

1 (Witness excused.)

2 ROGER LACHANCE, being duly sworn by the clerk,
3 testified as follows:

4 DIRECT EXAMINATION by Mr. Rupp:

5 Q. Sir, can you state your name for the record,
6 please.

7 A. Roger Owen LaChance.

8 Q. Sir, what is your occupation?

9 A. I'm chief of the Potosi Fire District.

10 Q. Okay. And, sir, how long have you been with the
11 Potosi Fire District?

12 A. It would be ten years in October.

13 Q. And were you working with the Potosi Fire District
14 on the date of December the 5th, 1998?

15 A. Yes, sir, I was.

16 Q. I'd like to call your attention to that morning and
17 ask you, did you receive a page?

18 A. Yes, sir. We got called out to a 10-70 structure
19 with a possible person inside of the building.

20 Q. And what did you do when you got that 10-70 call?

21 A. We do as we normally do on procedures. Engineer
22 pages us out, and we take the truck, and the other people
23 follow. We all went to the scene, because I was assistant
24 chief at the time, and I went directly to the scene.

25 Q. In your own vehicle?

1 A. Yes, sir.

2 Q. So you left from your house straight to the scene?

3 A. Yes, sir.

4 Q. And when you arrived there, what do you recall
5 seeing, if anything?

6 A. There was two gentlemen standing off to the right,
7 two young gentlemen, and there was another gentleman with a
8 garden hose trying -- he just come out of the building. And
9 we did our regular set up. I had my engineer pull the hose
10 off the truck. There was another fire fighter that came out
11 of the house and said that we still had some fire in the
12 house. So he took the hose, proceeded in the house, and put
13 the rest of the fire out.

14 Q. What did you do?

15 A. I went in behind him and walked around, took a
16 quick look at the house to make sure we didn't have any
17 other fire in this house and walked to the backdoor and
18 opened the sliding back doors.

19 Q. So you opened the sliding glass doors?

20 A. Yes, sir.

21 Q. Were they closed when you went in there?

22 A. Yes, sir, they was.

23 Q. Did you look at the rest of the house?

24 A. Yes.

25 Q. Were there any other windows or doors open in the

1 house, other than the front door?

2 A. Not to my knowledge that I can remember, no.

3 Q. And then did you open the windows and the doors to
4 ventilate the house?

5 A. Yes, sir, we did.

6 Q. And you in fact, when you went in there, could you
7 describe for the jury what the condition of that house was
8 -- trailer I should say?

9 A. There wasn't no radius extension as far as heat.
10 You know what I'm saying? There wasn't no heat moved out.
11 Nothing else melted in the trailer. Very little smoke.
12 Just, probably about enough smoke to make your eyes burn or
13 watery a little bit. As far as the rest of the trailer, it
14 was in very, very good condition.

15 Q. When you went in that trailer did you have to use
16 breathing apparatus?

17 A. No, sir, not at all.

18 Q. Did you use breathing apparatus?

19 A. No, sir.

20 Q. And this is immediately, while the fire is being
21 put out?

22 A. Correct.

23 Q. What happens when you put water or try to
24 extinguish something that is burning?

25 A. You usually get smoke.

The smoke woke Mike up. Josh contacted neighbor at 6:30
They have no evidence to ²⁴³ prove or disprove how smokey it was
at 6:30. Almost 30 min prior

Keep in
Mind, per Eric
Aubuchon
Testimony whom
Came w/
Roger Lachance
says they
arrived approx
6:50 / 6:55
Pg. 230
Rupp insists
throughout the
trial the boys
should have called
from the house
because it
wasnt smoky

1 Q. So is the main --

2 A. You'll get smoke and a vapor steam.

3 Q. And so would it be fair to say, you can get more
4 spoke as a result of putting out the fire than when the fire
5 is burning?

6 A. Yes, sir. It also changes the color of the smoke.

7 Q. Okay. After you ventilated the house and made sure
8 that the fire was out, what then did you do?

9 A. I asked the fireman who put the fire out if he was
10 for sure it was out. We checked underneath the trailer. He
11 did. We had a paramedic, an EMT on the scene at that time.
12 I asked the paramedic to put an air pack on for his safety,
13 not really needing it, but I wanted him to be safe because
14 it was my scene, and to go in and make sure that Mrs.
15 Politte was deceased.

16 Q. And did he do that?

17 A. Yes, he did.

18 Q. After it was determined that she was deceased, what
19 then did you do?

20 A. We roped off the area with yellow tape, and I sent,
21 I believe it was Mr. Eric Aubuchon to the back of the house
22 to make sure nobody entered the door from the back. And we
23 proceeded to put barrier tape up around the perimeter.

24 Q. At any time while you were there at that fire
25 scene, did you see the defendant, Bernie Politte?

1 A. Yes, I did.

2 Q. And do you recall where he was when you saw him?

3 A. He was with another young gentleman standing off to
4 the right of the porch as we pulled in.

5 Q. Okay. After you pulled into the fire scene, did
6 you see him a second time?

7 A. Yes, I did.

8 Q. And did you hear anything that was said?

9 A. No, sir.

10 Q. How about the first time when you went in, did you
11 hear something?

12 A. No, I don't believe I did.

13 Q. Do you remember the defendant making a statement
14 about smoke?

15 A. He had something like, the smoke was heavy or
16 something like that. But that's about all he said. I mean,
17 I didn't actually have a conversation with the gentleman.

18 Q. Well, I'm not asking you if you --

19 A. Oh, okay.

20 Q. I'm asking if you overheard something. He say
21 something about hollering out?

22 A. Yeah. He said something about, the smoke was so
23 heavy he couldn't holler out to his mother, or something
24 like that, I overhead.

25 Q. And did that strike you as odd?

10 seconds
ago he heard
nothing... 5
seconds
ago
Smoke was heavy
but that's all
that was said
Now he says
this

What is
considered normal
in this
situation?

1 A. Yeah.

2 Q. Why?

3 A. Because when we got there, no more than the fire
4 had advanced, there shouldn't have been that much smoke in
5 the building.

6 MR. RUPP: Thank you. I don't have any further
7 questions.

8 CROSS-EXAMINATION by Mr. Williams:

9 Q. You don't remember exactly what he said, do you?

10 A. Word-for-word?

11 Q. Yes.

12 A. Like I said, he said it was so smokey in there that
13 he tried to holler out to his mother, but he couldn't get it
14 out.

15 Q. So he told --

16 A. Something similar to that.

17 Q. So he told you it was smokey in the house?

18 A. No, he did not tell me. I overheard it.

19 Q. You overheard a statement that he said to someone
20 else?

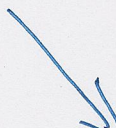
21 A. Yes.

22 Q. And you don't know how long the fire had been
23 burning by the time you got there, do you?

24 A. No, sir.

25 Q. You don't know how smokey it was in that house

*Making Assumptions
They hadn't even investigated the Fire or Murder At this point
How does he know how smokey it was 30 minutes prior?*



1 before you got there, do you?

2 A. No, sir. But with the experience, I would say not
3 very smokey.

4 Q. And you wrote a statement about your knowledge of
5 this case, didn't you?

6 A. Yes, sir.

7 Q. And that statement was written on June the 16th, of
8 1999?

9 A. Correct.

10 Q. At 6:42 p.m.; is that correct?

11 A. If that's what it says on there, yes, sir.

12 Q. Would you look at this document that I'm handing to
13 you. Is that your statement?

14 A. Yes, sir.

15 Q. Okay. Is that your signature at the bottom of the
16 statement?

17 A. Yes, sir.

18 Q. And what was the date that it was written on?

19 A. 6-16, of '99.

20 Q. At what time?

21 A. At 6:42 p.m.

22 Q. And do you see anywhere in that statement where you
23 made reference to overhearing Bernie Politte say there was
24 heavy smoke in that house?

25 A. No, sir, I don't.

1 Q. You didn't make any previous statements before '99,
2 did you, before June of '99, right?

3 A. No, sir. That was the only statement that was
4 made.

5 MR. WILLIAMS: Okay. Thank you, Officer.

6 **REDIRECT EXAMINATION by Mr. Rupp:**

7 Q. Mr. LaChance, did anybody ask you to make a
8 statement about what you overheard when you wrote that
9 statement out?

10 A. No, sir.

11 Q. Did they ask you what you did as a fire fighter; is
12 that correct?

13 A. That's correct.

14 Q. And that's what you put in there; is that right?

15 A. Yes, sir.

16 MR. RUPP: I have no further questions.

17 **RECROSS-EXAMINATION by Mr. Williams:**

18 Q. Mr. LaChance, officers were there while you were
19 there; is that correct?

20 A. I'm sorry, I didn't hear you.

21 Q. Police officers came to the scene while you were
22 there, didn't they?

23 A. Yes, sir, they did.

24 Q. And they were walking around, right?

25 A. There was one officer there right after we put the

He is one of the first responders here and they don't even get a statement from him until 6 1/2 months later? ... Mike had already been locked up for 6 1/2 mths before they get a statement from one of the few first responders.
Interesting

1 fire out, yes, sir.
2 Q. When you got there had anybody else arrived at that
3 scene before you arrived?
4 A. Yes, sir. There was another fire fighter and my
5 engineer with the truck. And I arrived right behind him.
6 Q. And you were the first people to respond to this
7 scene?
8 A. Yes, sir.
9 MR. WILLIAMS: Nothing further.
10 THE COURT: May the witness be excused?
11 MR. RUPP: Yes, Your Honor.
12 THE COURT: You may step down, sir. You are
13 excused. You're free to leave.
14 (Witness excused.)