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28 October 2015

Board of Bar Overseers
Administrator Laurie G. Aaron
99 High Street
Boston, MA 02110

Dear Administrator Aaron:

I am filing this complaint pursuant to S.J.C. Rule 4:01 for your staff to investigate. On 22 April 2010 Assistant District Attorney Sandra L. Hautanen of the Middle District falsely stated to parole officials in papers and testimony that the trial prosecutor neither discussed nor offered a plea bargain. In 8 September 2011 court papers she again asserts that a 2-year plea bargain offer was never discussed because the victim wanted to testify. In February 2012 a superior court judge credit Hautanen's story and ruled that I had forfeit any right to relief on account of this alleged fraud. The defense had earlier filed a motion for a new trial accusing the trial prosecutor of not disclosing exculpatory evidence. The judge was very receptive to Hautanen's claim of fraud because it put a stop to highly embarrassing proceedings against the former trial prosecutor, James R. Lemire, then and now the chief justice of the superior court. In November 2014, I reported her deception to the chief justice of the Supreme Judicial court. In April 2015, retracting her false denials of a plea, Hautanen testified before the seven member parole panel that a pretrial plea had been discussed and rejected. But her reversal was not equal in effect to the adverse and negative consequences of her earlier denials of a plea.

Attorney Hautanen and her supervisors should be compelled to make right her deception. Her falsity is still echoing. The fact that police and prosecutors obtain verdicts based on false is a widespread belief among communities of color and increasingly in the general culture at large. This agency has seldom sought to sanction a prosecutor for not disclosing exculpatory evidence,

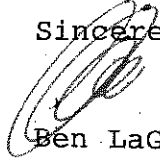
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even when the Supreme Judicial Court has found a sufficient basis to set aside a verdict due to prosecutorial malfeasance. I could have been released from prison after 2-years had I agreed to plea guilty to the terms then set forth. What attorney Hautanen did was poison that truth. It prevented the parole penal and later a superior court judge from achieving a fair and truthful result.

Attorney Hautanen engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of Massachusetts Rules of professional Conduct 8.4(2); conduct that adversely reflects on her fitness to practice law, Rule 8.4(h); conduct that is prejudicial to the administration of justice, Rule 8.4(d)(h), Obstruction of justice/Misleading a Jury/Judge/ Prosecutor and Defense Lawyer under M.G.L. c. 268 S. 13B. Finally, Attorney Hautanen is obligated as well as her superior District Attorney for the Middle District Joseph D. Early, Jr., and Jane A. Sullivan, Appeals chief by Rule 3.3(a)(4), stating "if a lawyer has offered...material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures." Hautanen's remedial measure, her admission to the parole board of a plea after I wrote a letter to the chief justice of the Supreme Judicial court, is wholly inadequate to the prejudicial and widespread damage of her dishonesty.

I pray that Attorney Hautanen be sanctioned appropriately.

Sincerely



Ben LaGuer