

1 SANDRA HEMME, having been first duly sworn, testified:

2 DIRECT EXAMINATION

3 BY MR. HARMAN:

4 Q State your name.

5 A Sandra Hemme.

6 Q Sandy, you are the petitioner or the plaintiff in this
7 action for 2726 Motion, is that right?

8 A Yes.

9 Q Have I explained to you the purpose of a 2726 Motion is
10 to ask the Court to set aside a previously entered plea
11 of guilty?

12 A Yes.

13 Q And vacate the sentence previously imposed?

14 A Yes.

15 Q Are you asking the Court for that relief?

16 A Yes.

17 Q Sandy, have you ever taken any illicit drugs or illegal
18 drugs?

19 A Yes.

20 Q When did that start?

21 A Well, I started smoking pot when I was about 8 or 9, and
22 started using chemicals when I was 12.

23 Q What type of chemicals?

24 A LSD, cocaine, --

25 Q Slow down a little.

1 THOSE things. Is it possible Mr. Sullivan said
2 those things and not Mr. Insco?

3 A All Mr. Insco said was about the phone.

4 THE COURT: All right. And about the pre-
5 meditation?

6 A Yeah.

7 THE COURT: Did he use the word "premedita-
8 tion"?

9 A Yes.

10 Q (Mr. Harman) Sandy, did Mr. Sullivan to your memory
11 ever tell you that you didn't have to testify or make
12 a statement?

13 A He told me I didn't have to do it. He told me I didn't
14 have to enter the plea of guilty. He told me we could
15 take you to trial, and he said I'd wind up in worse
16 shape than if I pled guilty.

17 Q What do you mean by "worse shape"? Did he say anything
18 or is that what he said?

19 A That's what he said.

20 Q What did you take that to mean?

21 A Well, I knew we didn't have a case; I knew he hadn't
22 done nothing. He told me he said with what he had I
23 was going to get the death penalty if we took it to
24 trial.

25 Q What was your mental state on the day you entered your

1 plea of guilty?

2 A What do you mean?

3 Q How did you feel?

4 A Depressed.

5 Q Depressed?

6 A Yeah. I really didn't care.

7 Q Why didn't you care?

8 A I felt bad about what happened, it's kind of hard to
9 explain. There for a while I really didn't care what
10 happened. I felt bad about, you know, Pat's death. I
11 felt bad about what, you know, this was doing to my
12 family. I felt like it was all my fault and the others
13 that were involved I couldn't get them involved because
14 I cared for them.

15 Q What do you mean "the others that were involved"?

16 A Well---

17 Q What are you talking about?

18 A The others that were involved in Pat's death.

19 Q Were you able to think clearly on the day you entered
20 your plea of guilty?

21 A I was kind of confused.

22 Q Did you remember everything about the day of Pat's death?

23 A No.

24 Q Do you remember it even today?

25 A No.

1 Q Did Mr. Sullivan ever explain to you what a change of
2 venue was?

3 A No, he never.

4 Q Do you know what it is now?

5 A Yes.

6 Q Why do you know what it is now?

7 A You explained it to me.

8 Q When?

9 A Last night.

10 Q What do you think it means?

11 A Well, it's like you said if it was tried here in
12 St. Joe, the people here in this area have read it.
13 It's been shoved down their throats, and they've formed
14 their opinion. It just means to get it into another
15 county where you're presumed innocent instead of already
16 being presumed guilty.

17 Q Was that ever explained to you before you entered a plea
18 of guilty to the charge?

19 A No.

20 Q Was the reason for being able to take it to another
21 county ever explained to you---

22 A No.

23 Q ---Until last night?

24 A That's right.

25 Q Did Mr. Sullivan ever explain to you whether or not

1 there were any legal motions which he could file with
2 respect to statements which you testified today you
3 don't remember if you made, but if you make any state-
4 ments; did he ever explain to you there were motions he
5 might file or perhaps the State wouldn't be allowed to
6 use any of those statements?

7 A I don't remember him doing so.

8 Q If you had known of your right to a mental examination
9 as a result of the filing of these charges which would
10 have produced some testimony whether you were -- had the
11 capacity to proceed or help in the defense or maybe it
12 would show you had no capacity to proceed or to help in
13 your defense, would you have pled guilty if you had known
14 you had the right to that examination?

15 A No, I wouldn't have.

16 Q You believe that you were in need of that type of an
17 examination?

18 A Yeah.

19 Q Was that type of defense explained to you by Mr. Sullivan?

20 A No, it wasn't.

21 Q Who is the first person that explained that to you?

22 A You did.

23 Q Had you known of the reason for cases like this being
24 transferred out of the county, would you have entered
25 a plea of guilty had that motion been filed and

1 sustained by the Court?

2 A No, I wouldn't have.

3 Q The same question with regard to motions regarding any
4 statements which you may have given police officers or
5 nurses or doctors or anything like that, would you have
6 pled guilty had you known about the possibility that
7 the Judge might say they couldn't use those statements?

8 A No, I wouldn't have.

9 Q Had you known the truth about the life sentence with no
10 probability of probation or parole for 50 years versus
11 your comment about being released in 9 to 10 years,
12 would you have pled guilty?

13 A No, I wouldn't have.

14 Q Did you kill Pat Jeschke?

15 A No, I didn't.

16 MR. HARMAN: That's all, your Honor.

17 THE COURT: I think we had better take a
18 recess.

19 (A recess was taken.)

20 (State's Exhibits Nos. 15
21 through 23 were marked for
22 identification.)

23 CROSS-EXAMINATION

24 BY MR. SHEPHERD:

25 Q Miss Henne, you indicated you were taking drugs in