

STATE SECRETS



What the Jury Never Heard
in the Dennis Dechaine Case

James P. Moore

Trial & Error
Madawaska, Maine

Trial and Error
PO Box 153
Madawaska, ME 04756
www.trialanderrordennis.org

Copyright © 2006 by James P. Moore
Cover photograph © 2006 by Steve Young
All rights reserved.
First printing: January 2006 10 9 8 7 6 5 4 3 2 1
Printed and bound by the Copy Center, Augusta, Maine



Dear Reader,
Just a short note to express our heartfelt thanks for your continued support. It's been a long wait for justice, but the wonderful support of people like you is why we are able to continue this battle to prove Dennis's innocence.

Our work has attracted people from all walks of life and from all parts of Maine and beyond—all with the common interest in seeing justice done. Our hearts are filled with gratitude and thanks for your generous help. Your hard work and /or donations have been deeply appreciated by all of us.

Your support will not only help in the quest for justice in the Dennis Dechaine case, but will help stop wrongful convictions in the future, giving us renewed faith in the justice system that will serve our children, grandchildren, and generations to come.

With sincere thanks,
Carol Waltman, President
Board of Directors: Dennis Dechaine, Bill Bunting, Don Dechaine,
Steve Sandau, Steve Young



PRESIDENT: carol@trialanderrordennis.org or jjcm_walt@hotmail.com
(Carol Waltman, Madawaska, 207-728-4439)
SPOKESPERSON: stevesandau@yahoo.com (Steve Sandau, Brunswick,
207-729-7533)

The brutal murder of little Sarah Cherry horrified Maine. The police—consumed with a natural rage and driven by press and public for a quick solution—fell into the easy trap that Sherlock Holmes warned against more than a century ago:

It is a capital mistake to theorize before one has data. Insensibly one begins to twist facts to suit theories, instead of theories to suit facts.

—*A Scandal in Bohemia* (1891)

Contents

Introduction	ix
The State's Case Against Dennis Dechaine: Why It <i>Proves</i> Nothing	1
The <i>Complete</i> Evidence in the Dennis Dechaine Case, Concealed During the Trial	4
The Alleged Confessions	4
Scientific Evidence	6
DNA Testing	7
Psychologists' Conclusions	9
Alternative Suspects	11
Evidence Destroyed by the State	15
Questionable Conduct by Officials	15
Justice in the Appeals Process	16
Summary of Evidence Contradicting Guilt	19
Getting the Answers	19
Detailed Facts Regarding the Time of Death	21
The Struggle to Uncover Evidence Concealed by the State	30
Misleading and False Statements	34
Detailed Facts Regarding the DNA Evidence	44

Exhibits

Contemporaneous notes of Detective Mark Westrum	49
Trial testimony of Detective Alfred Hendsbee	50
Contemporaneous notes of Detective Hendsbee	52
Chronology, investigation of Jason Fickett re the “A.A.” case	53
Report of Detective Steven Drake regarding footprints	54
Report of Detective Hendsbee regarding footprints	55
Registered sex offenders within 10 miles of Bowdoin, Maine	56
Report of Deputy Sheriff Daniel Reed	58
Statement concerning false allegation by ex-prosecutor Eric Wright	59
Report of Maine State Police expert regarding tire tracks	60
Report of Detective Hendsbee regarding no need of key to lock truck	61
Final Report of state psychologist MacLean	62
An analysis of the leaflet distributed by Rev. Dorr at the Democratic Convention	63
American Bar Association Standards for Prosecutors	65
Attorney General Rowe’s assignment to commission to investigate	66
Letter to AG Rowe requesting results of the year-long study	68
Response from AG Rowe	69



Introduction

Maine's crime of the decade, if not the century, brought thirty-year-old farmer Dennis Dechaine before the Superior Court in Rockland, charged with the brutal murder of an innocent, twelve-year-old girl named Sarah Cherry. His eleven-day trial ended at 11:58 on the morning of March 18, 1989. The jury returned to the courtroom.

The clerk asked, "Mr. Foreman, is the defendant guilty or not guilty as to Count One, of knowing or intentional murder?"

"We find the defendant guilty."

Also guilty of depraved indifference murder, kidnapping, and two counts of gross sexual misconduct.

It was a good verdict, a proper verdict—based on the evidence the jury heard: papers bearing Dechaine's name and a description of his truck with its license number were found in the driveway of the house where Sarah was babysitting; her body was found in the same forest where Dechaine had been that afternoon; her corpse lay a distance equal to one-and-a-half football fields across the road and through the woods from where he'd parked his truck; a piece of rope from his truck had been used to bind her wrists; a scarf from his truck was used to strangle her; officers of the law said he'd made incriminating admissions.

And prosecutor Eric Wright told the jury there was no other suspect.

Jurors didn't know it, but there was evidence they hadn't heard.

There were other suspects—more likely suspects than Dechaine. The time of death was never fully discussed during the trial, and the jurors never realized that Sarah Cherry's death actually occurred after Dechaine had been with the state's own witnesses, including policemen, for at least 5¹/₂ and possibly 11¹/₂ hours.

There was more. Strangling victims typically scratch their killer. The only scratches on Dechaine when police examined his body that first night were the slightly red marks one gets from walking through bushes.

Dennis Dechaine asked to have DNA testing done. His request was denied.

Forensic clues which should have been present if Dennis Dechaine committed this crime were absent. And official documents cast a deep shadow on the "admissions" attributed to Dechaine by detectives—remarks some called "confessions."

Unfortunately, none of these facts would be known for many years.

This ghastly crime—a sweet, blonde, blue-eyed little Sarah Cherry, abducted, tortured, vandalized, and strangled to death—was exactly the sort of horror that lawyer/author Scott Turow wrote about in his nonfiction book *Ultimate Punishment* after he'd served on

Illinois Governor Ryan's commission to study death penalty cases:

...it is these extreme and repellent crimes that provoke the highest emotions—anger, especially, even outrage—that in turn make rational deliberation problematic for investigators, prosecutors, judges and juries.

Under enormous pressure to solve these cases, police often become prisoners of their own initial hunches. A homicide investigation is not an academic inquiry allowing for even-handed consideration of every hypothesis. Instead, it's conducted in an atmosphere where primitive fears about unknown, dangerous strangers imperil our sense of an orderly world. There is a strong emotional momentum to adopt any explanation. Cops often feel impelled to take the best lead and run with it....

If law enforcement professionals respond in this fashion to the emotionalism of grave crimes, it is foolhardy to expect anything better from the lay people who sit on juries.

Unaware of the vital evidence never presented in his courtroom, Judge Carl Bradford sentenced Dennis Dechaine to two life terms, plus three twenty-year sentences. In Maine, "life" means until you're dead.

Prosecutors marked the case “Closed.”

Dechaine vanished into the bowels of the state’s ancient prison at Thomaston.



Carol Waltman hadn’t attended the trial because she “knew” that Dennis would be acquitted. She and Dennis had been kids together. He’d been a close friend of Carol and her husband Jesse since childhood. Dennis was a kind, quiet, non-violent man who’d never even been suspected of weird sexual inclinations. For God’s sake, Carol would remind people, he was a farmer but he was so averse to the sight of blood that he couldn’t even kill his own chickens. He’d be found Not Guilty because, in our legal system, justice triumphs.

Murder a little girl? Cut her and make her bleed? Impossible!

Cops and lawyers had heard that one before. There are countless cases where nice guys who’d “never do anything so awful” had, in fact, committed horrible crimes.

But Carol was not a woman to sit home and cry over spilt milk, or wish that somebody else would fix a bad situation. She created an organization to fight for her friend’s freedom, and she christened it Trial & Error. There were meetings to recruit members, letters to editors, a serious examination of the state’s evidence, and fund-raisers to finance further efforts through the legal channels. Motions for a new trial and appeals to higher courts failed.

Prosecutors would tell people that all those judges had examined the evidence and confirmed Dechaine's guilt, but that's untrue. Appeals court judges aren't allowed to consider the evidence that led to a defendant's conviction. A 1977 precedent in Maine's court history known as *State v. Blier*—a case prosecutors routinely quote to stifle appeals—holds that, “the reasonable doubt which will prevent conviction...must be in the mind of the jury, the trier of facts, and not that of the appellate courts.”

None of these setbacks stopped Carol Waltman. She traveled the state giving talks to anyone who'd listen, finding Mainers who agreed that there were disturbing questions about this case—questions about the evidence, questions that demanded answers.

Then Carol Waltman spearheaded Trial & Error into a new phase. The organization would move beyond asking questions about the sufficiency of the state's case.

They'd investigate how the police and prosecutors performed their duties.

And they'd hunt for new evidence.

Their efforts yielded appalling results.



In the debate that surrounds this crime and its aftermath, Trial & Error members can *provide proof* to support their position—official documents and scientific evidence.

Officials of the state, cynically confident that their positions guarantee credibility, respond with un-

ported allegations and, in many instances, patently false statements. Their strategy works with people who haven't examined the evidence.

In fact, the prosecutors' "mountain of evidence" comes down to three elements:

- Items from Dechaine's truck found near the house from which Sarah Cherry was abducted, and at the site where her body was found.
- Dechaine's presence in the same woods where the body was found, and his truck parked across the road and 450 feet from the body.
- The so-called confessions alleged by officers.

The book *Human Sacrifice* documented and exposed evidence which the state had concealed. After the book was published, more evidence was uncovered—first through the state legislature's order opening the files of the attorney general; then through a lawsuit that uncovered evidence the attorney general's office concealed, despite the legislature's order.

No evidence links Sarah Cherry to Dechaine, or to his truck.

Prosecutors claim that Dechaine transported his kidnapped victim 3.2 miles in that truck in the near-90-degree heat of July 6, 1988. The state police lab searched, swabbed, and vacuumed the cab of Dechaine's truck, but microscopic examination of this evidence failed to detect a single fingerprint, blood spot, fabric, or even a hair from the victim. We all shed scores of hairs every day, even without being kidnapped.

Prosecutors concealed from the defense the fact that the police tracking dog, after sniffing the victim's clothing, failed to detect the victim's scent in that truck.

Unidentified hairs on the victim's body were not Dechaine's. They, and the rape kit, were *incinerated* by the state *six days after* a motion for a new trial was filed.



Official conduct in this case has eroded citizen confidence in Maine's ability to protect the innocent and dispense justice. Faith can't be restored by cover-ups or whitewash.

Nothing short of a new trial—one where jurors examine *all* the evidence—will resolve the question of Dennis Dechaine's guilt or innocence. Nothing short of absolute honesty and total candor will restore Mainer's faith in our state's government.

Citizens reacting to the increased disclosures of previously secret facts surrounding the case formed Trial & Error chapters and held monthly meetings in Portland, Madison, Brunswick, Freedom-Belfast, Lewiston-Auburn, and in Rumford—where the chapter included a former police chief and a retired member of the state police homicide squad who stated that he was convinced of Dechaine's innocence “by the science.” The Augusta chapter, chaired by a scientist employed by the state, also won the support of a retired FBI agent. Chapters were organized in Connecticut and Florida.

Trial & Error circulated a petition: To the Governor, Chief justice, and Attorney General of Maine, and the Speaker and members of the Maine House of Representatives and the President and members of the Maine Senate: The petitioners below request a complete, fair, and independent investigation of the Dennis Dechaine case.

One of the first to sign was former Attorney General Jon Lund. A county sheriff signed. Then two of Maine's former congressmen expressed their support for a trial where jurors heard all the evidence. As the months passed, more than 6,000 citizens added their signatures to that petition.

Ever since the fight for Dennis Dechaine began, the Innocence Project at Yeshiva University's Benjamin N. Cardozo School of Law—premier champions of DNA testing whose efforts had helped to free more than 150 wrongly convicted defendants—has supported Trial & Error's crusade.

The State's Case Against Dennis Dechaine: Why It Proves Nothing

Dechaine's papers were found in the driveway of the house where Sarah Cherry was abducted; her body was found 450 feet through a woods from his parked truck; he emerged from another side of that woods; and he allegedly made admissions to officers.

The state's theory *lacks*:

- *A credible motive.* No history of violence, crime, or perversion; not in a psychotic state on the day of the crime according to state psychologists.
- *Opportunity.* State medical examiner's opinion, supported by other pathologists and forensic pathology textbooks: Sarah Cherry was murdered when Dechaine had been with the police for five or more hours.
- *The trophy.* Victim's panties, presumably taken as a trophy (the usual conduct of sexual predators) not on Dechaine's person; never found. Since no one suggests that he anticipated being questioned and searched when he emerged from that woods, why would he have discarded the "trophy"?
- *Any forensic evidence* of contact between Dechaine and Sarah Cherry.
- *Any forensic evidence* (according to the police lab

and the tracking dog, which couldn't detect her scent) that the victim was ever in Dechaine's truck.

- *Any DNA link.* DNA of some other male was in blood under Sarah's nails. Biological evidence which might have yielded more DNA was destroyed by the state six days after the defense filed a motion for retrial.
- *Any witness or evidence* of any connection between Dechaine and Sarah.
- *A competent investigation* which probed all of the other suspects—two of whom were already officially alleged to have sexually abused little girls.
- *Ethical conduct* by prosecutors who obscured, withheld, concealed, and incinerated items of evidence.

Trial & Error's theory—that the real murderer used items he took from Dechaine's truck to divert police away from himself—is considered improbable by some, but this theory of the crime accounts for *all* the evidence, including facts concealed by the state.

Once you eliminate the impossible, whatever remains, no matter how improbable, must be the truth. —Sherlock Holmes

No one has yet explained—if Dechaine committed this crime:

- How did he connect with Sarah Cherry/why did he go to that house?
- What made this nonviolent man with no record of crime, violence, or perversion commit Maine's most brutal crime in living memory?
- How could he kill her five hours after his time is accounted for by the state's own witnesses, including the police?
- Why is some other man's DNA in the blood under Sarah Cherry's nails?
- Why is there absolutely no scientific or forensic evidence to support guilt?
- Why do officers' own contemporaneous notes cast troubling doubt on their allegations that Dechaine made any incriminating admissions?
- Why did the state obscure evidence regarding time of death before, during, and after the trial?
- Why do members of the attorney general's staff make false statements?

The Complete Evidence in the Dennis Dechaine Case, Concealed During the Trial

The state's case rests exclusively upon the prosecutors' interpretation of circumstantial evidence, and the so-called confession—nothing else. (See below.)

Critical facts concealed by the state, including indisputable scientific evidence, prove conclusively that it is physically impossible for Dechaine to have committed this crime.

THE SO-CALLED "CONFESSIONS"

No "confession" purportedly made by Dennis Dechaine—even if truthfully reported—contains a single detail of the crime or the victim. Words quoted by officers shift from, "I couldn't have done it" to "I must have done it" when Dechaine was confronted with his papers in the driveway and fact that the body was found in the area of his truck. Scientific research on false confessions is treated in detail on pages 205–11 of *Human Sacrifice* (first edition). Dennis Dechaine's documented personality included all three characteristics of innocent persons who tend to make such false "confessions."

The only extensive "confession" was reported by Mark Westrum, who had been a detective for two days. But experienced investigators in the next room with a

tape recorder were not summoned to record or witness Mr. Dechaine's alleged words. And Mr. Westrum's original notes show that he first quoted Dechaine as saying, "How could I kill her?" then went back some time later, crossed out "How could," and wrote over those words "Why did"—changing the quote from "How could I kill her?" to "Why did I kill her?" At trial, Westrum testified to his "improved" version. (See Westrum's original notes, Exhibits.)

Mr. Dechaine denies making the statements attributed to him by Mr. Westrum.

With no witness and no signed statement, we have only Mr. Westrum's unsupported allegation that Mr. Dechaine said anything.

Westrum's notes were withheld and concealed until the secret files of the attorney general were finally made public through an order of the Maine legislature.

Maine State Police Detective Hendsbee *testified at trial that he was reading from his notes* when he quoted Dechaine as saying, "It must have been someone inside me doing this." This was considered so important to the state's case that prosecutor Wright had Hendsbee repeat the phrase four times for the jury—even insisting that Hendsbee read the quote from his contemporaneous notes.

That statement is not in Hendsbee's notes. He did take the time to record various exculpatory statements by Dechaine at that time, but he never noted the alleged admission considered so important to the state's

case—the words he testified that he was reading from his notes. These notes were withheld in defiance of the legislature’s order until a lawsuit was filed in superior court demanding the file. (See Hendsbee’s testimony, and notes, Exhibits, pages 50–52.)

THE SCIENTIFIC EVIDENCE

Science has no axe to grind, no client to defend, no wrong to avenge, no career to advance. *Science doesn’t care who wins.* Scientific evidence, and the facts concealed by prosecutors, refute the state’s interpretation of circumstantial evidence in this case.

See pages 21–29 for details regarding time of death and its importance in this case, and pages 7 and 44–48 for full details concerning DNA.

- *Concealed Evidence Indicates that Sarah Cherry Was Never in Dechaine’s Truck*

The victim’s body was found 3.2 miles from the house where she was abducted. Chemical swabbing, thorough vacuuming, and microscopic examination of Dechaine’s truck revealed *no* trace of Sarah Cherry—no fingerprint, no fabric, no hair, no blood. The police tracking dog, given the victim’s clothing to sniff, detected no scent of her in that truck. The dog officer’s report was concealed from the defense. These facts, revealed four years after the trial in a signed statement by Bowdoinham Police Officer Jay Reed, who witnessed this event, were confirmed in a tape-recorded interview with State

Police Detective Hendsbee in 1992 (page 286, *Human Sacrifice*).

- *Items in the Driveway and from the Truck*

The state inventoried 180 separate items in Dechaine's truck—everything from bottle caps to magazines. Dennis Curley of Caribou consulted a statistician who stated that the *odds against* two items bearing Dechaine's name to be the *only* ones to “fall out” of that truck in that driveway are 1.57 : 10,000, or 99.9 percent unlikely.

Items *lifted from* Dechaine's truck were connected to the crime, no witness nor any scintilla of forensic evidence links Dechaine, himself, or even his truck, to the crime.

The state's case depends totally on the prosecutors' *interpretation* of circumstantial evidence. It was sold to jurors *only by concealing evidence* that would have disproved that interpretation.

DNA TESTING

Would any guilty defendant request DNA testing *before his trial*?

Dechaine requested DNA testing before his trial. Dr. David Bing of CBR Laboratories in Boston points out that Prosecutor Wright proffered misleading and factually incorrect testimony upon which the court relied to prevent DNA testing of the blood under the victim's nails before the trial. DNA tests were performed in

1993 by Dr. Bing. The nails were photographed upon arrival in their original package with the seals intact and Dr. Bing certified no sign of tampering. He discovered the DNA of two persons: Sarah Cherry, herself, and another person who is *not Dennis Dechaine*.

The Office of the Attorney General hired Dr. Harold Deadman, a retired FBI expert on DNA, to assess Dr. Bing's results. Dr. Deadman attested to Dr. Bing's character, reliability, and integrity, and to the correctness of Dr. Bing's procedures in analyzing the DNA under Sarah Cherry's nails. *Dr. Deadman's report was kept secret.*

The nails were returned to prosecutors. Tests on them performed recently by the Maine State Police lab found the DNA of a male person who is *not* Dennis Dechaine in the blood under Sarah Cherry's nails. (See pages 44–46 for more complete evidence re DNA.)

An AP dispatch reported Deputy Attorney General Bill Stokes as saying, "There is no logical connection between the DNA collected from Cherry's fingernails and her death." He suggested that the male DNA was probably that of an officer, or one of the medical examiner's staff who had handled the body. Attorney M. Michaela Murphy obtained a court order to test the victim's male family members and every official who touched the body after it was found, and before the nails were clipped.

All were eliminated.

Mr. Stokes's next idea: the medical examiner used

dirty nail clippers to clip Sarah's nails — clippers contaminated, "probably," (he said) with the DNA of some previous corpse.

His "dirty clipper" supposition moved attorney Murphy to obtain a court order for all of the autopsies conducted by the medical examiner for the year before the crime. The files were made available to her, and she'd be able to check them — ignoring female corpses since the mystery DNA was that of a male, and eliminating those whose autopsies hadn't involved the use of nail clippers. But, in order to secure Deputy AG Stokes's agreement that she review these files, she had to agree that no one would assist in this enormous chore except her licensed private investigator.

PSYCHOLOGISTS' CONCLUSIONS

Undisputed testimony characterized Dechaine as a gentle man whose aversion to the sight of blood was so intense that this farmer had to pay others to kill his chickens. At age thirty, he had no criminal record and no record or reputation for sexual perversion.

But, because Dechaine used drugs on July 6, jurors may have conjectured that drugs caused this gentle man to commit this crime of the utmost savagery, brutality, and depravity. Prosecutor Wright overcame defense lawyer Connolly's motion to have the state psychologists testify. Jurors never heard their official conclusion, that Dechaine "was not in a psychotic state on the day of the crime." (Trial transcript, page

1156, statement by Judge Bradford, out of the jury's presence.)

The real killer, according to those who have studied such predators, possesses a personality antithetical to Dechaine's.

In the book *Mindhunter, Inside the FBI's Elite Serial Crime Unit*, the author and former member of this FBI unit states:

With most sexually based criminals, it is a several-step escalation from the fantasy to the reality, often fueled by pornography, morbid experimentation on animals, and cruelty to peers. (Page 114, *Mindhunter*.)

It may be relevant to this case to consider:

With an incident like this, we see how pressure from many sources can corrupt an investigation, punish the wrong people, and damage trust in public officials. (Source: Page 132 of *The Unknown Darkness* by Gregg McCrary, another retired FBI profiler.)

Lawyer/novelist Scott Turow was a member of Illinois Governor Ryan's blue ribbon commission that discovered numerous wrongful convictions and death sentences in that state. Turow's experiences moved him to state, "When someone's on trial for a grotesque crime, jurors are registering their reaction to the crime. They'd convict anybody the prosecution puts before them."

ALTERNATIVE SUSPECTS IGNORED BY THE STATE

According to official reports, the state's investigation focused *exclusively* on Dechaine from the moment the search for Sarah Cherry began on July 6, 1988.

Considering the facts known on July 6, that focus was appropriate.

The next day, however, Detectives Hendsbee and Drake followed small bare footprints beside large footprints leading into a trailer bearing the name "Fickett." They both knew Sarah Cherry to be barefoot—her sneakers and socks remained at the house from which she vanished. They both had already been investigating Jason Fickett for three weeks (and thereafter) for having sex with another twelve-year-old girl. (See page 53.)

This fact was concealed from the defense and the public. Hendsbee decided they'd ask game wardens to "look into" this clue the next morning. Neither detective so much as knocked on that trailer's door. According to police reports, this was the only door in the area on which no officer knocked. This clue was never pursued. (See Exhibits, pages 54 and 55.)

Detective Hendsbee now says he didn't know that the owner of that trailer was the same Fickett he'd previously investigated.

Even if there had been no name on that trailer, Hendsbee's failure to take any action whatsoever—while searching for a barefoot twelve-year-old girl who vanished only a half-mile away—clearly demonstrates that official minds were firmly closed to the possibility

of any suspect except Dennis Dechaine.

Jason Fickett was later convicted of having sex with that twelve-year-old girl (which included insertion of objects, similar to acts committed upon Sarah Cherry); then he was convicted of having sex with an eleven-year-old girl; then convicted of sex “by compulsion” with a young woman. He has subsequently been arrested for at least two attempted rapes. After a year as a fugitive, he was recently arrested and awaits trial for the sexual abuse of another child.

Mr. Fickett recently told private investigator Tom Cumler that no officer has ever interviewed him about the Sarah Cherry case. (Documented with additional incriminating evidence in Attorney M. Michaela Murphy’s motion to test DNA in the Dechaine case.)

Fickett’s blood type (determined during Hendsbee’s earlier investigation) is type A—the same as the “mystery blood” found under Sarah Cherry’s fingernails. The state’s claim that DNA tests eliminate Fickett as a suspect in the Sarah Cherry case does not alter the fact that—before this was known—he was not investigated. They probed no one except Dechaine.

Mr. Fickett was not the only person worthy of inquiry. The former wife of Sarah Cherry’s stepfather had married Douglas Senecal who was, at the time of the crime against Sarah Cherry, under indictment for sexually abusing his step-daughter. Senecal’s two step-daughters and Sarah Cherry visited back and forth at one another’s homes frequently and were friends.

Senecal's "alibi" failed under scrutiny. Det. Hendsbee, in a recorded interview, admitted that he'd never even asked Mr. Senecal for hair or blood samples, or for permission to search his pickup. Asked why, Hendsbee offered this excuse, "If Senecal did it, no one knew it." (*Human Sacrifice*, page 288)

Despite defense lawyer Tom Connolly's presentation to the court of evidence implicating Mr. Senecal—facts the jury was never allowed to hear—Prosecutor Wright stated in his summation that, "there is no evidence, ladies and gentlemen of the jury, in this case of an alternative perpetrator." (Trial transcript, page 1489.)

Mr. Senecal told private investigator Ron Morin, "The only man on the face of the earth I will ever trust is [prosecutor] Eric Wright." Senecal also refused to answer his own lawyer's private question as to whether he was involved in the Cherry murder. (See Cumler affidavit, motion by Attorney M. Michaela Murphy to test DNA in this case.) Mr. Senecal still refuses to provide his DNA for testing in this case.

When the Office of the Attorney General finally made its files on this case available to comply with the order of the legislature, there were no lead sheets. Lead sheets list every clue—each lead which must be pursued; they are maintained as a sort of register where the lead is entered and, beside it, the name of the officer assigned to follow that lead. Behind that entry there's a space to note the results of the officer's inquiry—either "unfounded," or some reference to the report of that

officer's findings. Often, the pursuit of one lead produces more leads, which are then entered on the register, assigned for investigation, and so on.

The state has explained that no such lead-sheet system was used in this case. Nor, although police had established a command center and publicized its phone number with a request for citizen cooperation, was there any log of tips phoned in by the public.

Without lead sheets or some similar method of keeping track of the widespread activities by many investigators and the numerous leads produced by their efforts, plus the various leads that always come in from citizens during the course of a high profile case, there is no way of controlling the overall probe or to make sure that all the bases have been covered.

Among other clues known to have come in, but not pursued, were allegations from several people offering information suggesting the involvement of the suspect Senecal. Another lead, known to have come in, reported a man in a small red pickup truck who drove up to a young girl within days of Sarah Cherry's murder and allowed her to see him—totally nude. It's impossible to tell from the reports the state ultimately revealed whether these leads were lost, forgotten or simply ignored. The report of the nude man in the red pickup, according to the woman who reported it, never even brought a return phone call.

As of this printing, Maine's Sex Offender Register lists sixty sexual predators within ten miles of where

Sarah Cherry was abducted and murdered. (Exhibits, pages 56–57.)

None were questioned or investigated in this case.

EVIDENCE DESTROYED BY THE STATE

Evidence incinerated by authorities after Dechaine’s trial includes the rape kit, a hair found on the victim’s body (which they’d eliminated as being Dechaine’s), and various other items. The evidence destroyed would have been valuable in future DNA testing. *This evidence was destroyed six days after Dechaine’s appeal for a new trial was filed.*

But the state has preserved all of the evidence it sees as incriminating Dechaine.

Deputy Attorney General William Stokes “explained” that they simply disposed of evidence they “didn’t need for our case against Dechaine.”

Also missing from the attorney general’s files are the fingerprints lifted from the door of the house from which the victim was abducted—fingerprints which do not match those of the victim, the residents of that house, or Dennis Dechaine.

QUESTIONABLE OFFICIAL CONDUCT

Numerous actions in this case raise disturbing doubts. Among them:

- Westrum’s inexplicable alteration of Dechaine’s words in his handwritten notes;
- Detectives’ indifference to the small bare foot-

prints, beside large footprints, leading to the door of a known sexual predator only half a mile from the abduction site;

- Concealment of that predator's record and crimes from the defense;
- Obscuring/concealing/suppressing the time of death (pages 21-29) and other scientific evidence;
- Concealing confirmation of Dr. Bing's DNA evidence by the state's own expert;
- Concealing the tracking dog's failure to detect the victim's scent in Dechaine's truck;
- Concealing conversations with George Carlton, Dechaine's initial attorney, in which Carlton allegedly made comments which caused prosecutors to infer Dechaine's guilt.

See pages 34–43 regarding misrepresentations and falsehoods by officials.

JUSTICE IN THE APPEALS PROCESS

Officials tell us, falsely, that appeals courts affirmed Mr. Dechaine's guilt.

When Prosecutor Wright's 1988 conviction of another murder defendant was appealed, the state's attorney quoted *State v. Blier*, Maine, 1977, to remind the appeals court judges that "the reasonable doubt which will prevent conviction...must be in the mind of the jury, the trier of facts, and not that of the appellate courts."

The U. S. Supreme Court recently heard an appeal

by Delma Banks, Jr. Lawyers for the State of Texas pooh-poohed the proof of prosecutorial misconduct.

Justice Ruth Bader Ginsburg: “Why wasn’t it the obligation of the prosecution, having deceived the jury and the court, to come clean...rather than let this falsehood remain in the record?”

Justice Stephen Breyer: “What bothers me...is that if we were to say that defense counsel behaves unreasonably if he relies on the prosecution, that’s to say that the justice system lacks integrity, and indeed it might contribute to a lack of integrity.”

Justice Anthony Kennedy: “So the prosecution can lie and conceal, and the defense still has the burden to discover the evidence?” And, “Do you want us to say that the defendant relies at his peril on the representations of the state?”

On February 24, 2004, the U.S. Supreme Court blocked Mr. Banks’s execution. Justice Ginsburg, writing for the majority, stated, “When police and prosecutors conceal significant exculpatory or impeaching material, it is ordinarily incumbent on the state to set the record straight.... A rule declaring ‘prosecutor may hide, defendant must seek,’ is not tenable in a system constitutionally bound to accord defendants due process.” Chief Justice Rehnquist and Justices Stevens, O’Connor, Kennedy, Souter, and Breyer agreed with Ginsburg. Justices Thomas and Scalia also stated they would send the case back to the federal appeals court. (Sources: articles in the *New York Times* and *Wash-*

ington Post, December 9, 2003; AP wire 2/24/04.)

Former FBI Director William Sessions has joined distinguished judges and prosecutors supporting Mr. Banks because his claims, “by their very nature raise issues that threaten the ability of the adversarial system to produce just results.”

Unfortunately, Maine’s guardians of justice (who refuse to admit ever having erred) have concealed facts from courts in other cases, too. In July of 2001, regarding a case prosecuted by officials of the State of Maine, the Federal District Court “supportably found four reckless omissions and one intentional withholding of information.” (Source: *United States v. John B. Stewart*, U.S. Court of Appeals No. 02-1938, decided July 29, 2003.)

Prosecutor Eric Wright was found to have made improper statements to a jury in still another murder case. (*Portland Press Herald*, May 24, 1995, Page: 4B.)

Have we in Maine reached that point described by Daniel Patrick Moynihan as a “tolerance for impropriety”?

In the end, it doesn’t matter how many remote possibilities prosecutors dream up to explain away the documented evidence. Science proves the impossibility of Dennis Dechaine’s guilt. Concealment of vital evidence by prosecutors suggests that they *knew* the devastating impact of these indisputable facts.

SUMMARY OF EVIDENCE CONTRADICTING GUILT

Time of death, DNA of a male person (not Dechaine) under the victim's nails, knots binding victim different from all knots at Dechaine's farm and barn, police lab evidence (and tracking dog) that victim was never in Dechaine's truck; fingerprints at crime scene which are not Dechaine's; concealment by officials; and psychiatric examination showing Dechaine's personality (even on drugs) as inconsistent with perpetrator of a depraved crime.

If a killer concocted an alibi, "I was in the woods using drugs" is the worst possible story he could invent.

GETTING THE ANSWERS

The questions posed in *Human Sacrifice*, published in 2002, have never been answered. Despite numerous vaguely negative allegations by various officials concerning *Human Sacrifice*, no one has ever specified a single evidentiary element in that book as being inaccurate, nor a single relevant bit of evidence as being left out, nor any evidentiary fact misstated.

Considering the fact that Trial & Error members support all allegations with documented evidence, it's reasonable to expect the same of anyone disputing them.

The vital evidence documented in *Human Sacrifice*, and in this report, is *not* the author's evidence. It's the *state's* evidence—much of which they concealed for fifteen years.

No one wants to believe that an innocent man is serving life imprisonment. Or wants to believe that our police did a poor job. Or wants to believe that our prosecutors would conceal evidence that proves a defendant to be innocent.

No one wants to believe that Sarah Cherry's murderer is free to attack other girls.

And we all tend to believe what we want to believe. It's only human.

Can anyone suggest a credible or moral argument against giving Dennis Dechaine a trial where jurors hear *all* the evidence?

The only thing necessary for the triumph of evil is for good men to do nothing. —Edmund Burke

Those who benefit from the status quo never want change. —NY Attorney General Eliot Spitzer, speech at National Press Club, 1/31/05.

Detailed Facts Regarding the Time of Death

If Sarah Cherry was strangled to death *after* Dennis Dechaine was with the state's own witnesses, including police officers, his guilt would be impossible.

The only known facts regarding the condition of the body are those reported by Medical Examiner Ronald Roy, M.D. According to his report (if it is complete), he discarded the fly larvae found on the body; he did not record body temperature or ambient temperature (near 90 degrees all that week, according to the weather bureau); and he did not perform the vitreous potassium test on the victim's eye fluid. The only details he reported which indicate the time of death are the rigor mortis (which he says was "still present but passing off") and signs of putrefaction (decomposition)—none of which he observed; nor is any sign of decomposition evident in the autopsy photographs.

State officials persistently allude to the opinions by the independent consultant, Dr. Eleanor McQuillen, whose services were requested by *Trial & Error*, i.e., her 10/29/92 statement that, "In summary, what's reported is consistent with Dr. Roy's conclusions."

Officials avoid mentioning the next sentence, i.e., "It's what's missing that could be important to confirm time of death and complete the autopsy findings."

Officials also ignore Dr. McQuillen's statement: "I believe the autopsy report in this case is preliminary with one loose page of microscopic added, not final.... Without the entire file on this case, I am not in a position to give an opinion further." (Dr. McQuillen was furnished what the state claims is Dr. Roy's entire autopsy report, the transcript of his trial testimony, and the state's photographs of the victim's body.)

Aside from the progress of rigor mortis observed by Dr. Roy, Dr. McQuillen stated, "Other than the description of 'good preservation' there is no description of early blue-green discoloration of the lower abdomen and by photograph I see none."

An "Outline re Time of Death" accompanied Dr. McQuillen's report. It states:

Postmortem decomposition

1. Sequence

24 hours—blue-green discoloration of lower abdomen.

36 hours—blue-green discoloration of entire abdomen.

No such discoloration was evident on the body of Sarah Cherry.



Dr. McQuillen stated during the recorded 2/23/93 interview with her that, "Well...at around 24 hours you should start to see the blue-green discoloration of the lower abdomen. But it's not there and it wasn't described and therefore one has to suppose that it was

either a shorter period of postmortem time period, or there is a cool environment that preserved the body... being placed in a cool earth grave is one of the reasons.”

Dr. McQuillen erroneously adds, “It was in the ground laying in a hollow of the ground.”

That conclusion is based on a mistaken interpretation of Dr. Roy’s testimony. The body was not buried. Police photos show that the body lay *on* the ground, partially covered by sticks and forest debris. The victim’s head and thigh were exposed to air and light. Police photographs show the body lying in bright direct sunlight.

According to leading textbooks and other pathologists, both of the relevant reported markers—rigor mortis, and no sign of postmortem decomposition—indicate that death occurred less than 36 hours before Dr. Roy first viewed the body, i.e., sometime after two o’clock Thursday morning—*more than six hours after* Dechaine’s actions are accounted for by state’s witnesses, including police officers.



The following are quoted from leading textbooks on forensic pathology:

From: *Unnatural Death* by Michael M. Baden, M.D., former chief medical examiner, City of New York:

Rigor mortis begins to show two hours after death and takes twelve hours to peak.... The stiffness remains for twelve hours and gradually disappears.

After thirty-six hours, the body becomes soft again.

Between the time they are laid and the time they hatch, maggot eggs last less than twenty-four hours.

From: *Forensic Medicine: A Guide to Principles* by Doctors Gordon, Shapiro, and Berson:

The two main factors which influence the onset and duration of rigor mortis are: (1) the environmental temperature; and (2) the degree of muscular activity before death. In infants and children and in aged persons, the onset is relatively more rapid than in adults.

Putrefaction tends to be more rapid in children than in adults.

From: *Medicolegal Investigation of Death*, Werner Spitz, M.D., and Russell Ficher, M.D.:

The time of persistence of rigidity is greatly influenced by the temperature of the body and its environment. It may disappear as soon as nine to twelve hours after death if the body is in an extremely hot environment and decomposition begins. The original onset of rigidity is hastened by the presence of high fever, convulsions or extreme muscle activity in the period prior to death.

(Regarding decomposition) environmental temperature is the most important single factor. It is not uncommon to see advanced decomposition within twelve to eighteen hours.

Flies may lay eggs between the lips and eyelids of patients *in extremis* and certainly within a few

hours after death. Certain species of blowflies actually produce live larvae so that tiny maggots can be seen moving within a matter of an hour or so after death.

From: *Investigation of Violent and Sudden Death: A Manual for Medical Examiners* by Robert C. Hendrix, M.D., Professor of Pathology, University of Michigan, Deputy Medical Examiner, Washtenaw County, Michigan:

The general rules indicate that rigor mortis begins about four hours after death, progresses to a maximum by eight to twelve hours, persists for about four hours, then gradually reduces over the same time span. [NOTE: This would have the rigor mortis *totally* dissipated by 20 to 28 hours.] It is a chemical change and is hastened by heat, retarded by cold.

Any wound, even a superficial one, will hasten putrefaction, as will severe local congestion such as occurs in strangulation. Heat will accelerate putrefaction.

The stomach usually empties itself in about three hours if not prevented from doing so. Great excitement, marked fear and actions of some drugs, severe injury, and death all delay or stop gastric activity. State Medical Examiner Ronald Roy observed that rigor mortis was "still present...but passing off."



George Chase, retired chief pathologist for the Eastern Maine Medical Center, reviewed all the circumstances

of Dr. Roy's observations and estimated that death had occurred around 24 hours before the autopsy, i.e., the day *after* Dechaine was questioned.



The evidence of Dr. Roy's *observations* must be accepted. But his report and his trial testimony suggest that his conclusions were based on information furnished by detectives and the prosecutor indicating that Mr. Dechaine could only be guilty if death occurred prior to 8:00 P.M. on the day Sarah Cherry was abducted.

Dr. Roy's bias toward the prosecution's case may be conjectured from his assertion (after jurors were informed that Mr. Dechaine once had a small pen knife attached to his key chain) that the shallow cut wounds were inflicted by "a small knife, like a pen knife that someone might carry." (Page 571, trial testimony.)

In truth, virtually any sharp instrument can make small, shallow cuts.

However, Dr. Roy also agreed with the experts who wrote the forensic pathology textbooks, when he testified: "Well, temperature, as I said, will hasten all the processes. An elevated temperature will speed it up and make its onset quicker and its disappearance quicker. Strenuous physical exertion may hasten the onset of rigor mortis. I would expect to find more fly activity." (Transcript pages 556–57.)

Concerning speculation that the victim did not actually expire until hours after being strangled, Dr. Roy

testified that the ligature constricted her neck to a diameter of “Three inches, two and a half, three inches.” (Transcript page 563.) No one, conscious or unconscious, could breath under that circumstance.



A scientific assessment of Dr. Roy’s undisputed observations shows that:

1. Rigor mortis normally passes off thirty-six hours after death.
2. Passing off of rigor mortis and the appearance of abdominal discoloration is quicker in children, in high temperature, during extreme stress/terror/muscle activity. Thus the rigor would pass off and blue-green discoloration would appear more quickly (i.e., a shorter time before the autopsy) when these factors are present.
3. All of these factors were present in this case.



State officials persist in stating that the duration of rigor mortis can be affected by “variables,” but they never specify any variable which could have extended the period of rigor mortis, or retard putrefaction—both of which would be necessary to indicate a time of death prior to 2:00 A.M. on the morning of Thursday, July 7, 1988.

In fact, every variable that might possibly have affected rigor mortis and putrefaction (temperature, fear, stress, struggling against the bonds, and the victim’s age) would, if they had any effect, establish

an even *later* time of death, making Dechaine's guilt even more impossible.

Based upon the on-site observations by Dr. Roy, the preponderance of expert opinion indicates that Sarah Cherry died at least six, and most likely more hours *after* it would have been possible for Dennis Dechaine to commit the crime.

Prosecutor Wright never asked the standard question routinely asked at all murder trials to show that a defendant had opportunity to commit the crime, i.e., "At what time, in your medical opinion, did the victim die?" Instead, he asked how long the victim had been dead when Dr. Roy saw the body. Dr. Roy testified that death occurred 30 to 36 hours before he observed that "rigor mortis was still present but passing off."

Dr. Roy's casual conjecture that the rigor's duration "could have been longer" is contradicted by the views of other pathologists and all of the leading textbooks on forensic pathology.



Prosecutor Wright attempted to fix the time of death via progression of the victim's digestion—a factor pathologists know to be totally irrelevant in this case.



From *Investigation of Sudden Death: A Manual for Medical Examiners*, by Robert C. Hendrix, M.D., Michigan medical examiner and professor of pathology at the University of Michigan:

The stomach usually empties itself in about three

hours if it is not prevented from doing so. *Great excitement, marked fear, and actions of some drugs, severe injury, and death...all delay or stop gastric activity.* [Emphasis added.]



Even the State's own medical examiner, Dr. Roy, testified that: "There are many factors that can slow down digestion. Strong alcohol. Notably stress will do it. It's not uncommon for people under great stress to find out later that they still have not digested the meal from the six or twelve hours or the day before." (Transcript, page 585.)

The importance of this evidence is confirmed by the state's efforts to *hide* it.

When Medical Examiner Clerk Sandra Hickey was asked to produce the complete autopsy report, Deputy Attorney General Fern LaRochelle told her, "Show him what we gave [defense lawyer] Connolly and nothing else."

Under the law, there's not supposed to be anything else!



If time of death isn't important, why were prosecutors so determined to conceal it?

The Struggle to Uncover Evidence Concealed by the State

On November 30, 1992, following numerous denials of his requests for documents, James P. Moore filed a Petition for Review of Final Agency Action (Cumberland County Superior Court Docket No. CV-92-1348) concerning official denials of access under the Freedom of Access statute to the files and records of the Maine State Police relating to the investigation of the murder of Sarah Cherry.

That petition was denied on February 8, 1993, upon the court's acceptance of argument by Assistant Attorney General Leanne Robbin that these records of the Maine State Police (unlike other records of that agency, which would be accessible under the Freedom of Access statute at that time) had become part of the records of the attorney general which were deemed "confidential," and were therefore not accessible under the Freedom of Access statute.

That reason for denying access vanished on September 13, 2003, the effective date of an order by the Maine State Legislature (Chapter 18, S.P. 369—L.D. 1097) which rendered reports and records of the Department of the Attorney General "relating to the unlawful homicide of Sarah Cherry" accessible under the Freedom of Access statute.

On December 26, 2003, A new Freedom of Access request was submitted for the entire Maine State Police files of records and reports regarding the investigation of Sarah Cherry's murder. Lt. Anne Schaad of the Maine State Police responded that the entire file of the Maine State Police regarding this case was available for review at the office of the Attorney General.

On April 28, 2004, following repeated assurances by the Maine State Police and Deputy Attorney General William R. Stokes that the complete police file was at the office of the attorney general and available for inspection in accordance with the Order of the Legislature, a copy of page 409 of the transcript of Dennis Dechaine's trial was submitted showing Assistant Attorney General Eric Wright's acknowledgment that a report had been filed by Maine State Police canine officer Thomas Bureau, and that this report had not been made available to Mr. Dechaine's attorney as part of the court-ordered discovery. This report was also not among those on view at the offices of the Attorney General.

On May 3, 2004, Deputy Attorney General William R. Stokes responded that he "checked the state police file myself and find no evidence that Trooper Bureau, in fact, prepared and filed a canine incident report." And, "It is quite possible that although Trooper Bureau believed he filed a report, he, in fact, did not."

Mr. Stokes's response went on to divert this discussion into an argument concerning Mr. Dechaine's

attorney's "decision not to raise a discovery objection during the trial"—a matter totally irrelevant to this FOA request.

Mr. Stokes went on, in this same communication, to state that, "We cannot provide you access to a report that does not exist."

On May 6, 2004, it was reiterated to Mr. Stokes that this was a request for the entire state police file concerning this investigation.

On May 13, 2004, Mr. Stokes released the report filed by canine officer, Trooper Bureau, proving his earlier assurances to be incorrect.

On May 20, 2004, in a telephone conversation with Mr. Stokes, Mr. Stokes asked several times that he be informed of what reports should be part of the state police file which had not been made available. In response, he was informed that specifying what reports were sought (based on witness interviews and T&E's investigation) and which should be part of this police file, would—based on his recent conduct—result in receiving only those reports specified; and further, that there was reason, based on investigation, to believe that additional reports were being withheld.

On June 24, 2004, Mr. Stokes surrendered the VICAP report filed by Detective Alfred Hendsbee, lead detective in this case.

In August 2004, in response to a lawsuit filed in Maine Superior Court, the state finally made available the contemporaneous notes by Detective Hendsbee.

These notes reveal that Detective Hendsbee's trial testimony was untrue: the alleged statement by Dechaine which Hendsbee *testified he was reading from his notes* is *not* in those notes. The only Dechaine statements quoted in those notes are totally exculpatory. (See Exhibits, Hendsbee testimony and Hendsbee notes.)

There remain a number of official documents known to have existed which the state persists in claiming it cannot find.

Misleading and False Statements

Dennis Dechaine's first attorney was George Carlton. Unfortunately, and unknown to Dechaine, Carlton's "better days" were long past. Former law partner William Leonard said that Carlton "drank too much" and "he rarely cracked a law book." Charged with evading his federal income taxes for the years 1966 through 1977, Carlton had fled to Australia. In 1983, after seven years as a fugitive, he negotiated a compromise with the government and paid \$38,495.54 to settle his debt, served thirty days in jail, and was suspended from the practice of law for less than a year before being re-admitted to the Maine Bar and licensed to practice again. Court records demonstrate Carlton's abject incompetence. Every client throughout 1988 (except one, who ignored his advice to plead guilty) was convicted; every client who trusted him to litigate a civil case lost out because of the alcoholic Carlton's failure to file routine docket entries.

Why would any lawyer who knew Carlton trust his competence, his judgment or his credibility?

Nevertheless, on the Thursday after Sarah Cherry's disappearance, the day before her body was found, Deputy Attorney General LaRochelle telephoned Carlton. LaRochelle's affidavit states that he told

Carlton he'd heard that Dechaine had consulted him, and "that investigators felt that if Sarah was still alive, it was important that we find her soon. So I have just two questions: is she alive? And, are we searching the right area?"

This was a ploy LaRochelle used in at least one other case. But *that* lawyer thought he was joking—asking a lawyer to violate a client's confidentiality is grossly improper—so she'd given LaRochelle a snappy retort and hung up the phone.

This time, LaRochelle claimed better luck. His affidavit continued, "Attorney Carlton replied that Sarah was not alive and added something to the effect that we were looking in the right area.... I reported this information to Assistant Attorney General Eric Wright."

LeRochelle "can't recall Carlton's exact words."

Carlton denied to Tom Connolly and others that he'd ever said Dechaine was guilty. Perhaps his reasoning was best expressed when he told a Trial & Error investigator, "Dechaine said he couldn't remember. And when they say they can't remember, that means they did it."

Whatever Carlton actually said to LaRochelle, LaRochelle and everyone to whom he relayed this secret—Eric Wright, lead Detective Hendsbee, Medical Examiner Ronald Roy—interpreted it as indicating that Dechaine had confessed to Carlton.

Carlton's treachery is undeniable. Later, he made even more dramatic allegations to other colleagues. Did

they truly believe him, or were they merely recounting what Carlton had said? None of them saw fit to inform defense lawyer Tom Connolly or Dechaine or the court or to ever let the jury learn of this perfidy.

All of this was kept secret for twelve years, until July 2000, when prosecutors used Carlton's alleged comments as ammunition to defeat Dechaine's habeas corpus petition in federal court.

The prosecutor "may prosecute with earnestness and vigor—indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one. —U.S. Supreme Court, *Berger v. United States*, 295 U.S. 78 (1935)

Trial & Error members support every statement with hard facts, from the state's own evidence, much of which officials had concealed.

Officials involved in this case, with cynical confidence that they'll be believed merely because they hold important positions, provide whimsical theories, vague possibilities, and outright falsehoods.

Or they simply change the subject.

1. Deputy Attorney General William Stokes has stated that there are false allegations and misrep-

representations in the book, *Human Sacrifice*. *The fact is*, no one has specified a single falsehood, misrepresentation, or error in that book regarding evidence in the Dechaine case or the conduct of any official.

2. Mr. Stokes has told people that *Human Sacrifice* author James P. Moore “was paid to write the book,” and that “he never investigated a homicide.” *Both allegations are untrue.* (Even if they were true, what would that have to do with the evidence in this case? Officials wouldn’t keep changing the subject if they could explain the evidence establishing Dechaine’s innocence.)
3. Mr. Stokes and ex-prosecutor Eric Wright have both stated publicly and falsely that the former chief pathologist of Vermont agreed with the state’s theory that Sarah Cherry died a few hours after being abducted on July 6th, 1988. *The fact is* that the Vermont pathologist, who examined the state’s entire autopsy report, said: “It’s what’s missing that could be important to confirm time of death. Without the entire file on this case, I am not in a position to give an opinion further.” (See pages 21–29 for additional details on this subject.)
4. Eric Wright stated, “The state’s psychologists would not have testified, as [Trial & Error] wants the public to believe.... [T&E] flatly misrepresents the doctor’s opinion.” *The fact is* that Judge Bradford stated, on the record (but outside the

jury's presence) the state psychologists' findings: that Mr. Dechaine "was not in a psychotic state on the day of the crime."

5. Additional untrue statements by Mr. Wright regarding this case:

Wright: "Dechaine admitted to the state psychologist that he could have lost papers from his truck when he turned around in the driveway of the house where Sarah was babysitting."

FACT: Dechaine never stated he'd turned around in *that* driveway. He said he'd turned around in *a* driveway, *somewhere*, at some time during that day. (See Exhibits, page 58.)

Wright: "Dechaine confessed to the psychologists, and we have it on video tape." (Stated to Carol Waltman, Dechaine's brothers, State Senator Judy Paradis, and State Representative Douglas Ahearne, on September 1, 1994; see Exhibits, page 59.)

FACT: Nothing on that video remotely resembles a confession. The video is in the AG's file, opened after fifteen years of official secrecy, available now for anyone to view.

Wright: "Nothing I've heard explains how Dechaine's tire tracks ended up in that driveway." (Brunswick *Times Record* interview, 12/5/03)

FACT: The state's expert reported: "The impression seen in the casts *could have been* made by the left front tire, however, *this does not exclude any other tire with a similar tread design.*" (Emphasis added) Dechaine's

other three tires were eliminated as having made tracks in that driveway. (See Exhibits, page 60.)

Wright: “We await any sensible explanation for how someone other than Dechaine committed the crimes against Sarah.”

FACT: The detailed answer in *Human Sacrifice*—unlike Mr. Wright’s scenario—accounts for *all* the known facts, including the evidence he withheld.

Wright: “There is no evidence, ladies and gentlemen of the jury, in this case of an alternative perpetrator.” (Trial transcript, Wright’s closing argument at trial.)

FACT: One suspect, well known to Mr. Wright, was already under indictment for child molestation. Wright told Judge Bradford that requiring that man to testify was useless, because he’d take the Fifth Amendment. (Transcript, Motion for New Trial, May 4, 1992, page 62.)

Another suspect, a known pedophile, lived only half a mile from where barefoot Sarah Cherry was abducted. Detectives followed small bare footprints beside large footprints to that pedophile’s very door, and never even knocked!

That man, recently arrested again for having sex with another little girl, has multiple convictions for unlawful sex with minor children, and for rape. (See pages 11–12, and Exhibits, page 53.)



It is ironic that Mr. Wright—a man who has made so many false statements in this case, told another jury

only months before Dechaine's trial, "Concealment of evidence is always taken in the law as evidence of consciousness of guilt, and so of guilt. So, too, is lying. This principle is so simple, so logical, that I would be surprised if any of you would say during deliberations that the defendant's history of lying throughout this case is simply to be ignored." (*State v. Saunders*, 11/88)



Official misrepresentations of evidence persist today. Detective Hendsbee told reporter Christopher Cousins (*Brunswick Times Record*, 12/5/03) that Dechaine admitted being at the house where Sarah Cherry was abducted. That is untrue. Mr. Dechaine's actual words, quoted in Deputy Dan Reed's official report, were only that Dechaine stopped in *a* driveway, *somewhere*, to relieve himself that day. (See Exhibits, page 58.)

Deputy Reed, himself, told detective/interviewers from Court TV's "Wrong Man" program that Dechaine "described the house to a 't'." His official report states otherwise. (See Exhibits, page 58.)

Deputy Attorney General Stokes has stated, and written in letters to numerous people, that appeals courts affirmed Mr. Dechaine's guilt. That's not true, and he knows it. Prosecutors fighting appeals quote *State v. Blier*, ME 1977 to remind the appeals court judges that "the reasonable doubt which will prevent conviction...must be in the mind of the jury, the trier of facts, and not that of the appellate courts." (*State v. Saunders*, 11/88)

Why does Mr. Stokes imply that appeals court judges have weighed the Dechaine evidence?



Eric Wright and other officials continue to claim that Dechaine's truck was locked when officers found it. That's untrue. The trooper who prepared it for towing to the crime lab entered through the unlocked rear sliding glass window. Beyond that, anyone lifting the ropes and papers from Dechaine's truck in order to frame him could have locked it when closing its door.

Detective Hendsbee has stated that, since Dechaine had the keys to his truck in his pocket, he was the only one who could have locked that truck because it cannot be locked without the key.

Hendsbee knew that to be untrue. His official report, dated three days before Dechaine's trial, states:

"I arrived at Headquarters and tested the locks on DENNIS DECHAINED'S pick-up truck. The truck can be locked without a key by holding the latch inward and can also be locked with a key." The same page of the report shows that at 0945, "I called Eric Wright at his request and discussed the case with him." (See page 61.)



Statements by Detectives Hendsbee and Westrum alleging admissions made by Dechaine were discussed in pages 4–5 of this booklet. (Also see Exhibits, page 49–52)



State psychologist MacLean has told people during at

least one social gathering that Dechaine confessed to him during his psychiatric examination. But the final paragraph of Dr. MacLean's eight-page report proves this to be untrue, stating that Dechaine maintained his innocence. (See Exhibits, page 62.)



Robert Dorr, formerly employed by the Office of the Attorney General, circulated a leaflet at the 2004 Democratic Convention containing numerous allegations, all of which are disproved by the state's own official records. (See Exhibits, page 63–64.)



Standards of the American Bar Association for prosecutors prohibit:

- Avoiding the pursuit of evidence because it might damage the prosecution's case;
- Failing to make a diligent search to comply with discovery requests;
- Failing to make timely disclosure to the defense of evidence indicating innocence;
- Failing to report another prosecutor's misconduct;
- Failing to follow the standards of professional conduct and ethical codes.

The ABA Standards state: "The duty of the prosecutor is to seek justice, not merely to convict." (See Exhibits, page 65.)

The evidence provided here suggests that prosecutors from the Office of the Attorney General deliberately violated all of these standards.



In October 2004, responding to growing public concerns, Attorney General G. Steven Rowe appointed a commission of attorneys to probe allegations of misconduct. (See Exhibits, page 66–67.)

Thirteen months later, Attorney General Rowe was reminded that he had established his commission more than a year ago, that he had promised to release their report when it was received, and asked to release that report now. (See Exhibits, page 68.)

Mr. Rowe's response is also in the Exhibits, page 69.

Cowardice asks the question, Is it safe?
Expediency asks the question, Is it politic?
Vanity asks the question, Is it popular?
But conscience asks the question, Is it right?
And there comes a time when one must take
a position that is neither safe, nor politic, nor
popular, but he must take it because his
conscience tells him that it is right.

—Dr. Martin Luther King Jr.

The truth is incontrovertible. Malice may attack it,
ignorance may deride it, but in the end, there it is.

—Winston Churchill

Detailed Facts Regarding DNA

Dechaine's attorneys filed a motion to have DNA evidence analyzed two months prior to his trial, i.e., January 1989. Dechaine offered to pay the costs of testing.

The trial court *denied* Dechaine's motion for DNA testing.

There was, back then, abundant DNA material available for testing:

1. Blood from under Sarah Cherry's fingernails;
2. Material extracted in a post-mortem rape kit;
3. Unidentified hairs found on the victim's body.

At the time, DNA testing was an accepted science in courts across the country. The cause of death was strangulation. It is archetypal in cases of strangulation that the victim will scratch her/his attacker.

But prosecutors *knew* that DNA tests couldn't help their case; their lab had already informed them that the blood under the victim's nails was not Dechaine's blood type.



In 1992 the State of Maine *destroyed* the rape kit and crime scene hairs while Dechaine's case was under *active appeal*. Prosecutors kept all of their own evidence intact.

Recent DNA testing proves that the DNA did not come from Dechaine, from anyone who handled evidence in the custody chain, nor anyone in Sarah's immediate family.



Is it morally defensible that Dennis Dechaine be denied a chance to prove his innocence *because* of actions by officials of the State of Maine?



On September 23, 2005, attorneys M. Michaela Murphy and Steve Peterson filed a motion for a new trial under the provisions of Maine's DNA statute. Judge Carl Bradford denied the defense the right to present any evidence discovered subsequent to the 1989 trial and the 1992 motion for a new trial (including the evidence concealed by the state), any evidence regarding time of death, and/or any evidence concerning alternative suspects.

Dechaine's defense attorneys conferred with him and decided to withdraw the motion due to Judge Bradford's restrictive interpretation of what evidence would be permitted under existing law, and because this was the defendant's last chance to get a new trial.

Deputy Attorney General William Stokes wanted the motion dismissed "with prejudice," which would prevent any such motion under this law ever being brought to the court again.

Judge Bradford: "I think it would probably be a dismissal with prejudice as to the current law."

Attorney Murphy argued, "There is absolutely nothing in the statute that says it cannot be withdrawn. There is no time limit for filing this motion for a new trial under the statute."

Thirteen days later, on November 9, Judge Bradford stated, in dismissing the defendant's motion for a new trial, that "Ultimately, however, the court does not have the statutory authority to dismiss this motion with prejudice." With no legal alternative, Judge Bradford dismissed it without prejudice.

In January 2004, State Representative Ross Paradis sponsored "An Act to Amend the Law Governing DNA Testing." This was drafted with the assistance of the Innocence Project to bring Maine's DNA law into alignment with that of other states; only Michigan had a DNA law as restrictive as Maine's. Thirteen representatives and senators signed on as co-sponsors. As the committee hearings began, it was revealed that an assistant attorney general had been responsible for crafting the original restrictive statute. During negotiations at the hearings, the president of the Maine Prosecutors' Association succeeded in watering down the amendment slightly. One of those changes deleted a provision permitting the assignment of a different judge.

The committee voted unanimously to send the amended bill forward to the full legislature. On April 13, 2006, the legislature passed the new DNA statute. Governor John Baldacci signed it into law on May 30, 2006.

Conclusion

Locked into a premature theory and unable to admit they're not infallible, officials stubbornly ignore the evidence that proves them wrong. Pressed for explanations, some change the subject; some make patently false statements.

The more one ponders the motives of the officials in this case—based on their actions, considering all the evidence—the more one becomes convinced that their priorities must have been:

1. Quiet the media;
2. Calm the citizens;
3. Satisfy the victim's family; and possibly,
4. To look like heroic professionals.

Dennis Dechaine? He was collateral roadkill.

We can easily forgive a child who is afraid of the dark. The real tragedy of life is when men are afraid of the light. —Plato

Because one of the main sources of our national unity is our belief in equal justice, we need to make sure Americans of all races and backgrounds have confidence in the system that provides justice. In

America we must make doubly sure no person is held to account for a crime he or she did not commit. —President George W. Bush, State of the Union, 2005

I do not think much of a man who is not wiser today than he was yesterday. —Abraham Lincoln

Dante once said that the hottest places in hell are reserved for those who, in a period of moral crisis, maintain their neutrality.
—President John F. Kennedy, Bonn, West Germany, June 24, 1963

Exhibits

Contemporaneous notes of Detective Mark Westrum

7
Told wife
Attorney
I went to Barrister Beck -
I feel so bad Bai for Her
My Cal Air must be Motherfucker Feel

Why did
~~How could~~ I kill her

I didn't think it actually happened until I saw
her face on the News and then it all
came back I remember it ~~now~~ now.

I went home and told my wife something bad had
happened she just laughed at me.

I wished ~~if~~ I had never gone on that road
that day - Why didn't my truck break down instead
something inside me must have made me stop that.
How can I can we w/ myself again

Aside from Westrum's inexplicable alteration changing Dechaine's words from, "How could I kill her" to "Why did I kill her," observe (above) that Westrum's contemporaneous notes quote Dechaine as saying, "I told my wife something bad had happened."

At trial, Westrum's testimony changed this to, "I told my wife that I did something bad."

Trial testimony of Detective Alfred Hendsbee

Page 799

1 THE COURT: 68 is also admitted.

2
3 BY MR. WRIGHT:

4 Q Now, before we talk about how you conducted the search,
5 could you tell the jury, please, what time you arrived at Mr.
6 Dechaine's residence and what happened, with some precision,
7 what happened when you arrived on Friday afternoon at the
8 defendant's residence?

9 A The time was 1:57 in the afternoon. I pulled into
10 Dennis Dechaine's residence and Dennis and his wife Nancy
11 were sitting on the front porch. When I pulled in, Dennis
12 came down off the porch towards my car, and at a rapid pace.
13 His wife was following him. Dennis stated that I know what
14 you are here for. I can't believe I could do such a thing.
15 It's not - -

16 Q If you don't remember please refer to your notes.

17 A He stated: I can't believe that I could do such a thing.
18 The real me is not like that. I know me. I couldn't do
19 anything like that. It must be somebody else inside of me.
20 At that time I hadn't even gotten out of my car.

21 Q It must have been somebody else inside of me - -

22 A Who is doing this.

23 Q You hadn't said that. It must be somebody else inside
24 of me doing this?

25 A Yes. At that time I hadn't gotten out of my car. I

asked Dennis to step away from my door so I could get out of my car, at which time he did. But he kept saying that there has got to be somebody else inside of me doing this. I couldn't have done such a thing.

When I got out of my car Dennis stated: do what you have to do. At that time I told Dennis I was there just to serve a search warrant. He said do what you've got to do. I just can't believe I could do that.

Q You then conducted your search that went on for some period of time?

A No. At that time I went in the house with Dennis and Nancy and also arrived there with me was the Peter McCarthy. It was very difficult for me to do the search because I couldn't secure one area and leave them in another area because things could change. I had to get some assistance in doing the search. So I basically stayed with Dennis and Nancy.

Q Did you make any requests of them or have any conversation with them regarding how the search would be conducted?

A I told them that the items on the search warrant were so small and the house was so big that I didn't know where to begin the search. And he asked if he could be of any assistance. Basically I asked for his sneakers and where the dirty clothes were. I was told at that time that the dirty

Contemporaneous notes of Detective Hendsbee

1357 - he

Denain - I can't believe this guy I know could do anything like that - I heard the book knows - I can't believe that I could do such a thing - The real me is not like that - I know what you here for - Do what you got to do -

Pete interrupted w/ Miranda - Wanted a lawyer.

1417 Denis gave sneaker
9 1/2 Nike

1517 1232 1244
Start search see their detail

Chronology, investigation of Jason Fickett re the "A.A." case

From the transcript, trial of Jason Fickett for the sexual abuse of A.A.

6/11/88 – MSP Det. Alfred Hendsbee was informed by Sagadahoc County Dep. Munsy that A. A., age 12, had, according to the victim and a complaint filed by her mother, been sexually abused by Jason Fickett.

6/12/88 – Det. Hendsbee interviewed Fickett who denied this charge.

6/13/88 – Det. Hendsbee advised by MSP Lab Chemist Judith Brinkman that semen had not been conclusively identified in the rape kit or clothing of the victim. Det. Hendsbee furnished information for an arrest warrant to the D.A.

6/17/88 – MSP Detective Drake, with Brunswick Police Officer Tom Young, arrests Fickett on this charge, and informed Det. Hendsbee of the arrest.

6/29/88 – Det. Hendsbee took a detailed statement from victim A.A. identifying Fickett as the perpetrator.

July 6, 1988 – Sarah Cherry, age 12, is abducted barefoot between noon and 3:20pm

July 7, 1988 - Dets. Hendsbee and Drake follow small bare footprints beside large footprints into "a trailer named Fickett."

7/11/88 – Det. Hendsbee reports meeting with chemist Brinkman, and that she told him "that on A.'s underwear there was semen found that is a different blood type than that of A.A.'s." She also testified that Fickett is type "A" and a secretor.

7/12/88 – Det. Hendsbee testified to grand jury; Fickett indicted for having sex with 12-year-old A. A.

NOTE: facts regarding the A.A. case are from the MSP file re their investigation of the rape of A. A. by Jason Fickett.

While this sequence of events does not establish or disprove Fickett's involvement in the murder of Sarah Cherry, it does demonstrate the state's premature conclusion of Dechaine's guilt, and their determination not to investigate any other suspect.

Jason Fickett was convicted of raping 12-year-old A.A.; and convicted of raping an 11-year-old girl, and convicted of having sex "by coercion" with another female. Two arrests for attempted rape were not prosecuted because prosecutors decided that the victims would not make good witnesses. In 2003, Fickett became a fugitive from warrants charging him with having sex with a 14-year-old girl. He was finally apprehended in late 2005.

Report of Detective Steven Drake regarding footprints

CONTINUATION REPORT SACRAMENTO - LAST NAME, FIRST, MIDDLE Sagadahoc S.O. TYPE OF CASE Homicide (SARAH CHERRY)	MAINE STATE POLICE	Case No. LC 88-00203 Cross File	SIGNATURE AND NAME Det. STEVEN DRAKE, mc PLACE OF OCCURRENCE Bowdoin Sagadahoc																
FORM 15-18		CODE NO. 1153 DEPARTMENT 22																	
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: 8px;">TITLE</td> <td style="font-size: 8px;">CASE STATUS</td> <td style="font-size: 8px;">CR</td> <td style="font-size: 8px;">CL</td> <td style="font-size: 8px;">FBI</td> <td style="font-size: 8px;">CONF</td> <td style="font-size: 8px;">DX</td> <td style="font-size: 8px;">OTHER</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>		TITLE	CASE STATUS	CR	CL	FBI	CONF	DX	OTHER								
TITLE	CASE STATUS	CR	CL	FBI	CONF	DX	OTHER												

CONTINUED:

1924 - I spoke to DEBBIE CROSMAN who advised there were no fingerprints taken at the school but would get a hairbrush for me so we could have a sample of SARAH'S hair.

1938 - Det. HENDSBEE and I checked the footprints on the Fickett Road and tracked them to a trailer by the name of PICKETT. The tracks were barefoot but showed two different sizes going right into this trailer.

It should also be noted that one of the searchers advised that off one of the side roads which he marked with a big wooden arrow that he made from logs, they found a mud hole which had some barefoot footprints, a shirt and a chain and looked like some broken glass. Someone may have been four wheeling and hit a tree and the tree had a scar on it. Det. HENDSBEE advised he would advise the wardens about this location in the morning.

2041 - I interviewed RICHARD DUNBAR in my vehicle. See attached Summary of Interview.

7/8/88

0532 - I received a wakeup call from Augusta as I requested. The officer advised that the Triple I check had been started yesterday.

0652 - I arrived at the C P in Bowdoinham and was advised to check on the babysitter for the HENKELS and who it was and to see if DENNIS DECHAINED had any tie in with that babysitter, to finish the neighborhood on the Dead River Road and to check with the Farmer's Market where DENNIS DECHAINED had his stand. It was also suggested that we check on Washington state and Oregon for DENNIS DECHAINED'S background and the Madawaska area.

0744 - I received from CHRIS CROSMAN, dob 8/3/49 of RFD 2, Box 79, Topsham, Meadow Rd., Bowdoin, 666-3477, the following items:

One red hairbrush belonging to SARAH CHERRY

One sheet from SARAH'S bed. It was advised that she slept with a sheet Monday and Tuesday night

Report of Detective Hendsbee regarding footprints

CONTINUATION REPORT		MAINE STATE POLICE		Case No. LC 88-00203												
SAGADAHOC SHERIFF'S OFFICE		Det. ALFRED HENDSBEE, mc		GROUP NO. 2134												
Homicide (SARAH CHERRY)		TOWN Bowdoin		COUNTY Sagadahoc												
FORM 1516		<table border="1"> <tr> <td>CASE STATUS</td> <td>CA</td> <td>CEX</td> <td>CHRY</td> <td>CONF</td> <td>OTHER</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td>X</td> </tr> </table>		CASE STATUS	CA	CEX	CHRY	CONF	OTHER						X	
CASE STATUS	CA	CEX	CHRY	CONF	OTHER											
					X											

CONTINUED:

1845 - A person came into the command post and advised he had just found a white approximately three foot high fishing pole off from the side of the Lewis Hill Road.

1907 - Det. DRAKE and I arrived at a small dump that is located approximately two tenths of a mile from the Command Post up the Lewis Hill Road. I photographed the fishing pole described as an orange and white, approximately three foot high fishing pole. The line was in the pole; however, was not strung through the eyelets. The pole was leaning against a tree off the side of a dump approximately 50 feet from the roadway. It was unknown if it was part of the dump or whether someone had placed it there purposefully to hide it. I took photos of the pole and retained it to be examined by the Lab.


1920 - Det. DRAKE and I were at a private driveway leading to a FICKETT's trailer. This private drive in the upper half of the driveway which is located approximately a mile into the woods, a party had observed bare footprints in the roadway. Det. DRAKE and I examined the footprints and found that there was a small sized barefooted footprint as well as a larger sized barefooted footprint leading from the roadway into the FICKETT trailer. These were believed to not belong to the case as there were two different sized footprints and believed belonging to the people owning the FICKETT trailer.

1950 - I interviewed a LARRY YOUNG. See attached Summary of Interview. 257 ✓

2020 - I cleared the C P.

2140 - I called Wdn. BILL ALLEN in reference to the information received from LARRY YOUNG in reference to the footprints as well as material. Wdn. ALLEN stated he would take care of it in the A.M. Wdn. ALLEN also advised that throughout the night, there would be some warden scent dogs used to travel the various roads in the area to see if they can pick up a scent of SARAH.

Registered sex offenders within 10 miles of Bowdoin, Maine

 DEPARTMENT OF PUBLIC SAFETY Maine State Police	
Maine Sex Offender Registry ONLINE SEARCH SERVICE	
Search Results	
Results for: Zip Code "04008 with a 10 mile radius"	
Please select the record you would like to view by selecting the person's name below.	
New Search	
Name	Date of Birth
Allen , Paul	03/01/1963
Anguiano , Guadalupe	05/13/1960
Bartlett JR, James	07/07/1948
Beckwith , David	10/30/1955
Beem , Frederick	03/15/1975
Bennett , Earl	07/23/1961
Bishop , Jeffrey	04/11/1963
Bonyun , Floyd	02/23/1979
Burton , Stephen	01/24/1954
Buxton , Peter	06/07/1960
Caron , Paul	09/21/1978
Chapman , Daniel	09/25/1973
Collier , Jeremy	01/22/1978
Coombs , John	11/06/1952
Currier , Kenneth	10/27/1950
Dauphin , Harold	12/11/1944
Doak , Warren	02/21/1959
Dubar , Wayne	06/17/1964
Dudley , Dustin	10/31/1988
Dunning , Rhonda	03/20/1969
Dunphy , Kevin	03/21/1959
Emmons , Brian	06/12/1976
Foster , Ralph	07/04/1976
Garshva , John	01/22/1956
Gordon , Joshua	12/27/1976
Graham , Richard	07/28/1963
Grant , Leslie	05/24/1966
Green , Langdon	09/22/1954
Hodgdon , John	11/25/1981
Jandreau , Steven	10/20/1972

<u>Jewett III, Ernest</u>	05/11/1954
<u>Labonte , Charles</u>	04/15/1964
<u>Le , De</u>	01/28/1964
<u>Leavitt , Charles</u>	01/02/1956
<u>Lyons , Walter</u>	07/14/1971
<u>Mccown , Jeremy</u>	08/17/1981
<u>Merryman , Brian</u>	06/18/1977
<u>Michaud , Richard</u>	12/14/1964
<u>Mitch , Orrin</u>	10/10/1956
<u>Moody , Robbie</u>	01/11/1982
<u>Moore , George</u>	12/19/1944
<u>Nicholson , Daniel</u>	12/30/1971
<u>Nickerson SR, Alan</u>	05/05/1947
<u>Palmer III, Lewis</u>	07/16/1964
<u>Patterson , David</u>	02/01/1966
<u>Pelletier , Willard</u>	08/10/1978
<u>Pierce , William</u>	01/24/1954
<u>Pottle , Misty</u>	09/15/1975
<u>Pruell JR, Norman</u>	09/10/1978
<u>Racine , Gerard</u>	07/30/1946
<u>Salvadori , Scott</u>	01/18/1967
<u>Scott , Merritt</u>	02/06/1921
<u>Seigars , Robert</u>	11/11/1943
<u>Shorette , Theodore</u>	07/06/1963
<u>Sibley , Hiram</u>	07/14/1932
<u>Spencer , Richard</u>	03/03/1936
<u>St amant , Bryan</u>	06/12/1963
<u>Stone , Calvin</u>	01/19/1971
<u>Turmenne , David</u>	02/01/1947
<u>Welch , David</u>	05/30/1964
<u>Wright , Daniel</u>	11/03/1971
<u>New Search</u>	

Report of Deputy Sheriff Daniel Reed

When they arrived with Dennis Dechaine, I Read him his Rights and proceeded to question him.

- Q: Where is your Truck Dennis?
A: I parked it in the woods so as to go Fishing, While I was Fishing, I got lost in the woods and was unable to locate my Truck.
Q: Did you catch anything?
A: No;
Q: Where is your Fishing Gear?
A: Once I realized I was'nt able to locate my Truck, I ditched my pole.
Q: Have you been on this Road (pointing to the Lewis Hill Rd.) today?
A: No;
Q: (Showing him the items that were found in the Drive Way) Are these yours?
A: Yes they are;
Q: Do you carry these items in your Truck?
A: Yes (hand) - *of course I do* -
Q: Where in your Truck do you keep these?
A: Passenger seat - *in the back*
Q: How could these have been found in a Drive Way off the Lewis Hill Rd. If you havent been on this Road today?
A: I dont know
Q: An individual saw your Truck heading in this direction this afternoon.
A: I think I did go down this Road once looking for a Fishing Hole.
Q: Did you enter anyons Drive Way?
A: I remember turning around in one.
Q: Do you remember anything about this DriveWay?
A: It was a long Drive Way with a House that set *back from the Road. NO*
Q: Did you drive all the way in? *and I never saw a house*
A: No, All I did was turn around, I met two older people and asked them for directions to a Fishing Hole. They told me to follow this Road to the end and take a right.
Q: How did these items end up in that Drive Way?
A: Probably when I got out to take a PISS, they must have fallen out.
Q: You just told me that all you did was turn around.
A: NO: I told you that I stopped and took a Piss (ANGRILY)
Q: Do you always take a Piss in some ons Drive Way, in the middle of the day?
A: It wasnt in the middle of the day, I worked at the Farm until 5:00 and then I came out to Fish, and I didnt Piss in the Drive Way, I went off to the woods.
Q: If you dropped these items at the end of the Drive, How did they get up to the house?
A: Who ever grabbed the Girl saw them and placed them in the Drive Way to set me up.

Afte Questioning the Individual I turned my information over to State Police.

END OF REPORT

Daniel L. Reed
Sgt. S.O. 7-7-88

Statement concerning false allegations by ex-prosecutor
Eric Wright

TRIAL AND ERROR P.O.
Box 153 Madawaska, ME
04756

June 2004

William Stokes
Deputy Attorney General
State House Station
Augusta, ME 04330

Dear Mr. Stokes:

On September 1, 1994, there was a meeting about the Dennis Dechaine case with Attorney General Mike Carpenter, Assistant Attorney General Eric Wright and Phil Dechaine, Don Dechaine, Senator Judy Paradis, Representative Doug Ahearn, his father, Dan Ahearn, and Carol Waltman.


At that meeting, many aspects of the arrest, trial, conviction and imprisonment of Dennis Dechaine were discussed, but two are presented here for your consideration.


We requested several documents and at the top of the list were the handwritten notes of Mark Westrum, which he referenced at the trial. We were told by Eric Wright that those notes were "unavailable". [As we now know, with the August, 2003 opening of the files to the public, those notes were faxed by Mark Westrum to Eric Wright on the same day. In those notes, Mark Westrum recorded "How could I kill her?" with the words "How could" crossed out and replaced with "Why did".]

Toward the close of the meeting, we were told by Eric Wright that Dennis had confessed to the state psychologists and that the confession was recorded on videotape. Judy Paradis's strong recollection is that Eric Wright made that statement while looking directly into her eyes. After this shocking revelation, the meeting adjourned with Dennis' supporters and brother severely shaken by this seemingly authoritative representation by Eric Wright. [To our current understanding, no statements by Dennis on the tape, also made available in August, 2003, of his interviews with the psychologists come close to a confession.] When asked for a copy of the tape, Eric Wright replied, "Ask the defense lawyer for one".

We affirm by our signatures below the truths stated above.

Sincerely,


Doug Ahearn Don Dechaine Phil Dechaine


Judy Paradis Dan Ahearn Carol Waltman

Report of Maine State Police expert regarding tire tracks

ON REPORT

MAINE STATE POLICE

Case No. LC-88-203
Class File L88-309

NAME - LAST NAME FIRST MIDDLE CHERRY, SARAH	SIGNATURE AND RANK Det. John C. Otis <i>JCO</i> Det. Ronald K. Richards <i>RKR</i>	CODE NO. 3632 APPROVED 7/21/88 <i>JCO</i>							
OFFICE Homicide	PLACE OF OCCURRENCE TOWN Bowdoin COUNTY Sagadahoc								
FORM 15 16	<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="font-size: 8px;">CASE STATUS</td> <td style="font-size: 8px;">C-A</td> <td style="font-size: 8px;">C-EA</td> <td style="font-size: 8px;">C-M</td> <td style="font-size: 8px;">C-UMP</td> <td style="font-size: 8px;">OPEN</td> <td style="font-size: 8px;">OTHER</td> </tr> </table>		CASE STATUS	C-A	C-EA	C-M	C-UMP	OPEN	OTHER
CASE STATUS	C-A	C-EA	C-M	C-UMP	OPEN	OTHER			

Page 12

The left front tire of the vehicle is a Bridgestone Skyway Wide 78 deluxe tubeless tire with four ply rating 2 polyester, 2 nylon, Treadwear 80, Traction B, Temperature C. E-78-14-5BD
 VI DOT ENLS BDD 291 BS

The right front tire is a Trison Steel belted radial 778 standard load P20 5/75 R 14 tubeless, Traction A, Temperature B
 DOT H2AD YP5 463.

The tires were sprayed with "Fam" lubricant and rolled on clean cardboard strips. These impressions were then dusted with magnetic fingerprint powder and marked L88-309-111 and L88-309-112.

7-18-88

The tire impressions cast at the HINKEL residence (L88-309-1, L88-309-2 and L88-309-3) were examined and found to have visible class characteristics. No accidental/individual characteristics were observed. In order to determine if a specific tire made the impressions, sufficient accidental/individual characteristics would have to be present. ✓

A comparison of the casts (L88-309-1, L88-309-2 and L88-309-3) against the rolled impression of the left tire, L88-309-111, disclosed that there are similar class characteristics between the casts and the left front tire of the vehicle. The impression seen in the casts could have been made by the left front tire. However, this does not exclude any other tire with a similar tread design. ✓

A comparison of the casts (L88-309-1, L88-309-2 and L88-309-3) against the rolled impression of the right front tire, L88-309-112, disclosed that the class characteristics are not the same. ✓

Roller impressions were not made of the rear tires of the vehicle as a visual comparison of the cast impressions L88-309-1 through L88-309-3 against them disclosed that the casts and the rear tires contained obvious dissimilar class characteristics thus excluding the rear tires as having made the impressions seen in L88-309-1 through L88-309-3. ✓

Evidence submitted will be retained by the Lab at this time.

Enclosures: None

Copies: Attorney General's Office
 Det. Alfred Hendsbee
 Crime Lab

Report of Detective Hendsbee regarding no need of
key to lock truck

CONTINUATION REPORT

LC 88-0203
DET. ALFRED HENDSBEE, cl
Page Three

- 1215 - I met with A.A.G WRIGHT at the A.G.'S Office.
- 1430 - A.A.G. WRIGHT and I arrived at the West Gardiner Beef Company and conducted a pretrial interview with SHARON GILLEY.
- 1530 - A.A.G. WRIGHT and I arrived at Wright's Farm Supply Company in Litchfield and did a pretrial interview with RICHARD and RAYMOND KNIGHT.
- 1615 - I arrived at the A.G.'S Office and called THOMAS CONNOLLY in reference to showing him the evidence as well as determining whether or not he had found any keys with a knife on them at the DECHLINE residence. CONNOLLY advised that he found a second set of keys for the truck, however, there was no knife on them. The keys for NANCY DECHLINE'S keys for the truck.

3-3-89

- 0945 - I called ERIC WRIGHT at his request and discussed the case with him.
- 1040 - I called ARTHUR ALBIN at his request. ARTHUR needed more information for the diagram.
- 1045 - I met with JOHN OTIS at the Lab in reference to having the evidence for this case available to be taken to court next Monday.
- 1230 - DR. McLAIN from A.M.H.I. called advising that he has paperwork for me at A.M.H.I. in reference to DENNIS DECHLINE.
- 1410 - I conducted a pretrial with TR. THOMAS BUREAU.
- 1500 - I met with DR. McLAIN at A.M.H.I. and received his records on DENNIS DECHLINE.
- 1530 - I arrived at Headquarters and tested the locks on DENNIS DECHLINE'S pick-up truck. The truck can be locked without a key by holding the latch inward and can also be locked with the key.
- 1645 - I spoke with THOMAS CONNOLLY via telephone in reference to him viewing the evidence. CONNOLLY advised that Monday, 3-6-89, would be okay for him.

Final report of state psychologist MacLean

Re: Dennis J. Deschaine
Docket No. CR-88-244

8

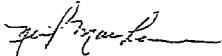
November 3, 1988

defendant eventually obtained a four-year degree from Western Washington University in French literature. The defendant was married in 1983 and presently resides in the Bowdoin-Bowdoinham area. The subject is presently self-employed and alleges a long history of substance abuse, since his teenage years, which he describes as periodic. The subject is negative for psychiatric history and has a prior arrest, as a teenager, involving a drug offense.

A mental status examination indicated no present psychosis on the part of the defendant. Psychological testing indicated that the defendant was functioning in the high average range of intelligence, and that mental retardation was not indicated. A screening test for organic brain syndrome indicated low probability of OBS. Personality testing indicated that the defendant was not psychotic, but was extremely defensive in personality structure and exhibited an unrealistic view of himself and an over-evaluated sense of self moral worth. A comprehensive assessment aimed at determining competency on the part of the defendant resulted in a finding which inferred competency.

With respect to the defendant's state of mind at the time of the alleged offenses, it was determined, through the subject's statements and recollections concerning his activities concerning the time frame in question, that while he states he had difficulty determining the passage of time because of alleged substance abuse, he nevertheless, was in a conscious state and recalled the specifics of his behavior within the time frame. It was the defendant's position that he was alone on the day in question and was not responsible for the charges alleged against him. There was nothing seen, as a result of the examination process, which suggested that the defendant was unable to differentiate between right and wrong at the time of the alleged offenses. ✓

Respectfully,


Neil MacLean, Ed.D.
Chief Psychologist

dn

cc: District Attorney
Attorney of Record

*Analysis of leaflet distributed by Rev. Dorr
at the Democratic Convention*

**Dennis Dechaine
Guilty of Murder
Keep Him In Jail**

What Trail and Error Isn't telling you:

- 1. Dennis admitted that he stopped "to urinate" in the drive way of the home where Sarah Cherry was babysitting.**
- 2. The rope that tied little Sarah's hands and was wrapped around her neck was cut from the roll of rope in Dennis Dechaine's barn, Item # L88-309-94A and # L88-309-94B**
- 3. On the night Sarah disappeared, while Dennis Dechaine was sitting in the Sheriff's car, he claimed he left the keys in his truck and it was unlocked. Fact: After he got out of the Sheriff's car the keys to his truck were found under the back seat of the Sheriff's car, The truck was found to be locked.**
- 4. Found in Dennis Dechaine home between his mattress and box spring: White "Blossoms" underpants. Item # L88-309-92 These are little girls panties.**
- 5. Also found in home, Loose "Fruit of the Loom" label, size 2. # L88-309-95**

None of this can be explained away by accusing someone else. Dennis Dechaine was found guilty by a jury of his peers after they heard testimony and examining evidence while under cross examination. Trial and Error can not erase this evidence and much more that is on record.

Talk to your representative about making sure Dennis stays in prison for the crime he has committed.

**Robert Dorr
Walhoboro, Me.**

[Analysis on following page]

1. False! This allegation is disproved by the July 7, 1988, written report of Deputy Daniel Reed, Sagadahoc County Sherrif's Department, and by Deputy Reed's sworn testimony in court.
2. False! The Maine State Police Report identifies both these items as found in Mr. Dechaine's barn. Maine State police Laboratory Examination Report, page 14, states: "Item L88-309-94A, rope: This item consists of a coil of yellow plastic rope. It is dissimilar in morphology to the rope from the scene—Item L88-309-16 and L88-309-106. Item L.88-309-94B, rope: This item consists of an approximately 2'9" yellow plastic rope. It is dissimilar in morphology with the rope from the scene —Item L88-309-16 and L88-309-106." (Item L88-309-16 was the rope binding Sarah Cherry's wrists; Item L88-309-106 was a piece of rope found in the woods near the victim's body.)
3. False! According to Maine State Police reports, this truck was not locked; the rear window of the cab was open. *But the condition of the truck has no relevance to the crime.* State Police technicians who chemically swabbed and vacuumed this vehicle, and microscopically examined its contents, found that there was no trace that the victim had ever been in the truck. The police dog, given the victim's clothing to sniff, detected no scent of her in the truck.
4. False! Maine State Police Laboratory Examination Report, page 14, states: "Item L88-309-92: This item consists of a size 7—large woman's underpants. Chemical and microscopic tests for seminal fluid were negative in the crotch area of this item."
5. Irrelevant and misleading! This is a label from a garment for a toddler, age 1–3. Maine State Police laboratory Examination Report, page 15, states: "Item L88-309-95, label: This item consists of a label containing the following information: 'All cotton Made in U.S.A. RN13765 700 Machine wash warm tumble dry medium Do not bleach colored garments Fruit-of-the-Loom Size 2'"

Robert Dorr, the author of this pamphlet fails to mention the evidence concealed from the jury and fails to specify any evidence connecting Mr. Dechaine to the murder of Sarah Cherry. He was formerly associated with the Office of the Attorney General. Official documents prove every one of his allegations to be untrue.

American Bar Standards for Prosecutors

AMERICAN BAR ASSOCIATION Criminal Justice Section

Standards

Standard 3-1.2 The Function of the Prosecutor

- (a) The office of prosecutor is charged with responsibility for prosecutions in its jurisdiction.
- (b) (b) The prosecutor is an administrator of justice, an advocate, and an officer of the court; the prosecutor must exercise sound discretion in the performance of his or her functions.

(c) The duty of the prosecutor is to seek justice, not merely to convict.

- (c) **It is an important function of the prosecutor to seek to reform and improve the administration of criminal justice.** When inadequacies or injustices in the substantive or procedural law come to the prosecutor's attention, he or she should stimulate efforts for remedial action.
- (d) (e) It is the duty of the prosecutor to know and be guided by the standards of professional conduct as defined by applicable professional traditions, ethical codes, and law in the prosecutor's jurisdiction. The prosecutor should make use of the guidance afforded by an advisory council of the kind described in standard 4-1.5.

Standard 3-1.5 Duty to Respond to Misconduct

(a) **Where a prosecutor knows that another person associated with the prosecutor's office is engaged in action, intends to act or refuses to act in a manner that is a violation of a legal obligation to the prosecutor's office or a violation of law, the prosecutor should follow the policies of the prosecutor's office concerning such matters.** If such policies are unavailing or do not exist, the prosecutor should ask the person to reconsider the action or inaction which is at issue if such a request is aptly timed to prevent such misconduct and is otherwise feasible. If such a request for reconsideration is unavailing, inapt or otherwise not feasible or if the seriousness of the matter so requires, the prosecutor should refer the matter to higher authority in the prosecutor's office, including, if warranted by the seriousness of the matter, referral to the chief prosecutor.

Standard 3-3.11 Disclosure of Evidence by the Prosecutor

- (a) **A prosecutor should not intentionally fail to make timely disclosure to the defense, at the earliest feasible opportunity, of the existence of all evidence or information which tends to negate the guilt of the accused or mitigate the offense charged or which would tend to reduce the punishment of the accused.**
- (b) (b) A prosecutor should not fail to make a reasonably diligent effort to comply with a legally proper discovery request.
- (c) A prosecutor should not intentionally avoid pursuit of evidence because he or she believes it will damage the prosecution's case or aid the accused.

*Attorney General Rowe's assignment to
commission to investigate*

October 23, 2004

Honorable Eugene W. Beaulieu
United States Magistrate (Retired)
311 Woodlawn Avenue
Old Town, ME 04468

Charles H. Abbott, Esquire
Skelton, Taintor & Abbott
P.O. Box 3200
Auburn, ME 04212-3200

Marvin H. Glazier, Esquire
Vafiades, Brontas & Kominsky, LLP
P.O. Box 919
Bangor, ME 04402-0919

Re: Sarah Cherry Murder Case

Dear Magistrate Judge Beaulieu, Mr. Abbott and Mr. Glazier:

There have been allegations of prosecutorial and law enforcement misconduct concerning the trial of Dennis Dechaine for the 1988 murder of Sarah Cherry.

These allegations are that:

- Following their initial investigation, law enforcement officers altered their notes and/or reports to falsely attribute incriminating statements to Dennis Dechaine.
- Prosecutors misled the jury with respect to Sarah Cherry's time of death.
- At the time of trial, prosecutors and law enforcement officers had information about an alternative suspect which they should have shared, but did not share, with defense counsel.
- In 1992, law enforcement officers, with the approval of prosecutors, inappropriately destroyed physical evidence to include a rape kit as well as hairs and fibers discovered at the scene where Sarah Cherry's body was found.
- Prosecutors inappropriately failed to notify the court and defense counsel of a consultant's opinion regarding the reliability of an outside laboratory and DNA tests conducted in 1993.

I have no reason to believe that these allegations are true. However, in order to ensure continued public confidence in the Office of the Attorney General as well as other law enforcement agencies in the State of Maine, I request that

you conduct an independent and impartial review of these allegations and provide to me a report of your findings, which will be made public, to me. [sic]

I pledge the complete cooperation of my office during your review. State investigative and prosecutorial files regarding this case are public documents subject to 16 M.R.S.A ss 614 and will be made available for your review and copying at a time and place of your choosing. State personnel who investigated and prosecuted this case will also be available for interviews by you at a mutually convenient time and place.

You are asked to investigate these allegations only. Obviously, the guilt or innocence of Mr. Dechaine is for the courts.

Please provide your questions and requests for information directly to me. Thank you for your willingness to undertake this very important public service.

Sincerely,

G. Steven Rowe /s/

G. Steven Rowe
Attorney General

GSR/dp

Letter to AG Rowe requesting results of the year-long study

JAMES P. MOORE
WRITER
POST OFFICE BOX 1032, BRUNSWICK, ME 04011
[HTTP://WWW.SUSCOM-MAINE.NET/AUTHOR/](http://www.suscom-maine.net/author/)

NOVEMBER 25, 2005

G. Steven Rowe, Attorney General
Office of the Attorney General
6 State House Station
Augusta, Maine 04333-0006

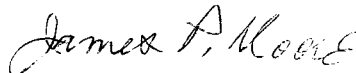
Dear Mr. Rowe:

It's been a year since you announced your assignment of three distinguished attorneys to review allegations of improprieties in the investigation and prosecution of Dennis Dechaine.

Considering the qualifications of these attorneys, it would be less than diligent for them to have dawdled along for this length of time in completing their assignment. Based on this conclusion, I assume that they have completed their inquiries and submitted their report to you.

Since your original announcement promised to make that report public, and unless you are awaiting some politically propitious moment to release that report, I request that you make the results known now and/or furnish me a copy.

Sincerely,



Response from AG Rowe

G. STEVEN ROWE
ATTORNEY GENERAL

Telephone: (207) 626-8800
TDD: (207) 626-8865



STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

125 Salmon St., 5th Fl.
Bangor, Maine 04401
Tel: (207) 498-5792
Fax: (207) 498-3291

December 9, 2005

Mr. James Moore
P.O. Box 1032
Brunswick, ME 04011

Mr. Moore:

This is in response to your November 25th letter wherein you requested that I release the results of the review by Judge Boulier, Attorney Abbott and Attorney Glazier into allegations of improprieties in the investigation and prosecution of Dennis Dechaine.

I do not have the results of the review. As soon as I receive the report containing the results, I will make it public.

Respectfully,

A handwritten signature in black ink, appearing to read "G. Rowe".

G. STEVEN ROWE
Attorney General

GSR:djp



If you are interested in more background on this case, the Trial & Error website

www.trialanderrordennis.org

contains a wealth of information, including trial transcripts, briefs, affidavits, and other documents related to the trial, hearings, and motions.



JIM MOORE's twenty-five-year career with the Bureau of Alcohol, Tobacco and Firearms (ATF) included two years with the U.S. Justice Department's Organized Crime and Racketeering Strike Force, and two years with INTERPOL, where he directed international investigations of murder, terrorism, and other violent crimes. After retiring as ATF's agent-in-charge for Maine and New Hampshire, he worked briefly as a contract investigator for DEA, U.S. Customs, and the Department of Defense. His books include *Human Sacrifice*, about the Dennis Dechaine case; *Very Special Agents*, a nonfiction history of ATF; and a suspense novel, *Official Secrets*.