

A: You don't know. I believed her because....

Q: Well, you know, why not right. I mean, I suppose in that line of work you can't start picking and choosing.

A: No, and, you know, we had all different people.

Q: Yeah.

A: I think, I would love to find Flo because, you know, I know that Lennice did this with everyone she worked with.

Q: What was Flo's full name, do you know?

A: Robertson. Florence Robertson and her husband's name was Steven.

Q: And you worked together?. You and Flo worked together when you were at the Pleasant Street House? Was she still working there when you left?

A: Yes.

Q: And you said you were there for six years?

A: I was there for six years, yes.

Q: Okay. And did you see her around town after that?

A: Yes, we were friends for years and years. We were friends and then..

Q: Sort of lost touch?

A: Yeah, yeah.

Q: What year were you at the Lipton Center?

A: Yes, in the '80s.

Q: In the '80s.

A: When did the rape happen?

Q: '83.

A: Yeah, I got the job. In '79 I went back to school, so I got the job in '81, I believe, '82 around there.

Q: Okay, so when Lennice came to the house, you had been there for...

A: Oh, I had been there. I had been there a good year.

Q: You'd been there a while, but it was still sort of at the beginning of your career.

A: Yes. She was really one of the more colorful people to be with.

Q: Yeah, sounds like it. Annie, when did you decide, to... "come forward" is not the right term, but I know you spoke to Bob Turk at some point, how this whole Ben Laguer thing kind of came up. Kind of hit your radar again during the gubernatorial campaign?

A: Yes. Remember, I knew the daughter, Lennice's daughter.

Q: Oh, Mary?

A: Yes, she died. She's dead now, she just died, and when she died not a year yet but, I mean, I knew the daughter, the daughter worked at the club here. I knew the husband and I knew that they adopted a baby and I knew everything like that so, basically, when I see -- I got angry to be very honest with you. I worked very hard for Dr. Silber, because he's my favorite. I worked very hard for, what's his name, the Governor?

Q: Deval. Deval Patrick?

A: Deval. I was his head camp person here and he was the only one I got interested in in the Governor's race since Dr. Silber, so I got involved. And then, I told Timmy and Dr. Silber, I told Timmy McManus about that I knew Lennice and, you know, because it was coming back up again and I asked him if I could talk to the Governor and tell him I knew, you know, Lennice and if there was anything. Nobody wanted to hear it. Nobody wanted to hear that I knew Lennice. Nobody wanted to hear nothing, and then I think it was then it was over in Leominster, and Mrs. Healey was here, the Lt. Governor was here and they brought, Lennice's daughter was in a wheelchair at that time, and they brought her in and I wanted to go up to Mrs. Healey. I was going to crash the party, but I'm not a Republican, but I was going to crash the party and ask Mrs. Healey to give some dignity to the daughter and give some dignity to Lennice. I was very -- I was absolutely angry.

Q: About the comments that she had been making?

A: Not only the comments, but bringing -- Lennice was dead now and bringing...

Q: About bringing it up?

A: Bringing Lennice's memory back. How dare they do that to Lennice and how dare the daughter even allowed her to do it. I was very angry and I wanted to ask the daughter why you allowing that to happen. But, I was standing outside and Dean Mazzeorelli, who is the Mayor of Leominster now, if he was going in and he was the first policeman on, he already had been on the radio show talking about it. That he was the first cop coming in and it was a brutal rape and it was terrible and the girl was -- it's all over now. They were using Lennice again and I got very angry, her memory. They weren't with her at

night when she couldn't sleep. They weren't with her when she was in her crisis, I was. And I got very... I actually really liked her a lot and I was very mad that they were using her memory. I mean I knew her as a vibrant, beautiful woman, beautiful woman, very striking and then I said no and I withdrew. I get cold even thinking about it. I withdrew, I didn't go in, I just let it go. And then whenever Dean Mazzeorelli was on the radio, I called up Karen Patton and I said, "One of us have to go down and tell him stop it, leave her alone," and I said, "Let the woman die, let the woman rest," and then she said that she was going to call up Dean and tell him not to be using that again because it was political, because he's an independent and he was with Healey. And that's when I got very upset.

Q: Okay.

A: But then I began to think of something that I had thought about. Mr. Laguer is in prison and every time parole comes up he...

Q: Says he's innocent.

A: He says he's innocent and he could have been out. And then I began to think, oh my God what would happen if he didn't do it. And, that's when they interest us, that's why kind of I know.

Q: And you just thought, look I have some information and I'm going to, you know, pass it on?

A: Well, I wanted to give it to Deval so it would cover, you know, say, you know I knew Lennice and the campaign said they wouldn't, didn't want me to tell them.

Q: Yeah, I think they would want to know.

A: Yeah, but they didn't. Right, but what I'm saying is, you know, I went with Deval and there was only five people involved when I first went with Deval, you know. Big disappointment to me, though.

Q: Josh, anything else we need to cover?

A: I think, just to clarify, do you know how often the doctors, the psychiatrists, whether it was - whoever was caring for Dr.?

Q: Kahn?

A: Dr. Bonnar or Dr. Kahn?

Q: Dr. Bonnar, Bonnar, sorry. Bonnar or Kahn how often they saw her? Was it daily, was it...

A: No, it wasn't daily.

Q: Once a week?

A: Mostly I'd say, most of the consumers, the clients, see their doctor once every week. But they'd be there, like they go to the day program, they were in the day program all day and during that time, you know. And all the time, if you're in crisis, if you start to decompensate or something, they would see more.

Q: Do you know why she was switched from the day treatment program to the halfway house?

A: Well, she couldn't go back to where she lived.

Q: Just for her -- for obvious personal reasons. Was it too traumatic for her?

A: It would be too traumatic, and she wasn't able to be on her own any more because of the rape.

Q: Okay.

A: She wasn't safe. She didn't feel safe.

Q: Okay.

A: So she then would come into the halfway house, that's when she came, and yeah.

Q: Was there a procedure where Dr. Bonnar or Dr. Kahn could get from you and Flo just sort of observations of how their patients were doing? Did they ever ask you, did you ever tell them?

A: No, no, no. We reported to our boss and then our boss reported to their boss and then go up the line. We had weekly meetings at the house, for supervision.

Q: With your boss?

A: With supervision, yes. And anything we seen out of line we'd report.

Q: And would you report on this sort of thing we were talking about here?

A: Oh, yes.

Q: About how, you know, Lennice does this and Lennice does that?

A: Yeah, yeah, yeah, yeah.

Q: And...

A: We would have to.

Q: And we won't use your boss's name in the affidavit, but can you tell us what his name is?

A: It's a woman.

Q: Well, what's her name?

A: Karen Patten.

Q: Okay, and did she take notes, I mean would there be a written record?

A: Oh, yes.

Q: On the kind of thing that you guys reported?

A: We had daily charts.

Q: Okay.

A: We'd have to have daily charts.

Q: And you had given those into her?

A: She would come in and look at the charts and if we had to worry about somebody we'd call her more than that she'd be at the house, maybe two and three times a week.

Q: And do you know what happened to those charts, where'd they go?

A: They would go up to Herbert Lipton.

Q: Okay and they would kept in -- do you know if they would be reviewed by the doctors?

A: Well there -- there's three steps. First of all, we've done it, then Karen would do it and then Karen would bring it in and then they would -- because Karen was very educated and all like that and she was like number one there, and she then would report it to her boss and then, after their boss, then it was the psychiatrist.

Q: Okay.

A: So it, weekly charts were done. Daily charts, weekly charts.

Q: And that's what they were called the daily/weekly charts?

A: Yes.

Q: And they would get passed up the line, maybe about some other observations or whatever?

- A: I don't know what they'd done when they left us. All we had to do was we had to be accurate in what we wrote. And like, if Lennice wasn't sleeping, if she wasn't eating or if there was any more conversation, we'd report it.
- Q: And were there have been some -- when she was going to the daily treatment center, would there have been a similar kind of paper trail that was created?
- A: Oh yeah, oh yeah. They would have the support group, which they called "Early in the morning," and they would talk in a round circle, exactly what it was and they would say how they felt and what was going on. And they would have also heard the delusions that I heard. I mean there was no change, that's the way it was.
- Q: Right. Does the Herbert Lipton Center still exist?
- A: It's, it was bought out by another company and there's people still there that were, you know, working when I was there.
- Q: The building is still a treatment center?
- A: Oh yes, oh yes.
- Q: And do you know who bought it out?
- A: Oh God, what's the group? They're still there.
- Q: Yes, I actually just looked it up. It's online.
- A: Yes, and they're over in Summer Street in Leominster right now. It's the same group.
- Q: It sounds like they have multiple facilities now.
- A: Yes, yes.
- Q: It's bigger...
- A: Well, they still have Pleasant Street where we were, just down the street, and they have Prospect Street. They have three halfway houses here in Fitchburg.
- Q: Was the outpatient group also in Fitchburg or was that in Leominster?
- A: Uh, the one that she went at the time it was at the Burbank, which is now closed. But it was in Fitchburg.
- Q: Burbank?
- A: The hospital, the Burbank Hospital. We had a unit up there. And we also had the crisis intervention group up there, too.

Q: I understand that before the crime, you used to go over to see whoever used to deliver paperwork?

A: Over to, yes, yes.

Q: To the Burbank Hospital?

A: Yes, yes.

Q: And from the Lipton residential house?

A: Yes, yes.

Q: And that's when you would sometimes see....

A: Lennice, yes. You'd hear her before you'd see her. She had a very high pitched voice and she had the most unusual laugh.

Q: And how often would you see her? Like, would you say how many times a week or a month?

A: Well, I'd only go to bring the paperwork over. Sometimes you'd bring it three days, but then you might not go for two weeks. But remember, I only worked two weeks in the month so. But she was in there and you'd hear her laugh before you'd see her. That's how I always knew that she was in the room.

Q: And she was a talker with a big personality?

A: No.

Q: No?

A: No, no. She would laugh, ha, ha, ha, ha, ha. Haughty laugh.

Q: Okay, haughty laugh.

A: So that's how you always knew she was in the room. I think that she probably felt that she was righter than the people running the group, but who's to say she wasn't.

Q: Yeah, who knows.

A: She walked with a very dignified way, she walked tall, she walked tall. That's what I'd call it.

Q: Yeah.

A: She, a little unlike the others, but she'd be like ha, ha, ha, ha.

- Q:** Regarding José Gomez, do you know anything about his, you know, his mental capacity? His situations?
- A:** Hearsay, hearsay. She would have met him prior, because he was in Worcester State Hospital.
- Q:** You think that they actually met in Worcester State Hospital?
- A:** Well, Pablo knows so much more because he was in Worcester State Hospital and I do know that Lennice had been in Worcester State Hospital, only that she told me that she was. So maybe...
- Q:** Did she state when she was in Worcester State Hospital?
- A:** She didn't tell me. It had to be in the '70s though, because... it would have to be in the middle '70s, which one day Billy got sick and Billy was one of her favorites and that he had decompensated and he went back into Worcester State Hospital and she said to me, "That's a terrible place, Annie, they're very cruel down there" and I said "Well how do you know Lennice." And she said, "Well I've been there," and I said, "Okay." Again, that's it.
- Q:** And Pablo said that José Gomez was there, too?
- A:** Pablo said that José was in Worcester State, because Pablo knew José's mother. That's how he would know.
- Q:** Right.
- A:** Maybe she met him there, I mean I don't know. I do know that she did care for him as a friend, this young man that we're talking about.
- Q:** Do you remember when she told you stories about how this man you now know to be Gomez would come home having been drinking and trying to get into his building?
- A:** He didn't live there because his mother, he tried to visit with his mother, he didn't live there. But he would also sit with her in the park, and I don't know where the bench was but she used to say to me we'd sit on the bench and he'd go and get my cigarettes.
- Q:** And when she would tell you about this, did she talk about, you know, what the nature of the relationship was between the mother and the son? Could she hear anything going on?
- A:** No, the mother, I think the mother may have said to her from the conversation was don't let him in when he rings the doorbell if he's drinking. You know, I think that had happened. But the management over there had to have known that because...
- Q:** You would think.

- Q: Did she say anything about like outbursts where he would be yelling and screaming or she would be yelling and screaming and it would be a distraction to...?
- A: Nope, no, no. Because she really liked this guy. She liked him.
- Q: And the impression you got from her, Annie, was that the mother lived there, but the son did not?
- A: Didn't, he'd come to visit her.
- Q: He lived somewhere else and he'd come to visit?
- A: Yeah, yeah. And he'd ring the doorbell and the mother wouldn't always answer and then she'd let me.
- Q: And did you have the impression of how old the guy Gomez was at the time?
- A: No, no. You must remember, because she would tell us things... the same issues and remember the little things about it, but... And then he was her friend, she kept saying he was my friend.
- Q: Do you remember her giving any physical description of him or other kinds of descriptions?
- A: No.
- Q: You know if he had a scar, he had a tattoo, he had a...?
- A: No. She would talk about him in fondness.
- Q: And at some point you actually met him, is that right? Gomez?
- A: Well, I had known him, but I didn't know who it was. I used to go to the Spanish Center and he used to come in there and Pablo and him knew each other very well. And then the last time, you know, when Pablo, because I never put it together and then he had a brother. He has a brother, too. There's two of them. And then I got to know more about that, but then the last I heard he was on a kidney dialysis right now, so, and then Pablo told me that's where he goes up to kidney dialysis, so I went up to where the kidney dialysis is one day and I parked my car and to see if I could see him just to see him and then, of course, the person that came in was talking different then because he was quite different. But he's older now, too. But no, I had seen him but I had known him but not known him, do you know what I'm saying? When you go to the Spanish Center people come in all the time, so I had seen him. And I think the biggest mystery was with Pablo. I mean Pablo and I were working together and the same writer, whatever his name is, had been interviewing Pablo for years, and then one day I was going out with Pablo and I was asking Pablo questions about José Gomez and then finally he stopped the car and he said what's going on. I told him, this reporter had called me and then he said that he had been

avoiding the reporter because the reporter was calling him and he had given more details about Gomez to the reporter than I knew.

Q: I'm sorry. I'm jumping around a little bit but just started tracing back over some of the things that you've said. You said that you knew Lennice a little bit before the crime happened because you would see her and then you got to know her very well after the crime happened but before the trial. Did you ever go visit her in the hospital immediately after the crime? Like, did you go to the emergency room or to the inpatient ward to see her? Check up on her?

A: No, no, no, no, no.

Q: Do you know if Flo did?

A: No, none of us did.

Q: Okay.

A: Our duties started when she came into the house.

Q: Okay.

A: An interview had to have been done for her to come into the house, so somebody would have had to go to the hospital to figure out which form she, they had a quarter house, a halfway and a three quarters. So somebody would have had to go in and do an interview with her to make sure she was, or if they already had her records, a mental health record being done that way.

Q: Was she transferred from the hospital to one of those facilities prior to the trial?

A: Yes. She came from the hospital right to me, to our house.

Q: And that's before the trial?

A: Yes, yes.

Q: Yes, and I guess that was several days after the crime. They just wanted to get her out of the hospital.

A: Yes, yes.

Q: After the trial ended, you said she moved onto the Wright Nursing Home?

A: Well, she stayed at the house for, she did, she stayed at the house until she moved to the Wright Nursing Home. She would have been, I think, she would have been at the halfway house with us for a good year after the trial, if I'm correct.

Q: And then, after she -- and during that time you continued to see her?

A: Yes, and then...

Q: Every other week when you were on your...

A: Yes, and then I left the job. Yes, yes.

Q: And then you said you continued to go visit her at the rest home?

A: Yes, yes I did.

Q: And when you went to go see her, how often would you do that?

A: Well, I'd probably say once a week, and I'd take her down for coffee. There was a coffee shop on Main Street and we'd go for coffee and then she always had a donut that she shouldn't have because she was a diabetic. And that was similar behavior.

Q: And what was the time frame of that, from the time she left and went to the Wright Nursing Home up all the way until she passed away.

A: No, no, no, no then she...

Q: For how many years did you...?

A: I had done that for about a good year and then she went to another rest home in Leominster, I believe, and from there she went to where she did die.

Q: And her behavior, I guess, was sort of consistent the whole time that you...

A: Well, again, again, my friend, when a friend of mine got very sick and then they had been giving her too much oxygen and she thought that she was married, she thought she was having a baby for another President, which, my friend was normal and again President again, of course, delusional. But my friend was normal, and she went into Leominster Hospital and all of a sudden she's mental, so they put her up in this place in Winchendon called Psychiatric for Elderly. And I'm up there visiting with her, and I hear ha, ha, ha, ha, and I knew, I knew right away. So I followed it. I followed the voice and she was in the room and I went in, but she didn't know me.

Q: How many, how long ago was this after the incident?

A: This was -- this was five or six years after this. She didn't know me at all.

Q: She was pretty old now, I imagine?

A: She was, but she -- that's another place that would have a lot of history because if she didn't change she would have still done the same thing at that hospital that she did with

me. And I said to the nurse how is she? And she said, "Oh, she's the same as always." And I said, oh, okay, and I said, "She doesn't know me." She said no, she doesn't know too many people. But she died there. Then she was buried in the veteran's cemetery, I believe. But she died there. Died in that place and that was another...

Q: Do you know the name of the place?

A: Oh, God, I'm going to write down and I'll let Dr. Silber know but I know she was there and Jane, Jane said she used to hear the laugh every night, and I said "It's Lennice" because she knew who Lennice was because I used to tell her about Lennice and she'd said that poor woman that was raped and I said yes. So, she died in a psychiatric senior nursing home.

Q: Okay. And didn't, one thing I want to make sure I confirm, you believe based on your experience with her before the rape that the delusional characteristic was not something that was, you know, caused by the rape in any way?

A: No.

Q: It existed beforehand?

A: Uh hmm. Well, why would she have been involved with mental health? Why would she, you don't go to mental health for the good of your health, you go to mental health because there's something wrong with you.

Q: Right.

A: I mean, you don't get a social security check unless there's something wrong with you. She had all that.

Q: Right.

A: And she must of worked, because her social security check was a bit bigger than the others.

Q: Ah, okay.

A: So that's why I believed her about being in the Army, and she was a veteran.

Q: Yeah.

A: Yes, so I believed it. And you don't take psychotic meds unless there's something wrong with you, unless there's really something wrong with you. I mean, they are heavy duty stuff.

Q: Yes, and you believe, your best memory is that it was Haldol?

A: One of them was Haldol.

Q: Okay.

Q: You have a memory as to how many different meds there were? Whether there were a lot or whether...?

A: There was three meds, three. See, when you come into us like sometimes people are on five meds. She was on three, three different meds. So what is it that you're trying to prove that she was mentally ill before the rape and mentally ill while she was at trial?

Q: No, it's, it's not as though it's any one particular thing. The fact that she had these delusions is something that was unknown to the prosecutor at the time of the trial. It's something the defense lawyer, if he had the information, might have wanted to ask her about that would suggest that she was maybe not, her memory, her, the incident wasn't wholly reliable, wasn't credible. The fact that she had this sort of problem believing that any number of different black men or Hispanic men were her attacker could be used to call into question her identification of Ben at trial.

A: Yes, okay.

Q: There's a tremendous amount of literature on cross-racial, witness identification suggesting that it is very unreliable. Particularly when a white person is trying to identify a minority, and there's sort of psychological studies on that and this will be something that will be kind of a helpful fact, because this was a case where the only evidence was Lennice's testimony. And Lennice's identification of the witness.

A: Well, was there, was there, if she had a sock in her mouth, wouldn't there have been saliva on her? Wouldn't the fellow had to, wouldn't there be fingerprints on the sock? I mean I'm putting the sock in your mouth, I'd have my fingerprints on it.

Q: Right, you know, as far as we know there were none that were recovered from the scene, where at this point, you know, it's a cold case in the sense that the evidence that was gathered twenty (20) some odd years ago is what was gathered and what was analyzed is what was analyzed and there's no indication that they gathered any fingerprint evidence from anything other than the telephone and actually a soda can at the scene, which they weren't able to process.

Q: Yes, in real life if the fingerprinting isn't as...

A: Because I'd be watching cold cases....

Q: Yeah, those guys are brilliant and geniuses now and in real life it's not that technology.

A: I know, but she did tell me he put a sock in her mouth, a white sock.

Q: You might have some residue of oil or DNA. You wouldn't get a fingerprint likely on a sock. But you could get DNA. And one thing that they confused in that trial is the blood types. They had, they identified a blood type that didn't fit Laguer. Our original motion was based on the idea that there were four fingerprints that were taken from the base of this telephone, but they were determined not to be Ben's.

A: Oh my God.

Q: And that was the basis for our first motion, which did not ultimately persuade the court to order a new trial. But we think that information sort of in combination with other things might do the trick.

A: And Pablo was trying to, he told me he was trying to get this Gomez to admit to it because if he was going to die, you know.

Q: Die with a clean conscious, right?

A: Yeah, that's what he said. The Spanish, you know, they're very religious, to die with a clean conscious, you know. I don't know and soon after that I see Pablo, I know Pablo very well. He's a very honest man, by the way. He said it would be good for him to clear his conscious and he said if he's going to die it won't make any difference.

Q: Right.

A: Because we can't, we can't get dead twice.

Q: Right. Well, that could be persuasive or not depending whether he has a specific memory, I suppose. Okay, so here's the procedure. We are going to try to write this up as an affidavit that you can review, make sure we got everything accurate. We're not trying to, we want to help our client, but we are not going to put words in your mouth, we just want the facts. And then we're going to try to pin down this issue about the privilege or the confidential nature of these communications.

A: Yes, yes, yes.

Q: And then see if we can give you some comfort on that. And we we're telling you now that we're not going to use this until we have, until you're comfortable.

A: Good. And I will look for...

Q: If it's alright with you.

Phone ringing.

Q: Excuse me.

A: No, you can keep the tape. I trust you.

Q: I don't know whether _____. I'm in a conference _____ I can't read a paper.

A: I came to America in '65.

Q: Thank you.

A: And then in '67.

Q: What I was going to say was, if it's alright with you, they would use this tape to be sure they got the record right, but then once they've done that, we'll give you the tape and they won't have any record of the tape. All they'll have had is the transcript that they'll prepare for your signature.

A: No, let them give you the tape. I trust you.

Q: Alright, okay.

A: As I said, the only reason I know it's a lot to come out. I trust this man totally, and I see what this man believes. I've met many, many men but I've never met anyone more brilliant than this one, so he's my idol. That's why we're here today.

Q: Good, well we're grateful.

A: And I really, I really, after what the other fellow did, I didn't think I'd ever want to get involved again because it really was a horrible situation. But when I knew that Dr. Silber was involved, I said something has to be right.

Q: Well, we really thank you.

A: Because he's not easily fooled.

Q: It's really important.

TAPE ENDS.

