

STATE OF MAINE  
KNOX, ss.

SUPERIOR COURT  
CRIMINAL ACTION  
DOCKET NO. CR-89-71

STATE OF MAINE	)	
	)	
v.	)	<b>POST-JUDGMENT CONVICTION</b>
	)	<b>MOTION FOR DNA ANALYSIS</b>
	)	<b>AND FOR NEW TRIAL</b>
DENNIS DECHAINED	)	<b>( 15 M.R.S.A. Section 2137 et seq. )</b>

NOW COMES the Defendant, Dennis Dechaine, by and through his attorney, Steven C. Peterson, Esquire, and moves this Court for an ORDER, pursuant to 15 M.R.S.A. Section 2137 et seq., requiring the State of Maine to analyze DNA evidence in the control or possession of the State that is related to the investigation and prosecution which led to the Defendant's conviction, and further ORDER a new trial based on the results of that analysis.

In further support of this Motion, the Defendant avers as follows:

1.
  - A. A sample of the evidence is available for DNA analysis.
  - B. The evidence to be tested has been subject to a chain of custody sufficient to establish that the evidence has not been substituted, tampered with, replaced or altered in a material way.
  - C. The evidence was not previously subjected to DNA analysis or, if previously analyzed, will be subject to DNA analysis technology that was not available when the Defendant was convicted.
  - D. The identity of the person as the perpetrator of the crime that resulted in the conviction was at issue during Defendant's trial, and
  - E. The evidence sought to be analyzed, or the additional information that the new technology is capable of providing regarding evidence sought to be reanalyzed, is material to the issue of whether the Defendant is the perpetrator, or accomplice to, the crime that resulted in the conviction.

2. The Defendant further avers, through counsel, that tests already performed conclusively show that the Defendant Dennis Dechaine is not the source of blood/DNA found in a mixed sample of DNA under the nails, while they show that she was one of the donors.


3. The Defendant further incorporates into this Motion by reference, Affidavits of Attorney Michaela Murphy, Privated Investigator Thomas Cumler, Attorney Thomas Connolly and Ms. Carol Whitman, already on file in this matter, and filed on or about May 2003.

4. The Defendant further avers that there are new samples of DNA in this matter which require additional testing, and that samples tested at the time related to the May 2003 Motion for New Trial, need to be subjected to additional and new testing not earlier available for analysis.

5. The Defendant further avers that there is additional other evidence, together with the DNA evidence, when considered with all the other evidence in the case, old and new, that collectively make it probable that a different verdict would result upon a new trial.

**Dated at West Rockport, Maine this 28<sup>th</sup> day of August, 2008.**

cc: William R. Stokes, Division Chief  
Office of the Attorney General

  
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