

STATE OF MAINE  
KNOX,

SUPERIOR COURT  
CRIMINAL ACTION  
LAW DOCKET NO. KNO 89-126

.....

STATE OF MAINE,

Plaintiff

vs

JURY TRIAL  
a  
(VOLUME )

DENNIS J. DCAIN ,

Defendant

2  
s

BEFORE THE SONO LE C O \* D FORD, JUSTICE

Rockland, Maine

March 6-18, 1989

APPE ACES OF **COUNSEL:**

behalf of the States

*Eric E Wright, Esq.*  
*Asst. Attorney General*

On behalf of the Defendant:

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

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



1 (March 14, 1989)

2 (Chambers conference 8:55)

4 MR. WRIGHT: Your Honor, my *intention is to call*  
5 this morning Daniel Reed, who has testified previously from  
6 the Sagadahoc Sheriff's office, for the purpose of eliciting  
a statement made by Mr, Dechaine to him on August 2nd  
following Mr. Dechaine's arraignment in the Superior Court  
after indictment when Officer Reed was returning Mr, Dechaine  
to the State Prison, where, at that time, he was being held.  
He had been transferred there from the county jail.

There was, as they arrived at the prison, small talk;  
nothing to do with the case, There was then some talk as  
they arrived at the prison, the manner in which inmates  
treated the guards at the prison interestingly. And in  
essence Mr. Dechaine said that it bothered him how badly the  
inmates treated the guards, He wouldn't treat them that way.  
He sought to treat them respect and so forth. Which prompted  
Officer Reed to **say something like do you** think you really  
belong in a place like this or *something like that. At* which  
time Mr, Dechaine *said, according to Officer* Reed's report, I  
know what I've done is wrong, but I don't consider myself a  
murderer; I consider myself a drug addict.

25 What occurred to me last night as I was reviewing  
character evidence cases is that there is one case, State

1 versus Flood, 406 A2nd 1295, in which a witness testified  
2 that certain individuals were known to him to be drugees.  
3 And the Law Court suggested, without squarely holding, that  
4 that reference was inadmissible character evidence in the  
5 State's case in chief. And obviously I'm not allowed to and  
6 I've tried hard to not to interject in the State's case  
anything about Mr. Dechaine's character. It may be that that  
will be opened up to a lesser or greater extent in the  
defense case. But it occurred to me that we have now made it  
through several days of testimony and I did not want the very  
last State's witness to say sosomething to cause all of us  
difficulty. And that it occurred to me that first it may  
be that the defense doesn't care. I don't know. But  
secondly, if they do, the statements certainly *could be*  
redacted and I could have Officer Reed say I know what I did  
was wrong and leave off the part out the drugs; unless  
somebody else has some other suggestions for handling it.

THE COURT: Before I have make a suggestion, I  
would prefer to hear Mr. Connolly's position.

MR. CONNOLLY: I have been well aware of the  
statement for some time. There is no question about that.  
Evidence of drug use will, I can reasonably stater will come  
forward during the defense case. It is of potential  
24 *character harm that the* State would be offering. But if they  
25 *chose to put it on to some extent it* opens the door for

1 rebuttal on my part. I think I would be entitled to put it  
2 on anyway. He would be in a position where he would be able  
3 to call a witness in rebuttal anyway.

4 THE COURT: The question is whether or not we  
5 introduce it as part of the State's case in chief in which  
6 the Law Court has intimated that the State may not be on very  
solid ground in doing that.

MR. CONNOLLY: Insofar as that evidence is going to  
be fully developed later on, I think it would be harmless  
error. Assuming I objected, which I'm not sure I would  
because as I say that is going to be fully developed later  
*on, the impact of that* will be negated by the course of the  
trial. I appreciate Mr. Wright bringin<sup>g</sup> it forward now. I  
would rather have the whole testimony excluded but he would  
15 be entitled to put it on in rebuttal. It would be  
16 accomplishing a zero such gain.

17 MR. WRIGHT: My preference would be to use a  
18 redacted statement *and not create any potential **difficulties,***  
19 avoid even the idea that this, it does not rise to the level  
20 of obvious error if its not objected to. I think I want to  
21 avoid it all together and would prefer to instruct Officer  
22 Reed the statement breaks down into three parts: I know what  
23 I've done is wrong. I don't consider myself a murderer. I  
24 consider myself a drug addict. To lop off the third part for  
25 purposes of **the case in chief and let** it go at that **time.**

1 MR. CONNOLLY: I'm uncomfortable with that in the  
2 sense that leaves the jury *hanging as* to what he was talking  
3 about. It seems to imply guilt *without an* explanation. The  
*explanation is* that from the defendant's point of view I  
don't consider that I did the deed. I used drugs on the day  
in question. That's the inference.

THE COURT: That being the case I think your  
objection to a redacted statement is well taken. So I think  
*that the position that you* are in Eric is either taking a  
chance on putting it in and risking obvious error or saving  
Reed for a rebuttal witness. The question then is is he a  
rebuttal witness?

MR. WRIGHT: What out the idea of just doing the  
first part of it: I know what I've done is wrong. That  
doesn't suggest -

THE COURT: I think Tom's position is that you  
can't partially scramble an egg.

MR. CARLTON: Tom can finish scrambling it.

**THE COURT:** That may be **so**. Tom is in the position  
of saying if you are going to put any statement of my client  
in as a part of the State's case in chief, then you have an  
obligation to put in those parts that are helpful to the  
defense. I think your point well taken. It's a tactical  
24 decision that you have to make. I'm not saying what my  
25 ruling would be because then I don't know what the evidence

2 of the defense is going to be as to whether or not this would  
3 qualify as true rebuttal.

4 MR. WRIGHT: That may depend upon how the defense  
5 case goes. If Mr. Dechaine testified didn't you tell Officer  
6 Reed what you did *was wrong and but* you don't consider  
7 yourself to be a murderer, you consider yourself to be a drug  
8 addict.

9 THE COURT: Then you've got the door open?

10 MR. WRIGHT: Yes. If he says no, then in comes  
11 Reed. So what you've got to decide now from a tactical  
12 standpoint is whether or not you want to put this in and risk  
13 obvious error or wait and see what the defense has called.

14 MR. WRIGHT: I'm not going to put it in if its an  
15 all or nothing choice. I've gotten this far.

16 THE COURT: I think it has to be an all or *nothing*  
17 **choice.**

18 **MR. WRIGHT: Fine. That's why I wanted to talk**  
19 **out it.**

20 MR. CONNOLLY: Judge, the State will be resting  
21 *shortly it seems. I would like a little bit of time after*  
22 the State rests to go out in the hallway to make sure  
23 everybody is lined up.

24 THE COURT: That's fine.

25 (Chambers conference concluded)

(the jury returned at 9:15)

THE COURT: Good morning, Ladies and Gentlemen of the Jury,. Mr. Wright, you may you may proceed.

YL MAXCY, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. WRIGHT:

Q Would you tell us your name for the record?

A Darryl Robert M cy.

Your occupation?

A T'm a corrections officer.

Q With whom?

**Lincoln County.**

Q **How long have you** been **a corrections** officer with

**Lincoln County?**

A **Since July 1987.**

Q **You work where?**

A **At Lincoln County Jail.**

Q **That is located where?**

A **Wiscasset.**

Q **I guess its obvious** that the *Lincoln County Jail*



1 handles prisoners from Lincoln County?

2 A Yes,

3  And from time to time from other jurisdictions?

4 A Yes.

5  Is there any *working* relationship with any jurisdiction  
near Lincoln County in the handling of individuals from other  
7 counties?

A Could you repeat the question?

Q Is there a working relationship in the Lincoln County  
Sheriff's Office with your jail for the handling of prisoners  
from other counties?

A Yes,

Q Co ahead. Tell us out that.

A We have a contract with Sagadahoc County, who rent four  
cells from us. We handle inmates from them. We handle  
inmates from Kennebec County and Cumberland County.

Q The prime reason that you handle prisoners from  
**Sagadahoc** County is because there is no county jail; is that  
correct?

A Yes.

Q Could you tell us in a general way what your duties and  
responsibilities are as a correctional officer?

A I'm responsible for booking inmates, releasing them when  
their time *is served, caring for* them, taking care of them  
while they are there, making sure they have everything they

1 need.

2 Q Could you describe the process of your work as booking,  
3 the booking process that an individual goes through upon his  
4 or her arrival at the county jail in Wiscasset?

5 A We have an admission sheet that needs to be filled out.  
6 The person's name, We have an ID number that *we assign* each  
7 person. Things such as date of birth, home address, people  
8 that we could contact if something were to happen to them,  
9 things of that nature, description.

10 Q *And a normal booking* process when somebody comes in  
11 takes about how long?

12 A It takes approximately 45 minutes to an hour.

13 Q Are all inmates at the jail kept separated from one  
another or is there a living situation in which they have  
access to one another?

A The cell blocks are set up - there would be five cells,  
individual cells in each block. And there is a day room in  
the center *where the* inmates can come out and watch TV, play  
cards. The **only** time they are segregated is at *night when*  
they are locked down. They would be in their individual  
cells.

24 Q Are there areas of the jail in which from time to time  
25 for various reasons individuals are kept separated from that  
area of the jail or those areas you've just described that  
**have a** *common* or **day room** area associated with them?

1 A Yes. We have a holding area, two holding cells at the  
2 booking area where we keep somebody segregated if it was  
3 necessary.

4 Q Are you able to keep an eye on those individuals who are  
5 placed in those two separate cells?

6 A Yes.

7 Q Under what circumstances do you place individuals in  
8 those separate cells rather than in the cell blocks that are  
a common or day area associated with them?

A We would place somebody there if they feared for their  
well-being; perhaps they know of somebody that is  
incarcerated there. Perhaps they've already had a problem.  
They've already been booked in and out back in the cell block  
areas had a problem with somebody. Then we would have to  
bring them out to segregation.

Q So the decision to be placed in segregation might be the  
jail's or it might be a request of the inmate himself?

A It could be the duty **supervisor** or the inmate himself.

Q Let me direct your attention of the evening of July  
eighth of last year, and ask if you were working on that  
evening?

A Yes.

24 Q Did you that evening come to **have** contact with the  
defendant in this case, Dennis Dechaine?

25 A **Yes**, I did.

Q What were your responsibilities that evening, that is where were you working at the jail such that you came into contact with Dennis Dechaine?

A I was at the booking desk when Mr. Dechaine was brought in.

5  
6 Do you recall approximately what time that was on the  
7 evening of July 8th?

A That was approximately 7:17 p.m..

Q By whom was he brought in?

A He was brought in by Sheriff Haggett and Detective Westrum of the Sagadahoc County Sheriff's Department.

Q Could you describe what processing Mr. Dechaine then underwent as part of the normal routine at the county jail at Wiscasset?

A We had to complete the admission sheet. We also had personal property sheets which we list all of the person's personal property on clothing sheets. We have the medical screening sheet which we have to make up. That's about it.

Q Did there come a time when he, as with other individuals that come into the jail, was required to take a shower?

A Yes.

Q That was done with respect to Mr. Dechaine?

A Yes.

Q Could **you** tell us, Mr. Maxcy, during this processing what Mr. **Dechaine's** demeanor and behavior was like?

1 A He was very quiet when he came in. He cooperated fully  
2 with us. Answered all of my questions. I had no problem  
3 *with him* during the booking process at all.

4 Q By the way, did you yourself know the reason for which  
5 he had been brought to the jail?

6 A Yes, I did.

7 Q You knew it involved a charge of murder?

8 A Yes.

9 Q Did you make any observations of Mr. Dechaine after he  
10 had taken the shower that was required of him and other  
11 inmates who come in?

12 A Upon his leaving the shower room he went *into* the shower  
13 room, changed his clothes and put the jail clothes on that  
*the inmates are* required to where. And when he exited the  
shower room Deputy Dermody and myself were standing at the  
booking desk and Mr. Dechaine came to us and stated: You  
people need to know I'm the one who murdered that girl, and  
you may want to put me in isolation.

Q Can you describe the manner in which he said that, his  
demeanor at that **very** moment when he said that?

A He appeared to be very serious.

Q Did you in fact then put him in one of the two separate  
cells?

24 A Yes. I advised him that he would be placed in the  
25 holding cell for at least that night and he would be fine.

1           That was then done?

2    A       Yes.

3    Q       Were any problems encountered during the course of the  
4    *evening?*

5    A       *No.*

6    Q       You mentioned Officer Dermody just a moment ago. Who is  
7    that?

8    A       That's another corrections' officer that I had been  
9    working with that night.

10   Q       Her first name is Brenda?

11   A       Yes,

12   Q       Did you at the time have any discussion or conversation  
13   with Miss Dermody relative to what you had heard the  
14   defendant say when he came to the booking desk where  
15   you and she had been standing?

16   A       We had just been caring out our duties and doing our  
17   paper work and getting his bedding together; waiting for him  
18   **to come out basically.**

19   Q       **I guess the question is whether you and she discussed** at  
20   all what he had just said to you, what Mr. Dechaine had said?

21           THE COURT:   That question may be answered yes or  
22   no.

23           **THE WITNESS:   No.**

24

25   **BY MR. WRIGHT:**

1           Did you make at that time any record of the statement  
2           *that you had just* heard the *defendant state*?

3           A     Yes, I did.

4           And was there any particular reason why you made ®® when  
5           did you make such a record?

6           A     The record was made approximately two, three minutes  
7           after the statement.

8           Why was it it was made so shortly after the statement?

A     I could see the seriousness in the statement itself.

4     Mr. Maxcy, you've stated that you heard the people say  
you people need to know that I'm *the one who murdered that*  
girl and you might want to place me in isolation. Is there  
any question in your mind that's what you heard him say?

A     That's what I heard. That's how I interpreted it®

Is there any question in your mind the defendant said to  
you anything like I'm the one accused or I'm the one charged  
or I'm the one they think did this or I'm the one they have;  
they've told me that I did it?

A     No.

Q     He did not say that?  
No, he did not.

22                   MR. **WRIGHT:** Thank you. That's all I have.  
23                   THE COURT: Mr. Connolly,  
24  
25

7- 7

CROSS EXAMINATION

2

3 BY MR. CONNOLLY:

4 • Mr. Maxcy, is it your testimony you had no discussion  
5 with the other guard?

6 A That's correct.

Q At any time about this?

A I made the statement to the other deputy that we needed  
to write a statement and for her to do it.

Q Is it unusual to have a female guard present when a male  
is coming out of the shower?

A No. They are fully clothed when they come out of the  
shower.

• For those of us who haven't been in that facility  
before, can you describe how you enter the facility?

A You enter the facility - in this case Mr. Dechaine  
entered the facility with the sheriff and the detective  
through the back entrance - there were two secured doors  
which are are locked - through a control room.

Q Is there a control tower that has electronic devices  
that opens or closes?

A Yes,

Q When Mr. Dechaine was led in he was chained?

A Yes, he was.

25 Q He was firmly in custody and had two uniformed officers

7-1



1 with him?

2 A That's correct.

3  Then he was brought inside of your facility?

4 A That's correct.

5 Q What time was he brought in originally?

6 A Approximately 7:17 p.m..

7 Q At that time he went through the interview process and  
8 the booking process?

A Yes.

Q The booking process took how long?

A Approximately 45 minutes,

That brings us up to eight o'clock by the time the  
booking process is done?

A It might have been a little before eight o'clock.

Q Then he underwent some questioning with reference to a  
medical form and those kinds of things?

A That's correct. The medical form was *done during the*  
booking process.

Q There was a physician present during that time?

**A No,**

Q Who did he give that information to?

A He gave it to me.

Q So you had at that time discussed with him other  
24 matters; is that correct? You went through a questionnaire  
25 with him?

r- 7

A Yes.

2 Q Rather lengthy?

3 A Yes.

4 Q During that period of time he didn't say anything to you  
5 with reference to any kind of admissions; isn't that right?

6 A No, he did not.

7 Q You had been with him 45 minutes yourself booking?

8 A Yes.

9 Q At the time you were a uniformed officer?

A Yes.

Q You didn't tell him he didn't have to talk to you or  
anything like that?

A No.

Q You didn't read him his rights?

A No.

• He had no - you had no prior experience dealing with  
him; is that correct?

A That's correct.

Q You had never even seen him before?

**A No.**

As far as you know he had no knowledge of jail  
22 procedures?

23 A I have no idea.

24 Q Did he appear to know where to go or did you have to  
25 tell him?

1 A I had to tell him.

2 Q It's fair to say at the time he arrived you had been  
3 told of his coming?

4 A That's correct.

5 Q And that's unusual. You don't usually know when a  
6 prisoner is going to come in many instances; isn't that the  
7 case?

8 A We know when every inmate is coming. We get prior word  
9 from the control room when somebody is coming.

10 Q This case was unusual in the sense that you had, it was  
11 a bigger situation than you normally encounter when you have  
12 a person for a drunk driving transferred?

13 A Yes.

14 Q Is it fair to say there was a concern or excited  
15 atmosphere in the jail?

16 A We were perhaps a little.

17 Q Unedged?

A Sure.

Q There were reporters hovering around at the time?

**A Yes.**

Q *That's very unusual for the jail situation, isn't it?*

A *Not in that situation.*

You don't see reporters at the jail everyday?

A No.

25 Q So to that extent it was an unusual; it was a bigger

thing than normally occurs?

2 A We don't allow any reporters inside the jail section  
3 itself.

4 *I understand that. You* were aware they were hovering  
5 around?

6 A Yes

7 Q *That's unusual?*

8 A *Yes.*

Q And who had you spoken to yourself with reference to the defendant prior to his coming in? Did you yourself talk to anybody or did you just receive a report from your commanding officer?

A We received the report from the control room that he was coming he may be coming to our facility..

Q Were you given any specific instructions with regard to how to handle him or any concerns about safety?

A It was said that he would be placed in the holding cell for the time being. He was *going to be coming* in later on. He would go into the holding cell and that we were not to ask **him any questions pertaining to** the case, just the standard questions that we would normally ask any inmate.

Q **You** were told to be alert for anything he might say?

A We would be alert for any kind of testimony or whatever in that case.

25 Q When he arrived who else was there besides the two

1 officers transporting him? Were there any other people in  
2 and amongst the jail floating around?

3 A There would be deputy Dermody and myself in the  
4 immediate booking area.

5 • Was there anybody else in the booking area?

6 A I don't recall anybody else there.

7 • There were how many other guards around on duty at the  
8 time approximately?

A There were just the two of us on duty at the time.  
Was Deputy Dermody present during the 45 minute  
interview you did?

A Yes, she was.

• You had discussion with her following that interview and  
while the defendant was taking a shower?

A We were just basically getting everything ready for him.  
She went to the laundry room to get his bedding, I was  
getting the papers.

• With reference to security, you had previously made the  
decision to place him in the holding cell?

A Yes,

That's because you were instructed not to put him in  
with the rest of the population?

A Yes,

24 • That's because of the fear of an adverse reaction, isn't  
25 that right?

A Yes.

Its true, is it not, at that time there was a considerable concern about an adverse reaction in the population itself?

A That's correct.

6 Q And that concern was for the situation to remain in  
7 control that he should not go near them?

8 A That's correct.

9 Q That was common knowledge amongst you and the other  
10 people in the facility?

11 A That's correct.

12 Q And the fear was there might be some harm come to him or  
13 there might be a general outcry inside of the holding  
14 facility?

15 A Yes,

16 Q That was not an uncommon fear, was it?

17 MR. WRIGHT: Objection.

18 THE COURT: Sustained.

19

20 BY MR. CONNOLLY:

21 Q To that end ultimately your facility determined -- are  
22 you aware that your facility determined that it had  
23 *insufficient facilities to* hold him?

24 A No, I'm not aware we had insufficient facilities to hold  
25 him.

1           You aren't aware that your sheriff has filed paper work  
2 indicating the department was unable to preserve his safety?

3           MR. WRIGHT:   Objection.   No such records are in  
4 evidence.   The question assumes things which are not in  
5 evidence.

6           THE COURT:   Sustained.

7

8 BY MR. CONNOLLY:

          Would it be fair to say any portion of your interview  
the defendant expressed to you any concern for his own  
physical well-being?

A       No, he did not.

          So prior to any statement that he made to you he  
expressed no concern about his *physical safety*?

A       No, he did not.

          You were aware of concerns about his physical safety?

A       **Yes.**

**In reference to the statement, where was it given?**

A       It was **given** at the booking desk.       you **exit the  
shower room it would be approximately** ten feet from the  
**shower room door to the booking,**       **he walked to the holding**  
cell us deputies were standing there. He made that  
statement.

          And the statement to the best **of your recollection is  
you people need to know I'm the one who murdered that little**

1 girl and you may want to put me in isolation?

2 A That's correct.

3 Its your testimony there was *no way he said you* people  
4 need to know I'm the one who is charged with or accused of  
5 murdering that girl?

6 A No.

He was very serious at the time he said it?

A Yes,

Other than this statement about him needing to be put in  
isolation there was no discussion by him of any need for him  
to be segregated from the other prisoners?

A None.

- No other statements were made by him at all with  
reference to this kind of thing?

A None.

Q Have you in previous cases testified as to what  
prisoners may have said to you during the course of booking  
procedures?

A **No.**

- *This is the only time you* have ever testified to  
anything such as this?

A Since I have been a corrections' officer this is the  
first case.

24 Q At the time the statement was made it's your testimony  
25 that he was cooperative?



1 A Yes.

2 Q That he was not unduly anxious or nervous?

3 A No. He was not.

4 Q He wasn't sobbing or emotionally distressed?

5 A He appeared somewhat depressed. He was very quiet.

6 Q Very quiet?

7 A Yes,

8 Q But he wasn't crying or anything such as that?

A No.

And he showed no reaction whatsoever when you told him he would be placed in that holding cell?

A He showed little reaction.

MR. CONNOLLY: Thank you.

RE-DIRECT MAMINATION

BY MR. IGHTE:

Q Did there come a time later that evening when Mr. Dechaine's behavior changed at all?

A He had *a known contact visit* which was approved earlier that day with his wife. Shortly after the visit I removed him from the non-contact visiting room and he was sobbing. He was crying out loud. He was just sobbing.

24 Q Were you privy in any way to the conversation that he and  
25 his wife had together?

A No.

2 Q Did you hear any of that?

3 A No.

4 Q Is that part of the regular jail routine not to  
5 interfere with those?

6 A During a non-contact visit they are behind closed doors.  
7 There is a piece of glass between the two people. They  
8 cannot have any contact and you cannot hear what they say.

9 I Q Was Mr. Dechaine at anymore time in contact *with any of*  
the other inmates?

A *No, he was not.*

Q I understand what you said you did not in any fashion  
interrogate him, question him about the events that had  
brought him to the jail on the evening of July 8th?

A No, I did not.

MR. WRIGHT: Thank you.

MR. CONNOLLY: Nothing further.

THE COURT: Thank **you**. **You** may step down.

1 BRENDA DERMODY, being first *duly sworn, was* examined and  
2 testified as follows:

3  
4 **DIRECT EXAMINATION**

5  
6 BY MR. WRIGHT:

7 Q Would you state your name for the record?

8 A Brenda Dermody.

9 Q Your occupation?

A I' a correctal officer for the Lincoln County sheriff's  
office.

Q How long have you been with the Lincoln *County sheriff's*  
office as a correctional officer?

A Approximately two years.

Q Let me get directly to the events that I want to talk to  
you about and ask you if you were working on the evening of  
July 8th, 1988?

A That's correct®

Q Did you at that time *have contact with the* defendant in  
*this case, Dennis* Dechaine?

A That's correct,

Q Could you describe your contact with him from the  
beginning of the time Mr. Dechaine arrived at the jail  
through some events that we'll then talk about?

25 A **Approximately** 7:17 Sheriff Haggett and Detective Westrum

1 A Yes.

2 That's required of all inmates?

3 A Yes.

4 Q Could you tell us when Mr. Dechaine came out of the  
5 shower where you were?

6 A Right there as soon as they open the **door** the booking  
7 area is right there. He's fully clothed and both Maxcy,  
8 Deputy Maxey and myself were standing there when he came out.  
We were just finishing up labeling different things.

Could you, if you would, tell us what your own observations were up to that point of how the defendant had been behaving, acting, what was his demeanor like during the several minutes that he had been at the jail from the time he *arrived until the time he came out* of the shower?

A He was very quiet but cooperative in everything that we were going through, the processing, the fingerprinting. He was quiet but cooperative.

Any particular **or** undue indications or signs of emotion outbursts, anything like that ever?

A No, sir.

Q At the time Mr. Dechaine came out of the shower did you see where he went?

23 A We were standing right by the booking desk and we were  
24 talking to him just telling him what was going to happen  
25 next, what the procedures were, where he was going.

Q Do you recall during that time if *Mr. Dechaine* said  
2 anything to you relative to the matter which had brought him  
3 to the jail?

4 A Yes, sir. Approximately 7:59 he stated to both Deputy  
5 Maxey and myself - -

6 Q Give us the exact words as you recall them?

7 A That he had stated to us: You people need to know that  
8 I'm the one that murdered that girl. You may want to place  
9 me in isolation. Deputy Maxey then advised him that he would  
10 be going into the holding cell. He would be fine there.

11 Q That's what in fact what was done?

12 A Yes.

13 As you heard the statement that evening, is there in  
your mind any possibility that he couched what he said in  
more equivocal terms like *I'm the one accused* or *I'm the one*  
who is charged or I'm the one who they

A No, sir. After he made the statement we knew that we  
needed to write this down and it was written down.

Q And you made a record immediately thereafter of it?

A **Yes, sir.**

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

CROSS AMINATION

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BY MR. CONNOLLY:

Deputy Dermody, how soon after the statement do you recall making out your report? Immediately thereafter?

A Yes.

Ten minutes?

A NO, sir® Probably within an hour.

Q Did you review a copy of your statement before coming into court today?

A Yes.

4 Do you recall the time that you have wrote down that you wrote the report at that time?

A Excuse me. Can you *repeat that?*

Q Sure, Do you recall what you wrote on the reporter what time you wrote the report? Its listed on the report what time you wrote it?

A Yes. I have at the end of the statement 2200 hours.

That is **about** two hours after the incident?

A Yes, sir. That's when my shift is over. I work a two to ten shift.

Q Did the other officer write his report at the same time as you?

A No, sir. 'm unaware what time he wrote his own report.

Q **So you wrote your report two hours or thereabouts**

1 afterwards?

2 A Sir, I believe it was within the hour after he had  
3 stated the fact, and then I signed the report - my *shift ends*  
4 at 2200 for that day.

5 Q You signed out 2200 hours. At the time you did not  
6 write the report.

7 MR. WRIGHT: She explained twice she wrote the  
8 statement within the hour and she signed the statement 2200  
9 hours.

10 THE COURT: Overruled.

11

12 BY MR. CONNOLLY:

13 Q Is that correct that you wrote the time that you  
14 finished your day working at the facility, not the time you  
15 wrote the report?

16 A That<sup>#</sup> s correct.

17 Q That<sup>o</sup> s what that 2200 hour means?

18 A Yes, sir.

19 Q Did you have any discussion with the other officer,  
20 Officer Maxcy, about what the statement was? Did you look at  
21 each other? Did *you talk about it?*

22 A Sir, only to the fact that we needed to make a note of  
23 what was said.

24 Q Did you discuss anymore than that?

25 A No, sir.

Q You didn't discuss what you recalled hearing?

2 A No.

3 Q You didn't recall the time to each other?

4 A **No, sir.**

5 Q Nothing *such as that*?

6 A No, sir. We were both aware of the time. We were very  
7 conscious of the time.

8 Q The exact same minute, you knew exactly up to the minute  
9 when the statement was said?

10 A Approximately, yes. That's what is on the report.

11 Q Your reports and his report has the same *minute down*.

12 MR. **WRIGHT:** I would object unless she has seen the  
13 statement and discussed it with the other officer.

14 THE COURT: The objection is overruled. If she  
15 *knows* she may answer.

16 **THE WITNESS:** I'm unaware what Maxoy's report says.

17

18 BY MR. CONNOLLY:

19 Q Yours says 1959 minutes?

20 A *Yes, sir. That's when* he came out and said the  
21 statement to me and Officer Maxcy.

22 Q When you were involved in the booking procedure, the  
23 questioning, you yourself did you do any of that *questioning*?

24 A Sometimes; just depends upon -

25 Q **You were involved** in that?



1 A Yes. I was doing the fingerprinting.

2 Q How long *did that* take?

3 A Approximately 20 minutes to half an hour.

4 Q Could it have been longer?

5 A He came into our facility at 1917, 7:19; he came into  
6 the shower at 7:40. So its approximately 20 minutes.

7 Q And your testimony was that at 7:17 Sheriff Haggett and  
8 Detective Westrum *brought the* defendant in?

9 A Yes.

Q Had you had previous knowledge of the defendant coming  
to the facility?

A Yes.

Q What kind of discussion was there with reference to  
that?

A Just that as with any inmate coming even for an C<sup>®</sup>.1.  
we are aware that Sagadah County is en route with one  
prisoner so we are aware of it.

Q Was this amount of forshadowing *telling you any*  
differently than under normal circumstances?

A Circumstances maybe, to be be more cautious.

Q You knew what he was charged with at the time?

A **Yes.**

Q There was a fair amount of publicity at the time, right?

24 A **Yes.**

25 Q **And you were aware that he should be placed immediately**

1 in isolation, weren't you, or segregation?

2 A Yes.

3 Q That's not normal procedure for all prisoners, is it?

4 A No. IT's not normal for all inmates.

5 Q That's because there was some concern about his safety?

6 A Sir, I don't know. Sometimes people, the inmates, will  
7 o into isolation for different reasons, not just for safety.

Q In this case that was the concern however, wasn't it?

9 A Yes, sir.

10 Q There was or was there not a reaction by the inmates at  
11 the facility at the time of contemporaneous with the arriving  
12 of the defendant?

13 A The inmates are in a separate division of the jail; they  
14 don't know what is going on up in the booking process so  
15 there are no inmates around.

16 Q Its your testimony that at no point other *than the*  
17 statement made by the defendant did he discuss his physical  
18 safety at all?

19 A That's correct.

20 Q You have been a correctional officer for two years.  
21 Have you ever testified in court with reference to these  
22 kinds of matters before?

23 A Sir, I have been *in court before, yes.*

24 Q With reference to admissions, statements made by persons  
25 **during booking?**

L J

L J

1 A No, sir. Not on a statement. In a different situation  
2 on a different matter.

3 Q Not with regards to a statement?

4 A No, sir.

5 MR. CONNOLLY: No further questions. Thank you.

6 MR. WRIGHT: Nothing else.

7 THE COURT: Thank you. You may step down. .

8 MR. WRIGHT: At this times there appears there are  
9 three exhibits I have not offered, State's Exhibit Number 22.  
10 I'm not going to offer that, the topographical map. It was  
11 not the map that game warden used in setting out the grids.

12 I had not previously offered State's Exhibit Number 29r  
13 which is one of the pieces of rope. That being the rope  
14 retrieved by Detective *Gallant from the* woods. And State's  
15 Exhibit Number 35 I've not previously *offered. That being*  
16 the piece I believe that was retrieved by Detective Hendsbee  
17 from the barn at the defendant's residence. No. That was  
18 the piece of rope on Sarah's wrists. I do now offer State's  
19 Exhibit Number 29 and 35<sub>0</sub>

20 MR. CONNOLLY: No objection, Your Honor.

21 THE COURT: Thank you. 29 and 35 are admitted.  
22  
23  
24  
25

THE COURT: Thank you. Exhibits 29 and 3 are admitted.

MR. WRIGHT: With the exception of State's Exhibit Number 22, which I do not offer, all the State's exhibits having been offered and admitted, the State does now rest its case in chief.

THE COURT: Mr. Connolly,  
(Whereupon a side-bar conference was had.)

MR. CONNOLLY: Your Honor, it was my understanding the Court will be granting a recess right after this so I can put things together. For the record, I will make a motion at this point that in a light most favorable to the State that they have not carried their burden as to each count, and a reasonable fact finder could not conclude beyond a reasonable doubt that the Defendant committed all the crimes alleged.

THE COURT: The status of the evidence as presented by the State both in the form of the testimony of the witnesses and the exhibits that have been admitted are such that a reasonable fact finder could find beyond a reasonable doubt the elements of intentional and a knowing killing, depraved indifference murder, kidnapping, and gross sexual misconduct, vaginally and anally, and for those reasons the defense motion is denied.

MR. CONNOLLY: I would request at this time

1 that the State be required to make an election as to the  
2 alternative forms of murder; that they proceed either with  
3 intentional and knowing or with depraved indifference,  
4 and that they not be allowed to use both forms.

5 THE COURT: Mr, Wright.

6 MR. WRIGHT: Your Honor probably knows that the  
7 Law Court in State v. Hickey concluded that that was not  
required and indeed the State should not be put to an  
election at all. And the State does not make an election.

10 The evidence is sufficient under both counts, and  
11 the Court has held and it's for the jury to decide which,  
12 if not both forms of murder the Defendant *may have com-*  
13 *mitted.*

14 THE COURT: I will not require the State to make  
15 an election. Therefore, the motion is denied.

16 MR. CONNOLLY: Nothing further at this time.

17 (Whereupon the sidebar conference concluded.)

18 THE COURT: Mr. Foreman and ladies and gentle-  
19 men of the jury, the State has rested its case in chief.  
20 We'll be starting the defense portion of the case momen-  
21 tarily. We are going to take a brief recess. This is  
22 not the time to start discussing this case. Thank you  
23 very much.

24 (Whereupon the **jury .was in** recess at 9:58 a.m. and the jury  
25 **returned to the courtroom at** 10:50 a.m.)

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THE COURT: Thank you again for your patience. Let me explain why we had a little delay. As I told you before the recess, the State has rested its case in chief, Mr. Connolly is about to call witnesses for the defense. And the first group of witnesses would fit into a category sometimes referred to as character witnesses.

Our rules of evidence provide that in cases in which character or a trait or character of a person is an essential element of a charge, claim or defense, proof may also be made of specific instances of his conduct. And in all cases in which evidence of character or a trait of character of a person is admissible proof may be made by testimony as to reputation. And the law also provides that a further explanation of this evidence of a Defendant's reputation, which is inconsistent with those traits of character ordinarily involved in the commission of the crime charged may give rise to a reasonable doubt since the jury may think it's improbable that a person of good character in relationship to those traits would commit such a crime.

So testimony as to character may be admissible in this case only as it relates to Count II of this indictment that alleges depraved indifference murder. So the character witnesses and the evidence as it relates to character of the Defendant will be heard in and considered

1 by you only as it relates to Count II of this indictment.

2 Co with that brief explanation, is there anything  
3 you wish to be heard further on?

4 (Whereupon a side-bar conference was held.)

MR. WRIGHT: I appreciate the Court's instruc-  
6 tion. It was in accord with *what* we all discussed in  
7 *chambers*. It *occurred to me* as I was sitting in the  
8 courtroom that I don't know exactly the manner in which  
9 Mr. Connolly intended to ask the questions. Our discus-  
10 sion in chambers certainly revolved around Count II. If  
11 the question *is* asked with respect to character in terms  
12 of peace and good order and nonviolence that could be  
13 relevant to Count II. I don't want there to be error in  
14 this case. The instruction you gave was correct based  
15 upon chambers discussions, which I gathered from *Mr.*<sup>®</sup>  
16 Connolly that he had it in mind to suggest that Mr.  
17 Dechaine was not a depraved individual *only going to*  
18 Count II.

19 The question might be phrased properly, I don't know  
20 if it will be or not, to each element of -- not the  
21 elements but to reach those character traits which are  
22 involved in Count I, that is a nonviolent person would  
23 not commit murder.. That perhaps would be worthy of  
24 clarification. If we get that far -- I don't want to get  
25 into scads of trouble later on with the Law Court.

1 MR. CONNOLLY: I will be calling other witnesses  
2 this morning that aren't character witnesses,  
3 (Whereupon the side-bar conference concluded.)

4 THE COURT: Two further points. Mr. Connolly  
5 informs me that there may be additional witnesses this  
6 morning who would not fall within the category of char-  
7 acter witnesses. Point two relates back to what I told  
8 you earlier that some of the character evidence may be as  
9 to a person's nonviolent nature, so, therefore, if there  
10 is character testimony in this regard as to a trait of  
11 character of the accused, Mr. Dechaine, that as to char-  
12 acter traits of nonviolence, then, of course, that would  
13 apply to Count I of the indictment as to intentional and  
14 knowing murder as well.

5 So with those brief explanatory notes we are ready  
6 to proceed. Mr. Connolly.

17 SUSAN NORRIS, being first duly sworn, was examined and testi-  
18 fied as follows:

19 DIRECT EXAMINATION

20 BY MR. CONNOLLY:

21 Q Can you state your full name for the record?

22 Susan Norris.

23 Q *Where do you live?*

24 **Bowdoinham.**

25 Do you know the Defendant, Dennis Dechaine?



No, I don't.

Q Never met him before in your life?

No.

Q You **came** in as a result of a subpoena?

Yes.

Q You are nervous?

Very.

Well take *it nice and slow. Ma'am, you provided a state-*  
ment to Detective Hendsbee here at some point. Do you  
recall that?

10

Yes.

11

at I want to do is discuss some of those issues with  
you in a general way. First, I want to get a little bit  
of background on you. How old are you?

12

13

14

Forty-one.

15

16 Q Do you have any children?

17 A One.

18 Q **Are** you married?

19 A Yes.

20 What does your husband do for work?

21 He works for the Fire Marshal's Office.

22 Q What do you do?

23 Secretary.

24 Q **Where do you work?**

25 Cable TelevisiOn in Brunswick.

Turning your attention to what has been marked as Defendan'ts Exhibit 35 for identification, I would submit you that this is a map of the Bowdoin-Brunswick area.

If you would take a moment to look at the map. If you can determine where you live on this map; you have seen maps before?

Right.

I would ask if within a limited area, you don't have to have it exactly right, you could mark on that diagram with green pen place an X where you live so the jury will have an idea where you are talking about. The name of the road is what?

10

11

12

13

A The Fisher Road. It would be on this end *of the Fisher Road*.

14

15

Where you marked an X is a pretty good indication of where you live?

16

17

A Yes.

18

Q Prior to coming into court today you had an opportunity to look at the statement you gave to Detective Hendsbee; is that correct?

19

20

21

A Yes.

22

Do you recall when you gave him that statement?

23

A July 7th.

24

Q That was at your home or at your workplace?

25

A It was at work on the phone.

And how did you happen to come in contact with the detective?

My husband had told Detective Hendabee about the truck. You seeing something and you made contact?

Yes.

You yourself are the person that made the observations; is that correct?

Yes.

Why don't you tell us what you saw. First of all, what day are we talking about when you made your observations?

10

July 6th.

11

How do you know it was that day as opposed to any other day?

12

1

Because I know it was the day that the little girl was missing.

4

15

16 Q That was known at the time?

17 A Not at the time that this happened, no, I didn't know it.

18 Q **The next** day you realized it?

19 A Yes.

20 Q You know when you saw what you saw it was the day before?

21 A Yes.

22 Q You are fairly certain as to the date?

23 A Yes.

24 Q At that time **were you** then running an ad in the newspaper?

25 A **Yes.**

1 Q What was that in reference to?

2 A We had a tractor for sale.

3 Q Were *you home that day?*

4 A The 6th?

5 Q Yes.

6 A After work I was.

7 Q What time did you get home from work?

8 A About 5:30.

9 Q What did you *see that day?*

10 About 7:30 -- I had received a call from a man that asked  
11 me if I had a tractor for sale and I said yes. He asked  
12 *if he could come see it.* I said yes. He asked me where  
13 I lived. And he told me that he was in Bowdoin and I  
14 told him how to get out to my house. At approximately  
15 a half hour later I saw a red truck pull up and come down  
16 in the driveway, so I thought it was the man to see the  
17 *tractor. And I went out onto the deck* and when I got to  
18 the end of the deck the car backed on my lawn and took of

19 Q How would you describe the action of it turning around  
20 and leaving your yard?

21 A Fast.

22 Q And were you able to see the kind of truck it was? Was it  
23 a full size truck or a pickup?

24 A **Full size** truck.

25 Q What color **was** it?

- 1 A Red®
- 2 Q Was it a pickup truck?
- 3 A Yes.
- 4 Q Did it have a cap on the back of it?
- 5 A No.
- 6 Q *What did you see on the inside of the truck?*
- 7 A *Two people.*
- 8 Q What did you see?
- 9 A man and either a female.
- 10 Q First we'll discuss the male. Describe what the male
- 11 looked like?
- 12 A Well, he was wearing a tee shirt and a cap and he was
- 13 about average. He wasn't particularly big and he wasn't
- 14 small. He was about average.
- 15 Was he wearing glasses?
- 16 A Yes.
- 17 Q Anything else you noticed; facial hair?
- 18 A **No.**
- 19 Q **What color** hair?
- 20 A I couldn't see that much of his hair. He had a ball cap
- 21 *on. It wasn't blond.*
- 22 Q What did the female look like?
- 23 She was a small girl with curly hair.
- 24 Q Could you see it was a woman or a girl?
- 25 She **was** small. I don't know.

1 Q What color hair would you call it?

2 A Light brown.

3 Q What style hair? Was it wavy or curly?

4 A Curly.

5 Q Where were they positioned together in the truck? How

6 were they positioned?

7 A She was over close to him.

Did you have any conversation or any contact or what did you see?

10 A *I didn't have any* conversation at all. They took off.

11 Q Did you have an opportunity later on to provide a stated

12 merit to the detective in reference to that?

13 A Yes.

14 Q You've seen a copy of that?

15 A Yes®

16 Q At that time did you give a description of what you

17 observed?

18 A Yes

19 Q Are there some irregularities in that statement?

20 A A couple®

21 Q *What are those?*

22 A It referred to the truck as being a small truck, And I

23 didn't say it was a small truck. I said It was a full.

24 size pickup truck.

25 Q What other irregularities are there that you are concernec

about?

It makes mention that the truck backed out of the yard and it didn't. If it had backed out I couldn't have seen the tailgate.

Did you see the tailgate?

I did.

Was there something about the tailgate that was distinguishing?

It was damaged.

10 Did you have an opportunity to go to the State Police  
11 facilities in Augusta?

12 No.

13 Q Were you at any point shown photographs?

14 A Yes.

15 Who showed you those photographs?

16 A The police gave me the photographs to my husband to show  
17 me.

18 And handing you what has been marked as State's Exhibit  
19 45 for identification, are those the photographs that you  
20 **were shown, ma'am?**

21 Yes. They look similar.

22 Q. You indicated to them what?

23 *That that was the truck that was in our yard.*

24 Did you **have an** opportunity to observe the location of  
25 that truck at a later point?

I can't be 100 percent positive.

Do you think you saw it at some later date and when was *the later date?*

*It was a few days later. I would say it was the following weekend.* We were going to some friend's house.

July 6 being a Wednesday, that would be the next weekend?

I think so.

Q What did you observe?

10 I saw a truck that I thought was the one that was in our  
yard. It certainly looked like it.

11 You saw the tailgate?

12 A Yes.

13 Q **Was** there another item in the truck that was of consequence  
14 that you noticed in reference to the back or anything?

15 A The only thing that was different about the truck that I  
16 **saw was** I don't recall the truck in our yard having side  
17 boards on the back of it. This one did. That was the  
18 main difference.

19 Q But the tailgate looked familiar?

20 A Yes.

21 Q And where did you observe that truck?

22 A I found out later that it was at Mr. Dechaihe's house.

23 Q The way that you saw that was that you, that afternoon,  
24 that Saturday or Sunday, you proceeded up from the Fisher  
25 Road to where?



1 A Up the Post Road.

2 Q And you saw it approximately where, do you know? It was  
3 on the Post Road?

4 A Yes. On the right-hand side.

5 Q Somewhere in that area?

6 A Yes.

7 Q If you would mark with a circle in the area of where on  
8 the Post Road you **saw** that vehicle?

9 A I don't know the Post Road that well. Right here,

10 Q Your recollection is that it was on the right-hand side?

11 A Yes.

12 • And when you saw it did you have a reaction to it?

13 A Yes.

14 Q Without saying anything that you may *have said, what was*  
15 *your reaction?*

16 A I was just surprised. Very surprised.

17 Did you report that additional sighting to the police  
18 officers?

19 A My husband did.

20 MR. CONNOLLY: Thank you very much. I have no  
21 further questions.

22 CROSS-EXAMINATION

23 BY MR. WRIGHT:

24 Q Mr. Connolly showed you State's Exhibit <sup>145</sup> which, I  
25 gather from what you said, appeared to be the photographs

or like the photographs which were shown to you shortly after the events you've just described?

Yes.

The idea I gather of showing you these photographs was to see whether or not you could identify the truck that shows in these photographs as the truck that you had seen pull into your yard on July 6?

Yes.

Q Your conclusion was that this was not the truck?

10 It is not.

11 Q It is not?

12 It is not.

1 The driver of the vehicle that you saw on the 6th had  
14 glasses on?

15 Yes.

16 Q The person who was with him may have been a woman?

17 Yes.

18 Who **was** sitting close to the **driver**?

19 Yes.

20 As if a boyfriend girlfriend type of thing?

21 Possibly.

22 The truck that you later saw at a house that you gathered  
23 later to be Mr. Dechaine's had sideboards on it?

24 Yes.

25 The truck that you saw on July 6 did not have sideboards

1 on it?

2 A That's Correct.

3 Q Your involvement in this case began, such as it is, with  
4 your speaking with your husband, who is with the Fire  
5 Marshal's Office and, therefore, a law enforcement officer  
6 who in turn called the State Police?

7 A Yes.

8 Q And it was *through* the State Police then that a statement  
9 was taken from you over the telephone and reduced to  
10 writing?

11 A Yes.

12 Q You had an opportunity to review this statement?

13 A Yes.

14 • From what you had said to Mr. Connolly?

15 A Yes.

16 Q- Have you provided any other statements to anybody else?

17 A **No.**

18 Q **Tell me if --**

19 A Somebody called me before Detective Hendsbee, but we  
20 didn't talk about anything. I just told ~~ee~~ he just told  
21 **me** he would be calling me back.

22 Q Nothing of substance?

23 A No.

24 Q Subsequently there were no other statements that you gave  
25 **either orally or in** writing to say an investigator on



1 A Yes. I have a three-year-old daughter named Susan  
2 Dennison.

3 Q Do you know the Defendant in this case, Dennis Dechaine?

4 A I do.

5 Q First of all, how did you come to know Dennis Dechaine?

6 A We moved to Bowdoinham five years ago. My husband and I  
7 are vegetable growers on Merrymeeting Bay.

8 Q *What is the* name of your farm?

9 A Dennison Farm. We met Dennis and Nancy through our  
10 occupation as farmers in Bowdoinham.

11 Q When was that approximately?

12 A 1984, the spring of 1984.

13 Q You were aware of Dennis's wife, and her *name is what?*  
14 Nancy Dechaine.

15 Q How close did you and your husband come to be associated  
16 with Nancy and Dennis?

17 A Throughout the last five years we have been both friends  
18 and business acquaintances.

19 Q What kind of business do they have?

20 A They ran Paul's Produce and retail flower and vegetable  
21 retail stand in Brunswick. In addition, they ran a very  
22 reputable --

23 MR. WRIGHT: I would object.

24 THE COURT: Sustained.

25 BY MR. CONNOLLY:

Without categorizing the business.

They ran a retailing business through their farm.

Q You yourself run a business?

Yes.

How long have you been doing that?

Two years.

Q Did you discuss the wheat business with them?

Yes.

It's seasonal employment?

10 Yes.

11 Q, That is in the off season from normal farming?

12 Yes, it is to the extent the season for our crew to mske  
13 their working year longer.

14 During that time you talked about business and talked  
15 about personal things as well?

16 Yes.

17 During that period of time you were able to observe  
18 **Dennis in a** variety of different contexts?

19 Yes.

20 Under different stresses and different pressures and that  
21 kind of thing?

22 Yes.

23 Q And you saw him at your own home?

24 Yes.

25 And did you go over to their home?

Yes.

So your relationship was friendly?

Yes.

Would you categorize yourself as a friend?

Yes.

Do you know people in the community that know Dennis  
*Dechaine*?

*Yes, I do.*

You yourself have personal knowledge of him in a variety  
of different contexts?

10

Can you repeat that?

11

Do you know the Defendant under different circumstances  
in business situations when there is pressure in the  
*business situations* and personal situations when there  
may be difficulties or when things are going well, those  
kinds of things? Are you able to observe him under  
various circumstances?

12

13

14

15

16

17

18

A Yes.

19

And have you been able to discuss with other members of  
the community Mr. Dechaine, his character and that kind  
of thing?

20

21

22

Yes.

23

Without going into specific names, are those people  
**business** associates?

24

25

Yes.

Q And are some friends of his?

2 A Yes.

3 Q There are some people who know him through other ways as  
4 well; *social ways and that kind of thing, community group*  
5 such as that?

6 A I don't know.

7 Q Are you able to tell yourself, based upon your discussion  
8 with other individuals in the community, are you able to  
9 make a statement, without saying what the statement is,  
10 as to Dennis Dechaine's reputation in the community for  
11 peacefulness and for nonviolence?

12 A Am I able to make a statement about Dennis's peacefulness  
13 and nonviolence?

14 Q Based *upon what other people have* discussed with you in  
15 a general nature.

16 A Yes.

17 Q. In addition, based upon your own observations of Mr.  
18 Dechaine in a variety of circumstances, are you able to  
19 make the same kind of judgment as to his character for  
20 nonviolence and for peacefulness and these kinds of issue  
21 Yes.

22 Q Based upon your own knowledge and upon his reputation,  
23 would you say that his reputation in the community is  
24 what for peacefulness and for nonviolence?

25 MR. WRIGHT: I would object.



1 THE COURT: You will have to break that down  
2 into two parts. First, as to whether or not she knows of  
3 Mr. Dechaine's reputation in the community.

4 MR. WRIGHT: The further objection is the  
5 adequacy of the community which she would have little  
6 idea about that.

7 THE COURT: You may want to develop that as to  
8 what segment of the community she is referring to.

9 BY MR. CONNOLLY:

10 Q You are a farm person?

11 A I'm a farmer.

12 Q Are farmers in the Bowdoin/Bowdoinham area a group or  
13 community?

14 A Some of us I would put us in a community.

15 Do you share ideas back and forth as far as techniques,  
16 as far as approaches to agriculture, as far as business  
17 tips and marketing tips?

18 A Yes.

19 Q *The community* of farm people in the Bowdoinham/Bowdoin  
20 area is how big a community would you say?

21 A Of farmers in the Bowdoin/Bowdoinham area?

22 Q Yes.

23 A It seems to be diminishing. It's less than ten that re  
24 *in that farming community.*

25 Q Amongst that group of people was Dennis Dechaine included?

1 A Yes.

2 You know him through social contacts as well as those  
3 business contacts?

4 A Yes. Our social contact grew through our initial busines2  
5 contact.

6 During the course of time when you got. to *know* Dennis  
7 and his wife, were you able to meet some friends and  
8 acquaintances of theirs?

9 A Yes.

10 Q Were there a number of people that you met over the  
11 number of years that you've come to know Dennis?

12 A Several.

13 So you also met some of Dennis's neighbors, people that  
14 live in the area where he lives on *the Post Road*?

15 A I know of one neighbor.

16 Q Who would that be?

17 A Julia Yelson.

18 Q Based upon that community of people that you know, are  
19 you able to form an opinion as to the *community attitude*  
20 towards Dennis. in reference to specific items of peaceful  
21 ness and nonviolence?

22 A ***His*** *community on* the Post Road?

23 Q And the farming community end the acquaintances and frien  
24 I would like to separate that. I can't make a statement  
25 for his community. To me -- on the farmers I can, yes.

1 Q What is that reputation?

2 MR. WRIGHT: I would object.

3 THE COURT: I think we'd better discuss this  
4 at side-bar. The objection is sustained.

5 (Whereupon the side-bar conference was had.)

6 THE COURT: The problem I'm having here is in  
7 the form of the question. You've asked her does she have  
8 an opinion as to his reputation for specific instances.  
9 What we've gotto narrow this down to is does she have  
10 knowledge or does Mr. Dechaine have a reputation in the  
11 community as to nonviolence and peacefulness.

12 MR. WRIGHT: Her opinion is not relevant.

13 THE COURT: That's correct. So as such it must  
14 have, it must, out of necessity, be hearsay.

15 MR. CONNOLLY: I understand.

16 THE COURT: And does she know of this reputa-  
17 tion, yes or no? If she does, obviously what is the  
18 reputation of the Defendant for peacefulness and non-  
19 **violence in** that community.

20 MR. WRIGHT: My further objection is the in-  
21 adequacy of the community.

22 THE COURT: That may be so, but we are talking  
23 about an area here that could almost take judicial notice  
24 of the fact that **it is** a relatively small community. It  
25 is agricultural. It is rural by its nature as opposed to

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a city or town community.

MR. WRIGHT: I agree.

THE COURT: So based upon that, for that reason I'm going to allow it even though it may be somewhat restricted by nature.

MR. WRIGHT: I won't press that issue. I don't want to waive any objection.

THE COURT: You are not waiving any objections. Do you intend to go into specific instances with this witness?

MR. CONNOLLY: Not with this witness. Other witnesses I would, This witness I don't anticipate that.

THE COURT: Fine,  
(Whereupon the side-bar *conference* concluded.)

THE COURT: Mr. Foreman and ladies and gentlemen of the jury, **we** are in an area that deals with reputation in the community for specific traits and character. So, of necessity, the witness's testimony must be based upon hearsay because a person who testifies as to a person's reputation in the community as to a specific trait or character is not testifying from personal knowledge because that would be based upon a specific instance. So *this is a very, very limited area of evidence* that we are receiving at this time. So that the reason we went to side-bar was to discuss the form of the

question because it is a fairly narrow area of th. law we are dealing with. You may proceed, Mr. Connolly.

BY MR. CONNOLLY:

Miss Dennison, rephrasing the question I have been trying to ask you before, does Dennis Dechaine have a reputation in the community that you are aware of for peacefulness and nonviolence; the community of farmers?

Yes.

Do you know what that reputation is for peacefulness and nonviolence?

10

A Can you explain that?

Are you aware of what the reputation in the community is for Dennis Dechaine as to peacefulness and nonviolence?

12

13

.14 Are you aware of what is?

15

Yes.

16

Q What is it?

17

That he's a peaceful, nonviolent person as a farmer in our community.

18

19

Based upon your own observation of the Defendant over the time as being a friend, do you find that you are

20

21

Are you aware of any particular instances that would cause you to disagree with that reputation?

22

23

MR. WRIGHT: Objection.

24

THE COURT: Overruled.

25

THE WITNESS: As a friend I found no instances

1 to undermine that peaceful reputation.

2 BY MR. CONNOLLY:

3 Turning to a tOtally *different area*. Do you recall the  
4 day of July 6, 1988?

5 A Yes, I do.

6 Q And what were you doing that morning; do you recall?

7 A That morning I took my daughter, Susan, who at the time  
8 was two years old, to a new program in Richmond, Maine,  
9 from ten until 11 o'clock in the morning. That was the  
10 scheduled time.

11 Where was that program run in Richmond?

12 A Nellie's Church.

13 That is an old church building that's been *converted*?

14 A Yes.

15 You brought your child there?

16 A Yes.

17 Q What was going on?

18 A It was a little preschool program for two-year-olds.

19 What time do you think you got there; do you recall?

20 A I'm sure I got there just before ten.

21 And what happened during the course of that? Was there a  
22 pagent or something?

23 A We were inside the church and there were stories and  
24 songs and art projects and a little snack. That's how  
25 the program ran.

What time did it end at?

I remember getting into my car and looking at the clock in my car and thinking *it had run a lot* longer. It was between 11:14 and 11:25. I don't recall the numbers, but remembering it ran about 20 minutes to half hour more than I thought.

This was in Richmond at the time?

Yes.

Q Which is a town a little bit aways from where you live?

10 A It's about six and a half miles from my home.

11 Q What happened on the return trip? What route did you  
12 travel?

13 A I got back *onto the top of* the main street, turned, and  
14 made a right onto Route 24 heading south,

15 Q Turning your attention to the map that is behind you that  
16 has been marked as State's Exhibit Number 35, can you  
17 identify the route that you traveled -a Would you put a  
18 mark where Richmond is and where you were to the best of  
19 yotlr ability?

20 A My route?

21 Q If you would show the jury and describe the route that  
22 you traveled for the record?

23 I went from Nellie's Church to Main and took a right onto  
24 Route 24, followed it down to this road, which is called  
25 *Fork Point* Road, to my home on Brown's Point Road and

1 went home.

2 After that you went back out in your oar?

3 A Yes.

4 What time did you go out and where did you go out to?

5 A I have been trying to run through *that in my mind*. I  
6 did not turn off my car or bring my child out of the ear.

7 I just ran into the house. I can't say how long I was  
8 gone. I would say anywhere from two minutes to no more  
9 than ten. I wouldn't have left her. It was very hot.

10 So I wouldn't have left her in that oar for more  
11 than ten minutes. I left the car running. I probably  
12 went in to get another checkbook or something. What I  
13 was probably doing was heading into Brunswick to do some  
14 errands.

15 Did you in fact do that?

16 A Yes,

17 At what time did you arrive in Brunswick?

18 A I would say between 12:30 and one o'clock.

19 (Whereupon a side-bar conference was had.)

20 MR. CONNOLLY: Your Honor, this is the situation,  
21 I just received information from the witness that is in  
22 conflict to my understanding. By way of offer of proof  
23 I anticipate she will say she saw the Defendant traveling  
24 on the Kathanee Road. I'm looking at a memo to my file  
25 that my understanding is that she saw the Defendant at



1 11:21. She just places the sighting at a much later time.  
2 The State had filed a request for notice of alibi and a  
3 listing of witnesses. I did *not include her as a witness*  
4 because I did not know she was going *to put in that time.*

5 MR. WRIGHT: The alibi request covered the time  
6 period from noon time p.m.

7 MR. CONNOLLY: That's correct.

8 MR. WRIGHT: The potential problem is she has  
9 now put himself elsewhere in the alibi time period. I  
10 understand Mr. Connolly's point is he thought she saw  
11 him, Mr. Dechaine, before noon. I don't know where we  
12 are now.

13 MR. CONNOLLY: I don't either. Before I ask  
14 the question I wanted to bring it to the Court's atten-  
15 tion. It was a fleeting glimpse of him. She can  
16 positively identify that he was driving a red Toyota at  
17 that time on the Kathance Road. So what I propose to do  
18 is ask the question. Mr. Wright, I anticipate, will  
19 object as to a violation of a notice of alibi. Then  
20 would request that the Court make a ruling. Is that a  
21 fair statement?

22 MR. WRIGHT: Sure. He claimed he was in the  
23 woods all by himself at the time.

24 MR. CONNOLLY: I think the testimony will show  
25 that he was in the woods for the vast majority of the day.

1 The question is when he went in. Normally he'd be able  
2 to identify precisely.

3 MR. WRIGHT: That may be true, but the alibi  
4 response covered that, denied that.

5 MR. CONNOLLY: I understand that.

6 MR. WRIGHT: Perhaps the way to do this is ask  
7 her whether or not -e Why don't you lead her a little.  
8 Didn't you tell me it **was** 11:21? Did you see him before  
9 noon? If she says yes it was before noon, fine. If she  
10 *says I can't tell you* it's got to come to an end.

11 MR. CONNOLLY: Unless the Court would allow me  
12 **to** do it anyway.

13 MR. WRIGHT: You do it.

14 THE COURT: I'm only going to *take this on a*  
15 witness by witness basis.

16 MR. CONNOLLY: I have no other witnesses that  
17 **will** put him there that day.

18 THE COURT: You lead her as suggested by Eric,  
19 and see where **it takes** us.

20 (Whereupon the side-bar conference concluded.)

21 THE WITNESS: I would like to say something  
22 about my last answer.

23 BY MR. CONNOLLY:

24 **Q** **You would like** to amend your answer slightly?

25 **Yes.**

What do you recall?

In thinking as you were having your session over there in terms of how long it takes to get to *Brunswick from* my home, and if I had left the child in the car for ten minutes I would have to have gotten to Brunswick before one o'clock 'or even 12:30; probably slightly before.

I don't know when I got to Brunswick, but it takes 25 minutes from my home to Brunswick.

Do you recall discussing this matter with me at some time?

10

fl A Yes.

12 Q At that time we discussed what we are going to get to  
13 later; do you recall that?

14 A Yes.

15 Would it be fair to say that that issue occurred before  
16 noon?

17 A Which issue occurred before noon?

18 Q The issue ultimately that you and I just discussed, or  
19 are you not certain or is there --

20 A Approximately noon is what I would like to say, yes.

21 Q It could be a little bit before?

22 A Yes.

23 Q What did you **see** when you went to Brunswick?

**24 A** On my way to Brunswick on Route 24 somewhere close to  
25 Topsham, not in the town of Bowdoinham, but probably

the town of Topsham, I oew Dennis driving his red Toyota pickup truck, and I waved.

Turning your attention to the map. Can you show us on the map your location where you saw Mr. Dechaine, saw Dennis Dechaine? What is the name of the road first of all? Route 24.

Q Does it have another name?

Middlesex Road.

Q Coming from Topsham, you are coming down to Topsham?

10 Yes.

11 Q Approximately where did you see Dennis Dechaine?

12 I **saw** him between this spot and this spot.

13 For purposes of the record, it would be between the area  
14 that is known as Sprague Hill and the area on the map  
15 where the word Middlesex appears between Middlesex and  
16 Road?

17 This is the Forsythe Road. I saw him well before the  
18 Forsythe Road.

19 To the best of your ability can you put an X in green ink  
20 where you believe you saw him on that morning?

21 Yes.

22 Q How did you know it **was** Dennis Dechaine?

23 I recognized the truck. And I **saw** a person in there that  
24 **looked like Dennis** to me.

25 **Did you wave at him?**

1 A Yes. And he waved back to me,

2 Q Had you seen him for a while to that point?

3 A I hadn't seen Dennis for a while, now

4 **Was** your daughter in your vehicle with you at the time?

5 A Yes.

6 Q Which way was he traveling?

7 **A** He was heading north on Route 24.

8 Q So he was going in the opposite direction?

9 A Yes.

10 MR. CONNOLLY: That's all I have. Thank-you.

11 CROSS-EXAMINATION

12 BY MR. WRIGHT:

13 Q The community in which you have spoken that you know of  
14 Mr. Dechaine's reputation is a group of less than ten  
15 people?

16 I was trying to narrow down the community of farmers that  
17 I felt comfortable with in giving a statement about that.

18 Q Exactly. That's what we *want you to* do. *Feel comfortabl*  
19 *with what you are* saying. I thought you had said you had  
20 narrowed that group down after weeding out other people  
21 that you didn't know, such as neighbors, to a group of  
22 less than ten people; is that correct or not right?

23 A I could include several other people that would go beyond  
24 the farming group. I was just looking at the farmer  
25 *group. That would be less than ten.*

1 Q That is less than ten?

2 A Yes.

3 How often had you spoken to those people about Dennis  
4 Deehaine's reputation?

5 A Do you mean throughout the year? Throughout a season?  
6 I'm having trouble understanding the question.

7 Q How many times had you spoken to any of this group of  
8 less than ten about Mr. Dennis Dechaine's reputation that  
9 you've described to us this morning?

10 A Can I ask you one other question?

11 Q *No. Try to answer the* question as I put it to you. I've  
12 tried to put it as simply as I can. How often did you  
13 speak to any of these group of ten, less than ten, about  
14 the reputation that you've testified to this morning?

15 A That is very difficult for me to answer. After July 6?

16 Q No.

17 A You are talking. before that?

18 Q I'm talking about his reputation as of July 6, 1988?

19 A With members of that group?

20 Q Yes,

21 A We would probably have talked about Dennis's reputation  
22 at least once a week.

23 For how long a period of time?

24 A During a social type of time when farmers would have  
25 anywhere from 20 minutes to an hour during a period of a

1 day.

2 But for a month, a year, how long a time period are we  
3 talking about that you would have such discussions?

4 A Five years. That's the time that I've known him.

5 Q It's your testimony that once a week for five years this  
6 specific topic of Dennis Dechaine's reputation of peacefu  
7 ness and nonviolence came up amongst you? Once a week  
8 for five years you talked about his peacefulness?

9 A Could you ask me that again?

10 I'm trying to understand the basis upon which you have  
11 given your testimony as to Mr. Dechaine's reputation. <sup>T</sup>  
12 thought you had said that once a week for a period of  
13 five years in a group less *than* ten the specific topic  
14 of Mr. Dechaine's reputation for peace and good order  
15 *arose. Is that correct or not correct?*

16 A That's correct.

17 Q Did the reputation of any other member *of the community*  
18 arise in these discussions?

19 A I can't be certain.

20 Q You've lived in Bowdoinham for how long?

21 A Five years.

22 Q Did Mr. Connolly ask you to put your residence on the  
23 map?

24 A No.

25 Could you do that for us?

Sure.

You live on Brown' a Point Road, which runs east out of Bowdoinhem towards the water?

Yes.

Q Why don't you put your initials there?

It's about at the D.

Q The D of road?'

Yes.

10 Thank you. Have you from time to time, Miss Dennison,  
11 had occasion to drive in the general area between Bruns-  
wick and Augusta?

12 Yes.

13 Q Part of your work carries you from place to place?

14 Yes.

15 Q Do you know where West Gardiner is?

16 Yes.

17 **Have** you ever driven from your house to West Gardiner?

18 No.

19 Where would you place West Gardiner in relation to say  
20 Augusta?

21 Verbally you want me to tell you?

22 Yes. *It's not going to* be on this map.

23 *Southwest of Augusta.*

24 So you agree with me that one could drive from West

25 Gardiner to the area in which you saw Mr. Dechaine in 45



minutes?

Yes.

Q What did you recognize about his truck?

I recognized the red Toyota truck.

Anything distinguishing about it?

No.

From what vantage point did you have of the truck to see it?

*He was coming the opposite way, so I saw the front of the truck.*

10

11 Q You said that you thought it was Dennis who was driving.

12 Are you certain about that or not?

13 A At the time and what I remember is that I was certain it

14 was Dennis.

15 That's your best recollection?

16 U A Yes.

17 Apart from your observation of Mr. Dechaine on the morn n

18 of July 6 -- **How do** you remember the day by the way?

19 Why do I remember it?

20 Yes.

21 Since the whole incident began I tried to place it with

22 what went on and what was on my calendar, and I knew very

23 well because my mother was in the hospital and underwent

24 surgery the next day.

25 That gave you a basis for zeroing in on July 6?

Yes.

Q And you are certain that was the date?

Yes.

Apart from your observations of Mr. Dechaine on the morning of July 6, *I gather you are here to speak only with respect to his reputation in the community that you have described?*

Yes.

Have you talked to any of the State's witnesses in this case?

10

No.

11

12 Q **Have** you read any of the police reports in this case?

3 No. I've read what has been in the paper and I've seen  
14 *what has been on the television.*

5 Only in that sense have you become aware of any of the  
16 evidence that the State has offered over the last several  
17 days?

18 **That is** the only way.

19 Are you aware Mr. Dechaine has said that only he was in  
20 his truck that day?

21 Am I aware of that?

22 Q, That's correct.

23 No.

24 Are you aware Mr. Dechaine attempted to hide his keys from  
25 the police later that evening?

1 A From what I read in the paper, yes.

2 Q Are you aware of anything that Mr. Dechaine had to say  
3 relative to his involvement in these offenses to Detect iv  
4 Hendabee of the State Police?

5 A Only what I've read in the paper.

6 Q Are you aware of anything Mr. Dechaine had to say with  
7 regard to his involvement of these offenses to Mark  
8 Westrum of the Sagadahoe County Sheriff's Department?

9 A Only what I read.

10 Q Are you aware of anything the Defendant had to say to  
11 Deputy Maxey or Dertody of the Lincoln County Jail rela-  
12 tive to his involvement to these offenses?

13 A No.

14 Q Are you aware of any drug usage on the part of the Defen-  
15 dant?

16 A No, I'm not; except for what I've read.

17 **Q Not personally?**

18 A **No.**

19 • You weren't off the road, off the Hallowell Road in the  
20 woods on July 6, 1988 near Bowdoinham?

21 A No.

22 Q The testimony that you've given as to the Defendant's  
23 reputation in *the community is not* a reputation in the  
24 community for his behavior while he supposedly **was** high  
25 on some illegal street drug, is it?

1 A I haven't ever known Dennis -®

2 Q Listen to the question. The question is whether the  
3 testimony you gave this morning was in any sense related  
4 to his reputation in the community for behavior such as  
5 you've described while supposedly high on some illegal  
6 street drug?

7 A My statement about his reputation would have no account  
8 of that, so I can't put that into it.

9 MR., WRIGHT: Thank you very much.

10 REDIRECT EXAMINATION

11 BY MR. CONNOLLY:

12 Q Your statement as to reputation is based upon years of  
13 experience?

14 A That's correct.

15 Q The sighting you had on the road on July 6, other than  
16 today, **was** the last time you **saw** Dennis?

17 A Yes. Until today.

18 Q Do you remember it clearly in your mind?

19 **A** I have from that point. I had a flash of seeing Dennis  
20 **waving** to me.

21 MR. CONNOLLY: No further questions. Thank you.

22 MR. WRIGHT: Nothing else.

23 THE COURT: Thank you. You may step down.  
24  
25

BRIAN DENNISON, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. CONNOLLY:

Would you state your name for the record?

Brian Dennison.

Q What do you do for work?

I'm a farmer; a vegetable grower.

How long have you been farming?

10 Eight years.

11 Q You have your own business?

12 Yes. We have our own packing house and farmhouse, and  
13 we lease our *farmland*.

14 Do you know the Defendant in this case, Mr. Dechaine?

15 Yes.

16 Q How did you come to know him?

17 A Living in the same town and both of us being farmers, we  
18 got to know each other five years ago.

19 How would you categorize your relationship?

20 We were good friends. Fishing buddies. We would go  
21 fishing and talk about business together.

22 Turning your attention to the fishing part of it now.

23 How often did you and Mr. Dechaine go fishing?

24 Not that frequently. We talked about it more than we  
25 actually went fishing. Half a dozen times.

1 Q How often would you talk about it?

2 A Certainly a dozen times a yearn

3 Q To that end did you and Mr. Dechaine ever talk about  
4 fishing holes and where bad spots were and weren't?

5 A Sure.

6 Q In the area of July of 1988, June and July 1988, do you  
7 remember having discussions with Mr. Dechaine about some  
8 fishing holes?

9 A Probably not June and July, but earlier; April or May I  
10 think we did, yes.

11 Q Do you have a specific recollection of that discussion?

12 A Yes. We did talk about a pond off of the Lewis Hill Road  
13 that I had spotted on a map, and we or I mentioned to him  
14 I didn't know anything about the pond but it looked like  
15 a good spot for us to take a hike some day through the  
16 woods and *try* to find the pond and see if there was any  
17 fish there.

18 Q Did **you** have a United States geological survey map?

19 A That or a topographical map; either one, I'm not sure.

20 Q Turning your attention to what has been marked as State's  
21 Exhibit 67 which is a photograph of a map taken from  
22 Dennis Dechaine's house. Do you recall discussing the  
23 location of the pond in question with him?

24 A Yes, I do.

25 Q Turning your attention to the blow-up, I'm going to ask

1 you if you could get your bearings and if you could  
2 identify that this is an accurate portrayal of the area  
3 that you and Dennis were discussing in reference to look-  
4 ing for fishing holes?

5 A Yes.

6 Q And on the map in front of you on State's Exhibit 67 can  
7 you see the name of the pond that was in question, air?

8 A Yes. It's Meachem Pond,  
9 *I would ask if* on State's Exhibit 67 you would draw a  
10 circle on Meachem Pond, Then if you could turn to the  
11 map behind you, which is marked as State' Exhibit 35,  
12 if you could do the same thing for us in that area?

13 A Yes.

14 Q Do you recall the nature of those discussions about the  
15 pond?

16 A Just that I thought it would be a spot he might want to  
17 try some day.

18 Q Is that something you had discussed before about places  
19 **to** go fishing?

20 A Yes,

21 Q Is it unusual for yourself or Mr. Dechaine to look for a  
22 fishing hole before you actually go fishing?

23 A That would be very common, yes,

24 Q You yourself have done that?

25 A **Yes.**

1 Q Did you ever have any further discussions with Mr.  
2 Dechaine about fishing?

3 A After that?

4 Q Yes. After that?

5 A I'm not certain.

6 Q The last time you have any real memory about discussing  
7 fishing is talking about looking for a hole in that area?

8 A Yes.

9 Q Mr. Dennison, you have known Dennis for how long?

10 A Five years.

11 Q In what context; business and social?

12 A Yes.

13 Q And you work with him?

14 A Occasionally. Not very frequently.

15 Q Mostly on your small farm you work by yourself?

16 A Yes. He never worked with me on my farm. I don't think  
17 we have worked together.

18 Q Shared stories kind. of thing and tips?

19 A Yes. That's not work. Yes, we have discussed business  
20 a lot and shared tips, sure.

21 And his farm is similar to yours?

22 A Ours is a wholesale. His was retail. Ours is a little  
23 bigger acreage but similar. We were growing vegetables.  
24 *He was growing* flowers the last few years and greenhouse  
25 work, which we don't do.



1           What kind of vehicle do you have?

2    A       We have got a lot of vehicles, but I think you are  
3           probably thinking of Dennis. I have a truck similar  
4           Dennis's probably a year older.

5    Q       It's a red Toyota pickup?

6    A       Yes.

7    Q       Do you have rope and stuff inside the truck?

8    A       I could at times, yes.

9    Q       And during the period when you have come to know Dennis  
10           have you known other farmers and other people that have  
11           worked with him that are in the community that know him?

12   A       Could you repeat that?

13   Q       During the period when you have known Dennis *Dechaine*  
14           have you known people in the community that know him?

15   A       Sure.

16   Q       And what relationship do some of those people have to  
17           Dennis Dechaine?

18   A       People that know him all like him.

19                           MR. WRIGHT: Objection.

20                           THE COURT: Sustained. Its not responsive.

21           The jury will disregard the answer.

22   BY MR. CONNOLLY:

23   Q       Mr. Dennison, you know people in the community that know  
24           him?

25   A       **Yes.**

1 • And what kind of people in the community, without comment  
2 ing on what they know about him or what their opinion is,  
3 what kind of people that you are aware of know Dennis?

4 A Well, the people that know Dennis are generally people  
5 that I'm friends with, and generally people *upstanding*  
6 in the community.

7 MR. WRIGHT: Objection.

8 THE COURT: Sustained.

9 BY MR. CONNOLLY:

10 Q What do they do for work?

11 A Some of them would be farmers. Most of the people that  
12 we knew in common were farmers or somehow related to or  
13 running their own business of some type.

14 Q Would you be able to say that based upon those people  
15 that there is ~~ee~~ How many of those people would you know  
16 that know Dennis?

17 A I would say ten, maybe

18 Q Is **it fair** to say the farming community in the Bowdoinham  
19 Bowdoin area is small?

20 A Yes.

21 Q Is it fair to call it a community?

22 A Bowdoinham?

23 • No. The farmers.

24 A Yes. We all know each other. I would call it a community

25 Q Do **you know** some other individuals who are non-farmers

1 that know Mr. Dechaine as well?

2 A Yes.

3 Q Who would those people be, without giving *their names*,  
4 would they be friends, business associates?

5 A Some of the above. Some would be friends and some we do  
6 business with and some are our neighbors.

7 Q Does Dennis Dechaine have a reputation in the community  
8 for, without saying what the reputation is, does he have  
9 a reputation in the community for peacefulness and non-  
10 violence?

11 A Yes.

12 Q Do you know what that reputation is without saying what  
13 it is; yes or no?

14 A Yes.

15 What is the reputation?

16 MR. WRIGHT: Objection. We don't know how he  
17 knows. Its a foundation question that is lacking.

18 MR. CONNOLLY: Strike that question. I'll go  
19 back.

20 BY MR. CONNOLLY:

21 Q During the course of meeting with some of the other farm  
22 people that know Mr. Dechaine, has he, as an individual,  
23 has his character come up in discussion at any time?

24 MR. WRIGHT: I would object to the use of the  
25 **word** character.

1 MR. CONNOLLY: I will strike the question.

2 BY MR. CONNOLLY:

3 Have his demeanor or his attitude, his habits, world  
4 attitude, his day to day activities, his personality,  
5 were they discussed?

6 MR. WRIGHT: I would object.

7 THE COURT: That may be answered yes or no.

8 THE WITNESS: Yes.

9 BY MR. CONNOLLY:

10 From that are you able to determine a sense, yourself,  
11 determine a sense of what the community of farmers in the  
12 area feel about Mr. Dechaine?

13 A Yes.

14 And during those discussions have issues of *peacefulness*  
15 and nonviolence' come forward in a general sense?

16 A In a general sense peacefulness, but not --

17 MR. WRIGHT: I would object to this. On the  
18 one hand we are dealing with a very limited trait and on  
19 the other hand he's being asked what the general sense  
20 is, which automatically broadens it to unrestricted evi-  
21 dence. That's what my concern is.

22 THE COURT: The objection is noted and sustained  
23 I assume, Mr. Connolly, what you are getting at that as  
24 part of these discussions with people **in** the farming  
25 community in the Bowdoinham/Bowdoin area and in general,

1           *that a topic of conversation among* those members of that  
2           community has been whether or not Mr. Dechaine has a  
3           reputation for peacefulness and nonviolence.

4                           MR. CONNOLLY:    Yes.

5                           THE COURT:    If the answer to that is yes what  
6           is the reputation among the other people, not his opinion,  
7           but what is the reputation of Mr. Dechaine among those  
8           people that he has had the occasion to discuss this with;  
9           what is Mr. Dechaine's reputation among those people for  
10          peacefulness and nonviolence.

11                          MR. CONNOLLY:    Thank you.

12 BY MR. CONNOLLY:

13 Q     Can you answer <sup>ee</sup> Can you answer yes to that first ques-  
14     tion?

15 A     Yes.

16           What is the reputation for peacefulness and nonviolence  
17           amongst those people as to Dennis Dechaine?

18 A     **His** reputation certainly is one of somebody who is  
19     peaceful.    I don't recall actually talking about nonviolence  
20     But certainly he had a reputation as a very peaceful sort  
21     of person.

22 Q     You yourself have actual knowledge of him?

23 A     Yes.

24 Q     You've spent time with him over the course of years?

25 A     **Yes.**

1 Q And in the woods, for example?

2 A Yes.

3 Q How often would you say you had fished with him? Many  
4 times, several times?

5 A Half a dozen times.

6 Q You had been over to his house and he had been over to  
7 your house a number of times?

8 A Yes.

9 Q Have you ever seen anything inconsistent with that repu-  
10 tation?

11 A No.

12 MR. CONNOLLY: Thank you.

13 CROSS -EXAMINATION

14 BY MR. WRIGHT:

15 Q In addition to fishing with Mr. Dechaine, did you go  
16 hunting with him?

17 A No.

18 Q " Are you aware one of his hobbies is hunting?

19 A I'm not certain. I think as I recall he used to hunt  
20 when he **was** younger, I think.

21 Q You had specifically discussed with Mr. Dechaine the  
22 location of the Meachem Pond off the Lewis Hill Road?

23 A Yes.

24 Q You gathered from that discussion that Mr. Dechaine would  
25 have known where the Lewis Hill Road was?

1 A Yes.

2 Do you know whether he had ever been there prior to July  
3 6, 1988?

4 A I don't know.

5 Q Had you ever been to see Meachem Pond or rode in the  
6 woods over there?

7 A Yes. I have been up the Lewis Hill Road, but I had never  
8 been off the road to find the pond.

9 Q *Were you there on July 6, 1988?*

10 A *No.*

Q, How about July 5, 1988?

12 A No.

13 These are State' s Exhibits 4 and 5. Do you recognize  
14 what is shown there?

15 A I presume its Dennis'o truck. I don't recognize the  
16 damage. I have never seen that before.

17 • You had never seen the damage to the right front fender?

18 A I don't think so.

19 • Apart from discussing with him the whereabouts of  
20 possible fishing holes, your testimony, I take it, is to  
21 speak to his reputation as you know it in the community  
22 of farmers and perhaps some others with regard to peace  
23 and nonviolence -- Just peace you said. You can't speak  
24 to nonviolence; is that correct? Just peacefulness?

25 **A Yes.**

Have you talked to any of the State's witnesses in this case? Any of the witnesses over the past several days that have presented evidence against Mr. Dechaine?

No. Because I'm not certain who all the witnesses are. No, I haven't.

As far as you know you haven't?

As far as I know I haven't.

Have any police reports been provided to you to educate you on what others said had occurred?

10 I've seen news reports and papers.

1 You didn't have any access to any police reports or  
12 photographs?

13 No.

14 Are you aware Mr. Dechaine has said to investigators that  
15 he has ee

16 MR. CONNOLLY: I would object. This has  
17 nothing to do with reputation. Therefore, it's not  
18 relevant. This inquiry is not relevant.

19 MR. WRIGHT: I think I'm entitled to point out  
20 the limitation of the testimony as it's been offered, and  
21 bearing in mind the decision the jury has to make in this  
22 case,

23 THE COURT: Let him finish the question first.

24 BY MR. WRIGHT:

25 The question **was** whether or not you were aware the Defen-



1           dant has said to investigators that nobody else was in  
his truck on July 6, 1988?

MR. CONNOLLY:   Objection.   Argumentative.

MR. WRIGHT:   i m asking if he's aware.

MR. CONNOLLY:   It's well beyond the scope of  
redirect examination.

THE COURT:   This is not the federal court.  
Overruled.

BY MR. WRIGHT:

10   Q   Are you aware of that?

11           Yes, I think so.

12   Q   Are you aware that there is evidence for the jury, should  
13           they choose to accept it, that the Defendant tried to  
14           hide the keys to his truck on the evening of July 6, :988

15   A   Yes.

16   Q   Are you aware of any of the statements ttat have been  
17           offered to this jury with respect to what Mr. Dechaine  
18           **said** to Detective Hendsbee of the State Police about his  
19           involvement in this case?

20   A   Yes.

21   Q   Are you similarly aware of any of the statements that Mr.  
22           Dechaine has made, should the jury accept what he said,  
23           to Sergeant Westrum of the Sagadahoc County Sheriff's  
24           **Department?**

25   A   I don't **know if** I've heard his name. I'm not certain.

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Are you aware of anything the Defendant has stated to Deputy Maxey or Dermody at the Lincoln County Jail after his arrest with regard to his involvement in this case? Again, I don't know what I've heard. I don't know the detectives' names.

Are you aware of any drug usage on the part of Mr. Dechaine?

No.

The discussions that you've had then with others in the community, farmers, neighbors, business acquaintances and the like, I take it were with regard to the Defendant reputation in the community without regard to any time he was supposedly high on some illegal street drug; is that correct?

Yes.

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

MR. CONNOLLY: Nothing further of this witness.

THE COURT: Thank you. You may step down.

Mr. Foreman and ladies and gentlemen of the jury, we are going to recess at this time. And we will resume at quarter past one. Please don't discuss the case.

Thank you.

Whereupon the jury **was** in recess at 12:12).

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(chambers conference at 1:25)

THE COURT: During the course of this mornings proceedings I saw Ray Brant going in the back row on the left and the other officer go in the back row to the right and they removed a man who lit up a cigarette in the back of the courtroom And apparently I had missed this, but when he got in they had a difficult time making him sit down. He didn't *want to sit down* to begin with, He got up. He apparently looked up at Justice Nickol's portrait or the clock on the wall and they had a difficult time making him sit do s Once *he sat down he lit up a cigarette. He checked into the back of the courtroom and went through the metal detector all right, but* when he signed in *he used an alias because he's known to the local court officers by the name of Riscalla who is **from this area who most recently** is of Tenants Harbor but he did not sign in *with that n e**

And **so** as he **was proceeding to** leave the **courtroom, pursuant to Mrs Bryant's suggestion,** he took a big **drag out of the cigarette and blew at** me and lured at rae and everybody else in the **courtroom** although I did not see this \*

Fee's been checked **out. I guess** he does have a criminal record in California. But I guess there are no serious pending matters or **convictions** around here. I wanted you to **be aware of it, I asked the Court officers to ask Al**

1 !Bendsbee or somebody to run this guy through S31. I guess  
2 that's where they learned of the California *conviction*,

3 I don't think the jury saw any of this. If they did it  
4 *would be nothing that* I think would have distracted them to  
5 any appreciable extent.

6 The other matter I would like to bring up at this time  
7 is I had a call from Joe Field, and Joe has indicated to me  
8 that he has some problems with at least one of several  
9 Senecal witnesses who have been listed as potential  
witnesses. He represents Doug Senecal of Phippsburg. And he  
10 *does not know why* Tom is subpoenaing him to testify. He says  
11 that Mr. Senecal is somehow related either by half-blood or  
12 otherwise to the family of Sarah Cherry or to Sarah Cherry.  
13 And that Hr. Senecal is a resident of Phippsburg *and is*  
14 presently under indictment and awaiting trial for gross  
15 *sexual misconduct **involving** his own* children in Sagadahoc  
16 County Superior Court.

17 He further has indicated that the DHS worker who was  
18 *involved in the case **involving** Mr. Senecal* that is now  
19 *pending was* Jennifer Dox, who is also a listed witness on Mr.  
20 Connolly's list.

21 He indicated that he did not know the purpose for which  
22 *Mr. Connolly was listing or calling these* witnesses, and I  
23 informed Mr. Field that I didn't know **anymore** than he did.  
24 If he *had any* questions he ought to direct those questions to  
25

1 Mr. Connolly.

2 But in any event, he alerted me that if Jennifer Dox  
3 were to be called to testify in this matter that he wanted to  
4 *be informed of it* and he did want to be present both as to  
5 her potential testimony, but especially as it relates to Mr.  
6 Senecal 's testimony \*

He went on to speculate that he feared one of the purposes of calling Mr \* Senecal was the fact that he had access to the Cherry or the residence at which Sarah was *baby-sitting or had access* to her, and whereas he was under indictment for gross sexual *misconduct everybody can draw* their own conclusions from that, I said I'm not going to speculate @ but I will pass this message on to Mr. Connolly and to Mr. Wright, I felt I ought to do it on the record at this point before we proceed any further \*

MR\* CO **OLLY:** **Both Mr, Wright and I had** been to Mr@ Field's, office with reference to an interview done on Mr. Senecal two **weeks agog** **far as** any of those witnesses would be called **I would certainly not deal directly** with their client but with the attorney, He has indicated he was probably going to be unavailable for a period of time, but that is no longer the case because his case pled out. So if **they were to be called he would certainly be notified and in accordance with the rules,**

**THE COURT: I took the telephone call to be as one**


1 of a request. I told him I would pass the message along and  
2 that I was sure that if it was your intent to call either of  
3 these witnesses that he would be extended the courtesy of a  
4 telephone call to be notified.

5 MR. CONNOLLY: Without the Court's suggestion that  
6 would have been done as a matter of course.

7 THE COURT: I assumed it would be.

8 MR. CONNOLLY: Its the only way contact to be made  
9 with a represented person.

1 MR. WRIGHT: The matter is perhaps more  
11 complicated. I gathered from others in my office who  
12 represent the Department of Human Services that records  
13 relating to this matter have *been* subpoenaed by the defense,  
14 and I don't know what Mr. Connolly's intention is precisely,  
15 but I can tell you that from the interview that was conducted  
16 by fir. Connolly along with his certain investigator who  
17 present at Mr. Field's office, that Mr. Senecal has accounted  
18 for his time on July 6, **1988**. It may be Mr. Connolly  
19 believes otherwise, but I will tell you that's what Mr.  
20 Senecal has said and his wife, Maureen, And that before any  
21 effort is made to call any witness from the Department of  
22 human Services, who of course would have nothing to offer but  
23 hearsay, or Mr. **Senecal** himself, that we need to handle this  
24 matter out of the **presence** of the jury, because from what I  
25 can gather about it has absolutely no relevance to the case.



1 The fact that Doug Senecal, who is married to Sarah Cherry<sup>s</sup>'s  
2 **stepfather's first wife, Doug Senecal's present wife.**

3 **THE COURT:** *That is Maureen?*

4 **MR. WRIGHT:** *The Doug Senecal is married to Maureen*  
5 **Senecal. Maureen was married to** Chris Crossman, who was  
6 Sarah Cherry's stepfather.

7 **MR. C NNOLLY's** **Who** is now married to Debra  
8 Crossman, who is <sup>s</sup>arah Cherry's mother. That's easy way  
9 to understand it.

**MR. WRIGHT:** Chris Crossman is now married to  
Debra, who is Sarah's mother. I don't understand what the  
relevance is.

**THE COURT:** I don't either. But without trying to  
force Mr. Connolly to reveal any trial strategy at this  
*point, Mr. Field mentioned something* something else about the  
DHS records. Of **course they are** confidential. *The only way*  
**those DHS records, as they relate to a child sex abuse**  
charge, can be, **their contents made available to** anybody, is  
pursuant to what **the Court will refer to** as the **so-call**  
**Clifford order, as it relates to** that particular case. Then  
*it is for eyes only of the State's attorney* and defense  
counsel. And the **last time I looked** at one of those **orders I**  
**believe that the contents are not even available for defense**  
**counsel to discuss with his client.**

**But at the outset, if the issue of Jennifer Dox's**

testimony comes up in the *context of anything* having to do with *investigation of sexual abuse of minors* we have an immediate confidentiality statute to deal with here \*

4 MR\* WRIGHT: Which, from the State's point of view,  
5 *will be handled*, I expect, by a representative of the  
6 Attorney General's office who represents the Department of Human Services, I know that that they have been notified about the subpoena and will want to be present during the *Court's handling of any of their records* \* *Via not familiar* with the records® I've never seen them, I don't want to get involved with it.

THE COURT: It may be a non-issue \* We have been alerted to these problems, and if it becomes necessary well have in c era hearing at that time®

MR. CONNOLLY: *That is the appropriate* remedy.

THE COURT: Fine® Anything else?

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

**(Whereupon the chambers conference ended at 1:38 and the jury returned at 1:53)**

**THE COURT: I apologize for the delay It seems each time at one of these recesses we discuss legal issues that have to be discussed outside of your presence; so its going to involve some waiting \* I apologize, We'll do our**



level best to make your time here the most productive as possible. Mra Connolly.

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GARY JASPER, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. C OLLY.

Can you state your name once again?

A Gary Jasper.

Where do you live?

A Bowdoin,

• Whereabouts?

**A On the Lewis Hill Road**

**Q Do you know the defendant in this case, Dennis Dechaine?**

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

• **Never met him before in your life?**

**A No, I haven't.**

**Q Turning your attention to the map that is behind you which has been marked as Defendant's Exhibit Number 35. Do you recognize this as a man of the greater Bowdoin/**

**Eo oinh area?**

25

**A Yes.**

1 Q *Turning your attention to the line my finger is*  
2 *traveling on, the Lewis Hill Road, is that the road that you*  
3 *live?*

4 A Yes,

5 Q Approximately on the Lewis Hill Road do you know where  
6 you live?

A I live about two miles and three tenths u<sup>P</sup> on the right.

Q Can you mark that with a black magic *marker with an x*  
where you think you live more or less?

A Right there.

Q How long have you lived on the Lewis Hill Road?  
For about six years. I was raised and grew up there.

Q How old are you?

A I'm 29,

What do you do for work?

A I'm **unemployed** at this time,  
rning your attention back to the time frame of July  
**1988, were you living on the Lewis Hill Road?**

A **Yes.**

Q **More precisely on July 6<sup>®</sup> 198E were you on the Lewis  
Hill Road living there?**

A **Yes.**

Q **Describe where you live? Is your house setback from the  
road?**

A **Close to the road; about 75 feet from the road.**

1           *What do you have out in front of your yard?*

2    A       *A motorcycle, a boat, and a couple of cars.*

3    4       *Do you know where the **Henkel** residence is?*

4    A       **Yes**

Q       *With regard **to the Henkel residence** where do you live?*

6    A       *Three houses before theirs on the right; about a mile  
and half.*

          From your residence do you have a view to their  
residence?

A       No.

•       Are you on the s e side of the road as they are?

A       Yes.

          you rall meeting with police officers on the  
afternoon or the day of July 7th?

A       Yes, I do.

Q       At that time you <sup>sere</sup> **forward to** them, is that **correct,**  
**or were you questioned by them?**

A       **They came to my house and asked me questions and I  
answered their questions, the questions they asked.**

**You had an opportunity to see your statements since  
then?**

A       **I believe so,**

Q       **And what I want to ask you is if during the period on  
July 7th, 1988 you saw a red Toyota pickup truck?**

25    A       **Yes,**

1 Q How do you know if it was a red Toyota pickup?

2 A It was a Toyota. I could tell when it went by the  
3 *Toyota impression in the tailgate.*

4 Q You saw what go by where?

5 A I saw that approximately turning off the Lewis Hill Road  
turning left. About a mile right **before** the bridge there is  
a great metal bridge. I saw it right there coming around the  
corner going east. I was going west.

0 I'm going to turn your attention to what has been marked  
as State's Exhibit Number 1-A, which is a more detailed map  
of the map you just marked. If you would mark on this  
State's Exhibit Number 1-A the location of your house in  
reference to the Henkel s. For purposes of discussion the  
orange dot with the Henkel ne on *it is the Henkel residence*  
mark, Where is yours?

A Okay, Right in here.

Q Where did you see the red **pickup** truck the first time?

A The first time I see it right in here,

Q Was **it on the road** traveling?

A Is this the bridge? Just **before** the bridge in this area  
here.

Q **You** marked with two Xs, the first one near the  
inters tion; is that correct?

A **Yes.**

0 **The larger you have put to the right of it is where**

1 you saw the vehicle?

2 A That's correct.

3 Q And you saw the vehicle at approximately what tiinep sir?

4 A In between quarter to three, three o'clock.

5 Q What were you doing down at that part of the road?

6 A I was headed to Litchfield going to the store.

7 Q *What did you see?*

A *I see a pickup truck coming at me around the corner at a*  
9 *high rate of speed. A red pickup. I pulled to the shoulder*  
10 *of the road. As I went by I noticed it was red and as I*  
11 *glanced in the mirror in the side mirror and it was a Toyota*  
12 *with dents and scratches in the tailgate. One dent was about*  
*the size of a softball towards the *driver's* side.*

Q Did you notice anything else unusual about the Toyota at that time?

A No.

**Q** **You** saw the front of the vehicle?

A *Not really. I went by I didn't pay attention. I pulled the truck to the right so it didn't hit my car.*

Q Did you notice what the driver of the vehicle looked like?

A No. **He** had dark sdy color hair. He was thin wearing *a dark colored coat or shirt. I could not tell.*

Q Was the **person alone or** with another **person?**

A Alone.

Q When you gave your statement to the police on 7-7-R8 was  
2 your recollection better than now or about the same?

MR. WRIGHT: Object. Apparently impeachment with a  
4 prior inconsistent statement.

5 THE COURT: die's your witness.

HR. CONNOLLY: Yes.

7 THE COURT: Objection sustained. The preface of  
that question indicates you are about to try to impeach this  
witness. He's your witness.

BY MR. CC OLLY s

Mr. Jasper, when was the last time you reviewed your  
statement?

A About a week d-a-half ago.

*Would looking at your statement refresh your  
recollection as to what you originally said?*

A Possibly.

MR. WRIGHT: **Your Honor, I would object. He's** not  
*indicating any --*

**E COURT: Overruled,**

BY MR. CO OLLY s

**0 Yr. Jasper, I'm handing you a copy of your statement and  
asking you to turn your attention particularly to page**

**THE COURTS Before that is done, have** it marked as

exhibit for purposes of the record.

3 BY MR. CONNOLLY:

4  \_ rning your attention to page two. At the bottom® T  
5 would ask you to review that for a moment, if you would?

6 A Page two?

7 • Yes, Mead that page for me?

A The bottom?

About the middle do , Where its circled.

A Not much, Not ch.

M ® WRIGHT: No®

MR. CONNOLLY: Read it t yourself.

A Okay.

BY MR. CONNOLLY:

• **Does that help you recollect what you had told the  
police. sir?**

A **Not really.**

**Why is that? Because you have** a memory now of it or  
because it's not accurate or what?

A **Its close. Its right about the s e as what I said®  
It's been a long time.**

**Does that help you recall the descri<sup>P</sup>tion of the  
individual driving the vehicle?**

MR. WRIGHT: **Objection, He just answered the**

1 question \* it did not,

2 THE COURT: I will allow it. Overruled.

3 THE t7ITNRSS1 Well, the only thing, like I said, he  
4 had long dark sandy color hair and he was wearing a dark  
5 shirt. That's what I do recall.

6

7 Y \*2R. CONNOLLY:

You have been shown pictures of Mr. Dechaine, haven't  
you?

A Yes.

• And *you can't state that - can you state* whether or not  
he was the person driving that vehicle?

A No, I can't.

*You don't know one way or the other?*

A No.

• Did there come a time later on in that afternoon when  
**you again saw that same vehicle?**

A **It** was this the **evening.**

**What time did you see the vehicle?**

A **Around 7:30, eight o'clock.**

**Turning your attention to the map behind you, sir.**

Could **you** mark the **location** where you **saw** that **vehicle at**  
**eight o'clock or 7:30?**

24 A **It was approximately I would say five hundred feet after**  
25 **the bridges right about in this area here.**



1 Q What's where you you've marked with *another* black X  
2 which is between the other two black Xs?

3 A Yes.

4 Q At that time **did you see a person** driving the vehicle?

5 A **No**, I did not. I **see a person** getting into the vehicle.  
6 Where is the person getting into the vehicle from?

7 A He was getting in the vehicle from the left side *of the*  
road.

Q On that map the left side of the road would be which  
side?

A *Going west would be on this side of the road.*

Q So on th Dead River Road; is that correct?

A Right.

Q *And he would be on the side which is towards the Lewis  
Hill Road?*

A Right.

Q **And you** saw **the person enter** the vehicle at that point?

A I see him get **into the truck at** that *point in time*.

Q Did **you see anybody with him** at this time?

A **No.**

Q Did you *see that* **person** *carrying anything in his hands?*

A **No.**

Q **Where** the did **the vehicle proceed** after that?

Q It **proceeded west.**

Q **Which way?**

A Towards the four corners, this way.

2 Q Did you have have any further contact with the vehicle  
3 that day?

4 A **No**

5 Q Later on that day you were listening to your police  
*scanner?*

7 A *Yes.*

Q During the course of that was there a discussion with  
reference to a red pickup truck?

A Yes,

*And was there a discussion about the vehicle being  
stopped?*

A *Yes, there wa*

*That was where, sir?*

*On the Meadow Road in Dowdoin®*

Q Do you know where the Meadow Road in Bowdoin is?

**Yes.**

Q *Would you mark that on the map?*

*Sure, This road right here®*

*Thank you. Did you hear the license number?*

**Yes, I did.**

Q At the time you gave your statement did you recall the  
**license number?**

**A At the time, no, until I seen pictures of the truck and  
I knew they were the same numbers I had written down that**

night.

2           When you say saw pictures of the truck you were shown  
3 photographs by the police officers?

4           A     **Yes.**

5           **Q     And what other information was given to you** by the  
6 police officers about that truck?

7           A     I cant really remerer if there was any information or  
anything else at that time,

Q     The time that, the second time you saw the vehicle on  
the Dead River Road that day did you notice anything about  
the front part of the truck?

A     No.

          You just observed the rear-end being dented<sup>?</sup>

A     Yes.

•     And scratched?

A     Yes.

f4 @ CONNOLLY: I have **no further** question

### CROSS EXAMINATION

**BY MR, WRIGHT:**

•     ***There are only three houses on the mile and a half  
between your house and the Henkel residence?***

A     **Yes,**

**The Lewis Hill Road is a fairly sparsely settled area?**

Correct.

2 0 Houses are set far apart?

3 A Some are and some aren't.

4  Sure, Several of them are back in the woods, *into the*  
5 woods some distance?

A Yea.

7  Others are right up close to the road?

Yes.

Your recollection is that you saw the red pickup truck on the Dad River Road by the iron bridge at about 2:45 to three o'clock?

A Yes.

Do you recall telling Detective Lehan at the time you saw the vehicle it was around 3:00 to 3:30?

A Not at this particular time I don't recall that.

**You were shown some photographs?**

**A Yes,** I was,

a Do you remember Detective *Lehan*?

Yes.

• **De's** a short blond-haired detective?

Yes.

0 This is State's Exhibit Number 5. Is that one of the **photographs he showed you?**

**A Yes.**

**You recognize the truck you saw from the appearance of**

the truck?

2           As far as I could tell that was the pickup truck that I  
3 saw go by.

4    *Q    The front of the truck you didn't notice?*

5    A    No

6    *Q    So this photograph, which is State's Exhibit Number 4,  
7 would not, I take it, be familiar to you?*

8    A    No, he showed me this picture but I didn't recognize it  
9 at all.

10           Would you take a look at the back of the photograph,  
State's Exhibit Number 4, *the photograph you saw, it's got*  
your name on it?

A    Yes

          Would you look at State's Exhibit five, the photograph  
*you did see* \* *It doesn't have your name on it, does it?*

A    **No, it don't.**

**Q    Later you said you saw the** same truck on the Dead River  
Road?

**A    Later from what time \***

**Q    On towards dusk?**

**A    Yes \***

**Q    You were at** a friend of yours named Ralph **Jones?**

**A    Yes \***

**Q    The truck was, as you looked west on Dead River Road,  
three or four telephone poles down?**

Approximately two telephone poles where the driveway is.

2 That's several hundred feet worth of distance between  
3 the telephone poles?

4 A I imagine two or three hundred, yes.

5 What were lighting conditions at that time?

6 It was fairly light. It was just getting dusk.

7 a You were looking west into the sunlight?

8 *There was no sunlight at the time' it was already down  
over the trees, so there was no sunlight in my eyes,  
I was looking in the direction but there was no sunlight to  
be shown in the eyes.*

*From a distance of several hundred feet away you could  
see the truck?*

A I could see the truck and I believe it was the s  
truck,

You are reasonably certain *that the* same pickup truck  
*that you saw in the evening on the* Dead River Road was the  
one you saw going by you earlier in the day *by the iron*  
bridge?

**A I believe so,**

4 ***And you later were listening to the scanner?***

**Yes,**

24 And *what* **caught your attention was** a tag number *which*  
**you tied in with what you had seen earlier in the day?**

25 **A Not really, no,** I didn't **tie** it in with that, I just

2 *wrote it down. 2* have my scanner on all the time. I keep  
track of things that are on it.

3 I thought you said what you heard on the scanner you  
4 realized at that time or later was the same stopped vehicle  
5 *which was the* same truck that you had seen earlier?

6 A After I found out this had happened.

7 In fact you told the State Police & did you not & sir &  
*that I remember 396761 very distinctly as it was being run*  
*through on the radio?*

A Yes,

*It was that tag number that you saw on the truck in the*  
*afternoon?*

*Yes, I believe it was on the pickup. I<sup>s</sup> m not sure of*  
the number.

Q 396761?

**Yes, I wrote it down having coming across my scanner.**

**• You originally stated to the police that you had seen a  
red pickup truck go past your house earlier in the afternoon?**

**A I have nrecollection of saying that** at this time.

You don't have a **recollection** either of saying it or of  
seeing the truck, is that correct?

A Right.

**• So if I were to tell you that Detective Lehan  
interviewed you on the 7th and you had given him information  
about seeing a red pickup truck speeding past the day before &**

1 you would now say you no longer recall telling Detective  
2 Lehan that or of seeing the truck go by?

3 A I have no rememberance at this time of saying it. I'm  
4 *not saying I didn't. I just don't recall saying it at this*  
5 *time.*

6 Q Its your recollection with respect to the truck that  
you heard being stopped, is that it was being stopped on the  
Meadow Road?

A *Right.*

Q No question in your mind?

A No. I believe that's what I heard.

• No question it was the same tag number?

A I believe so,

MR, WIGHT: Thank you.

#### RE-DIRECT EXAMINATION

BY MR. COYNE

Q *Mr. Jasper, I'm handing you what has been marked as  
State's Exhibit Number 5. In response from questioning by  
Mr. Wright as to the license plate number of the pickup  
truck, the number 396761, was that or was that not the number  
you remembered seeing on the pickup truck?*

A *That's **the one I** remember **seeing on the** truck.*

Q **And you wrote it down?**



- 1 A Yes,  
2 Q What number is on that truck?  
3 A 39676-V.  
4 Q *Its* not the same number is it?  
5 A No. *Its not.*

6 MMR. CONNOLLY: *Thank you.*

MR. WRIGHT: *I've got nothing else.*

THE COURTS Thank you, You may step down.

LOIS G HELL, being first duly sworn, was examined and testified as followst

**DIRECT EXAMINATION**

**BY MR. CONNOLLY:**

**Q Would you state your name for the record?**

**A Lois Getchell.**

**Q Where do you live?**

**A In Bo oin.**

**Q On what road?**

**A Dead River Road,**

**Q How long have you lived there for?**

**A 20 years.**

**Q What do you do for work?**

A I'm an LPN, I work in the hospital pharmacy,

2 Q *Which hospital?*

3 Regional in Brunswick,

4 **How long have you worked there?**

5 **20 years.**

6 Q **So you have been there your whole career?**

7 A Since I moved to Maine, I'm not from Maine.

Q Calling your attention to the map that is right behind you, which is marked as State's Exhibit Number 1-A, And just take a moment here to see if you can get a feeling for the layout of the map. If the place I'm tracing with my finger is the Lewis Hill Road and this is the Dead River Road \* do you know a person named Spaulding on the road or *person named* Small or Buttrick on the road?

A **I know all and Buttrick,**

Q **If this is the intersection of the Hallowell Road and the Dead River Road \* sometimes called Varney Corner, does that help you determine where for *explanation purposes* where you live?**

A **Yes, sir,** I live back to the corner of Lewis Hill just **bearly around the corner on Dead River. Almost where that black X is.**

Q **If you would draw a red X for me - which side of the roadway do you live on?**

A **Right here \***

2 Q If you would draw an X for rye, At the time of July 6th,  
1988 you were living on the Dead River Road?

3 A *Yes, sir,*

4 And at the time **you were living with whom?**

5 My husband,

6 Q He has since passed away?

7 A Yes,

Q When was that?

A July 22nd,

Q On July 7th you had opportunity to be interviewed by  
police officers; is that correct?

A That's correct,

Q In reference to this matter that brings us to court?

A Yes,

Q You have had opportunity to see your statement?

Yes, sire

And the statement that was provided to you I want to  
discuss, okay?

A Sure,

Q Had you *been shown* by the police officers photographs of  
a pickup truck?

A No, sir.

Q Had they asked you questions about a red pickup truck  
**however?**

A They asked **if there were** any **vehicles in the** area, new

*or strange vehicles that suddenly appeared in the area@*

2 • You answered their questions?

3 A Yes, sir,

4  Had you seen the vehicle they were asking about before  
5 July 6th, 1988?

A Yes, sir,

How many times had you seen that vehicle?

A I probably saw it two or three times. My husband saw it  
more than once,

HR. WRIGHT: Objection. There is no *basis upon*  
which she can say her husband

*THE COURT: The jury will disregard the witness's*  
statement as to any statements made by her husband.

BY MR. COOLLY

• At the time in July, early July 1988 your husband was an  
*invalid; is that a fair statement?*

A He was at **home** on oxygen. He had *chronic* obstructive  
**pulmonary disease.**

Did he have a particular *place where he stayed a lot in*  
the house?

A Yee, We had a hospital bed in the living room,

From the living **room** where **does** the living **room look**  
out on to?

A On to the **road.**

1 Q *Without saying anything your* husband told you or that he  
2 said, did the red pickup truck become an issue in the  
3 household before the police came to your house? Did you  
4 discuss it among each other?

5 A Yes.

6 Q You yourself had seen it when he called your attention  
7 to it?

8 A When he called my attention to it, that's correct.

Q How many times did that happen that he called your  
*attention to it?*

A Two or three times.

Q Then you looked out the window yourself?

A Yes, And I wouldn't really get a go look at  
when did you, yourself, see that truck?

A It was before ®- t would be a day or two before that  
particular day,

□ Now, you had an opportunity to look at your statement;  
is that correct?

A Yes.

Q And are there **some** points in that sta ent that you are  
uncomfortable with?

AYR. WRIGHT: Objection.

THE **COU** : Sustained.

1 BY MR. OONNOLLY s

2 Q When you. yourself. saw the truck was it Toyota or what  
3 kind of truck was it?

4 MR. WRIGHT: Objection. Leading.

5 THE COURT: Sustained. She's your witness.

6

BY MR. CONNOLLY:

Q Mat kind of pickup truck was it, do you know?

A It w a small red pickup.

Q Can you be more specific than that. or is that the best  
you c do?

A My nd said

THE COURT: Just a minute. The jury will  
disregard y statement that her husband may have made,

THE WITNESS: I don't know. sir.

BY MR. C® OLLYs

Q When **you** yourself saw it the time before the questioning  
by the police what was it doing?

A It was going just up the road. It w = always at a fast  
rate of speed,

Q Would it go up and back or what would it be doing?

A Normally it would be going as coming from the Lewis Hill  
**towards the Hallowell Road, That direction.**

Q Did there come to be a time when **you** yourself saw that

vehicle?

2 A No.

Q Was there a time when it became, the vehicle became a  
4 **subject of a discussion in your household?**

A Yes, sir.

6 Q Without saying anything that was said, was that  
following the questioning by the police officers?

A Well, actually before the questioning,  
*And on July 6th you did not return home until what time?*

A Between 5:15 and 5:00. I work until 4:00.

*MR. CONNOLLY:* Thank you. That's all I have.

#### CROSS EXAMINATION

BY MR. WRIGHT:

Q The questions, if I understood them, were all put to you  
one single vehicle that was **seen** by you. Do you know,  
**do you have any recollection if you saw this vehicle at  
different times or different vehicles at different times?**

A *It appeared to be the same vehicle for two or three  
days. It was always at a fast rate of speed.*

Q **Going both directions?**

A **Yes. One time I saw it go one way and then I would see  
it go the other way. Mostly the direction I stated.**

**Did you notice anything unusual about the car, anything**

*about its condition that struck you?*

2 A **No**

3 Q *Did you have notice any body damage on it?*

4 **No, sir.**

Q *This is State's Exhibit Number 4. I take it that is not  
6 the truck you saw?*

7 A *I can't say that it's not. I can't say that it is.  
This truck as it appears had body damage?*

A *Yes \**

*You never saw any body damage?*

A *It was always at a fast rate of speed, and all I got was  
a quick glimpse \**

Q *You were not home on July 6 until 5:15 in the afternoon?  
Correct,*

Q *You and I have had a chance to talk on the phone about  
two weeks ago?*

A *Yes*

Q *Its true, is it not, is it not, you don't know one make  
of truck from another make?*

A **Not normally \***

Q *But makes are something that don't **seize** your attention?*

22 A *Right.*

23 Q *Nor could you describe for us with any particularity at  
24 any time you saw a **red pickup truck** going **by your house** what  
25 the **driver of that** pickup truck **looked** like, true?*



A True

2 So what we<sup>a</sup>ve got is in the several days before the 6th  
of duly a small red pickup truck went by your house and you  
4 c<sup>o</sup>t tell us much **more about it** than that?

5 A Correct.

6 MR. WRIGHT: Thank you.

7

RE-DIRECT EXMINATION

10 BY MR. CONNOLLY:

11 The red pickup truck going by your house was a subject  
12 of contention in the household before the police *questioning*,  
13 wa nOt it

MRo WRIGHT: Objection \*

THE COURT: Sustained, Beyond the scope of cross  
MR, CO OLLYs Nothing further.

THE COURT: Thank you. **You** may step down.

**You** may call your next witness ® Mr. Connolly.

25

1 XENT WOMACK, being first duly sworn, was examined and  
2 testified as follows:

3

4

**DIRECT EXAMINATION**

5

6

BY THE COURT:

- Would you state your name for the jury and the record?

A Kent Womack \*

What do you do for work?

A I work at, I'm associate director of the National  
Conservancy, which is a private nonprofit land conservation  
agency.

- What do you do for them?

A I'm in charge of general administration of the office  
management of personnel and I'm directly in charge of our  
land acquisition program \*

How long have you been working with them?

A Approximately 7 years

Q What is your education background?

A I graduated from Colby College in Waterville, Maine. I  
did graduate work at Yale School of Forestry in environmental  
studies at Yale University

Q When did you graduate from Colby and Yale?

A I graduated from Colby in 1977 and from Yale University  
in 1982.

1 Q Are you married or single?

2 A Married.

3 Q What is your wife's name?

4 A (inaudible)

5 Do you have any **children**?

6 A Yes\* I have one small daughter, 18-months *old* her name is Rika.

Q Do you know the defendant in this case, Dennis Dechaine?

A Yes\* I do

Q How wud you characterize your relation with him? Are you friendly, a close friend?

A I consider Dennis Dechaine a close friend.

Q When did you first come to know Dennis Dechaine?

I got to know Dennis in the fall of 1986 when *Dennis* I were both chosen to participate in what is called a group city study exchange which is **sponsored** by the Rotary Foundation\* Its a pr r , which, in their words, is to foster international understanding by taking groups of young **professional** men and sending them to another country where they <sup>d</sup> interact with another culture and help learn the proble~:- and concerns of one culture and translate what its like to live and work in the United States.

Q How many people were **involved in** that program?

A **There were five participants on the trip who were selected from a large pool of applicants, The applicant pool**

1 came from northern Massachusetts all the way up to Quebec.  
2 So there were five participants as well as one group leader  
3 who was a Rotarian,

4 Q Were you a Rotarian at the time?

5 A No. *The program is not open to Rotarians.*

6 Q And it was through this program that you and Mr.  
7 Dechaine met?

A Yes.

Q How did you first come in contact with him? Was there a  
*meeting for the people who had been selected?*

A I first saw him when we were both interviewing for you  
had to go through two interviews to be selected for the  
program. I first met Dennis when we both happened to be  
interviewed at the Brunswick Rotary Club, We were both  
selected **to go on** the regional interviews, which we didp and  
then shortly after that once both of us had been selected I  
*guess the first time I got to know him is when we met the  
whole group of us who were going to be going, and we talked  
out the trip\**

Q *Where was the trip heading?*

A **The trip was to northeastern India including Delhi and a  
lot of the country side to the northeast of Delhi along the  
Napal boarder\***

**The basic goal of the program was to foster cultural  
exchanges?**

1 t~ Yes.

2 Q What kind of living arrangements were there? Was it a  
3 large or small group?

4 A zee were together as a group for the entire trip which  
5 lasted just over four weeks, The program, the goal was to  
6 *have us living and traveling* together for all that time And  
7 there were some times when we stayed in people's homes. In  
3 India more often than not we stayed together in hotels there.  
9 deedless to say perhaps the accommodations were not  
luxurious,

Was it a trip that was a difficult trip in the sense of  
was it physically tiring first of all?

A It was no picnics The trip was a wonderful experience  
but it was extremely difficult circumstances. India as you  
know has *crushing poverty, and even though we were* being  
hosted by Rotarians, which happened to be in the upper level  
of the society, it was a very stressful trip. I think all of  
us ended up losing 10 to 15 pounds because the food didn't  
agree with it. Many of us were sick for all or part of the  
*trips The living accommodations were generally not good*  
*And we were kept on an extremely hectic schedule.*

Is it fair to say there were moments that were difficult  
and tense?

A Very.

Q During that **period** of this trip did **you come to** know

Dennis Dechaine very well?

2 A Yes®

3 How much time would you spend together?

4 A We were together pretty much the whole time, We  
5 were together 24-hours a day during that trip for just over  
6 four weeks,

After you returned to India you remained close?

Yes. And we fortunately lived close enough to each  
A other that we were able to see each other on a fairly regular  
basis and our files and wives have since gotten to know  
each other,

4 Turning your *attention* with reference to the trip to  
India.

M . WRIGHT: I *would object on the ground*  
relevance,

(Whereupon a sidebar conference was held)

**MR® CONNOLLY: The relevance, pursuant to Maine  
rule 405-B I'd allowed to inquire into specific references of  
conduct where those instances traits of character or a charge  
of insofar there is specific instance of conduct which relate  
to lack of deprivity, It's a rebut to the State's argument  
that the defendant's character on the date in question was  
deprived,**

MR. WRIGHT, The trip was far removed at the time from July 6, 1988 I *think that is one problem.* Only, I don't know what questions you have in mind f but you can ask  
4 him if he was a nice guy **throughout** the whole trip, What  
5 does that prove? It strikes me absolutely amorphous.

MR. CONNOLLY, That was to be my question, that would *be* objectionable?.

THE COURT, Well, how much further do you intend to take this India *trip?*

MR. CONNOLLY, Two stories, One which relates directly to a violent encounter that these two happened upon  
*d the defendt's i;ediate reaction to f his reaction to*  
that\*.

THE COQ ; The second?

MR. CONNOLLY: The second one deals with the defendant purchasing some drugs over there, use them and going in the woods, His attitude at that time.

THE COURT: All right.

MR. CONNOLLY: Nothing further.

THE COURT: *You may continue,*

(Whereupon the sidebar ended)

**BY MR. CONNOLLY:**

**Q During your trip to India did there on occur an incident**

1 in which you and Mr, Dechaine happened upon a scene of  
2 violence?

3 A Yes, there was.

4 Q Can you describe that and especially describe Mr.  
5 Dechaine's reaction?

6 A Yes, I can. The incident happened *one* night when Dennis  
and I were walking around the the streets of the neighborhood  
*where we were staying, This was in Delhi. We had stopped to*  
*admire a stand of fruit and flowers that the street vendors*  
had, despite the poverty and unsanitary conditions. It was a  
beautiful display, Dennis was particularly interested since  
it was his line of work.

As we were standing there perhaps 50 yards up the road  
we heard an argument break out. As we turned, one of the men  
had a bottle which he hit the other man with and dropped the  
bottle and ran away, There was a large crowd of people there  
**who immediately surrounded the injured** man who was bleeding  
profusely and seemed trying to get themselves organized  
**trying to do something** *with him.\* This* was early in the  
**evening, Both** Dennis and I, I **think**, had similar reactions.  
**Dennis described it as**

22 MR \* WRIGHT: **I would object it.**

23 **THE COURT: Sustained.**

24

25



1 BY MR. COOLLY:

2 t You can't quote somebody else. How did he physically  
3 react? What *was* his attitude and demeanor and his response?

4 A He felt physically repulsed, He felt like a hollow  
5 feeling in his stomach. And that evening neither one of us  
6 felt like having dinner because it was just very upsetting to  
see that kind of *behavior*.

India is a fairly violent, not a violent country but  
people do not treat each other

MR. WRIGHT: I would object.

THE COURT: Sustained. Beyond the scope.

BY MR0 COQOLLY:

Would you say that his reaction was a strong reaction to  
the scene of violence?

A. Yes. I would.

Had you seen any other kind of response to violence  
similar to that or different from that with Mr. Dechaine at  
any time in your presence?

A I can think of one other instance which occurred once we  
*were home from India*. Dennis was giving me a tour Of the  
farm that *he* and Nancy had just bought where they keep goats.  
I asked Dennis what can you do with goats? lie said .. -

MR. **WRIGHT**: Objection.

1 BY MR, CONNOLLY:

2 Q Without quoting him he gave you an answer?

3 A Yes, he did.

4 And that answer had to do **with an agricultural** technique  
5 **of blood letting?**

6 MR.WRIGHT: Objection.

THE COURT: Sustained, The jury will disregard the  
question.

BY MR. CONNOLLY:

0 *What did the discussion consist of, without saying  
anything what he told directly in quotations.*

MR. IGH : I would object. It's going to be a  
back doorway of getting in conversation with the defend t  
things that the defendant *said and* attitudes with respect to  
***certain issues based on things that the defendant said.***

**THE CC : We are talking about a reaction to  
violence. Unless there is a specific incident that he  
witnessed and saw the defendant's reaction to that incident  
in then the line of the objection is sustained.**

BY MR. CONNOLLY:

Q **Was there a time in India when you observed Mr. Dechaine  
purchase some drugs on the street?**

A **Yes, there was.**

1 Q What happened, sir? What did you see?

2 A I did not see Dennis buy drugs, but I was - we were  
3 together shopping, and going in and out of different stores.  
4 And as we left this market area, *Dennis*

5 MR. WRIGHT: Objection. If he didn't see it he has  
6 no basis or knowledge to talk about it \*

FIR. CONNOLLY He didn't see the actual  
*transaction.*

MR. WRIGHT: *And* therefore didn't know what may or  
y not have happened,

THE COURTS He's about to describe an act as  
opposed to any statement, I assume?

MR. CONNOLLYw Yes, sir.

THE COURTS He's describing an act without  
description of any **statements made** by *per. Dechaine.* He may  
**continue.**

**BY MR. CONNOLLY s**

**Q Co ahead.**

**A As we were walking away Dennis showed me a small package  
of tinfoil, which had drugs in it,**

**HR. WRIGHT: I would object. I don't *know what*  
basis he has to conclude that it had any drugs in it.**

**THE COURT: The jury did will disregard that  
portion of the answer by the witness as to what the contents**

of that tinfoil were.

3 BY MR. CONNOLLY:

4  *Did you at any point see the contents in the tinfoil?*

5 A *Yes.*

*Based upon your experience do you know what it was?*

7 MR. WRIGHT: *Objection.*

THE COURT: *Overruled. If he knows what they were without the defendant telling him.*

**THE WITNESS:** *It was hashish.*

BY MR. CONNOLLY:

*You knew that by your sense of smell or by how?*

A *By looking at it and by smelling it,*

*And did you observe, yourself, the defendant consume that?*

A ***Yes, I did.***

***How did he consume that?***

A ***By smoking it.***

***Did he ingest it any other way?***

A ***I didn't see him ingest it any other way.***

*After the consumption what happened? What did you observe yourself, not what was said?*

24 A ***We went to a museum. And it was a museum about Gandhi,***  
25 ***who was the past spiritual leader of India. We spent the***

afternoon at the museum. I believe it was approximately  
three to three and half hours. *Dennis and I wandered through*  
3 *the museum together for the first kind of part of it and he*  
4 *then moved on into different rooms and moved on faster than I*  
5 *did. When I emerged from the museum - the museum was sitting*  
6 *in a large park area with magnificent rose gardens all*  
7 *around, manicured lawns and trees. And when I was finished*  
8 *going through the museum and I came outside it was a sunny*  
9 *afternoon and I found Dennis lying underneath a tree out on*  
10 *the lawn near these rose bushes asleep \**

11 Q Did **you see** him go out earlier amongst the garden?

12 A Yes. I knew he had, I saw him emerge from the museum  
and he wandered through the rose gardens. There were  
*hundreds of rose* bushes and he wandered around the gardens  
before coming over to this spot in the sun and falling  
Jeep.

Q **Mr, Womack, during the period of** time when you've **come**  
**to know Dennis Dechaine have you also** had an opportunity **to**  
**know other people that knew him?**

A **Yes, I do.**

Q **In the context of** the **India** trip?

A Yes.

Q **How many people would have been involved in the**  
**selection process and in the training process and in the**  
**final trip itself?**

A Well, in the selection and training process the people  
2 *that Dennis and I would have come into contact with I would*  
3 *estimate the number at, leaving aside the actual trip*  
4 *participants and leader, perhaps a **dozeni***

5 *As to the trip participants?*

A *There were three other kind of fellowship grant people*  
7 *like Dennis and myself on the trip as well as one trip leader*  
3 *and there was an alternate, but he did not come on the trip*  
*with us,*

*Besides the people involved in that experience, do you*  
*know acquaintances and friends of Dennis Dechaine?*

Yes \*

Without niing names, about how many have you had an  
opportunity to come to know?

A Maybe eight or ten,

0 And *during the period of* your acquaintance with Dennis  
Dechaine have people in the community, have you known people  
in the community that know Dennis Dechaine?

A Yes,

Q Are they from - what kind of backgrounds do they have?  
What kind of business background or social backgrounds? How  
did you get to know them?

A Through meeting them when **they** were with Dennis when I  
24 went over to the **produce** stand or when he was **over** at our  
25 *house or we would* be in the Brunswick area, Its a small

1 area. You get to know the people readily.

2 Q Now, are you aware of whether or not Dennis Dechaine has  
3 a reputation in the community for peacefulness and  
4 non-violence? First, are **you aware** if he has a reputation?

5 A Yes. I'm aware that he has a reputation of that sort.

6 Q Do you know *of what that reputation is, yes or no?*

7 A Yes,

0 What is is that reputation?

A I believe that Dennis's reputation among the people who  
know him, myself included, is as a gentle, compassionate,  
peaceful person,

MR. WRIGHT: I object to the gentle and compassion \*  
I would ask the jury to disregard that portion of the answer.

THE COURT: Sustained. The answer is  
*non-responsive to the* question. The question is whether or  
not Mr. Dechaine has a **reputation** known to sir. Womack to  
peacefulness and **non-violence**. *Not as to anything* else. His  
reputation to peacefulness and **non-violence** \*

**BY MR. CONNOLLYs**

Q Based upon the s e persons that you had contact with,  
are you aware whether or not Dennis Dechaine has a reputation  
23 in the community for gentleness and kindness?

24 MR. WRIGHT: Objection.

25 THE COURT: **Sustained.**

BY HR, CONNOLLY:

2           Are you aware based upon the same factors whether or not  
he has a reputation in the community for being a deprived  
4 individual?

5                     *HR. WRIGHT: Objection.*

6                     THE COURT: Sustained \*

7

BY MR. CONNOLLY:

9     Q     Mr. Womack, in your experience with Mr. Dennis Dechaine,  
have there ever occurred instances which would have you doubt  
the reputation that you are aware of as to him?

          THE COURT: As to which characteristics?

          MR4 CONNOLLY: As to peacefulness and non-violence.

          THE COURT: He may answer, Would you like the  
question repeated?

**THE WITNESS: Yes,**

**BY MR, CONNOLLY:**

Q     Is **there anything** in your experience with Dennis  
Dechaine that causes you to dispute the knowledge that you  
*have as to* Dennis Dechaine's reputation for peacefulness and  
non-violence?

A     **Absolutely not.**

          HR. CONNOLLY: **Thank you very much, I have no**  
25 **further questions,**



CROSS EXAMINATION

2

4 BY MR, WRIGH<sup>T</sup>:

5 How long have you known *Mr \* Dennis Dechaine?*

I met Dennis in the fall of 1986 \*

7 Q Most of the time that you've seen him or been close to him would be, would have been on the trip of India?

9 A *That was only one month out of the time I've known him. That has been the bulk of our time together®*

1 One month out of the last couple of years you were with him was the time you were most associated with him?

13 A *Eating , d sleeping, yes \**

14 Q And during that time you told us about his purchase of hashish on one occasion?

16 A *That's correct \**

17 Q ***Is that it? Just one occasion one month?***

13 A *Yes \**

19 Q ***You must have some familiarity with drugs yourself if you knew it was hashish?***

21 A ***Im answering like people in my generation.***

22 O ***You can answer for yourself, not everybody else.***

23 A ***I have enough knowledge that I would recognize it \****

24 Q ***now did you acquire that knowledge? Through the illegal purchase of illegal street drugs?***

25

1 MR. CONNOLLY: I would object.

2 *THE IT:IES: I have tried hashish and marijuana.*

3

4 BY 2R. WRIGHT:

5 *Any other drugs that you've tried?*

6 A *No \**

*Hashish and marijuana is it?*

A *When I was a youth.*

*How many times?*

A *A dozen.*

*For how long a time period?*

A *About three years in college.*

*You haven't used any drugs since college?*

A *No.*

*So when Mr. Dechaine bought these drugs in India you didn't participate in the use of any of the hashish?*

A *No.*

Q **After, as you say, you saw** Mr. Dechaine purchase hashish **in India one day what he did was walk around** the museum with **you for three to three- d-a-half hours,** and in fact he had **gone f t er than you did?**

A **Through the museum,**

Q **to his immediate response to taking hashish in India was not to fall asleep under an apple tree in a manicured garden but to walk around in a museum with some energy,**

25

correct?

A I would not have described his behavior as necessarily  
3 **with energy.**

**How what would you** describe **walking** fast as being?

A I was reading more of the fine print in the museum than  
he was.

7 So you weren't watching him so you don't know what he  
8 was doing, do you?

A I knew what he was doing.

10 Q He *was walking around faster than you were?*

He was moving faster through the museum.

He was not asleep as a result of taking this hashish,  
was he?

A Not immediately,

Q His response was not to fall asleep in some Indian  
museum?

A No.

Q You've taken hashish a dozen times. It's a drug that  
puts you kind of mellow, doesn't it?

A Yes.

Q But that wasn't **the** effect *it had on him that day was it*  
*when you saw him?*

*I would say it was.*

24 Q Because he was walking **around** a **museum faster than** you  
25 **were yourself? Is that your reaction? Yet you say** that is a

1 calming reaction to taking hashish?

2 A He wasn't jogging through the museum®

3 Let me ask you this question, Did you have see him take  
4 it or didn't you?

5 A The drugs?

6 Yes \*

7 A Yes \*

After which for three three hours you went through the  
museum; is that correct?

A Correct.

Do you know whether he just got tired and fell asleep  
later that afternoon?

supposed to speculate?

- *I'm asking you if you know if he just fell asleep because he was tired because of the stressful trip you were having in India? You don't know, do you?*

A *No. But I - -*

**Q** *You cannot say - -*

MR® CONNOLLY: I would *ask that the witness be*  
**allowed to** answer \*

**BY MR. WRIGHT:**

**You cannot say what the effect of the drug that he took that day had on him that day, can you?**

25 **A I noticed some effects I would have attributed to the**

drugs.

2 Q Which was?

3 Dilated eyes.

4 Q Big eyes, budding out eyes?

5 Nos Just dilated.

6 Q Not big and budding out?

7 I wouldn't. I would describe them as dilated.

3 Is that the effect that you had from hashish?

9 Its been a long time. I understand that is a co on  
10 reaction. I don't know.

3 Do you know if in between the time that you saw Mr.  
*Dechaine take the hashish that he had brought and you later  
saw him asleep he had taken any other drugs?*

A I'm not aware of the fact that he took any other drugs.

Q **You've** had some f i liarity with drugs. You recognize,  
don't you, that different drugs have different effects **on  
different people at different times, don't** they?

A **I can only speak for what** I'm aware of. I'm aware that  
**alcohol has a different effect than marijuana or nicotine.**

Q **And hashish?**

Yes.

Q **LSD causes people to hallucinate?**

A **I'm told.**

Q **We've all** hear stories **about people that think they are  
birds and flying out of their windows because they are on**

LSD. And that is different from marijuana?

MR. CONNOLLY: Objection \* It is well beyond the witnesses' competency to testify, He's indicated he didn't know what effect L would have,

**TEE COURT: Sustained.**

BY MR. WRIGHT:

Since your return from India have *you seen Mr, Dechaine* engage in any use of street drugs, illegal street drugs?

**No**

Q How many times have you been with him since your return?

A Perhaps 15 occasions. That's an estimate \*

May I assume the individuals that you have spoken out with respect to his *reputation in the community the topic of* drugs never cake up with them, did it?

**A I don't recall it coming up,**

**So the opinion, so your knowledge as to the reputation** in the community that **you've described with** respect to the **character trait of peace** *and nonviolence with respect to t-Mr. D Dechaine has nothing to do with his behavior while allegedly under the influence of some street drug, correct?*

*Could you rephrase or repeat it?*

*I'll try, Your knowledge o his reputation for peace and non-violence among those that you have described in the community with whom you've talked has nothing to do with his*

1 use or non-use of street drugs?

2 A I would say that is correct.

3 Q With these people?

4 A **The topic has not come up.**

5 Q *When you* returned from India did you write a report  
6 about your adventures there?

7 A Yes. It was part of the requirements *for* the trip that  
each do it.

9 Q The reason **for** writing that report to whom was that  
10 report directed?

11 A It was directed to the Rotary Foundation, which  
12 sponsored the trip a it was then sent *back to the host*  
13 country so that they *could learn how to* make the program more  
14 beneficial in the future.

15 Q **Do you** know if Mr.. Dechaine wrote a report similar to  
16 yours?

17 A At the time **we wrote** the reports we **all** got a copy of  
18 **what we all** had written. And I did read his and all the  
19 **other** participants.

20 Q **Did either of you report to the Rotary Foundation his**  
21 **use of hashish while in India?**

22 A **No.**

23 Q Thank **you.**

24 A **The incident occurred after the trip.**

25 Q **It occurred after the trip. I thought you were in India**

going through the Gandhi Museum?

2           We were in India. The official trip had ended and most  
3 of the participants had already gone home.

4           Q     You felt no compulsion to write in **your** report about the  
5 use of illegal drugs in India to the Rotary?

A     We were asked to write about the trip itself. And  
7 Dennis and I took a few days for vacation.

Q     Apart from yours and perhaps his loss of sortie pounds as  
9 a result of stress during the **trip**, did it appear that Mr.  
Dechaine had any difficulty maintaining his well-being during  
this month trip?

Q     Dennis was physically sick when we *had the bug for part*  
of it.

Q     Which caused some weight loss?

A     Yes.

Q     Anything aside from that?

A     *As far as physical health?*

Q     Yes.

A     I dont believe so.

Q     *Apart **from** reactions to a foreign climate and food*  
ordering that might have been available, did he otherwise  
appear to always have been been a physically fit individual?

A     Yes. I would say so.

Q     *During the time that Mr. **Dechaine** as **you've** said was*  
*taking hashish **one** day in India did he **over** claim that he*



wouldn't you?

2 A Yes. You were asking earlier about the reputation, my  
3 understanding of his reputation among other people. That's  
4 when I said that and *it didn't come up*.

5 *And it didn't come up?*

6 *In that context, no.*

*Right. You put the drugs aside?*

A No. Perhaps I'm being confused.

I don't mean to confuse you, The point I'm trying to understand with you is whether or not in discussing his whole *life, drugs are a part, as you know it,* of his own whole life, right?

Yes.

And then, therefore, to say that you were discussing his whole life with these other people in the community in talking about his reputation: it wouldn't necessarily include drugs, correct?

A I can't speak for other people, but I obviously was aware of at least one instance **where** Dennis had used drugs®

Insofar as the reputation that you've given us based upon your **knowledge** of other **people** in conversations with them, that did not include drugs as a part of his whole life, correct?

A The *topic of drugs to my **recollection** has not come up in **conversations*** with other **people**; if that is answering **your**

question.

2                   **MR. WRIGHT:**   *Thank you.*

3                   **MR. CONNOLLY:**   *Nothing further°.*

4                   **THE COURT:** *Thank you. You have may step down.*

7   RICHARD        **b** C, being first duly sworn, was examined and  
8   testified as follows:

*DIRECT    N1INATICN*

BY MR. CONNOLLY:

      Would you state your name for the record?

      Richard Bruno.

      Where do **you live?**

**Bowdoinham.**

Q   **Whereabouts?**

A   **The Old Post Road, Box 2045.**

Q   **How long have you been at that residence?**

**Since April 8th of last year.**

**Turning your attention to the map that is right behind  
you, which has been marked as State's Exhibit Number 1-A. Is  
that dot which is orange in color and marked the Dennis  
Dechaine residence the same residence you live at?**

A   **Yes.**

Q What has been marked as Defendant's Exhibit Number 35 f I  
2 would ask if you could find that residence on the roadway  
3 there?

4 A Would it be **approximately where** the circle is where it  
says Post?

Yes.

7 Its fair to say that its on the Post Road and it s the  
3 same farm that Dennis Dechaine was living on July 6, 1988?

9 A That's correct.

And how did it **come to** be that you were *living there*?

swered an ad in the newspaper.

0 In April 1988?

Yes,

0 *That was in* reference to apartment being available or  
**living situation?**

**A Yes. A living situation. I had sold my house and I was  
looking for a place to live temporarily until I decided where  
to live permanently.**

0 **And what do you do for work?**

**A I buy and sell antiques.**

**How long have you been doing that?**

**Approximately 15 years.**

**And what is the size of your business?**

**A Very small.**

**And were you running your business from the farm at the**

1 time?

2 A Yes.

3 Q Turning your attention to several days previous to July  
4 6th, 1988, did you and Mr, Dechaine have a discussion in  
5 reference to fishing?

6 A Yes. It was only a couple of sentences, but, yes, we  
did.

What was that in reference to?

A I had given him a couple of fishing rods somewhat  
earlier in the summer and he said

Q Without saying anything he said. There was a discussion  
out fishing rods?

There was a discussion out fishing,

And out places to fish?

A In very general terms.

Q And out the desire to fish?

A Yes.

Q Turning you what has been marked as Defendants Exhibit  
Number 32 for identification purposes, I would ask if you can  
identify that photograph?

A Unfortunately, no, I cannot.

Is it fair to say based upon your personal observation  
and experience there are fishing rods and equipment in the  
house where you were living?

A Yes.

Was some of that owned by you?

2        *Hy own fishing rod* I believe was in the barn rather than  
the house.

4        Based upon your personal knowledge did *Dennis* Dechaine  
have any fishing equipment in the house?

6        A       Well, as I said, I gave him a couple of fishing rods;  
7        where he put them I'm not real sure.

Turning your attention to the period       July 6th  
7th, 1988. You were living at the farm at the time?

Yes.

*And during the course of the day you were out and about;*  
is that correct?

A       Yes \*

About what time were you gone approximate y?  
at day?

Q       On the 6th itself.

A       That was a Tuesday, No, I don 't believe I have a  
specific memory of that day \*

I **believe** it was Wednesday, You have no particular  
**recollection** of where you were during that day?

A       NO.

**When you returned - you were away** from the house  
**however;** is that correct?

A       **At some time on Wednesday day, yes, I was.**

25        **And at some point when you returned home did something**

*unusual occur?*

2 A *I believe that the first unusual occurrence was on a*  
3 *Friday of that week, but I may have the dates wrong.*

4 Q *Do you recall very early in this whole situation that*  
5 *police officers visited the farm?*

6 A *Yes.*

*And do you recall when that was?*

A *As I say I believe that was on a Friday afternoon.*  
*You have no recollection of police officers visiting the*  
*farm before that whatsoever?*

A *No, I don't.*

*Do you recall the situation in the house on that evening*  
*in reference to Dennis not being home for <sup>supp</sup>*

A *Yes. That is what I thought was Friday evening.*

*If that day was Wednesday would that clarify anything*  
*for you? You would have no independent recollection?*

A *No.*

*In reference to the date that you recall the controversy*  
*about Dennis not being home, what happened at that time? Do*  
*you recall anything in particular?*

A *Yes. Two local police officers came to the house and*  
*they asked <sup>m</sup> I came in part way through their conversation,*  
*and they were asking about Dennis's truck.*

*How long did they stay for?*

25 A It was a **relatively short** visit. Perhaps ten minutes.

1 0 Then they left?

2 A Yes.

0 What happened next?

A I believe there was a *phone call from another police officer also asking about Dennis and his truck. I only heard that partly.*

7 0 at happened next?

A I *don't think that anything of consequence happened later that evening.*

□ And you went to bed?

A Yes.

The next morning what was the first *thing that you observed once you got up? Do you recall seeing Dennis?*

A No. I don't believe he was gone.

□ Do you have any recollection of seeing him in a bathrobe or anything like that?

**A Yes, He had been gone on the morning of that afternoon that the police had arrived.**

**From the previous day?**

A Yes,

• I <sup>t</sup>*m talking now out the next day, the next morning.*

*What happened?*

**A I got up, Dennis got up at some time after that, I believe, but he was in the house, He said that**

**MR. WRIGHT: Objection.**

BY MR. CONNOLLY:

2 Q Without saying anything what he said, Was there a  
3 conversation between *you and Dennis?*

4 A Yes&

5 Q Would you characterize Dennis's attitude at that time?  
6 How would you characterize his attitude at that time?

7 **A He was worried that**

MR. WRIGHT: Objection. Its been answered. He  
said he was worried,

THE COURT: Sustain

BY MR. CONNOLLY:

14 Q *Was he more than worried? Were there other attitudes*  
and emotions that you observed in him other than worry?

15 **A Yes &**

16 Q Can you describe those without saying anything that he  
17 said?

18 A I would characterize it as being somewhat paranoid that  
19 **the police --**

20 MR. WRIGHT: **Objection& fle<sup>e</sup>s** answered it,

21 **THE COURT: Sustain**

22

23 **BY MR. CONNOLLY:**

24 Q **Was his paranoia - how was his paranoia evident? What**  
25 **made you think he was *paranoid?***



*From the conversation we had.*

2           *Was there any body language, any actions that he did*  
3 *that indicated that he was concerned or very highly*  
4 *concerned?*

5 A     Yes.    It was my opinion that he was extremely nervous.  
6           Without saying anything that he said, was there a  
7 explanation for his nervousness?

A     Yes.

Q     At any point during the discussion on that morning with  
10 him was there an indication of his, the focus of his worries  
11 and paranoia?

12           Yes.

13           *And those related to what?*

14           MR\* WRIGHT: *Objection. Basis of knowledge*  
15 *only be what Mr \* Dechaine said, How else is this witness*  
16 *going to inquire into Mr. Dechaine's focus of nervousness or*  
17 *any other feeling he had?*

18           MR\* CONNOLLY: *Its not being offered for the*  
19 *truth. It\*s being **offered** for an indication of what the*  
20 *defendant was going through \**

21           MR. WRIGHT: *Noe It's being offered precisely for*  
22 *the truth that these were the reasons why he felt as he did*  
23 *and they can only be learned through this witness from what*  
24 *M \* Dechaine said, which calls for hearsay **response** without a*  
25 ***foundation** of knowledge \**

THE COURTS Sustained.

2

3 BY MR. CONNOLLY:

*Was there a discussion, without saying anything that he said, as to his questioning by police officers?*

6 A Yes.

7 • *Did you yourself inform him of the presence of police*  
8 *officers at the farm the day before?*

A *I have no specific recollection of that.*

*Was there an indication from Mr. Dechaine, without saying what he said, as to any drug use the P previous day?*

MR. W IGH T® Objection.

THE COURT: Sustained.

BY MR\* CONNOLLY:

□ *I'm handing you what has been marked as Defendant's Exhibit Number 5, Mr. Bruno. Do you recognize that?*

A *No, I do not.*

□ *During the **course** of the morning how would you characterize Dennis's attitude? Was it better or worse than when you first saw him?*

A *I don't think his attitude changed during the morning.*

□ *Would you say that he was upset at the time? Was he crying? **Were there actions such** as that?*

2 A *He wasn't crying, but he was **extremely nervous***

I throughout the course of the morning \*

2 At some point in the morning did you *leave the*  
3 *household?*

4 A Yes.

5 • And where to did you go?

6 A I believe I went into Brunswick.

• And you did what in Brunswick?

A I think I just went in to buy a newspaper \*  
Then you returned home?

A Yes \*

Q Do you recall approximately what time you returned home  
on the 7th?

A I think that would have been around one or 1:30 perhaps.

• **And** was a paper note worthy insofar as this incident is  
**concerned?**

A Well, I remember there was a story in the paper, but I  
**don't remember what it said**

**□ Was there something that you heard on the radio or saw**  
***otherwise by the time that you returned to the home?***

A **It may have** been **that the paper had** been **delayed that**  
**day because of the discovery of Sarah Cherry's body. And I**  
**believe I told Dennis that when I c e back.**

Q ***Without saying*** anything that he said, what was his  
***reaction to that, sir?***

**MR. WRIGHT: Objection. I ob7 ect I thought I heard**

the question one way. I may have misheard it.

2 THE COURT: The question was what was mfr.  
Dechaine's reaction to his statement about *the* reason for the  
4 delay of the newspaper that day.

5  
HY HR. CONNOLLY:

7 Without saying what he said, what was his reaction to  
*the news that you gave him, Mr. Bruno?*

9 A He was extremely despondent,  
10 Would you characterize him as surprised?

1 MR. WRIGHT: Objection. Leading.

12 THE COURT: I'll allow it.

13 THE WITNESS: He was extremely downcast at the

14 n

15

16 BY MR. CONNOLLY:

17 Q Can you characterize his reaction further without saying  
18 *what he said?*

19 A **His** head dropped down, **He** had *air of being downcast.*  
20 That's **the** best **I** can **describe** it.

21 Q Without saying any statement that he may have made.  
22 statements were made at that time?

23 A Yes,

24 Q Again, without saying anything that he said, did he  
25 **express** concern for **your safety** and well-being?

MR. WRIGHT: Objection, Its very leading.  
2 It's going to call *for* precisely what Mr. Connolly is not  
3 going to call for, which is hearsay.

4 **THE COURT:** Sustained.

BY MR. COOLLY:

7 What did you do next and is there a reason for what you  
did next *without saying what he said?*

Do you want me to relate what I said to him?

*THE COURT:* The question was what did you do?

MR. COOLLY:

What happened next, *Mr. Bruno?*

I don ' t believe I have a specific recollection of any  
*actions that were taken at the time,*

*Do you recall being at the farm or leaving?*

**A At what time is this?**

**Right after you returned and informed Dennis as to what  
the paper had to say?**

**A Well, I believe I was still, I believe I was still at  
the farm, yes.**

**Did you stay there that day or was there any point you  
left?**

**A I believe once I came back from buying the Paper I was  
at the farm for the rest of the day.**

You don't have any recollection of leaving?

2 I don't believe so.

3 Q Do you recall the **police** arriving?

4 Actually I believe the police were definitely there when  
5 *I came back. So I must have left one more time, yes,*  
6 *because the police called me into the house after I had*  
7 *gotten out of my truck.*

*Were you present during the course of the search?*

A *Yes, For almost all of it.*

During the course of tt search did you see Dennis  
*Dechaine?*

A *I don't remember where Dennis was during the course of  
the search.*

Do you have any recollection of having a conversation  
with him?

A Yes, I do recollect a **conversation**, a short  
**conversation** I had with him either just before or during or  
just after he **was arrested**,

4 **What was his** attitude at that time?

A **His attitude really** hadn't **changed**. He was still  
**despondent and really not believing** *that this was all*  
*happening to him.*

Q **Prior to these incidents, Mr. Bruno, were you able to**  
**observe Dennis Dechaine's general attitude** as to **state of**  
**mind insofar as was he in a particularly depressed mood or**

1 was he stressed or was he having difficulties or was he doing  
2 well, or were you able to form any statement as to how he was  
3 doing prior to July 6, 1988?

4 A Do you mean just in the few days prior to that or in the  
5 months prior?

6 • Both. First the months and then the days?

In the months prior to that Dennis was extremely hard  
working and seemed to be happy at what he did. *His one*  
complaint was

MR. WRIGHT: Objection.

*THE COURT: sustained.*

*BY M. TOY*

• You can't say anything about attitudinally, you can't  
comment yourself?

A **His attitude towards his business** was generally positive  
except for the **long hours that he had to put in then in the**  
**greenhouse sometimes. Since the season was over soon before**  
**this incident he was in especially good frame of mind in**  
**the days prior to this incident.**

Was **there a greenhouse in** the process of being  
constructed at the farm?

A **Yes.**

**Was Dennis doing the work himself?**

A **Yes.**

*You observed him doing that yourself?*

2 A Yes.

3 Q *And are you aware of what the greenhouse season is, what*  
4 *time frame?*

5 A *Well, he was involved from at least the time that I*  
0 *moved in until late June.*

7 • *And you are aware he went away for the July 4th,*  
*weekend?*

A Yes.

Q *Did you stay at the farm during that time?*  
*I believe I did.*

Q *When he returned did you have a conversation with him*  
*about the trip?*

A Yes. *I asked him how the trip was.*

*Without saying what he said?*

Yes.

*He seemed to be in a relaxed frame of mind?*

A Yes.

Q *Did **he appear** to you to be anything other than*  
*consistent with what you had **known** him before?*

A *As I said, he was actually in a slightly better mood*  
*than he had been in the months before.*

Q *That was the period that you saw him just prior to July*  
*6th?*

A **Yes.**



1 Q Did **you** see him on the morning of July 0th?

2 A Again, I'm not clear on the dates of these -

3 0 wednesday when things began to happen around the  
4 farm?

5 A If you could put it in terms of the day he was arrested  
6 or the day before he was arrested.

0 He was arrested on July 8th, The 7th is the day before.  
Two days before is July 6th, that Wednesday. He was arrested  
on a Friday. Did you see him on the morning of July 6?

A I don't have any specific recollection of that.

Did you hear anything in the household which would  
suggest a quarrel or alteration of any kind?

HR. WRIGHT: ection. Very leading.

14 THE CC TS I°11 allow it, Overruled,

16 BY MR. CC NCLLY:

17 0 In the previous days?

18 A Not that I can recall, no.

19 HR. CO OLLYs I have no further questions.

20

21

CROSS EKAMINATION

22

2 BY HR. WRIGHT:

24 0 You came to live with the defendant and his wife April

25 of 1988?

Yes.

2 • And the reason was that you had sold your house and was  
3 looking for a place to live permanently?

4 A I was looking *for* a temporary situation with the  
5 Dechaines while I was looking for a permanent place.

6  You still live there?

7 **Yes,**

Q *You continue to live there since April 1988?*

9 A Yes.

10 Q *You are still looking for another place to go to?*

11 I believe I've found one.

12 So you may shortly be moving elsewhere?

13 Yea,

14 • You have *no recollection of seeing the* defendant on July  
15 *6th, two days before his arrest?*

16 A That's correct.

17 **Q You did not** see the d<sup>o</sup>-**fendant on** *the morning of July 7th*  
18 **until sometime** after you had **come** back from buying your  
19 **newspaper?**

20 A That was the day he was arrested? You will have to help  
21 **me,**

22  **Are you confused about the days and what** happened on  
23 **each day?**

24 **A I'm only confused as to what the numerical date was, I**  
25 **remember quite well the events that happened on** the day he

was arrested and the day before \*

2           When the police were there searching the house.

3   A       Yes

4           Later that day they were searching the barn?

5           Yes,

6           In fact, you wanted to come out to the barn and were  
7 present during the search of the barn yourself? That was  
8 Friday evening?

9           Yes \*

1           **One of your concerns was your own** property, your  
11 ti ghee that were stored in part *at least in the barn?*

          That's correct.

          Mow, the previous day when did you first see Mr.  
          echainep the day previous to his arrest?

A       *I'm not sure I saw him at all on that day because he was  
gone when I woke up and he was with the police, I think, that  
whole day \**

Q       **Your** recollection is that he was with the police the  
whole day Thursday, the 7th, the day before his arrest?

A       My **recollection** is that he was gone when I got up ; d  
the police c       **that afternoon and he wasn't home then, and  
we went to bed that night and he wasn't home then \***

**think - are you losing a day in there maybe? You just  
said the police came that's when the police came to inquire  
about his truck?**

**Yes.**

2 Q Let me tell you that was Wednesday the 6th. He was  
3 arrested Friday the 8th. I was asking you about the in-  
4 between day, the 7th.

5 A *Again, you may be right that I lost track of that day.*

Q *You had described him as, **at some point**, this is what I  
want to clarify with you if I can, although you've lost a  
day, being worried and paranoid and extremely nervous but  
not crying?*

A That was the morning of the day he was arrested.

Q In the morning\* Then as you recall you went to  
Brunswick to buy *a paper* and returned?

A Yes.

*And upon returning this is what you recall about  
discovery of the *body being reported in* the newspaper?*

A The best I can recall, yes.

• And the defendant had been extremely despondent and  
downcast, had been worried, paranoid and downcast, but not  
**crying up to that point?**

A Yes.

Q Upon his learning that the *body* had been discovered he  
changed and *became extremely downcast and despondent, right?*

A I don't think I said he changed. He continued being  
**that** way.

Q I **thought you** said he was worried, paranoid **and**

extremely nervous but not crying # and then upon learning of the discovery of the body you described him as being  
3 despondent and downcast?

4 A *He was worried and* despondent throughout this entire  
*morning,*

6 Did that change upon his learning the discovery of the  
7 body?

As I said r I believe that he did lower his head and make some other body motions, but I don't think that

Body motions which you had not seen him make before?

Yes,

Do you own a red truck?

**No**

a *Your truck isn't red?*

**A No,**

**Q It doesn't have sideboards?**

**A Noe**

**Q During the search of the barn on Friday night the police let you stay right there while they went through the barn?**

A Yee\*

• *Do you know anything about the circumstances under which Mr, Dechaine's clothes came to be washed that he was wearing on w nesday the 6th?*

A No,

• **y**ou do recall **however,** that on the 8th there **were**

1 clothes out on the line and the police were there?

A There were some clothes on the line, yes.

3 HR. WRIGHT: Thank you very much.

4 HR. CONNOLLY: Nothing further,

5 THE COURT: Thank you. **You** may step down.

6 Foreman andadies and Gentlemen of the Jury, we are going to take our mid-afternoon recess at this time. Please don't discuss the case.

(The jury was in recess at 3:40 and

the jury returned at 4:10)

JOAN ECONOMEAU, being first *duly* sworn, was examined and testified as follows:

**DIRECT EXAMINATION**

BY HR. CONNOLLY :

Q Would you state your full name and spell your last name

A Joan **Economeau**. E-C-O-N-O-M-E-A-U.

Where do you live?

A On the River Road in Woolwich, Maine.

What do you do for work?

A I'm a farmer. I have a **roadside** stand in Bath. I sell

produce during the summer.

2 Q What is the name of that stand?

3 A Swango Farm,

4 Q *How long have you been in the produce farming **business**?*

5 **Approximately ten or 12 years; at least ten.**

6 *The roadside stand had has not been our primary way of*  
7 *selling produce until the last five or six years.*

8 Q Had you been selling it wholesale kind of thing?

9 Yes.

10 Q This is a retail business?

1 A This is retail. The roadside stand is.

Do you know the defendant in ~~this~~ case, Dennis Haine?

A Yes

*How long have you known Dennis?*

A Approximately 12 years.

Q How did you **come to know** him?

A We were *living in Bowdoinham* on the Wright Road. Dennis was living with George Christopher up the road approximately **two** miles.

Q What kind of activities was he **involved** with at the time with his farming?

A At that time he was farming at the Christopher's farm\*  
yes.

**And you are married?**

**Yes,**

What is your husband's name?

2 James.

3 a Do you have children?

4 **I have three.**

a What are their ages?

6 A My daughter Janet is 15, I have a son 14, James, and I  
7 have another son, 11 e Aaron \*

0 And during the period of your relation with Dennis, it's  
*been a friendly relationship?*

A Yes.

0 Is it also for a time, somewhat of a business  
relationship?

A It turned into a business relationship. At first we  
*knew each other* . Later on it turned into a business  
relationship spring or early summer.

Q That was of 1988?

Right.

**So during the period of July 1988 can you describe the  
nature of the business that you were involved in with Dennis?**

A **Dennis Dechaine was running a roadside stand in  
Brunswick, I'm not sure of the name of the road. It's  
called Paul's Produce\* We made arrangements for us to rent  
it and sell produce there.**

Q **He had *been operating* it and you subleased it?**

**Yes\* He sold seedlings in the early part of the season.**



1 Had that stand been around for a while when you took it  
over?

3 A *Dennis had been there for a couple of years, selling*  
4 *from there as I understand it. And the building had been*  
5 *there for a long time and somebody else had sold produce from*  
6 *there.\**

Do you know Dennis's wife well?

A *I know her. Not well*

Q How often would you see *Dennis during the period when*  
*you've known him; on and off or were there other times when*  
*you were closer than others?*

A Dennis went away to school after we met him in  
o oinham, He was gone for a while. Then when h returned  
he was married to N cy, if I *recall.\* That's when he started*  
*into farming independently. He would stop by and visit off*  
*and on we would talk about farming techniques; what farmers*  
*talk out.\**

And did he have for a period of time some responsibility  
**your** home?

A When we first met Dennis many years ago he took care of  
my kids.\*

**HR<sub>H</sub> WRIGHT: Objection.**

**THE COURTt Sustained.\***

BY MR. CONNOY

- 2 • During the period when you've known Dennis did there  
3 come opportunities when you had an opportunity to meet with  
*himself and with other people* in the community about Dennis  
and people that you were familiar with that knew Dennis --  
6 this is in the farming community?

7 A After Dennis was arrested.

8 MR. WRIG : Objection.

BY MR. CONNOLLY:

- *Before then, Let me start again. During the period when you knew Dennis that was about 12 years?*

A Yes.

- *During that time you were aware of him in an agricultural farming context?*

A Yes.

- *What kind of a community is there in the Do sin area with regard to agricultural aspects? Is there a community, first of all? Do the farmers associate with one another and meet with one another on informal basis?*

A *There was a farmer's co-op open at the time that my husband was involved in.*

□ *Was Dennis involved with that?*

A *I don't know.*

**Did you have an opportunity to meet with people that**

2 knew Dennis and that worked with him and that did *business*  
with him?

3 A Recently?

4 During the period in the last two to three years and  
5 coming up<sup>e</sup> to ate.

6 A Es ,1~ I'm not sure I understand exactly.

Do you know people that know Dennis?

A Yes,

How many people are you aware of that are first mutual  
friends of yours? Are Cher many?

A I would say quite a few. There are a circle of farmers.

Let's use that fr e. Is there a circle of farmers that  
you are aware that associate both with you and with Dennis?

A Yes.

In that area amongst that circle of farmers are you  
**to determine whether or not those people knew Dennis and  
whether there had been discussion about Dennis in general?**

A *Recently?*

*No. During the period prior to his arrest?*

A *I'm sure it happened. I don't understand the question \**

*You know people in the farming circle tt are aware of  
Dennis and know Dennis?*

A Yes.

24 **Are there also friends of yours that are mutual friends**  
25 **that are outside of that circle of farmers?**

1 A I can't recall it right now.

2 Q Are you aware of people that have done business with  
3 Dennis - - once **you** took over his produce stand are you aware  
4 of people that had been doing *business with* Dennis?

5 A Yes.

6 Q How many - what is the clientele base of that stand? Is  
it a large operation with many people coming in or is it very  
small just to get idea how many people are involved in  
that aspect of things?

A Of the customers?

Q Yes,

A I didn't work there on a regular basis. so I can't speak  
*from seeing a lot of people coming and going, I did the*  
books, which is an *indication of sales that I observed and it*  
was busy.

**Have you had opportunity to discuss** with people other  
**than the people in the farm circle. people - let's call them**  
**the circle of customers - have you** had any discussion with  
**them with reference to Dennis?**

A *This past year. This past summer. inquiries over this*  
**incident.**

Q **Before** that had you had **opportunity** to discuss  
**Dennis?**

A **Not that I can recall right now.**

Q **What about people that were suppliers or that were**

involved in providing for the stand? At that time you were  
2 getting produce from a variety of sources; is that correct?

3 A Yes. I don't know if I'm familiar with whether we were  
4 always getting the same he got. I'm sure we did. We sold  
5 corn and blueberries.

Q **Are you aware of any other people in the community** that  
7 know **Dennis** and that you know of?

A No.

*Do you yourself have personal knowledge of Dennis  
Dechaine? Have you **seen** him in different contexts, under  
different circumstances?*

A Yes.

*And during those times have you yourself been able to  
observe him under stress and under various pressures?*

nR. WRIGHT: *Objection.*

THE COURT: We are getting the cart before the  
horse here.

*BY MR. CONNOLLY:*

**Have your yourself, had an the opportunity** based upon  
**your own experience to judge the reputation of Dennis**  
**Dechaine and in the context of being a peaceful and**  
**non-violent person?**

Hit, WRIGHT: **Objection.**

THE COURT: **As to the form of the question the**

3 objection must be sustained. To her knowledge does he have a  
4 reputation in the farming **circle** for peacefulness and  
5 non-violence?

6 BY MR. CONNOLLY:

7 Does Dennis Dechaine have a reputation in the farming  
8 circle for peacefulness and non-violence? Are you aware of  
9 the reputation?

I'm not aware of any violence, no. He has not exhibited

Ye

THE COURT: That is not responsive. The jury will  
have to disregard that ; swer as not responsive. The  
question is whether or not you know whether Mr. Dechaine has  
a reputation in the farming circle of friends that both of  
you associate with, **does he have a reputation among those  
people for peacefulness and non-violence?**

THE ITNESS: **He has a reputation for peacefulness  
and nonviolence.**

MR. CONNOLLY: Okay.

BY MR. CONNOLLY:

0 Thank you, Turning your attention to a totally  
1 different manner. You were operating Paul<sup>1</sup>'s P roduce during a  
2 period of July 1988?

A Yes.

1 0 In the period between July on or about July 6th, 1988  
2 until about July 8th, 1989, you were the operator of that  
3 stand?

4 A Yes,

5 Now, did **something unusual occur at** the farm stand  
6 during that period of time?

7 A Yes. *Something unusual* happened.

Now, your recollection as to the date of when it  
happened, is that clear or not clear?

A The exact date, no.

In reference to Dennis's arrest, was it right before  
that or not?

A It happened before, just prior.

The incident, h would you describe the incident?

MR, WRIGHT: Your or, I would object.

**(Wtereupon a sidebar conference was held)**

**MR, CONNOLLY: Offer of proof, During the period  
probably on the evening of July 6th the morning early morning  
hours of July 7th, almost subject to her limited memory  
perhaps late as the morning of, the very early morning of  
July 8th, during that time frame, this witness and another  
witness with more detailed recollection will testify that the  
farm stand was broken into; that the farm stand items of**

1 *personal property belonging to Dennis Dechaine were taken*  
2 *from that farm stand that they include, although this*  
3 *witness is not sure of exactly what they include, I have a*  
4 **follow-up witness for tomorrow that will describe exactly**  
5 *what was taken, which are items with his name on them*  
6 *exclusively.*

7 *They will indicate that there was a cat that was killed*  
*and placed inside the stand. And that the cat, although this*  
*witness wouldn't testify how it happened, the next witness*  
*will in graphic detail describe that the cat was strangled*  
*and placed so as to be found. This was prior to the*  
*defendant's arrest before his name was in the newspaper.*

*And it is relevant insofar as the defense is going in*  
*any direction of showing an **alternative perpetrator** insofar*  
*that is one theory of the **defense**. Then the seizing of items*  
*from the farm stand as well as the killing of a cat that **was***  
***at the stand go to show a level of violence and a level of***  
*criminality for which the **defendant could not have** been*  
***involved**. That if a **person was involved in setting the***  
***defendant up that that kind of evidence is persuasive to the***  
***jury understanding that the situation occurred when Dennis***  
***was under police custody or completely accounted for;***  
***therefore he could not have had an opportunity** to do that.*  
***That nothing similar as to this has ever happened at the***  
***stand and that it was before Dennis's name was associated***



1 with this crime whatsoever,

2 THE COURT: In the first place, were any of the  
3 items that were *taken from the farm stand* within the  
4 knowledge of this witness?

5 MR. CONNOLLY: She knows that items were taken.  
6 She can't specify which ones. I have a witness which will  
7 tell what was taken.

THE COURT: Were any of those items or anything  
remotely resembling those items found anywhere near the crime  
scene or the pickup truck?

MR. CONNOLLY: I don't know. This is the issue.  
*The notebook that was found in the driveway was the notebook  
for the receipts of that Paul's Produce. There is a stamp  
inside of that notebook with the defendant's name and  
checking account number that was positively taken that night.*  
I cannot with any degree of assurance indicate by any witness  
that that **notebook** was definitely taken.

MR. WRIGHT: Or the receipt.

MR. CONNOLLY: Right. *I can't state with certainty  
that it was. But it's possible that that happened. And it  
is probative and it should go to weight not admissibility.*

THE COURT: The next **question** is there any **one** to  
your knowledge that had any particular degree of animosity  
**toward** your client?

25 MR. CONNOLLY: The **answer would be the** alternative

1 perpetrator.

2 THE COURT: That doesn't answer my question.

3 MR. CONNOLLY: I know of no particular individual  
4 *that might have been* hostile to the defendant during the time  
5 *peri* . *The motive for hostility would be to cover their own*  
6 *tracks.*

MR. MIGHT: Is there anybody that you can suggest  
therefore would have killed Sarah Cherry? It seems to me to  
tie all of this together there has to be some link between  
*some other individual and Sarah Cherry.*

MR. CONNOLLY: I need not *prove* an alternative  
*person? merely that physical* evidence indicates that an  
*alternative person likely was in existence as to cast a*  
*reasonable doubt. Insofar as whether a particular individual*  
I have in mind, I think that I need not discuss, disclose  
that in order at **the s,y Rye time to have this evidence be**  
**relevant and probative i**

THE COURT: It **seems to me tt, again, no pun**  
**intended. we are getting the cart or the ox before the cart.**  
We don't **have any evidence at this point to show** that anyone  
**had anything any to grind with Dennis Dec ine.**

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

THE COURT: That **no one not only** had **no ax** to grind  
**with him but who had an ax to grind against him that would**  
**cause them to commit an act of violence to set him up as a**

I *fall guy for that.*

2 *There is nothing based upon what you told me among the*  
3 *items that were taken from the break-in of the farm stand*  
4 *that would in any way be tied in with any of the items of*  
5 *evidence that were found near or about the scene of the crime*  
6 *or to relate this within the path that the defendant may have*  
*followed over that day to day d-a-Y if before he was*  
*arrested.*

*Furthermore, the killing of the cat we have no idea as*  
*to whether or not this was an act of violence against the*  
*Economus, whether the items that were taken from the break*  
*at Paul's Produce stand clearly were marked the property of*  
*Dennis Dechaine and whether or not the killing of the cat*  
*was just as consistent with people that were trying to get*  
*back at the Economus. So until we can lay some sort of a*  
*foundation here we **would be getting so** remotely away from the*  
*issue that we would be inviting the jury to engage in*  
*speculation. It would be pure **speculation** that someone was*  
***trying to** set Dennis Dechaine as a fall guy for a crime and*  
*would go beyond that to the point of killing Sarah Cherry and*  
***to lay** the blame on him. **Everything** is so remote **at this***  
*time that **I** can't let this kind of evidence in.*

MR. CONNOLLY: *Then **I would** finish questioning this*  
*witness subject as to recall.*

E COURT: **Pine.**

(Whereupon the sidebar ended).

2  
3           MR. CONMO Y'z. I have no further questions of this  
4 witness, subject to the right of recall.

5  
6  
7                                   **CROSS EXAMINATION**

8  
9           BY MR. WRIGHT:

10           How big is the farming community to which you have  
referred expressing what you know of sir, Dechaine's  
reputation within that community?

A       There are farmers in Bowdoinham and farmers in Dresden.  
Should I name the people?

Q       No \* How many people would you say you were talking  
about when you are defining the community about which you  
have spoken?

A       Ten, 20 I don't know if that is a fair guess.  
It might be fewer than ten?

A       No  
1 to 2?

A       Yes \* At least \*

23           That reputation that you know the defendant among the  
24 community has **nothing to do with his behavior**, that is his  
25 **reputation for peacefulness and nonviolence at any time in**

1 • Where do you work?

2 A Freeport.

3  Do you have your own place?

4 A Yes.

5  *How big?*

6 A *110 acres.*

7 • *What do you farm?*

8 A Cut flowers, greenhouses. pumpkins; we have a variety of  
9 things we produce.

to Depending upon the season?

11 A Yes.

12  Are *y* married?

A Yes.

What is your wife's name?

A **Ann,**

Do you have *;*. *y* children?

A **Mesa Two.**

Names?

A Megan, she is five d-a-half and Rita is five months  
**old.**

**How long have you b farming for?**

A *I have had own place about five years; before that we  
farmed about ten years. For other people I have been manager  
of other operations.*

Q **Do you know the defendant in this case, Dennis Dechaine?**

Yes.

2 Q How did you **come to** know him?

3 A We first bacame acquainted about four-and-a-half years  
4 ago, I was looking for irrigation equipment that he had for  
5 sale. We met over that as I went over to his place to ask  
about the equipment and he w showing it to me and we sort  
7 of continued our contacts after that and bec, a friends.

How often have you seen *him during the course of* things  
9 preceding his arrest? was it on a weekly basis?

10 A It depend upon the season, Sometim es during the  
11 sta era he would be getting sweet corn for us or he would be  
12 *getting blueberries and I would go over to place everyday*  
13 *to get them from him. In the wintertime we would get*  
14 *t ether socially once or twice a month. It would vary with*  
15 *the se ens.*

16 Q **Did you have a lot of professional** interest together?

17 A We had **no financial relationship** as it were. The  
18 **professional interest was we would lend each** other equipment.  
9 **He was always seeing ways he could help me and we would do**  
20 the **same** thing with h ® We enjoyed helping each other out  
21 and he was always tr=, <ely generous.

22 KR. WRIGHT: Objection.

23 E CCs : **The** jury will disregard the last  
24 portion **of the witness's** answer as **to the generosity of** Hr.  
25 **Dechaine.**

BY MR® CONNOLLY:

3 Q Mr, Brandtmeyer, during the course of your meetings with  
4 **Dennis you also** came to know his wife?

4 A Yes.

Q And their family got to know yours?

6 A Yes, We enjoyed spending time with each other.

7 • Row r y people. sir. would you say are involved in the  
farming co<sup>A</sup> *unity in* the Cumberland County area? Let's use  
*that or the northern* Cumberland the southern part of  
**Sagadahoc County?**

A Sow many farmers are there?

Q Yes, Are there a large nu s or small?

A Its a fairly small coeeinity. In the dozens. dozens of  
*people. And I think people tend to know each other in that*  
*co nity,*

Q **DO you know people in the farming community** in that  
general area that we **are talking about?**

A **Yes. I do®**

Q **And you've known them through your** experience for  
farming for ten years?

A **Pri ' - rilyo**

Q **And running your own shop?**

A **Yes,**

Q **And are those people - are you aware of their**  
**experiences and their knowledge of Dennis Dechaine?**

1 A Yes, A number of them I am . yes.

2 Q Do you also know *members of Dennis's family?*

3 A Yes.

4 Q **Personally?**

5 A Yes,

6 And friends of his?

A Yes, I do.

Q Are some of those mutual friends?

A Absolutely.

Q Do you also know people that have dealt with him professionally busine swis ?

A Yes.

Q Are you aware, yes or n are you aware f whether or not Dennis has a reputation amongst that community of peep the farming co nity, friends, associates, business people, are you aware of if they have a consensus as to Dennis Dechaine's reputation for peacefulness and non-violence?

A Absolutely, yes,

Q **You** are aware that they have a consensus?

A Yes.

Q **Are you** aware **of** what that consensus is?

A Yes.

Q What is that consensus?

A He's a **peaceful** and **non-violent** person.

Q Is there anything in your **personal** experience and in



1 *relations with hire that* would cause you to have a different  
2 impression of his reputation?

3 MR. WRIGHT: *Objection.*

4 **THE COURT:** *Is he aware of specific instances of*  
5 *behavior on the defendant that would be inconsistent with*  
6 *that reputation?*

THE WITNESS: *No.*

THE COURT: The objection is sustained. Rephrase  
the question.

BY MR. CONNOLLY:

Do you, yourself, have any knowledge, personal  
knowledge, that would be inconsistent with that reputation?

MR. WRIGHT: *Objection.*

THE COURT: to the form of the question is he  
aware of any specific instances of conduct on the part of Mr.  
**Dechaine that would *be inconsistent with that reputation* for**  
**peacefulness and non-violence.**

BY MR. CONNOLLY:

**Are you aware of any specific instances of conduct that**  
**would be *inconsistent with Dennis Dechaine's reputation in***  
**the community for peacefulness and non-violence?**

A **No.**

PAR. WRIGHT: **Your Honor, I think** the question is

*reversing the rule of evidence that we are applying,*

2                    *THE COU : I understand, I'm going to let the*  
3 *question and answer stand,*

4                    *MR. GGNNOLLY: I have no further questions,*

6                    **CROSS EXAMINATION**

7  
8                    . 4 RIGHT:

9                    *lira Brandtmeyer, you said the community among farmers in*  
10 *Cumberland and part of Sagadahoc might involve as many as*  
11 *dozens of farmers?*

12 A                Yes.

*You are not saying that the co unity that you've spoken*  
*about that knows Mr. Dechaine to have a reputation of the*  
*sort that you've described includes all those dozens of*  
*farmers?*

A                Quite a few of them, He's a very gracious & friendly  
                  persona

0                Try to answer my question for **me.** US are talking about  
                  certain character traits. You included in that, did you not,  
                  his reputation !song his                    or did you not? I thought  
                  the question was asked of you to include Mr. Dechaine's own  
                  family as part *of the community you were talking about, Did*  
                  *you or did you not include it?*

A                I was thinking in reference to the agricultural

eo unityr per se \*

2 Did you volunteer to become involved in this case on Mr. Dechaine's behalf?

4 To whom? Did I ask Mr \* *Connolly about it?*

5 Q Are you here under **subpoena?**

6 A **Noe**

You came voluntarily?

Yes \*

Q r \* Br d eyer, are you aware of any of the evidence that has been offered to the jury, if they chose to accept ~~it~~ over the past several days?

*Are you aware of :y of the evidence that has been presented by the State through its witnesses of the past sever l days?*

A I have only a very foggy idea \*

**You** are not aware of any of the evidence relating to the rope issues in this case?

A -Te is <sup>I'm</sup> aware of what was reported on television, but frankly the accuracy is really a question \* I don't know what really has *been* presented here \* I just have been aware of **some** of the media presentation \* But the accuracy seems to be *very* dubious ® so I don't know what has been presented here \* I'm aware of a rope issue, yes \*

0 **The accuaracy of what the media** has been reporting has been inaccurate?

1 A Yes.

2 Q How do you know?

3 A I have been following the case for quite awhile, And  
4 *things like saying where Dennis **lives** are* very questionable.  
5 The report that he lives in Bawdoin when he doesn't. The  
6 *port of his age, where he's from; there are many issues*  
*that don't seem to* make sense to me.

- The discussions you've had with other farmers with respect to the defendant's reputation in the community for peacefulness and non violence, does not involve *instances in which* your claim has been made *by* him to have been under the influence of illegal street *drugs; is that correct?*

A Could you explain that?

- Yes. You've talked to other individuals?

A Sure.

- *You've given us what his **reputation** among those individuals, you've expressed what that reputation is among **those** folks?*

A **Sure.**

□ It has never come up, has it, that reputation in any way **is related to any claim by him of illegal drug use?**

A **no response)**

Q **Are you aware of any drug use** by him?

A **Yes.**

25 4 **You are?**

1 A Sure.

2 Q What kinds of drugs?

3 A Marijuana.

4 How did you become aware of that?

3 A I think that he and I smoked marijuana about three years  
6 ago®

Q you have engaged in the smoking of marijuana with Per.  
*chane*?

A Yes,  
On a number of occasions?

A One occasion.

Q One time?

A °es ,  
That is the extent of your drug usage?

A Yes,  
In your entire life?

A Alcohol, coffee.

Q I'm talking about illegal street drug \* recognize  
coffee and **alcohol** may be deemed drugs, but I'm talking about  
illegal street drugs ® **Your** testimony is that you *have only*  
one time in your life used marijuana.

MR. CI OILY: I would object to this« This is  
inquiry into this witness's prior drug use. This has no  
bearing on his **relationship** with **the** defend t, and it's  
**beyond the scope of** direct **examination**, and it has **no**

1 *probative value.*

2 THE COURT: *to probativeness the objection is*  
3 *overruled. to beyond the scope of direct, that is a*  
4 *federal rule not the **State rule. And** the use of a drug which*  
5 *may be illegal street drug by this witness with the*  
6 *defendant is proper area of inquiry. The objection is*  
7 *likewise overruled.*

8

BY MR. WRIGHT;

10 • *My question had been to you whether it is your testimony*  
11 *to this jury that you have used illegal street drugs,*  
12 *marijuana in particular, one time in your life?*

13 A *No,*

• *All right. t else have you used and how often?*

A *Marijuana probably on three other occasions other than*  
*the one with Dennis.*

0 *But not with Mr. Dechaine?*

A *Yee,*

Q *When was that?*

MR. CO *y: I would object \**

THE **Sustained.** *We are getting a little*  
**ate.**

**MR. WRIGHT; I have nothing else.**

24 **MR. CONNOLLY: Nothing further.**

25 **THE COURT; Thank you. You may step down \***

1 • NBF<sup>1</sup> TM R, being *first duly sworn, was examined and*  
2 testified as follows:

3

4

**DIRECT EXAMINATION**

5

6

BY MR. CONN LILY t

Could you state your name for the record?

A Brandeyer.

• *What do you do for work?*

A *Librarian.*

*How long have you been doing that?*

A Two-and-a-half years,

Are you married to the witness who just testifiedp Eric?

A Yes.

*Whether you have two children?*

A Yes.

*How long have you known **Dennis Dechaine?***

A **Since 1984.**

**How did you come to know Dennis?**

A *Eric met him when he was buying some **item** and then  
**we had Dennis and Nancy over to our house.***

• **During the period of time when you've known Dennis since  
1984 how would you characterize the relationship? Was it  
close or not close or how would you characterize it?**

A **We knew Dennis fairly well. I would say** that Eric was

1 *closer to him than I was, We did things with him and fancy*  
2 *socially and we also worked together. The two farms did a*  
3 *lot of things together,*

4 *Are you a member yourself of that farming community that*  
5 *exists in that part of the state of Maine?*

6 A *Yes.*

Q *And would you call it a farm community up in that part*  
*of the state of Maine?*

A *Yes, We all know each other.*

Q *You are aware of **ers** of that farm nity, You*  
*know many of tYa~ You know where they live. You know about*  
*their backgrounds, their children, their schooling; those*  
*kinds of things?*

A *Yes.*

Q **Are you aware of whether or not members of that**  
*co out of ty in turn know yourself and ultimately know Dennis*  
*Dechaine?*

A *I believe they do, yes,*

Q **Do you also know persons socially that know Dennis**  
**Dechaine outside of tt farm co n.it**

A **People that worked on our farm knew him because we were**  
**close to them. Those friends of ours, yes.**

Q **Do you know some of the people that worked on his farm**  
**as well?**

A **Yes,**



a Do you have mutual friends that are not farm workers or farm people?

A No®

4 Do you know people that have been involved in business  
5 dealings with Mrs Dechaine in a general sense relating to farming?

7 A Yes

8 Are you aware of whether or not that in the farming  
9 co munity Mr, Dechaine has a reputation for peacefulness and  
10 non-violence? Are you aware of whether or not he has such a  
11 **reputation?**

12 MR \* WRIGHT: At which time?

BY MR. = HOLM

Q At the time in July 1988?

Could you repeat that?

Q Let me repeat that® Are you aware of members of the farm community whether they had, whether in July 1988 that Dennis Dechaine had a reputation amongst those people for peacefulness and non-violence?

A Yes, 'm aware of that, yeas

Do you know, without saying what it is, whether he had a reputation for peacefulness and non-violence?

A **Yes.**

What is **that reputation?**

1 A That he was very gentle.

2 MR. WRIGHT: Objection \*

3 THE COURT: Sustained. The jury will disregard the  
4 answer.

5

6 BY HR. CONNOLLY:

0 As to peacefulness and non-violence only.

A He was peaceful and non-violent.

When you say peaceful and non-violent what do you mean?

MR. WRIGHT: I would object. It would allow us to  
here the witness may want to testify.

THE COURT: *The objection is* sustained. The answer  
may suffice for her knowledge of the reputation of the  
*defendant.*

BY HR. CONNOLLY:

Q **You, yourself, have personal knowledge of Dennis  
Dechaine?**

A **Yes.**

Q **You've seen him under various circumstances?**

A **Yes.**

Q Different conditions?

A **Yes.**

Q **Over the years?**

A **Yes.**

2 During that period of time are you aware of any act  
3 which would be inconsistent with that reputation for  
4 peacefulness and *nonviolence*?

4 MR, WRIGHT\* **Objection.**

5 **THE COURT:** Overruled.

**THE WITNESS:** No, *I'm not aware of any act.*

7 MR. CONNOLLY: Thank you very much,

CROSS INATION

BY MR, WRIGHT:

Do you know what Mr. Dechaine's reputation for  
peacefulness and *non-violence is when he made a claim of*  
supposedly being high on some illegal street drug?

A Yes,

Q You do?

A Yes,

Q While high on illegal street drug his reputation is  
what?

A *I don't* know his reputation, no,

Q *You do not?*

*No,*

HR. WRIGHT: ***That's all. Thank you.***

MR. CONNOLLY\* ***Nothing further.***

25 **THE COURT:** ***Thank you. You may step down.***

2           Mr \* Foreman and Ladies and Gentlemen of the Jury,  
we've reached the time of day when we should *be adjourning* \*  
3    I don't believe we have any brief witnesses that we would be  
4    able to put on this late hour \* So we are going to recess  
until nine o'clock **tomorrow** morning \*

6           I would appreciate again if you could try to be here at  
7    quarter of nine \* And I don't have any pending matters that  
3    I'm aware of right now that might get us sidetracked before  
we get started at nine \* Let's try to aim for it if we c \*  
Plea o\_f do us the great service of avoiding any media  
exposure to this case \* Thank you.

(The proceedings for the day concluded at 4859)