know whether it was in the  
5 area of the house, I don't know whether it was  
6 on the road.

7 Q And this was on the 6 o'clock evening news on  
8 the 8th?

9 A Yes, sir.

10 Q And you don't recall knowing anything at  
11 6 o'clock on the 8th that Dennis Dechaine had  
12 been arrested?

13 A Sir, I went hysterical because I saw that truck  
14 and I knew. Dennis Dechaine didn't mean  
15 anything to me.

16 Q Right.

17 A I had never heard his name, I didn't connect it  
18 with anything.

19 Q Did you hear --

20 A No, I didn't even pay attention to the news  
21 broadcast after I heard Sarah Cherry was dead.  
22 I was a little bit upset, I was hysterical. I  
23 mean, it was like -- I am sorry, I lost it.

24 Q And neither at that time on the 6 o'clock news  
25 on the 8th of July nor at any time for the next

1 week did you ever know a single thing who had  
2 been arrested for this murder before you left  
3 the state for Florida?

4 A I didn't pay attention to who had been arrested  
5 for this murder, no, I did not know. If I would  
6 have known maybe I would have come forward, but  
7 I left. I had no knowledge.

8 Q When you went to Florida, it was there that you  
9 were in therapy for fear?

10 A I didn't go to Florida and have therapy there, I  
11 moved there to see my parents and come down and  
12 tell them exactly what was going on in my life.  
13 I had therapy when I lived in Naples and  
14 couldn't get out of my own house.

15 Q I thought the question I asked you was when you  
16 went to Florida that's where you had the  
17 therapy?

18 A No.

19 Q No?

20 A I went there to see my parents.

21 Q While you were in Florida that's when the  
22 therapy was?

23 A No, sir, it was in Naples.

24 THE COURT: They are talking about  
25 Naples, Maine.



1 MR. WRIGHT: I am sorry, I thought it  
2 was Naples, Florida. Okay.

3 BY MR. WRIGHT:

4 Q I thought you said you went to Naples, Florida.

5 A I went to Jacksonville, Florida and St.  
6 Augustine and then I went to --

7 Q Okay.

8 A -- where I had a home.

9 Q Okay. Had you taken -- as part of the therapy  
10 was there any medication that was given to you?

11 A For agoraphobic?

12 Q Well, --

13 A No. I take medication if that's what you are  
14 asking.

15 Q You also have had in the past seizures,  
16 epileptic seizures?

17 A Yes, I am an epileptic.

18 Q I don't mean to embarrass you.

19 A You won't.

20 Q And you had lived before all this in Florida  
21 before?

22 A Yes, prior.

23 Q Right, during which time you were in  
24 rehabilitation for cocaine use, weren't you?

25 A No, sir, I was not. I really -- my

1 rehabilitation that you are talking about  
2 cocaine use is -- I didn't do it anymore, I cold  
3 turkeyed it, bye.

4 Q But you had done cocaine for a long time, hadn't  
5 you?

6 A Not a long time, sir. How do you call six weeks  
7 a long time? There was a drug out in the street  
8 that could kill me, that could probably take me  
9 down. Ain't no way. I decided to be bad so I  
10 was bad.

11 Q And that was when?

12 A I lived at 79 High Street in Bath and that was a  
13 long time before '87.

14 Q A long time before what?

15 A '87. I moved out of my own apartment so my  
16 children was not around it.

17 Q Right, okay. I guess I just want to clear up  
18 one thing. After the buyers -- the Senecals got  
19 buyers for the property in the spring of '88,  
20 that's Mr. Paradis, do you know his name?

21 A I didn't know his name.

22 Q Okay. Have you seen him around the building  
23 here today?

24 A Yeah, he has red hair.

25 Q And a beard?

- 1 A Yes.
- 2 Q Kind of a reddish shirt?
- 3 A I don't know.
- 4 Q But that's who you are talking about?
- 5 A Yeah.
- 6 Q Before you all moved out you moved out the end  
7 -- you left the 15th, your husband left on the  
8 30th?
- 9 A Yeah.
- 10 Q Before then Mr. Paradis -- well, let me ask you  
11 it this way: He had at the time a girlfriend,  
12 now his wife?
- 13 A I would not know.
- 14 Q You never met her?
- 15 A I didn't know whether they were girlfriends or  
16 wives. I mean, I am sorry, but that is not my  
17 knowledge.
- 18 Q Okay. Did you ever meet Mr. Paradis?
- 19 A Yes.
- 20 Q Okay. When, just once or twice or what?
- 21 A He came in once or twice to see the house. They  
22 probably wondered why it was foiled.
- 23 Q And you were not working then?
- 24 A No. I am handicapped, sir.
- 25 Q And so during this time period in the weeks

1 leading up to early July 1988 you were home  
2 every day pretty much?

3 A Sir, I have been home since I have been 28 years  
4 old, I had spinal surgery.

5 Q Okay. So the answer to my question is yes?

6 A Yes.

7 Q And during all this time Mr. Paradis came over  
8 to the house with his girlfriends once or twice?

9 A Didn't count how many times they came over.

10 Q Well, that's your best recollection?

11 A I really don't pay attention to how many times  
12 people come over to see the house. They came in  
13 several times, they were in the yard working  
14 several times. I have no idea how many times  
15 they were there. I don't keep a journal on  
16 people coming in and seeing a house that I am  
17 leaving and happy to be leaving about.

18 MR. WRIGHT: Thank you, that's all I  
19 have.

20 THE COURT: Redirect, Mr. Connolly?

21 MR. CONNOLLY: Briefly, your Honor.

22 REDIRECT EXAMINATION

23 BY MR. CONNOLLY:

24 Q Miss Babine, in response to one of the questions  
25 that Mr. Wright had there was discussion about a

1 person by the name of John Babine. Who is that?

2 A That is my husband's half brother, they have the  
3 same mother. My husband was adopted.

4 Q Did you see him on July 6, 1988?

5 A No.

6 Q Was he with Douglas Senecal at that time?

7 A Not that I know of.

8 Q During that period of time when Douglas Senecal  
9 was in your driveway did you see any other  
10 person with him?

11 A No.

12 Q Were you able to see the Senecal's driveway?

13 A Yes, I am.

14 Q During the course of that day, July 6, 1988, did  
15 you see a truck driving up and down that  
16 driveway all day?

17 A No, I did not.

18 MR. WRIGHT: Excuse me, I object, I  
19 didn't ask anything about that.

20 THE WITNESS: No, I did not.

21 THE COURT: The objection is  
22 sustained.

23 MR. WRIGHT: For that matter I ask the  
24 court to disregard any testimony with respect to  
25 Mr. Babine. I have not asked about his presence

1           that day either, just whether she knew him.

2                       THE COURT: The question and answer  
3           may stand as to her knowledge of Mr. Babine.

4           BY MR. CONNOLLY:

5           Q Did you know -- strike that.

6                       In reference to the Department of Human  
7           Services was it another person that you spoke  
8           with besides Bonnie Holladay? Does the name  
9           Jennifer Dox ring --

10          A Yes, it does.

11          Q Did you have conversation with Jennifer Dox on  
12          July 5, 1988?

13          A Yes, I did.

14          Q And that was where?

15          A In my home.

16          Q She came to your house at that time?

17          A Yes.

18          Q And that was in reference to some of the  
19          discussions that you had about Douglas Senecal?

20          A Yes, it was.

21          Q Mr. Wright had told you about a check which says  
22          "Go to hell. Rapist of children," signed by you  
23          on July 15, 1988. To the best of your  
24          recollection that's when you left the house?

25          A Yes, sir, it is. But that really was not about

1 Sarah Cherry, I am sorry. I didn't know that  
2 she had been molested.

3 MR. WRIGHT: Excuse me, the question  
4 was is that when you left, the answer is yes,  
5 and beyond that is not responsive.

6 THE COURT: And beyond that, the  
7 remainder of her remarks will be disregarded.

8 MR. CONNOLLY: Yes, sir.

9 I have no further questions of the  
10 witness.

11 MR. WRIGHT: Nothing else. Thank you.

12 THE COURT: Thank you, that will be  
13 all.

14 (Witness excused.)

15 THE COURT: We will take a short  
16 recess.

17 (Brief recess.)

18 THE COURT: Mr. Connolly.

19 MR. CONNOLLY: Thank you, Judge. The  
20 defense would call Gerald Paradis.

21 THE CLERK: Would you raise your right  
22 hand and state your name, please.

23 THE WITNESS: Gerald Paradis  
24  
25

1       Thereupon,

2                               GERALD PARADIS

3       was called as a witness and, after having been  
4       duly sworn, was examined and testified as  
5       follows:

6                               DIRECT EXAMINATION

7       BY MR. CONNOLLY:

8       Q   Good afternoon, sir. Can you please spell your  
9       last name for the record, sir.

10      A   P-A-R-A-D-I-S.

11      Q   And what do you do for work?

12      A   Right now I am presently running a 12-ton  
13      national crane on a boom truck doing lifting for  
14      timber framing, truss houses.

15      Q   Speak up nice and loud, okay? How long have you  
16      been doing that job?

17      A   I am on my second year with this outfit.

18      Q   Where do you live?

19      A   Phippsburg.

20      Q   How long have you lived in Phippsburg?

21      A   I guess we are going on our fourth or fifth year  
22      now.

23      Q   Where is your house located?

24      A   It's on Devil's Highway in Phippsburg.

25      Q   Is that the real name?



1 A That's what it's baptised as.

2 MR. WRIGHT: I am sorry?

3 THE REPORTER: "That's what it's  
4 baptised as."

5 BY MR. CONNOLLY:

6 Q Who did you purchase the house from?

7 A Douglas Senecal.

8 Q And did you buy the house directly from  
9 Mr. Senecal?

10 A Well, at the time it was my fiancée that bought  
11 the house from Senecal.

12 Q And her name?

13 A Yes.

14 Q What is her name?

15 A Her name was Denise Wenzle (phonetic).

16 Q Spell that last name, please, sir.

17 A I can't.

18 Q But Denise Wenzle is now your wife?

19 A Yes.

20 Q And she is now Denise Paradis?

21 A Paradis.

22 Q And when --

23 A Well, we started talking with Douglas in the  
24 month of May, the earliest part of May, I think  
25 somewheres around May 8th or somewheres in that

1 vicinity.

2 Q Of 1988?

3 A Yes.

4 Q And when did you come to an agreement, if you  
5 recollect? When did you determine the price and  
6 a deal would be had?

7 A Well, the price and things were pretty much  
8 agreed upon at the time but the question was on  
9 how long it would take us to sell her house in  
10 Sabattus.

11 Q And what kind of time parameters, what kind of  
12 frame were you working with at the time?

13 A Well, we had from the broker an estimated at  
14 least 30 days we had to be out of the existing  
15 house that we were living in, so we told him as  
16 soon as we find out about that we could let him  
17 know what was happening. We didn't even wait  
18 the 30 days, as soon as things were ready we  
19 moved right out.

20 Q Do you know when you moved out of your home in  
21 -- I am sorry, where was that, Sebago?

22 A In Sabattus.

23 Q Sabattus, I am sorry.

24 A We moved out of there on the weekend of the  
25 22nd, 24th of July.

1 Q You moved into the current -- your current  
2 residence then?

3 A Yes.

4 Q So were you physically in the house where you  
5 now live?

6 A Yes, I worked in the house almost two weeks on  
7 and off trying to get it prepared for us moving  
8 in, I did wallpapering, plastering, painting,  
9 new carpeting, basically went all over through  
10 the house inside, you know, to clean it up to  
11 move in.

12 Q That was during the two weeks prior to July  
13 22nd?

14 A Yeah.

15 Q On and off during that time?

16 A Yes.

17 Q Do you remember the date in which the tenants  
18 that had been there, the people living there at  
19 the time moved out?

20 A No, I don't.

21 Q Do you know what their names were?

22 A Babine.

23 Q And you have not spoken to any Babines for some  
24 time; is that right?

25 A No.

1 Q If I were to tell you that the testimony was  
2 that Pamela moved out on July 15th, and using  
3 that as a date do you recollect when she moved  
4 out as opposed to her husband?

5 A I couldn't say.

6 Q During the period of time in July of 1988 what  
7 were you then doing for work?

8 A I was working for T & R refuse out of Bath,  
9 Maine.

10 Q And what hours during the course of the week  
11 would you work, sir?

12 A 5:00 till 1:00, 5:00 to 2:00, 5:00 to 12:00, and  
13 then I would either bring a load of stuff to the  
14 house or go work around the landscape.

15 Q When did you first start to go to the house on  
16 Devil's Highway to begin repairs?

17 A Well, I really can't recall exactly when. The  
18 only thing that I know it was a couple of weeks  
19 after we had talked to him, and I had asked him  
20 at that time if I could start moving some stuff  
21 in because I had a lot of it, and he said --

22 MR. WRIGHT: Object.

23 THE WITNESS: He said he had no  
24 problems.

25 MR. WRIGHT: Let me --

1 THE COURT: The answer may stand.

2 BY MR. CONNOLLY:

3 Q He being Doug Senecal?

4 A Yes.

5 Q So to put things in a time frame you had a  
6 meeting of the minds that you agreed on the sale  
7 on the 8th of May?

8 A Of May.

9 Q A couple of weeks after that there was an  
10 agreement that you could start to bring some  
11 things in, but you ultimately know that you  
12 moved in on July 22nd?

13 A Yes.

14 Q So from the period of the latter part of May all  
15 during June and July you were working on and off  
16 in the house?

17 A Yes.

18 Q And the last period of time for two weeks or so  
19 you were going to the house quite often?

20 A Yes, I was. Even though Babine was living in  
21 the house at the time I was cutting brush,  
22 bringing materials in, I had a trailer that I  
23 would load up some stuff at the Sabattus  
24 residence, take it to work and after work I  
25 would proceed to Phippsburg to unload it and

1           then go back home and reload another load.

2       Q   When, sir, you first had contact with Douglas  
3           Senecal did you and your future wife form a  
4           relationship?

5       A   Actually, yes, very -- from what she had heard  
6           from his --

7                       MR. WRIGHT:   I object.

8                       THE COURT:   Sustained.

9       BY MR. CONNOLLY:

10      Q   Sir, you can't testify as to anything anybody  
11          else said or heard, okay?

12                      But you and your wife became friendly with  
13          the Senecals --

14      A   Very much.

15      Q   -- and visited at their house --

16      A   Yes.

17      Q   -- and the like, those kinds of things?

18      A   Yes.

19      Q   And did they come and visit you at your Sabattus  
20          residence at that point --

21      A   No.

22      Q   -- at any time?   Sure.

23                      So the visiting that took place took place  
24          at the Phippsburg area at the Senecal's house?

25      A   Yes.

1 Q Did you ever have visits at what would become  
2 your own house shortly?

3 A No. Actually Douglas came in maybe a couple,  
4 three times while I was repairing.

5 Q And approximately what time frame is that at,  
6 sir?

7 A It would be after the Babines were gone.

8 Q Prior to that period in which the Babines were  
9 gone, did there come a time when there was a  
10 marked difference in Douglas Senecal's attitude  
11 about the sale of the house?

12 MR. WRIGHT: I object. I don't  
13 understand how a sale of the house and his  
14 attitude towards it are at all relevant towards  
15 this proceeding.

16 MR. CONNOLLY: I am trying to put a  
17 time frame in.

18 MR. WRIGHT: The time frame is fine  
19 but how -- but the question was in terms of his  
20 attitude towards the sale of the house.

21 MR. CONNOLLY: Again, I am trying to  
22 establish when the time frame is so that the  
23 subsequent testimony can be placed into  
24 context. The witness I will indicate to the  
25 court does not have specific dates but he does

1 have a time line in his mind as to when  
2 operative events did occur so I am trying to  
3 place those operative events into the  
4 appropriate time frame so that the subsequent  
5 testimony will have some meaning.

6 THE COURT: No.

7 MR. CONNOLLY: Yes, sir. It's your  
8 ruling.

9 THE COURT: Let's try with the seasons  
10 of the year.

11 BY MR. CONNOLLY:

12 Q In July of 1988, in the early part you had been  
13 friendly with Douglas Senecal?

14 A Yes.

15 Q And in that early part of July of 1988 there was  
16 socializing going on?

17 A Yes.

18 Q Did there come a time when the demands as to  
19 finances became more heated during that early  
20 part of July of 1988?

21 A Not in July.

22 Q When did that occur, sir, do you know the date?

23 A Well, I would say not in July. I would say  
24 towards the end of July possibly but more into  
25 August.



1 Q Later on then?

2 A Yes.

3 Q That's the latter part. Earlier in the month of  
4 July did there come a time when you noticed a  
5 difference in Douglas Senecal?

6 A Yes, he had started drinking.

7 Q And in addition did there develop between you  
8 and him distance or difficulties?

9 MR. WRIGHT: Your Honor, I object, the  
10 questions are leading. I don't mind if he just  
11 asks --

12 THE COURT: In the interest of time I  
13 am going to allow it.

14 BY MR. CONNOLLY:

15 Q You can answer the question, sir, if you can.

16 A Rephrase that again.

17 Q Sure.

18 During the early part of July of 1988 did  
19 something happen in your relationship with  
20 Douglas Senecal?

21 A Well, I have to say something prior to that to  
22 be able to answer that.

23 Q Okay. You would have to say that earlier time  
24 something happened, is that your point, sir?

25 A No. Sorry.

1 Q In July of -- do you recollect the first two  
2 weeks of July 1988?

3 A Pretty much so.

4 Q Do you remember when a controversy occurred as  
5 to the death of Sarah Cherry?

6 A Well, --

7 Q Yes or no?

8 A Yes.

9 Q Do you remember at that time when issues  
10 involving the death of Sarah Cherry occurred and  
11 your being at the house?

12 MR. WRIGHT: At which house?

13 MR. CONNOLLY: At the house in  
14 Phippsburg.

15 THE COURT: His house or?

16 BY MR. CONNOLLY:

17 Q The house you were purchasing, sir.

18 A Yes.

19 Q During that period of time did a difference  
20 occur in Douglas Senecal that you could know,  
21 that you could sense from how he was acting from  
22 the way that you were interrelating?

23 A Yes, a difference in his attitude.

24 Q Can you explain to the court what that  
25 difference in attitude was?

1 MR. WRIGHT: I object. I don't know  
2 what the relevance is.

3 THE COURT: Overruled. We are going  
4 to find out.

5 BY MR. CONNOLLY:

6 Q Okay, sir, go ahead. What happened?

7 A He acted very nervous, very aggressive. There  
8 was no sign of that when we first started going  
9 there.

10 Q You indicated also a moment ago that you noticed  
11 him drinking alcohol?

12 A Yes.

13 Q Was that something based on your experience with  
14 him that was different?

15 A Yeah. Much.

16 Q What do you mean "much"? Explain that.

17 A He was totally a different man.

18 Q When you say he was totally a different man, can  
19 you explain to the court what basis in fact that  
20 you have to make that conclusion, sir? What did  
21 you observe yourself?

22 A Well, when I first started going in there he  
23 always had time to talk with me and always had,  
24 you know, time to discuss this or that, and when  
25 he started drinking he was all to himself, never

1 had time to talk to me basically, it was a quick  
2 yes, no, goodbye and see you later.

3 Q And you indicated insofar that there were some  
4 changes in his aggressiveness. What do you mean  
5 by that?

6 A Well, I had -- I needed a building permit for  
7 the house that we were purchasing and I went to  
8 see the code enforcer and there was a problem  
9 with the sewer system that he could not find  
10 records for, so I went back to Douglas' house  
11 and asked him for the paperwork for the sewer  
12 system, and he was very angry with me which was  
13 not his attitude prior to that, and I think  
14 that's when he started feeling --

15 MR. WRIGHT: I object to what he  
16 thinks or supposes.

17 BY MR. CONNOLLY:

18 Q Excuse me. Not what he felt but what you saw,  
19 sir, please. Let's limit it to that.

20 You saw on the incident with the permit a  
21 reaction that was surprising to you?

22 A Yes.

23 Q How was it surprising to you?

24 A Very angry.

25 Q You say that it was -- when you say "very

1           angry," was it disproportionate to what the  
2           circumstances were?

3           A    Yes, very much so.

4           Q    How else would you characterize it, sir?

5           A    Well, when we first started going there we  
6           almost became a family, and then when I started  
7           putting things of that nature in possible  
8           canceling of the selling, you know, he didn't  
9           like that at all.

10          Q    So a dispute arose then?

11          A    Yes.

12          Q    During that period of time in the first week --  
13          week of August -- July of 1988 did you  
14          physically observe on his person a difference  
15          than you had the last time you had seen him?

16          A    Yes.

17          Q    What was that?

18          A    I met him in the road and he was drunk.

19          Q    Did you observe on his body other things other  
20          than just the signs of intoxication?

21          A    He had a few scratches on him.

22          Q    Where?

23          A    Some on his face and some on his chest.

24          Q    Were they numerous, can you describe to the  
25          court what they looked like?

1 A No.

2 Q They were on his face and on his chest?

3 A Yes.

4 Q Did you have conversation with him about the  
5 scratches?

6 A Yes, I --

7 Q But without saying what he said you did; is that  
8 right?

9 A Yes.

10 Q Did he offer an explanation?

11 A Yeah, he said --

12 MR. WRIGHT: I object.

13 THE COURT: Sustained.

14 BY MR. CONNOLLY:

15 Q He did. Were the scratches you observed on him,  
16 if you can say, the kind of scratches that would  
17 occur from working in the woods or being in the  
18 woods?

19 MR. WRIGHT: I object.

20 THE COURT: Only if he knows.

21 BY MR. CONNOLLY:

22 Q If you know.

23 A I couldn't know.

24 Q Were the kind of scratches on his face and on  
25 his chest different than any other scratches you

1 had seen on him ever?

2 MR. WRIGHT: Object.

3 THE COURT: Basis?

4 MR. WRIGHT: He hasn't indicated there  
5 were any other scratches at any other time to  
6 compare anything to.

7 THE COURT: If any.

8 BY MR. CONNOLLY:

9 Q If any, if you can say, sir? Can you say? You  
10 cannot say?

11 A I cannot.

12 Q Had you ever seen scratches on him before?

13 A Not that I noticed.

14 Q But you did notice these once?

15 A Yes.

16 Q Had you ever met Douglas Senecal before this  
17 period in 1988 when you were trying to purchase  
18 his house?

19 A No.

20 Q Had you ever met Dennis Dechaine?

21 A Yes.

22 Q When you were growing up?

23 A Yes.

24 Q So you grew up, where, in the Madawaska area?

25 A Yes.

1 Q So when Dennis Dechaine's name was associated  
2 with this incident did that become something  
3 that triggered in your memory or made you alert  
4 to what was happening?

5 A Not really.

6 Q Were you aware that he was allegedly involved at  
7 the time?

8 A No. It was quite -- well, not him involved but  
9 basically told me that he was --

10 MR. WRIGHT: I object.

11 THE COURT: Sustained.

12 BY MR. CONNOLLY:

13 Q You can't say what somebody told you, sir.

14 But you understood that in the first week  
15 of July of 1988 that that became an issue?

16 A Yes.

17 Q So that is a time, a reason to remember the time  
18 frame?

19 A Yes.

20 Q Sir, finally, you have with you a photograph of  
21 Douglas Senecal's truck?

22 A Yes.

23 Q Had you seen Douglas Senecal's truck on other  
24 occasions?

25 A Yes.



1 Q And I am showing you what's been marked as  
2 Defendant's Exhibit Number 4 for identification  
3 purposes. Is that the truck?

4 A Yes.

5 MR. CONNOLLY: I have no further  
6 questions of this witness.

7 THE COURT: Mr. Wright.

8 CROSS EXAMINATION

9 BY MR. WRIGHT:

10 Q The real name of the road is the Stony Brook  
11 Road?

12 A No.

13 Q Where is that?

14 A The Stony Brook Road is the one that runs east  
15 to west.

16 Q Yes.

17 A 209 runs north to south.

18 Q Right.

19 A Devil's Highway runs in the same direction as  
20 209.

21 Q Okay, off the Stony Brook Road?

22 A Off the Stony Brook Road.

23 Q Okay. The other night Detective Drake called  
24 you, do you recall, and you didn't want to speak  
25 with him?

1 A That's right.

2 Q Is there any particular reason why you didn't  
3 want to answer any questions he might have?

4 A I would say what I have to say here today.

5 Q I have heard -- well, scratch that.

6 Is your nickname Toad, is that what they  
7 call you?

8 A That's what Douglas Senecal baptised me as, yes.

9 Q That's what I want to be sure, I thought I heard  
10 the name Toad and I wanted to be sure it was  
11 you.

12 Now, all that you have talked to us about  
13 this afternoon is information which you had all  
14 along obviously, right?

15 A I suppose so.

16 Q Sure, and you knew the trial was coming up.  
17 Between the time Sarah Cherry's murder and March  
18 of 1989 when the trial was held you obviously  
19 knew that Mr. Dechaine had been charged and that  
20 a trial was going on, didn't you?

21 A Yeah.

22 Q Sure, and during that time did you learn the  
23 name of Mr. Connolly --

24 A No.

25 Q -- from news casts or reading newspapers or

1 anything of that sort?

2 A Yes, I heard some of that.

3 Q Okay, so you knew his name before trial?

4 A Yes.

5 Q And you never contacted him before trial?

6 A No.

7 Q No?

8 Now, the disagreements -- well, let me see  
9 if I understand what you are saying. Douglas  
10 Senecal you say had begun drinking and got more  
11 nervous, right?

12 A (Motions head up and down.)

13 Q You have to answer out loud for the court  
14 reporter, please.

15 A Yes.

16 Q And that was you say during the time that you  
17 were -- let me see if I understand it -- working  
18 on house sometime, a couple of weeks right  
19 before you moved in; is that right?

20 A Yeah.

21 Q Okay, and there developed as I understand it  
22 from you a problem or maybe a couple of problems  
23 over whether the sale would go through for  
24 various reasons?

25 A Yes.

1 Q Okay, and one of them prompted you I guess to go  
2 to the code enforcement officer or somebody,  
3 what, in the Town of Phippsburg?

4 A Yes.

5 Q Some official in Phippsburg anyway about permits  
6 and whatnot?

7 A Right.

8 Q Okay, and there was -- it involved a problem  
9 with the septic system?

10 A No. There was --

11 Q I thought you said sewer system.

12 A There was a question of having a proper sewer  
13 system.

14 Q Yes -- well, I am not trying to quibble with you  
15 over the phrasing, I just want to understand,  
16 but the problem revolved around the septic  
17 system?

18 A Yes, with the code enforcement.

19 Q Right, and without clearing that there could  
20 have been a problem with the sale going through?

21 A Yes.

22 Q And it was during that time that you began to  
23 have disagreements with -- maybe disagreements  
24 -- I am not sure how you phrased it -- with  
25 Mr. Senecal about whether the sale was going to

1 go through --

2 A Yeah.

3 Q -- right?

4 Okay, so his different dealings with you  
5 were associated with these possible problems --  
6 well, I guess very real problems and the  
7 possible cancellation of the sale -- his sale  
8 and your purchase of the house?

9 A Right.

10 Q Right.

11 Okay. There also was discussion between  
12 you and him over an adjacent field, some other  
13 property, was there not, nearby? You wanted to  
14 buy a field or something next to it, next to it  
15 and apparently it had already been sold, do you  
16 remember?

17 A I don't know what you are talking about.

18 Q Well, did you come to a handshake agreement with  
19 Mr. Senecal apart from anything you had in  
20 writing over the purchase of the property for a  
21 handshake agreement with respect to some other  
22 property right there?

23 A No.

24 Q Okay. You don't recall agreeing on a purchase  
25 price, you just shook hands over it for \$7500.00

1 in addition to what originally you had  
2 contracted to buy?

3 A What --

4 Q That doesn't --

5 A What does that have to do with this?

6 Q I am trying to see. Do you recall that?

7 A No. That was -- what you are referring to was  
8 discussed between him and my wife over at the  
9 lawyer's house.

10 Q Okay, all right, but there was -- anyway --  
11 well, maybe I shouldn't say you, I meant the two  
12 of you, but there was a discussion over the  
13 possible purchase of some other land right  
14 nearby that Douglas Senecal had?

15 A No.

16 Q With your wife and him?

17 A No, there was no such discussion; the only  
18 discussion was he was going to reserve that end  
19 lot for when he found out what it was going to  
20 cost him to separate it. His wife told him to  
21 let it go.

22 Q Well, --

23 A There was no agreement on price to buy.

24 Q Well, I guess the question is: Did you --  
25 ultimately did you, and it was then your

1 girlfriend, now your wife, right, Denise --

2 A Yeah.

3 Q -- wind up purchasing, possessing more land,  
4 more real estate than you had originally  
5 negotiated with him to buy in May?

6 A Well, we assumed, yes.

7 Q And it's true, is it not, that you never paid  
8 him any more for that additional piece of  
9 property than you had originally negotiated a  
10 price for in early May?

11 A I just told you, it would cost him money to  
12 separate it, that's why we ended up with it.

13 Q Now, the business over the septic system was  
14 something you wound up suing him over, wasn't  
15 it?

16 A Yeah.

17 Q Yep. You know, there's lots of folks here from  
18 the Madawaska area I guess you recognize, don't  
19 you, meaning here in court?

20 A Yep.

21 Q Do you personally know any of them?

22 A Some of them.

23 Q Some of them, okay.

24 You have been or are now friendly with some  
25 of them?

1 A Always have.

2 Q Yes, sure. I am not accusing you of anything, I  
3 just want to know.

4 A Everybody knows everybody up home.

5 MR. WRIGHT: Right. Thank you, that's  
6 all.

7 MR. CONNOLLY: Very brief.

8 REDIRECT EXAMINATION

9 BY MR. CONNOLLY:

10 Q Mr. Paradis, in response to a question by  
11 Mr. Wright about whether or not you had  
12 knowledge of what was happening to Dennis  
13 Dechaine and whether or not you chose to come  
14 forward, have you been waiting for a knock on  
15 the door for a while?

16 MR. WRIGHT: I object.

17 THE COURT: Sustained.

18 MR. CONNOLLY: No further questions.

19 MR. WRIGHT: Nothing else.

20 THE COURT: Thank you, sir, you may  
21 step down.

22 (Witness excused).

23 THE COURT: Considering the time of  
24 day we will recess until -- I have another  
25 matter unrelated to this case at 8:45 in the