

APPEALS COURT
Full Court Panel Case
Case Docket

COMMONWEALTH vs. BENJAMIN LAGUER
2012-P-1785

CASE HEADER

Case Status	Scheduled for argument	Status Date	10/08/2015
Nature	Crime: Sexual Offense	Entry Date	11/09/2012
Sub-Nature	9th mtn for new trial	SJ Number	
Appellant	Defendant	Case Type	Criminal
Brief Status		Brief Due	
Panel		Argued/Submitted	
Citation		Decision Date	
Lower Court	Worcester Superior Court	TC Number	
Lower Ct Judge	Robert V. Mulkern, J.	TC Entry Date	08/04/1983
FAR Number		SJC Number	

FUTURE CALENDAR

Wednesday, November 18th 2015, 9:30 AM

Presiding: Cohen, Grainger, Wolohojian, JJ.

John Adams Courthouse, Courtroom 4, Third Floor, Pemberton Square, Boston, MA 02108

INVOLVED PARTY

Commonwealth
 Plaintiff/Appellee
 Red brief & appendix filed
 8 Extensions, 279 Days

Benjamin LaGuer
 Defendant/Appellant
 Blue br, app & reply br filed
 11 Extensions, 510 Days

ATTORNEY APPEARANCE

Jane A. Sullivan, A.D.A.
 Sandra L. Hautanen, A.D.A.

John H. LaChance, Esquire

DOCKET ENTRIES

Entry Date	Paper	Entry Text
11/09/2012		Transcripts received: 1 vol, 2 sets paper in Clerk's envelope.
11/09/2012	#1	Entered.
11/09/2012	#2	Notice of entry sent.
11/13/2012		CD containing transcript of motion for new trial hearing, 9/9/11, received from Worcester Superior Court.
11/16/2012	#3	Motion for entry, filed by Benjamin LaGuer.
11/19/2012		RE#3: No action necessary as this appeal was entered on 11/9/12. *Notice.
12/31/2012		Notice preceding dismissal: Standing Order Governing Dismissals for Lack of Prosecution.
01/07/2013	#4	MOTION to extend brief & appendix due date, filed by Benjamin LaGuer.

DOCKET ENTRIES

01/08/2013 RE#4: As this case has been assigned to screening counsel, appellate proceeding stayed to 2/8/13 by when a status report is due, to be accompanied by the docketing statement required under this court's standing order. *Notice.

02/25/2013 #5 Motion to file Status Report late, and Status Report, filed by Benjamin LaGuer.

02/25/2013 RE#5: Appellate proceedings STAYED to 03/25/2013. Status report due 03/25/2013 to be filed by Attorney LaChance in his capacity as screening counsel. *Notice.

03/08/2013 #6 Docketing Statement received from Benjamin LaGuer.

03/08/2013 IMPOUNDMENT NOTE: Physical evidence impounded associated with dockets 1983-03391 and 1983-03394. See docketing statement.

03/28/2013 #7 Status Report, filed by Benjamin LaGuer.

03/28/2013 RE#7: Appellate proceedings STAYED to 04/29/2013. Status report due 04/29/2013 concerning whether CPCS has appointed counsel. *Notice.

05/02/2013 #8 Status Report, filed by Benjamin LaGuer.

05/03/2013 RE#8: Appellate proceedings STAYED to 06/03/2013. Status report due 06/03/2013 regarding CPCS approval. *Notice.

05/28/2013 #9 Status Report, filed by Benjamin LaGuer.

05/28/2013 RE#9: Appellate proceedings STAYED to 07/15/2013. Status report due 07/15/2013 indicating whether or not CPCS will appoint counsel. *Notice.

07/16/2013 #10 Status Report, filed by Benjamin LaGuer.

07/17/2013 RE#10: Appellate proceedings STAYED to 08/16/2013. Status report due 08/16/2013 indicating whether or not CPCS will appoint counsel. *Notice.

08/19/2013 #11 Status Report, filed by Benjamin LaGuer.

08/20/2013 RE#11: Appellate proceedings STAYED to 09/13/2013. Status report due then as to whether CPCS is to appoint counsel. *Notice.

09/09/2013 #12 Notice of appearance of John H. LaChance for Benjamin LaGuer.

09/09/2013 #13 Status Report, filed by Benjamin LaGuer.

09/09/2013 #14 MOTION to extend brief & appendix due date, filed by Benjamin LaGuer.

09/10/2013 RE#14: The stay of appellate proceedings is vacated. Appellant's brief and appendix due 11-15-13. Notice to counsel.

11/21/2013 #15 MOTION to extend brief & appendix due date, filed by Benjamin LaGuer.

11/22/2013 RE#15: Allowed to 01/15/14. No further enlargement to be anticipated. Notice

01/15/2014 #16 MOTION to extend brief & appendix due date, filed by Benjamin LaGuer.

01/15/2014 RE#16: Allowed to 02/18/2014. Notice sent.

02/14/2014 #17 MOTION to extend brief & appendix due date, filed by Benjamin LaGuer.

02/14/2014 #18 Notice of change of address of John H. LaChance, Esquire.

02/18/2014 RE#17: Denied without prejudice to renewal accompanied by the brief on or before 3/15/14. *Notice.

03/20/2014 Notice preceding dismissal: Standing Order Governing Dismissals for Lack of Prosecution.

04/15/2014 #19 MOTION to extend brief & appendix due date & revoke dismissal, filed by Benjamin LaGuer.

04/24/2014 RE#19: Allowed to 05/15/2014. No further enlargements. (Trainor, J.) *Notice sent.

05/21/2014 ORDER: DISMISSAL under Standing Order Governing Dismissals for Lack of Prosecution.

05/27/2014 #20 Motion to revoke dismissal and enlarge time, filed by Benjamin LaGuer.

06/13/2014 RE#20: The motion seeks to 6/6/14 to file the brief. To date, the brief has not been filed with the court. The motion is denied. (Trainor, J.) *Notice.

06/23/2014 #21 MOTION to extend brief & appendix due date, filed by Benjamin LaGuer.

DOCKET ENTRIES

06/24/2014 RE#21: Denied without prejudice to renewal, on or before 7/1/14, as a motion to reinstate this appeal which has been dismissed for failure to prosecute. *Notice.

06/30/2014 #22 Motion to reinstate the appeal, filed by Benjamin LaGuer

07/07/2014 #23 Motion for leave to file short moffett brief, filed by Benjamin LaGuer.

07/10/2014 #24 SERVICE of brief & appendix for Defendant/Appellant Benjamin LaGuer.

07/10/2014 RE#22: Allowed. The appeal is reinstated and the defendant's brief and appendix are accepted for filing this date. (Carhart, J.). *Notice.

07/15/2014 RE#23: The Clerk's Office has received the referenced document from Benjamin LaGuer, who, according to the case docket, is represented by counsel. The document is noted as received on the docket, but the court will take no further action because it was not filed by counsel. Where counsel is on record as representing a party, only that counsel has authority to make filings in the court for the party, and only those filings will be reviewed and acted on by the court. Benjamin LaGuer should direct future inquiries and requests to counsel who can then making appropriate filings. This notice will not be sent in the future in response to any subsequent submissions from Benjamin LaGuer.

07/23/2014 #25 Motion to compel service of appellant's brief , filed by Commonwealth.

07/30/2014 RE#25: The defendant shall file a response to this motion on or before 08/06/2014 . *Notice/attest.

08/04/2014 #26 Certificate of service for appellant's brief, filed by Benjamin LaGuer (per paper #25).

08/11/2014 #27 Notice of appearance of Sandra L. Hautanen for Commonwealth.

08/11/2014 #28 MOTION to strike appellant's brief and appendix, filed by Commonwealth.

08/13/2014 RE#28: Allowed in part and denied without prejudice in part. The defendant's brief contains references to the victim's name, which is confidential. See G.L. c. 265, s. 24C. Consequently, Defendant's counsel shall make appropriate redactions to the brief in all copies on file with the Clerk's Office on or before 8/22/14. Alternatively, replacement briefs may be filed on or before said date. To the extent Commonwealth contends the defendant's appendix is incomplete, the Commonwealth may file an appendix containing additional materials from the trial court record with its responsive brief. The remaining arguments raised in the motion may be included in Commonwealth's responsive brief, now due on or before 9/15/14. *Notice.

09/10/2014 #29 MOTION to extend brief due date of Commonwealth.

09/11/2014 RE#29: Allowed to 10/31/2014. Notice sent.

11/03/2014 #30 MOTION to extend brief due date of Commonwealth.

11/04/2014 RE#30: Allowed to 12/01/2014. Commonwealth defendant's counsel is reminded of his obligation to file replacement briefs forthwith detailed in his court's order, dated 08/13/2014. Notice sent.

11/03/2014 #31 Notice of change of address of John H. LaChance, Esquire.

11/03/2014 #32 MOTION to file OPPOSITION to paper #28, filed by Benjamin LaGuer.

11/17/2014 RE#32: No action necessary. The defendant may respond to the Commonwealth's arguments in his reply brief, as the Commonwealth's motion was allowed in part and denied in part without prejudice to renewal in its brief. To the extent the Commonwealth's motion was allowed in part, it required redaction of the victim's name. See G.L. c. 265, s. 24C. Counsel is to comply with the court's orders regarding redaction forthwith. *Notice.

12/01/2014 #33 MOTION to extend brief due date of Commonwealth.

12/04/2014 RE#33: Denied without prejudice to renewal, on or before 1/16/2015, accompanied by the proposed brief and appendix *Notice.

01/15/2015 #34 SERVICE of revised brief & appendix for Defendant/Appellant Benjamin LaGuer.

01/15/2015 #35 Letter from Benjamin LaGuer re: Request for copy of docket

01/20/2015 Copy of docket sent to Ben LaGuer.

DOCKET ENTRIES

01/20/2015 #36 MOTION to extend brief due date of Commonwealth.
01/26/2015 RE#36: Allowed to 02/13/2015. Notice sent.
02/13/2015 #37 Motion to submit a Moffet brief in support of his appeal from denial of motion for new trial. (pro se motion), filed by Benjamin LaGuer.
02/23/2015 #38 MOTION to extend brief due date of Commonwealth.
03/02/2015 RE#38: Allowed to 03/06/2015. Notice sent.
03/02/2015 RE#37: Denied. If counsel so chooses, he may seek leave to file a substitute brief. (Cohen, J.). *Notice.
03/09/2015 #39 MOTION to extend brief due date of Commonwealth.
03/09/2015 RE#39: Allowed to 3/25/2015. *Notice.
03/26/2015 #40 MOTION to extend brief due date of Commonwealth.
03/30/2015 RE#40: Allowed to 04/03/2015. Notice sent.
04/24/2015 #41 MOTION to extend brief due date of Commonwealth.
04/27/2015 RE#41: Denied without prejudice to renewal with brief on or before 4/30/15. *Notice.
05/18/2015 #42 Motion to file non-conforming brief, filed by Commonwealth
05/18/2015 RE#42: Allowed and accepted for filing this date. Notice sent.
05/18/2015 #43 MOTION to filed brief and appendix forthwith filed by Commonwealth
05/18/2015 RE#43: Allowed. *Notice.
05/18/2015 #44 SERVICE of brief & supplemental appendix (2 vols, 7 sets) for Plaintiff/Appellee Commonwealth.
05/26/2015 #45 Motion to substitute redacted copies, filed by Commonwealth.
05/29/2015 RE#45: The document will be inserted into the Commonwealth's brief as an addendum as a courtesy by the Clerk's Office. *Notice.
06/01/2015 #46 MOTION to extend reply brief due date, filed by Benjamin LaGuer
06/04/2015 RE#46: Allowed to 6/15/15. *Notice.
06/17/2015 #47 MOTION to extend reply brief due date, filed by Benjamin LaGuer.
06/22/2015 RE#47: Allowed to 6/30/15. *Notice.
07/01/2015 #48 MOTION to extend reply brief due date, filed by Benjamin LaGuer.
07/02/2015 RE#48: Allowed to 7/7/15. *Notice.
07/13/2015 #49 MOTION to extend reply brief due date, filed by Benjamin LaGuer.
07/16/2015 RE#49: Denied without prejudice to refile with the reply brief on or before 7/28/15. *Notice.
08/10/2015 #50 Motion to revoke dismissal, to enlarge time for filing of reply brief, and motion to file brief late instantar, filed by Benjamin LaGuer.
08/11/2015 RE#50: Allowed. Reply brief is accepted for filing this date. *Notice.
08/11/2015 #51 SERVICE of reply brief for Defendant/Appellant Benjamin LaGuer.
09/09/2015 Notice sent seeking information on unavailability for oral argument in November 2015
09/15/2015 #52 Letter of John H. LaChance, Esquire unavailable for oral argument 11/2-11/6.
10/08/2015 #53 Notice of 11/18/2015, 9:30 AM argument at John Adams Courthouse, Courtroom 4 (a4) sent.

As of 10/08/2015 20:00