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STATE OF MAINE  
CUMBERLAND, ss.

SUPERIOR COURT  
Criminal Action  
Docket No. CUMCD-17-531

ANTHONY SANBORN, JR.,

Petitioner,

v.

THE STATE OF MAINE,

Respondent.

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BAIL HEARING

BEFORE:

THE HONORABLE JOYCE A. WHEELER  
JUSTICE OF THE SUPERIOR COURT

Cumberland County Courthouse  
142 Federal Street  
Portland, Maine

April 13, 2017  
9:21 A.M.

APPEARANCES:

FOR THE PETITIONER: AMY L. FAIRFIELD, ESQ.  
KEVIN G. MONYAHAN, ESQ.  
FOR THE RESPONDENT: DONALD W. MACOMBER, ESQ.

JANETTE L. COOK  
OFFICIAL COURT REPORTER

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## WITNESS INDEX

Direct Cross Redirect Recross

HOPE L. CADY

{By Ms. Fairfield}

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{By Mr. Macomber}

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MARGARET C. BRAGDON

{By Ms. Fairfield}

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{By Mr. Macomber}

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KATHERINE M. LAKE

{By Ms. Fairfield}

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{By Mr. Macomber}

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## EXHIBIT INDEX

I O A

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1           THE COURT: Please be seated. Could we  
2 turn the air conditioning off. It may go back  
3 on if it's get very stuffy but right now I am  
4 cold.

5           Okay. Good morning. I am Justice  
6 Wheeler. And there is going to be, as you un --  
7 as you probably already know, a hearing this  
8 morning on the question of whether or not a  
9 post-conviction review petition that was filed  
10 on behalf of Mr. Sanborn should be granted. In  
11 addition, there is the question of whether or  
12 not he should be released on bail pending the  
13 determination of the post-conviction review  
14 petition.

15           We are not going to finish everything  
16 today. We had scheduled this for this morning  
17 only. Our prosecutor needs to be before the  
18 Supreme Court this afternoon so we cannot do it  
19 this afternoon, but -- so hopefully we'll be  
20 done here by 11:30?

21           MS. FAIRFIELD: Yes.

22           MR. MACOMBER: Yes.

23           THE COURT: Okay. And we're here to hear  
24 from two -- or at least two witnesses, one of  
25 them is Hope Cady and the other one is Margaret

1           Bragdon.

2                       Now, it's very critical -- I know that  
3           there was a -- a round of applause, I believe it  
4           was when Mr. Sanborn entered the courtroom. I  
5           hope you've gotten it out of your system now  
6           because I do not want any disruption during the  
7           trial. If there is you will be asked to leave  
8           the courtroom. We cannot have that kind of  
9           disruption during the proceeding.

10                      So that also means anyone with a  
11           cellphone should turn it off. I don't want  
12           cellphone ringing to interrupt the proceeding.  
13           I don't want people recording anything on their  
14           cellphone. I don't want photographs taken  
15           except if you are with the press. If you're  
16           with the press you've already been -- you've  
17           already gotten a written approval to write or  
18           take notes or video this. But if you're not  
19           with the press you should not be -- you should  
20           not have a cellphone out or an iPad or anything  
21           of that nature.

22                      Now -- are we ready to proceed?

23                      MS. FAIRFIELD: Yes, Your Honor.

24                      THE COURT: Is Mr. Sanborn ready?

25                      THE DEFENDANT: (Nodded head up and

1 down.)

2 THE COURT: Okay.

3 MR. MACOMBER: Yes, Your Honor.

4 THE COURT: So -- and so let me say  
5 that we have before us today Don -- Donald  
6 Macomber, who is -- are you an assistant or an  
7 associate or --

8 MR. MACOMBER: I'm an assistant attorney  
9 general, Your Honor.

10 THE COURT: Okay. Assistant attorney  
11 general from the state's attorney general's  
12 office. And we have Amy Fairfield and Kevin --

13 MR. MOYNAHAN: Moynahan, Your Honor.

14 THE COURT: Moynahan.

15 MR. MOYNAHAN: You knew that, that's all  
16 right.

17 THE COURT: I knew that, yes. I see you  
18 almost every day.

19 MR. MOYNAHAN: That's right.

20 THE COURT: And Kevin Moynahan are the  
21 two defense attorneys for Mr. Sanborn.

22 Are there any other -- I see there's  
23 somebody else seated in the table --

24 MR. MOYNAHAN: Your Honor, that's Kevin  
25 Cady, our private investigator.

1 THE COURT: Okay. Any relation to the  
2 alleged vic -- to the victim here -- I mean to  
3 the witness?

4 MS. FAIRFIELD: Judge, there is a very  
5 distant -- Hope Cady's father is Kevin Cady's  
6 cousin. But he had not seen Hope Cady for the  
7 entirety of the time that she was living with  
8 Doug and Nola Cady down in York, which was about  
9 three or four years. But he did not have any  
10 contact with her during that period of time or  
11 his cousin, Doug. And in fact he's had very  
12 little contact with Doug over the years.

13 THE COURT: Okay, thank you. And he is  
14 your -- one of your private investigators?

15 MS. FAIRFIELD: That's right.

16 THE COURT: Okay. So since both  
17 attorneys are ready, Ms. Fairfield --

18 MS. FAIRFIELD: Yup. The petit --

19 THE COURT: -- if you would call your  
20 first witness.

21 MS. FAIRFIELD: I will. The petitioner  
22 calls Hope Cady.

23 THE JUDICIAL MARSHAL: Is she in the  
24 hall?

25 MS. FAIRFIELD: Yes, she is, thank you,

1 I'm sorry.

2 THE COURT: Is she outside the courtroom?

3 MS. FAIRFIELD: She is right outside the  
4 courtroom, yes.

5 THE COURT: There are -- if these three  
6 move down a bit you can squeeze one more in  
7 there. If you take your briefcase -- I guess  
8 it's Ms. Branch's briefcase off, we can fit one  
9 more person in. Maybe not. The woman in the  
10 white sweater, do you wish to have a seat?

11 MR. MACOMBER: Actually, Your Honor, I  
12 would disclose the woman who was seated is  
13 Detective Sweatt, I would ask that she join me  
14 at counsel table, if she's able to.

15 THE COURT: Yes, please, yes.

16 Did Ms. Cady come in?

17 THE JUDICIAL MARSHAL: She'll be right  
18 in, Your Honor.

19 THE COURT: Okay. Could I ask people to  
20 make space so that the witness can get in.

21 THE JUDICIAL MARSHAL: You can stand  
22 here, face the clerk and raise your right hand.

23 THE CLERK: Please state your full name  
24 and spell your last name for the Court.

25 A. Hope Liza Cady, C-A-D-Y.



1           THE CLERK: Thank you. Do you swear or  
2 affirm that the testimony you are about to give  
3 in the cause now for hearing will be the truth,  
4 the whole truth and nothing but the truth?

5 A. Yes.

6           THE CLERK: Thank you.

7                   (DISCUSSION OFF THE RECORD.)

8           THE COURT: I don't know what was  
9 clicking -- (cameras) can we not have that  
10 clicking sound? Because we're not getting the  
11 witness's statements. If she's not answering,  
12 that's fine, but just don't interrupt her  
13 answer.

14                   They didn't get your middle name -- your  
15 middle initial or middle name.

16 A. Liza.

17           THE COURT REPORTER: Thank you.

18           THE COURT: I will just ask everyone to  
19 keep their voice up so I can hear.

20                   DIRECT EXAMINATION

21 BY MS. FAIRFIELD:

22 Q. Good morning.

23 A. Good morning.

24 Q. You need to -- if you can maybe slide forward.

25                   That is not going to amplify your voice, however

1           it is recording and we need to get an accurate  
2           recording, okay.

3       A.     Okay.

4       Q.     So if you can just try to keep your voice up.

5           THE COURT:   I think it will amplify.

6           THE JUDICIAL MARSHAL:   This is an  
7           amplification, counsel, but she has to be close  
8           to it.

9           THE COURT:   So --

10          MS. FAIRFIELD:   Okay.   Thank you.

11       BY MS. FAIRFIELD:

12       Q.     Can you please spell your name for the record.

13       A.     H-O-P-E, C-A-D-Y.

14       Q.     Okay.   And, Ms. Cady, where do you currently  
15           reside?

16       A.     In Augusta.

17       Q.     Okay.   And have you -- how long have you lived  
18           in Augusta?

19       A.     Since January.

20       Q.     Of this year, '17?

21       A.     Yes.

22       Q.     Okay.   And prior to living in Augusta where were  
23           you residing?

24       A.     Orlando, Florida.

25       Q.     Okay.   And how long were you in Orlando?

1 A. On and off since I was like 19, 20.

2 Q. Is that where your biological family is from?

3 A. Yes.

4 Q. And you recently lost your mom at the end of  
5 2016, correct?

6 A. Yes.

7 Q. I'm sorry for that.

8 Is -- was that kind of the impetus for  
9 you to move up to Maine? Back to Maine?

10 A. What is impetus?

11 Q. The -- why you moved up to Maine?

12 A. Yes.

13 Q. Okay. Now, I want to take you back in time,  
14 okay, not too far right away, but I want to take  
15 you back to about November of 2015. Do you  
16 recall meeting a Lorea Gillespie, a private  
17 investigator from the Innocence Project?

18 A. Is that the lady?

19 Q. She is a female.

20 A. Okay, yes.

21 Q. Okay. And she came to your home in Orlando?

22 A. Yes.

23 Q. Okay. And when you spoke with her, she spoke  
24 with you about Mr. Sanborn's case, correct?

25 A. Yes.

1 Q. And when you spoke with her you told her that  
2 Tony really needs to get out of jail, correct?

3 A. I believe so, yes.

4 Q. Okay. Now I'm going to take you back to 1989,  
5 okay? Specifically May 23 and 24, 1989. Did  
6 you witness a murder down at the pier at the  
7 Casco Bay Lines here in Portland, Maine?

8 A. No.

9 Q. You did not?

10 A. No.

11 Q. Okay. Now, were you down at the pier that  
12 night?

13 A. Not that I can recall.

14 Q. No. But you're certain you did not witness a  
15 murder?

16 A. Certain.

17 Q. Absolutely certain?

18 A. Yes.

19 Q. Okay. After May 23 and 24, '89, did you start  
20 having contact with Portland Police officers?

21 A. They were stalking me.

22 Q. Okay. And what do you mean by that?

23 A. They were always there.

24 Q. And when you say they were always there,  
25 whereabouts were they?

1 A. Everywhere I went, my friend's house, my state  
2 worker would put me in a home and they would  
3 show up there.

4 Q. Okay. So approximately how many times from May  
5 24th of '89 until you testified at trial in  
6 October of '92 did you see Portland Police  
7 detectives? Can you estimate?

8 A. Over ten.

9 Q. Okay. And when they came to see you, what would  
10 happen?

11 A. I don't remember exactly, I just remember  
12 feeling very threatened.

13 Q. Feeling very threatened?

14 A. (Witness nodded head up and down.)

15 Q. By the detectives?

16 A. Yes.

17 Q. And which detectives are we talking about?

18 A. Daniels and his rude little sidekick, I don't  
19 remember his name.

20 Q. You said rude --

21 A. Yes.

22 Q. -- sidekick? Okay. Are we talking about Danny  
23 Young?

24 A. Yes.

25 Q. Okay. And when you saw Portland Police

1           detectives did they -- the two of them, Daniels  
2           and Young, did they come together?

3     A.     Yes.

4     Q.     And would they interview at -- you at where you  
5           were or would they take you to Portland PD?

6     A.     To the police department.

7     Q.     Okay. And where would they take you at the  
8           police department?

9     A.     In a little room.

10    Q.     And can you describe the room?

11    A.     No. Just really small.

12    Q.     Okay. Was there a table or chairs that you  
13           recall?

14    A.     I don't remember.

15    Q.     Okay. All right.

16    A.     I just remember --

17    Q.     Now you said --

18    A.     -- being closed in.

19    Q.     I'm sorry. You said you were threatened by  
20           them.

21    A.     I felt threatened.

22    Q.     Okay. You had pending juvenile charges at that  
23           time; is that correct?

24    A.     Yes.

25    Q.     Did they threaten anything relative to your

1 juvenile charges?

2 A. I believe so.

3 Q. Did they threaten to put you in jail?

4 A. At the youth center for years.

5 Q. They told you they would do that?

6 A. Mm-hmm.

7 Q. You have to answer out loud.

8 A. Oh, I'm sorry, yes.

9 Q. Okay. And how did that make you feel?

10 A. Scared.

11 Q. Okay.

12 A. Alone.

13 Q. Okay. And at this point in time do you  
14 recall -- well, strike that.

15 Did you live in one place during that  
16 time period? And the time period I'm referring  
17 to is May 24th of '89 until October of '92, did  
18 you live in the same place during that  
19 approximately -- approximately three and a half  
20 year period?

21 A. No.

22 Q. Okay. And where did you move to?

23 A. In and out of foster homes, residential homes.

24 Q. Okay. It's fair to say you were pretty  
25 vulnerable back in 1989?

1 A. Yes.

2 Q. How old were you on May 24th of 1989?

3 A. 13.

4 Q. So how did it come to pass that you came to  
5 court in October of '92 and testified that you  
6 were at the murder scene and had witnessed it?

7 A. They basically told me what to say.

8 THE COURT: I'm sorry, can you not focus  
9 just on Ms. Fairfield, because that's where your  
10 voice is carrying. I didn't hear your last  
11 answer.

12 A. I'm sorry, I'm trying to --

13 THE COURT: That's fine, just take your  
14 time, but remember to look the bench  
15 occasionally as well, not just the Ms.  
16 Fairfield. I'm the bench.

17 A. Oh, I'm sorry. What was the question?

18 Q. So you indicated that they told you what to say.

19 A. Yes.

20 Q. Did you feel threatened when they told you what  
21 to say?

22 A. Yes.

23 Q. Did you ever have occasion -- strike that, I'm  
24 sorry.

25 When you went to these meetings with the



1           detectives at the Portland Police station,  
2           Daniels and Young, were you there for a short  
3           period of time, a long period of time?

4       A.     Long.

5       Q.     You say long.

6       A.     Long.

7       Q.     Do you have any estimate of the -- the -- the  
8           time periods? How long the time periods were?

9       A.     No less than three hours.

10      Q.     Your caseworker -- you were in DHS custody,  
11           correct?

12      A.     Yes.

13      Q.     And your caseworker was Margaret Bragdon; is  
14           that right?

15      A.     Yes.

16      Q.     On 3/14/90 do you recall a meeting with Daniels  
17           and Young at Portland PD from about 4:00 to  
18           6:30, where you complained -- or you stated to  
19           Margaret that Young called me a fucking bitch?  
20           Do you remember that?

21      A.     No.

22      Q.     Do you remember being called names by them?

23      A.     Yes.

24      Q.     Or by Detective Young? Yes? What -- did they  
25           holler at you?

1 A. Raised their voices and stuff?

2 Q. Yes.

3 A. Yes, I'm sorry.

4 Q. Did you know Anthony Sanborn prior to May 24th  
5 of '89?

6 A. I knew of him but I didn't know him.

7 Q. Okay. And back in '89 how was your vision?

8 A. Better than it is now but not perfect.

9 Q. No. And in fact you saw a doctor who diagnosed  
10 you as having 20/200 vision, correct?

11 A. That sounds right.

12 Q. Okay. So you couldn't see very far, correct?

13 A. No.

14 THE COURT: Can we pinpoint when that  
15 was?

16 Q. October of 1990. Does that sound about right,  
17 20/200 vision? Does that sound right?

18 A. Yes, I'm sorry.

19 Q. Okay. And have you been at eye doctors  
20 throughout your life?

21 A. Yes.

22 Q. And did you go to eye doctors prior to May 24th  
23 of 1989?

24 A. Yes.

25 Q. And were you prescribed glasses while you lived

1 with Nola Cady, which would have been  
2 approximately '84 to '8 --

3 A. I believe so, yes.

4 Q. Okay. And you had glasses while you went to  
5 York district school, correct?

6 A. I believe so, yes.

7 Q. And you --

8 A. I kept losing them.

9 Q. Did you like to we are them?

10 A. No. I still don't.

11 Q. Okay. Can you make out what I look like right  
12 now?

13 A. Barely.

14 Q. Okay. Is that kind of always the way your  
15 vision has been?

16 A. Yes.

17 Q. So --

18 A. And now I found out that I'm color blind.

19 Q. I'm sorry?

20 A. And now I found out I'm color blind.

21 Q. You're color blind. Okay. So when you -- you  
22 drew a drawing for Detective Daniels, do you  
23 recall that, at the youth center?

24 A. I don't remember, but the lady showed me.

25 Q. Okay. And in that drawing you depicted where

1           you were. Did -- did somebody assist you with  
2           that draw drawing?

3       A.     The detective did.

4       Q.     And I'm going to show you what I've marked as  
5           Petitioner's Exhibit 1.

6                   MS. FAIRFIELD: May I approach the  
7           witness?

8                   THE COURT: You may.

9       Q.     Do you recall making -- do you recognize that  
10           document?

11      A.     No. It's a horrible drawing.

12      Q.     I think you were about how old?

13      A.     I was 13.

14      Q.     13. Okay. Do you know the Portland waterfront  
15           pretty well?

16      A.     Not anymore.

17      Q.     Did you back then?

18      A.     A little bit.

19      Q.     Okay. So I'm now going to show you what I've  
20           marked as Petitioner's Exhibit 2.

21                   MS. FAIRFIELD: May I approach the  
22           witness, Your Honor?

23                   THE COURT: You may. Is that two-page  
24           document Exhibit 1?

25                   MS. FAIRFIELD: Yes.

1 THE COURT: Okay.

2 BY MS. FAIRFIELD:

3 Q. Do you recognize what I'm showing you as  
4 Petitioner's 2?

5 A. Yes, this was the picture that the lady had.

6 Q. And that's a picture of the wharf, correct?

7 A. Yes.

8 Q. Okay. Now, do you remember putting yourself  
9 down here in your -- in this drawing?

10 A. No, I don't.

11 Q. You don't recall that?

12 A. No.

13 Q. Okay. Okay. Is that a fair and accurate  
14 depiction of the waterfront when you were down  
15 there? When you lived in Portland around -- I  
16 think you lived on the streets of Portland from  
17 like '88 to '89?

18 A. Yes.

19 Q. Is that a fair and accurate depiction?

20 A. I believe so.

21 Q. Okay. Do you -- do you even know where the  
22 homicide actually took place?

23 A. No.

24 Q. Do you recall on 2/25 of '92 meeting with  
25 Detective Daniels for a couple of hours?

1 A. I don't know the exact date.

2 Q. Do you recall that he told you that you were  
3 going to go to court and testify?

4 A. Yes.

5 Q. And describe that conversation?

6 A. Scary.

7 Q. Why was it scary?

8 A. Because I didn't want to do it.

9 Q. Why didn't you want to do it?

10 A. Because I wasn't involved in it. Because I  
11 wasn't -- he just basically said here is what  
12 you need to say.

13 Q. Okay. And that was during a meeting with  
14 Daniels?

15 A. Yes.

16 Q. Was Detective Young there as well?

17 A. I believe so.

18 Q. Okay. Was it a hostile meeting?

19 A. Yes.

20 Q. And in fact you reported back to Ms. Bragdon  
21 that you never wanted to see them again,  
22 correct?

23 A. I'm pretty sure, yes.

24 Q. Does that make sense?

25 A. Yes.

1 Q. And at that point in time you were living with  
2 Liz -- Liz Michaud up in Ellsworth, correct, or  
3 that area? The Augusta area?

4 A. Yeah. Michaud.

5 Q. Michaud, I'm sorry.

6 A. Liz Michaud.

7 Q. Okay. Now at some point did you meet Assistant  
8 Attorney General Pamela Ames?

9 A. Yes.

10 Q. And how many times did you meet Ms. Ames?

11 A. I don't remember exactly, but a couple.

12 Q. Okay. And at some point you disclosed -- strike  
13 that, I'm sorry.

14 During those meetings what was -- what  
15 was the general atmosphere, the environment, if  
16 you will? Was it friendly?

17 A. No.

18 Q. And what makes you --

19 A. I felt very nervous.

20 Q. Okay. What makes you say no and why did you  
21 feel nervous?

22 A. Because the cop was staring at me.

23 Q. Which cop?

24 A. Daniels, the tall one.

25 Q. Okay. And how was Ms. Ames towards you?

1 A. I don't really remember lots of this. She was  
2 just kind of there.

3 Q. Okay. Did she take you through trial prep?

4 A. Yes.

5 Q. And did she tell you what you were going to say  
6 at trial?

7 A. Yes.

8 Q. And did you go along with what she said?

9 A. Yes.

10 Q. And was -- what she was saying for you to  
11 testify to, was it similar to the -- as to what  
12 Detectives Young and Daniels were telling you to  
13 testify to?

14 A. Yes.

15 Q. Did they tell you that Tony Sanborn committed  
16 this murder?

17 A. Yes.

18 Q. When did they tell you that?

19 A. I don't recall exactly. At first I didn't want  
20 to talk to them and then they kept hounding me  
21 and telling me that they knew this and they knew  
22 that and basically tried to put me -- well, they  
23 did put me in the middle of it.

24 THE COURT: Put you where?

25 A. In the middle of the investigation.



1 Q. And you were scared?

2 A. I still am.

3 Q. Are you scared of them?

4 A. Yes.

5 Q. Is that who you've been scared of these years?

6 A. Yes.

7 Q. Do you have regrets about testifying the way you  
8 did?

9 A. Yes.

10 Q. Do you have any knowledge about who killed  
11 Jessica Briggs?

12 A. No.

13 Q. Do you have any knowledge other than what state  
14 actor's told you, that Tony Sanborn killed  
15 Jessica Briggs? Do you have any independent  
16 knowledge of that?

17 A. No.

18 MR. MACOMBER: I have nothing further.

19 THE COURT: Cross-examination.

20 MR. MACOMBER: All set?

21 MS. FAIRFIELD: I am, thank you.

22 CROSS-EXAMINATION

23 BY MR. MACOMBER:

24 Q. Good morning.

25 A. Good morning.

1 Q. You probably don't remember but you and I have  
2 previously met. Or do you remember?

3 A. No.

4 Q. Do I look familiar to you at all?

5 A. No.

6 Q. And you don't recall that I was present at those  
7 meetings that you had with Pam Ames back in  
8 1992?

9 A. No.

10 THE COURT: Didn't you have hair then?

11 MR. MACOMBER: I appreciate that, Judge.  
12 I had much more hair than I do currently.

13 Q. But then again, you don't look like you did when  
14 you were 15 either so.

15 Now, Ms. Cady, do you recall sitting in  
16 that chair 25 years ago and raising your right  
17 hand and testifying to the jury that you saw  
18 Anthony Sanborn kill Jessica Briggs?

19 A. No.

20 Q. You don't recall testifying about that? I'm  
21 sorry --

22 A. No. I --

23 Q. -- so why do you have -- what's that?

24 A. I blocked it out.

25 Q. You've blocked it out. So why do you have

1 regrets if you don't remember testifying about  
2 it?

3 A. It's just the way I feel.

4 Q. And if you have regrets, why didn't you say  
5 something from 1992 until now?

6 A. I was scared.

7 Q. Scared of who?

8 A. Those detectives.

9 Q. What did you think they were going to do to you?

10 A. I didn't know.

11 Q. Do you recall testifying back in 1992 that the  
12 people that you were scared of were Anthony  
13 Sanborn and his friends in the Portland area?

14 A. No.

15 Q. Do you recall telling Detective Daniels and  
16 Assistant Attorney General Ames that that's why  
17 you were reluctant to come forward with the  
18 information that you had about the murder, is  
19 because you were afraid that they were -- you  
20 were going to be beaten by Mr. Sanborn's friends  
21 in the Portland area?

22 A. No.

23 Q. Are you saying you don't recall or are you  
24 saying that that never happened?

25 A. I don't recall.

1 Q. The information that you have about your  
2 eyesight, the 20/200 vision, at any point did  
3 you tell Detective Daniels, Detective Young or  
4 Assistant Attorney General Ames about how bad  
5 your vision was in 1989?

6 A. I don't recall.

7 Q. And it's your testimony here today that you did  
8 not see Anthony Sanborn stab Jessica Briggs in  
9 May of 1989 -- 1989?

10 A. Yes.

11 MR. MACOMBER: I have nothing further.

12 THE COURT: Ms. Fairfield, any redirect?

13 MS. FAIRFIELD: Yes, thank you.

14 REDIRECT EXAMINATION

15 BY MS. FAIRFIELD:

16 Q. On 7/10 of '91 do you recall telling your  
17 caseworker that you had seen Tony Sanborn at or  
18 near Saco Beach and he was -- he -- you saw  
19 Tony, the one associated with the Jessica Briggs  
20 homicide, and he stared at you and stared at you  
21 and made you uncomfortable. Do you remember --  
22 do you remember that?

23 A. No.

24 Q. Okay. And did you have knowledge that Margaret  
25 Bragdon conveyed that information to Detective

1 Daniels at the Portland Police station?

2 A. No.

3 Q. Okay. Do you recall back in the day, when this  
4 was all going on and the police were pulling you  
5 in to the station for long periods of time,  
6 being hostile towards you, do you recall being  
7 confused about the date that this homicide even  
8 took place?

9 A. I believe so, yes.

10 Q. And Margaret Bragdon met with you to go over  
11 your dates and she said, I understand why you'd  
12 be confused, because you moved around a lot?

13 A. Yes.

14 Q. Okay. Just to be clear, you weren't anywhere  
15 near that pier that night, were you?

16 A. No.

17 Q. And you did not see Tony Sanborn kill Jessica  
18 Briggs, correct?

19 A. No.

20 Q. You did not see him do that?

21 A. I did not see him do that.

22 MS. FAIRFIELD: Thank you. I have  
23 nothing further.

24 RE-CROSS-EXAMINATION

25 BY MR. MACOMBER:

1 Q. Just to be clear, in October of 1992 you  
2 testified to a jury sitting in that box, from  
3 that chair, that you did see Anthony Sanborn  
4 stab Jessica Briggs; isn't that right?

5 A. Yes, it is.

6 MR. MACOMBER: Thank you. Nothing  
7 further.

8 THE COURT: Ms. Fairfield, is that it?

9 MS. FAIRFIELD: Nothing further.

10 THE COURT: Thank you, you may step down.

11 A. Thank you.

12 THE COURT: And since this hearing  
13 probably will not end today, I'll ask that the  
14 witness continue to make herself available  
15 pursuant to the subpoena should we need to hear  
16 from her again.

17 MS. FAIRFIELD: Thank you.

18 THE COURT: I don't know if she's heard--  
19 heard that.

20 MS. FAIRFIELD: I will make sure she gets  
21 that information, Judge.

22 THE COURT: Thank you.

23 MS. FAIRFIELD: The petitioner will call  
24 Margaret Bragdon.

25 THE JUDICIAL MARSHAL: Is she out in the

1 hall, also?

2 MS. FAIRFIELD: Yes, thank you. I would  
3 offer Petitioner's 1 and 2 into evidence, I  
4 apologize.

5 MR. MACOMBER: No objection.

6 THE COURT: 1 and 2 are admitted.

7 MR. MACOMBER: And just a reminder about  
8 the conversation we had in chambers, before Ms.  
9 Bragdon testifies that you'll have to order her  
10 to testify.

11 THE COURT: Right. Thank you.

12 THE JUDICIAL MARSHAL: If you could stand  
13 right there. Face the clerk and raise your  
14 right hand.

15 THE CLERK: Please state your full name  
16 and spell your last name for the Court.

17 A. It's Margaret C. Bragdon, B-R-A-G-D-O-N.

18 THE CLERK: Thank you. Do you swear or  
19 affirm that the testimony you are about to give  
20 in the cause now for hearing will be the truth,  
21 the whole truth and nothing but the truth?

22 A. So help me God I do.

23 THE CLERK: Thank you.

24 THE COURT: That will am -- I'm speaking.

25 A. A voice from afar.

1           THE COURT: That microphone will amplify  
2 your voice so it's important that you -- that  
3 you be close to it.

4           Also, I know that you are now retired; is  
5 that correct?

6 A. That is correct.

7           THE COURT: Well, let me introduce  
8 myself. I'm Joyce Wheeler and I am the judge  
9 presiding over this proceeding. It's been told  
10 to me that you used to work for the Department  
11 of Health and Human Services; is that correct?

12 A. Yes.

13           THE COURT: And Hope Cady was a client of  
14 yours?

15 A. Yes.

16           THE COURT: And because of your former  
17 employment and it involving a child, or a youth,  
18 you are under certain confidentiality  
19 requirements; is that correct?

20 A. That's correct.

21           THE COURT: Okay. For purposes of  
22 today's proceeding I am ordering you to answer  
23 the questions and to testify and to not assert  
24 any confidentiality because I am waiving that  
25 for purposes of this proceeding.



1 A. Thank you.

2 THE COURT: You're welcome.

3 DIRECT EXAMINATION

4 BY MS. FAIRFIELD:

5 Q. Good morning, Ms. Bragdon.

6 A. Hi.

7 Q. You and I have met, correct?

8 A. That's correct.

9 Q. Okay. And in fact yesterday I provided you with  
10 your narrative logs from this case, correct?

11 A. That's correct.

12 Q. And it's fair to say that you reviewed them?

13 A. I did.

14 Q. Okay. Now, I want to draw your attention to the  
15 time period of May, 1989, until approximately  
16 the end of October, 1992, okay.

17 A. All right.

18 Q. And were you Hope's case manager through the  
19 Department of Health and Human Services for that  
20 time period?

21 A. Yes, I was.

22 Q. Okay. Now, at some point did you learn that  
23 Hope was meeting with Detectives Daniels and  
24 Young?

25 A. Yes, I did.

1 Q. Okay. And specifically I want to draw your  
2 attention to 3/14/90. In your narrative logs  
3 you note, meeting with Hope at Denny's, and I  
4 think you're at Denny's, is that a fair  
5 statement?

6 A. That's correct.

7 Q. All right. And you're waiting for Hope who is  
8 at the -- the PD with Detective Daniels and  
9 Young?

10 A. Yes.

11 Q. Okay. And you report, detectives Portland PD  
12 Young and Daniels, Jessica Briggs investigation,  
13 they questioned her for about two hours,  
14 parenthesis, 4:00 to 6:30 yesterday, so 3/13/90.  
15 She got angry because they were rude. Detective  
16 Young called her a fucking bitch, according to  
17 Hope, and she refused to cooperate at this  
18 point.

19 Does that --

20 A. That's correct.

21 Q. Okay. And so we're clear, these narrative logs,  
22 they're part of your job as a caseworker; is  
23 that fair to say?

24 A. Very much so.

25 Q. And can you -- so can you describe briefly how

1           these narrative logs come to be?

2       A.     Usually I carried a book with me and oftentimes  
3           would jot down some specific things while I was  
4           with the client.  Then I would go home, review  
5           it and perhaps add more if I remembered more  
6           things at that time.

7       Q.     Okay.  And when you crafted these narrative  
8           logs, did you -- or is everything in here  
9           truthful to the best of your ability and  
10          knowledge?

11      A.     To the best of my ability, yes.

12      Q.     Okay.  It's fair to say that you tried to record  
13          day-to-day things with -- with your kiddos, not  
14          just Hope, because how many kids did you have?

15      A.     Approximately 50 at any one time.

16      Q.     Okay.  And you would meet with Hope and then  
17          record things in your notebook and then it would  
18          make a narrative log; is that fair to say?

19      A.     That's correct.

20      Q.     And why did you keep narrative logs?

21      A.     You keep logs because there's a judicial review  
22          every now and then and they need to know that  
23          you are meeting with the child, that you are  
24          providing whatever the child needs at the time,  
25          like a group home, for example, somewhere safe,

1           that type of thing.

2       Q.     And during that timeframe that I referenced  
3           before May of '89 to October of '92, was Hope  
4           stationary in one place?

5       A.     No.

6       Q.     In fact you chased her all over the state?

7       A.     Literally.

8       Q.     Okay. And you found her multiple places,  
9           correct?

10      A.     That's correct, yeah.

11      Q.     On 3/14, '90, you go on to state, according to a  
12           statement made to me, Hope says, she saw  
13           Michelle Lincoln hit Jessica and she has told  
14           the police wanted her to give her Tony's last  
15           name but she doesn't want to. She had seen Tony  
16           Sanborn and Jessica arguing the night she was  
17           murdered. It was too far away for her to hear  
18           what was said. Did you write that down?

19      A.     I did.

20      Q.     Okay. And why is that?

21      A.     Again, it's to try and help Hope process what  
22           was happening and to again remind her that she  
23           needed to be somewhere safe.

24      Q.     You also note that, I remain surprised that the  
25           police have never contacted me?

1 A. I was more than surprised. I -- I was the one  
2 that reached out to them initially.

3 Q. Okay. So you were her guardian, right?

4 A. That's correct.

5 Q. Okay. And in reviewing the entirety of your  
6 narrative logs for this timeframe yesterday,  
7 would you say that Hope's recitations about what  
8 happened that night remained consistent or  
9 inconsistent?

10 A. I would say that basically they were  
11 inconsistent. And if I can add to that, much of  
12 Hope's life had been inconsistent. And as she  
13 reported things to me they were often  
14 inconsistent.

15 Q. Okay. All right. And at one point she said she  
16 wasn't even there, right?

17 A. She's done that. And she's said she was there  
18 and could see everything. Yeah, it's gone back  
19 and forth.

20 Q. Now, do you have doubts about her ability to see  
21 things as she said she did at different points?

22 A. I do now, having reviewed my notes again after  
23 25 years.

24 Q. Understood.

25 A. I -- there were some tests of her eyes and I

1 think they said it was 20, 200, 20/200.

2 Q. 20/200. And at one point you called Detective  
3 Daniels to say that -- actually on 7/10/91, to  
4 say that Hope said she saw the Tony from the  
5 Jessica Briggs murder and he stared at her and  
6 stared at her, correct?

7 A. That's correct.

8 Q. And you wrote is Hope safe? Should I get her  
9 out of town I think you said, right?

10 A. Exactly. I -- I really wasn't sure. I didn't  
11 know Tony, I didn't really know the situation  
12 very well, only from Hope's perspective.

13 Q. Okay. And in fact Detective Daniels called you  
14 back, right?

15 A. He did.

16 Q. And he said Tony was in jail during that period  
17 of time, correct?

18 A. That's what I had documented.

19 Q. Yup. And fair to say you spoke with Detective  
20 Daniels on several occasions?

21 A. Yes.

22 Q. Okay. And you documented that Detective Daniels  
23 called you back to say, it couldn't have been  
24 that Tony because he's in custody correct?

25 A. Exactly.

1 Q. You also note in your narratives that Detective  
2 Daniels asked you to put together a timeline of  
3 where Hope was from May of '89 until October of  
4 '92, correct?

5 A. That's correct.

6 Q. And that's because when she met with them she  
7 had screwed up her dates about when the homicide  
8 actually took place, correct?

9 A. Right. And if you look at the timeline, you'll  
10 see why. She was very confused about it.

11 Q. Okay. But Detective Daniels asked you to gather  
12 up those records?

13 A. That's true.

14 Q. And you also note in your narrative logs on 2/25  
15 of '92 that Hope was given immunity to testify,  
16 correct?

17 A. She was told that, yes.

18 Q. Okay. And on 2/11 you note in your narrative  
19 log, it sounds as if Hope may not have any  
20 information they need but he needs to make sure.  
21 And he is Detective Daniels, correct?

22 A. That's right.

23 Q. Hope -- I'm sorry. And at that same point in  
24 time Hope is claiming that she is being harassed  
25 or threatened by Dick and Mike, correct?

1 A. That's right.

2 Q. And Michelle Lincoln is somehow involved in this  
3 as well?

4 A. There were phone calls and --

5 Q. Not from Michelle to Hope?

6 A. No. No, no.

7 Q. Okay. And then -- so that's on 2/11, that you  
8 note that she doesn't necessarily have any  
9 information they would use. On 2/25 you note,  
10 Detective Daniels is going to make Hope testify;  
11 is that correct?

12 A. That's right.

13 Q. And you wrote, Daniels is talking to AAG  
14 regarding this for subpoena. Something  
15 definitely wrong with her optic nerves in both  
16 eyes. Need to pinpoint what she can see and how  
17 she sees. Correct?

18 A. That's correct.

19 Q. And that was relayed to doctor -- to Detective  
20 Daniels?

21 A. Yes, it was.

22 Q. Okay. So he knew that she had eye problems; is  
23 that right?

24 A. That's right.

25 Q. You note that Daniels talked -- this is on 2/25



1 of '92, Daniels talked to her for over three  
2 hours. When Hope came out she appeared pale and  
3 shaken and said she wouldn't talk to him anymore  
4 and she wouldn't testify either, correct?

5 A. That's correct.

6 Q. And you noted her physical demeanor?

7 A. Right.

8 Q. Pale and shaken.

9 A. She was very shaken at that point.

10 Q. Hope also had several criminal charges -- or  
11 juvenile charges, excuse me, pending; is that  
12 correct?

13 A. Yes, she did.

14 Q. Okay. And the police obviously knew that,  
15 correct?

16 A. I would assume that they would, yes.

17 Q. Okay. Just to go back to that reference I just  
18 made about the dates being out of sequence, you  
19 documented on 5/14/92, TC from Detective  
20 Daniels, 874-8593. Was that his phone number?

21 A. It must be.

22 Q. May 24, 1989, on sequence of dates of Hope's  
23 whereabouts at time of murder. So he's  
24 questioning her whereabouts at the time of the  
25 murder?

1 A. That's correct.

2 Q. I told him I would check this out. Had  
3 difficult time getting all dates due to multiple  
4 moves.

5 A. Yes.

6 Q. And then you go on, you say a long talk, Hope  
7 wanted to know if she had to stay where she  
8 lived and if Dan would be there in court. And  
9 Dan is who?

10 A. I am assuming it would be Dan the policeman.

11 Q. Oh, or Dan Bates?

12 A. Oh, I'm sorry, yes, it would be Dan Bates.  
13 There are two Dans.

14 Q. That's okay. Who is Dan Bates?

15 A. Dan Bates is an attorney that was also a  
16 neighbor and friend of mine that I had hired for  
17 Hope's best interests, not knowing what was  
18 going to happen next.

19 Q. Were you worried for Hope?

20 A. I was very worried.

21 Q. Okay. And was this based on the way she was  
22 presenting after meeting with these cops?

23 A. It was based on that and it was based on the  
24 fact that she thought that somebody was after  
25 her, and we spent a lot of time trying to figure

1 out who somebody was.

2 Q. At any point in time, from May of '89 to October  
3 of '92, did Hope bring up the fact in her  
4 therapeutic communities that she had witnessed a  
5 homicide?

6 A. I'm going to answer that the best I can, because  
7 that would have been something that somebody  
8 from the therapeutic community certainly should  
9 have told me. I do not recall documenting that.

10 Q. If you had been told that, would you have  
11 documented it?

12 A. Yes.

13 Q. So Hope asked you on 5/20 if Dan Bates is going  
14 to be in court, and you said I told her I would  
15 ask him. I also checked over the dates with her  
16 and explained how she would have become  
17 confused, correct?

18 A. That is correct.

19 Q. And then on 5/22, TC from Dan Bates. I asked  
20 Dan the questions Hope had for me and explained  
21 the mixup with the dates. He will get back to  
22 me. Correct?

23 A. Yes.

24 Q. And then on 5/29 of '92, you -- TC to Detective  
25 Daniels, left message, I had information on

1 Hope's dates. Correct?

2 A. That's correct.

3 Q. On 9/27 of '92 you write, TC to Hope to wish her  
4 good luck with the prosecutor tomorrow. And did  
5 you know who the prosecutor in the case was at  
6 that point?

7 A. I do not believe I did --

8 Q. Okay.

9 A. -- at that point.

10 Q. Do you know -- did you subsequently learn who it  
11 was?

12 A. Yes.

13 Q. And who was it?

14 A. You would ask me.

15 Q. I'm sorry.

16 A. I'm sorry.

17 Q. That's okay.

18 A. It's somebody who is no longer a prosecutor  
19 here.

20 Q. Does Pamela Ames --

21 A. Yes.

22 Q. -- sound familiar?

23 A. Sorry.

24 Q. Okay. And on the very next day, 9/28, TC to  
25 Hope, she was with prosecutor for four hours and

1           it was tough, you report, correct?

2       A.    Yes.

3       Q.    Dan was there the whole time and boy was she  
4           glad.

5       A.    Yes.  That was why I had hired him, was  
6           basically to protect her interests.

7       Q.    Okay.  On 10/15 of '92 you wrote down, Dan Bates  
8           can't go in the courtroom with Hope because he  
9           will have to testify later as to what Hope told  
10          him.  This is because Mike's story is so  
11          different from Hope's.  Now that Mike, is that  
12          Mike Lamoreaux?

13      A.    Yes.

14      Q.    And that was her friend, boyfriend at the --  
15           during the period of time?

16      A.    Off and on.

17      Q.    Okay.  All right.  And so -- to your acknowledge  
18           did anybody ask Hope if she was willing to waive  
19           privilege to have her attorney testify in the  
20           same proceeding that she did?

21      A.    Not to my knowledge.

22      Q.    Okay.  Okay.  Now you stayed with Hope until she  
23           graduated from -- is it Halldale?

24      A.    Halldale.

25      Q.    Okay.  All right.  And at some point, I believe

1           it was August or September of '91, Hope goes to  
2           Florida, correct?

3    A.    That's correct.

4    Q.    Much to your chagrin?

5    A.    Definitely.

6    Q.    Okay.

7    A.    And without my permission.

8    Q.    Oh, goodness. Okay. And you learned that she  
9           was down there, correct?

10   A.    Yes.

11   Q.    And did you call Portland PD about this?

12   A.    I think I talked to the Portland PD first,  
13           because we were looking for her here first.

14   Q.    Okay.

15   A.    And then we found her in Florida.

16   Q.    Okay. And at some point did you learn from  
17           Portland PD specifically -- strike that, I don't  
18           know who specifically it was -- that there was  
19           New England only extraditable warrant for Hope?

20   A.    I did.

21   Q.    Okay. And did Portland Police tell you that  
22           they were going to go down and get Hope from  
23           Florida?

24   A.    As I recall I thought that they were just going  
25           to pick her up, either in Florida or a plane

1           that was coming to Boston.

2       Q.     Okay.

3       A.     So one or the other.

4       Q.     But it was a New England only warrant.

5       A.     Yes.

6       Q.     So how was Portland Police getting involved?

7       A.     I believe that I had requested this to go a  
8           national missing persons --

9       Q.     Okay.

10      A.     -- at that time.

11      Q.     And in fact you spoke with Detective Daniels,  
12           who actually did go down to Boston to pick Hope  
13           up; isn't that correct?

14      A.     Yes, after 25 years, yes, I believe that to be  
15           correct.

16      Q.     That's what you documented.

17      A.     Okay, great.

18      Q.     Do you recall that?

19      A.     I recall that he went to get her. I could not  
20           remember whether it was Florida or Boston that  
21           he picked her up.

22      Q.     Okay. Now -- and she was subsequently returned  
23           to the youth center, correct?

24      A.     Yes.

25      Q.     You also document in your narratives that Hope

1 had spoken with detectives in December,  
2 Detectives Daniels and Young, in December of  
3 1989, correct?

4 A. That's correct.

5 Q. And was that during the time that Hope was in  
6 the hospital and they met her there?

7 A. I do not recall where she was at the time.

8 Q. Okay. But they spoke to her in December of '89?

9 A. Yes.

10 Q. That's what you documented?

11 A. Mm-hmm.

12 Q. Okay. And at one point in time Hope had  
13 multiple juvenile assaults pending, correct?

14 A. Yes, she did. She has a very explosive  
15 temperament.

16 Q. Okay. Looking back at all of your narratives  
17 now, when you read them from a -- kind of bird's  
18 eye view, do you question if Hope was there?

19 A. That is hard, because we're taught to believe  
20 first of all whatever the kid says, like with  
21 sexual abuse and that sort of thing. So I was  
22 believing Hope. I have come -- now that I have  
23 more information, which I did not have before,  
24 it's my feeling that she probably did not.

25 And if I might go on with that a little



1 bit, Hope at the time was strug -- she was 13  
2 and she was struggling to be a cool street kid  
3 and be tough. And in some ways this is a  
4 wonderful war story and I think that there may  
5 be some of that in it. But that is my own  
6 judgment -- my own perspective. But I am not  
7 sure that she saw what happened.

8 Q. And her stories that you document about what she  
9 said she saw and didn't see are --

10 A. Right.

11 Q. -- inconsistent; is that right?

12 A. And that is what she was telling me, and so as a  
13 result, you know, I documented it.

14 Q. Okay.

15 A. It's changed.

16 Q. It changed?

17 A. It changed.

18 Q. She didn't tell the same story twice, did she?

19 A. Not really.

20 Q. And she presented at fearful -- as fearful  
21 during that time, correct?

22 A. She was terrified of something. And she was  
23 saying, you know, that it was Tony and his  
24 friends, but I am not sure that that's what it  
25 was. I think she was fearful of getting herself

1 in too deep and what was going to happen to her  
2 next.

3 Q. And you knew Hope fairly well at this point; is  
4 that a fair statement?

5 A. I think so.

6 Q. You two were very close?

7 A. Yes, yes.

8 MS. FAIRFIELD: Thank you. I have  
9 nothing further.

10 MR. MOYNAHAN: Amy.

11 Q. Oh, I have -- I just want to show you one other  
12 exhibit, and I apologize. This is -- I'm going  
13 to mark this as Petitioner's 3. This is  
14 something that came out of your file.

15 MS. FAIRFIELD: May I approach the  
16 witness, Your Honor?

17 THE COURT: You may.

18 Q. Can you please take a look at that document. Is  
19 that something you would have put in your file?

20 A. It should be.

21 Q. And it's a -- a report from an eye doctor,  
22 correct?

23 A. That's right, when she was up at Homestead.

24 Q. Okay. And they have her right eye at 20/200,  
25 correct?

1 A. Yes.

2 Q. And her left eye at 20/200?

3 A. Yes.

4 Q. And that's signed by Dr. Sears M.D., correct?

5 A. Okay. This is the neurologist, correct?

6 Q. Yes.

7 A. That she saw. Any medical reports should be in  
8 there.

9 Q. Would you accept my recitation that this was in  
10 your file?

11 A. Yes, yes.

12 MS. FAIRFIELD: I would move the  
13 admission of Petitioner's 3.

14 MR. MACOMBER: No objection.

15 MS. FAIRFIELD: Thank you.

16 THE COURT: Exhibit 3 is admitted.

17 Q. Thank you, Ms. Bragdon. I think Mr. Macomber  
18 may have a few questions for you.

19 THE COURT: Cross-examination?

20 MR. MACOMBER: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. MACOMBER:

23 Q. Good morning, Ms. Bragdon.

24 A. Good morning.

25 Q. We have never met. So you wouldn't know that I

1           didn't have -- that I had hair back in 1992.

2       A.     That's okay, mine wasn't white, so --

3       Q.     You were Hope's caseworker from May of '89  
4           through the relevant period, October of '92; is  
5           that right?

6       A.     Yes.

7       Q.     And it's fair to say that Hope told multiple  
8           stories about whether she was there or wasn't  
9           there throughout that period?

10      A.     She did.

11      Q.     And you hired Dan Bates, or asked Dan Bates to  
12           represent her in -- do you remember -- do recall  
13           when you hired Mr. Bates formal?

14      A.     I can't tell you the exact date that I --

15      Q.     Does 1992 -- like the early part of 1992 sound  
16           familiar?

17      A.     That would make sense, because it was when  
18           things were going to be going to trial.

19      Q.     And at that point, when Hope would meet with the  
20           police and with the prosecutor, Mr. Bates was  
21           with Hope during those meetings?

22      A.     There was at least one interview that he should  
23           have been with her and was not and I don't  
24           remember, I'm sorry, who it was with.

25      Q.     And do you recall Hope at any point from October

1 of 19 -- excuse me, May of 1989 to October of  
2 1992 telling you that she was being threatened  
3 by the detectives?

4 A. That she was being what, I'm sorry?

5 Q. Threatened by the detectives.

6 A. She certainly felt threatened. And there was  
7 one thing in there where she said she wouldn't  
8 even go to the trial, she wouldn't do this, and  
9 that is an indicator that she was threatened.

10 Q. And -- and much of the information that you have  
11 is what Hope told you?

12 A. That's correct, or my phone calls to a  
13 particular person.

14 Q. Right. So you didn't speak to Detective Daniels  
15 yourself or -- did you speak to anybody at the  
16 police department besides Detective Daniels?

17 A. Yes, there was the juvenile officer and I talked  
18 to her, particularly when Hope had runaway.

19 Q. Okay.

20 A. We were trying to --

21 Q. All right. But with regard to the Jessica  
22 Briggs murder, you were speaking to Detective  
23 Daniels?

24 A. Mainly, yes.

25 Q. It's fair to say that from May of 1989 to

1 approximately May of 1992 Hope was not providing  
2 information to the police about what she claimed  
3 to have seen in -- on the pier?

4 A. She would have been talking to them somewhere in  
5 that timeframe, yes.

6 Q. Did she -- prior to May of 1992 did she tell  
7 them that she witnessed the murder?

8 A. That I don't know. I wasn't party to the  
9 interview, so --

10 Q. Okay. After May of 1992 to the time of trial in  
11 October of 1992, isn't it true that Hope was  
12 saying that she did see Tony Sanborn stab and  
13 kill Jessica Briggs?

14 A. She has said that to me, yes.

15 Q. And did you have conversations with Attorney  
16 Bates, too, about that?

17 A. Yes.

18 Q. Did he ever report that she was providing  
19 contradictory information from May of 1992 to  
20 the time of trial in October of '92?

21 A. No, he did not tell me that.

22 Q. And you're aware that Hope testified under oath  
23 from the chair that you're sitting in that she  
24 saw Anthony Sanborn stab --

25 A. No, I wasn't aware of it because I wasn't in

1           here.

2       Q.    Well, have you -- have you saw -- did Hope tell  
3           you that she testified that she saw Mr. Sanborn  
4           kill Jessica Briggs?

5       A.    You mean right now?

6       Q.    No, I'm talking about at the time of trial, in  
7           October of 1992.

8       A.    Oh, yes, she had been pretty consistent with me  
9           on that.

10      Q.    All right.  At any point after May of 1992 to  
11           the time of trial in October of 1992 was Hope  
12           complaining to you about her treatment by the  
13           detectives or by the prosecutor, apart from  
14           saying that the meeting was tough?

15      A.    She was very fearful of -- of them and very  
16           fearful --

17      Q.    Was she telling you that the detective and the  
18           prosecutor was telling her what to say?

19      A.    I'm trying to remember if I documented that.  
20           But, yes, I believe that she had said that.

21      Q.    When did she say that?

22      A.    Somewhere getting close to the trial.

23      Q.    You think you documented that?

24      A.    I can't tell you without reviewing my notes.

25      Q.    And -- but Attorney Bates --

1 A. It's been 25 years.

2 Q. Attorney Bates you said was present in all but  
3 one meeting with the detectives and the  
4 prosecutors?

5 A. I believe that was the case.

6 Q. And do you think he would have reported to you  
7 that detectives and the prosecutor were trying  
8 to tell Hope what to say?

9 A. I don't know what a lawyer's privilege and so  
10 forth is on that, whether he could divulge that  
11 to me or how that would work out.

12 Q. I'd like to turn to the -- the eyesight issue.  
13 Did -- to your knowledge did Hope have these  
14 demonstrated vision problems in May of 1989?

15 A. No, she has never -- as a matter of fact the  
16 first time I saw her put glasses on was this  
17 morning, so obviously it changed.

18 THE COURT: I'm sorry, I didn't hear all  
19 of your answer.

20 A. I'm sorry, what I was saying is that I do not  
21 recall Hope ever wearing glasses when -- in my  
22 company. When I would go to visit her at  
23 various group homes and things like that, she  
24 never had glasses on. The first time I've seen  
25 her with glasses was this morning, so I'm not



1           sure why that was.

2       Q.     And -- well, we see the eye doctor report from  
3           October of 1990.

4       A.     Mm-hmm.

5       Q.     Is there any indication prior to October of 1990  
6           that Hope had vision problems that you were  
7           aware of?

8       A.     That might have come in on the paper, if you  
9           will, that you get when you pick up a case, and  
10          there might have been something in there, but I  
11          do not recall, and that should be in the  
12          folders.

13      Q.     Well, was -- was Hope ever complaining to you  
14          about her vision from October -- excuse me, from  
15          May of 1989 to the time of trial, October '92?

16      A.     No, she has never complained to me.

17      Q.     From your own personal interactions with Hope,  
18          did you ever have concern that she wasn't seeing  
19          things that you were seeing, or had problems --  
20          had problems seeing?

21      A.     Right. I never saw any indication of that, but  
22          I was probably spending a good deal more time  
23          trying to keep her in a group home or in a  
24          treatment center or something like that than  
25          worrying about her eyesight at that point.

1 Q. Because she -- she was a runaway, essentially,  
2 and she was always --

3 A. Basically whenever the going got tough, whenever  
4 they got close to Hope, she would run. Which is  
5 pretty typical, by the way, of street kids.

6 Q. Right. I would like to turn to -- excuse me --  
7 July, I'd like to ask you about a telephone call  
8 you had with Detective Daniels in July of 1991,  
9 about Hope and -- seeing Tony at this party.  
10 Can you describe again for the Court exactly  
11 what you recall --

12 MS. FAIRFIELD: It wasn't a party.

13 MR. MACOMBER: What's that?

14 MS. FAIRFIELD: It wasn't a party.

15 Q. Where she claimed that she saw --

16 A. Wasn't it at the beach?

17 Q. Yes, the beach.

18 A. Okay.

19 Q. Describe how she -- Hope had a conversation with  
20 you?

21 A. She had a conversation with me and --

22 Q. And what did she say to you?

23 A. After 25 years -- it should be in the notes,  
24 what she said to me.

25 Q. Okay.

1 A. And probably just that she had seen him and she  
2 was scared.

3 Q. And she specifically told you it was Anthony  
4 Sanborn?

5 A. She said Tony.

6 Q. Tony?

7 A. I documented I believe Tony, which would have  
8 indicated Tony Sanborn.

9 Q. And she was scared because it was the Tony  
10 Sanborn that she thought had killed Jessica  
11 Briggs?

12 A. Yes.

13 Q. And that was in 1991, correct, July of 1991?

14 A. I believe so, I believe so.

15 Q. And then you called Detective Daniels to ask  
16 about where Mr. Sanborn was?

17 A. Yes.

18 Q. And he told you he was in custody?

19 A. He said he was in jail, I believe.

20 Q. Okay. And to your knowledge did Hope ever speak  
21 directly to Detective Daniels about that  
22 interaction, or sighting of Mr. Sanborn?

23 A. I don't know.

24 Q. All right. And then I'd like to turn to your  
25 February, 1992, telephone call with Detective

1           Daniels about -- well, your note saying that  
2           Hope told you that he was going to make her  
3           testify. And you said something her optic  
4           nerves. Can you describe again for the Court  
5           what you said to Detective Daniels about her  
6           optic nerves?

7           A. I don't recall saying that. Can you read it to  
8           me and then I can --

9           Q. Yeah, maybe I took it down wrong. I thought you  
10          testified on direct that you told Detective  
11          Daniels during a phone conversation in February  
12          of 1992 that Hope had some kind of problem with  
13          her optic nerves?

14          A. I don't believe I would have said that.

15          Q. Okay. Perhaps I heard you wrong. So the  
16          conversation that you had with Detective Daniels  
17          was about him making Hope testify?

18          A. Probably, yes.

19          Q. And do you recall what Detective Daniels said to  
20          you about that?

21          A. I don't recall. I would have to look at my  
22          notes.

23          Q. You were asked if any of Hope's therapeutic  
24          treatment people reported to you that Hope had  
25          said that she saw -- witnessed a homicide and

1           that nobody reported that to you; is that  
2           correct?

3     A.     I believe that that would have been the question  
4           that had been asked of me, not something that I  
5           had documented.

6     Q.     Correct.

7     A.     Because I would document it if somebody -- if,  
8           you know, one of the treatment people had said  
9           anything, that should be documented.

10    Q.     But Hope had told you specifically that she had  
11           seen Tony Sanborn kill Jessica Briggs; is that  
12           correct?

13    A.     That was the initial, yes.

14    Q.     The initial meeting --

15    A.     Well, it was when we were first discussing, and  
16           then things got a little bit different as time  
17           went on.

18    Q.     Okay.

19    A.     I don't think that she ever said to me that she  
20           did not specifically.

21    Q.     So she never said to you that she did not see  
22           Tony Sanborn kill Jessica Briggs?

23    A.     She never said that specifically.

24    Q.     Okay. And you also testified that Hope said she  
25           was fearful of something and she was telling you

1           that it was Tony and his friends; is that  
2           correct?

3       A.     Right.

4       Q.     And that's when she was living in this area; is  
5           that correct?

6       A.     Yes.

7       Q.     And in 1992, that's when she moved to the  
8           Augusta area?

9       A.     Yes.

10      Q.     And after she moved to the Augusta area, that's  
11           when she disclosed to the police that she had  
12           seen Tony Sanborn kill Jessica Briggs, correct?

13      A.     I believe she talked first to her foster mother.

14                   THE COURT:   I didn't hear your answer.

15      A.     It was she disclosed to her foster mother,  
16           Elizabeth Michaud, and, you know, talked with  
17           her and Liz called me.

18      Q.     And that's right about the same time that you  
19           got Attorney Bates involved; is that correct?

20      A.     Yes.

21                   MR. MACOMBER:   I have nothing further.

22                   THE COURT:   Redirect?

23                   MS. FAIRFIELD:   I have some brief  
24           redirect, Your Honor.

25                                   REDIRECT EXAMINATION

1 BY MS. FAIRFIELD:

2 Q. I'm going to show you what I've marked here as  
3 Petitioner's Exhibit 4.

4 MS. FAIRFIELD: May I approach the  
5 witness, Your Honor?

6 THE COURT: You may.

7 MS. FAIRFIELD: Thank you.

8 Q. Is this a document pertaining to Hope Cady?

9 A. Yes.

10 Q. Okay. And the date on it is?

11 A. 9/19/88.

12 Q. Okay. And in this document the doctor notes --  
13 he performs a series of tests and he notes that  
14 Hope has -- visual acuity problems were noted  
15 and may have lowered her scores on visual  
16 analysis subtext. Correct?

17 A. That's correct.

18 Q. So this dates back to September of '88 she has  
19 vision problems, correct?

20 A. Yes.

21 Q. Okay.

22 MS. FAIRFIELD: I would move the  
23 admission of Petitioner's 4.

24 MR. MACOMBER: No objection, Judge.

25 THE COURT: Four is admitted.

1 Q. On 1/25/90 you note that Hope has an eye exam  
2 coming up, in your narrative logs. Does that  
3 sound correct?

4 A. Yes, it does.

5 Q. Okay. On 7/13/90 you note, optometrist, ocular  
6 pressure is up, wants neurological consult,  
7 nerve problem of the eye. Correct?

8 A. That's correct.

9 Q. And then she was referred for eyes to Dr. Jay  
10 McCann in Bar Harbor, correct?

11 A. Yes.

12 Q. And she eventually had surgery. She had surgery  
13 on her eyes between May of '89 and October of  
14 '92. Do you recall that?

15 A. I do not.

16 Q. Okay. Now, on 10/12 of '90 you write, Dr.  
17 McCann, PC from Bill Snipe, nurse at Homestead,  
18 Hope saw Dr. McCann and then Dr. Malstrom,  
19 neurologist. Elicit drug use probably is cause  
20 she is losing some of her sight, both eyes.  
21 Problem is optic -- optic nerve pallor.  
22 Correct?

23 A. That's correct.

24 Q. Okay. Now --

25 THE COURT: What was the date on that?



1 MS. FAIRFIELD: 10/12/90.

2 Q. And then on 1/7/91 you note, checkup on optic  
3 nerve, correct?

4 A. That is correct.

5 Q. And in fact you buy her glasses at one point.  
6 Do you recall that?

7 A. I don't.

8 Q. Fair enough. Now, in your narratives on page  
9 47, 3/28/91, Hope said, I wasn't there and I  
10 didn't do it but I know who the other person  
11 was. She was referring to the Briggs murder,  
12 wasn't she?

13 A. Yes.

14 Q. Okay.

15 THE COURT: What was the date on that?

16 MS. FAIRFIELD: 3/28/91.

17 Q. Were you at all surprised that Portland  
18 detectives went down and got Hope from Florida  
19 or Boston versus the juvenile detention unit?

20 A. I was very surprised.

21 Q. Did you tell Detective Daniels that Hope had  
22 vision problems?

23 A. I don't recall ever saying that to him, but it  
24 could have been in conversations.

25 Q. Well, if we look back at 2/25/92 you write,

1           Detective Daniels is going to make Hope testify.  
2           Daniels is talking to AAG regarding this for  
3           subpoena.  Something definitely wrong with her  
4           optic nerves in both eyes.  Need to pinpoint  
5           what she can see and how she sees.

6    A.    No, I don't think he ever followed up on that,  
7           because he would have had to have gotten  
8           permission from the state to have an eye exam  
9           and all that.

10   Q.    Okay.

11   A.    So I don't think he followed up on it.  And I  
12           already had information, so --

13   Q.    But you did tell him?

14   A.    Yeah, I did.

15   Q.    Okay.  So when you just said you didn't recall,  
16           did that refresh your recollection?

17   A.    That did, yes, thank you.

18   Q.    Okay.  Okay.  And have you seen the photograph  
19           where Hope purports to be --

20                   MS. FAIRFIELD:  Can I have Petitioner's  
21           2, please, or 3, I'm thinking.  The map.

22                   THE COURT:  I don't know that you --

23                   MS. FAIRFIELD:  I did admit them and I'll  
24           make sure that the clerk --

25                   THE COURT:  I don't know that you

1 handed --

2 THE JUDICIAL MARSHAL: Are you looking  
3 for the photograph?

4 MS. FAIRFIELD: Yes.

5 THE JUDICIAL MARSHAL: I set it over on  
6 the table.

7 MS. FAIRFIELD: Great. So what have I  
8 labeled --

9 THE CLERK: They're all labeled. This is  
10 three and four.

11 MS. FAIRFIELD:

12 Q. Okay. So I'm going to show you what's been  
13 marked as Petitioner's 2. Do you recognize that  
14 photograph, without the --

15 A. I do.

16 Q. Okay. And where do you currently reside?

17 A. Peaks Island.

18 Q. So you're on the Casco Bay ferry quite a bit?

19 A. Yes, literally every day.

20 Q. Okay. So can you pick out where the Casco Bay  
21 Ferry line is?

22 A. Sure, it should be right here right now. And  
23 supposedly this happened over here and I don't  
24 quite understand how one could see through this  
25 building.

1 Q. Okay. Because Hope puts herself three piers  
2 over; is that correct?

3 A. Right, right.

4 Q. And she says --

5 A. That she sees something way over here.

6 Q. Okay. But that -- how far from -- would you  
7 accept my representation that that's Chandler's  
8 Wharf?

9 A. Yup.

10 Q. Okay. And then this is the ferry lines over  
11 here, correct?

12 A. Yup.

13 Q. And if I were to represent to you that Jessica's  
14 homicide happened over in here --

15 A. Yes.

16 Q. Do you know approximately -- and you're on the  
17 ferries a fair amount, is that an accurate --

18 A. That's a fair statement.

19 Q. Okay.

20 A. Yes. And I would say at least 50 feet between  
21 each water port, at least 50 feet, and then you  
22 have the -- you know, docks in between. I think  
23 it would be hard for anybody to see that far.

24 Q. Somebody with 20/200 vision?

25 A. Definitely not, yeah.

1 MS. FAIRFIELD: I don't have anything  
2 further of this witness. Thank you very much,  
3 Ms. Bragdon.

4 RE-CROSS-EXAMINATION

5 BY MR. MACOMBER:

6 Q. I guess I'm confused about the February, 1992,  
7 telephone call with Detective Daniels. Did you  
8 or did you not tell Detective Daniels in that  
9 phone call that Hope Cady had an optic nerve  
10 problem?

11 A. I would need to see my notes on that.

12 MR. MACOMBER: May I approach, Judge?

13 THE COURT: You may.

14 MR. MACOMBER: Thank you.

15 Q. Down here.

16 A. Well, this is a telephone call from Elizabeth,  
17 who is her foster mother.

18 Q. Okay.

19 A. To me.

20 Q. Is there anything in there about you telling  
21 Detective Daniels about the optic nerve issue?

22 A. Daniels is talking to the AGG regarding this.  
23 Something definitely wrong with her optic nerve  
24 in both eyes. And as I say, this is coming from  
25 Elizabeth. And I need to pinpoint what she can

1 see and how she sees it. Yeah, that should have  
2 gone to Detective Daniels, without a doubt,  
3 either through me or through Elizabeth.

4 Q. What do you mean it should have been?

5 A. Detective --

6 Q. I'm asking you if you had a conversation with  
7 Detective Daniels in which you had told him --

8 A. I had a conversation with Elizabeth.

9 Q. Okay. But did you tell --

10 A. Tell Daniels?

11 Q. Yes. Did you tell Detective Daniels --

12 A. After 25 years --

13 Q. You don't recall?

14 A. -- probably. It would have been my job to tell  
15 him that.

16 Q. It would have been your job?

17 A. Yes.

18 THE COURT: Who is Elizabeth?

19 A. Elizabeth is the foster mother that Hope was  
20 with, and she lived up in Farmingdale, I think.

21 Q. It's fair to say that your memory comes from  
22 that note that you just looked at?

23 A. Yes.

24 MR. MACOMBER: I have nothing further.

25 Oh, I'm sorry, Judge, I do have -- yet again.

1 THE COURT: Go ahead.

2 Q. These documents regarding the eye exam in  
3 October, 1990, and the information about the  
4 visual acuity from September of '88, did you  
5 provide these to the detectives?

6 A. No. And I don't think he ever asked for them.

7 MR. MACOMBER: Thank you. I have nothing  
8 further.

9 THE COURT: I have a question for you,  
10 Ms. Fairfield. Whatever this witness talked --  
11 testified about with regard to this photograph,  
12 I have no idea where she was placing things.

13 MS. FAIRFIELD: Okay.

14 THE COURT: All I see is a photograph  
15 with lots of green writing on it.

16 MS. FAIRFIELD: Okay. I can help you  
17 out.

18 THE COURT: So if you could question her  
19 in such as way as she points out --

20 MS. FAIRFIELD: Sure.

21 REDIRECT EXAMINATION

22 BY MS. FAIRFIELD:

23 Q. Ms. Bragdon --

24 MR. MACOMBER: There are red markers on  
25 that table.

1 MS. FAIRFIELD: Oh, thank you.

2 Q. Where on that diagram is the Casco Bay Lines, if  
3 you want to mark it with that red --

4 A. It's -- ferry, and I would --

5 THE COURT: Keep your voice up, please.

6 A. Okay. I'm trying to figure it out myself.  
7 You'll get this. And I've marked in red where  
8 the ferry lines are. And Hope was over here,  
9 where this little red spot is, and that's on  
10 Chandler Wharf, over here. So she -- and here  
11 is where the murder apparently took place, right  
12 here. So she would have had to have seen  
13 literally through another two docks to see the  
14 murder, if this is actually where she was.

15 THE COURT: Okay. Thank you.

16 A. Okay.

17 MS. FAIRFIELD: Thank you. I don't think  
18 I have anything further.

19 THE COURT: Now, do you --

20 MS. FAIRFIELD: Thank you.

21 THE COURT: Are you --

22 MS. FAIRFIELD: Judge, we're -- we're  
23 through with Ms. Bragdon.

24 THE COURT: Okay. Then, Ms. Bragdon, you  
25 may step down, thank you.



1 A. Thank you.

2 THE COURT: And I would ask, Ms. Bragdon,  
3 that you continue to remain available should we  
4 resume this hearing and need your testimony --  
5 need further testimony from you.

6 A. Okay.

7 MS. FAIRFIELD: I would call Katie Cady.

8 A. That's not my real name, does it matter?

9 THE JUDICIAL MARSHAL: Stand up here and  
10 face the clerk and raise your right hand.

11 THE CLERK: Please state your full name  
12 and spell your last name for the Court.

13 A. Katherine Moon Lake, L-A-K-E.

14 THE CLERK: Do you swear or affirm that  
15 the testimony you are about to give in the cause  
16 now for hearing will be the truth, the whole  
17 truth and nothing but the truth?

18 A. Yes.

19 THE CLERK: Thank you.

20 DIRECT EXAMINATION

21 BY MS. FAIRFIELD:

22 Q. Good morning. And I'm very, very sorry.

23 A. That's okay.

24 Q. Kate Lake, correct, is your full name?

25 A. Katherine Lake.

1 Q. Katherine, I'm sorry. I'm not doing very well,  
2 I'm sorry.

3 Can you please state your full name and  
4 spell your last name for the record.

5 A. Katherine Moon Lake, L-A-K-E.

6 Q. Good morning again. You are Hope Cady's  
7 biological sister, correct?

8 A. Yes, ma'am, I am.

9 Q. Okay. If you could keep your voice up.

10 A. Sorry.

11 Q. That's okay. And who is older?

12 A. She is.

13 Q. Okay. By how many years?

14 A. Two-ish.

15 Q. Two-ish, okay. And the two of you were in  
16 foster care together, correct?

17 A. Yes.

18 Q. And then you were eventually both adopted by  
19 Nola and Doug Cady, correct?

20 A. Yes.

21 Q. And you stayed with Nola until you -- until  
22 when?

23 A. Until I turned 18.

24 Q. Okay. And did Hope stay with Nola?

25 A. No.

1 Q. Do you know approximately how old she was when  
2 she left?

3 A. She must have been around 11 or 12 because I was  
4 around nine or ten. I don't remember the exact  
5 time she was moved.

6 Q. Fair enough. Regarding Hope's vision, what can  
7 you tell me about her vision dating back to when  
8 she was with Nola and Doug and you living in  
9 York?

10 A. I mean obviously I don't know specific vision  
11 numbers, but she always had glasses. She  
12 refused to wear them. It was a constant fight  
13 with her and my mom. I wear glasses as well.  
14 But she just -- she would lose them, she would  
15 break them, she would -- she just refused to  
16 wear them.

17 Q. When she lived in York did you ever notice her  
18 struggling to see things without her glasses?

19 A. She didn't really talk about it. But I mean I  
20 remember conversations between teachers and my  
21 mom, about how she was struggling, I -- she  
22 would never say anything to me about it,  
23 obviously.

24 Q. But back in York you recall her having vision  
25 problems?

1 A. Oh, yeah.

2 Q. And when you say, oh, yeah, what -- what do you  
3 mean by that?

4 A. Well, again, I don't know the specifics, but I  
5 know she always had -- my mom and her were  
6 always fighting about her glass, always. She --  
7 since we were adopted we would go to the eye  
8 doctor every year and --

9 Q. And Hope had vision problems?

10 A. Yes.

11 Q. And was she -- do you know if she was supposed  
12 to wear them for close up or far away or both?

13 A. All the time I believe. As I said, I don't know  
14 specifics, unfortunately.

15 Q. Okay.

16 MS. FAIRFIELD: I don't have anything  
17 further, thank you very much. And I'm sorry  
18 that I wasn't accurate with your name.

19 CROSS-EXAMINATION

20 BY MR. MACOMBER:

21 Q. Good morning. I just want to get a timeframe  
22 from you. When -- when you were living -- was  
23 it in York that I heard?

24 A. Yes.

25 Q. When was that?

1 A. We -- I was -- we were placed when I was six,  
2 so -- I'm so bad with math, '81, '82-ish.

3 Q. Okay. And were you living with Hope from May of  
4 1989 to October of 1992?

5 A. No.

6 Q. Okay. When did you stop living with Hope?

7 A. Like I said, I was nine or ten, so it was  
8 somewhere between '87 and '88 when she was  
9 removed from the house.

10 Q. Okay.

11 MR. MACOMBER: That's all I have, thank  
12 you.

13 THE COURT: Anything further?

14 MS. FAIRFIELD: No, thank you.

15 THE COURT: Thank you, you may step down.

16 MS. FAIRFIELD: I -- I don't have  
17 anything further at this point.

18 MR. MACOMBER: For this morning --  
19 nothing further for this morning.

20 MS. FAIRFIELD: Not for this morning.

21 THE COURT: Correct. So do you have  
22 something for this morning?

23 MR. MACOMBER: At this point, Judge, I  
24 have affidavits from Detective Daniels and  
25 Detective Young. I provided a copy of Ms.

1           Fairfield's motion for bail with all the various  
2           attachments and asked them to prepare  
3           affidavits. They deny the allegations in the  
4           motion.

5                     I also have spoken with Assistant  
6           Attorney General Ames on the phone and I've  
7           asked her to prepare an affidavit as well. She  
8           didn't have time to prepare it before this  
9           morning's hearing but she did tell me that she  
10          categorically denies the allegations in the  
11          motion.

12                    What I would ask the Court to do at this  
13          point is to defer ruling on the motion for bail  
14          until we can have a hearing where Detectives  
15          Young and Daniels and the Assistant Attorney  
16          General Ames can testify regarding the  
17          allegations in the motion. Obviously -- it's  
18          very serious allegations and we've heard a  
19          recantation of very important trial testimony  
20          this morning. Ms. Cady never once came forward  
21          to the state or to the detectives from 1992 to  
22          the present day to say that she essentially was  
23          committing perjury in October of 1992.

24                    The petition obviously raises tremendous  
25          allegations here and I would ask the Court to

1 defer ruling so that the detectives and the  
2 assistant attorney general have a chance to  
3 testify under oath to explain themselves, defend  
4 themselves against --

5 THE COURT: How soon can they be made  
6 available?

7 MR. MACOMBER: We had talked about --  
8 earlier this week the end of the month, but if  
9 you have an earlier date, then you pick the --  
10 you pick the date --

11 THE COURT: I want to take a moment and  
12 look at their affidavits, so --

13 MR. MACOMBER: Okay.

14 MS. FAIRFIELD: Judge, can I be heard  
15 briefly on that.

16 THE COURT: Yes.

17 MS. FAIRFIELD: I don't think it's  
18 appropriate for the AAG, with all due respect, I  
19 provided Mr. Macomber with affidavits the other  
20 day in your chambers of more recanting witnesses  
21 that Detective Daniels and Young did this exact  
22 same thing to. So had I known I would have  
23 brought those affidavits to the Court here  
24 today.

25 MR. MACOMBER: I have them here if you

1 want to give them to her, as long as you give  
2 another me copies.

3 MS. FAIRFIELD: Yes, I can do that.

4 However, when we were in chambers the  
5 other day we were going to bring Hope Cady per  
6 the state's request and bail was potentially  
7 going to be determined on that, is what I heard  
8 from the state.

9 Mr. Sanborn has been in custody for 27  
10 years for a murder did he did not commit. Hope  
11 Cady was their only witness. My burden here is  
12 is there a likelihood of success. That is the  
13 state's case, is Hope Cady. That's it.

14 So to keep this man in jail for one  
15 second longer just perpetuates this miscarriage  
16 of justice that has happened to this wonderful  
17 human being. He is deserving of bail. I would  
18 urge the Court to -- to admit him to bail right  
19 now so this stops now.

20 THE COURT: Thank you.

21 MR. MACOMBER: With all due respect to  
22 Ms. Fairfield, who I have tremendous respect  
23 for, you've heard one side of the story here  
24 today. You haven't heard the whole story.

25 So I just ask you to -- you have to



1 determine whether there's a reasonable  
2 likelihood of success on the petition. If you  
3 can make that determination based solely on Ms.  
4 Cady's testimony today, feel free, but I think  
5 that you should give the detectives and  
6 assistant attorney general a chance to respond  
7 to the allegations.

8 Oh, and by the way, I hate to say this,  
9 but I think when I get back to the office I'm  
10 going to have to have somebody else assigned to  
11 the case because I'm going to have to be a  
12 witness, because I have personal knowledge that  
13 Ms. Cady wasn't telling the truth in some of  
14 what she testified to.

15 THE COURT: Well, for the moment I asked  
16 only if I could go read the affidavits. I'm not  
17 terminating this hearing right now. Your  
18 argument is not until 1:00 o'clock, you have to  
19 get back to Augusta, but I think I still have  
20 time to read the affidavits.

21 MR. MACOMBER: Yes, you do.

22 THE COURT: So I'm going to take a brief  
23 recess, read the affidavits. Then I'm going to  
24 ask the attorneys to come in and speak with me.

25 MR. MACOMBER: Yes.

1 THE COURT: He gave you them I think.

2 MS. FAIRFIELD: I'm sorry. Because one  
3 of these affidavits deals with -- he went  
4 paragraph by paragraph through the police report  
5 that was authored by the detectives and has  
6 picked out what was not true about it, I've got  
7 to get you a copy of that police report so that  
8 you can compare it, and I can do that.

9 THE COURT: Okay. Thank you.

10 THE JUDICIAL MARSHAL: All rise, please.

11 (A BREAK WAS TAKEN FROM 11:00 A.M. TO  
12 11:43 A.M.)

13 THE COURT: Please be seated.

14 I'm not going to address the entire  
15 petition this morning because we will resume I  
16 think on the 25th and 26th of April to address  
17 the petition. What I am going to address is the  
18 question of bail. And I want everyone to  
19 maintain silence, no reaction, no cheering, on  
20 crying, this is a court proceeding.

21 So I am going to address the issue of  
22 bail, which asked me to look at a whole lot of  
23 things, but primarily the reasonable likelihood  
24 of success on the petition. And I do find that  
25 there is a reasonable likelihood of success on

1 the petition, and I -- I find that for purposes  
2 of bail. Because here we have had a 13 and  
3 14-year-old child who was unstable, in DHHS's  
4 custody, a runaway, someone who should not have  
5 been interviewed by the police without her  
6 guardian, and the guardian was not -- her  
7 guardian was Ms. Bragdon, and she was not  
8 involved in the interviews. And quite frankly,  
9 I wouldn't have wanted to put -- go forward on a  
10 case based on her testimony. And it has been  
11 conceded that she is and was a material witness  
12 in this case. She is the only eyewitness in  
13 this case. She is the only -- well, I think  
14 it's fair to say the only hard evidence against  
15 Mr. Sanborn. And I found her today to be  
16 credible. I found her still to be very nervous.

17 And as for her eyesight, I find that she  
18 did have significant eyesight problems back when  
19 she -- at the time all of these events were  
20 going on. She wore glasses. She -- I believe  
21 Ms. Bragdon told the state, either through the  
22 police or through the district -- through the  
23 attorney general's office, that there were eye  
24 problems. And that was not disclosed to the  
25 defense so that the defense could not properly

1 cross-examine an eyewitness on something that --  
2 as crucial as her eyesight.

3 Now, in terms of setting bail, I've had  
4 reports about Mr. Sanborn as an ideal prisoner.  
5 I don't know how he was able to maintain -- I  
6 don't know that I brought it with me -- I don't  
7 know how he was able to maintain himself  
8 throughout his 27 years of imprisonment, but I  
9 read -- I will read from a letter from Garrett  
10 Vail, who worked at Maine State Prison and knew  
11 Mr. Sanborn for 11 years, and he says, what is  
12 clearer and clearer all the time to me is that  
13 Tony Sanborn is a man of quiet courage, immense  
14 patience and profound integrity. It's the only  
15 reason I can understand how -- accepting that is  
16 how I can understand how he survived overall of  
17 these years.

18 Quite frankly, when I walked into the  
19 courtroom and saw a middle aged man sitting in  
20 Mr. Sanborn's place and knowing that this  
21 happened when he was 17 --

22 MS. FAIRFIELD: 16.

23 THE COURT: 17-years old -- this is only  
24 a bail hearing so I cannot apologize to you, Mr.  
25 Sanborn, at this time. All I can say is that



1 surety and -- did you want to say something?

2 MS. FAIRFIELD: I was just going to ask  
3 the Court to set it in the alternative, 25,000  
4 cash or surety.

5 THE COURT: Yes.

6 MS. FAIRFIELD: Thank you.

7 THE COURT: Cash or surety. And I am  
8 going to ask that you have no contact with the  
9 victim's family, direct or indirect, that you --  
10 I would -- I would ask that there be a Maine  
11 Pretrial Services contract but I don't know that  
12 they would accept you --

13 MS. FAIRFIELD: I don't think so.

14 THE COURT: -- because of the conviction.  
15 So I'm going to ask that -- where -- where does  
16 he expect to live?

17 MS. FAIRFIELD: Westbrook.

18 THE COURT: Westbrook. Well, I'm going  
19 to ask that on a weekly basis you report to the  
20 Westbrook PD. It is nothing more than a  
21 reporting but it should be done in person, to  
22 make sure you're still here in Maine. I'll ask  
23 that you -- part of the conditions will be that  
24 you not leave the State of Maine, that you not  
25 use or possess alcohol or illegal drugs and you

1 submit to random search and testing for those  
2 substances. That you not possess any firearms  
3 or dangerous weapons and random search and  
4 testing for that as well.

5 Mr. Macomber, can you think of other  
6 conditions?

7 MR. MACOMBER: No, Your Honor.

8 THE COURT: Any, Mr. Sanborn, that you  
9 can think of that would support you?

10 THE DEFENDANT: No, I think I'm good. I  
11 can go home.

12 THE COURT: Okay. I expect that he will  
13 be bailed from the jail.

14 MS. FAIRFIELD: I would ask the Court to  
15 order that. That was a question certainly that  
16 I had, but I believe since it's a Cumberland  
17 County docket the Cumberland County Jail would  
18 be responsible for bailing him. I don't think  
19 he would be bailed from the prison.

20 THE COURT: From where?

21 MS. FAIRFIELD: From -- from --

22 THE COURT: Maine State Prison?

23 MS. FAIRFIELD: Yes, the Maine state  
24 prison in Warren.

25 THE COURT: Okay. So --

1 MS. FAIRFIELD: I believe if the Court  
2 can just note that he should be bailed from  
3 Cumberland County --

4 THE COURT: He should be bailed from the  
5 Cumberland County Jail, which means your  
6 transport -- you're not free until you're  
7 released on bail. So trans -- you still have to  
8 cooperate with transport to take you back to the  
9 jail. All of your family and friends can talk  
10 to you later, after you're released.

11 Right now I would ask family and friends  
12 to not -- to not come up and hug him or  
13 congratulate him or anything like that. He  
14 still has a long ways to go. This is a murder  
15 conviction. So cooperate with the sheriff's  
16 office as they're trying to help him leave the  
17 building to be transported back to the custody  
18 of the jail and so bail can be taken care of  
19 there. It will probably be several hours before  
20 he will be released.

21 Mr. Sanborn, you had a question?

22 THE DEFENDANT: Yes. If I can work and  
23 get a Maine driver's license.

24 MS. FAIRFIELD: Yup. So he's just asking  
25 about day-to-day activity, and I said that this



1 is going to be a huge process after, so these  
2 are questions I can answer for him, Judge, thank  
3 you.

4 THE COURT: Yeah, I would suggest, and I  
5 don't know whether DOC or probation has any  
6 process they go through before releasing a  
7 person who has been in prison a long time like  
8 you have. I would want you to be briefed  
9 because life has changed tremendously since  
10 1992. But I don't -- I'm not going to order  
11 that that happen but maybe through your family  
12 and your attorneys they will help you adjust.  
13 It is going to take a long time. Please  
14 continue to use the patience and the wisdom that  
15 you have had while in jail. You don't want to  
16 find yourself back in jail because you violated  
17 a bail condition or that you committed a new  
18 criminal act. I know you're saying no, no, no,  
19 but -- you know, worse things have happened.

20 So -- and I recognize, too, that -- that  
21 this is not going to be very comforting to the  
22 victim's family but I -- all I can say is that  
23 my focus is on making sure that justice is  
24 achieved. And any decision I make is going  
25 to -- there will be somebody who is going to be

1           unhappy with what I decide and somebody who will  
2           be happy with what I decide.  Very rarely do I  
3           make decisions that both people like.

4                     And to the family, I'm sorry that this  
5           may indeed reopen the question of who murdered  
6           Jessica, but if that's justice, so be it.  So  
7           thank you to both sets of attorneys.

8                     MS. FAIRFIELD:  Thank you.

9                     THE JUDICIAL MARSHAL:  All rise, please.

10                                     (11:55 A.M.)

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CERTIFICATE

I hereby certify that the foregoing is a correct transcript of my stenographic notes of the testimony and proceedings taken in the above-captioned case.

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Janette L. Cook

Official Court Reporter

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