

STATE OF MAINE'  
KOX, SS

**SUPERIOR COURT**  
**CRIMINAL ACTION**  
LAW DOCKET NO. ENO-89-126

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STATE OF MAINE,

Plaintiff

vs

DENNIS J. DECHMNE,

Defendant

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JURY TRIAL  
(VOLUME VI)

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BEFORE THE BOND E CARL O. BRADFORD, JUSTICE

Rockland, Maine

March 6-18p 1989

**APPEARANCES OF COUNSEL:**

On behalf of the State:

Eric E. Wright, Esq.  
Asst, Attorney General

On behalf of the Defendants

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

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

March 15, 1989

2 (Whereupon the jury returned to the courtroom at 9:00 a.m.)

3 THE COURT: Good morning ladies and gentlemen  
4 of the jury. Mr. Connolly, you may call your first wit-  
5 ness

6 NANCY EMMONS DECHAINED, being first duly sworn, was examined  
7 and testified as follows:

8 DIRECT EXAMINATION

9 BY MR. CONNOLLY:

10 Q Would you please state your full name?

11 Nancy Emmons.

12 Q You are married to the Defendant in this case, Dennis  
13 Decha ine?

14 A Yes.

15 Are you nervous?

16 A Not that bad

17 Q Where were you born?

18 A El Paso, Texas.

19 Q When were you born?

20 1955.

21 Q Where did you grow up?

22 A I grew up in Washington State and Colorado.

23 Do you have any brothers and sisters?

24 A *I have one* younger sister; her name is Rebecca.

25 Q What are your parents' names?

- 1 A Joseph and Darlene.
- Q What do they do for work?
- My mother does not work. My father is retired.
- 4 Q Are they in the courtroom?
- 5 A Yes.
- 6 Q When did you meet Dennis?
- 7 A My first *year* of college, I believe it was 1979.
- 8 Q Where was that?
- 9 A Western Washington University in Bellington, Washington.
- 10 Q *How did* that happen?
- 11 A I was in a registration line and he saw that I had a
- 12 class that he had and he started a conversation about the'
- 13 Q At first did you become friendly before you became inti®
- 14 mate?
- 15 A Absolutely.
- 16 Q How long did you know him before you became intimate?
- 17 A It's hard to say. A year.
- 18 Q That was your freshman year?
- 19 A That was my sophomore year.
- 20 Q In relation to Dennis, what year at Western Washington
- 21 was it for him?
- 22 A I believe it was his sophomore year.
- 23 Q What were you studying at the time?
- 24 A General university requirements. I had not decided.
- 25 Q What was Dennis studying at the time?

1 A Agriculture business.

2 There came a time after your meeting when you became in-  
3 volved; is that correct?

4 A **Yes.**

5 Q When were you married to Dennis?

6 A 1983 in September.

7 Where were you married?

8 A Colorado Springs, Colorado.

9 Was that following your graduation?

10 A It was.

11 Q Did you graduate together?

12 A Yes.

13 After you graduated where did you live after you got  
14 married?

15 A In Bowdoinham, Maine.

16 Where aboizts?

17 A On the Christopher Sheep Farm. We were working for Mr.  
18 Christopher.

19 How long were you there for?

20 A A little over a year, I believe.

21 Q What **was** the nature of that business?

22 A For the Christophers they raised *sheep and* produced wool.

23 Q What did you and Dennis do to help them out?

24 A I worked in the wool room packing wool and helped out the  
25 lambing. Dennis did mostly fencing and chores with the

1 sheep. We also were a team of bleeders. We bled the  
2 sheep for laboratory analysis.

3 Did there become a problem with the bleeding part of  
4 things with Dennis?

5 MR. WRIGHT: Objection.

6 THE COURT: **Overruled.**

7 BY MR. CONNOLLY:

8 Q What was the nature of the problem with Dennis and bleed-  
9 ing the sheep?

10 Can I explain the process a little bit?

11 Q Sure. Just don't say anything that Dennis ever said.  
12 What we would start off with is sterilized equipment.  
13 would place a needle in the animal's jugular and bleed it  
14 into sterilized jars. We both came to a point where it  
15 was too difficult to do to the animals. The thought of  
16 the animals were being killed was difficult for both of  
17 us. Sometimes the **animals' skin is very** tough. Putting  
18 the needle into the skin you can pierce the skin and go  
19 out the jugular and cause a hematoma. It was just too  
20 hard on the animal. He couldn't handle it.

21 Q Did he have a physical reaction?

22 A He would get distraught. He would check the animal after-  
23 ward to see if it was all right.

24 Have you been able to observe Dennis **raising animals** and  
25 him dealing **with animals?**

1 A We raised a lot of animals.

2 There was a statement previously < de with reference to  
3 Dennis's inability to slaughter your own chickens. Can  
4 you describe that? Is that an accurate statement?

5 A Absolutely. We decided at a dollar 50 a chicken it was  
6 worth trying it ourselves. I didn't want to be a part of  
7 it. Dennis said he would try. He killed the chicken and  
\$ said I can't do it. It's worth a dollar 50 for somebody  
9 else to do it.

10 Q You raised rabbits?

11 A Yes.

12 Q The same situation?

13 A Yes.

14 Q When did you purchase your own farm in Bowdoinham?

15 A About a year ago; maybe a little over.

16 *I'm showing you what has been* marked as State's Exhibit  
17 Number 65. *Is that your farm?*

18 A Yes.

19 Q Do you have a name for the farm?

20 A Bass Wood.

21 Q What does the name come from?

22 A It's just a name that we like.

23 Q What **is** Bass Wood? Is it kind of a tree?

24 A Yes. **A** deciduous tree.

25 Q **Was** there a particular stand of trees near the house?

- 1 A No.  
You purchased that home together?
- 3 A Yes.
- 4 Q And when did you move into that house approximately?
- 5 A October 1987.  
Was that a joyous occasion for you?
- 6 **A** Very.  
And the house appears to be in very good shape in the  
8 photograph. Was it in such good shape when you first  
9 purchased it?
- 10  
11 A It was.  
You had to do some repairs on it?
- 12  
13 A We did some painting.
- 14 Q On the outside and inside as well?
- 15 A Yes.
- 16 Q Does it have central heat?
- 17 A No. We used wood. That's all there **is** for heat.
- 18 Q Where did the wood come from?
- 19 **A** It came from a mill down the road. It came in ten-foot  
20 lengths, and Dennis chainsawed it and chopped it.
- 21 Q And when you first moved into the farm did the nature of  
22 your business change from working with the Christophers?
- 23 A Yes. We started a business of **our own**.
- 24 Q What kind of business?
- 25 **A** Multi-faceted. We did row cropping, growing vegetables,

1 selling it to retail outlets. We had greenhouses. We.  
2 basically raised the animals. We had a mailorder Christ--  
3 mas tree business, and we featured a gift package of a  
4 *wreath and maple syrup and jelly*, which we started as a  
5 mailorder business.

6 **Q** When did you start that mailorder business?

7 **A** Probably 1984.

8 **Q** It started from a very small operation and it did well?

9 **A** Yes. We started out making wreaths and jams and before  
10 we finished we had wreath machines and a crew.

11 How many employees did you have at the time the business  
12 came to a halt?

13 **A** Five, I believe.

14 **Q** Who was in charge of the book end of things?

15 **A** We shared.

16 **Q** Who was in charge of procuring the employees and the day-  
17 to-day logistics?

18 **A** Dennis.

19 **Q** How **was** the business doing up until July 6, 1988?

20 **A** It **was** doing very well.

21 **Q'** During the period of early 1988 up through the summer,  
22 were there any major financial difficulties that you and  
23 Dennis were undergoing at the time?

24 **A** No.

25 **Q** It's fair to **say** that farming is a difficult business?



Yes.

Is the summertime the best time to be a farmer?

Minus the blackflies, yes.

In July of 1988, last July, what kind of produce were you producing or flowers? What was the nature of the business at that particular point?

Bedding plants, flowers.

Were there plans ongoing in July of 1988 as to the development of the business?

10 A Yes. We decided to give up the produce end of things  
 11 because it was difficult dealing with perishable goods.  
 12 We were making plans to expand on line the wreath business  
 13 Was there something going on with regard to a greenhouse?

14 A Yes. We purchased a commercial greenhouse and we were  
 15 going to be putting that up in the summer.

16 Q What kind of a project is putting up a greenhouse?

17 A A difficult one.

18 Q Were you involved in that or was that primarily Dennis's  
 19 responsibility?

20 A That was his. I chose not to be a part of it.

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

22 MR. CONNOLLY: Your Honor, prior to offering  
 23 any physical evidence that is appropriate to show the  
 24 **opposing side** what **it is, and in** so doing I've shown Mr.  
 25 Wright the first set **of photographs that** I'm handing the

1 Court, which I'll mark and which are in essence the green  
2 house project first. I intend to offer those *to show the*  
3 jury what the project was, how it was going. Some of  
4 those photographs were of an early 1987 greenhouse. Some  
5 of them are of the construction of the new greenhouse.  
6 It's my understanding that both greenhouses were to be  
7 operational and that was the business plan.

8 I plan to offer those to show that business was goin  
9 well and give the jury a flavor of what the business was.  
10 I understand Mr. Wright will be objecting for whatever  
11 grounds.

12 MR. WRIGHT: I do object because the photograph  
13 are designed to prey upon the jury. There has been a  
14 description and maybe later of the nature of the project.  
15 The pictures are not probative except in a confirmatory  
16 sense. I'm not going to dispute the fact that they were  
17 building a greenhouse. I think they suggest some sort  
18 of character trait about the Defendant which are beyond  
19 that which the Court has limited us to in inquiry.

20 THE COURT: There have been four that have been  
21 offered. There are six that have not been marked. They  
22 tend to be a little cumulative. So I've selected one  
23 that shows a general outline of the site and what a green  
24 **house looks like** under construction. I **think** those would  
25 be sufficient to **make** your point with the jury. I'll

1 allow those if those could be marked.

2 MR. CONNOLLY: There are some other photographs  
3 that are family type photographs of the Defendant and his  
4 family. I would like to offer the graduation photograph  
5 of them and the wedding photograph.

6 THE COURT: The relevance of the wedding photo-  
7 graph? There has been testimony both to their graduation  
8 and wedding.

9 MR. CONNOLLY: Just to provide some depth to  
10 the testimony.:

11 THE COURT: The testimony has gotten pretty  
12 deep already. I believe it's going to get deeper. I  
13 don't believe you need any photographs to illustrate it.  
14 I think this jury has unique powers of perception and  
15 memory. I'm going to exclude these family type photo-  
16 graphs as being of little if any relevance.

17 MR. CONNOLLY: I am allowed to use these?

18 THE COURT: Yes. Mark those two for exhibits.

19 (Whereupon the sidebar conference concluded.)

20 BY MR. CONNOLLY:

21 **Q** I'm handing you two photographs marked Defendant's Exhibi s  
22 37 and 38. Could you describe for the jury what that is  
23 depicting?

24 **A** This is the assembly of our commercial greenhouse on the  
25 Old Bath Road in Brunswick.

1 That is the first greenhouse that you had?

2 A Yes.

3 The one we are talking about in July 1988 was a second  
4 greenhouse?

5 A Yes. The same exact structure.

6 Q Where **was** that. to be located?

7 A At the farm.

8 As depicted in the photograph?

9 A Yes.

10 MR. CONNOLLY: I would offer Defendant's  
11 Exhibits Number 37 and 38.

12 I . WRIG : No objection.

13 THE COURT: Defendant's Exhibits Number 37 and  
14 38 are aitted.

15 BY MR. CONNOLLY:

16 Q When did that project, the greenhouse project, start?

17 A The first one?

18 Q The **second** one.

19 A Probably as soon as the ground thawed in June.

20 Q Were arrangements made well ahead of te to purchase the  
21 construction plans and so forth?

22 A Yes. We were in Colorado at the time.

23 Q Was that a winter project that Dennis did on the farm?

24 A The greenhouse?

25 Q. Just **making** the plans for it?

1 A Yes.

2 Q And flowers were to be raised in that greenhouse as  
3 opposed to produce?

4 Yes.

5 Q. Was there a farm stand that you operated prior to July  
6 of 1988?

7 A Yes.

Where was that located?

9 A On the Old Bath Road in Brunswick.

10 Turning your attention to Defendant's Exhibit Number 35,  
11 which is being offered now, I would ask you if you would  
12 mark on Defendant's Exhibit Number 35 *the location of the*  
13 *greenhouse.* You've seen this map before, although not  
14 blown up?

15 A Yes.

16 *If you can mark with a* blue circle the location of the  
17 produce stand?

18 A Right there.

19 The name of that stand?

20 **A** Paul's Produce and Greenhouse.

21 Q There was a greenhouse there as well?

22 A Yes.

23 Q That is the one depicted in the photographs?

24 **A** Yes.

25 How long did you run that greenhouse and that produce stan 3?

1 A I believe three years. The greenhouse went up after a  
2 year after we operated the produce business.

3 Q And that was successful or not successful?

4 A It was successful. It was very hard work.

5 Who managed the produce stand?

6 A We shared that.

7 Q And in July of 1988 its fair to say you no longer had a  
8 produce stand?

9 A That's correct.

10 Q How did that come about and who took it over?

11 Dennis and I decided for the amount of work it took to  
12 carry out the produce business until Halloween or the  
13 amount of money that we made from it that we no longer  
14 wanted to do that, and searched for another farm family  
15 of some sort to take it over. The Swango Farm in Woolwich  
16 took it over.

17 Q Are those the Economeaus?

18 A Yes.

19 That's James and Joan Economeau?

20 **A** Yes.

21 Did you still have contact with the stand after the sale?

22 **A** No.

23 **Q** When **was** the time of the sale or the transfer?

24 **A** It was not sold.

25 Leased?

1 A The end of June. It was the last week of June.

2 Q At the beginning of July 1988 the transfer was only a  
3 couple of days or a week old?

4 A Right.

5 Q The name remained the same?

6 A Yes. They called it Paul's Produce.

7 During the period of July, late June early July, 1988,  
8 were there any difficulties in your marital relationship  
9 between yourself and Dennis? Were there any pressures *or*  
10 anything like that.

11 A None.

12 Q In the early part of July 1988 did you and Dennis take a  
13 trip together?

14 A Yes.

15 Where was that to?

16 To Madawaska.

17 Q *That's in* northern Maine?

18 A Northernmost town in the state.

19 Q What was the purpose of that trip?

20 A Fourth of July celebration with his family.

21 Q What day did you go up; do you recall?

22 A We went up on a Friday, but I *don't* recall the date. It  
23 was the Friday prior to the Fourth. I believe the Fourth  
24 was on a Monday.

25 Q How did you get up there?

1 A We drove.

2 Did you take the truck or another vehicle?

3 A **We** took my car.

4 Who went with you? Dennis and you?

A That's correct.

6 *Who was up in Madawaska for the celebration?*

7 MR. WRIGHT: I would object on the grounds of  
8 relevancy.

9 THE COURT: I'll allow it for background.

10 BY MR. C<sup>®</sup> ALLY:

Q Who was there, briefly?

12 Dennis's family.

13 Q Briefly, what kind of atmosphere was there up there? Was  
14 it a troubled time or --

15 A It was a celebration. It was wonderful.

16 Was the weather good or bad?

17 A Beautiful.

18 Were there outdoor **activities**?

19 A We did a **lot**.

20 Q Such as?

21 A Dennis and I canoed a chain of lakes, we water skied,  
22 walked and swam.

23 Q When **was** the last time you and Dennis had a period of  
24 time away from the farm and some vacation time?

25 A Probably the prior Christmas.



Q And do you recall when you returned from Madawaska?

A Tuesday night. We were there the Fourth and we started  
3 back the morning of the 5th and got back late in the  
4 evening. It's a long drive.

5 Q Wit out saying anything that Dennis said, what was his  
attitude upon returning home?

7 A His attitude was getting back into setting the greenhouse  
8 up.

9 Q Was that his first project on the *agenda*?

10 A Yes.

11 Q Was there a deadline for the setting up of the greenhouse

12 A Just before the ground freezes in the fall. You can't  
13 drive stakes in the ground once the ground is frozen.

14 Q The only deadline was several months away?

15 A Yes.

16 Q Were you employed independently at this time?

17 A No.

18 Q Where were you employed?

19 A In Bath.

20 Q Doing what?

21 A Land surveyor's apprentice.

22 Q How long had you been doing that *at that point*?

23 A Since the previous February of 1988.

24 Q **Why did you do that** as opposed to working on the farm?

25 A **I was** just looking for **a** trade. Something to put under

1 my belt with some money potential.

2 Q And did anything unusual happen on your return home on  
3 the 5th?

4 A Nothing.

5 Q And on the morning of the 6th, do you remember getting up  
6 that morning?

7 A Yes.

8 Q Do you remember that fairly well?  
I do.

10 Q *I want to focus in on* that day for a moment. We are  
11 talking about July 6, 1988. You had to go to work that  
12 morning?

13 A Yes.

14 Q What time is your routine of getting up the morning?

15 A 5:30. I work from seven until three.

16 Q When you get up at 5:30 and do the animals what do you do

17 A Water and feed them and make sure they are all right.

18 Q What did you at tht time **have** for animals?

19 A Sheep, goats, chickens, rabbits, geese and ducks.

20 Q What time were you at work by?

21 A Seven.

22 When you got up that morning was Dennis home?

23 A Yes.

24 Q What time did you last see him before you went **to** work?

25 A **Quarter of seven.**

**Was** there anything unusual about the morning before you left?

*Nothing unusual.*

Q Was Dennis doing chores? at was he doing?

He was, I believe, still in bed at the time.

Did you see him up and about after you left?

I don't recall.

Q Did you have a conversation with him that morning?

Yes.

10 Was there anything of consequence or trouble in the  
11 household at that time?

12 No.

13 Q And you were at work from seven until what time?

14 Until three o'clock.

15 Did you have any telephone conversations with Dennis  
16 during the period from seven o'clock until three o'clock?

17 No.

18 Q Did you receive any calls from him?

19 A No.

20 Q And when you returned home -- at time did you return  
21 home that day?

22 A Three or 3:30.

23 Did anything unusual happen aftet you returned home?

24 A Yes.

25 Q . What was that?

1 A Two law enforcement officials, I don't recall if they  
2 were sheriffs or police, came to my house about 4:30  
3 *looking for Dennis.*

4 Did they ask you questions?

5 A They did.

6 Q Exclusively about Dennis or about other things as well?

7 A They wanted to know where he was. I said I didn't know.  
8 They said had he had any work done on his truck and if he  
9 owned a red pickup truck.

10 Q Did you find anything in the household that was not there  
11 earlier in the day? Were there any chickens, for example

12 A Yes. The freezer downstairs I had spoken to Dennis  
13 that morning. I knew he was going to be taking our 50  
14 cornish game hens to the slaughterhouse, and indeed they  
15 were in the freezer.

16 They had been dropped off before you went to Madawaska?

17 No, I don't believe so. We took them in that morning.

18 I can't remember that.

19 Q You found them in the freezer?

20 A Yes, when I got home on the 6th.

21 Q They had not been there before you left?

22 A No.

23 After you had conversation with the police officers at  
24 about 4:30 what happened of consequence next?

25 A I was quite concerned. I wanted to know if Dennis had

2 been hurt. They said they couldn't tell me® I started  
3 fixing dinner® I got a telephone call from an Officer  
4 Reed later in the evening.

5 Q Meaning approximately what time?

6 A 8:30 or nine o'clock, wondering if Dennis had returned  
7 yet.

8 Had you heard from Dennis between the time you returned  
9 home and that phone call?

10 A No.

11 Q And I assume you were concerned at that time?

12 A Very. concern was that he was not hurt.

13 Q What u<sup>P</sup>ened of consequence next?

14 A local Bowdoinham police officer, who is also a friend,  
15 came by looking for Dennis. I was quite relieved to see  
16 him. I asked him to tell me what was going on® He  
17 painfully said he could not® He told me not to *worry*.

18 Q What time was that at?

19 A 9:30 or ten o'clock.

20 Q Did that increase or decrease your level of anxiety?

21 A Increased it®

22 Q What happened next?

23 A I waited until 4:30 in the morning when I finally got a  
24 call from Dennis.

25 Q And did you speak only to Dennis on the phone?

A **Yes.**

1 Q And when did you see Dennis next?

2 A Probably within 15 minutes of his phone call. He said he  
was calling from Bowdoinham.

4 Q And at 4:45 or thereabouts he was home?

5 A Yes.

6 Q How did he get home?

7 A Detective Hendsbee brought him home.

Q Did you have conversation with Detective Hendsbee?  
Not at that point.

0 Q Did he come into the house?

11 No.

12 Q Dennis came into the house?

13 A Yes.

14 Q Do you recall how he was dressed at that time?

15 A He had a tee shirt and working pants on.

16 Q Would you categorize, if you would, without saying any-  
17 thing that he said, his demeanor, his attitude, his stanc  
18 his posture, level of anxiety; characterize his demeanor.  
19 He was shaken by lengthy police questioning.

20 MR. WRIGHT: I would object.

21 THE COURT: Sustained. The jury will disregard  
22 the response as to the cause of the anxiety on his part.

23 BY MR. CONNOLLY:

24 Q Without saying anything as to what he might have told you  
25 and you learned from things that he said, what did you

i observe about him?

2 A- He was shaking.

3 Q Had you seen him shaking such as that before?

4 A Not that I can recall.

5 Q Was his attitude, besides being shaken °- What was his  
6 attitude besides being shaken, can you say?

7 A I can't describe anything but that I was very glad to  
8 see him.

9 Q When he got home did he take a shower right away?

10 A No.

11 Q Without saying any conversation that you had with him,  
12 how would you categorize the next half-hour or thereabout  
13 Was it a difficult time? Characterize the next period of  
14 time that you had and what happened?

15 A It was a difficult time. I asked Dennis what had happene

16 Q Without saying what he said, he informed you?

17 A I guess I don't understand the question.

18 Q He informed you as to what happened?

19 A Right.

20 And was he clear-headed about it or **was** he confused or  
21 what was his attitude about what had happened to him?

22 A He **was** very confused.

23 Q **Was** he crying at the time?

24 A No.

25 When he came into the house what did you do after you had

1 the conversation?

2 A I held him®

3 Q And after that?

4 A I just asked him to explain where he had been.

5 Q After that **was** done what happened next?

6 A Dennis told me <sup>ee</sup> I can't say that®

7 Q You had a conversation?

Yes.

9 Q After that conversation what happened next?

10 A I went to sleep, or at least tried to® I tried to con-  
11 vince Dennis he needed some sleep.

12 Q So is it fair to say you went from downstairs to upstairs

13 I was upstairs when Dennis came in.

14 Q Did Dennis undress that night?

15 A Yes.

16 Q Did you have an opportunity to observe Dennis at the time

17 A Yes.

18 Q In what context did you have an opportunity to observe  
19 his physical body?

20 A In what context?

21 Q Yes.

22 A I tried to calm him down by rubbing him.

23 Q Without getting in too much detail, what parts did you  
24 **rub?**

25 **His back.**



1 Did you observe anything unusual on his back?

2 A I observed a few small scratches.

3 Turning your attention to what has been marked as State's  
4 Exhibit Number 21, I would **ask** if you could identify that':

5 A Yes. That's Dennis's back.

6 Q Is that the way it looked on the night of July, early  
7 morning hours of July 7?

8 It looked like that, yes.

9 Q How would you categorize those scratches based upon what  
10 you observed?

11 A **I was** not alarmed by them at all. They appeared to be  
12 scratches from bushes, trees.

13 Q I'm showing you Defendant's Exhibit Number 5 and I'm ask-  
14 ing if you could identify that photograph?

15 A That's Dennis's arm.

16 Q On the right-hand side?

17 A **Yes.**

18 Did you observe that mark at the time?

19 Yes.

20 Q Without saying anything that Dennis said, was there an  
21 explanation to you offered as to that mark?

22 A **Yes.**

23 Q *Did you notice anything* else unusual about his physical  
24 appearance that was inconsistent with what you had seen  
25 the last time you had seen Dennis?

A Yes.

2 Q What was that?

3 A His eyes were quite dilated.

4 Q Did he offer you an explanation for that?

5 A Yes.

6 Q Did you notice any other marks on his body that were  
7 unfamiliar to you?

8 A No.

9 Q When you saw Dennis he was first fully dressed?

10 A Yes.

11 Q Later he took his clothing off?

12 A Yes.

13 Q When you saw him fully dressed were you able to see him  
14 in the light?

15 A Yes.

16 Q When he appeared to you did he have all the clothing on  
17 as far as you know as when he entered the house?

18 A Yes. He took nothing more off.

19 Q When you saw him did you make observations about his  
20 clothing? Did you see him?

21 A I saw h .

22 Q I'm showing you what has been marked as State's Exhibit  
23 Number 19. Is that a fair and accurate representation  
24 of what you observed him wearing at the time?

25 A Yes.

1 That consisted of a blue shirt and green pants?

2 A Yes. Green work pants.

3 Did you observe anything unusual about his clothing?

4 A Nothing.

5 Did you observe anything unusual about the bottom of his  
6 pants, his sneakers or socks?

7 A No.

8 Q How about his socks?

9 A No.

10 Q Do you know whether his pants and shoes and socks were  
11 wet or dry?

12 A They were dry.

13 Q How do you know that?

14 A I observed them. Often when things are wet they are  
15 darker. There was no consistency even indicating that.

16 Q Would you say his clothing was unusually dirty?

17 A No. Not for farming.

18 Q Did you notice any scratches or marks on his arms that  
19 were unusual?

20 A Not that I recall.

21 Q There came a time when you fell asleep in those early  
22 morning hours?

23 A Yes.

24 Q What time did **you** sleep until?

25 A Probably until from five o'clock to seven o'clock.

- 1 Q When you awoke was Dennis with you or was he --
- 2 A He was laying next to me
- 3 Q Was he awake or not?
- 4 A He was awake.
- 5 Q What was his demeanor at that time when you woke up at  
6 seven o'clock on the 7th?
- 7 A He was quite wide-eyed.
- 8 Q And without saying anything that he said, did you have a  
9 conversation?
- 10 A Yes.
- 11 Q How would you categorize the conversation? Not what it  
12 was about but was it **easy** or difficult or anxious-filled?
- 13 A It **was** difficult. It was anxious-filled. Concerned.
- 14 Q Was there discussion as to the events of the preceding  
15 evening?
- 16 A Yes
- 17 Q And what time did you go downstairs? Shortly after you  
18 woke up?
- 19 A 7:15.
- 20 Q Did Dennis go down with you?
- 21 A Yes.
- 22 Q Did you prepare breakfast or what did you do?
- 23 A I called my boss and told her I would not be in until  
24 later that day.
- 25 Q During that period of time what happened between 7:15 and

1 the next early part of the morning? Was there anything  
unusual?

3 A No.

4 And what happened? Was there any event during the next  
5 early morning hours of the 7th? Was there anything un-  
6 usual at all?

A We went to Bath together.

8 What time did you go to Bath?

Nine o'clock.

10 Q For what purpose?

11 A To speak to a lawyer.

12 Did you accompany Dennis?

13 A Yes.

14 What time was that meeting and what time did it last to?

15 A I don't recall the exact time we met the lawyer. It was  
16 between nine o'clock and ten o'clock. It lasted probably  
17 a little more than an hour.

18 Is that attorney present in the courtroom?

19 A Yes.

20 Q **Who is** that?

21 A *George Carlton.*

22 After you met between nine and ten was there a *switch in*  
23 Dennis's attitude and demeanor?

24 A **Yes.**

25 How would you categorize that switch in demeanor?

Relief.

Q. What did you do following that?

Went home and did some chores.

Did Dennis do chores as well?

No.

Q. What did he do; do you recall?

I can't recall.

You recall doing particular items, but he was in the house doing something else?

10 A. Yes. He was in his office.

11 Turning your attention to what has been marked as

12 Defendant's Exhibit Number 31 for identification, can  
13 you tell me what that is?

14 A. That's my library.

15 Q. Is that what you referred to as the office?

16 A. No. There is a separate room.

17 During the course of the day did anything else happen of  
18 consequence that you can recall?

19 No.

20 How was Dennis's attitude during the remaining course of  
21 the day on the 7th?

22 His attitude was not a problem.

23 **Was** it fearful or anxious?

24 MR. **WRIGHT:** I would object to the leading  
25 nature of the question.

1 T COURT: I will allow it.

2 THE WITNESS: Yes.

3 BY MR. CONNOLLY:

4 Q How would you categorize it?

5 A He still seemed to be shaken.

6 Did anything else happen during the course of the day,  
7 the 7th?

8 A Other than my doing chores around the farm, no.

9 Q Did you prepare lunch and then *dinner during the course*  
10 *of the day?*

11 A Yes.

12 Q Was there anything unusual about that?

13 A- No.

14 As the day wore on did anything happen after dinner of  
15 consequence?

16 A No.

17 Q And did there come a time either on the 7th or shortly  
18 thereafter when you did your laundry?

19 A I did that as part of my chores on Thursday.

20 Q That is the 7th?

21 A Yes.

22 *When* did you do your laundry?

23 A After we got'•home from speaking with George about 11

24 **o'clock** or **noon**.

25 Is that' unusual to do your laundry?

1 A No

2 Q Did you do any laundry from the time you returned from  
3 Madawaska until the time you did it on the 7th?

4 A No.

5 Q I'm handing you a photograph marked Defendant's Exhibit  
6 Number 39 for identification. Can you identify that?

7 A' *That is the laundry on the 7th.*

8 Q Is that a fair and accurate depiction of the laundry you  
9 did on the 7th?

10 A Yes.

11                    @ CONNOLLY: I would offer Defendant's Exhibit  
12 Number 39 into evidence.

13                    MR. WRIGHT: No objection.

14                    THE COURT: Defendant's Exhibit Number 39 is  
15 admitted.

16 BY MR@ CONNOLLY:

17                    Included on the clothesline are yours and Dennis's items?

18 A Yes.

19 Q **Any** other person's items?

20 A No.

21 Q There are two pairs of green khaki pants on the laundry  
22 line; is that correct?

23 A I just see one pair of green and one pair of khaki colored  
24 pants.

25 Q There were two pairs of pants?



1 A Yes.

2 Q One of those pairs of pants were the *pants that* Dennis  
3 wore on the 6th of July?

4 A Yes.

5 The other pair, do you know when he wore them?

6 A Probably on our trip to **Madawaska**.

7 Q Why did you wash the clothes?

8 A Because it was routine. I had the afternoon off and they  
9 needed *doing*.

10 Q Were you attempting to hide anything to any extent?

11 A No.

12 Q At the end of the day on July 7, during that period of  
13 time, did anything unusual happen during the course of  
14 that day other than the anxiety?

15 A No.

16 Q Did you watch news reports and programs?

17 Yes.

18 Q Did something occur *during* the course of *watching one of*  
19 the television programs?

20 A Yes.

21 Q Were you and Dennis both watching the television program  
22 at the time?

23 A I don't recall if we were both there. I think we were  
24 both there.

25 Q Was there **information** with reference to a missing girl in

Howdoin?

2 A Yes.

3 And when that program appeared did a picture of the miss-  
4 ing girl appear on the *television* screen?

5 A Yes.

6 Did you observe Dennis's reaction to that?

7 A Yes.

8 How would you categorize that reaction, without saying  
9 what he said?

10 A Nonrecognition.

11 Q Nonrecognition?

12 A Ye.

13 Now, when that occurred did Dennis make a statement?

14 A Yes.

15 Would you, without saying what the statement was, how  
16 would you categorize the statement? **Was it** How would  
17 you categorize the statement?

18 A There was excitement, I would say.

19 What did he say?

20 MR. WRIGHT: Objection®

21 THE COURT: It would appear to be an excited  
22 utterance exception to the hearsay le. Do you wish to  
23 be heard further on that?

24 MR. WRIGHT: No.

25 THE COURT: The objection is noted and over-

1 ruled.

2 BY MR. CONNOLLY:

3 Q What did Dennis say?

4 A He said my God, I've never seen that girl before.

5 Q After making that statement was there any other statements  
6 made immediately in conjunction with that or not?

7 A Yes.

8 Q Were those made in the same manner as the statement you  
9 just related to us?

10 A Yes. It was a continuance of the other statement.

11 Q What else did he say?

12 A He said that he had never kidnapped anyone.

13 Q What was his emotional and physical reaction to seeing  
14 the photograph or the picture on the television screen?

15 MR. WRIGHT: Objection. Its been asked and  
16 answered.

17 BY MR. CONNOLLY:

18 Q Following these statements did he have a continuous  
19 reaction? What was his reaction?

20 A He continued to be excited.

21 Q Did you comfort him at that time?

22 A Of course.

23 Q Did anything of consequence occur after the six o'clock  
24 news before you went to retire for the evening?

25 A Not **that I** can **recall**.

1 After viewing that picture and having the dialogue, did  
2 his demeanor or attitude change at all?

3 A That's hard to say. I don't know.

4 Q It's fair to say you retired for that evening?

5 A Yes. We were both tired.

6 Q What happened the next day when you got up?

7 A I went to work.

8 Q What time did you go to work?

9 A Seven o'clock. I leave in order to be in Bath at seven  
10 o'clock.

11 So you leave at 6:45, 6:30?

12 A Yes.

13 Q And you had discussion with Dennis, without *saying any-*  
14 *thing* he said, about the day coming up?

15 Yes.

16 Did he express to you concerns?

17 A Certainly.

18 Q What happened while you were at work? Did anything  
19 noteworthy happen?

20 A **I was** feeling very anxious.

21 Q Did something happen during the course of the day that  
22 brought you from work to home?

23 A Nothing more than my own feelings.

24 Q Did **your** employer allow you to leave early that day?

25 A **Yes.**

- 1 Q What time did you come home?
- 2 A I came home about (inaudible).
- 3 Q What happened when you returned home?
- 4 A I spoke with Dennis on the porch.
- 5 Q What was his attitude and demeanor at the time you spoke  
6 with him on the porch?
- 7 A He was very upset.
- 8 Q Was he anticipating something to happen to him soon?  
Yes.
- 10 Q Without saying anything that he said, were you made *aware*  
11 of what he was anticipating and also *were* you made aware  
12 of how he knew something?
- 13 A Yes®
- 14 Q Did something in fact ha<sup>p</sup>pen shortly thereafter?
- 15 A Yes®
- 16 Q What was that?
- 17 A The noon news came on and a body had been found.
- 18 Q Now, you were there at the time when the noon news came  
19 on?
- 20 A No.
- 21 Q He had been there?
- 22 A Yes®
- 23 Q Did he have a reaction to *that news report*?
- 24 A Yes.
- 25 Q Without saying anything that he **said**, what was his reactio ?

1 A Fearful.

2 Q *Shortly after that* did something of consequence happen in  
3 the home?

4 A Yes.

5 Q What was that?

6 A Detective Hendsbee and some other men came to the house.

7 Q What time **was** that; do you recall?

8 A After one o'clock.

9 Q And what happened when he arrived at the house? Were  
10 you made aware of what their purpose was?

11 I d

12 Directly they told you why they were there?

13 A That I don't remember, but I remember I was aware of why  
14 they were there.

15 Did you see them arrive?

16 A Yes.

17 Q Where were you when they did arrive?

18 A Sitting with Dennis on the porch.

19 Q Why were you sitting on the front porch?

20 A Awaiting their arrival.

21 Q When they arrived what did Dennis do?

22 A He stood up. He knew what they were there for.

23 Q Did he approach their vehicle.

24 A I don't believe he did.

25 Q Did **you** hear anything that Dennis said?

1 A No.

2 Q What happened next?

3 A The men came in the house.

4 Q. What did they proceed to do?

5 A They, I believe, were waiting *for*<sup>e®</sup> They had a search  
6 warrant so they were intending to search the house.

7 Q Did you oppose that in any way?

8 A No.

9 Q Did Dennis?

10 A No.

11 Q Did they ask for your cooperation in the search?

12 A I don't believe they needed to.

13 Q Were there discussions between yourself and any of the  
14 searchers?

15 A Yes.

16 Q How long did those discussions last for?

17 A They were brief.

18 What **was** the nature of them, without asking the particu-  
19 lars of what you said to each other? Were they about  
20 looking for particular items?

21 A There was some small talk. There was some specific ques-  
22 tions with regard to the items they were *searching for*.

23 Q Did there come a time when you were asked to show bandanas ?

24 A Yes.

25 Q Did you bring the detectives or any searchers over to the

1 area where your bandanas were stored?

2 Yes®

3 Q Do you have bandanas?

4 A I do®

5 Q Did you, show them your supply of bandanas?

6 A Yes.

7 Q I'm handing you an item marked as State's Exhibit Number  
8 38, I would ask if you will look at that. Take a moment  
9 with that, if *you would, please*® You checked your  
10 bandanas while the police were there?

11 A Yes

12 Q Do you have blue bandanas such as that?

13 A I do

14 Q *How many* blue bandanas do you have?

15 A Three.

16 Q How many did you have in your possession on July 6?

17 A I don't recall.

18 Q Do you know whether that is your bandana or not?

19 A I don't know if that is my bandana or not®

20 Q *I would turn your* attention to a safety pin located in  
21 the bandana® Do you see that?

22 A Yes.

23 Q Do you ever have safety pins in your bandanas?

24 A No.

25 Q Does Dennis wear bandanas?



1 A No.

2 Q Have you ever seen him use one as a handkerchief?

A Never.

4 Does he tie one around his head?

5 A No.

6 Q How often do you yourself use bandanas?

7 A I use them often in the winter.

8 Q Do you ever use a safety pin with your bandanas?

9 A I never have.

10 Q During the course of the search were there other items  
11 that were looked for that you tried to help the officers  
12 find?

13 A No.

14 Q During the course of the search did you accompany the  
15 officers to the outer structure, to the barn?

16 A I did not.

17 Q You are familiar with the barn?

18 A Yes.

19 Q Showing you **items** that are marked as Defendant's Exhibits  
20 Number 33 and 34 for identification purposes. I would  
21 **ask** if you can: identify what those are.

22 A The first picture I'm looking at, Number 33, is the in-  
23 side of my barn with my rainjacket, extension cords,  
24 another extension cord, a sewing machine and washing  
25 **machine.**

1 A number of items are out there?

2 A Yes. Chains.

3 Q Are there some ropes in that photograph?

4 A Yes.

5 • Turning to the next photograph, which is 34, what does  
6 that photograph depict?

7 A That is the light in our barn, the fluorescent light, the  
goat milk extension and the hayloft.

9 Were you present when that light, the fluorescent light  
10 was put up?

11 A Yes.

12 When was that placed up there?

13 A During spring shearing in 1988.

14 When was that?

15 A April or May of 1988.

16 Who was present when that lamp was put up?

17 A My roommate, Richard Bruno, Dennis, myself and the Sheare .

18 Q Who placed it up?

19 A Dennis and Richard.

20 Q During the course of putting it up who used the rope in  
21 putting it up?

22 A Dennis did.

23 You witnessed that yourself?

24 A Yes.

25 I'm handing you a series of articles that have been marked

1 as Defendant's Exhibits Number 41, 42 and 43. I would  
2 ask if you can identify these in a general sense?  
3 These are ropes that held the fluorescent light up.  
4 Forty-one and 42 and 43 are the Same ropes that are  
5 depicted in the photograph which is marked as Defendant's  
6 Exhibit Number 34?

7 Yes.

8 Did you see whO tied the knots on those?

9 Yes.

10 Who tied the knots?

11 Dennis did.

12 MR. CONNOLLY: Your Honor, I would offer into  
13 evidence Defendant's Exhibits Number 41, 42 and 43.

14 MR. WRIGHT: I'm not certain as to the relevanc .  
15 I would object.

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

17 THE COURT: Where is the exhibit from the truck?

18 MR. WRIGHT: This is from the wrist.

19 THE COURT: That's the one I want to see. It  
20 can be argued that the type of rope and the type of knots  
21 tied **in Exhibit** 34 which held up the lamp differ, and it  
22 will be for the jury to determine whether there is any  
23 inconsistencies. Based upon that --

24 MR. CONNOLLY: Or consistencies.

25 MR. WRIGHT: **Also** with respect to 29.

1                    *THE COURT: As to 29 as compared also to State's*  
2                    *Exhibit Number 35.*

3                    MR. WRIGHT: Exactly.

4                    (Whereupon the sidebar conference concluded.)

5                    THE COURT: Defendant's Exhibits Number 41 and  
6                    42 and 43 are admitted.

7 BY MR. CONNOLLY:

8 Q                Turning your attention to what has been marked as State's  
9                    Exhibit Number 62® I would ask if you can identify what  
10                   that is in there?

11 A                Stock rope.

12 Q                Do you recognize that rope at all?

13 A                It's similar to the rope that I had in *my barn*.

14 Q                Do you have any independent recollection of that particu-  
15                    *lar rope?*

16 A                *No.*

17 Q                You may return it to the bag. I'm handing you another  
18                    item which has been marked as Defendant's Exhibit Number  
19                    44. I would **ask** if you recognize that particular piece?

20 A                This is a rope, a type of rope that I use with my animals

21 Q                Do you recognize that particular one as coming from a  
22                    particular area in the barn?

23 A                **No.**

24 Q                **Do you have any recollection of you and I going into the**  
25                    *barn and looking for knots and ropes?*

1 A Yes.

2 Is there a particular kind of rope that is used in one  
3 part of the room as opposed to another?

4 A Not particularly.

5 Are there any other knots or ropes that are used in  
6 conjunction with rabbits?

7 A Yes. This is it.

8 Is that item -- Do you recall that being taken from the  
9 rabbit?

10 A Yes. The hatch was suspended on the rafters of the barn.  
11 Who did that suspending?

12 A Dennis.

13 MR. CONNOLLY: I would offer that into evidence  
14 at this time.

15 MR. WRIGHT: No objection.

16 THE COURT: Defendant's Exhibit Number 44 is  
17 admitted.

18 BY MR. CONNOLLY:

19 Q Did anything happen during the course of this search that  
20 was noteworthy other than the search itself?

21 MR. WRIGHT: I would object. She said she  
22 wasn't present during the search. I understand we are  
23 talking about the barn search. She said she wasn't there  
24 I don't know how she would know.

25 MR. CONNOLLY: I will withdraw it.

1 BY MR. CONNOLLY:

2 Q As to the house, was there anything else that happened  
3 during the course of that search for which you were  
4 present?

5 A There were other things.

6 Q I'm showing you what has been marked as Defendant's  
7 Exhibit Number 32 for identification purposes. I would  
8 ask if you can tell us what that photograph depicts and  
9 what it is?

10 A This is our attic and one of the fishing poles that we  
11 had®

12 Q Does that fairly and accurately portray the attic as it  
13 was searched on the day of July 7<sup>1</sup> 1988?

14 A I didn't accompany them up there. I hadn't been up there  
15 for a while.

16 Q Are you aware that there is fishing gear up there?

17 A Yes

18 Q Is that an item that you recognize?

19 A Yes®

20 MR. CONNOLLY: Your **Honor**, I would offer at  
21 this time Defendant's Exhibit Number 32®

22 MR. WRIGHT: I'm not sure she identified it as  
23 being present at the time.

24 THE COURT: **Has** there **been any** tie-in with who  
25 took those **photographs?**

1 MR. CONNOLLY: I attempted to, and the question  
2 was answered in the negative. I brought it forward as to  
3 one of the detectives.

4 MR.. WRIGHT: Detective Nendsbee said he did not  
5 recognize it and he had not taken them.

6 THE COURT: Why don't .you ask whether or not  
7 that is a fair representation of the attic room as it  
8 existed on or about early July 1988.

9 BY MR. CONNOLLY:

10 Q Is that photograph a fair and accurate representation of  
11 the attic room as it appeared on July 8, 1988?

12 A Yes.

13 MR. CONNOLLY: I would move for the admission  
14 of Defendant's Exhibit Number 32 into evidence.

15 MR. WRIGHT: No objection.

16 THE COURT: Defendant's Exhibit Number 32 is  
17 admitted.

18 BY MR. CONNOLLY:

19 Q Were **you** present when a knife was seized from the house?

20 A I was.

21 Q **Did** you see that taken?

22 A I can't recall.

23 Q There was discussion of that at the time?

24 A Yes.

25 Q Following the search of the house what happened next?

- 1 A There was positive ID on the body and he was arrested.
- 2 What was Dennis's response to the arrest process?
- 3 A I think he knew it was coming. He was very cooperative.
- 4 Q Was he despondent?
- 5 A No.
- 6 Q Was he crying?
- 7 A There were times that he **was** crying.
- 8 Q Was he out of control or was he exhibiting any kind of
- 9 mannerisms which would indicate that loss of self awareness
- 10 of self control?
- 11 A No.
- 12 Q He was taken into custody at approximately what time, if
- 13 you can recall?
- 14 A At the end of the day, 4:30 or five.
- 15 Q When was the next time you saw him?
- 16 A I was able to visit him that night at the Lincoln County
- 17 Jail.
- 18 Q Had you had any conversation ®- Had you contacted Dennis's
- 19 attorney?
- 20 A I believe Dennis had. I had not.
- 21 Q You don't know?
- 22 **A** I don't know.
- 23 Q You visited him at the jail at what time?
- 24 A About nine **o'clock.**
- 25 **Q** You saw Dennis?



1 A Yes.

2 Q Where in the jail, do you know?

3 A It was in a visiting room with a window dividing us.

4 Q How was he doing?

5 A He was not doing well.

6 Q Describe that for the jury.

7 He **was** very pale. He was very upset that he had been  
8 arrested.

9 MR. WRIGHT: I would object as to why he was  
10 upset.

11 THE COURT: Sustained. The jury will regard  
12 *only that portion of her* answer that said that he was  
13 upset and not as to why he was upset. You may continue.

14 BY MR. Ca OLLY

15 Q What else did you observe? Was he crying at the time?

16 A He was not crying at that time. He was visibly upset.

17 Q Shaking?

18 A Yes.

19 Q How long did that visit last for?

20 A I think 15 minutes. It was short.

21 Q *That was on July 8th in the evening?*

22 A Yes.

23 Q Did you see Dennis later on July 8th?

24 A No.

25 Q **Did you have conversation later with him on July 8th?**

No.

at was the next time you saw him?

I can't recall if it was the next day or the day after, but at the jailhouse.

How was he doing the next day, the 9th or the 10th?

He seemed to be better.

That was a short visit as well?

Yes.

You mentioned a moment ago you had a roommate; is that correct?

Yes.

And that person's name is what?

Richard Bruno

How long had he lived with you?

Since March 1988.

And he was a border?

Yes.

Do you share meals?

I fix the evening meals.

Where did he live? In the house itself?

He lived in an upstairs bedroom.

You indicated that you had your own vehicle at the house; is that correct?

Yes.

What other vehicles were there in the Dechaine household?

1 A I believe the Toyota had been impounded. I had another  
2 1980 Chevrolet full-size pickup.

3 Q What color is that?

4 A Red with a green door.

5 Q Is there something noteworthy about the tailgate?

6 A It's not in great shape.

7 Q It was in an accident or was injured?

8 A Possibly before **we** got it.

9 Q Does it have other distinguishing characteristics in the  
10 *cab, not* in the cab but in the bed?

11 A Yes.

12 Q What **is** that?

13 A We built a big wooden box on it for transporting bedding

14 Q Did you drive that vehicle on the day of July 6 or 7?

15 A No.

16 Q Where were the keys for that vehicle kept?

17 A Usually in the ignition.

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

19 MR. CONNOLLY: This Defendant's Exhibit Number  
20 45, **I've** marked it ahead of time. This **is** a set of keys  
21 for the Chevrolet truck which includes a key for the  
22 Toyota.

23 THE COURT: Okay.

24 MR. CONNOLLY: I think it's relevant for the  
25 jury to understand that the **keys that** operate the Chevroe

1 let also can operate the Toyota. There has been testimon3,  
2 as to the identification of the Chevrolet being driven on  
3 July 6.

4 MR. WRIGHT: No. Not the Chevrolet.

5 MR. CONNOLLY: Yes.

6 MR. WRIGHT: She said she didn't.

7 THE COURT: He's talking about the other lady.

8 MR. CONNOLLY: Susan Norris.

9 MR. WRIGHT: She didn't identify it as this  
10 truck.

U. THE COURT: There was another witness. The  
12 lady at the window. Mrs. Getehell.

13 MR. WRIGHT: She said it was a small truck and  
14 not a full size truck.

15 THE COURT: It was either Mr. Getehell or Miss  
16 Norris who talked about a red pickup truck that had the  
17 tailgate being damaged.

18 MR. CONNOLLY: She saw it parked in the ]ref en-  
19 dant's driveway after the impoundment of the red Toyota.

20 THE COURT: I'm not sure in relation to the  
21 impoundment, but she did identify it as having seen it in  
22 the driveway.

23 MR. CONNOLLY: Over that weekend. The Toyota  
24 **was impounded on** the 6th at midnight. I'm offering these  
25 in order to show availability of keys and access to the

1 Toyota by means of the Chevrolet.

2 MR. WRIGHT: Well, considering the fact that  
3 the Defendant's statements, which are in evidence are  
4 that he had keys to the Toyota *and* not these keys. And  
5 he alone used it. And to the extent he was ever gone  
6 from the vehicle it was always where he left it. He said  
7 it didn't appear that anybody had used it. I don't under  
8 stand the theory unless he's going to call his own client  
9 a liar.

10 THE COURT: That or he could argue that Detec-  
11 tive Hendsbee was mistaken in what he heard the Defendant  
12 say.

13 MR. WRIGHT: I suppose so.

14 MR. CONNOLLY: For example, that is one alts **ae**  
15 tine.

16 THE COURT: One of many alternatives. I will  
17 allow it.

18 (Whereupon the side-bar conference concluded.)

19 BY MR. CONNOLLY:

20 Q I'm handing you an item marked Defendant's Exhibit Number  
21 45. I would **ask** if you could identify that in a general  
22 sense? Do you notice a seal on it?

23 **A** Yes.

24 Q Is that seal a piece of tape with your initials on it?

25 **A** **Yes.**

1 Q Does that appear not to have been broken until this time?

2 A No. It's not broken. These are my set of keys to an old  
3 car that I had.

4 Q What else is contained on them? Is there a key?

5 A There are keys to the greenhouse and there are Dennis's  
6 truck key and more greenhouse lock keys.

7 Q Is there a key -- One of the keys you mentioned was a key  
8 to Dennis's what?

9 A Toyota truck.

10 Q Those keys were where?

11 A *Those keys* were in a side table in my kitchen.

12 MR. CONNOLLY: I would offer Defendant's Exhibit  
13 Number 45 into evidence.

14 MR. WRIGHT: No objection.

15 THE COURT: Thank you. Defendant's Exhibit  
16 Number 45 is admitted.

17 BY MR. CONNOLLY:

18 Q The **keys for** the large Chevrolet were routinely in the  
19 Chevrolet?

20 A Yes.

21 Q Did the keys on the Chevrolet also include keys that would  
22 operate the Toyota?

23 A I don't recall.

24 Q Those keys that **were** just identified as 45 were in the  
25 household during the period in **question?**

1 A Yes.

2 In reference to the Toyota itself, have you ever driven  
3 that vehicle before?

4 A Yes.

5 Do you recall the last time that you drove the Toyota?

6 A I don't recall.

7 Was it shortly before or you have no recollection before  
8 the incident?

9 A I would say generally it was probably sometime in the  
10 month of June.

11 It is a small truck?

12 A Yes.

13 Is it standard or automatic?

14 A Standard.

15 Is it normal fueled or otherwise?

16 Diesel.

17 Q Where do you get your diesel?

18 Brunswick, Topsham.

19 Q Do you have your own tank?

20 A No.

21 Is there anything unusual about the operation of that  
22 truck?

23 A Not for a diesel truck.

24 Q Does it -- By that what do you mean by that?

25 A **You have** to wait until the globe front light turns or

1 goes off before you turn the ignition.

2 Q Does the engine have any unusual pings or sounds or  
3 reactions?

4 A Not for a diesel. It sounds different than a regular  
5 passenger car.

6 Q *In what way does* it sound different than a gasoline engine?

7 A It's a little noisier.

8 Q Is there anything unusual about the suspension system in  
9 that truck, the shocks and springs?

10 A It seems like it doesn't have any shocks. A bumpy road  
11 is miserable to be in that truck.

12 Q You have been in that truck on bumpy roads?

13 A Yes.

14 Q Turning your attention to *what has* been marked as  
15 Defendant's Exhibit Number 7 and 8 for identification  
16 purposes. I would ask if you can identify what that is?

17 A The driver's side and passenger's side of the Toyota  
18 pickup truck.

19 Q Does that Toyota appear the same as when you last observe  
20 the Toyota?

21 A **No.**

22 Q The last time you observed the Toyota other than driving  
23 it was when?

24 A Probably the last two weeks in June.

25 Q Just prior to you leaving for Madawaska?



1 A Yes.

2 Q At that time can you describe the condition of the Toyota  
3 with reference to those photographs and how it differs?

4 A There weren't the items in the seat. The floor is quite  
5 littered behind the seat. It's quite littered. The  
6 floor is full of dirt. The items on Defendant's Exhibit  
7 Number 7 were not in the seat.

8 Q Is there a particular item that you are able to observe  
9 in either of those photographs which you are aware was  
10 in a different part of the vehicle the last time you saw  
11 it?

12 A Yes. In Exhibit 7 the Tampax box was in the glove  
13 compartment.

14 Q In the photograph where is it?

15 A It's in the driver's side seat. -

16 Q Did you place the Tampax box in the glove compartment?

17 A Yes.

18 Q Did it have any in it?

19 A It might have had one or two left.

20 Q Would you have placed it in there if it was empty?

21 A No. The seat did not look like this.

22 Q Excluding that. That was for purposes of towing. I'm  
23 asking you to look at the other items. Can you identify  
24 any other items which were in the glove box the last time  
25 you saw it?

1 A In this photograph or just in general?

2 Q In either of those photographs?

3 A I can't say for sure I can recognize anything else.

4 Q Is it fair to say, however <sup>®m</sup> Handing you an item marked  
5 for identification as State's Exhibit Number 12, which is  
6 a notebook. Have you ever seen that notebook before?

7 A Yes.

8 Q Where did you see that notebook before?

9 A We kept this at the greenhouse.

10 The greenhouse is located where?

11 A On the Old Bath Road in Brunswick.

12 How do you know that notebook was kept in the greenhouse?

13 A Because I took inventory of what plants we sold and what  
14 I needed to bring from the wholesaler.

15 Q Turning your attention to State's Exhibit Number 11.

16 Where is that information contained? Is the inventory  
17 information contained in there?.

18 A Yes.

19 Q Where?

20 A In many different places in here.

21 Q Can you determine from the last entry when the last entry  
22 of that notebook was made?

23 A I don't know.

24 Q Do you have any recollection of when the last time it was  
25 made?

1 A Probably the *day we* closed the greenhouse or shortly  
2 before.

3 Is there a stamp in that notebook that you see anywhere,  
4 a stamped item?

5 A Yes.

6 Q What is that stamp?

7 A That's the stamp we use to stamp our checks for deposit  
8 only into the Coastal Bank.

9 For what business?

10 A For the greenhouse business. For Bass Wood Produce.

11 Q Where was that stamp kept?

12 A At the cash register at the greenhouse.

13 Turning your attention to the map behind you, can you  
14 inform the jury as to the location of where that stand  
15 was?

16 A Yes.

17 Q Where is that?

18 **A** Where there is a faint blue dot.

19 Q Is that it? (Indicating).

20 **A** Yes.

21 Q Is that a fair and accurate representation of the approxi-  
22 mate location of where the greenhouse was?

23 **A** It is.

24 **Q** **And** the produce stand as well?

25 **A** Yes.

1 Do you recall yourself ever putting that stamp into that  
2 notebook?

3 A No.

4 Other than that stamp, is there any indication of whose  
5 *name is in the* notebook?

6 A There are names and phone numbers throughout the book.  
7 Is there anything with Dennis Dechaine's or Nancy De-  
8 chaine's name other than the stamp, other than that one  
9 which is marked with the sticker, which is a State's  
10 sticker?

11 A No.

12 Q I want to turn your attention to the situation involving  
13 your husband and yourself with reference to drug con-  
14 sumption. Are you aware that your husband *had in* the  
15 past, before you met him first of all, used drugs?

16 A Yes.

17 Are you aware of what kind of drugs he used in the past  
18 before you met him?

19 MR. WRIGHT: I would object. I don't know how  
20 she is ing **to** know before she met him except anything  
21 that he had to say, which is going to call for hearsay.

22 THE COURT: Objection sustained.

23 BY MR. CONNOLLY:

24 **R While you knew him were you aware of his using drugs?**

25 A Yes.

1 MR. WRIGHT: So long as she has a basis of  
2 knowledge.

3 THE COURT: Based upon her own personal know-  
4 ledge.

5 MR. WRIGHT: Or personal observations®

6 THE COURT: That's correct.

7 BY MR. CONNOLLY :

8 Q Based upon your own personal knowledge, not what was said  
9 are you aware that Dennis used drugs?

10 A Yes.

11 Q During the period that you knew him?

12 A Yes®

13 Q During the period of college until before July 1988 had  
14 you seen him use drugs?

15 A Yes®

16 Q First of all, what kind of drugs have you seen him use?

17 A I have seen him use marijuana and I have seen him use  
18 **cocaine.**

19 Q **Had you ever** seen him -- How did you see him administer  
20 these drugs?

21 A He smoked the marijuana and injected the cocaine®

22 Q **Was** there a time when an issue between you and Dennis  
23 **arose based upon your observing him using cocaine intra-**  
24 **venously?**

25 A **Yes.**

1 Q Where did that occur?

2 That occurred at the farm we liv& at on the Ridge Road  
3 in Bowdoinham prior to where we live now.

4 Q What happened?

5 MR. WRIGHT: Objection.

6 THE COURT: Explain the events and not what was  
7 said.

8 BY MR. CO OLLY :

9 Q What happened?

10 A I woke up one evening wondering why Dennis was not in bed.  
11 I heard him in the bathroom. I got up to see if he was  
12 all right. I heard him lock the door. I asked him what  
13 he was doing. He said he would be right out. I became  
14 suspicious. I didn<sup>e</sup> t know why he was up at that hour  
15 locking the bathroom door. So I kicked the door and  
16 found Dennis with a syringe and needle in his arm.

17 Q What was your reaction?

18 A Very upset.

19 Q Was that reaction communicated to Dennis?

20 A Yes.

21 Q And was this a family issue? Did it suddenly become a  
22 marital issue?

23 A It certainly did.

24 Q. And did **you** give him an ultimatum?

25 A **I** did.

1 Q Without saying anything that he said, what was that  
2 ultimatum?

3 A I told him that if he didn't get some help with the probe  
4 lem that I saw, *that I assumed that he had*, and if he  
5 did not stop using drugs, I would leave him.

6 Q How often had you seen Dennis under the influence of  
7 drugs up until that point?

8 A Rarely.

9 Q After that point?

10 A Rarely.

11 Q And after this incident what kind of drugs did you see  
12 him use?

13 A Maybe he smoked marijuana.

14 Q Did you ever see him after this incident using anything  
15 else?

16 A No.

17 Q Was this a significant event in your relationship?

18 **A** Yes.

19 Q Are you aware that syringes were on the farm?

20 **A** Yes.

21 Q **How** do you know about that?

22 A Because I bought them.

23 What for?

24 A Administering drugs to my **animals**.

25 Q What kind of drugs do you administer to your animals that

require syringes?

2 A I give the lambs selenium and I give them a tetanus.

3 This is a type of shot that you give for a disease called  
4 overeating.

Q Did you purchase them yourself?

6 A Yes.

7 Q From where did you purchase them?

8 A From a feed store locally.

What is the name of that feed store?

10 A Knight's.

11 Q Where is that located?

12 Route 202 in Richmond.

13 When **was** the last *time that you* made a purchase at  
14 Knight's Feed Supply in Richmond?

15 A I don't recall, Sometime in Julie. I buy feed monthly.

16 During the course of your recent preparations to file  
17 your income tax, did you go through your checkbook?

18 A Yes.

19 Q During the time that Dennis lived with you did he have  
20 access to your checkbook?

21 A He had access to it, but *he could not sign it.* We have  
22 separate accounts.

23 Q Was there a joint account that you had together though?

24 A Yes.

25 Q And turning your attention to what has been marked as



1 Defendant's Exhibit Number 46 for identification, I would  
2 ask, first, if you can identify what that document is?

3 A It's a check.

4 Q And is that from which account?

5 A From our joint account.

6 Q And you received that in the normal course of your  
financial transactions from the bank return?

8 A Yes.

9 Q, And is it in substantially the same condition as it was  
10 when you received it from the bank?

11 A Yes.

12 Q To whom is that check made out to?

13 MR. WRIGHT: Objection.

14 THE COURT: Basis?

15 MR. WRIGHT: The check's not signed by her;  
16 therefore, I don't think she would have any knowledge.  
17 We are getting into the terms of the item without any  
18 knowledge from her about -- The fact that she got it back  
t9 in the mail from the bank is not-going to authenticate it.

20 MR. CONNOLLY: It's a joint account. It would  
21 go to weight and not admissibility. She can testify that  
22 it came back directly to her.

23 (Whereupon a side-bar conference **was had.**)

24 MR. CONNOLLY: It's the price of two syringes.

25 THE COURT: Does she **know this?**

1 MR. CONNOLLY: I'm pretty sure she does. She  
2 did the purchasing as she just testified.

3 MR. WRIGHT: The problem I have -- I think I  
4 know where we are going. It was written apparently by  
5 him, not her. It can be offered for the proof that --

6 MR. CONNOLLY: She didn't know what was pur-  
7 chased.

8 MR. WRIGHT: Ask her if \$13.62 is the cost of  
9 two syringes.

10 MR. CONNOLLY: That's not what she would  
11 testify to. She has no personal knowledge.

12 THE COURT: Well, I assume that she would be  
13 able to identify her husband's signature. But in the  
14 absence of knowing what this check was used to purchase  
15 at Knight's Farm Supply on June 30, it's going to be  
16 excluded.

17 MR. CONNOLLY: Let me make sure I understand.  
18 I'm not to inquire into that whatsoever?

19 THE COURT: As far as I'm concerned any further  
20 offer or any further testimony about this check is ex-  
21 cluded unless she is prepared to say she knows what the  
22 purchase price is of a syringe.

23 MR. CONNOLLY: I'm not certain that she does.  
24 I can't say.

25 THE COURT: It would be pure speculation as to

1 your confrontation, which you kicked the door, how did  
2 he respond to you? How did he react during that period  
3 of time?

4 II A He was upset that I had seen him.

5 Q Can you describe how he was upset? Was he violent or  
6 was he nonviolent or what?

7 A He wasn't violent. He just apologized. He said he was  
8 **very** embarrassed.

9 Q Whenever this incident came up, was it the same kind of  
10 attitude that he displayed, embarrassment?

11 A I don't understand.

12 Q Anytime that this incident came up was his attitude the  
13 same, embarrassment, shame, that kind of thing?

14 A Yes® He chose to put it behind us®

15 Q In reference to a very private part of your life, which  
16 is your sexual relations with Dennis. You are husband  
17 and wife?

18 A Yes.

19 Q .And you know him intimately?

20 A Yes.

21 Q During any period of your sexual relations did Dennis use  
22 force or violence as to you?

23 MR. WRIGHT: Objection.

24 (Whereupon a **side-bar** conference was had.)

25 THE COURT: It seems we are talking about trait

1           **or** characteristics,

2                   MR. WRIGHT:   There is no comparison between a  
3 marriage relationship.

4                   THE COURT:   I understand that.   That is more  
5 argument and not as to admissibility.

6                   The jury has sent a note requesting a recess,

7                   MR, CONNOLLY:   I would be prepared to have them  
8 break now. I have about ten minutes left. If the jurors  
9 are agitated why don't we break.

10                  THE COURT:   All right.

11 (Whereupon the side-bar conference concluded.)

12                  THE COURT:   We had just about reached the point  
13 where we were going to take our morning recess. I under-  
14 stand your concern over there. You have been there for  
15 the better part of two hours so we will take our morning  
16 recess at this time. Please don't discuss the case,

17 (Whereupon the jury was in recess at 11:07 a.m, and the jury  
18 returned to the courtroom at 11:35 a.m.)

19                  THE COURT:   Mr. Connolly.

20 BY MR. **CONNOLLY**:

21 **Q**   How would you categorize your sexual relations with  
22 Dennis?

23                  Very loving.   He's a very sensitive and gentle man.

24                  MR. WRIGHT:   Objection.

25                  THE COURT: Sustained.,   The jury **will** disregard

the last portion of that answer.

BY MR. CONNOLLY:

Q Were your sexual relations common in a husband and wife sense? Did you have sexual relations with Dennis rarely, often?

Regularly.

Were there any latent sexual issues between yourself and Dennis in late June 1988?

No.

10 Was he ever involved in any kind of restraint or bondage  
11 or anything such as that?

12 A Never.

13 Who was Francis?

14 MR. WRIGHT: I would object. I don't know what  
15 relevance Francis is.

16 THE COURT: Neither do I. I assume we are go-  
17 ing to find out.

18 BY MR. CONNOLLY:

19 Q Who is Francis?

20 A Francis is Dennis's eat.

21 What happened to Francis?

22 MR. WRIGHT: Objection.

23 THE COURT: Sustained.

24 BY MR. CONNOLLY:

25 Q **You've** known Dennis for **a long time?**

*Francis is the cat that was found at the produce stand. FRANCIS was killed + layed on the cash register.*

- 1 A Yes.
- 2 Q And you know people that know Dennis?
- 3 A Yes.
- 4 Q And you are aware of members of the community that know  
5 Dennis?
- 6 A Yes.
- 7 And you have social friends together?
- 8 A Yes.
- 9 And business associates?
- 10 A Correct.
- 11 Q And customers?
- 12 A Yes.
- 13 Q And family members?
- 14 A Yes.
- 15 Q And other persons that know him independently of him  
16 that you've come to know?
- 17 A Very few.
- 18 Q You went to school together?
- 19 A Yes.
- 20 And based upon your experiences with people that know  
21 Dennis, are you aware of whether or not he has a reputa-  
22 tion in the community as to peacefulness and nonviolence?
- 23 A I'm aware.
- 24 Are you aware of what that **reputation is?**
- 25 A **Yes.**

1 What is that reputation?

A Peaceful and nonviolent.

3 Based upon your own experiences with Dennis, have you  
4 ever seen any conduct which would cause yourself to  
5 dispute that reputation for peacefulness and nonviolence?

6 A No.

7 Who was Francis?

8 A He was our cat.

9 What happened to Francis?

10 MR. WRIGHT: Objection.

11 THE COURT: Sustained.

12 BY MR. CONNOLLY:

13 Q During the time when you knew Dennis, when you've known  
14 Dennis, have there been any specific instances of conduct  
15 in which a character or trait of character of Dennis  
16 Dechaine was consistent with his reputation for peaceful-  
17 ness and nonviolence?

18 MR. WRIGHT: Objection.

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

20 MR. WRIGHT: He's already asked her if there  
21 was ever anything that would lead her to conclude that he  
22 ever acted in a way that **was** contrary to the reputation  
23 that she knows in the community. She said no. Since  
24 that answer has been given anything more is cumulative  
25 on the point.

MR. CNNOLLY: I don't believe it is cumulative  
The positive is that there have been specific instances  
of conduct in which he's acted in conformity therewith.  
*That's what the* standard of proof under 405B is.

THE COURT: I understand that. What we've  
established is his reputation for peacefulness and non-  
violence in the community. You've also established that  
he's never exhibited to her any specific instances that  
would cause her to dispute or to doubt his reputation for  
peacefulness and nonviolence. Therefore, any inquiry int  
this area would be cumulative, and the objection is sus-  
tained.

(Whereupon the sidebar conference concluded.)

BY MR. CONNOLLY:

Ms. Emmons, during the period of the nine years that you've  
known Dennis, how close were you to him?

MR® WRIGHT: Objection.

THE COURT: Overruled.

THE WITNESS: He was my companion and best  
friend.

BY MR. CONNOLLY:

Q Did you do things together and spend a lot of time togeth-  
er?

Yes.

Did you share interests and hobbies and projects together'



1 A Yes.

2 Q And worked together?

3 A Yes.

4 How often would you spend time together during the week?

5 Would you spend your free time together mostly?

6 A In the wintertime skiing. He didn't partake in any of  
7 that. In the summertime we spent all our time together.

8 Q And has your relationship during that nine years develop  
9 and grown?

10 A Yes.

11 MR. CONNOLLY: I have no further questions.

12 CROSS-EXAMINATION

13 BY MR. WRIGHT:

14 Q You have spent virtually a third of your life with your  
15 husband now?

16 A Yes.

17 Q It came as a surprise to you when you caught him in the  
18 bathroom shooting up cocaine, didn't it?

19 **A** Yes, it did.

20 Q You went to Madawaska to see some of his family at  
21 Christmas last year?

22 A Yes. No. Nat°Christmas. We went to my home in Colorado  
23 during Christmas.

24 **Q** When **did you** last **go** to Madawaska?

25 A The weekend of the Fourth of July.

1 Q Would it surprise you to know that your husband used  
2 cocaine on one of the previous trips you had taken out of  
town with him?

4 A It would surprise me.

5 Q Did you know that?

6 A No.

7 When he was shooting up cocaine in the bathroom was that  
8 with an animal syringe?

9 A I don't recall.

10 Q This must have been a fairly startling event in your life

11 A Yes.

12 Q You didn't notice what kind of syringe it was?

13 A No.

14 Q You are the one who buys the syringes?

15 A I have bought animal syringes.

16 Q When was the event when he was shooting up cocaine in the  
17 bathroom?

18 A I believe it was January or February, 1985.

19 Q Was there any particular event that appears to you that  
20 appeared to precipitate himself going into the bathroom  
21 and shooting up cocaine?

22 A No.

23 Q Your husband went to India for a month?

24 A Five weeks.

25 Q During that **period you** remained here?

- 1 A Yes.
- 2 Q Would it surprise you to know that he bought hashish and  
3 did drugs in India?
- 4 A No.
- 5 Q Did you know about that before yesterday?
- 6 A Yes, I did.
- 7 Q He told you about that?
- 8 A He told me about it.
- 9 Q How did that come up? Did he confess to you having done  
10 drugs in India?
- 11 A I don't know how it came up.
- 12 Q *You had* given him an ultimatum that if he did any drugs,  
3 ore drugs, you would leave him?
- 14 A Yes.
- 15 Q When was that?
- 16 A Also in February 1985.
- 17 Q, During the time when he got *up and snuck into* the bathe  
18 room to shoot up cocaine?
- 19 A I don't believe he got up. He had been up.
- 20 Q He was hiding from you in the bathroom doing drugs?
- 21 A Yes.
- 22 Q, You would say he wanted to hide his drug use from you?
- 23 A I would *say* so, yes.
- 24 Q He then went to India for a period of five **weeks** and he  
25 himself told you, confessed to **having** done drugs there?

Yes.

This was after you had given him an ultimatum that if he did any further drugs you would leave him?

Yes.

Did you leave him?

No, I did not.

Are there any other occasions in the past years after you gave him an ultimatum that if he'd do any more drugs, Dennis, I'm going to leave you and he did drugs and you found out and you didn't leave him?

10

11 A I don't recall. I recall seeing him smoking marijuana.

12 Q So there are other incidents in which after you told him  
13 you would leave him if he did more drugs, and when you  
14 *did not* follow through you did not leave him despite his  
15 continuing drug use; isn't that correct?

16 A That's correct.

17 I assume you love him?

18 A Very much.

19 Q And raise him?

20 A Of course.

21 Q You *want to have him back with you?*

22 A Yes.

23 Q You've got your own bank account as many women do these  
24 days?

25 A Yes.

Nothing terribly unusual about that as well as you have a joint checking account?

Yes.

Q You've got your own career as many women do these days?

Yes.

There are many times, I gather, when you and he are not together? For instance, you are off skiing and he is not interested in that?

Yes.

10 Q So you are not together during a significant part of your  
11 relationship?

12 A I would not say significant.

13 Q During parts of your life?

14 A Yes.

15 Q You are the one I take it, I gather, who gets up at 5:30  
16 and does the chores?

17 Yes.

18 Q And on the morning of July 6 you were the one who got up  
19 and did the chores leaving him sleeping in bed?

20 **A Yes.**

21 Q You were that day away from the house all day until three

22 A Three or so, yes.

23 Q You have no idea where he was that day?

24 **A I know** he had gone that morning to pick up the birds.

25 Q That **was his** intention at least?

1 A Somebody picked them up.

2 Q Somebody picked them up?

3 A Yes.

4 Q You know who Cheryl Gilley is?

5 A No.

6 The lady who runs the West Gardiner Beef Company?

7 A I know her face.

8 So while you were away working during your surveying  
9 business, he i.s at home alone at the farm?

10 A I don't know where he was.

11 Generally speaking when you are away, so far as you know,  
12 he's at home?

13 Generally speaking he's workin **gat** the greenhouse.

14 At home alone?

15 A No. At our place of business in Brunswick.

16 Q But after your sale or the transfer, the sale or leasing,  
17 whatever the technical transference was, after your

18 transfer of that property when the Economeaus took it

19 over, your husband was then at the farm during the day?

20 We had closed the business at the end of June, so we

21 closed the business and so I do not know what he would be  
22 doing during the days.

23 So you don't know where he was or who he was with for any

24 period of time after you closed the farm except that

25 period when he was **in Madawaska** with you?

- 1 A Right.
- 2 Q You therefore don't know what he does with all of his  
3 time, do you?
- 4 A No.
- 5 Q In the process of bleeding the sheep **involves** the inser-  
6 **tion** of a sharp instrument into a jugular vein?
- 7 A Yes.
- 8 • Your husband helped in that process, did he not?
- 9 A Yes.
- 10 Your husband knew where a jugular vein was on sheep, on  
11 sheep at least?
- 12 A On sheep.
- 13 • He had reached a point you describe in which he no longer  
14 wanted to participate in the slaughtering of the animals?
- 15 A Right.
- 16 • He didn't mind putting needles in his arms to do drugs  
17 though, did he?
- 18 A Must not have.
- 19 Q He repeatedly has since 1985 or so, as you know?
- 20 A **No.** Not repeatedly. It was during a short period of  
21 time during the winter of 1985.
- 22 Q You don't know how often he did drugs in the three to  
23 four years, do you?
- 24 A I don't.
- 25 R Do you know whether at any time when he was using drugs

1 he used a human syringe or animal syringe?

2 A I don't know.

3 Q Animal syringes are much larger?

4 A Yes.

5 Cause more pain to insert into the skin, don't they?

6 A I don't know the needles compared to a human syringe.

7 Q When the officer came, the Bowdoinham officer came whom  
8 you were glad to see, he was somebody you knew?

Yes. A friend.

10 Q You were glad to see him?

11 A Yes®

12 Q He gave you a little information?

13 He gave me no information.

14 Q Basically no information?

15 A Right.

16 Q Nor could obviously you then know what the officer knew,  
17 of **course?**

18 A Right.

19 Q You had been concerned about your husband throughout the  
20 day up until that point after you expected him home?

21 A From the time the officer came to the house onward, yes,  
22 I was concerned.

23 You had expected your husband to come home at a regular  
24 hour of 5:30?

25 A Around seven **o'clock.**



1 In fact, had you expected him to be at the house working  
on the greenhouse that day?

3 A I didn't expect him to be.

4 Q That was not necessarily in his plans that day to work  
5 on the greenhouse?

Not that he told me about.

You were not so concerned when the Bowdoinham officer  
came that you wanted to go with him to find out what was  
going on? You just remained in the house?

10 I wasn't aware that I could have. I certainly would have  
11 asked if I could have. If I had known I was able to.

12 You didn't at all?

13 A No. I was concerned that Dennis was hurt or not hurt.

14 I needed to know that. Nobody could tell me.

15 You don't know what in addition to the clothing that  
16 shows in the photograph taken showing the light blue tee  
17 shirt with a stripe around the collar, you don't know  
18 *what your husband might* have been wearing when he left  
19 the house?

20 A **No.** It **was** a 90 degree day.

21 Q It *was not so hot* that he didn't wear shorts; he was wear-  
22 ing long pants?

23 A Yes. He does not wear shorts.

24 Q- When he came **back** you said he **was**, he appeared to be  
25 confused but not crying, and I gather **you** concluded from

that that something was very wrong?

2 A Yes.

3 Do you mean to suggest to the jury you can distinguish  
4 between scratches left by branches or scratches left by  
5 human fingernails?

6 A I didn't mean to imply that. They were not deep. They  
7 **were very superficial.**

8 Q You saw no other marks aside from these bruise and the  
slight marks on his body which weren't familiar to you?  
10 That's correct. Are you referring to the bruise on his  
11 arm?

12 That's correct.

13 A Okay.

14 And the scratches which you saw?

15 A Right.

16 Q You washed the clothing not trying to hide *anything*?

17 **A Yes.**

18 Q The fact remains that the clothes were washed?

19 A They were washed.

20 Indeed you not **only** sensed something was very wrong but  
21 something was so wrong that on Thursday you needed to  
22 stay home with him, did you not?

23 Yes.

24 And indeed something had **happened** which I gather you and  
25 your husband felt required legal help; that is why you

1 went to see Mr. Carlton?

2 A He had been questioned by the police in a kidnapping.

3 Q Something had happened that required you to get legal  
4 help that you felt you needed?

5 A Yes.

6 Q It's your testimony, and let me understand this perfectly  
7 clear,, that when this Sara Cherry's picture was on the  
8 television, your husband's first reaction was that, my  
9 God, I've never seen her before?

10 A That's correct.

11 Q That was his reaction?

12 A That was his reaction.

13 Q He had no other reaction to this story except to say my  
14 God I've never seen her before?

15 A That's correct® He added he could not have kidnapped her®

16 Q I understnd® He was, as the story wore on, he became  
17 excited about the story about the missing girl?

18 Yes.

19 That was on Friday?

20 **A** Thursday.

21 Q Excuse me. Thursday. Despite all of this, you did not  
22 feel the need to stay home with him on Friday?

23 **A** I went to work.

24 Q The truck, the **Toyota** truck was a mess basically, wasn't  
25 it?

1 A He did not keep it well.

2 Q And you, couldn't really *say with any particularity, aside*  
3 from the Tampax box, which you recall, what was in it and  
4 what wasn't in it, where it was, anything of that sort?

5 A I can recall that there was junk in his car.

6 Q But the Tampax box is the only thing you can recall wLth  
7 particularity?

8 A No. I can recall many other things.

9 Q Such as papers and whatnot?

10 A We kept rope for animals behind the seat. There were  
11 pens. There was trash, pencils, note pads.

12 Do you recall when your husband was arrested his sitting  
13 there rocking back and forth in the living room on the  
14 couch as he went through his wallet to give you his  
15 wallet?

16 A Yes.

17 Q **Your** testimony, as I understand it, is that your husband  
18 was not upset or angry over your discovery of his use of  
19 drugs, but he was rather embarrassed and apologetic?

20 A Yes.

21 Q His reaction was one of embarrassment?

22 A **Yes.**

23 But not anger that **you found** him **out**?

24 A **No.**

25 **Your** relationship with him **was, I take it, as** you described,

1 a healthy, normal marital relationship?

2 A Yes.

3 Q With normal coital relationships?

4 A Yes.

5 Q Did he ever engage in any sexual acts that you disapproved  
6 or you didn't want to engage in?

7 A Never.

8 Q *You know him terribly well, I take it?*

9 A I know him well.

10 Q He is your companion, your best friend with whom you've  
11 shared a life?

12 A Yes.

13 Q Yet there are times when you do not know what he's doing,  
14 isn't that true?

15 A That's true.

16 Q Now, Detective Hendsbee, when he arrived at the house  
17 asked you about a couple of items, including the bandanas?

18 A Yes.

19 Q You showed him a drawer full of bandanas. You were  
20 surprised to find, to know how many bandanas there were?

21 A I don't recall being surprised.

22 Q Do you recall taking out of the drawer for him three  
23 bandanas?

24 A I recall Detective Hendsbee asking me if I had blue  
25 bandanas. I don't recall removing them from the drawer.

1 I pulled them, I pulled the drawer out and I put it on  
2 the bed.

3 Do you recall being surprised by the nber of bandanas  
4 that you had, in fact? You thought you had fewer than  
5 in fact you found in the drawer?

6 MR. CONNOLLY: Objection.

7 THE COURT: Asked and answered. Overruled.

8 THE WITNESS: No.

9 BY MR. WRIGHT:

10 Q Detective Hendsbee also asked you whether Dennis had any  
11 pen knives, didn't he?

12 A Yes.

13 Q What happened was he asked you whether Dennis had any  
14 pen knives?

15 A He asked me if Dennis carried a knife.

16 Q You said he did and you thought it was on the key chain  
17 of his keys?

18 A I **said** he does not carry a pen knife. He has one on his  
19 key ring.

20 Q. Right. At which time you then learned from Detective  
21 Hendsbee that the pen knife was not on his key chain;  
22 isn't that true?

23 A Yes.

24 Q That surprised you, didn't it?

25 A **Yes.**

1 Q *In fact, what you* said to Detective Hendsbee at that  
2 point, after you learned from him that the pen knife was  
3 no longer on the key chain that the police had recovered,  
4 you said to Detective Hendsbee I'd better not say any  
5 more; I'm going to get Dennis into trouble.

6 A I did not say that.

7 Q Nothing close to that?

8 A No.

9 Didn't you tell Detective Hendsbee that you didn't wish  
10 to talk about the case any more because you might be  
11 getting Dennis into trouble?

12 A I said I didn't want to talk to him further. I felt he--  
13 He befriended himself and I trusted him, and he got informa<sup>®</sup>  
14 tion from me after I had been read my rights.

15 Q He never read you your rights, did he?

16 A He didn't, but another man did. He read both of us our  
17 rights at his car asking all the while if we understood.

18 Q That was Detective McCarthy who was addressing your hus<sup>®</sup>  
19 band after **your** husband had come running off the porch  
20 saying I know what you are here for; isn't that the  
21 scenario?

22 A He didn't come running. He both came walking.

23 Q That's the incident we are talking about.

24 A Yes. He asked us both if we understood what he was saying  
25 to both of us.

1 Q This is the key chain that so far, as you know, State's  
2 Exhibit Number 24, your husband would have had with him  
3 had he gone anywhere on the 6th of July?

4 A As far as I know.

5 Q The one that you thought had a pen knife on it, which in  
6 turn does not?

7 A Correct.

8 MR. WRIGHT: Nothing further.

9 REDIRECT EXAMINATION

10 BY MR. CONNOLLY:

11 Q When **was** the last time you saw a pen knife on this?

12 A In the spring.

13 Q Do you have any recollection of seeing a pen knife on  
14 these keys after the spring?

15 A No, I don't.

16 Q When you last saw the pen knife what was it being used  
17 for?

18 A It was being used to cut open bags of soil at the green-  
19 **house.**

20 Q Promix?

21 A **Yes.**

22 Q You saw a knife **seized** from **your** residence?

23 A I don't recall. I didn't see it physically being seized.  
24 I remember seeing it on the search warrant that was taken

25 Q The inventory list?



1 A Yes.

2 Q Did you use the keys to drive the Toyota after the spring?

3 A Yes, I did.

4 Did you notice at any point a knife on these keys at that  
5 point?

6 A I don't recall.

7 You have no recollection?

8 A I have no recollection.

9 Q In reference to the bloodletting of the sheep, why was  
10 that stopped?

11 MR. WRIGHT: She has already testified to that.  
12 I didn't ask any questions about why.

13 THE COURT: There was reference to the manner.

14 MR. WRIGHT: Perhaps I did.

15 BY MR. CONNOLLY:

16 Q Why did you, and he mostly, why did he stop doing it?

17 A It terrorized the animals. He didn't want to do that  
18 any more.

19 That was a decision that made things uncomfortable at the  
20 workplace?

21 A With our employer?

22 Q Yes.

23 A He needed people to bleed the sheep and we weren't willin  
24 to.

25 What happened as a result of you not willing to do that?

He found somebody else and we taught them.

At that time did it leave you, leave Dennis without a job?

No. We were doing many things at the farm.

With reference to animal syringes, there are various diameters of syringes that are used in animal husbandry?

That's correct.

At the Knight's Farm Supply are there various sizes of syringes that are available?

Yes.

10 Q When you saw the TV picture of the missing girl and  
11 Dennis's reaction to it, those were not the only disc  
12 cussions you had during the course of that day; isn't  
13 that right?

14 A No. We had other discussions.

15 With reference to what was happening to him?

16 A Yes.

17 Q Those discussions were in depth at some point?

18 A Yes.

19 Q So the only time the situation was discussed was not  
20 during the television?

21 A That's correct.

22 MR. CONNOLLY: Thank you very much. Nothing  
23 further.

24 RE-CROSS-EXAMINATION

25 BY MR. WRIGHT:

1 Q Did you suggest to us that the reason that you stopped  
bloodletting of animals was because it terrorized the  
3 animals?

4 A Right.

5 MR. WRIGHT: Thank you.

6 THE COURT: Thank you® You may step down.

7 Members of the jury, we are going to recess for  
8 lunch at this time. I'm going to give you a little bit  
9 longer lunch hour than usual because there are some legal  
10 questions that have to be determined between the Court  
11 and counsel. Therefore, I'll excuse you at this time  
12 until 1:45.

13 (Whereupon the jury was in recess at 12:08 p.m.)

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(the proceedings continued at 1:38)

*MR. CONNOLLY:* Pursuant to discussions, the defense at this point would offer voir dire testimony of Dr. Roger Ginn.

ROGER GINN, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. CONNOLLY:

Your full name is Doctor Roger Ginn?

That's correct.

*MR. CONNOLLY:* For purposes, Your Honor, of this proceeding, the voir dire - it's my understanding that there will be a stipulation to qualifications.

*MR. WRIGHT:* That's correct. For purposes of this proceeding only.

THE COURT: Thank you.

BY MR. CONNOLLY:

Did you become involved with an evaluation of the defendant, Dennis Dechaine, in this case?

A Yes, I did.

1 Q What is the nature of that evaluation?

2 A The evaluation involved discussion with you, review of  
3 records that you provided me, interviews with Mr, Dechaine,  
4 and the administration of a number of psychological tests.

5 The ultimate purpose of this evaluation was to do what?

6 A I saw it as being two-fold: one to provide an overall  
psychological profile of Dennis, and the second to assess his  
8 mental state on or about July 6, 1988.

In preparation for the conducting of the interviews with  
the defendant and the providing of the specific tests which  
were to be done, you received copies of police reports and  
similar police type materials?

A Yes.

In addition, did you receive a variety *of different*  
*documents in reference to* Mr. Dechaine's background?

A Yes.

Such as educational records, records from the Upward  
18 Bound program that he participated in and other medical  
19 records?

20 A That's correct.

21 Q Those kinds of things?

22 A Yes.

23 And you incorporated them in your evaluation, did you  
24 not?

25 A That's correct.

1 Q In addition, was there a videotape that you looked at  
2 for purposes of making your opinion and evaluation?

3 A Yes.

4 Q That was a videotape of an examination done at the State  
5 forensic service?

6 A Yes.

Q Between Mr. Dechaine and Dr. Jacobsohn?

A Yes.

Q Based upon that information that you obtained and the  
interviews and the test results, were you able to form an  
opinion as to the issues for *which the* evaluation was  
conducted?

A Yes.

Q Prior to that, did you provide a written report or did  
you provide a written report in connection with your opinions  
and conclusions?

A Yes.

Q Included in that report there is background information,  
interview data that is in essence a discussion of the  
defendant's background, his upbringing, education and several  
other relevant factors?

A That's correct.

Q Turning your *attention to* the issues of results and  
conclusions, what are your results and conclusions based upon  
your evaluation, sir?

1 A The results in terms of the general assessment found  
2 Dennis to be significantly above average in intellectual  
3 *capacity with no specific* cognitive or intelligent  
4 weaknesses. Overall functioning I would place him at the 96  
5 percentile when placed against other adults. Personality  
6 assessment showed no significant emotional or psychological  
problems, no mental illness. There is data on just general  
personality make-up or style, but that data it more  
specifically describes the general character traits.

Q Those personality styles have diagnostic *significance*,  
do they not?

A Diagnostic *in the* sense that they don't warrant  
*diagnosis*.

Q That is an important indication of what ultimately your  
conclusion would be?

A That's correct.

So the personality style and personal profile is of  
clinical importance in ultimately reaching a conclusion?

A That's correct.

Q What was that personality assessment and particularly  
the personality style?

A The assessment showed somebody who tends to look at life  
in a rather optimistic manner, somebody who tends to be  
rather individualistic and independent in their approach to  
life. An individual who could somewhat be described as

1 compulsive and compliant at times. No signs of any  
2 significant anxiety or depression. Somebody who may tend to  
3 avoid unpleasant things and may tend to look on the  
4 optimistic side more often than perhaps he should.

5 In your analysis were you able to determine issues  
6 relating to impulse control, aggressiveness, anger?

7 A There was nothing in the data that showed any problems  
8 with impulse control, hostility, underlying hostility.

9 Antisocial behavior?

10 A No indication of that.

11 What about drug use? Is that a whole separate category  
12 that we can discuss later or does that fit into antisocial  
*behavior*?

A I would not see the drug use as antisocial *behavior*, *no*;  
in a clinical sense.

Did you find him, based upon your interview, to be a  
drug dependent person?

A No.

**How** would **you** characterize his drug use then from a  
**psychological** standpoint?

A I would characterize it as a drug user; not somebody who  
is a drug abuser or chemically dependent.

Q Do *you have further* assessments with respect to  
interpersonal **relationships**?

A There is nothing in the data to suggest any problems



1 with that, He appears to have significant number of friends  
2 *and acquaintances, nothing to point to any real problems in*  
3 *that area.*

4 Q What about sexual dysfunction?

5 A Nothing to point *to any real problems with sexual*  
6 *dysfunction. No problems with sexual function.*

Q *In reference to your analysis of the assessment of the*  
*mental state on July 6, 1988, you made some conclusions and*  
*some observations?*

A That's correct..

Q What are the nature of those *observations* and  
conclusions? Dr. Ginn?

A Given *Dennis's* description of the events on the day in  
question, that he had *been using* something that he was under  
the impression was some type of amphetamine. There was  
*nothing to indicate that he was suffering from any mental*  
*disease or defect or couldn't differentiate between right and*  
*wrong.*\*

Q Is there any *indication* during the course of your  
*analysis that he was delusional or* that he had blacked out or  
that he had substantial periods of time for which he cannot  
account?

A No delusions. His memory of the day as he described it  
24 to me was rather spotty. There could have been period of  
25 time when he had no recollection of it.

1 Q IS *that a significant* finding in reference to the  
2 assessment of his mental state on July 6th?

3 A It would be if there were large blocks of time that he  
4 was not aware of.

5 Q Did you find that despite the spotty nature of his  
6 recollection that there was more involved than a mere failure  
7 to recollect small details or some details?

8 A I'm not sure what you mean.

9 Q Did there appear to *be* an indication based upon your  
analysis that there were substantial periods of times for  
which he could not account?

A *That was not clear.*

Q *Was there an analysis of the period in* which he was held  
*or that he was questioned or had discussions with police*  
officers and were they of some significance?

A He described to me his perceptions of those experiences.

Q Would those experiences be consistent or inconsistent  
with his personality assessment profile?

A His perceptions of the experience?

Q Yes. With the police officers?

A Yes, I would think so.

Q What conclusions can you draw about the experience with  
the police officers, if any?

A All I can say is what Dennis describes as his  
perceptions. **His** perceptions **would** be consistent with how

1 one would perceive him or his personality style and given  
2 what he said he was doing.

3 Q Did he indicate a concern as to his, initially at least,  
4 his perception police officers would have of him or other  
5 persons would have to him if they were aware he was using  
6 drugs on the day in question?

7 A He did *not want them to know that.*

8 Q Would that be consistent or inconsistent with his  
personality profile and self-esteem concepts?

10 A I think that would be consistent

11 Q Consistent?

12 A Consistent, yes,

13 Q *And during* the period in which he was questioned he  
14 indicates an extreme reaction to some of the police  
15 questioning, is that a fair statement?:

16 A I think that would be fair. He was upset by - it was  
17 reported that he was upset by the way he saw himself being  
18 treated.

19 Q Would that explain a nervous reaction or a reaction of  
20 some kind of psychological consequence being confronted with  
21 allegations and being involved in a procedure for which he  
22 was unfamiliar?

23 A It would be consistent with being very nervous.

24 Q And its your conclusion, based upon the *discussion that*  
25 Mr. Dechaine had with you and on the background information

1 that you had, that on the date of July 6, 1988 he was not  
2 suffering from a mental disease or defect that would prevent  
3 him from having memory or would prevent him from having  
4 recollection of events involving the disappearance of the  
5 girl?

6 A You lost me there.

- Is there anything in the conclusions that you draw from his analysis which would lead you to conclude that on the date of July 6, 1988 he was unable, for any psychological reason, to recollect what happened if he had involvement with the disappearance of the girl?

A I see that as a two-fold thing. The first would be considering that he was using some type of amphetamines. In those situations you would have memory of the day, although it might be spotty.

The other potential scenario would be that there would be a large period of time that there would be *gaps in his* memory because of the severity of the reaction to the drug.

- Was there anything in the profile that indicated a high *degree of paranoia, for* example?

A No. Nothing to suggest any paranoia.

Anything that indicated any kind of psychopathic of any kind?

A No.

- **Sociopathic** of any kind?.

1 A No.

2 Anything of any mental retardation or disturbance of any  
3 kind?

4 A No.

5 Q Was there anything which would indicate that during this  
6 period of time he had a disassociative reaction?

A No.

In reference to the last issue discussed in your report,  
you discussed the possibility of a drug-induced psychosis.  
Would you discuss that briefly for us?

A The possibility that there is plenty of literature  
suggest that people who use amphetamines have had instances  
of drug induced types of psychosis, but they are, in a sense,  
out of contact.

In those instances of literatures is it true or not true  
that there was a predisposition or other aggravating factor  
which contributed with the amphetamine use to cause that kind  
of reaction?

A To my knowledge of the literature that was typically the  
case.

(2 So its fair to say that based upon what you have  
discussed, that the defendant was not suffering from a mental  
disease or defect which would prevent him from appreciating  
the nature or consequences of his conduct **or the ability to**  
form intentional or knowing actions; is that correct?

1 A He was not,

2 • He was not?

3 A That's correct,

4 • And that if these actions did occur, which you do not  
5 assume in the first part of your discussion; is that correct?

6 A Correct.

□ That the only realistic psychological explanation would  
be a drug-induced psychosis?

A That correct,

• Is there anything else, Dr. Ginn, of consequence that  
you determined in reference to the defendant from a  
psychological standpoint?

A Not that I can think of right now,

MR. CONNOLLY: That's my offer of proof for the  
defendant, Your Honor \*

#### CROSS EXAMINATION

BY MR. WRIGHT:

Essentially what you are saying is that the defendant  
told you he could not recall parts of the afternoon of July  
6th?

A That's correct,

□ Spotty memory however, does not, *in and of itself*, have  
any relationship to an ability to form an intent or have

1 knowledge; it simply has to do with recall with that time  
2 period?

3 A That's correct.

4 Q And the only possible explanation for this lack of  
5 *memory during parts* of the **afternoon is** the drug-induced  
6 *psychosis*?

7 A I think if we are looking at lack of memory - -

Q Try to answer my question. I tried to make it the only  
*explanation you would have* is the possibility of a drug-  
induced psychosis, isn't that true?

A Yes.

Q And psychosis involves hallucinations *and loss of touch*  
with reality, none of which you diagnosed, isn't that true?

Yes

Q Nervousness and things of that sort have nothing to do  
with the absence of an ability to form a culpable state to  
act intentionally and knowingly?

A I would agree with that

Q In fact, nervousness in the face of questioning by law  
enforcement officer would, if *anything, be* consistent with a  
normal reaction, at least by some people, to what they  
thought was an overbearing situation?

A Correct.

**Q You found no** problem with him in his ability to  
determine right **versus** wrong that **afternoon?**

1 A That's correct.

2 Q All in all, his personality profile such as you have,  
3 such as you found it to be, was pretty normal?

4 A That's correct.

5 Q You were talking here mostly about the MMPI?

6 A Yes, Not entirely. The overall taking of all the data  
into consideration.

Q You found him to be essentially a pretty bright kid?

A That's correct.

Q With no cognitive weaknesses?

A No.

Q Cognitive means understanding?

A Yes.

As opposed to volitional?

A Yes.

• You found him to be optimistic and individualistic,  
compliant, without much anxiety other than perhaps  
situational depression from what has happened during the last  
several months?

A Correct.

Q There is nothing in there being optimistic,  
individualistic, compliant, not anxious that didn't have  
anything to do with the ability to act intentionally or  
**knowing?**

25 A **That's correct.**



1 Q To appreciate one's surroundings?

2 A That's correct.

3 Q Finally, in order to accept even the hypothesis or the  
4 possibility of a drug-induced psychosis you had to accept his  
5 story at face value as being true across the board?

6 A That's correct.

There was nothing available to you to corroborate it.  
You could not corroborate his story. You asked him tell me  
what happened and then accept it as possible for the  
possibility of a drug-induced psychosis?

A That's correct.

MR, WRIGHT: Thank you, I have nothing else.

THE COURT: Any

MR. CONNOLLY: Nothing further.

THE COURT: Doctor, is it true in the contents of  
your report you obtained a complete history of Mr. Dechaine?

**THE WITNESS: Yes.**

THE COURT: Based upon the *documents and police*  
reports, educational reports and medical profile you had  
pretty much a complete history that was supplemented somewhat  
by your interview with Mr. Dechaine; is that correct?

THE WITNESS: *The combination of both, yes.*

THE COURT: *Included in that was, I take it, a full*  
discussion of prior drug use by Mr. Dechaine?

**THE WITNESS: That's correct.**

1 THE COURT: Was there anything in that that would  
2 lead to you believe that on other occasions prior to July 6,  
3 1988 that Mr. Dechaine had ingested in one form or another  
4 amphetamines in addition to the depressant type of drugs?

5 THE WITNESS: My understanding is that that was the  
6 first time he used amphetamines.

7 THE COURT: Was there anything in your discussion  
8 with Ur. Dechaine that would lead you to believe that he had  
9 had any reaction to any other drugs that he may have been  
10 involved in prior to July 6th?

11 THE WITNESS: There was one incident back a number  
12 of years, back when there had been an experience with some  
13 type of hashish or marijuana.

14 THE COURT: How would you characterize hashish as  
15 an amphetamine or as a depressant?

16 A I believe they are depressants.

17 THE COURT: So, as I understand your conclusion  
18 here, is that, as state's counsel has put together in his  
19 final questioning to you, that you are accepting at face  
20 value everything that Mr. Dechaine has told you about his  
21 memory of the events of July 6, 1988? Point number one; is  
22 that correct?

23 THE WITNESS: Pretty much so, yes.

24 THE COURT: And you come to the **conclusion**, based  
25 upon that, that at the time span we are talking about here,

1 say between the hours of noon and as late as perhaps at seven  
2 o'clock or eight o'clock at night, that Mr. Dechaine was in a  
3 drug-induced psychosis or suffering from a drug-induced  
4 psychosis?

5 A No. That is not any conclusion. I merely stated that as  
6 a possibility.

THE COURT: Its a possibility. Is it just as consistent that he was of a personality that was consistent with all the other conclusions that you had previously come to? In other words, your conclusions were that your general assessment found him to be above-average intellectually; that he was in the 96 percentile intellectually; that you found that there was nothing wrong *with his* personality; you found nothing by way of mental illness or anything wrong with his psychological make-up; that he was a person who was positive, independent, compliant, without *any anxiety, and that he* had no problems with impulse control, hostility or antisocial behavior.

So if that were was your conclusion as to his personality make-up as a result of your interviews and *questioning of* Mr. Dechaine, is his description to you of his memory of the events between noontime *and say seven o'clock*  
23 on July 6, 1988 just as consistent with that type of  
24 conclusion as to his personality as it would be to a drug-  
25 induced psychosis?

1 THE WITNESS: Yes.

2 THE COURT: Is it fair to say you cannot say with a  
3 reasonable degree of medical probability that at the time of  
4 these, the time span between noontime and seven o'clock p.m.  
5 on July 6p 1988 that he was not in a drug-induced psychosis  
6 or you cannot say to a reasonable degree of medical certainty  
7 *that he was in a drug-induced psychosis during that time*  
8 *span?*

THE WITNESS: I cannot say that.

THE COURT: Thank you. Anything further?

RE-DIRECT MAAMINATION

*BY MR CONNOLLY:*

Doctor Ginn, in reference to your indication on previous amphetamine use, do you recall the videotape of the State forensic evaluation and the discussion on that tape with reference to previous amphetamine use by the defendant while in college? For example, do you recall when he talked out *taking little white pills in order to study?*

A *That's correct.*

So that there was a time when there was discussion with the defendant with reference to prior amphetamine use that was part of your equation in making your ultimate conclusion?

A *That's correct.*

1 Q You were aware of previous intravenous use, and during  
2 any of those times would you indicate a drug-induced  
3 psychosis?

4 THE WITNESS: Yes.

5 MR. CONNOLLY: Nothing further.

6 THE COURT: Anything further?

FURTHER CROSS , aAMINATION

BY MR. WRIGHT:

Q In Mr. Dechaine's reference to prior amphetamine use,  
again, there was nothing to corroborate the use of that, is  
there?

A That's correct.

Q He had full recall, didn't he?

A That's correct,

Q And there would be nothing in that event either which  
would suggest an inability to form the capacity to act  
purposefully or with awareness of his surroundings at that  
time; is that correct?

A That's correct.

MR. WRIGHT: Thank you.

MR. CONNOLLY: Nothing further.

THE COURT: Thank you. You have may step down.  
Counsel.

1 MR. CONNOLLY: If if I may, Your Honor, the Court  
2 had previously been acquainted with the nature of the offer  
3 *of proof having been provided with a psychological report*  
4 provided by *Dr. Ginn.* ,In addition, I'm well aware that the  
5 Court has had an opportunity to **look** at the relevant case  
6 law, and I'm sure that the Court is at least acquainted with  
7 it as myself if not better.

Cutting to the quick, sir, and the proffered testimony  
in this case has been established to show that the defendant  
on the date in question had a particular psychological  
profile. That that psychological profile is relevant and  
would assist the trier of fact in *making a conclusion as to*  
the defendant's guilt or *innocence.*

In addition, the doctor has testified that the  
conclusion of drug-induced psychosis would be the logical  
relevant explanation if the activities in question did *OCCUR*,  
which he does not presume. The doctor had sufficient  
*foundation* and had sufficient qualifications to make these  
*conclusions* and it would be probative and relevant to the  
jury.

It is my understanding that the presiding justice may  
exclude a witness's opinion under 7012 if he found it was not  
23 within the experts' specialized knowledge. As far as the  
24 doctor's knowledge and evaluation it would be helpful and it  
25 is within his knowledge. **In** addition, expert testimony may

1 be utilized to describe the mental and emotional condition of  
2 the accused at the time *the conduct* complained of was  
3 committed, and that the expert may give his ultimate opinion.

4 So I think under the cases that Maine reports we meet  
5 the criteria to allow this kind of psychological evidence.  
6 It does not interject the wild card into the deck. It  
focuses the inquiry. It allows the jury to understand which  
would be otherwise be beyond their understanding; therefore,  
I would move for its admission.

MR. WRIGHT: With all due respect, it must be kept  
in mind what the purpose of the defense of an abnormal mind  
is. We are not dealing with insanity. He *found no mental*  
disease or defect. Doctor Ginn further said that from all he  
could tell, the defendant had an ability to appreciate the  
difference between right and wrong. Having a cognitive  
ability to appreciate right *from wrong tells us* under Section  
38 that he did not lack the capacity to, did not lack the  
capacity to have knowledge; that is the cognitive part of the  
culpability that is at issue here.

This kind of testimony, however much Mr. Connolly would  
like it to be before the jury, for general purposes is not  
properly before the jury simply to tell the jury what a  
psychological profile was. *When all* is said and done this  
testimony is being offered to give the jury the notion that  
25 based upon a psychological profile Dennis Dechaine's make-up

1 is not consistent with a killer, generally speaking.

2       The purpose of section 36 is far different than that.  
3 The Court must focus on that, The purpose of abnormal  
4 condition of mind as a defense is to inquire whether or not  
5 the defendant lacked the capacity to form an intent or have  
6 knowledge at the time in question. Doctor *Ginn's* testimony  
7 today is quite the contrary. There is nothing, zero, zip, in  
8 which he said anything which would suggest this defendant  
would have lacked the capacity to form intent or have  
knowledge going to culpable mental state, This is precisely  
the issue, not broader issues which we deal with which State  
versus Murphy makes clear. Chief Justice McKusick's opinion  
in that case is the most recent and I think best full  
treatment for the purposes of section 38. It is pointed out  
there that evidence which did not tend to negate intent or  
knowledge is inadmissible: the end of this for purposes of  
Dr. Ginn's role. Doctor Ginn said *nothing* which would  
suggest that the defendant's make-up, emotional state on the  
afternoon of the 6th of *July in any* fashion would *undermine*  
his capacity to have intent or knowledge. His testimony  
cannot be offered for the broader purposes of just going to  
the jury he's *kind of a* nice guy and so, therefore, he  
couldn't have killed somebody. Normal people kill all the  
time.

I ask that it be excluded.



1           THE COURT: Thank you. Counsel have furnished the  
2 Court and given the Court the benefit of *not only Dr. Ginn's*  
3 psychological evaluation but as well as the controlling law  
4 in this area; the most recent being State versus Murphy, 496  
5 AU, 2nd 623, the decision written by Chief Justice McKusick.

6           Our inquiry is thus limited **to** the question of whether  
7 the proffered testimony of the psychologist would tend to  
8 generate a reasonable doubt as to the defendant's culpable  
9 state of mind. The proffered testimony to be admissible must  
10 tend to negate the conclusion that the defendant had a  
11 culpable state of mind. If the evidence offered by the  
12 defendant did not *tend to* negate the mental element of the  
crimes charged it would be properly excluded. And  
conversely, if it did tend to create doubt in the question of  
the defendant's culpable mental state it would be error to  
exclude it.

          In the case before the Court in which the Chief Justice  
was writing, his observations were in footnote six, citing  
State versus Flick: A medical professional is not by that  
status made competent to testify to legal conclusions and  
that opinions which are arguably within the expert's  
specialized knowledge, but which are so conclusory or so  
framed in terms of the legal conclusions to be drawn that  
they will **not** assist the trier of fact. Under rule 702 of  
the Rules of Evidence: or will pose a danger of confusing the

1 jury which outweighs their probative value or if there is an  
2 insufficient factual basis to support the conclusions.

3 In the case of Murphy the evidence in that case was that  
4 the psychologist's *testimony on voir* dire avoided those  
5 pitfalls. He noted it was based upon nextensive observation  
6 and testing of the defendant; it posed *little danger of*  
confusing a jury. It was given in ordinary layman terms  
rather than solely in the terms of the opinion. And the  
reasons for the opinions was fully explored.

In the case at bar, Dr. Ginn, while qualified in the area  
of psychology, has clearly stated that he found nothing  
different about Mr. Dechaine's personality or profile or  
make- up ascribed to *him by* Mr. Dechaine between the hours of  
noon and seven o'clock on July 6, 1988, other than a spotty  
memory that, according to my recollection of what Dr. Ginn  
testified to, was not that *unusual*. *And that he could not*  
*say to a reasonable* degree of medical probability that  
between those hours that Mr. Dechaine was under a drug-  
induced psychosis. It was a possibility, but only a  
possibility. It was just as consistent then to conclude that  
he was not in a drug induced-psychosis. Therefore, based  
upon the testimony of Dr. Ginn, I do not find that he fits  
within the guidelines set forth in State versus Murphy, and  
that his testimony, if received by the jury, would lead only  
to confusion of issues and *confusion of* the jury. Therefore,

1 his testimony will be excluded.

2 We'll take a five minute recess.

3

4

**(Whereupon a recess was had at 1:58 and**

5

**and the jury returned to the courtroom at 2:17)**

6

7

8 MICHAEL HITE ® being first duly sworn, was examined and

9 testified as follows:

10

11

DIRECT EXAMINATION

BY MR, CONNOLL :

Q Would you please state your name for the record?

A **Mike Hite.**

**What do you do for work?**

A **L.L. Beans,**

Q **How long have you worked for then?**

A **The past nine months.**

Q **Prior to working for** them what did you do for work?

A I was a professional military man.

Q What branch?

A United States Navy.

Q When you mustered out what was your status?

25

A **Senior** Chief Petty officer.

You currently live where?

2 4065 Old Bath Road, Brunswick.

Who lives across the street?

4 No one lives across the street. The produce stand is  
5 across the street.

6 Q Who owned that produce stand?

7 A Dennis Dechaine.

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

9 A Yes.

10 Are you married?

11 A Yes.

12 Q What is your wife's name?

13 A Betty.

14 Q How many children do you have?

15 A We have three,

16 Q How did you come to meet Mr. Dechaine?

17 A I met him, I went over and introduced myself to him when  
18 he opened the vegetable stand in 1985.

19 Q And where is his house in relation to your house?

20 A **His home?**

21 Q Yes.

22 A In Bowdoinham.

23 Q How far is that from your **house?**

24 A **Approximately 12 miles.**

25 Q During the period of time **since 1985** when you first met

1 Mr. Be Dechaine how close have you become in terms of  
2 relationships?

3 A I would say we are very good friends.

4 Q And did you see Mr. Dechaine in the course of him  
5 *starting his* vegetable business?

6 A I helped him.

Q How did you do that?

A I helped him plant the field the first year he was there before he put the greenhouse up. When I wasn't working in the evening I would come home and help him plant.

Q Was that difficult work?

A Yes, sire it is hard work.

13 Q Did you see him in a variety of contexts with stresses and such on him?

A He was trying to build a business. A young man trying to build a business. Yes, I would say he had stress. He was just trying to get going.

Q At any of those times when **you** worked with him did you come to see him in non-work settings?

A Yes, After he would close his stand up occasionally he would come over to the house, and I have a big garage and I like working out there and we would have a few beers and reminisce about things going that day. That's how we became such close friends. When Dennis needed help with equipment or anything I was always there to try to help him.

1           Were there times when he helped you repair your tractor  
2 or you helped him repair yours?

3 A       I helped overhaul one of his tractors, yes.

4           During the period of time when you've known Dennis  
5 Dechaine, have you also become familiar with people in the  
6 community that know Mr. Dechaine?

A       Yes, sir. I met a few of Dennis Dechaine's friends  
through the vegetable stand when they would come over to  
visit him.

Q       So in the business context you know some people that are  
acquainted with him?

A       Yes.

          In the social context do you know people?

A       Only his wife. I'm sorry, I did meet a couple of his  
brothers.

          Do you know other neighbors of his through various  
means?

A       No.

Q       You, yourself, have had an opportunity to see Mr.  
Dechaine in different circumstances; is that correct?

A       Yes, sir.

          Calling your attention to one particular time in  
reference to an incident which occurred which you described  
to me before **involving** the sight of **blood**. Do you recall  
25 that?

1 A Yes, sir.

2 Q Can you explain to the jury what that situation was?

3 *Not what anything* Mr. Dechaine said but what you observed and  
4 how he reacted?

5 MR. WRIGHT: I would object,

6

7 (Whereupon a sidebar conference was held)

8

9 MR, WRIGHT: *My* objection is that it is one thing  
10 to talk about non-violent responses but the sight of  
11 blood he's going to say he was repulsed by the sight of  
12 blood. That has nothing to do with character traits.

13 MR. CONNOLLY: *It has to do directly with his*  
14 reputation, not reputation, but it has directly to do with  
specific instances of conduct, This is a case in which  
character or trait of character is extremely important. The  
State medical examiner has talked at length about torture and  
about extreme depravity **insofar as** that extreme depravity is  
an element **of the, part of the element of depraved murder.**  
**The fact that the defendant was unable** to, except with  
extreme distress, **look at the sight of blood is an important**  
**and relevant and probative factor.**

THE COURT: **I understand that. But we've got this**  
**guy losing his cookies and not able to eat his supper after**  
**he sees a guy get hit over the head in India. We have a guy**

2 who sees - - its been well established that the sight of  
3 blood and the sight of violence and everything else has been  
4 abhorant to this individual. We are getting to the point  
5 that this is cumulative. I'm going to let you continue with  
6 this witness in a very limited setting. But its becoming  
very cumulative.

MR. CONNOLLY: I will be concerned out that.

MR. WRIGHT: Doctor MacLean is here. *He would like*  
to sit in on the rest of the testimony.

MR. CONNOLLY: If he's an expert he can sit in.

MR. WRIGHT: He's not obviously going to be any  
kind of expert witness.

THE COURT: I have no problem. Let's handle it  
*this way: if Dennis takes* the stand he leaves the courtroom.

MR. CONNOLLY: Fair enough. I agree with that.

MR. WRIGHT: He leaves the courtroom?

THE COURT: Yes, Because **you** would only be  
offering him for purposes, if we get into that, of rebutting  
any, to elicit prior inconsistent statements.

MR. **WRIGHT**: Yes.

{whereupon the sidebar ended)

Whereupon the reporter read **back the previous question)**

**THE WITNESS: The incident happened in September of**



1 1987. I had had a big tumor on the back of my head and I had  
2 to have it removed. And I went to the hospital in the  
3 morning and had it removed. *And* what was supposed to be a 15  
4 minute operation lasted about an hour and the doctor's only  
5 warning was if anything like sever bleeding or anything like  
6 that occurred to return, And I went home and later that  
7 afternoon I walked across the street to talk to Dennis and I  
8 felt something run down my neck and I went like *that, and it*  
9 was blood. And Dennis said, Mike, you are bleeding. And I  
said okay. I'll go on home.

I went on home and I walked into the bathroom, and this  
wound, the bandage just started rupturing with blood. I  
*grabbed a towel and hollered across the street for* Dennis to  
come and help me. He came over and it was bleeding pretty  
bad through the bandage. I asked him to get me to the  
*hospital. Dennis got* very nervous because of what he saw and  
he said, oh ray God, Mike. I said just get me downtown to the  
hospital. And I called my wife at her employment and told  
her *I was on my way. And Dennis did get* me in the car and  
got me to the hospital. He was very upset about what was  
*going on.* Of me bleeding so severely. I was bleeding very  
severely from that. When they removed the gauze at the  
hospital it just sprayed **all over** the emergency room. *Dennis*  
24 was very upset at the sight of what he saw, That's about all  
25 I can say about it.

1           Was that consistent with your previous observations as  
2 to his attitude toward issues such as that and also **as to**  
3 issues of peacefulness and non-violence?

4                   MR. WRIGHT: *Objection.*

5                   THE COURT: Sustained.

6

BY MR. CONNOLLY:

Q       Mr. Hite, during the period of time when you worked with  
Dennis in the field and when you observed Dennis have you  
ever known him to carry a bandana, sir?

A       No, sir. I don't recall that.

Q       Have you ever borrowed Mr. Dechaine's Toyota pickup  
truck?

A       I tried to borrow his Toyota pickup truck one day and we  
couldn't get the hitch to work, so I ended up with the Chevy  
truck.

Q       During that period of time did there come a *time when*  
you had an opportunity to use his keys?

A       I used both of his vehicles all right, but the keys were  
always there.

Q       Have you ever seen a penknife on Dennis Dechaine's keys?

A       I don't recall ever seeing any knife.

Q       Are you aware, sir, of whether or not Mr. Dechaine has a  
habit or routine practice with respect to his vehicles?

MR. WRIGHT: *Objection.*

1

(Whereupon a sidebar conference was held)

2

3

MR. WRIGHT: I don't *know* where we are going.

4

5

THE COURT: I don't either.

6

7

8

MR. CONNOLLY: Where we are going is he has a routine practice of leaving his keys in his vehicle and not locking his vehicle. I think it's important to the case and important to my argument. I can establish a better foundation if that is the Court's concern. I'm trying to find the rule. 4606, although page 119 -

MR. WRIGHT: Habit describes one regular response as to a repeated situation so that the doing of the habitual act becomes semiautomatic. A repeated response to regular a response to a repeated situation. Simply leaving one's keys in one's car - -

THE COURT; How about routine practice?

MR. WRIGHT; Routine practice of an organization is comparable to habit of individual. It suggests that routine *practice talks out in terms of organizations.*

21

THE COURT: I'll let it in.

22

23

(Whereupon the sidebar ended),

24

25

THE COURT: Ask the question again.

1 BY MR. CONNOLLY:

2 • *Mr. Hite, are you aware of any pattern or habit of Mr.*  
3 *Dechaine in reference to his vehicle; yes or no?*

4 A Yes,

5 Q *Does that habit or routine practice have a relationship*  
6 *to the keys?*

A Yes, sir,

• *What is that habit or routine practice?*

A Dennis never took his keys out of the vehicle, If I  
ever needed it I would just say, Dennis, I need to use your  
truck and he would say go get it; its sitting there in the  
yard.

• *What out in reference to locking the vehicle?*

A *I've never known him to lock a vehicle ever \**

• *Have you ever gone fishing with Dennis Deehaine?*

A *Yes, sir, I have.*

• *How often?*

A One time,

Did you talk about it a lot more than you went?

A Yes, He borrowed my boat one time and used my boat to  
go fishing, But he and I only went one time.

MR, CONNOLYY: Thank you, That's all I have.



1           And essentially his rendering coming across the road  
2 *running across* the road was to render assistance to a close  
3 friend; is that correct?

4 A       Yes.

5 Q       Insofar as you were familiar with his practice of keys  
6 and his truck, he always left his keys in the truck?

7 A       I would say 80 percent of the time he never removed  
8 them.

9 Q       So there were times he did?

10 A       I don't know that. When I needed his truck they were  
11 always there.

12 Q       So you don't know if he always left his keys in the  
truck or not?

A       Yes. I would say that. When I was there they were in  
there.

Q       Which by no means covers all the time in the world that  
he had his truck obviously?

A       Only when I was there.

Q       Are you aware that he told the police that the keys were  
left. that he had his       are you aware that he was found with  
the keys to his truck and the truck was looked on July 6th.  
1988 and that he said nobody else had used his truck?

A       Yes. sir. I am.

MR, WRIGHT:   Nothing else.

MR. CONNOLLY:  Nothing further.

J

1  
2  
3  
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THE COURT: Thank you. You <sup>may</sup> have step down.

ELIZABETH HITE, being first duly sworn, was examined and testified as follows:

*DIRECT AMINATION*

BY MR. CONNOLLY:

Q Would you state your name for the record?

A Elizabeth Hite.

Where do you live?

A 4065 Old Bath Road in Brunswick.

Q What do you do for work?

A Postal clerk at L.L. Beans and a notary public.

Q You've come to know the defendant, Dennis Deehaine?

A Yes.

Q How did you come to know him?

A Our original acquaintance was because he opened a vegetable stand across from our house,

Q How well have you come to know him would you say during this period since he opened his vegetable stand?

A I would say very well.

Q And during the period when you've known Mr. Dechaine is that **since 1985 or thereabouts?**

1 A Yes. April 1985.

2 • You have been over to his house?

3 A Yes. Both places when he lived in Richmond and Bowdoin.  
4 Near the Richmond boarder.

5 • **He's** been to your house?

6 A Many times.

7 • You've seen him with your family and children?

8 A Yes.

9 • You've seen people and discussed with people that know him, people that worked with him, people that were customers of his, people that were social acquaintances and people that farmed. Do you know those people?

A Very well.

Do you yourself have an agricultural side to your house?

A **Yes.**

What **is that agricultural side?**

A **We have a garden ourselves plus I'm from a farming family.**

Q **You raise animals?**

A **Yes.**

Q What **do you raise?**

A **I have** beagle **dogs.** **I've raised** *chickens in the past* **and collie dogs.**

25 • **And during the period when you've known some of these people that have known Dennis, have you been able to discuss**



1 with them and have you had an opportunity to determine  
2 whether or not he has a reputation in the community for  
3 peacefulness and non-violence?

4 MR, **WRIGHT:** I would object. Its an inadequate  
5 community. We don't know how many people she *is talking*  
6 about at all.

7 THE COURT: Expand it a little bit.

8

9 BY MR. CONNOLLY:

How many people do you know and have discussed these  
issues with with reference to Dennis? Has it been many, a  
few? How many have you discussed with with reference to his  
character?

A It would be many. It would it would be very many.

Q What kind of people briefly are we talking about?

A Customers of his, neighbors, working acquaintances of  
his.

Social acquaintances as well?

A Yes,

Q Based upon the discussion, how many would you say they  
are? Was it more than ten?

A Yes. Closer to 30 I'm sure.

And did these discussions occur both before and after  
this incident that brings **you to court occurred?**

**A Yes.**

1 Q And would it be fair to say that following this, the  
2 incident that brings you to court today, there was a  
3 heightened discussion of that exact issue?

4 A Yes.

5 Would that bring it to the forefront of your knowledge  
6 in terms of actual discussions with people on that issue?

7 A Yes, I'm sure it would.

8 • And based upon that information that you obtained from  
members of the *community that have know Mr. De haine* are you  
aware, yes or no, of whether or not *he has a reputation in*  
the community as to being a peaceful and non-violent person?

A Yes. That's his reputation. It was and still is.

MR. WRIGHT: I would object to any reference after  
July 1988 as irrelevant.

THE COURT: Objection sustained. The jury will  
disregard the last portion of that answer as to anything that  
may still exist as to his reputation.

BY MR. CONNOLLY:

Q Mrs. Hite, *are there situations that you have seen*  
*yourself and yourself experienced in reference to Mr.*  
*Dechaine's peacefulness and non-violence?*

A Yes,

25 Q Was there a particular incident in reference to his  
discussion with you of children that have *been* abused?

1 A Yes,

2 **MR. WRIGHT: I would object.**

3 **MR. WRIGHT: This is not a situation -**

4 THE COURT: Just a minute.

5

6 (Whereupon a sidebar conference was held)

7

8 R. CONNOLLY: Offer of proof. The offer of proof  
9 would be the defendant and this witness had a discussion, the  
10 date of which eludes me, following the trip to India, in  
11 which the defendant described to her the practice of maiming  
12 children in India in order for them - and the bottom cast  
13 people are maimed so they get more money begging. She is  
14 aware that they had this discussion. During the course of  
15 this the defendant became emotionally disturbed at the  
16 thought of any harm being done to children; teary-eyed and so  
17 on.

18 **THE COURT: Mr. Connolly,** there are limits to  
19 specific instances. The objection is sustained. Let's stay  
20 away from this area,

21

22 (Whereupon the sidebar ended)

23

24 THE COURT: The jury **will** disregard the last  
25 question and response.

1 BY MR. CONNOLLY:

2 • Have you ever seen any specific instances of conduct by  
3 Dennis Dechaine which would be *inconsistent with his*  
4 reputation for being peaceful and non-violent?

5 A Inconsistent?

6 O Yes.

7 A No, sir.

8 MR, CONNOLLY: *That's all I* have. Thank you.

9

10 CROSS =AMINATION

11

BY MR, WRIGHT:

What situations have you seen him? In working at Paul's  
Produce?

A Yes,

You would expect a shop owner wouldn't be violent with  
customers, wouldn't you?

A I should hope not, no, I would not expect him to be  
*violent* with customers,

• That is the bulk of the time in which you have seen Mr.  
Dechaine was at a produce shop?

A And at our own home.

23 Anything at any time during any of the visits would have  
24 prompted any of you to have become violent among yourselves?

25 It was a social gathering you were having, correct?

1 A And working together on farm impliments and things like  
that.

Q Did he ever appear to be intoxicated or under the  
influence of drugs while he was *visiting at your house*?

A He had some alcohol. I don't know about drugs, no.

6 MR. WRIGHT: Thank you,

1 R, CONNOLLY: Nothing further.

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

MR. CONNOLLY: That its that time. I would  
request a short recess and resume immediately.

THE COURT: We'll take a short recess. Don't talk  
out the case.

(The jury was in recess at 2:47  
and the jury returned at 3:10)

DENNIS DECHAINED, being first duly sworn, was examined and  
testified as follows:

DIRECT EXAMINATION

BY MR. CONNOLLY:

Q Would you please state **you full** name for the record?

A Dennis John Dechaine.

1 Q Mr. Dechaine, did you kidnap and murder Sarah Cherry?

2 A No, I did not.

3 • How old are you?

4 A 31-years-old.

5 Where were you *born*?

6 A Winston, New Brunswick.

7 • Give me your parents name?

8 A Donald Dechaine and Julia Dechaine.

Where did you grow up?

A In Madawaska, Maine.

When did you move to Madawaska from New Brunswick?

A Three days after I was born. There is no hospital in Madawaska, so most Madawaskans are born in Canada as a result.

Do you have brothers?

A Yes, I have three brothers.

Q Their names and ages?

A Donald, who is 33; Frank, who is 36; and Philip, who is 42.

Q Do you have regular contact with your brothers?

A Yes, I do,

• Did you attend school in Madawaska?

A Yes.

• Where did you go to high school?

A Madawaska High **School**.

1 Q When did you graduate?

2 A 1976.

3 Are your parents living?

4 A No. They are deceased.

0 When did your mother die?

6 A I believe it was 1967.

7 Q What did she die of?

A Cancer.

Q Was it a long illness?

A Yes.

Was it difficult for you and your family?

*MR. WRIGHT: Objection.*

TEE WITNESS: Yes \*

THE COURT: I will allow it.

BY MR. CONNOLLY:

Q Following the death of your mother, when did your father die?

A I believe he died five years later. It was five years later. I was 14 at the time.

Q After the death of your mother was it difficult in your family, particularly for your father?

A Yes. I would say it **was** difficult for everybody, especially my father.

Q Did your father drink a lot?

A After my mother's death, yes.

2 Q Did you have a good relationship or not a good  
3 relationship with your parents?

4 A I would call it very **good**.

5 **Following** the death of your father you were 14 at the  
6 time?

7 **A Yes.**

8 Q Who took guidance of your you?

9 My brother Philip.

10 Q How old was he at the time?

11 A I believe early 20s.

12 Q Did you remain in the family home?

13 A Yes.

14 Q Your brother, Philip, was he working at the time? Did  
15 he have his own family? What was *his relationship to you at*  
16 *the time?*

17 **A He was working in Madawaska and was not married at the  
time.**

**Q What does he do for work?**

**A Currently he runs his own business that sells supplies  
to farmers in northern Maine.**

**Q How was your relationship to him as he was your  
guardian?**

**A Excellent.**

25 *Q Did you spend all of your time in Madawaska when he was*



1 your guardian?

2 A For the most part. I spent several summers away from  
3 home.

4 *Following* your graduation from Madawaska High School  
5 what did you do?

6 A I went to Brunswick, moved down to the Brunswick area  
and located a job with George Christopher, Christopher sheep  
farming in Bowdoinham.

- *How long were you* at the Christopher sheep farm?

A I believe I left in January to attend college.  
Where did you attend college?

A Vermont Technical College in Randolph, Vermont,

- What types of courses did you take?

A Agricultural and business management.

Q What kind of stuff did that *entail*? *What did you study*  
in particular?

A It relied heavily on agriculture finance and modern  
agricultural techniques.

- Later on when you had **your** own business did you employ  
those techniques?

A Frequently, yes.

Is there a whole philosophy around that approach to  
agriculture compared to other *kinds of agriculture*?

A I'm not sure I understand that question.

25 • During the period in Vermont when you were in **college**,

2 did you focus on one particular type of agricultural  
production as opposed to others?

3 **A Yes,**

4 Q What was that?

5 A Dairy farm management.

6 Q How did you do at Vermont College?

7 A I did very well.

8 Q Do you know where you finished in relation to your  
9 class?

10 A I graduated at the top of my class.

11 Q *Is it fair to say your grades in high school were not*  
12 *exemplary?*

13 A *Average or slightly better.*

14 Q But your grades at Vermont were outstanding?

15 A Yes.

16 Q Did you have a different motivation when you were in  
17 Vermont for college than in Madawaska?

18 A Yes. I guess I was very focused on the acquisition of  
19 **knowledge.**

20 Q That **was** what length of a program?

21 A Two-year.

22 Q What kind of degree did you receive?

23 **A Associate's** Degree.

24 Q Following Vermont Technical College what did you do  
25 after that?

1 A I went to Washington State.

2 *Originally, what* led you out to Washington State?

3 A My brother Frank was in the Navy at the time stationed  
4 on Wigby Island, and he invited me to come visit him and  
5 explore the area.

6 Q And once you were out there did you decide to stay there  
for awhile?

A Yes,

Q Was it at that time that you decided to attend college  
there?

A Yes,

Was there a process that led you to that decision or did  
you just decide to do it?

A I guess it was a process that led up to it. I had spent  
spring and summer *working for the* Department of - actually it  
was spring. I worked for the Department of Fisheries from  
say January through April or May, and it was at that point  
that I earned enough money and I decided I wanted to return  
to college.

Q Did you pay your own way **through** college?

A With the help of *grants, loans* - *yes*; I basically paid my  
own way through.

Did you live with your brother Frank out *in Washington*?

**A Yes,** While I worked for the Department of Fisheries.

Q What was the job there?

1 A My job was to gather scientific data on the salmon catch  
2 in the Puget Sound.

3 Q That lasted for how long?

4 A I believe I was employed **for approximately four to five**  
5 **months. It was during the fishing season.**

6 Q While you were at Washington State what course of  
7 studies did you take their?

8 A I studied languages and majored in French.

9 Q Was that a difficult time for you? What kind of time  
10 was it for you at Washington State?

11 A I basically, I guess I was subject to academic stresses  
12 as everybody else would be, but the area was beautiful and in  
*its natural resources* and sort of afforded many opportunities  
for recreation to counter balance that.

Q While at Washington State did something of significance  
**occur?**

**A Yes,**

Q What was that?

A I met my wife.

**Q How did that come about?**

A We met early on when, I guess she was in the  
registration line as she stated earlier, at the university.

**Q How did that relationship proceed?**

A We became **very good** friends. Shared **in numerous outdoor**  
25 **activities and took some classes together. And basically**

1 developed into a very nice relationship from there.

2 Q You graduated from *Washington State* when?

3 A I believe it was 1983.

4 Q And did both you and Nancy graduated at the same time?

5 A Yes.

6 When did you get married?

A Shortly after the fall, after we graduated.

Q How old were you when you got married?

A I believe I was 26.

Q Had you met her family at that point?

A Yes.

Q How did you get along with her family?

Very well.

Q Mere were *they living at the time?*

A Her parents *were living in Colorado Springs, Colorado,*  
and grandparents, aunts and uncles were in Denver.

Q Where was the ceremony? Where did you have get married?

A In Colorado Springs.

Q How long did you remain in the west?

A I believe I was there for four years.

Q Including college time?

A **Yes.**

Q After college how long were you there?

A We left right after graduation.

Q Why did you come back to Maine?

1 A Weil<sub>1</sub> that is really quite take long story. But I guess  
2 we made some changes in our plans, career plans. To remain  
3 together. And the best thing that we could think of that  
4 would allow that would be to return to *Maine* and work on one  
5 of George Christopher's farms.

6 • Is that what you did?

7 A That's exactly what we did.

8 After you were with George Christopher for a while did  
there come a time when you left Mr. Christopher's employment?

A Yes.

• Was there a particular issue that resulted in your  
leaving?

A Not particularly, no. We were interested in persuing  
our own endeavors,

Q What were your plans at that time upon leaving Mr.  
Christopher's?

A We wanted to be row croppers, vegetable growers.

Q **How did you start to** develop that and start your own  
business? How did that come about?

A It actually happened while we were residing at the  
Christopher farm. George was amenable to us persuing some of  
our own interests. So we planted a large garden on a  
borrowed piece of land that had decent soil. And sold our  
crops and in Hallowell while we were still under George  
**Christopher's employ.**

1 Q That is not Paul's Produce?

2 A No. That is a different thing.

3 Q How long did you continue to do that small stand?

4 A Just through the summer,

5 After that?

6 A *Well, that had gone* quite well and we felt the success  
7 *warranted expansion. During* the summer I met several farmers  
*that specialized in different crops, and* one of them  
specialized in strawberries that told me about Paul's produce  
stand and how it had been *abandoned when Paul Farley* had  
died. So I went to speak with Buhia Farley, his widow, and  
basically the arrangement was established at that time.

Q You've become good friends with Buhia?

A Yes, Very good.

When you started to run the stand, Paul's Produce stand,  
out when was that timewise?

A I believe it was *the spring of 1984. It may have* been  
*the spring of 1985.*

Q And once you started Paul's Produce or started working  
the stand were you selling primarily vegetables at the time?

**A Yes.** We had brought **in a** few bedding plants from a  
greenhouse producer and had those for sale, but we produced  
them ourselves.

Q How many customers did you have? How small of a  
business was it?

2 That first year *it was very small*® *Bath Iron Works was*  
3 having a strike, which affected the business in that area®  
4 And the stand having been abandoned for a period of years was  
5 going to require renewal. **So** we realized that.

6 ¢ **Do you have** any recollection of gross figures or an idea  
7 *about how much sales you made?*

8 A I think it was in the area of probably between ten and  
9 15 thousand.

10 • Following that season what did you do after that, Mr.  
11 Dechaine?

12 A After that season I think that's when I started thinking  
13 *about getting into the Christmas wreath* business to extend  
14 the produce business.

15 • How did you become aware of that?

16 *From northern Maine* where I grew up, the balsam fur is  
17 available and people make balsam *fur wreaths in large*

18 • entities.

19 • During the time at Paul's stand and the *beginning of* the  
20 Christmas wreath business, who was involved with the business  
21 with **you?** Just **yourself?**

22 A Nancy and myself. Mike Hite played a big part that  
23 first year. He was an unpaid helper.

24 • **How** did the Christmas wreath business **do** the first year?

25 A It was pretty small. **I** don't think we totaled much more  
than two **or** three hundred wreaths **in** total. Most **of** them



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1 went out mail order,

2 • After that season what was your next project or plans  
3 with reference to your business?

4 A We built a greenhouse.

5 Q And where did you build that greenhouse?

6 A At Paul's Produce in Brunswick.

Who built that?

A I did with the help of several friends.

Did that change the nature of your business?

A Dramatically, yes.

Q What happened?

We realized several advantages to greenhousing versus row cropping. You have limited rodent and insect problems, limited disease, you are not subject to tremendous weather *variations that we often* experience in this state. And on top of that, the inventory was far more controllable in *that* it was basically non-perishable if you kept it watered daily.

at did that do for your business?

A It extended it,

• Significantly?

A Yes, I would say significantly,

During the course of that period of time what else happened with the business? Anything in terms of expansion?

A The vegetable business had also grown substantially. We *found we* were unable to produce the quantity of vegetables

2 necessary to keep the stand supplied. So we started  
3 brokering a lot. At that time we also started dealing in  
4 out-of-state products, fruits of all varieties.

5 Q How many retailers did you deal with or wholesalers did  
6 you deal with?

A Yes, Over the course *of the season probably 20 a month.*  
At the end of that season after the greenhouse had been  
in effect what did you do after that?

A Basically we prepared to get back into the wreath  
business.

Seasonally?

A Yes. At that time that second season we *launched our*  
first direct mailing. We spoke with several corporations  
that we felt would be interested in that product service  
oriented industries that might want to supply wreaths to  
their clients. Consequently the wreath business mushroomed.

Q **How** big did it become?

A That second year we may be doubled or tripled over the  
first.

Q Did you have to bring in employees at that time?

A Yes.

Q How many did you have at first?

A I think the three of us ran that business that year.

Q Two employees?

A Including myself® Two employees and myself.

1 4 After the Christmas season there is no demand for  
2 wreaths; what do you do after that?

3 A Basically its time to start greenhousing. There are a  
4 lot of long *season plants, perennials* that need to get  
5 started in January and February, so we were actually starting  
6 to experience some overlap.

7 Q Has business continuing at that time or is there a lull?

8 A *There is no money coming in, but* there is plenty of  
9 activity in terms of production.

10 Q This timewise brings us up to when, 1986, 1987?

11 A Yes

12 *How did that next* season go?

*Once again we* experienced *expansion*. *Our greenhouse was*  
no longer able to supply the demand, and we ended up buying  
in a lot of plants from other producers and the same with the  
produce business.

Q And at this time did you purchase your home or not quite  
yet?

A *No. I don't think we had purchased* it. It was the fall  
of 1987. We went through that season,

Q During this time your relationship with your wife was  
good or not good?

A It **was** very good.

Q Following that season what happened developmently for  
your business next?

1 A After having purchased the farm we decided for two  
2 reasons to sublet the produce aspect of our business to  
3 another agriculturalists. The first reason was that we  
4 dearly loved our new home and wanted to develop a business  
5 there so that I wouldn't have to travel to and from  
6 Brunswick.

7 The second reason was that the produce business had  
8 *grown to such an* extent that it required tremendous focus and  
9 energy to maintain. And for the amount of net income that we  
received from that business we really *didn't believe that the*  
effort was justified.

Q So what did you switch to?

We were going to expand in both greenhousing and our  
mail order business. We were at *that time in the process of,*  
I think it *was the winter of 1987, that we* purchased another  
*three thousand* square greenhouse and we were going to erect  
it after the greenhouse season was over in Brunswick.

Is that the same greenhouse that you ultimately were  
*going to be working on in July 1988?*

**A Yes.**

*After that purchase of that greenhouse and* after the  
winter season of 1987 what happened after that?

A Well, early 1988 basically saw us producing plants,  
basically. We filled our greenhouse in Brunswick, opened up  
25 for business, in April, I believe, and went through the

1 season. And after - basically the greenhouse season finishes  
2 after the first onset of tourists, so we were finished by the  
3 end of June.

4 Now, at that point you still had Paul's Produce?

5 A Yes.

6 That was the focus of your sales from there except for  
7 the mail order business?

8 A Yes. I still had Paul's Produce. But the Economeau  
9 farm had come in in the middle of June or perhaps last week  
10 of June and they actually were selling their products while  
11 we were selling hours ours. So we were running two separate  
12 businesses from the same location.

13 Did that present any economic problem to you or any  
14 logistic problems that were difficult?

15 A *It presented time problems in that the Economeaus* relied  
16 heavily on me to train them on the facets of my business.

17 Was it extremely difficult or was it business?

18 A No. It was just business.

**19** Mr. Dechaine, you at the end of June 1988 and early July  
**20** made a trip to Madawaska; is that correct?

21 A Yes. I'm not sure exactly when we left, but it was  
22 Friday prior to the fourth of July.

23 And who were you going to see?

24 A I was going to see my brothers principally, but we were  
25 having a rare family reunion. Basically the Dechaine side of

3 the family was congregating for a dual purpose celebration:  
one was the 75 birthday of my uncle Joe, and the second was  
4 *for the fourth of July.* This occurred on Long Lake in  
5 *Sinclair, Maine.*

6 Q When was the last time you had been up altogether in  
7 Madawaska with your family?

8 I believe the previous Christmas.

9 Q Was this a vacation for you more or less?

10 Yes.

Q When was the last time you had a vacation?

Come to think of it we had come to Colorado the previous  
Christmas. That was our vacation. We hadn't gone to  
northern Maine.

How was your business when you left it? Was it in order  
or in disorder?

A I still had a lot of work to do at our greenhouse in  
*Brunswick in terms of tying* everything down and clearing  
everything out that needed to be cleared out, cleaning the  
place out and bring home a bunch of the tools and impliment  
that I owned.

Q What was the fourth of July weekend like?

A It was a great week. It was a great weekend.

Q Do your brothers have children?

A Yes. Philip has one **son** named Brian and Don just had a  
son a year ago, Donny, Junior.

1 Q Did you see them?

2 A Yes.

3 Q You hadn't seen some of the children since they were  
4 *either very tiny and they changed a lot?*

5 A No. Actually Don had been down. They come down  
6 regularly to visit us.

7 Were there other members of your *family that you hadn't*  
seen?

A Yes. In terms of cousins, there were a great number of  
cousins from all *over* the country that arrived that I hadn't  
seen in years.

Were there any problems that occurred over the fourth of  
July weekend?

A None whatsoever.

Q Where did you stay when you were up there?

A I stayed with my brother Philip who owns a home on *Long*  
**Lake also in Sinclair.**

Was it a restful and relaxing time for you?

A Yes. Very much so.

And you returned back **to** the farm on July 5th; is that  
correct?

A Was that a Tuesday?

**Q Yes,**

A Yes, That's correct

Q What time did **you** return back **on** July 5th?

1 A It was pretty late in the evening, We left I guess it  
2 was probably late morning and we drove down by via Route one  
3 instead of the interstate. I wanted to show Nancy that part  
4 of Maine. She hadn't been up there yet.

5 Before we discuss the events of July 6th, there are some  
6 background things I want to discuss. During the period of  
7 time from 1985 until 1988, or in that time frame, were you  
8 involved in any social activities or community activities?

9 A What kind?

10 Q Will you tell us out your experience with the FHA?

11 MR. WRIGHT: May I register an objection that its  
going on *without purpose and that we should get to the events*  
of the 6th.

(Whereupon a sidebar conference was hel@e

THE COURT: I don't have any problem with the jury  
*having some idea* **of** the **background of** this individual. But  
there are limits.

MR. CONNOLLY: I've tried to keep it as fairly  
21 brief as possible, but at the same time to give them full  
22 flavor I intend to sketch out some of his activities. This  
23 is extremely important; a brief discussion to his trip to  
24 India.

25 MR. WRIGHT: **The background has gone on for** half an



1 hour.

2 THE COURT: We are getting unduly bogged down. I  
3 don't want to in any way hamper the right to present your  
4 defense, But -

5 MR, CONNOLLY: I'll keep it brief.

6

7 Whereupon the sidebar ended)

8

*BY MR. CONNOLLY:*

Can you tell us of your experience with the FHA?

A Yes. I was nominated by local farmers to be a county committee member for the Farmers Home Administration for Sagadahoe and Lincoln County.

What did those duties entail basically?

A After I was elected those duties basically entailed there were three of us. What we decided or what we helped decide was the feasibility of **various** projects that farmers needed money for. We determined whether operating loans *and/or start-up loans* were feasible **or** necessary. Whether farmers had the adequate *background to successfully* meet their goals and repay their loans, And the other aspect was to decide whether **to** write-off loans from delinquent farmers or to refinance.

Q What kind of funds are we talking about, the amounts?

25 A Basically whatever is allocated **to** each county office

1 for a fiscal year, and that varies tremendously from one year  
2 to the next. Sometimes they get no money, sometimes they get  
3 millions.

4 Q At some point you became involved in the Rotary process  
5 that led you to India?

6 A Yes.

7 Q Was that a big event in your life?

A Yes, it was.

Q Was that a difficult procedure to go through, the  
nominating process and the accepting process?

A Well, there were two pretty stringent interviews - one  
regional and the other local - that we underwent. But I  
guess the most *difficult thing was that the quantity of*  
candidates was quite large,

Q How many candidates?

A I can't say exactly, but the offer for the advertisement  
was placed in newspapers from Massachusetts to Newfoundland,  
including Quebec.

Q When did you apply and when were you accepted?

20 MR. WRIGHT: **Your Honor**, I don't know how this is  
21 going to help us know about the trip to India. Can we get  
22 to the events?

23 THE COURT: Sustained.

24

25

1 BY MR. CONNOLLY:

2 Q During the period of time that you were in Washington  
3 State, back in time, did you have your own business back  
there?

MR. WRIGHT: I would object. Now we are going  
backwards.

(Whereupon a sidebar conference was held)

THE COURT: I thought we were up to 1985 through  
1988; now we are back to 1983.

MR. CONNOLLY: Just for a little bit of filler in.  
I dumped the whole India trip.

THE COURT: You can say when he went to India and  
corroborates the testimony of Mr. Womack. I don't care out  
that. The business out in Oregon is a little filler. We are  
*getting it by the bag full*. I think that what we want to get  
to here is the events. I think we've really just out  
saturated the background of this individual. Let's bring it  
up-to-date with the dates of this trip to India and get to  
the dates in question.

MR. CONNOLLY: I would like the ability to go  
through his drug history prior to that, however. I think  
its important for the jury to have that in context before.

25

**THE COURT:** All right.

MR. WRIGHT: I agree with that,

2

3

(Whereupon the sidebar ended)

5

BY MR, CONNOLLY

6

Q Turning your attention to different matters now. You've heard that there has been discussion of drug use in the case; you have been here the whole time?

7

A Yes.

Q What I want to do is have you discuss for the jury when you first got involved in recreational use of drugs. Do you recall when that first was?

A Yes, I would say high school.

Q *What year in high school?*

Probably my sophomore year.

Q *What did that **consist of?***

**Smoking marijuana.**

Q **Do you recall your first experience with marijuana?**

A I guess I can say I did, yes.

Q Where did it take place?

A At a friends' house.

Q Was there anything *significant about it?*

A In what sense?

Q In the sense *on your first experience when you consumed*

25 | the marijuana did anything happen to you?

A Yes,

2 Which was what?

3 A I was noticeably changed how I was feeling at the  
4 moment.

5 Q After that first use **of** marijuana what kind of pattern  
6 developed or was there a pattern of use **of** marijuana?

7 A Yes.

8 Q What was that pattern?

A I smoked marijuana probably once or twice a month  
probably for the remaining of my high school years.

Q Did you drink alcohol when you were in high school?

A *Yes, I did.*

Q *How often and under what circumstances?*

A *Very rarely. If I went out with some friends to a party  
I would have an occasional beer. But I didn't drink much  
alcohol.*

*Was there a particular reason for that?*

A *I really didn't like it much at the time.*

Q *Do you recall the first time you got drunk or  
intoxicated?*

A *No, Not exactly. Teenage years.*

Q *Did anything very odd happen during any of the early  
experiences with marijuana or **alcohol**?*

24 A *Not that I can recall.*

25 Q *When you were in high school did you experiment with*

7-1

1 A Yes.

2 Q That was the first time you used any other substance  
3 except for marijuana?

4 A I had tried LSD *on one occasion.*

5 Q How did you administer that?

6 A You eat that.

7 Q Did you have any unusual experience on LSD?

8 A *Just that I didn't like it.*

9 Q You abandoned that drug?

10 A Yes.

11 Q With reference to cocaine use, did your use of coke  
12 increase over a period of time?

13 A No, From the first time?

14 Q Yes.

15 A Yes, I would have to say it increased in that I did it  
16 again.

17 Q **How long** after your **first use** did you use it again,  
18 approximately?

19 A *It was years, I would be guessing as to exactly when.*

20 Q **A substantial time away?**

21 A **Yes.** Maybe a year or two or more.

22 Q In the interim **did you still use marijuana occasionally?**

23 A **Yes.**

24 Q **Did you use any other drugs intravenously?**

25 A **No. I never did. Not at that time.**

Q     Once you left Madawaska and went back to Brunswick *when*  
2 you were in the greater Brunswick area did you use anything  
3 other than marijuana?

4 A     I had an experience with THC.

5 Q     What is that?

6        Basically its a substance of marijuana put in tablet  
7 form.

8 Q     now often did you try that or did you use that?

,9        On a few occasions. That we *began in* Madawaska prior to  
1 my leaving.

Q     *Did you have any unusual* response to that substance?

      Yes. It gave me an inflamed heart tissue.

Q     Did you use it after that?

A     Nor I did not.

Q     Did *you have any other physical reactions to it other*  
than inflamed heart tissue?

A     Not that I can recall.

      Following that use, Mr. Dechaine, what other substances  
did you use in the Brunswick area then down *in Vermont when*  
you went to Vermont?

A     I would say marijuana.

Q     Anything else?

A     Not that I can recall.

Q     When you were in college in Vermont did you use any  
25 drugs other than marijuana on any kind of basis?

1 A Well, on a single occasion I did.

2 What was that?

3 A During finals week I had been given an amphetamine by a  
4 student who said that they **improved** your study ability, and I  
5 did that.

6 Q Did *you find that they* didn't improve your study  
ability?

A Not at all.

Q How often did you use amphetamines after that?

A Not until July 6th.

Q When you studied *for finals using* amphetamines how did  
you take it?

A In pill form.

When you moved out to Washington were there any other  
drugs that you did besides marijuana?

A I believe I did cocaine on *one occasion* there. That was  
inhaled.

Q Did you ever purchase cocaine yourself?

A I think *on one occasion* I shared a purchase with a  
friend.

Other than that one occasion did you ever purchase  
cocaine?

A No.

• Did you ever seek it out really?

**A** No. Well, I did seek it out when -- yes, I would say in



1 Bowdoinham I seeked it out.

2 • That was after Washington?

3 A Yes.

4 • During period in *Washington* did you use any drugs  
5 intravenously in Washington State?

6 A **No.**

• When you moved back to Maine you had an intravenous  
experience?

A Yes, I did.

• *When and where?*

A I can't exactly remember when it was. I think 1985.  
I ran into an acquaintance I made while I was a member of the  
Upward Bound program at Bowdoin College. He had some  
cocaine, and I used it intravenous at that time.

• With that person?

A Yes \*

Did you have any unusual reaction as a result of that?

A No.

When was the next time you did any substance other than  
marijuana or alcohol?

A From that point?

• **Yes,**

A I believe it may have *been* one Christmas **in northern  
Maine, I'm not quite sure whether the** sequence **is exact here  
or not.**

Q You did cocaine one more time?

2 A Well, actually more than once, but the next time was in  
3 northern Maine, if I recall correctly.

4 • Was that substantially after the experience in  
5 Bowdoinham intravenously?

6 A I'm not quite sure. Probably a year, maybe less.

7 • Were there any other times that you did cocaine  
8 intravenously after that Bowdoinham experience?

A After Madawaska or Bowdoinham?

• When you were at Madawaska was that an intravenous  
experience?

A Yes. And one more time after that where I had been  
given some, and Nancy, and her discovering me using it at our  
home.

Were there any other times that you used anything  
intravenous?

A No.

Other than the times you described how often have you  
used cocaine other than those three or four times?

A I believe I snorted on more than one occasion. Probably  
*another two or three times.*

• Were those large quantities or small quantities?

A Small quantities. *Small quantities,*

• Would you go for prolonged periods without any access to  
drugs?

Yes.

2 Q Did you have a regular supplier?

3 No. Basically it was just if I was someplace where it  
4 was present and it was offered to me I found it difficult not  
5 to accept.

Q Under any of the times you did drugs prior to July 6th,  
did you have any extreme experiences?

A Except for the THC, which basically made me physically  
ills I would say no.

Q During the period when you did any of these drugs,  
marijuana included, did you have a sense of heightened  
sexuality?

A Not that I can recall specifically, no, sir.

Q Did you use drugs in any sense to be used in any  
physical relationship with a woman?

A No, Never.

Q *When you purchased the drugs* from individuals or you  
were given them, what was the breakdown between how often you  
bought it and somebody would just give it to you?

A Are you talking about marijuana included?

Q Excluding marijuana.

A Cocaine I purchased once or twice. The rest of the time  
23 I just happened to be where it was present.

24 Q Did you always know where the drugs were coming from?

25 A No.

1 Q Was it the exception as opposed to the rule where you  
2 *did know* where they were coming from?

3 A I knew who had it, but I had no idea where it was coming  
4 from.

5 Q In the period of *April, May, June* 1988 did you make an  
6 acquisition of some *kind of drug*?

7 A I believe it was in June.

8 Q I June?

A Yes.

Q What happened?

A Nancy and I had some mutual friends, a young couple, I believe they are our age, that lived in 'Bas x. And they were soon to leave for Bangladesh. We went down to Boston to basically see them off. And we spent the weekend there. One of the days that we were with them we visighted the science museum in Boston, and *in the lavatory of that museum I* observed a transaction and made my own purchase **as a result** of that.

Q Briefly explain what you saw. How did the transaction come about?

A Well, what I was looking at was money being exchanged for something. *And* the fellow taking the money *caught my eye* and he said basically what the hell are you looking at. And I said nothing. I'm just curious. **He** asked me if I was  
25 interested. I said what he was selling.

1 Q What did you do?

2 A He *told me* he was selling speed and I purchased some  
3 from him.

4 Q Was that preplanned?

5 A Absolutely not, no.

6 Q What were you told about the drug that you purchased?

7 A That it was street speed. At that time I really didn't  
8 know what that meant.

,9 Q *And once you purchased it how much did it cost?*

10 A I think I paid 25 dollars for a small amount.

11 Did he tell you how much it was dosage-wise?

12 A Yes. He said it was adequate for one ,

13 What did you do with that once you purchased it?

A I put it in my pocket and went back out to try to find  
the group I had come in with.

Q Did you find them?

A Yes. After awhile.

Q What did you do with that once you had that, once you  
obtained it?

**A** I brought it - basically I just left it in in my pocket.  
And after our weekend in Boston we drove home back to the  
farm, at which time I put it in the barn. I believe this was  
probably early June. I'm not exactly sure of the date.

24 Q And between the time in early June when you purchased it  
25 and the time later on when you were to use it, did you take

1 it out and look at it and play with it?

2 A No, I didn't.

3 Q Did you know in the back of the mind it was there and  
4 did you think about it?

5 A I knew it was there, but I didn't give it that much  
6 thought. I think I was reluctantly admitting to myself that  
was really an irresponsible thing to have done, and I was  
basically ignoring it.

Q Did you keep it secret from your wife?

A Yes.

Q *Why is that?*

A She was adamantly opposed to my doing drugs.

Q Did that concern you at all?

A Yes.

During that period in June 1988 did *you do any other*  
drugs?

A *Not that I* can recall.

Q During any of these periods were you *drinking much?*

A What do you mean by much? I had a beer at the end of  
the day or glass of wine with dinner.

• Were were you pounding six-pack kind of things?

A No.

23 Q Were you getting drunk kind of thing?

24 A No.

25 Q Were **you** drinking at all during the day?

1 A I never drink during the day, no.

2 Q Turning your attention to July **6th, 1988**, do you  
3 remember **that** day?

4 A Yes, I do.

5 • You had arrived home the night before, July 6th?

6 A That's correct, Tuesday.

Q And you've heard all the testimony in the case so far;  
is that correct?

A Yes.

Q What time did you get up on the morning of July 6th?

A I believe it was sometime after seven

Q When you got up at seven o'clock how were you feeling?

A I was feeling fine.

Q Emotionally how were you?

A I was fine.

What were your plans for the day originally?

A I guess I really hadn't made no distinct plans. I just  
assumed I would fall back into the greenhouse project.

Q **How** long had you been working on it prior to July 6th  
*before leaving for* Madawaska?

A For a month or **so**.

Q Were you at a certain point in the project that required  
a change in plans or anything like that?

A Well, I had laid the foundation pipes for the greenhouse  
on top of a substrata of sand that I had purchased. I had

1 leveled it with a bulldozer.. When I got home I leveled or  
2 checked the level of the ground pipes and realized that I had  
3 *made an error, and* one end of my greenhouse was actually  
4 lower than the other end.. So, yes, there was a major change  
5 to be made.

6 Q How much work would that entail -- what would it entail  
7 to correct that?

8 A To undo what I had done and to redo the leveling.

.9 Q How big of a project was that?

10 A Well, it wasn't that big of a project.. If I hired a  
11 bulldozer it wouldn't have been that big of a deal. It was  
12 discouraging to a degree.

13 Q Was it dissimilar to any kind of set backs you had in  
14 the *building of your* first greenhouse?

15 A Minor.

16 Q As you arose at 6:30 in the morning you saw your wife go  
17 to work **or not?**

18 A I don't recall.

19 Q And what happened next?

20 A I had brought in some birds to West Gardiner Beef on  
21 Friday to be slaughtered. And they told me that day they  
22 would gladly take care of it over the weekend and freeze it  
23 for me. But the deal was I had to be there Monday morning to  
24 pick them up. **So** I took care of some things that I had to do  
25 at the farm.



1 Q What kinds of things?

2 A I had a **worm farm that** had been **neglected in my** absence.

3 **My worms needed feeding,**

4 Q **How do you feed worms?**

5 A Give them organic matter.

6 Q **Does** that mean manure?

7 A Manure, compost. Basicall.y T checked things out in the  
8 hem t **see how** things **were** there Followed Nancy's  
footsteps to see that she had time to do chores. Often times  
when she was too busy I would take care of the animals for  
her® And at that point I had some **breakfast, I took**  
*show and I d pa `d for t o* **st Gardiner Beef** shortly  
thereafter.

Q Which was about what time?

A To the best of my recollection I would say mid mem6..\_h a s.

Q Mid-morning meaning nine o'clock or ten o'clock?

A **Yes.**

Q **Turning your attention to** *what has been* marked as  
**Defendant's** Exhibit Number **35.** **Is** the location of the West  
**Gardiner Beef Company on** that map or is it off that map?

A **It looks like** it might be on that map.

Q Can you take a **minute and see** if you can **determine where**  
**it is?**

24 A **I'm fairly sure at the top of the crossroad.**

25 Q **Would you place a circle at the approximate location?**

1 A This is very approximate® 'm not entirely sure.

2 Would you give the jury an idea of where you went?

3 Approximately what time to the best of your knowledge did you  
4 arrive there?

5 A I couldn't take much more than half an hour to get  
6 there. Maybe give or take a few minutes®

7 And to the best of your recollection do you remember  
8 what time you arrived there?

A Probably between 9:30 and ten o'clock

10 Q You heard testimony from Sharon Gill • who testify that  
she thought you were there at 3 3 or 1 o'clock

A That's correct.

Q Thats the time you were there or that's what she said?

A *She said that, and I was there. I eat ' to her husband*  
quite a **period of time.** And I talked **to her** for wh << .e.  
I imagine that consumed quite a bit of time.

Q About anything in particular?

A Just what I had seen in northern Maine and how it  
**related to the farming situation in this** area\*

Q Just chewed the fat?

A Basically.

Q And you loaded your chickens^

A **Yes®**

24 Q **Did you go get them yourselves?**

25 A **Somebody opened the freezer for me and I believe I did**

1 get some help hauling cartons out. They were packed in  
2 cardboard cartons.

3 Q How often did you go to West Gardiner Beef with  
4 chickens?

5 A Every **six months or so.** Maybe less. I think we used to  
6 go every six months. Then we doubled our production so we  
7 wouldn't have to go but once a year.

8 Q So you didn't go there that often?

A With chickens, once a year. I used to bring rabbits up  
10 at other times and lambs up. So I would go two or three  
11 I times a year anyway.

12 Q Why did you bring your chickens and rabbits and lambs  
13 there and not do the job yourself?

14 A *I didn't like slaughtering animals. They were*  
15 *professionals at it and it was much easier for me to put it*  
16 *in their hands,*

17 Q And do you recall being there; at least leaving around  
18 what time?

19 A Around eleven o'clock.

20 Q **And once you left** West Gardiner Beef at around eleven  
21. **o'clock do you recall** what you have did next?

22 A Yes. I drove a eon way home.

23 Q What is the long way home?

24 A What I did was **I followed this road -- do you** want me to  
25 trace **on this?**

1 Q Yes,

2 A I came out on to Route **126**, whatever the name of this  
3 road is here, and instead of taking right and getting back on  
4 the interstate I took a left. I took a left down this road.

5 • That is 126?

6 A I don't know if its called that.

7 • *You are marking the* route you traced in green ink?

8 A Yes. I made it down 12, followed that all the way  
own into *leis onx* And from Lewiston you can actually see  
10 it here, coming off the map a little bit. I took out  
ston, through Lisbon Center, through 're sam where I got  
12 on *R te* 24 and I went back to Bowdoinham. 196 to Route 24  
13 *to Bowdoinham to my* house in Bowdoinham, which is right  
*there.*

Q Why such a circuitous Route?

A Basically I had never been on that road. I had no  
particular plans for that day. And I just wanted to take a  
drive, see what that road was like.

Q Was there any concern about the frozen birds?

A No. Being packed in cardboard I'm sure they would have  
been fine for a few hours. That wasn't a concern at all.

Q *And* it was on the route from Tophsam back to your house  
that you were observed. Do *you recall that observation?*

A Yes \* I remember meeting **up** with Justine Dennison.

25 Q **Do you recall waiving?**

1 A Yes.

2 out what time was that, to the best of your  
3 recollection?

4 A Late morning.

5 And after you saw Justine Dennison what happened next?

6 A I drove to the farm.

7 • Was anybody home when you got there?

8 A No.

9 • What did you do with the birds?

10 A I backed up to the cellar door and pulled the cartons  
11 out of the truck and walked them down into the cellar where  
12 we have one of our freezers. I believe I took some of the  
boxes through the back door into the freezer that we had in  
the mud room in the back of the house.

Q What did you do after that?

A I had some **lunch**,

Q By yourself?

A Yes.

Q *And following that what* happened?

A I went **out** to the barn. Basically I was getting ready  
to start work on the project. I went up to the barn to pick  
up some shovels so I could dig up the stakes that I had  
already driven. And walked out to the the greenhouse site  
and I honestly, I looked at what I had to do and I just  
didn't feel like doing it that way.

1           So I went back into the barn. It was at that time that  
2 I recalled the speed being hidden there, and I took it out  
3 and I said this would be perfect day to do this; basically an  
4 extension of my northern Maine vacation.

5 Q       Had you planned earlier that day or thought about that  
6 day about doing the drugs?

7 A       *I'm not sure,* If I did, it certainly wasn't possessed  
8 *in my mind.*

Q       When you went out to the *barn you originally went out*  
there to get your shovels?

A       Yes. To do *a few things. Get my* shovels and check  
*things out. We have a milk goat that* I like to visit often.

Q       And once you procured the drug, once you grabbed a hold  
of it somewhere in the barn *what did you do next?*

A       *I just put it in* my pocket. I went back into the house  
*and I filled an* empty soda bottle with tap water *f* *and I*  
*walked out to my truck.*

Q       Did you **have** any syringes with you?

**Yes.**

Q       Where did you get them?

A       From the same place in the barn. There is a green bin  
*the back of the barn where the animals* are housed that holds  
all of their medications, syringes and that's where I put the  
speed, That's where the syringes were.

Q       Did you purchase a syringe in anticipation of using one?

Well, I would say I purchased them for the animals.

2 Q Were there different size syringes within your animal  
3 medication drawer?

4 A Yes.

5 Q Did you select carefully which one you were looking for?

6 A Yes.

7 Q What kind is it?

8 A The smallest one I could find.

9 Q How many did you take with you?

10 A I took two disposable syringes and one steel, the  
11 monoset.

12 Q *What is the monoset?*

13 A The steel part of the syringes.

14 Q *And you got back in your red Toyota pickup truck?*

15 A Yes,

16 Where did you go from your farm first?

17 A Nancy had told me about a place she had discovered  
18 nearby that I was very interested in seeing for myself.

19 Turning your attention to the map *and using* the green  
20 pen, can you locate that on the map?

21 A Sure, I went from my farm back down to Route 125, at  
22 this point I crossed over to Main *street onto Route 24 and I*  
23 got onto the Brown s Point Road And this is called the  
24 *Wild's Point or the Wild Road*. Its not labeled on this map,  
25 But I followed that all the way to the end on this point of

land which is a wildlife refuge on Merry Meeting Bay.

2 Q For what purpose did you go to the wildlife refuge on  
**Merry Meeting** bay?

4 A I had heard that it was a really great place to view  
5 water fowl and I just wanted to see it, and I thought that  
6 would be a great opportunity or good place for me to partake  
7 in doing that drug in privacy.

Did you in fact partake of the drug at that location?

9 A Some of it, yes,

0 Q *Why don't you explain what your answer means?*

11 A What I did wasp not being sure or too comfortable with  
12 what I had, not having known the dealer, I took out a third  
13 of it and mixed it up,

14 Mix it means what?

15 A I added water to it so it could be injected.

16 Q Were you told when you purchased it that that was the  
17 way to use it?

18 A Yes,

19 Q One of the ways to use it?

20 A I asked if it could be used in any other way, and they  
21 said that really doesn't lend itself to anything but  
22 injection,

23 Q So you added water to about one third of it?

24 A Yes.

25 Q Did you **use** it?



1 A Yes.

2 Q You were on the location on the map just pointed out  
3 when you did it?

4 A Yes.

5 Q What was the reaction physically that you had to the  
6 drug?

7 A At that time negligible. There wasn't *that much of a*  
8 reaction.

9 Q Did you go out walking?

10 A Yes. I explored that area.

11 Q *How long* did that take you?

12 A It couldn't have been much more than *ec 20* nieutes.

13 Q Were you disappointed at what you saw?

14 A The tide had gone out quite some distance and basically  
15 all that remained were mud flats. I could see a lot of water  
16 fowl on the outer fringes but they were too far away for me  
17 to observe clearly.

18 Q So you decided to leave?

19 A Yes.

20 Q Did you know where you wanted to go?

21 A No.

22 Q How were you thinking at the time?

23 A I thought I would go back towards the farm.

24 Q Do you know where you *went next*?

25 A Well, I can say with some amount of certainty where I

think, what route I followed.

2 Q If there is any hesitation in your mind is it because of  
3 the drugs or what?

4 A I wasn't paying that much attention. So consequently I  
5 don't know exactly what road I was on. It is difficult for  
6 me to recall. What I do know is where I ended up.

7 Q Where did you end up?

8 A I drove back to Route 125 as if I'm heading back towards  
9 the crossroads to go back to my farm. When I got there I  
10 kept going straight on 125 until it *came out - this is what I*  
11 *think I did - until it came out to 201,* The only alternative  
12 *I did to that is that I would have* turned off my road and  
gone to Richmond Corners, which is basically what I did when  
I came here because I do recall being at Richmond Corners.  
The alternative route would be this one.

You are marking that with green dots?

A Dashes. Once I reached Richmond Corners I turned left.

Q Onto Route 197?

A Yes. I followed that all the way up to *Litchfield*  
Corner.

Do you have a recollection of being at Richmond Corners?  
Richmond Corners?

4 Litchfield Corners.

Yes.

*What happened* once you were at Litchfield Corners?

I took a left **on** the Hallowell Road.

2 Q Did you know that road at all?

3 A I had never been on it, no. I didn't know the name of  
4 it at the time either.

5 Q What happened next?

6 A I drove my truck on the Hallowell Road. I crossed over  
the interstate. I believe at that time the road had turned  
to dirt, if it hadn't already been, and I stopped shortly  
after passing a municipal area which municipal building *had*  
state trucks.

Department of *Transportation building*?

Yes. On the right-hand side of the road. Shortly  
thereafter I noticed a woods **road on** the right-hand side of  
the road, and I stop? ,

Q Once you stopped what did you do on that woods road?

A I pulled my, truck off the road. I wanted to basically  
just go for a walk and check it out.

Had you been informed about that area for any particular  
reason previously?

A No. Not really. I was exploring new territory.

And at that time you had done one third of the  
substance?

A Yes.

Q When **you** stopped your vehicle in the woods road did you  
do more of it?

L ↓

I A Yes. I mixed the rest of it in a film *canister* and I  
2 *drew it all into the syringe and* I went for a walk down that  
3 trail; basically it looked like an over-grown skidder trail.

4 Q And what happened in the woods?

5 A I wondered until the brush got thick and I turned around  
6 and came back the way - - I stopped and I did another third  
or basically a half of what I had left.

Q How did you respond to that? How did you physcailly  
respond to that use of the one half of the remaining two--  
thirds?

A There was a noticeable effect.

Q Describe it for the jury what that effect was?

A I guess the best way to describe it would be to say that  
I felt a sense of heige d awarenar . I was more lucid.  
*That sort of thing.*

Q *How else would you describe it?*

A Its very difficult to describe.

Q Go ahead.

A I wouldn't knowhow else to say it

Q Did you feel strong and powerful?

A No, Not not really. I felt probably more energetic.

Q Did it do anything to your appetite?

A I didn't notice, really.

Q Did it make you see things that weren't there?

A No, it didn't.

1 Did it make you intraspective?

2 A In the sense that at that point I would have been  
3 uncomfortable being around people, yes.

4 Did it make you feel angry or violent or upset?

5 A No, I wouldn't say that.

6 Q What happened next?

A I wondered *back to my truck*. I climbed in it and I took off once again heading down the **Hallowell** Road, At that point it becomes vague to me as to where I went. But I can just tell you that I wondered that area for some period of time on dirt roads.

Q In your truck?

A Yes. And stopped frequently. And I don't know if you can say frequently, but I stopped a few times and walked on side roads just to see where they went.

• Had you ever been in that area before as far as you **know?**

A **No.**

• Did you **have** any memory of having been there **previously?**  
**In other words, were you familiar** with the streets and the roads?

A No. I was not. I didn't know the names of any of them.

• Did you know anybody that lived down any of those roads?

A No.

25 Q What happened next?

1 A Well, I guess after *doing some wondering, basically I*  
2 continued the pattern until I tried to get back to my truck  
3 from one of the walks I had taken and couldn't find it.

4 Q Let's stop here for a moment. Do you recall placing  
5 your vehicle somewhere?

6 A Yes.

Q Do you know where you placed it now?

A No. At least I can't be sure.

Q You we at into the woe- s walking around?

A Yes.

Q And after you had been in the woods walking around - how  
long had you been walking around, do you know?

A I guess I walked for 15, 20 minute, maybe less. And I  
sat down for a while. I had come to a deciduous grove of  
*trees that were particularly nice, and sat down to rest for a*  
few minutes. I had done a lot of walking that day.

Q During the course in that area had you done walking or  
elsewhere where your truck was or in?

A I assumed so, yes. I never completely determined where  
my truck was. I've never seen *that location since so* the  
photographs I've seen don't look familiar to me in terms of  
vegetation and so forth.

24 Q The photographs are those that have been introduced into  
evidence?

25 A *Right. That may well* have been where I left my truck.

1 I'm not saying that.

2 Q Do you know one way or *the other*?

3 A *No. It could be, yes; it could be, no. I'm not sure.*

4 *How long* did you walk around for before, until you  
5 realized that you didn't know where your truck was located?

6 A Well, what I did was after having sat down for quite  
sometime I got up and walked back to my truck. And it was at  
*that point that I* realized after walking for a short period  
of time that I didn't recognize anything. It didn't seem  
like I was going in the right direction. We were beginning  
to lose light at that time.

- So this is getting dark, towards .ddi

A *Yes. That's* one of the reasons why I started moving  
around because we had lost the light.

During that period of time before you started looking  
again was there any period where you lost consciousness?

A No, I wouldn't say that.

Was there any period you have no memory of?

A I can safely say there are periods of time where my  
memory is probably not as sharp as it could have been, but I  
think that's because I was doing nothing of any significance  
to have to cause me to have reference points,

- Do you have a period in that space that is just a **void**,  
*that you don't have any **recollection of?***

A *No.*

1 Or you had a blackout?

2 A No.

3 Q How long were you lost for, Mr. Dechaine?

4 A My guess was I wondered *around for a couple of hours,*  
5 **thought.**

6 Q Have you ever been lost in the woods before?

7 A Yes.

When?

A On two different occasions. Once when I was fairly young; I would say probably eight another time in my teens.

Is this experience being in the woods dramatically different from those two previous experiences of being lost in the woods?

A Well, it was somewhat different than that. I really wasn't worried out it because I figured if I could walk a straight line I would come out on the woods road somewhere,

Q *On July 6th?*

A *Yes.*

So were you panicked or were you in a frenzy or were you distraught or what was your condition?

A No. I wasn't any of those. I really - all I was doing was walking to the best of my knowledge at that time as I was on my way out of the woods.

It took awhile for you to get out of the woods?

A Actually as it got darker I began to worry because I



1 still hadn't come out, and it was at that time that a heard  
2 the noise of the generator.

3 At the time when you heard the noise of a generator were  
4 you starting to get very concerned or not?

5 A Not very concerned, but a little concerned.

6 Q Were the drugs affecting you at this time? How was it  
7 in intensity as to how it was earlier?

8 A Very comfortable in intensity. I forgot to mention when  
'9 I did reach that location I had the remaining half of that  
10 syringe with me.

11 Q Which location where? The deciduous trees area?

12 A Yes. It was at that time that I finished it.

13 Q What did you do with the works?

A I left them there, Basically I threw them.

Q Do you normal throw stuff in the woods?

A *No. I just didn't* feel like bringing this back to my  
truck. I didn't think it was a **good idea**.

Q When you did the the final dosage did it have a bigger  
effect on you?

A I wouldn't say - basically all it did was maintain what  
I already felt.

Q When you were in the woods for a while after you decided  
to go back and find your truck and you heard the generator,  
what happened next?

A I followed the noise. I figured a generator would be

1 close to a road.

2 Q How long from the time you heard the generator did it  
3 take you to get from the generator to the road?

4 A *I would be* guessing. A few minutes under the  
5 circumstances, five or ten minutes. Maybe less,

6 Q And as you approached the sound of the generator what  
happened next?

A Well, *I came into sort of a clearing* where there seemed  
to be a few junked cars and a small home and I just walked  
right through that clearing which came out onto a small dirt  
lane that led down to a dirt road.

Q You've heard testimony in this case by Mr. Arthur  
*Spaulding, have you not?*

A Yes.

Q Turning your *attention to the* State's map. You've had  
an opportunity to see that before, haven't you?

A I suppose I have, yes.

Q Drawing your attention to State's Exhibit Number 1-A.  
*Turning your attention in particular to* the dot where the  
Spaulding residence is marked. Do you have a particular  
recollection of coming out there?

A *I can't* be certain.

Q You may return to your seat, You do however, recall  
reaching a main **road?**

A A dirt road, yes.

1           And what happened after you reached that road?

2    A       I wondered down that road until I *came upon a house.*

3           How far did you wonder for?

4    A       I guess just five or ten minutes, maybe less. I'm not  
5    real sure.

6    Q       What happened next?

7    A       The first house I came upon on that road I thought would  
be a good place to stop and make a phone call to my wiie.

          Were you getting concerned about her?

A       No.    Actually I knew she was probably worried     out me  
and I wanted her to come over and pick me up and help me  
search for my car.

Q       Was it at that time you met the Buttricks?

A       Yes.

Q       Do you recall meeting them?

A       Yes,

Q       **You** heard them testify?

A       Yes,

Q       Describe what happened to Mr. and Mrs, Butt       ?

A       We exchanged some conversation in the yard. At that  
point they asked me if I wanted

Q       Did you tell them your circumstance?

A       Yes.    *What I did was I told them I had been **lost** in the  
woods.    And that I couldn't find my truck. Basically that  
was the extent of it. They offered to help me find it and*

1 asked me to jump in the oar and go home with them where they  
2 could do some things that they needed doing and then he would  
3 take me out to help look for my truck.

4 *Were you invited into their home?*

5 **A Yes.**

6 Q Were you thirsty?

7 A Yes. I had a couple of glasses of water while I was  
8 there.

- When you walked across their kitchen floor were your feet wet?

A Not that I can recall.

Q And following that what happened?

A Mr. Buttrick took me with *him and we had some more* conversation at the house, and Mr. Buttrick asked me to join him and we went out in his car.

- How were the drugs affecting you at the time that you talked with Mr. and Mrs, Buttrick?

A I was still, in my opinion, noticeably high and I was very concerned that they would notice and be worried by it.

**Q Did** you tell them a story?

A **Yes,** I did.

What did you tell them?

23 A *I told them that I* was from somewhere other *than* where I  
24 was. And I told them that I **had** been *fishing* instead of  
25 telling them that I was out in the wood doing drugs. I felt

it safer to tell them that.

2 Q Were you in fact ever fishing?

3 A No, **sir.**

4 Did you tell them **you were** from (inaudible)

5 A **Yes.**

6 Q That was so as to not embarrassed yourself?

A Yes, I didn't want them to know who I was and where I was for fear that they would notice that I was under the influence of drugs at that time, Also I noticed that I had left a bruise on my arm from the last injection. I thought that they might be able to recognize that,

Q Turning your attention to what has been marked as State's Exhibit five, Is that the bruise you are talking about?

A Yes, sir, it is.

Q Did that bruise later on a few days later get bigger?

A Yes, I guess it faded and enlarged. I think what happened was the last injection ended up under the skin.

Q Do you know that or - -

A I suppose,

Q When you were talking with the Buttricks did you understand where you were?

A Well, they told me what road I was on,

Q Could you understand that?

A I knew what they were saying but I had no idea where the

1 *road was in relation to anything else.*

2 Q And when you were dealing with the Buttricks did you  
3 understand who they were once they told you?

4 A Yes,

5 Q Did you understand what they were offering to do for  
6 you?

7 A Yes, I did,

Q Were you able to understand them communicating with you?

9 A Yes, I was able to.

10 Q Were your senses at the time you were dealing *with the*  
11 Buttricks different than they had been earlier when you used  
the drugs?

A In what sense?

Q Were they different in the sense that was the degree of  
intoxication higher or lower when you were dealing with the  
Buttricks?

A I would say it was very similar to what it had been  
earlier that day.

Q *And once you had started to look for* the roads with Mr.  
Buttrick for your truck did you actually try to find your  
truck?

A Yes, With Mr. Buttrick?

Yes.

A Yes.

Q it wasn't a pretense **of any kind?**

1 A No. I wanted to find my truck and go home.

2 Q Were you worried or did you have a sense of something  
3 bad or what was your attitude?

4 A I guess at that time I was feeling embarrassed at the  
5 situation. Being lost in the woods to me is an embarrassing  
6 situation. And on top of that I was probably feeling ashamed  
7 at having lied to the Buttricks to avoid telling them why I  
had been in the woods.

- While you were on the roads with the Buttricks what happened next?

A Mr. Buttrick & his wife remained at home. Mr. Buttrick took me on several roads. I checked down maybe half dozen or more side roads trying to find my truck.

And you didn't find it?

No.

- After they attempted to locate your truck what was the next thing that happened to you?

A Well, I guess it had gotten dark by that time. I could sense Mr. Buttrick was getting quite impatient. He wanted to be someplace else. I asked him to take me to - I think he may have suggested that he take me to Litchfield Corners wherefrom I could call my wife, which would be easy enough for her to find.

But we just had gone a short distance and a sheriff's car traveling in the opposite set direction passed by us,

2 Buttrick honked his horn, flashed his lights, braked, and  
a police officer stopped and *we backed up and met.*

3 At that time when you saw the police vehicle what was  
4 your attitude about the police vehicle?

5 A I said fine. Good, They can help me find my truck.  
6 Were you scared of them?

7 Well, from the standpoint that I had been doing  
8 *something illegal that day* I was a little worried.

9 *Was your worry more than just a little?*

10 A I wouldn't say a great deal. Not at that time.

11 Once Mr. [redacted] spoke with the sheriff were you [redacted] tried  
12 to exit his vehicle and go over to the sheriff

13 A That's correct,

4 What did you do then?

A *I got in the sheriff's car.* I explained to [redacted] that I  
*lost my truck and wasn't able to find it.*

9 Who was in the sheriff's car [redacted] do you know?

A I didn't know their names until I recently heard  
testimony. I believe it was Mr. Ackley, and *I'm not sure who*  
the second one was.

Q And when you went into their vehicle what did they say  
to you? Did they inform you that they were looking for you  
or anything such thing?

A No. They told me, at that time they [redacted] I asked them if  
they could **help** me find my truck. They said yes. They asked



1 me what my name was. I told them. And **they drove** me **to**  
2 **another** *location at which point* I believe I had some  
3 conversation with an Officer Reed.

4 • Turning **your attention to that conversation with Officer**  
5 **Reed.** Up to this point were you aware that anything was up  
6 as far as an investigation of a missing girl?

7 A No,

8 • So the officers who transported you to Officer Reed made  
no mention *of anything such as that?*

A *Wog they did not.*

• And when you were transferred from one vehicle to  
another; is that correct?

A I can't recall. I don't think so.

Explain what happened once you were in the vehicle with  
Officer Reed.

A Excuse me?

**Q Explain what happened once you were in the vehicle with  
Officer Reed.**

**A I believe initially both Officer Reed and** Officer Nest  
**got in the car. They asked me my** name. Where I was from.  
The truck I lost. **Were I** had been. What I had been doing.

Q Did you find this unusual at this point that they were  
asking questions such as that?

25 A **I was afraid that they found my** truck **and found a**  
**syringe in it at that time. That's what I was thinking.**

1 • At out what time was that or do you know just through  
2 subsequent testimony?

3 A I know through subsequent testimony.

4 Do you have any reason to dispute the times involved?

5 A No, I don't.

6 And once you entered the **vehicle is it fair to say they**  
**„ae tioned you?**

A Well, yes. Detective Reed, I mean.

• West?

A It was Reed. He did the talking. And I guess that is  
Deputy. After a short period of time Mr. West exited the car  
and that's when Detective Reed asking me some very  
pointed questions that I had a difficult time dealing with.

• *Let's talk about that, What kind of* questions was  
Deputy Reed asking you that you had a hard time dealing with?

A I can't remember exactly. I can't remember if he had  
already shown me my **notebook** and the receipt.

Do you remember **being shown** at some point the notebook  
and the rec

**A Yes,**

**Is** that the first thing that you remember in reference  
to Deputy Reed asking you questions of consequence?

A I can't be certain.

**At some point you recall Deputy Reed asking you**  
questions about the **notebook?**

1 A Yes, He handed it over to me and he said: do you  
2 recognize thee items?

3 What did you say when *he* asked you if you recognized  
4 those items?

5 A I looked at the receipt and I told him it was an auto  
6 body receipt. And I looked at the notebook and I found a  
7 Coastal **Savings** Bank stamp in it, and I said these are my  
8 items. Then he asked me if they would have been in my truck.

9 Q What did you say to the question of whether or not they  
would have been in your truck?

A I said I suspected that the receipt had been in my  
truck. But I was confused about why that notebook would have  
been in there. It was obviously a greenhouse notebook type  
of thing *that we scratch* notes in and keep by the cash  
register.

*When was the last time you saw that particular notebook?*

A I would be guessing,  
Was that notebook in your car on July 6th, 1988?

A I couldn't say with any certainty.

Q It could have been?

Yes,

Q Do you recall it being in your truck?

A No, I don't.

Q When is the last **recollection you have** of that notebook?  
I can't tell you. We have several notebooks, There is

1 no way I can differentiate that that one from another.

2 Q When he asked you whether the notebook *was in yours what*  
3 did you say?

4 A I said it might have come from my truck or my business.

5 Q Did you have further questioning by Deputy Reed?

6 A Yes. He asked me where I had been, He wanted to know  
7 the stops I had made. I told him to the best of my knowledge  
8 at that time I told him I had been *wondering* the area and  
9 made several stops on logging roads. He said that the  
10 notebook and the receipt had been *found in* a driveway. He  
11 wanted to know if I had stopped in a driveway.

12 Q *What was the* tenor or tone, the attitude of the  
13 questioning at that time?

14 A At that time he was beginning or starting to get - I  
15 would say he was, his questions were very pointed. His voice  
16 was rising,

17 Q Were you intimidated?

18 A I was beginning to be.

19 Q What happened next?

20 A I told him that I did not recall turning into a  
21 driveway, That to the best of my knowledge I had only been  
22 on woods roads. I would have noticed a mailbox is what I was  
23 thinking. He said why were you making stops. I told him I  
24 made stops for a couple of reasons. I went out into the  
25 woods a couple of times. One time I stopped specifically to

1 a inate.

2 You didn't use those words, but that's what you told  
3 him?

4 A Yes. It was at that point that he said do you make a  
5 habit of doing that in people's driveways. I responded that  
6 no, I don't. Finally he asked me a few more questions.  
7 Things had started - I really started getting scared of that  
man because every time I opened my mouth he twisted  
everything I said around and threw it back at me and in a  
form that I had never uttered.

Finally I said what this all about? He said your  
*notebook and paper were found in* the driveway where a girl,  
we have a report that a girl is rissing. That's what he  
said.

Q What did you say when he told you that?

A I told him that I had **no** idea what any of this was  
about, I told him I wasn't involved in this.

Q Did there come a point when you said to him to the  
effect you think I did this?

A I may have as a retort, yes.

Q Was that spontaneous on your part or was it after  
questioning and his instructing you as to the finding of the  
notebook and the missing girl?

A It would have been in response to his aggressiveness at  
that time.

1 Q Use the word aggressiveness. You were alone in the  
2 police cruiser with him at the time?

3 A Yes.

4 Q It was dark outside?

5 A Yes,

6 Q Was there a light on *inside the cruiser*?

A Yes.

Q Where were you seated?

A In the rear seat.

• How was he turned to you? How was his body turned to yours?

A He was leaning over the front seat turned around in the front seat.

• Had you ever been in a situation like that before?

A No, sir, never had.

Q *And as* the questioning continued did the level of intensity increase?

A Yes, it did.

Q To what level did it increase to?

A I guess it got to a point where I felt that saying anything to that man was totally pointless that he wasn't listening to anything that I was saying anyway. And I basically stopped talking.

Q Did he read you your Miranda rights?

A Prior to this questioning?

1 Q Yes.

2 A I don't recall that being the case. If he did I  
3 certainly don't remember.

4 Q Was it of concern to you when you first got in the  
5 *vehicle whether he read you your rights or not?*

6 A No.

7 C When did it become a concern to you?

8 A When *he came back in the* vehicle later and he asked me  
if I would be willing to answer some more questions. I told  
him after the way you behaved I wouldn't. I don't want to  
talk to *you again. And he had a piece* of paper with him and  
*he said* it was a form. That's all I can tell you. On the  
form were some, I believe is the Miranda words. Beneath it  
*it said do you wish to speak to a law enforcement* I  
**checked no and signed my name,**

**• *Handing you a* document marked as Defendant's Exhibit  
Number 40 for identification purposes. I would ask if you  
can identify that document?**

**A It looks like the one that I was given to sign.**

**That is a photocopy?**

A Yes,

Q Is that your signature or a facsimile of your signature?

A Yes,

Q **Do you recall that form as the one you signed?**

A **That's my signature. I would assume it is the form. I**

1 don't recall the form exactly.

2 Do you recall checking the *no box*?

3 A Yes.

4 MR. CONNOLLY: I would offer Defendant's Exhibit  
5 Number 40 into evidence?

6 MR. WRIGHT: No objection.

THE COURT: Admitted.

BY MR. CONNOLLY:

Was there a response to that?

A *What do you mean?*

How did he react once you said no?

A He left the car.

Q Were you alone in the car then?

A Yes.

Q What was your understanding as to why you were being  
questioned at *that point*?

A Well, definitely in connection with the missing girl.  
One more thing did happen that I recall while we were, while  
I was being interviewed by Officer Reed, When he asked me  
where my truck was I responded I didn't know. He asked me if  
I had left the keys **in** it. I told him, yes, I had.

Q Why did you tell *him that*?

A Because I believed that I had left the keys in the  
**truck.**



Q Did you know you left the keys in the truck?

2 A More often than not. This was basically at the peak of  
3 it. I was very uncomfortable at that point. The way the  
4 interview was progressing was *making* me very uncomfortable.

5 Q During that he asked **you** if you had keys and you said  
6 no?

7 A Yes, That's correct.

8 Q Because at the time you thought you had them?

9 A *I thought they were in* the truck.

10 Q Excuse me. Later on you realized that was not the case?

11 A That's correct.

12 Q What did you try to **do** with the keys?

13 A At that time I believe that was before they came in with  
14 the Miranda rights form.

15 Q Prior to the form we just talked about?

16 A Yes.

17 Q What happened then?

18 A I **panicked**.

19 Q Why did you panic?

20 A I did **not** want to have another go around with Of leer  
21 Reed.

22 Q So what did you do?

23 A I took the keys out of my pocket and threw them under  
24 the front **seat**.

25 Q What were you thinking at that time?

1 A Just that I did not want to have to deal with Officer  
2 Reed *again*,

3 Q Did you think that hiding your *keys would make him go*  
4 *away?*

5 A I thought that hiding my keys would avoid another  
6 *confrontation.*

7 Q These are the keys in question, Mr. Dechaine?

8 A Yes.

9 Q **d there come a time when you** were searched?

10 A Yes.

11 Q **Who** searched **you?**

A **I can't** recall.

Q What happened during the search, anything?

A They just searched me. That was it. I do remember him saying something like where did you get this sceatc' And I said what scratch? I turned and looked over my should and he was pointing to a childhood scar. And I explained to him that **was** a **scar** not a scratch.

Q The scratch is on your left arm opposite where the syringe marks are?

A Yes,

Q Is it still there now?

A Yes,

Q Is it a dark mark?

A Its a scar mark.

1 Q How did you have get that?

2 A I was cut by a razor blade as a baby as an accident.

3 What else was happening during this period? You were  
4 still in the police vehicle at the time?

5 A Yes.

6 Q What else happened?

7 A At that point I believe Sheriff Haggett came and spoke  
8 to me. He said a few words. I don't recall it was of  
anything of consequence. I do remember being driven around  
by a couple of officers. We looked **for** my truck and once  
eezain failed to find it. And returned to what I assumed was  
the same location where we had been parked.

0 While you were driving around were you looking for the  
truck in earnest?

A Yes.

Q But you didn't recognize any of the areas you were  
covering?

A They all looked familiar to me, They looked very much  
like where I had left the truck or at least a couple f them  
did. At that point I was perplexed, I couldn't imagine  
where it was.

Q What happened next?

A We drove back *to the location where we had been at.* I  
believe that's when we transferred vehicles.

Q Who did you drive around with before you transferred

1 vehicles?

2 A I'm not sure who was in the car.

3 Q Once you transferred vehicles what happened next?

4 A I just sat there for a period of time, and Sergeant  
5 Haggett showed up with my truck keys,.

6 Q Sheriff Haggett?

7 A Yes.

8  Did *he dangle keys in front of you?*

A He showed them to me.

10 Q What was your response?

11 A He said, he asked me why I had placed those there. d  
12 I had already explained to him earlier the first time we  
13 spoke of Mr. Reed's behavior.

14 How did you characterize it to the sheriff?

15 A Basically I told him that the man is out of control.

16 • Were you frightened by Detective Reed, Deputy Reed?

17 A Yes. At that point I said, I told him I was scared  
18 because of Deputy Reed's **behavior** and I had reacted and in a  
19 panic had put them under a seat.

20 Q Did you laugh when you said that?

21 A No. I never laughed that evening; not before, during  
22 or - there was nothing to laugh out as far as I could see.

23 Q What happened next?

24 A I guess Sergeant Haggett had a few words with me and I  
25 can't remember exactly what was said. I was left in the car.

2 Had you ever been questioned before by any police  
officers like that?

3 A No.

4 Were you first trying to be cooperative?

5 A Yes,

6 Q Until Deputy Reed was upon you?

7 A Yes. *At that point I realized* there wasn't any sense in  
8 talking to him.

Then what happened after that?

A I waited in the car for what teemed hours.

Q Did you feel you could not leave the vehicle?

A Yes,

Q What made you feel you weren't allowed to leave?

A *Basically there were police officers milling around the*  
oar. I may have even been told not to step out. I was under  
the direct impression I could not leave that vehicle.

Q You had been read your rights about once?

A Yes.

19 What did you seem - when they read you your *rights what*  
20 did you seem that meant?

21 A I was very scared at that point.

22 • While you were sitting in the vehicle for that period of  
23 time, however long it was, did anything happen of consequence  
24 while you were there? Were you in there alone?

25 A Yes, I believe I was.

1 Q It seemed like a very long time?

2 A Yes \*

3 Q What do *you recall happening* after that?

4 A I believe what **happened after quite a long period of**  
5 **time was** that Detective Hendsbee showed up.

6 Q And was that after an extremely long **period** of time; a  
couple of hours?

A I believe so

Q During that period *when you* were in the vehicle did you  
get questioned again?

A I don't recall.

Q Then Det -tive Hendsbee came by; is that correct?

A Yes.

Q This was after mid

**A Yesp** I believe it was early morning.

Q What was your level of intoxication at that point?

A I was still feeling the effects, but certainly not the  
18 same. I was under what I would say quite a lot of stress  
19 from what was **going on.**

20 Q Were you able to focus on what was *happening* around you?

21 A Yes.

22 Q When Detective Hendsbee showed up he introduced himself?

23 A Yes.

**24** Q What happened next?

25 A He introduced himself and he asked me several questions

1 out my condition. He seemed genuinely concerned for my  
2 well-being

3 Were you relieved there was a police officer that was  
4 being nice to you?

5 A Very much so. He basically told me he was upset that I  
6 had been left in that car for such a long period of time.  
7 And he asked me some *background questions about myselfg my*  
8 name, had I ever been arrested before, whether I had been to  
college, was I married.

10 Were you cooperative with him at the time?

11 A Yes. I found him amiable.

12 Q During that period of time did anything happen next of  
13 consequence?

14 A The conversation basically continued, and came to a  
15 point where Detective Hendsbee asked me if I *would be willing*  
16 to speak *to him about the* events of the evening.

17 Q Did he indicate that he was aware that you had requested  
18 not to speak?

19 A I told him.

20 Q What happened next?

21 A Well, we had - prior to that occurring we had spoken  
22 out greenhousing and that sort of thing. He told me that  
23 before leaving his house in Albion that he had called the  
24 Attorney General *and* spoken directly to him and he asked me  
25 *about my wife. I told him at that time that I was worried*

2 sick about what she must be thinking. I hadn't been home or  
3 hadn't been able to call her. At *that point he said would*  
4 you like to see your wife? I said <sup>®</sup> yes. I want to go home.  
5 He said well, the Attorney General - -

6 MR. WRIGHT: Objection, This is not me who was  
7 involved. *Its going to call for some kind* of hearsay from  
8 somebody else in my office.

9 THE COURT: He's being asked out the statement  
10 that was made by this officer and not for the truth of any  
11 statement that was made to him by the Attorney General. The  
12 Objection is noted and overruled.

BY MR. CONNOLLY:

Q Go ahead.

A The end result was if I would be willing to answer  
questions that I would be brought home that night.

Q Did that offer you some relief?

A Yes.

Q So you were willing to answer some questions?

A Yes. At that *point before we really got* involved in any  
of the questioning and answer things, Detective Hendsbee  
*asked me if I had any knowledge of* forensics. Of course they  
found my truck by that time. I told them the extent of my  
24 knowledge was from a few episodes of Quincy that I had seen,  
25 and I didn't know that much more about it. He said it very



1 similar to that. He said if someone were in your truck with  
2 you today through several analysis, and he mentioned they  
3 would be able to discern that. He said would you have any  
4 problem with us towing your truck to our crime lab? And I  
5 said no. That wouldn't bother me at all.

6 Q Were you afraid they would find anything in your truck?

7 A No. I was very willing to let them have it because I  
8 felt that that would basically free me from this ordeal.

9 Q Looking at State's Exhibit Number 18. Is that the  
10 document that you signed for?

A I signed this in Bowdoinham after I had given him my  
verbal permission.

Q You had given him your verbal permission to take the  
truck?

A Yes.

• That is a document that you signed in writing to give  
him permission?

A Yes.

Q That was at the Bowdoinham townhall?

Yes. **Probably** an hour later or so.

Q What else happened with respect to Detective Hendsbee  
while that was *going on*?

A He asked me some questions and I answered them.

Did you tell him **about your drug use** at that time?

A No.

1 Q Why not?

2 A Well, I wasn't - I did not want to tell the police  
3 officer that I had been involved in illegal drug use.

4 Q Did he ask you out the bruise on your arm?

5 A Yes.

6 What did you tell him that was?

7 A I told him that was a pinch I received while *doing some*  
8 *work in the barn or* something of that sort.

'9 Q What happened next?

10 A The conversation *continued, I guess.*

Q This was where?

A We are still in the vehicle.

Q Go ahead.

A Be asked me about my activities that day. I responded basically the same way I had to Deputy Reed; that I had been wondering the back roads. I told him I had been looking for fishing holes. That was the excuse I had given them, that I had been fishing, *And I basically told them I lost my truck* when I became disoriented in the woods and had been picked up by the Buttricks and so forth.

Q What was your concern in not letting him know out your drug use at that time?

A I didn't want him to know. That's the extent of it.

Q What happened after that?

A *I'm not sure I follow you.*

1 Q After your conversation with Detective Hendsbee in the  
2 vehicle was there more to it at that point? Did you have  
3 further discussions with Detective Hendsbee in the police  
4 vehicle before you were brought to Bowdoinham?

5 A I can't recall. We talked for quite awhile. At some  
6 point he drove me to Bowdoinham, I don't know if he did but  
7 one of the police officers drove me to Bowdoinham; to the  
8 police department over there.

'9 Q You recall being transported over there?

10 A I don't recall being transported so much as a ride and  
11 arriving.

12 Q During the period of time when you were with Detective  
13 Hendsbee, did the subject of the keys come up again?

14 A Yes.

15 Q What did you tell him at that time?

16 A Exactly what I told Sheriff Haggett; that I had been  
17 intimidated. When realized **I had mistakenly answered one**  
18 **of** the questions the intimidating officer had asked,  
19 panicked and put the keys under the seat to avoid  
20 **confrontation.**

21 Q Did he, Detective Hendsbee, show you the notebook and  
22 the receipt?

23 A I don't remember,

24 Q At some point did you say to Detective Hendsbee that  
25 somebody was trying to set you up?

J

1 A Yes. I believe I *did*. He asked me how ~~se~~ that maybe  
2 was with Officer Reed. I did tell somebody *that night*. He  
3 said if somebody set you up and I didn't have anything to do  
4 with the abduction of this girl how did the notebook and the  
5 receipt get in her driveway? I had no response to that  
6 except somebody placed them there.

7 Q Do you recall the discussion with Detective Hendsbee  
8 about goose pimples?

A No.

Q You don't recall the incident or you don't recall the  
testimony?

A I recall the testimony. But to the best of my  
recollection that never occurred in our conversation.

Q It could have occurred; you just don't recall?

A That's correct.

Q Was there any point when you had pains of conscience  
*during the police* questioning that you were worried about?

**A No.** I was too worried to have. I felt badly *out*  
having done drugs. I still had done something illegal. I  
felt worried about that,

Q Were you worried *out* anything else *that was happening*  
that day other than the fact that you used drugs?

A well, I was very worried **about the fact** that **they were**  
**accusing me of being responsible for the abduction of the**  
**young girl.**

1 Q At any point did you mention or anybody else mention to  
2 you anything beyond abduction?

3 A No.

4 Q Did you have any inclination that there was anything  
5 beyond abduction at that point?

6 A At that point I told Detective Hendsbee that she is  
7 *probably with somebody, Just gone som* where, boyfriend or  
8 what have you, I wasn't as concerned as they were.

0 At some point with Detective Hendsbee did you deny any  
inVelvetentor any knowledge **of** the diSappeararce of the  
girl?

A Yes, I did.

Q Was that in response to a direct question

A I believe it was.

Q Would it be fair to say during the period o questioning  
by the police you were nervous?

A Very nervous. And scared.

Q But were you able to understand what they were aying?

A **Yes.**

Q **Was there** any time when you were confused *about what*  
they were saying?

22 A well, yes.

23 Q When was that?

24 A **Particularly with Officer Reed, He wasn't making any**  
25 **sense at all as far as I was concerned.**

1 Q Was he jumping around from one point to another point?

2 A He was taking what I was saying and completely twisting  
3 it around until it no longer had the same sense.

4 And while you were talking to Detective Hendsbee there  
5 came a time when you went over to the Bowdoin townhall?

6 A No.

7 Q At some point *did you have your photograph taken?*

8 A Yes

9 Q Where was that at?

10 A Bowdoinham.

11 Q The Bowdoinham townhall?

A Yes.

Q You had your picture taken?

A Yes

You cooperated with that?

A Yes. He asked if he could take photographs of me and I  
said sure.

Q He had you lift your shirt up?

**A Yes, I believe he did.**

Q And he a picture taken of your back?

A That's correct.

Q *Turning your* attention to State's Exhibit Number 21.

What are those scratches?

A Except for the small mark which would be my lower  
right-hand side, I honestly don't believe that there are any

1 scratches on my back. These don't look like scratches to me,  
2 and I don't recall having been scratched. Its possible that  
3 I might have rubbed across a tree and received light marks.  
4 But they certainly aren't scratches.

5 Q Did anybody on July 6th scratch you on your back with  
6 their hands?

7 A No, sir.

8 Q With reference to your clothing, was your clotio wet  
'9 or dry?

A Dry.

Q Was your clothing unduly dirty from being in the woods?

A I would say my green pants, which are work pants, had  
seen their share of staining.

Were you dirty from woods debris?

A No.

Q Turning your attention to State's Exhibit Number 19.  
*Looking at that* photograph of yourself, do you see any dirt  
on your clothing or on your pants that surprises you?

A No.

Q Did they *photograph any bruise* other than the one on  
your arm?

A No.

Q Did they photograph your pants?

A I believe they took a shot of me as I stood there.

Q Which is the **photograph** in 19?

1 A Yes. I don't know how many more he took of that sort of  
2 me.

3 Q *That is is this handprint on* the back of your shirt?

4 A I never really saw that. But I was asked about a  
5 handprint on the back of my shirt.

6 Q How big is your hand?

7 A Fairly small. I told them if there was a handprint,  
fingers facing down over my shoulder, h'<sup>p</sup> are that I  
swatted at some mosquitoe by doing this.

Q Did they take a photograph of that?

A Detective Hendsbee I believe said that he did, but I  
never saw the photograph.

Q You were brought home that night?

A Yes.

*THE COURT: I think well take a ten minute recess.*

Don't discuss the case,

(the jury was in recess at 5:26)



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(the jury returned at 5:35)

THE COURT: Mr, Foreman and Ladies and Gentlemen of the Jury, according to my notes, we got started at 8 minutes past nine. I gave a little time past lunch because there was a matter of law that had to be addressed outside of your presence. So we have discussed that before we called you back into the courtroom.

Its been a long day. It has been a long trial. But I know I speak for counsel in saying how much everybody here appreciates your patience, your time, and especially the *interest that you are paying to all of the* testimony and the evidence in this case.

I called the recess for a couple of reasons. We started *back this afternoon at* approximately a few minutes past three, So you had been sitting there for over two hours and 15 minutes, and you needed a break, And coming back into *this courtroom its stuffy, Its just the nature of the* architecture and the old design, I'm not blaming anybody. This is just the nature of - you get a lot of people into a *room with just certain dimensions and* it's bound to get stuffy. We have been handling that efficiently with our court officers raising the windows and the doors and letting air out.

But its apparent to me and in meeting with counsel

1 during this brief recess, that we are not going to get  
2 through even the direct testimony of Mr. Dechaine® We are  
3 not going to have that completed tonight. And you have been  
4 very patient with us and I don't feel that I in good  
5 conscience can ask you to sit here any longer to today. It's  
6 *exhausting* work, When you leave here after *paying the close*  
7 *attention* you do at time you don't realize *how exhausting it*  
8 *is*. I know. I have been there. It still effects me the  
9 same way as it does counsel.

10 But it's extremely important from this point through  
the end of the trial that at all costs you avoid any media  
*coverage of this trial. Again, we want you to base your*  
verdict strictly upon what you see and hear in this  
courtroom, You have heard and you will hear all of the  
legally admissible and relevant evidence that you are  
supposed to consider in your deliberations. Again, I have no  
problem with your telling *somebody* please save all the  
newspaper articles for *me on this so you can review* them  
19 after the case is over and done with.

20 I'm trying to get a handle on the number of witnesses  
21 that remain, but at this point I can't really give you any  
22 kind of an *intelligent barometric* reading. It's apparent to  
23 *me that this case will go to you for* your consideration at  
24 the earliest on Friday.

25 I've discussed with Susan, the clerk, about your

1 further service, I'm telling you right now that with the  
2 eight full days that the 14 of you have put in you will be  
3 finally excused from jury service from this pool after this  
4 trial is over. I'm not going to ask you to come back in and  
5 join the rest of the pool, But we still have a ways to go.

6           Again, thank you so much for your patience with us and  
7 the attention you are giving this matter, And I think that  
\$ we'll try to start promptly at nine o'clock. So if we can  
start to aim for quarter to nine we'll see what we can do to  
complete the testimony of Mr. Dechaine first thing tomorrow  
morning. Again, my sincere thanks. We'll see you tomorrow  
morning.

(The jury was excused for the day at 5:40)