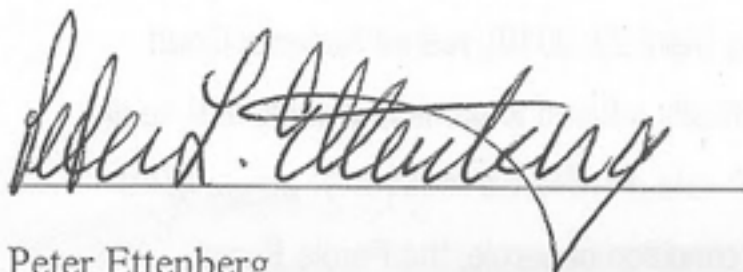


AFFIDAVIT OF PETER ETTENBERG

I, Peter Ettenberg, hereby depose and state as follows:

1. I am an attorney practicing in Massachusetts.
2. I represented Benjamin LaGuer at his trial in 1984.
3. I have reviewed my notes related to the trial. These notes confirm my recollection that before Mr. LaGuer's trial, I discussed with the trial prosecutor, James Lemire, the possibility of a plea agreement.
4. Mr. Lemire and I discussed an offer for a joint recommendation, after a guilty plea, of a sentence to MCI-Concord of twenty years in state prison. My understanding was that such a sentence would have made Mr. Laguer eligible for parole after two years, and that Mr. LaGuer would be credited for the time he had already served.
5. I conveyed this offer to Mr. LaGuer. Mr. LaGuer was unwilling to plead guilty, contending that he was innocent of the crimes charged.

Signed under pains and penalties of perjury,



Peter Ettenberg

Date:

4/29/10