

# MAINE STATE LEGISLATURE

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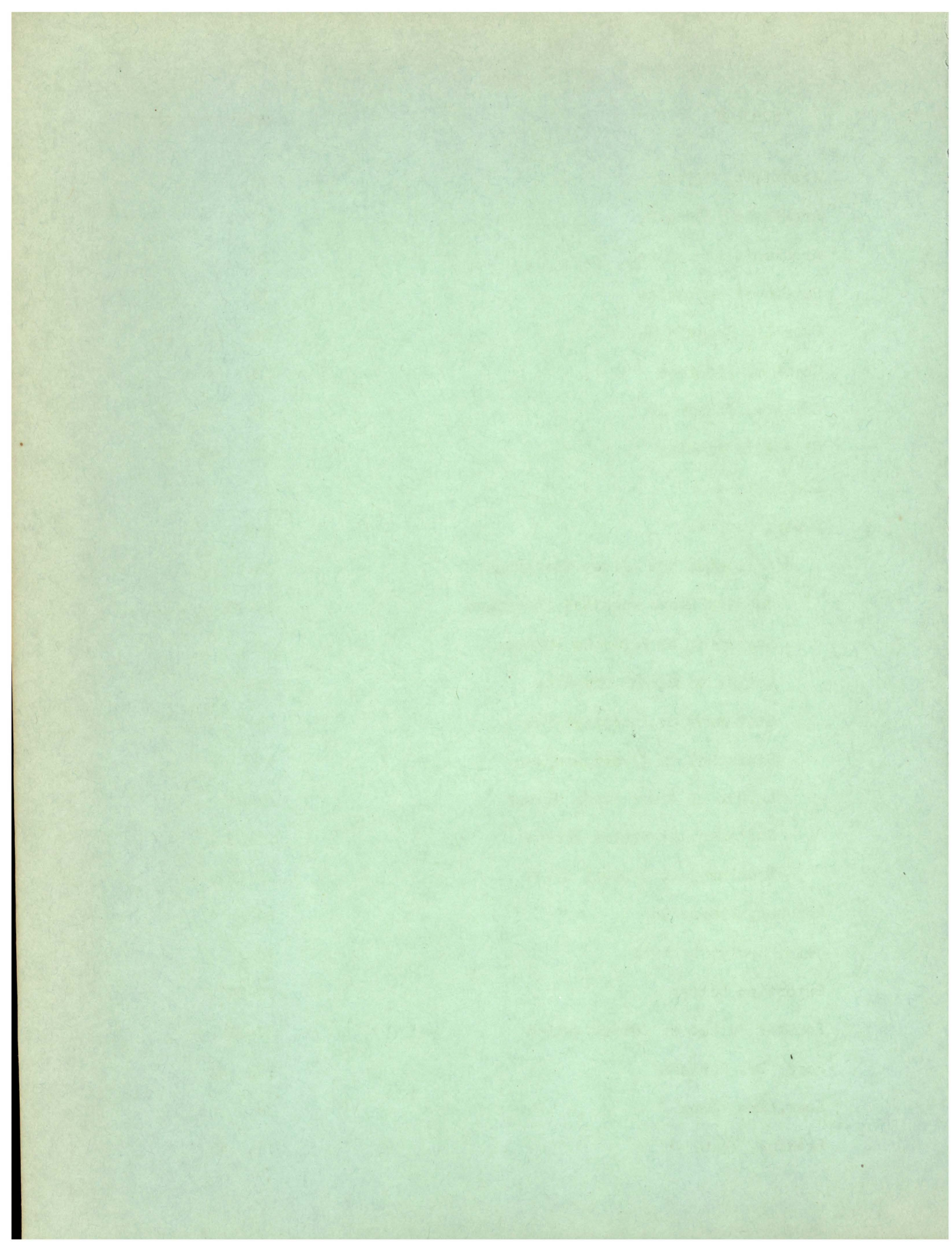
**DEPARTMENT**  
of the  
**ATTORNEY GENERAL**

**LEGISLATIVE REPORT**  
prepared in accordance with directive of the  
**NINETY-FIFTH LEGISLATURE**



**LITTLEFIELD HOMICIDES**

December, 1952



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LEGISLATIVE REPORT OF INVESTIGATION CONCERNING THE DEATHS OF

DR. AND MRS. JAMES LITTLEFIELD, OF SOUTH PARIS, MAINE

\* \* \* \* \*

Pursuant to the following directive of the Ninety-fifth Legislature:

"ORDERED, the House concurring that the Attorney General be and hereby is instructed at his earliest convenience to confer with the law enforcement agencies, in the County of Oxford, and examine whatever evidence, if any, they may have relative to the murder of either Dr. James Littlefield, or Mrs. Littlefield, or both, and in cooperation with said law enforcement agencies, to take, dependent upon its findings, whatever steps are necessary to promote full justice in this matter, and be it further,

ORDERED, that the Attorney General after reaching a decision on the matter communicate his findings to each member of the Ninety-fifth Legislature by mail."

A report is herewith submitted concerning the facts surrounding the deaths of Dr. James G. Littlefield and his wife, Lydia C. Littlefield, both of South Paris, Maine.

HISTORICAL BACKGROUND

Dr. James G. Littlefield was a practicing physician who had long conducted a general medical practice in South Paris. He was, in 1937, 64 years of age. His wife, Lydia Cumming Littlefield, was 63 years of age.

Early in the morning of October 16, 1937, the bodies of Dr. and Mrs. Littlefield were discovered by police officers in Arlington, New Jersey. The Doctor's body was found in the trunk of his car and his wife's body was found on the floor back of the front seat. Found in possession of the car at that time was one Paul N. Dwyer, of Paris Hill, then a young man of seventeen years of age.



Without discussing in detail the pathological findings (which will be discussed at length hereafter) suffice it to state that both bodies evidenced signs of violence and, obviously, death did not result from natural causes.

As a result of certain statements there made by Paul N. Dwyer, he was held by the authorities and charged with the murder of both persons. Mr. Dwyer waived extradition and, the following day, was returned to Maine and bound over to the November Term of the Superior Court in Oxford County where he was tried for the murder of Dr. Littlefield. The trial only progressed two days when Paul N. Dwyer retracted his not guilty plea, pled guilty and was sentenced to life imprisonment. At that time he was represented by two Attorneys, E. Walker Abbott, Esq., of South Paris, and Peter MacDonald, Esq., of Rumford.

Prior to his trial, Paul N. Dwyer had been committed to the Augusta State Hospital for observation to determine whether or not he was sane, and it was there determined that he was sane.

Following this conviction, Paul N. Dwyer made certain statements, which will be hereinafter discussed, which involved one Francis M. Carroll, of South Paris, who was, at that time, a Deputy Sheriff in Oxford County. As a result of these statements, further investigation took place by various Oxford County officials and, finally, the Attorney General appointed a Portland Attorney, Ralph Ingalls, Esq., to represent the State. An indictment was obtained against

Francis M. Carroll not only for the murder of Dr. Littlefield but also for the crime of incest, he having been originally arrested and bound over on the incest charge. He was never tried on this indictment but, on August 1, 1938, was tried in the Oxford County Superior Court for the murder of Dr. Littlefield. The Attorney General, (Franz U. Burkett) Mr. Ingalls and the County Attorney (Robert Smith, Esq.) represented the State and Mr. Carroll was represented by Mr. Clyde Chapman (former Attorney General), of Belfast, and Mr. Edward Beauchamp, (present County Attorney - Androscoggin County) of Lewiston.

A full trial was had at which Paul N. Dwyer testified for the State and Francis M. Carroll testified in his own defense. The matter was duly considered by the jury and Mr. Carroll was convicted of the crime charged and sentenced to life imprisonment.

It should be noted that no appeal was taken from the conviction nor was any motion for a new trial brought before the adjournment of that term of court.

It would be fair to state, since both parties agree, that Mr. Dwyer and Mr. Carroll could not be considered as co-principals in this crime, which led to the result that two men were then serving sentences of life imprisonment for a single crime.

In the years that followed attempts were made to secure pardons for both respondents and all efforts in this direction failed. Finally, Mr. Carroll brought a petition for

a Writ of Habeas Corpus and, after hearing thereon, Mr. Carroll was ordered released from the State's Prison.

Following his release Mr. Carroll had a Bill introduced in the Legislature to compensate him for the years that he spent in prison and this investigation was the result of the consideration by the Legislature of this Bill.

In setting forth the foregoing historical background, no attempt has been made to elaborate on the facts, which will be considered in detail hereafter.

#### INVESTIGATIVE PROCEDURE

In order to carry out the directive of the Legislature, the Attorney General in December, 1951, obtained a transfer of funds by order of the Governor and Council and then appointed James P. Archibald, Esq., of Houlton, a Special Assistant Attorney General, whose primary duty was to completely re-open and re-investigate the so-called Littlefield Homicides.

1. James P. Archibald, Esq., Assistant Attorney General, is a graduate of Bowdoin College, received his legal training at Boston University and, in 1937, entered the practice of law with his father, the late Bernard Archibald, in Houlton, where he has practiced ever since. He served Aroostook as County Attorney for six years, during which time he investigated and tried many homicides of all types. It is estimated that approximately two thousand criminal cases received his attention during his term of office, of which several were tried on appeal

in the Law Court. He has also appeared for several respondents in homicide cases and, on several occasions, has been appointed by the Court as special prosecutor to represent the State in the trial of criminal cases. Mr. Archibald was recommended to the Attorney General by many members of the Bar and of the Bench of the State as a lawyer of superior ability, of the highest integrity and well qualified to undertake the assignment of the directive of the Legislature. He had no contacts of any sort with the background of the Littlefield homicides and could approach the investigation with an open and unbiased mind. There was no solicitation from any source for this position and, in fact, Mr. Archibald was not aware of the position until it was offered him by the Attorney General.

2. William E. McKinley, Esq., Special Investigator.

After preliminary study of the records of the case, Mr. Archibald recommended to the Attorney General the appointment of William E. McKinley, of Portland, as a special investigator to assist in the collection of evidence and in the many details incident to the investigation. Mr. McKinley had been educated in the public schools of Portland, had served with the United States Army, and had graduated from Boston University Law School, and is a member of the Cumberland Bar Association and is practicing law in Portland.

### PURPOSE OF INVESTIGATION

The purpose of the investigation has been to determine, from all factual matters now obtainable, what the true situation then was. In so doing, all the available records have been collected and studied, all the available exhibits in the case have been carefully re-examined, all the available witnesses have been contacted and questioned and records made thereof, the best scientific advice has been obtained, which includes chemical, pathological and psychiatric. Studies have been made of the photography used in the case.

It should also be stated that both Mr. Dwyer and Mr. Carroll have submitted to recorded interviews and have both evidenced complete cooperation with the investigation. It might also be stated that the Attorneys for both men have been entirely frank in their approach to the investigation.

It was early determined that a study of the records and Exhibits alone would not give a complete and satisfactory answer, so a broader approach was adopted and the issues approached de novo.

The conclusion which is herein reached is the result of a studied effort to be unbiased, to be fair, to be above prejudice and beyond personality.

### CURRENT LEGAL STATUS

#### A. Incest Indictment.

It had been claimed that Francis M. Carroll had incestuous relations with one of his daughters, Barbara, when she was twelve years of age. Mr. Carroll has denied the truth

of this allegation, and still does. Therefore, a factual situation arises which can only be resolved by a Jury finding.

This investigation cannot be concerned with a decision on the issue of guilt or innocence. It should be pointed out that the incest charge is important in the Littlefield homicides only because, according to Paul N. Dwyer's testimony, it might furnish Francis M. Carroll with a reason, or motive, for the offense. From statements made then by both Mr. Dwyer and by Barbara Carroll, and now repeated by them both, it is clear that Mr. Dwyer thought the incest allegation was a fact. He had this information from Miss Carroll personally and in the form of letters, a fact which she has acknowledged in the course of this investigation.

So that the ultimate issue may not be confused, it can now be safely stated that the fact of Mr. Carroll's innocence or guilt of incest cannot be legally determined by our Courts. Section 2 of Chapter 121 of the Revised Statutes reads as follows:

"When persons within the degrees of consanguinity or affinity, in which marriages are declared incestuous and void, intermarry or commit fornication or adultery with each other, they shall be punished by imprisonment for not less than one year, nor more than ten years."

There is no special statute of limitations which control prosecutions under the above statute; therefore, the general statute of limitations with reference to criminal prosecutions will apply. It reads as follows:

"Sec. 17 (Chap. 132) Statute of limitations on prosecution of crime. When no other limitation is provided, no

indictment shall be found and no complaint or warrant shall be issued for any offense, except treason, murder, arson or manslaughter, after six years from the commission thereof; but any time, during which the offender is not usually and publicly resident in the State, shall not be a part of said six years."

The Oxford County Grand Jury, in June, 1938, had indicted Mr. Carroll for incest. This indictment was nol-prossed by the County Attorney, with the approval of the Court, at the November, 1950, Term. It is obvious that the matter cannot now be revived under the Statutes cited.

B. Indictments for the death of Dr. Littlefield.

It is academic, but should be stated, that Paul N. Dwyer cannot be re-tried under this indictment found against him. Whether or not he has other legal remedies is not the concern of this investigation.

It is likewise academic, but worthy of statement, that Francis M. Carroll cannot be tried again under the indictment found against him for murder. Neither is there any legal avenue under which he could be returned to the State's Prison at Thomaston under that conviction. In passing it should be borne in mind that his release from prison on the habeas corpus writ by Mr. Justice Beliveau was not an adjudication of his innocence; it was the result of a finding by the Justice that Mr. Carroll's conviction was in violation of law and because, to quote from the decision, "\* \* \* the prosecution deliberately, purposely and intentionally violated the Fifth and Fourteenth Amendments to the Federal Constitution, the provisions in the Maine Constitution which guarantees to an

accused an impartial trial, and practiced fraud and deception on the Court and jury."

In arriving at that conclusion it will be recalled that the then Attorney General did not present any evidence to the Justice to either explain or contradict the evidence produced by Mr. Carroll to support his allegations as set forth in his petition for the writ of habeas corpus, although both Sheriff Francis and Franz U. Burkett were present at the hearing, the former having been Sheriff of Oxford County in 1938 and the latter having been Attorney General at that time.

It should be remembered, therefore, that the record still indicates that both Mr. Carroll and Mr. Dwyer stand separately convicted of the murder of Dr. Littlefield.

C. The death of Mrs. Littlefield.

Neither respondent has ever been indicted anywhere for this homicide and, under the provisions of Sec. 17 of Chapter 132 (Statute of Limitations) such an indictment would not be precluded despite the lapse of time. This investigation can merely suggest this possibility to the proper officials in whatever county may have jurisdiction of the offense. It is not the purpose here to usurp the power of local officials but it should be clearly understood that the records and findings of this investigation are available for whatever use the proper local officials may have for them.

To summarize this phase of the report:

1. Nothing further can be done in our Courts regarding the prosecution of Francis M. Carroll for incest.



2. Nothing further can be done in our Courts to prosecute further either Mr. Dwyer or Mr. Carroll for the murder of Dr. Littlefield.

3. It is still possible to prosecute either Mr. Dwyer or Mr. Carroll, or both, for the murder of Mrs. Littlefield, depending upon actions of a Grand Jury in the County taking jurisdiction of the offense.

#### INVESTIGATIVE FINDINGS

In arriving at the conclusions, which will be frankly stated herein, the investigation has been mindful that it must satisfy itself with these conclusions. The test of this satisfaction must be legalistic, not merely speculative or by remote possibility. Juries in criminal cases are instructed that they must be satisfied of guilt "beyond a reasonable doubt" before a conviction is justified. The legal definition of "reasonable doubt," therefore, has been the legalistic test which the investigation has used on which to base its conclusions. These words have been variously defined as being an "honest doubt", "a real doubt", "a doubt for which an honest conscientious person can give a reason", "not a whimsical or fanciful doubt" and "not a mere remote possibility." And so, in the first place, the approach to this problem has been realistic and legalistic in that the scrutiny of evidence has been tested in the light of what is reasonable - not what is fanciful.

In the second place, although the investigation was not clothed with any judicial power, time tested rules for the

evaluation of evidence have been applied in so far as is possible, taking into consideration the lapse of time and its effect on human memory.

For the purpose of this report, brevity is necessary. Many hundreds of pages of testimony have been recorded from witnesses and a reproduction thereof would not be practical. However, the volumes are on file in the Attorney General's office, as well as recordings, which are both indexed in case reference thereto is necessary.

The ultimate questions are these:

1. Was Francis M. Carroll properly convicted for the murder of Dr. Littlefield - and, if so, should Paul N. Dwyer have been convicted?

2. Who was responsible for the murder of Mrs. Littlefield, and where did it happen?

From the conclusions that will be reached herein, answers to these questions can be arrived at jointly, so no separate discussion need be had of them.

A. Medical Findings.

Dr. Littlefield was killed by strangulation and after receiving blows from some instrument on the head. However, only one bruise on the head resulted in bloodletting. This blow, which caused the bleeding, must have been delivered prior to his death because he was upright after receiving that blow as is evidenced by blood in wide areas on the bathroom floor of the Dwyer home, blood on the soles of his shoes, his footprints in blood, the downward flow of blood onto his clothes, etc. His neck showed evidence of manual strangulation. There

was no pallor beneath the belt which was found around his neck.

Mrs. Littlefield, likewise, died as a result of strangulation, both manual and as the result of a ligature placed around her neck but without any bloodletting wounds. In her case on removing the belt, which was also around her neck, there was a terrific constriction around the neck and marked pallor of that area, as well as a distention of the superficial veins in her face and neck.

Dr. Richard Ford, of the Harvard School of Legal Medicine, has studied the case at great length. Dr. Ford is a recognized pathologist. A graduate of Harvard Medical School in 1940, after four years in the Army of the United States as commanding officer of a combat surgical unit he returned to Harvard where he spent four and one-half years under Dr. Alan Moritz (recognized throughout the east as its leading pathologist), as a Research Fellow in Legal Medicine and Pathology, then advancing to Assistant Professor of Legal Medicine and Pathology and now the acting head of the Department. He is a medical examiner for the City of Boston and has participated directly in over four thousand autopsies, and has testified in many courts in New England as an expert and qualified pathologist. He is consultant to many police agencies throughout the eastern United States. Dr. Ford is a student of his field, the Secretary of the Massachusetts Medical - Legal Association, the foreign correspondent of such associations as the French Academy of Legal Medicine and the British Association of Forensic Pathology.

He has expressed the opinion that Mrs. Littlefield was alive when the belt was placed around her neck based on the evidence of distention and pallor, and he has also stated:

"In my opinion Dr. Littlefield died of manual strangulation hours before the belt was applied to his neck."

Because the conditions of Dr. Littlefield's neck, as described by the autopsy surgeon, are in no way ascribable to the application of a ligature.

It should also be noted that the autopsy of Dr. Littlefield disclosed an ante-mortem injury to the scrotum.

B. Chemical Findings.

The various exhibits consisting of the hammer, belts, gun, shoes, clothing, etc. were available. They had been examined, with the exception of the belts, chemically in 1937 and 1938. They were all submitted to the late Dr. Joseph T. Walker, chemist for the Massachusetts State Police, and an associate of Harvard University, for re-examination. His report thereon was filed prior to his death.

Dr. Walker was a graduate of the University of Illinois in 1930, and received his Ph. D. from Harvard in 1933. He served as an Assistant in chemistry at Harvard in 1933 and 1934, from 1934 to 1936 was an Assistant in the Massachusetts Department of Public Safety, from 1936 to 1947 was Director of Laboratories for the Department, and from 1947 until his death in 1952 was Director of the Chemical Laboratories for this Department. During this same period he also served, progressively, as an Assistant, an Instructor and as an Associate in the Harvard School of Legal Medicine. He had qualified many times as an

expert in chemistry in the Maine Courts and was generally considered as the outstanding police chemist in New England.

There was still chemical reaction to blood on the hammer, its handle, the clothing, shoes, etc. However, on application of the most sensitive chemical tests, which were positive when applied to the other exhibits, the belts were entirely negative as was also the .45 automatic. This finding is very important when considered in light of Dr. Ford's conclusion that the belt was placed on Dr. Littlefield's neck "hours" after his death.

It will be well to bear in mind these chemical findings with reference to the belt and gun when the testimony of subsequent witnesses are being considered, because they play a most important part in the conclusions herein reached.

#### C. Photography.

During the trial of Mr. Carroll photographs showing the top of Dr. Littlefield's head, with bruises thereon, were introduced in evidence. Because it had been argued, at that time, that certain marks on the head had been caused by the .45 automatic, the photographs were re-examined by an expert, Parker A. Glass, of Boston.

Mr. Glass, the Executive Secretary of the Harvard School of Legal Medicine, has been a student of police photography since 1939. Under both Dr. Moritz and Dr. Ford, he has made countless photographic studies and his results have been used without question everywhere they have been presented.

The photographs were found not to have been life-size reproductions but were magnified 1.4 times. Mr. Glass was able, by use of measurements taken from the belt and vest

which appeared on the photographs and which were available as a guide, to reduce the pictures to life-size. The hammer, being also available, was photographed "one to one" and the negative super-imposed on the "bloodletting" laceration on the negative of the head. It was found to correspond in every detail. Conversely, it was not possible to apply the .45 automatic to this mark with any degree of success.

It is important to bear in mind the fact that this photograph was, in fact, over-enlarged 1.4 times when used at the trial of Mr. Carroll.

#### ANALYSIS OF EVIDENCE USED AT MR. CARROLL'S TRIAL

##### A. Paul N. Dwyer

It would only be fair to state that the prosecution relied heavily on Mr. Dwyer's testimony in the Carroll trial. Without him there would have been no case against Mr. Carroll. So it becomes important to brief that testimony, which can be done from a study of the record. In order to do that, it will be broken down into its various phases.

1. The two statements of Paul N. Dwyer to the officials in Arlington, New Jersey.

Mr. Dwyer was interviewed by both the Chief of Police and District Attorney when he was apprehended in Arlington, and these interviews were recorded. They did not differ a great deal, and Mr. Dwyer then took full responsibility for both homicides. The time schedule given is interesting, showing

Mr. Dwyer's whereabouts, and is as follows:

Date	Time	Place	Event
10/13/37	7:00 P. M.	So. Paris	Dr. Littlefield's Office
	7:45 P. M.	Paris Hill	Dwyer home
	8:00 P. M.	Paris Hill	Dr. Littlefield killed
	8:45 - 9:00 P. M.	Paris Hill	Left home
	9:00 P. M.	South Paris	Dr. Littlefield's home
	9:45 P. M.	South Paris	Saw Mrs. Littlefield
10/14/37	1:00 A. M.	Boston	En route with Mrs. Littlefield
	4:30 A. M.	Concord, N.H.	Eagle Hotel
	8:00 A. M.	Concord, N.H.	Breakfast
	9:00 A. M.	Concord, N.H.	Check out of Hotel
10/15/37	6:20 - 8:00 P.M.	Concord, N.H.	Left Concord
	12:30 A. M.	Boston	En route
	Later	Portsmouth, N.H.	In Diner
	6:00 A. M.	Gloucester, Me.	Killed Mrs. Littlefield
	6:30 - 7:30 A. M.	Gloucester, Me.	Left scene
	Noon	Boston	En route
	8:00 P. M.	New York City	En route
10/16/37	5:00 A. M.	Arlington, N.J.	Arrested

In these statements Mr. Dwyer stated that Dr. Littlefield had agreed to go to the Dwyer home to examine Paul for a suspected venereal disease, had done so, and had made a remark concerning Barbara Carroll, as a result of which Mr. Dwyer had struck the Doctor on the jaw, choked him, hit him with a hammer, and when the Doctor had started "coming to" had used the belt.

In these statements, no third person was present at the

Dwyer home. Mr. Dwyer then contacted Mrs. Littlefield, told her that the Doctor had run over two people and had left for Boston. As a result of this story, Mrs. Littlefield accompanied Paul over the route shown in the time schedule. Her death was the result of her suspicion of Paul and an effort on her part to leave the car to get assistance, whereupon, he stated, that he had choked her.

In these statements he had stated that he took Mrs. Littlefield's money, about \$250.00, and also the Doctor's money and watch.

2. The next statement given by Mr. Dwyer was to Albert Knudsen, then County Attorney of Cumberland County. It will be recalled that Paul had been returned to Maine via chartered airplane, that he was met by Mr. Knudsen at the Portland Airport, from whence he directed the officials to a certain spot in the road leading from Gray to Norway via Gloucester and showed the officials where to park the car in which he was then riding. He stated then that the spot would be marked by some banana peelings discarded from Dr. Littlefield's car prior to Mrs. Littlefield's death. On arriving at the scene, called a "heater piece", the bananas were found exactly as described by Mr. Dwyer. The following is the brief statement which he then signed:

"New Gloucester, Me. Oct. 17, 1937.

At this point in New Gloucester, Me. I killed Mrs. Lydia Littlefield because I felt she suspected I had killed her husband, Dr. Littlefield and in fact she said "You killed him and I'm going up the Road to bring help." I then choked her to death and tyed a belt around her neck.

(signed) Paul N. Dwyer

Witness: Albert Knudsen"



3. Statement given at Dwyer home on October 18, 1937.

Mr. Dwyer was taken to his home by Sheriff Francis, of Oxford County and Sheriff Burnell, of Cumberland County. They were accompanied by Francis M. Carroll, then a deputy sheriff.

A statement was then taken as follows:

"October 18, 1937 I  
killed Dr. Littlefield because I needed money. I merely  
meant to hold him up. I became panickstricken and did the  
rest as in previous confession. The girl angle is all a big  
mistake and was started over some letters found in my suit  
case in New Jersey. I am writing this of my own free will  
and by no persuasion from any law officer."

All of the statements heretofore discussed were introduced at Mr. Carroll's trial while Mr. Dwyer was under cross-examination.

4. The next statement made by Mr. Dwyer was given at the Augusta State Hospital, where Mr. Dwyer was under observation prior to his own trial. These statements were not generally known until this investigation checked the records at the Hospital. Unfortunately, the Doctor to whom the statements were made is now dead; however, apparently, a permanent record was made of them, and a copy of them may be found in Volume 1, Pages 234 to 255 of the investigation records in the Attorney General's Office.

Mr. Dwyer was discharged from the Augusta State Hospital, November 15, 1937, being sane and "without psychosis." His observation had been for a period of twenty-six days.

Briefly, the statement there given indicated that Mr. Dwyer and Dr. Littlefield had made an agreement whereby the Doctor was to use the Dwyer home (then vacant except for Paul) for the purpose of mixing certain medications. He

stated that he had talked with the Doctor about 2:00 P. M. on October 13, 1937, and arranged to meet him that evening because the Doctor "was expecting trouble."

Mr. Dwyer took a wrench from Smith's Filling Station in South Paris, met the Doctor about 7:30 P. M. and proceeded to the Dwyer home on Paris Hill. Mr. Dwyer then stated he got the Doctor's bag from a closet, took it up to the bathroom and left the Doctor there. Shortly two men arrived, were shown up to the bathroom by Mr. Dwyer and shortly thereafter he heard an altercation upstairs, went up and found the Doctor in an argument over money. Then one of the men held a gun on, or "covered", Mr. Dwyer while the other man choked the Doctor, hit him on the head "four or five" times with a hammer, the handle of which broke in the process, then got Mr. Dwyer to tie a belt around the Doctor's neck, placed him in a blanket and then the two men carried the Doctor out and put his body in the trunk of the car. They threatened to injure Mr. Dwyer's mother and girl friend, put some "dope" in the car and ordered Mr. Dwyer to drive, which he did. Mrs. Littlefield, at their suggestion, was then picked up by Mr. Dwyer and, being followed in a 1937 Dodge by the two men, drove to Concord, N. H., where he waited all the next day to meet them. Finally he returned with Mrs. Littlefield to Maine via Portsmouth and met the two men at the "heater piece," where he and Mrs. Littlefield had stopped to eat cracker and bananas, in Gloucester. A chase then followed into Oxford, Maine, where Mrs. Littlefield was strangled by the men, more dope put in the car, and they started for New York. He was followed as far as New Rochelle by the two men at which point Mr. Dwyer followed

the Dodge car to Canal Street in New York, where they took the "stuff" out of the car and left. Mr. Dwyer then stated he went through the Holland Tunnel by mistake, intending to go home, and was ultimately arrested. "Then these officers caught me and took me to the police station. I didn't dare tell them the real story because I was afraid it would get out. \* \* \* \*I was afraid for my mother and this friend."

Mr. Dwyer stated that he did not know the names of the two men, but could identify them. Mr. Dwyer had told this episode to the two officers who had committed him to the Hospital, namely, Clark C. Hunt and Francis M. Carroll. "The Sheriffs up there know now that I didn't kill the Doctor. \* \* \* \*I have told them the story and they have sworn not to tell the papers. \* \* \* \*"

"It so happens that this girl I've been going with is the Sheriff's daughter, Francis Carroll, who brought me down here today. Naturally, they didn't like to have her mixed up with it." Again: "I have done everything I can (to help locate the two men) with the Sheriff's Department, they are working on it quietly. I don't have much idea that they will be apprehended."

With reference to the truthfulness of this statement:

Q. "That is the truth, is it.       A. Yes, sir.

Q. If you were to be hanged, that would be the truth?

A. Yes."

When Mr. Dwyer finally was discharged from the Hospital, it was ruled that he was legally sane, was intellectually average, alcoholically an abstainer, drug habits negative, and was without psychosis.

5. The next statement that Mr. Dwyer gave was to the Warden of the State's Prison. It was reduced to writing, given to the Warden who states that it was turned over to the Attorney General. It has been agreed by all who saw it, Warden John Welch, Norman Greenlaw, Franz U. Burkett, Fernando F. Francis and others including Barbara Carroll, that it described the episodes at least to a point beyond the death of Mrs. Littlefield. This statement was demanded by the defense at the time of Mr. Carroll's trial and the statement that was produced for the defense ended prior to the description of the death of Dr. Littlefield. In other words, it clearly was not the original statement. However, several persons copied the original, which is almost verbatim with the statement produced as far as that statement goes. This investigation is satisfied that the copy now available is authentic. So, an analysis of this copy is necessary to get at the first written accusation against Mr. Carroll.

In this statement, Mr. Dwyer related his affair with Barbara Carroll, and stated that she had blamed her lack of virginity to having had sexual relations with her father. Later, Mr. Dwyer warned Mr. Carroll not to repeat that type of thing with another of his daughters. Later, he was contacted by Mr. Carroll and told that Barbara was pregnant. A meeting was arranged at the Dwyer home for Wednesday evening, October 13th, at 7:30 P. M. In the meantime, Mr. Dwyer stated that he arranged for Dr. Littlefield to accompany him that evening, which he did, and the parties

all met at the Dwyer home, Carroll, Dwyer and Dr. Littlefield. According to the statement, an argument ensued between the Doctor and Mr. Carroll which resulted in blows being struck, in Mr. Dwyer being "knocked out cold" by Mr. Carroll and, on his regaining consciousness, seeing Dr. Littlefield lying on the bathroom floor, dead with a belt around his neck. In this statement Mr. Dwyer did not witness the killing.

Some of Barbara's incriminating letters were then returned to Mr. Carroll, the Doctor's car driven into the driveway, the body carried downstairs by both and placed in the trunk. Carroll then left and Mr. Dwyer cleaned up the house a bit, washed and changed his clothes, closed up the house after shutting off the lights and left. He next contacted Mrs. Littlefield and told her about the Doctor's running over two men; she joined him and they left for Concord, N. H. In due course, they left Concord and returned to Maine and it was during this trip that, Dwyer stated, she learned the truth. She demanded an interview with Mr. Carroll, which was "late Thursday (14th) night." The lights were still on in the Carroll home in South Paris, so the car was parked nearby; soon, Mr. Carroll came out, got in his car and drove away, being followed by Mr. Dwyer who overtook him shortly.

Mrs. Littlefield had a gun and started to approach Carroll with it when he (Carroll) took it away from her and knocked her unconscious by hitting her on the head with the gun. He then got in the back seat and ordered Mr. Dwyer to drive to "Turkey Hill," where he parked. Dwyer then relates

that he was handcuffed to the steering wheel and gagged. After that was done, Mrs. Littlefield started coming to, so Mr. Carroll choked her to death and put Mr. Dwyer's belt around her neck.

Briefly, Mr. Dwyer then drove around the area for considerable time and finally parked at the "heater piece" where he stated he ate a banana. He then put her into the back seat and headed south. En route he removed her rings, and watch as well as about \$250.00 from her purse. He was finally apprehended in Arlington, N. J.

In this statement, Mr. Dwyer relates that his "confessions" were the result of some duress, but he was ultimately returned to Maine, pointed out the "heater piece" to Mr. Knudsen and was placed in jail in South Paris where he stated he was again threatened by Mr. Carroll.

As to Carroll's condition at the time, Mr. Dwyer describes it as follows: "It was then that I smelled and saw that he was partially polluted."

#### 6. Paul N. Dwyer's testimony at the Carroll Trial.

This is the last statement made by Mr. Dwyer and an effort will be made to brief it herein so that a comparison of all of these statements may be had. In general it reiterates the statement made at the State Prison. It is more specific in that it definitely assumes that Carroll's desire was to get possession of certain letters written by Barbara to Paul. Also, in his testimony, Mr. Dwyer does not state

that he was unconscious during Dr. Littlefield's assault, but, rather, describes the assault in this fashion:

1. Dr. Littlefield and Carroll met at the top of the stairs where Carroll struck the Doctor in the groin, so that the Doctor is "bent over."
2. Dwyer rushes upstairs with wrench and hammer, swings at Carroll, the wrench comes apart, Carroll takes hammer away from Dwyer.
3. Carroll then strikes the Doctor several times with hammer on his head breaking the handle and knocking him to the floor.
4. Carroll leaves the house to get whiskey with which to revive the Doctor, during which time Dwyer helped the Doctor to his feet and they moved about the bathroom.
5. Carroll returns with .45 automatic and struck the Doctor on the head with it, knocking him out of Dwyer's arms and onto floor where he took a belt from Dwyer's pants and tied it around the Doctor's neck.

With reference to Mrs. Littlefield's death, the scene is about the same as in the written statement except that Dwyer did not testify that he was either gagged or handcuffed. He placed the time of her death at about midnight on the spot in South Paris known as "Turkey Hill" - or Prospect Avenue.

A time schedule is interesting and the following is abstracted from Mr. Dwyer's testimony.

Time	Place
7:30 :45 P.M.	Met Dr. Littlefield
7:40 - 8:00 P.M.	Paris Hill - Dwyer house
8:10 P.M.	Mr. Carroll arrives
8:25 P.M.	Dr. Littlefield is dead
8:50 P.M.	Mr. Carroll leaves house
9:00 P.M.	Mr. Dwyer leaves house
9:00 P.M.	Mr. Dwyer in Norway
9:15 P.M.	Mr. Dwyer has Mrs. Littlefield

It is important to recall that Mr. Dwyer has described the bleeding of Dr. Littlefield as being profuse and running down on his neck and clothes. It is also important to recall that the belt was placed on his neck while the Doctor was still alive and bleeding.

On cross examination Mr. Dwyer thought that Carroll was drinking, he could smell liquor on him and that he looked as though he had been drinking "quite a little."

7. Paul Dwyer's letter to Norman Greenlaw.

Perhaps it might be well to outline the contents of this letter written in March, 1938, following an interview with Mr. Greenlaw. In this letter Mr. Dwyer stated that the exact reason for getting Dr. Littlefield to come to the Dwyer home was, by agreement with Mr. Carroll, to examine Barbara for suspected pregnancy. Mr. Dwyer stated that she was not seen there by him although Mr. Carroll stated that she was waiting in the car. The death of Dr. Littlefield is described in detail, starting with a blow on the chin or neck, then a couple of blows with the hammer and finally with Carroll choking the Doctor. Finally the Doctor "passed out" and Carroll left the house to get some whiskey, returning with a .45 automatic. Carroll next struck the Doctor with the hammer so hard that the handle broke. Dwyer stated that Carroll, "grinning devilishly", was about to shoot the Doctor but, afraid of the noise, put the belt around the Doctor's neck and "started laughing drunkenly as Dr. Jimmy gasped for air."



This letter does not describe the death of Mrs. Littlefield. Dwyer, in this letter, states that Carroll "had been drinking."

At this point it might be helpful to see wherein the statements (5, 6 and 7) involving Mr. Carroll are inconsistent, as they relate to the death of Dr. Littlefield.

In the first (5) Mr. Dwyer did not witness the death of Dr. Littlefield at all.

In his testimony (6) at the Carroll trial, all of the blows were struck with the hammer and then, on Carroll's return to the house, the only blow was with the .45 automatic.

In his letter (7), the crucial blow was with the hammer, breaking the handle, on Carroll's return and no blows were struck with the gun.

With reference to Mrs. Littlefield's death, Mr. Dwyer in his statement (5) recalls that he was handcuffed and gagged during her strangulation. In his testimony (6) he states that he merely sat in the front seat, passive, while she was being strangled. It is very important to keep in mind that the time of this death is placed at about midnight on October 14th - just thereafter on October 15th.

(Mr. Dwyer was interviewed during the course of the investigation. The interview was conducted in the presence of his attorney, Mr. James L. Reid, and his friend, Jefferson C. Smith, and lasted approximately a day and a half. The entire interview was recorded. Mr. Dwyer reiterated his innocence and re-affirmed his accusation of Mr. Carroll.

During the interview Mr. Dwyer stated that he could not now be specific as to time but that his recollection of time at the trial would have to control. He reiterated the scene of both deaths substantially as he had testified. He did admit that his intimacies with Barbara Carroll had continued to a much later date than he had previously admitted and that his belief, on October 13, 1937, that she was not pregnant was based on a different source of information than the fact that he had not had sexual relations with her for approximately a year, as he had stated at the time of Mr. Carroll's trial.

He specifically re-affirmed the death scenes, the use of the gun and the application of the belts, although he was informed of the investigation finding relative thereto.

He, also, denied the truth of the statement which he had given at the Augusta State Hospital.)

B. Francis M. Carroll

Mr. Carroll, at his trial, testified in his own defense. He completely denied any knowledge of, or connection with, the deaths of either Dr. or Mrs. Littlefield. His defense was an alibi, which the Jury did not see fit to believe. (At the time of his interview by this investigation, Mr. Carroll was in no better position to produce evidence to substantiate his alibi.)

Summarized his alibi is substantially as follows:

Date	Time	Place	Source
10/13/37	4:00-6:30 P.M.	Sheriff's Office	Clark Hunt and Fernando Francis
	6:30-7:30 P.M.	Legion Supper, Norway	Maurice Prince & Ruby Carroll
	7:30-8:00 P.M.	Left Legion	Maurice Prince
	8:00-9:00 P.M.	Served subpoena	Francis M. Carroll
	9:00-9:30 P.M.	Returned to Legion	Maurice Prince
	9:30-10:00 P.M.	Met Sheriff	Charles Coffren
	10:00-11:00 P.M.	Made an arrest	Fernando Francis
	11:00-12:00 P.M.	South Paris	Maurice Prince
10/14/37	1:00 A.M.	Home	Maurice Prince
10/16/37	7:00-7:30 A.M.	Left S.Paris for Reading, Mass.	James Carroll and Sidney Verrill
10/17/37	Late afternoon	South Paris	Sidney Verrill

It is clear that, during the crucial time - 8:00 to 9:00 P.M. - Mr. Carroll testified that he was serving a subpoena. A considerable effort has been made to prove this point today, but without success.

The subpoena allegedly served was produced at the trial but, according to the typewritten return of service over Mr. Carroll's signature, it was served on October 12th. Mr. Carroll stated this to be an error in typing the return.

Mr. Carroll did not answer a question put to him by Mr. Ingalls as to whether or not he had had sexual relations with his daughter, the question being objected to by Mr. Chapman and excluded by the Court.

It now becomes clear that a question of fact, namely, the truth of Mr. Dwyer's testimony or Mr. Carroll's, was in the hands of the Jury, which saw fit to believe Mr. Dwyer's testimony, testing it for truthfulness by the other evidence in the case.

C. Other Evidence at Trial to Connect Mr. Carroll.

1. Virginia Moore (Guilford) saw Paul Dwyer in his yard at Paris Hill at about 7:45-8:15 P.M. on October 13, 1937. She also saw a car parked in the parking lot just north of the Dwyer home with "a man", otherwise unidentified, in it. Her sister, Priscilla, likewise saw Mr. Dwyer but did not testify to seeing a man in the car.

2. Hazel Talbot (Newton) testified that she saw Mr. Carroll sitting in a car in the place indicated that evening as she passed it while riding in another car with one Robert Pierce. She placed the time as between 7:00 and 7:30 P.M. on October 13th. She said she had seen Mr. Carroll's car "quite a few times." She did not report this incident until a week prior to the trial in August, 1938, and did not, obviously, testify before the Grand Jury.

It should be noted that this witness is the only person, outside of Mr. Dwyer, who placed Mr. Carroll on Paris Hill that evening.

3. The cigarette lighter.

Sheriff Francis testified he found a cigarette lighter in the Dwyer yard in between tire marks. It was admitted in evidence. Clark C. Hunt (now Sheriff) testified that he had

seen Mr. Carroll use a lighter "like that" intermittently from June until about the middle of September, 1937. The lighter was a common type bottle-shaped lighter. Mr. Hunt said he had not known of the existence of lighter until about six weeks ago, (which would be some time in the middle of June, 1938) as evidence in the case, although he was a Deputy Sheriff during all of the crucial period.

4. Sidney Verrill.

After the jury retired and had deliberated from 2:17 P.M. to 4:46 P.M. they returned to have three things read:

1. Paul Dwyer's testimony of Carroll's activities in the Dwyer house.
2. Miss Talbot's testimony, and
3. Sidney Verrill's, as it related to Paul Dwyer being in Portsmouth, New Hampshire at a diner at "between 10:00 and 10:30 P.M." on Thursday night (October 14, 1937). Mr. Verrill testified that two boys had told him that while he was investigating the case. In commenting on it the Presiding Justice said "\* \* \* \* it is hearsay testimony and wouldn't have been admissible if objection had been made. I have no remembrance of it."

In asking for this information the Foreman said "\* \* \* \* we think there was reference made to the fact that Mr. Dwyer was in Newburyport about 10:30 P.M. Thursday, October 14th. \* \* \* \*We would like to know if there is anything that proves that in the record." Presumably, the Jury could have felt that if Mr. Dwyer was in Portsmouth (which they confused with Newburyport) at 10:00 P.M. he could have driven to South Paris so that Mrs. Littlefield could have met Mr. Carroll shortly after midnight, as Mr. Dwyer had testified. It is clear that this testimony vitally affected the consideration of the case by the jury.

5. Arguments of counsel are not reported, so no official records exist of them. However, it seems obvious that the State's theory of Mr. Carroll's guilt, and, conversely, of Mr. Dwyer's innocence, must be primarily predicated on the following testimony:

1. Paul N. Dwyer (testimony and physical strength)
2. Hazel Talbot
3. The Moore sisters
4. The cigarette lighter
5. The .45 automatic and photographs
6. Sidney Verrill's investigation
7. The motive arising from the incest accusation

The defense must have predicated its position, primarily, on the following testimony:

1. Inconsistencies of Paul N. Dwyer's testimony with his statements and former guilty plea
2. Francis M. Carroll's alibi
3. Francis M. Carroll's denial of guilt

Secondarily, the State theorized that Mr. Dwyer's youth, his physical immaturity and lack of motive, (the incest theory being omitted), the attitude of Mr. Carroll as described by Sheriff Francis after the homicides, and other minor incidents, added to the chain of circumstances pointing to Mr. Carroll's guilt. The Jury accepted the State's theory, and, based on the record of the trial, it is felt that the Jury was justified in this conclusion.

D. Investigative facts.

1. The cigarette lighter.

It has been determined that there is evidence that another lighter of a different type was found at the Dwyer home by one Elmore C. Edmunds and turned over to Sheriff Francis at the time. Mr. Edmunds was, then, a druggist in South Paris, familiar with Dr. Littlefield, and he has stated that the lighter he found was similar to a type used by Dr. Littlefield. "Well, it was sort of a unique lighter, it was brass in color, and it had a jacket on the outside and when you pulled that jacket down it lighted the thing, and sort of made a shield to the wind." \* \* \* \* "I gave it to the Sheriff." He also stated he did not see anyone find a lighter similar to that introduced in evidence, although he was with the Sheriff when the Dwyer home was first visited. He stated that he found the lighter in the driveway.

Mr. Edmunds was not a witness at the trial of either Mr. Dwyer or Mr. Carroll.

On being interviewed, Clark Hunt now states that he gave Mr. Carroll a bottle-shaped lighter and that, prior to the Littlefield homicides, he had asked Mr. Carroll where the lighter was and was informed, "I've lost it." Mr. Hunt was not so asked and did not so volunteer this testimony when he was a witness at the Carroll trial.

2. The .45 automatic and photographs.

The results of the examinations of these exhibits have already been discussed herein on pages 14 and 15.

### 3. Sidney Verrill.

The investigation has concerned itself with a careful check on this testimony. The persons referred to in Mr. Verrill's testimony in Portsmouth have been contacted and very carefully examined. There would seem to be little doubt that Paul N. Dwyer was in Portsmouth in the near vicinity of 1:00 A.M. on October 15, 1937. These persons, Winston Moore and Joseph B. Christy (as well as Mrs. Christy) relate that they left two girls at their homes near Hampton Beach at about midnight on October 14, 1937, drove to Portsmouth where they were followed by a car which later proved to be that driven by Paul N. Dwyer, that an "elderly lady" was with him, that she was alive, and that, after a lunch, they saw Paul N. Dwyer leave the diner at about 1:00 A.M. in the direction of Portland. They were later contacted by Mr. Verrill and Ralph Price (State Police) and voluntarily went to South Paris to testify at the Carroll trial. After telling Mr. Ingalls the exact time at which they saw Mr. Dwyer, he excused them as witnesses. Oxford County treasurer's checks have been obtained which prove that these persons were paid in advance of the regular bill of costs, which would prove that they were in South Paris, they were not listed witnesses in the transcript of the record (so they did not testify) but their witness fees were put on the ultimate bill of costs of the Carroll case. The importance of their testimony was simply this: They would have placed Mr. Dwyer in Portsmouth, New Hampshire, over one hundred miles from "Turkey Hill" in South Paris, Maine, at the very time when Mr. Dwyer testified that Mrs. Littlefield was killed.



Much has been said about an attempt on the part of Mr. Verrill to bribe a witness, Mrs. John Foss, to commit perjury at the Carroll trial by testifying that Mr. Carroll's car was in the Dwyer driveway. Mrs. Foss so states relative to the attempted bribery, but it should be remembered that she did not testify, so no prejudice could result to Mr. Carroll as a result of the attempt, even if true. The importance of the incident is that it indicates to the investigation an insight into the character of Sidney Verrill, particularly when taken in conjunction with his testimony relative to the Portsmouth evidence which was so vital to a fair conclusion of the Carroll case.

4. The Moore sisters.

Virginia Moore states that, at about "7:30 or a little later", she was walking by the Dwyer home, saw an empty car parked in front of the Dwyer home and another car parked in the Country Club Parking lot with an unidentified man in it. (Q. You didn't recognize him? A. No. Q. Then we'll leave it that you couldn't tell because of the darkness who it was? A. That's right.) She returned in about "fifteen or twenty minutes", saw the two cars and saw Paul Dwyer "walking around" in front of his house.

Her sister, Priscilla, states: "My statement would be the same as my sister's except for the one fact that I did not see a person in the car in the Country Club Parking Space. As for the time, it was in the whereabouts of 7:30 or 7:45 and Dr. Littlefield's car was parked beside the house. Lights

were on both up and downstairs and Paul did walk out the front door as if to get a breath of air and he did say 'Hello girls'."

5. Motive of Francis M. Carroll.

It is a basic legal proposition that the commission of a crime can not be proved by motive alone; however, evidence of motive is always admissible. The motive alleged was to pressurize Mr. Dwyer into giving up certain letters in his possession from Barbara Carroll implicating her father. Mr. Dwyer testified that he returned these letters to Mr. Carroll following Dr. Littlefield's death, although several letters were found in his possession in Arlington, New Jersey. It should be remembered that, at least, Paul Dwyer thought - and undoubtedly believed - the incest allegation. He had good evidence to prove it in (1) the letters, and (2) the statements of Barbara Carroll to him following their own intimacies. This is very important to keep in mind when viewing the whole case because, whether the incest theory is true or false, it gave Mr. Dwyer something concrete on which to base his accusation of murder against Mr. Carroll.

Mr. Carroll has denied the fact of incest to the investigation; he did not deny it at the time of his trial because, as his then counsel has informed the investigation, it was felt that if he did deny it, the State might have put Barbara Carroll on as a witness in rebuttal to her father, and, if she had made a positive accusation against him, it would have been highly prejudicial. In other words, the

defense now states that, while Mr. Carroll would have denied the incest charge at his trial, his counsel did not feel inclined to permit him to answer the question and assume the risk of rebuttal testimony.

6. Hazel Talbot (Newton)

This investigation has been greatly concerned over the identification of Francis M. Carroll by this witness. She has been interviewed on several occasions. The investigation can find no evidence to indicate that she was untruthful, either to it, or as a witness at Mr. Carroll's trial. Some doubt was thrown at it by the recollection of State Trooper Ralph Price as to an inconsistency between what she told him on or about August 1, 1938, and her testimony. They were finally re-interviewed together and a recording made thereof, which resulted in an affirmation of her identification. She placed the date on October 13, 1937, by her sister's birthday and, on checking, this birthday was verified.

However, many decisions have been rendered which raise the question of the value of personal identification. It must be recalled that the time was between 7:00 and 7:30 P.M. on October 13, 1937, when it would be entirely after dark. The investigation has conducted tests at the scene with questionable results. An identification under the circumstances then existing could have been possible; however, an honest mistake could have been possible also.

It should be recalled on the one hand, that (1) the witness knew Mr. Carroll and (2) that she testified she knew

his car; on the other hand it should be recalled that (1) identification would be difficult because of darkness, (2) Mr. Carroll had traded cars a few days prior to October 13, 1937, and, (3) that all independent evidence seems to indicate that Mr. Carroll did not leave the Legion Supper in Norway until after 7:30 P.M. and it is, approximately, five miles from Norway to the Dwyer home in Paris Hill, requiring about ten minutes of travel time, and that Paul Dwyer had testified that Mr. Carroll did not arrive until about 8:10 P.M.

Incidental Investigative Findings.

A. Extortion Attempt on one George Morton.

Mr. Dwyer had stated that he had typed some extortion letters at Mr. Carroll's request in an effort to obtain money from a presumably wealthy resident of South Paris, George Morton.

It has been learned, and verified, that the Federal Bureau of Investigation made a rather exhaustive inquiry into the matter. The files have been made available by the United States Attorney in Portland and have been reviewed. The F.B.I. concluded the case in 1937, and were prepared to proceed against Mr. Dwyer thereon, but his conviction for murder made proceedings impractical and the file has been inactive. The file indicates that Mr. Carroll was exonerated from any connection with the alleged extortion attempt.

It should be noted that Mr. Dwyer was in State's Prison when he was identified with the Morton extortion case and that he involved Mr. Carroll in that almost simultaneously with his

accusation against Mr. Carroll in connection with the Littlefield homicides.

B. The Dope Ring Statement.

This has already been outlined. However, to that should be added the fact that an attempt has been made to proceed further along the theory of the statement. The Bureau of Narcotics has been contacted and certain files made available to the investigation. While there is no evidence outside of the statement to involve Dr. Littlefield in the narcotic trade, it has been determined that the Doctor was seriously addicted to the use of morphine. His case was known to at least one member of the medical profession who, with the knowledge and consent of the Bureau, rendered what treatment was necessary.

Mr. Dwyer now denies that he ever knew that fact; however, it does help explain the apparent ease with which Mrs. Littlefield was led to believe that her husband was in difficulty by Mr. Dwyer, since it must be presumed that she knew of her husband's affliction.

C. Mrs. Jessie Dwyer.

It has been suggested that Mrs. Dwyer may have been present to assist in an examination of Barbara Carroll for suspected pregnancy, or attempted abortion, she being a registered nurse, and that medical assistance became necessary, which would explain the presence of Dr. Littlefield, and that his death may have been the result of his threatened expose of the situation. In that connection the investigation

concerned itself with her alibi. The records of the Hebron Sanitorium, where she was employed at the time, have been examined, many nurses, as well as the head of the Institution, who were there at the time, have been interviewed. The result has been entirely negative. The records indicate that Mrs. Dwyer was on duty in Cottage A on the entire evening of October 13, 1937, going on duty shortly after 6:00 P.M. The nurses, naturally being unable to state categorically at this late date anything definite as to October 13, 1937, all agree that if, for any reason, she had been absent the records would so indicate. Furthermore, they all agree that, at the time, there was never any question raised about the alibi and that, if she had been absent, it would have been recalled because of the notoriety of the case. Mrs. Dwyer's reputation was then, and is now, excellent. The investigation can only conclude that this is one of those unfortunate stories which may naturally flow from a case of this type, and is entirely unfounded in fact.

It would be impractical to attempt to incorporate herein all of the various ramifications of the case with which the investigation has concerned itself. However, the records are on file in the Attorney General's Office and will speak for themselves.

#### CONCLUSIONS

1. The investigation is of the opinion that Mr. Carroll's conviction by the Jury, while justified from the then state of the record, was erroneous for the following reasons:

A. The full statement of Paul N. Dwyer to the Warden (the so-called 17 page statement) was not produced by the Prosecution, even though requested by the Defense, the full statement being inconsistent with Mr. Dwyer's testimony in many material parts, particularly as it described the two homicides, e.g., (Mr. Dwyer stated therein that he was unconscious during the entire death scene of Dr. Littlefield and was handcuffed and gagged during the death of Mrs. Littlefield.)

B. The photographs of Dr. Littlefield's head were not life-size. While this fact could have easily been determined by the Defense by the simple test of placing the actual belt over its photograph, thus demonstrating to the layman the obvious distortion, the matter is now being viewed de novo for the purpose of this investigation. The test of admissibility of a photograph is whether or not it is a fair representation of the subject photographed. This, obviously, was not, considering the purpose for which it was offered, namely, as a basis for comparison with a known physical object, the .45 automatic.

C. The .45 automatic, forcibly argued to be the murder weapon, was not connected by any scientific evidence with the homicide, was negative in its reaction to the tests for blood (both then and now) and would have been excluded, scientifically, had the State produced Dr. Joseph T. Walker to testify relative to the test which he made of the gun at the time, or had comparisons of the gun with a life-sized photograph been made.

D. If the State had produced as witnesses Messrs. Moore and Christy to testify that Mr. Dwyer was in Portsmouth, N. H. at the time Mrs. Littlefield was allegedly killed in South Paris,

Maine, the Jury would have been justified in discounting Mr. Dwyer's testimony as it dealt with the entire description of the homicides. Also, there are now witnesses available to prove his presence in Portland, Maine, at about 2:00 A. M. that same morning. The Jury, as demonstrated from the record by their inquiry to the Court after deliberation for two and one-half hours gave serious consideration to this phase of the case, and it would seem prejudicial error on the part of the State, who should have been interested only in a fair and just trial, to have withheld this information from the Jury, as well as to permit the Jury, as the record discloses that Mr. Ingalls did, to get a false impression from the hearsay testimony of Sidney Verrill.

E. The State ran no tests for blood on the belt found on Dr. Littlefield's neck; therefore, no evidence was introduced relative thereto. It is now scientifically certain that no blood was ever on the belt. If Mr. Dwyer's description of the death of Dr. Littlefield is to be believed, it would follow that blood should most certainly have stained the belt - and be now as apparent to scientific testing as the other exhibits are. One might theorize as to when the belt was placed on his neck, but it would not be productive of any further evidence against Mr. Carroll. In this connection, it should also be noted that Dr. Richard Ford is of the opinion, based on the pathology of the case, that Dr. Littlefield was dead "hours" before the application of the belt. This opinion adds to the significance of the demonstrated absence of blood. The belt, therefore, is irreconcilably contrary to the testimony of Mr. Dwyer. It constitutes a scientific fact which is not



susceptible to the fallacies of human memory - and refutes Mr. Dwyer's description of the death scene.

F. The reduced photographs now indicate that the hammer, which now reacts to tests for blood, was the weapon which caused the crescent shaped wound on Dr. Littlefield's head, and not the .45 automatic.

G. For the sake of this report, the foregoing reasons are deemed sufficient to justify the conclusion reached. However, there are other minor items which led to the conclusion and which need not here be inserted at great length. Briefly listed they are as follows:

1. The time schedule is not consistent with Mr. Carroll's presence in Paris Hill for a sufficient length of time to do the acts described.

2. Lights were seen on in the Dwyer home at the time when Mr. Carroll was with Sheriff Francis, even though Paul Dwyer states he did not return after 9:00 P.M. If anyone did return to the murder scene, it could not have been Mr. Carroll.

3. Hazel Talbot could be honestly mistaken, because the time at which she said she saw Mr. Carroll is inconsistent with both Mr. Carroll's alibi (American Legion Supper) and Mr. Dwyer's testimony as to the time of his arrival (8:10 P.M.).

4. Competent medical authority is available to express an opinion that Mr. Dwyer, despite his then age and physical condition, could have carried the body of Dr. Littlefield alone.

5. From the saturation of the blanket (in which Dr. Littlefield was wrapped and allegedly carried downstairs and to the car) with blood, more evidence of blood should

have been present on the route from the bathroom to the car than was found, if the body had been transported shortly after death and before the blood could dry.

6. The entire absence of any of Mr. Carroll's fingerprints at the scene. From the struggle as described by Mr. Dwyer, some fingerprints might have been expected.

7. Mr. Dwyer never accused, or implicated, Mr. Carroll to even his mother, the officials at the State Hospital, the Sheriff or even his own attorneys until after his own plea of guilty and his own sentence to life imprisonment, although there is some dispute over the fact as to whether this information was given to E. Walker Abbott, then or not. Mr. Abbott's memory on this point is not now definite, although Mr. MacDonald states that he had no knowledge of it until Mr. Carroll was indicted.

8. Expert psychiatrists, having read the record of the case, have expressed an opinion that the greatest probability of truth could be found in the first statement made to the officials in Arlington, N.J. In this same connection, it should be reported that the record has been studied by Dr. A. Warren Stearns, Former Dean of Tufts Medical School, a recognized expert in this field, who has had the widest experience in the examination of many thousands of inmates of mental institutions, both for the criminally insane and otherwise, and has many times testified as an expert not only in the Maine Courts but in the courts of many other states. With reference to the use of a lie detector or the so-called "truth serum", on either Mr. Dwyer or Mr. Carroll, Dr. Stearns has expressed his opinion to the investigation that the use of

either, in this particular investigation, would not be productive of any constructive or beneficial results.

9. An independent time schedule of Mr. Dwyer's whereabouts is consistent with the time schedule set forth in the Arlington, N. J., statements:

Date	Time	Place	Source
10/13/37	6:00 P.M.	Hebron	Mrs. Jessie Dwyer (Mann)
	7:00-7:30 P.M.	South Paris	) Evelyn Lothrop (Ells) ) and ) Thelma Maxim (Holden)
	7:30 P.M.	Met Dr. Littlefield	
	7:45-8:00 P.M.	Paris Hill	Moore Sisters
	8:45 P.M.	Norway	Abe Saleeby
	9:00 P.M.	Norway	Elliot Hunt and Kenneth Goodwin
	9:45 P.M.	Called Mrs. Littlefield on telephone	Bessie Stimson
10/15/37	1:00 A.M.	Portsmouth, N.H.	Messrs. Christy and Moore
	2:00 A.M.	Portland, Maine	Messrs. Marston and Gerard

A comparison may be had by reference to page 16.

10. The investigation has in its files a signed statement from the Honorable Harry Manser, an Active Retired Justice of the Supreme Judicial Court, in which Mr. Justice Manser states that Mr. Dwyer had written him letters stating that Mr. Carroll was responsible for the death of Dr. Littlefield.

"With reference to the death of Mrs. Littlefield, Paul Dwyer has stated to me by letter that he would have to take the responsibility for her death. He wrote me that she discovered the fact of the doctor's death while she and Paul were parked in a car in the vicinity of Gray and that, in a moment of extreme excitement, he killed her at that point. However, he also said by letter that, while Carroll was not then present, the facts leading up to her death were set in motion by Carroll through the threats made to him by Carroll and because of his fear of Carroll."

The locus given (near Gray) is consistent with the Arlington statements and the statements given to Albert Knudsen, and equally inconsistent with Mr. Dwyer's testimony at the Carroll trial, as well as his written statement in State's Prison.

11. With respect to Paul N. Dwyer, it must be continually remembered that all of his statements involving Mr. Carroll were made, originally, when he was less than nineteen years old. The basic statements were made between December, 1937, and the Carroll trial in August of 1938. During that time he was questioned and cross examined by many people, Warden Welch, Captain Leon Sheppard, Norman Greenlaw, Rupert Aldrich, Fernando Francis, Thomas Cavanaugh and Ralph Ingalls, among others. The objective, obviously, of these interrogatories was to concentrate their inquiry along lines that would prove a case against Mr. Carroll. There is no doubt of the fact that, of all the persons he knew, Mr. Dwyer could give Mr. Carroll an excellent motive since he clearly believed that Mr. Carroll was guilty of incest. Furthermore, it was clear to Mr. Dwyer that the conviction of some other person would be his only salvation from life imprisonment. This was a terrific amount of pressure to apply to a youth of seventeen years of age. The analysis of the progression of one statement to the next culminating in his testimony at the Carroll trial, is illustrative of the evolution of this thinking. The investigation has asked itself many times this question: Assume as a fact that Mr. Carroll was not guilty of incest, what becomes of the motive given by the Dwyer accusation? And if that is

ruled out of the case, what is there left on which to base the accusation against Mr. Carroll? That is why it has been stated herein repeatedly that Paul N. Dwyer believed (as distinguished from knowing as a fact) in the truth of the incest accusation. As set forth at the start of this report, the fact of Mr. Carroll's guilt or innocence of incest cannot now be legally determined, and the truth or falsity of that fact goes to the very heart of the case against Mr. Carroll.

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Final Statement.

Many other ramifications of the case could be discussed, but the foregoing reasons would appear sufficient to justify the conclusion reached, namely, that a reasonable and honest doubt exists in the mind of the investigation as to the guilt of Mr. Carroll for either homicide. Conversely, Mr. Dwyer's conviction, on his own plea, for the murder of Dr. Littlefield seems consistent with the known and independent facts and is inconsistent only if his testimony at the Carroll trial is to be believed to the exclusion of these other facts.

The directive of the Legislature suggests that the Attorney General take whatever steps may be necessary to promote full justice. From the view herein taken of the case, it would seem unjust to Paul N. Dwyer to attempt further prosecution for the death of Mrs. Littlefield, since he is already serving a life sentence for Dr. Littlefield's death. His prosecution for her death, at this time, and in light of this report, would appear to be persecution, since nothing

could be gained thereby. With reference to Mr. Carroll, there is nothing within the power of the Attorney General's Office which can be done to alter the situation in which he is.

Accordingly, this report is herewith respectfully submitted to the members of the Ninety-fifth Legislature, as per its directive.

  
Attorney General

With the exception of the comments on personnel (pages 4 and 5) the foregoing report was prepared by the undersigned for the Attorney General.

  
Special Assistant