

STATE OF MAINE

Knox, ss.

Superior Court
Criminal Action
Docket No. KNO89-CR-126

STATE OF MAINE, :
 :
 vs. :
 :
 DENNIS DECHAINE, :
 Defendant. :

AFFIDAVIT OF THOMAS W. CUMLER, P.I.

I, Thomas W. Cumler, being first duly sworn on oath depose and say:

1. My date of birth is August 31, 1955. I am a licensed private investigator, and I make the following statements based upon personal knowledge, information and belief, and do believe the same to be true.
2. I was retained by Attorneys M. Michaela Murphy and Steven C. Peterson to investigate the evidence available to the defense at the time of trial in this matter.
3. I have personally reviewed all eight volumes of trial transcripts, as well as personally indexed all files maintained by the Attorney General’s Office.
4. Additionally, at the request of Attorneys Murphy and Peterson, I have recently investigated the whereabouts and circumstances of two alternative suspects in this case, namely Jason Fickett and Douglas Senecal.
5. Attorneys Murphy and Peterson have advised me that, in their opinions, the State had a constitutional obligation to reveal to Mr. Dechaine’s trial attorney, Thomas Connolly, the following facts about Jason Fickett, DOB 09/01/61:
 - A. That at the time of Sarah Cherry’s murder, he was residing in a trailer within one-half mile from the abduction site;
 - B. That he was a convicted sex offender; and that 20 days before Sarah Cherry’s murder, he had been charged with raping a 12 year old girl; that according to a physician who examined and interviewed the girl, she stated she had at one point been penetrated by Fickett with a foreign object;
 - C. That Detective Al Hendsbee, the primary investigator in the Sarah Cherry homicide, was also the primary investigator in the case involving the 12-year-old girl, and had, in fact, interviewed this girl two weeks before Sarah Cherry was murdered; and

- D. That on the first night that Sarah Cherry was missing (July 6, 1988), Detective Hendsbee and Detective Drake were actually at the trailer in which Jason Fickett was residing on the first night that Sarah Cherry was missing, and observed two sets of barefoot footprints, one smaller than the other, leading into what they called in their reports, "the Fickett trailer."
- E. That while Attorney Connolly had been told that the Detectives had seen two barefoot prints (one smaller than the other) leading into Jason Fickett's trailer, as well as the fact that Sarah Cherry had been abducted while barefoot (see report of Detective Al Hendsbee of 7/6/88 at 2340 hours) and that Sarah Cherry had been penetrated vaginally and anally by sticks, the reports by Detectives Hendsbee and Drake refer to the trailer only as the "Fickett" trailer, and Attorney Connolly was never told anything about Fickett's pending charge, the penetration of the 12-year-old by foreign objects, the fact that he had a prior rape conviction out of Somerset County, and the fact that Fickett was residing in a trailer one-half mile from the abduction scene. (See attached reports of Detectives Hendsbee and Drake, specifically Page 5 and 6 of Drake's Continuation Report and Hendsbee's interview of Larry Young dated 7/7/88).
5. I have on two occasions gone to the location where Fickett resided at the time of Sarah Cherry's abduction, and was able to determine that it is in fact less than one-half mile by road from the entrance of Fickett's driveway and the driveway of the Henkel residence from which Sarah Cherry was abducted.
 6. I also located a logging road that leads from the back of the Henkel residence through the woods to the Fickett road/driveway and there is a beaver pond/dam alongside the Fickett roadway.
 7. These roads were in existence in 1988. (See Detective Hendsbee's interview of John Henkel dated 7/7/88, as well as Larry Young's interview by Detective Hendsbee of 7/7/88).
 8. Henkel had also advised Detective Hendsbee that there was a road that went off from his house with high grass, and that on 7/7/88 (while Sarah Cherry was still missing) it appeared that a vehicle had gone in and out of that road.
 2. On March 19, 2003, I interviewed Jason Fickett at the Somerset County Jail and confirmed with him that he did, in fact, reside in this trailer in July of 1988.
 11. On the date I interviewed him, Fickett was incarcerated pending trial and revocation of probation proceedings for allegations of gross sexual assault which allegedly occurred in January of 2003.
 12. I obtained a copy of Fickett's criminal record which consists of multiple sexual crimes and felonies (See attached SBI record).
 13. On the same day I interviewed Fickett, an associate private investigator, Julia Vigue

interviewed Laura Schnellenberger, who is the complainant against Fickett for his most recent criminal charges.

14. Ms. Schnellenberger told PI Vigue that Fickett had taken her down an abandoned logging road and tried to sexually assault her. Ms. Schnellenberger fought him off successfully, but was threatened by Fickett that he “would get her one way or another...if I want you, I’ll have you.”
15. Ms. Schnellenberger, who is in her twenties, was so terrified by what Fickett had said and done to her, that she and her boyfriend (who is Fickett’s nephew) fled on foot, with no appropriate winter clothes, and finally stole a car and drove it until it ran out of gas.
16. Ms. Schnellenberger also told PI Vigue that Fickett had bragged to her that he had a collection of homemade pornographic videos, and that he considered them “trophies” of his exploits.
17. Ms. Schnellenberger told PI Vigue that she had seen some of these videos, and that she was confident some of the females in the videos were under the age of 18.
18. Ms. Schnellenberger told her that Fickett bragged about getting a suspended sentence for doing something really bad, and that he “could get away with anything.” She described Fickett as “totally fearless of the law.”
19. Dennis Dechaine had first heard about Jason Fickett while he was serving his life sentence for Sarah Cherry’s murder, when an inmate at the Maine State Prison told him that Fickett (who was also in the Maine State Prison at the time) was the man who killed Sarah Cherry, and that Fickett had been extremely agitated and nervous when he was informed that he would have to give a DNA sample because of Maine’s new DNA laws.
20. In April of 2003, I traveled to Tampa, Florida to interview Elizabeth Brookings who, in July of 1988, was Jason Fickett’s girlfriend.
21. Elizabeth Brookings told me that she went out with Fickett for the first time in July of 1988.
22. She said further that the first night she was with him, Fickett was insistent that they not sleep in his trailer because he thought people might be looking for him.
23. She stated to me that he told her, “If anyone came looking for us, he did not want them to find us.”
24. She said that she and Fickett spent the night in his car down a woods road somewhere behind his trailer.
25. She said that the next day, she and Fickett encountered police vehicles on the Lewis Hill Road.
26. She said that same day she and Fickett went to his father’s house in Brunswick and learned that the police had just found the body of Sarah Cherry.

27. Given these circumstances, the night she and Fickett spent in his car would have to have been the night of July 7, 1988, the night after Sarah Cherry was abducted from the Henkel home.
28. Fickett also told me when I interviewed him that he had never been interviewed by anyone in law enforcement about the murder of Sarah Cherry, not before she was found or anytime after her body was discovered.
29. This would suggest that when he made the statement about not wanting to be found, he would have not heard from anyone in any official capacity that she was missing, although it is not known whether he had heard media reports about the search for her prior to making the statement to Elizabeth Brookings.
- Q. She stated to me that he told her, "If anyone came looking for us, he did not want them to find us."
- R. Elizabeth Brookings was immediately struck by the fact that Jason Fickett had erroneously told her that the site from where Sarah Cherry had been abducted was in fact across the road from the site where his trailer was located.
- S. She also reported that when she suggested that they go back down the woods road which does in fact lead toward the Hinkel home, that he was "very adamant" that they not go in that direction, saying that there was nothing back there but a dump, and that if they went back there that they could not get out.
- T. I have also learned from Tim Kupferschmid, Director of the Maine State Police Crime Lab, that the State of Maine does in fact have a DNA sample taken from Jason Fickett.
- U. I was also asked by Attorneys Murphy and Peterson to investigate the whereabouts of Douglas Senecal, who was the alternative suspect Attorney Connolly focused on in his pretrial investigation.
- V. I am not aware of any DNA evidence having been taken from the person of Douglas Senecal.
- W. I am, however, aware from my review of the police reports and legal briefs in this case, as well as a review of the proceedings on Attorney Connolly's Motion for a New Trial, that Attorney Connolly had some evidence that suggested that Senecal had the motive, knowledge and opportunity to eliminate Sarah Cherry as a potential witness against him in a pending criminal indictment in which he was alleged to have sexually assaulted Jackie Crossman, who in 1988 was a minor, and also sister to Sarah Cherry's best friend, Jessica Crossman.
- X. Evidence available to Attorney Connolly, well known to this Court, consists of testimony of Jennifer Dox of the Department of Human Services who had visited Senecal and his family the day before Sarah Cherry was abducted and killed. Dox would have testified at

trial that she had gone to the Senecals to see if they had any information about the whereabouts of Jackie Crossman who had disappeared from Maine. Senecal, who was prohibited by Court order from having any contact with Jackie Crossman, acknowledged that he heard she was in California.

- Y. Senecal told Dox that “You were wrong to involve the courts and the police without first talking to me....because you don’t know that this family takes care of its problems in its own way.”
9. The day Sarah Cherry disappeared, Sheriff David Haggett received a phone call from Chris Crossman, Jackie’s father, that she had phoned him from San Diego, California near the bus station. She told him that Maureen Senecal had paid her way to California.
10. On August 12, 1988, the criminal case against Senecal was continued due to Jackie Crossman’s unavailability, and on January 25, 1989, all charges were dismissed for the same reasons.
11. Attorney Connolly presented evidence at the Motion for a New Trial from Pam Babine, Margaret Steele, Ralph Jones, and Gerald Paradis, among others, which he argued pointed the finger at Senecal as Sarah Cherry’s murderer. The Court found their testimony insufficient to grant Mr. Dechaine a new trial.
12. On March 17, 2003, I interviewed Jackie Crossman Letorneau, who stated that she had in fact been sent to California by Douglas Senecal and his wife, her mother Maureen Senecal, so that she would not have to testify against him in the criminal case in which he was charged with sexually assaulting her.
13. She told me that Senecal had in fact sexually assaulted her, and also that her sister Jessica had recently revealed that Senecal had sexually assaulted her, as well.
14. Jackie Letorneau further advised that Sarah Cherry and her sister Jessica were best friends, that Jessica confided everything in Sarah, and that Sarah spent the night numerous times with Jessica at the residence where Jessica lived with Senecal.
26. Jackie Letorneau further stated that her mother, Maureen Senecal, had told her that when she (Maureen) was in Attorney (now Judge) Joseph Field’s office with her husband Douglas Senecal, that Attorney Field had repeatedly asked Senecal to admit or deny his involvement in Sarah Cherry’s death, but that Senecal had refused to deny that he had anything to do with it. Maureen told Jackie that Senecal’s refusal to deny this to his own attorney had always troubled her.
17. Jackie further told me that Senecal had stated that he had agreed at one point with Eric Wright, former Assistant Attorney General, to submit to DNA testing, but had changed his mind and refused to give the State a sample for testing.

18. Jackie stated that Senecal was a very bizarre and violent person who believed that he was immune from prosecution for this crime, believing he had friends in “high places” in law enforcement who would protect him.

Dated at Waterville, Maine, this 20th day of May, 2003.

Thomas W. Cumler

State of Maine
Kennebec, ss.

Personally appeared the above named and made oath to the truth of the above statements by him subscribed.

Before me, _____
Notary Public