Bibliographical Notes

Ben LaGuer’s Biography

Benjamin LaGuer (born May 1, 1963) is an innocent man serving a life sentence in Massachusetts. He has been proclaiming his innocence since he was convicted of rape in 1984. His case achieved prominence in the late 1980s when reporting by John King discovered a juror who charged that other members of the all-white-male jury uttered racist slurs before and during deliberations. His case became a flashpoint in the 2006 race for Massachusetts Governor when it was revealed that Deval Patrick, the Democratic candidate, had corresponded with and supported LaGuer over a period of several years.

LaGuer was born in The Bronx, New York. He grew up in New York and Puerto Rico until the age of 15 when he moved to Leominster, Massachusetts to live with a sister who was his father's daughter from a previous marriage. LaGuer had no history of violence; he grew up in a Seventh Day Adventist family. He attended high school in Leominster, where he was elected president of Latino Student Body. He was a member of the Drama class. He dropped out in late 1979 to join the Army where he served in a support capacity in Germany. (LaGuer was disciplined for being present where others sold a small amount of hashish.) He returned to Leominster in June 1983 having been honorably discharged from the military. Prior to his discharge, LaGuer contributed the maximum towards his GI Bill (educational matching funds). On the morning of July 13, 1983, police were summoned to his neighbor's apartment where they discovered the 59-year-old woman bound and beaten.

Two days later, on July 15, 1983, LaGuer was charged with the crime. He proclaimed his innocence and the following January refusing a plea bargain offer, was convicted in Worcester Superior Court and given a life sentence with eligibility for parole after 15 years. Because he has continued to refuse to admit guilt, for a crime he did not commit, the Parole Board has seen fit to continue to deny him release.

A Political Football Case for Many Years

After a highly critical four-part series in the Sentinel & Enterprise newspaper in August 1986, Leominster PD Chief Alan J Gallagher responded to a reporter, “You can’t second guess a jury. You present the evidence to them and they decide.” Raymond A Booth, president of the Patrolman’s Union, said, the published reports “caused me to sit and think about it.”

Booth added that the detective bureau of the Leominster PD ran “almost (as) a separate police operation.” This synchronizes with Carignan’s testimony that “I was conducting my own investigation.” (Tr369) He had no supervision or powers over other officers.

By late winter, the Leominster City Counsel had another crisis. The counsel voted 6-3 to ask the Mayor to disperse funds for an “independent investigation” into misconduct against Chief Gallagher and Lt Robert G. Hebert. According to a Sentinel & Enterprise account, Councilor John P. Mahan flashed a December 31 Sentinel article quoting Ben LaGuer as requesting that his case be included in any investigation of the department. “This is the can of worms you have opened with this nonsense.” (LaGuer would not step foot in court for another two years.)

Serious Questions Linger among the Citizens

“Serious questions have been raised concerning the handling of evidence in Mr. LaGuer’s case—questions that deserve serious consideration,” says state Senator Jarrett T. Barrios, chairman, Public Safety Committee, in a letter to Dr. Carl Selavka of the Massachusetts State Police crime lab.

“A number of reporters have concluded that at the very least, his trial was a pretty odoriferous piece of business. In 1994, the Globe editorialized in favor of a new one.” Prosecutors presented not a shred of physical evidence. And for a case of interracial rape, a charge still fraught with a social legacy, twelve white men were empanelled as jurors. Allegations of racism forced a post-verdict hearing, in 1991

1 Sentinel & Enterprise, “LaGuer Case has Provoked Little Comment by Police” by Tracey F. Seelye December 1986
2 Sentinel & Enterprise, “Counsel Wants Own Police Probe Funds” by Robert D. Winship

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with jurors being called upon for testimony.\(^5\) When a reporter asked his impressions of the trial and that of Ben LaGuer a juror, Stephen J. Martin, says, “The life sentence showed the judge agreed with the verdict. ‘We saw an animal, and he saw the same animal.’”\(^6\) “When a black person walks into a Massachusetts courthouse, ‘the likelihood is that they are not going to get equal justice,’” said SJC chief justice Paul L. Liacos. (Boston Herald 9/22/94)

Not only had the president of Boston University offered his personal prestige to the cause of freeing LaGuer, joining was MIT Linguist Noam Chomsky and William Styrson, Boston University Professor Leslie Epstein and Harvard Professors Charles Ogletree, Abbe Smith and Henry Louis Gates and former US Justice Department chief for Civil Rights Deval Patrick, as well as a legion of prominent members of academia, law, finance and clergy such as Minister Don Muhammad of the Nation of Islam. State representative Ellen Story, D-Amherst, and Benjamin Swan, D-Springfield, expressed dismay upon hearing that LaGuer’s conviction had been upheld by appeals court. “That’s unfortunate,” Swan said, “I had serious questions about how the prosecutor had handled evidence in that case.” Story said, “From what I know about this case, I think there’s not much question that he is innocent and evidence was tampered with.”

**LaGuer Does Not Fit a Psychological Profile**

Ben LaGuer, with over two thousand dollars in his pocket from his military separation checks, had no reason to engage in a robbery of this nature and psychological profile. The man robbed Plante of her pearls and walked away with her straw pocketbook containing nine dollars in paper money and approximately three dollars in coins, according to Carignan’s police report. (7/14/83) The fact that Jose Gomez was homeless not only fits him more squarely with a man who had “an awful odor on his breath that she could not describe” and robbed her pearls and a few dollars, his history of violence is informative.

In a sentencing report to the trial judge, court appointed psychiatrist Dr. Lawrence Hipshem said, “LaGuer does not fit either a psychological nor pathological profile of a person capable of committing this crime.” (Tr 611) In a second report, Department of Corrections psychiatrist Dr. Daniel Weiss said, “In talking with him [LaGuer] at some length and in reading the report and trying to compare the action with his own history….it seems totally out of character that this man would have done it…he is not a sexually dangerous person and I recommend no further action on that question at this time.”

After the trial, Ettenberg sought to have the court dismiss the charges. “I know the seriousness of the offense,” Ettenberg said, “and that justice and the circumstances would cry out that a severe penalty be imposed. But I would suggest to the court that a severe penalty should be imposed on the correct man, not this man, who has got no tendency, no evidence whatsoever of ever committing a crime of this nature or could have committed a crime of this nature.” (Tr 614) In his response, Lemire said: “The jury has heard or had heard a week long trial of evidence, more than the woman’s testimony, next door over, there was a question of keys missing, and the only apartment beyond this woman’s was the man’s. So, there was circumstantial evidence other than her identification in this matter.” (Tr 416) As we saw earlier all of the “circumstantial evidence” consisted of lies and half-truths.

The three day trial began on Tuesday and ended on Friday between 24-27 day of January 1984. (Tr 3, 593) Jurors deliberated from 3:25 pm until 4:45 pm on Friday, returning on Monday from 10:11 am until reaching a verdict at 11:53 am. (Tr 592, 596)

**Challenges to the Conviction**

Soon after starting his prison term, LaGuer began studying in the law library and learned how to access the legal system on his own behalf and for other inmates. In 1991 a challenge LaGuer launched to his conviction two years earlier went all the way to the Massachusetts Supreme Judicial Court which rendered a landmark ruling in LaGuer's favor. At issue was whether an affidavit given by juror William Nowick that other members of the all-white-male panel made racist comments before and during

\(^5\) Boston Phoenix, “Oxymoronic: For Benji LaGuer, there’s no justice in the system” by Sean Flynn 30 August 1991 (“The irony in the approach runs deep. In order to preserve a supposedly fair and truthful verdict, [the prosecutor] was trying to make one of the men who rendered it look feeble-minded and untruthful, thoroughly incredible as a witness to the deliberation yet eminently qualified as a participant in them.”)

\(^6\) T&G, “Jurors mixed on recent findings in LaGuer case” by Matt Bruun of 13 December 2001

\(^7\) Springfield Republican, “Rapist won’t get new trial” by Dan Ring of 3 March 2006
deliberations constituted a violation of LaGuer's right to a fair trial. Even though the state's high court sided with LaGuer as a matter of law, it did not overturn the verdict, instead sending it back to the trial judge, Robert Mulkern, for a finding of fact on whether the allegations were "essentially true." After a hearing in which some jurors were called to testify, all of whom affirmed a spectrum of said claims of racism, Judge Mulkern ruled against LaGuer. LaGuer exhausted his last appeal of that decision in 1994, more than ten years after his conviction.

The case became well known among activists, academics and journalists who came to believe strongly that LaGuer had suffered a gross miscarriage of justice. Starting in 1986, reporters who looked at the case found troubling questions about whether LaGuer in fact committed the crime. During that time LaGuer also earned a bachelors degree magna cum laude from Boston University and won a first place International PEN award for an essay on his mother. In 1998 LaGuer was for the first time eligible for parole but was denied because he refused to admit to the crime. At that point he attracted an unlikely ally in Boston University president and 1990 Democratic candidate for governor of Massachusetts, John Silber who helped arrange for pro bono legal representation. His team, which included members of McDermott, Will & Emery, the law firm William Weld, Silber's opponent in the governor's race, had belonged to, successfully sued the parole board and forced a second hearing at which LaGuer was again denied parole.

LaGuer continued to maintain his innocence and attracted the pro bono services of another high powered international law firm, Goodwin Procter, where James C. Rehnquist, a partner at the firm took over LaGuer's case. In February 2004 Rehnquist filed a motion for a new trial in Worcester, Massachusetts Superior Court seeking a new trial on the basis of a Massachusetts State Police report generated the day LaGuer was arrested showing that four fingerprints found on the base of the trimline telephone, the cord of which was used to bind the victim's wrists, did not match LaGuer. This revelation prompted concern from several law makers, including State Senator Jarrett Barrios, who made a written inquiry to the State Police crime lab. Rehnquist's position that the suppression of potentially exculpatory evidence (revealed in November 2001, almost 18 years after the trial) constituted a violation of LaGuer's right to a fair trial was rejected by Worcester Superior Court Judge Timothy Hillman, who had once represented the victim's daughter in a probate matter related to her father's estate. Rehnquist appealed the decision where he was again denied. In June 2006 the Massachusetts Supreme Judicial Court agreed to hear the case. On March 23, 2007 the Supreme Judicial Court unanimously upheld LaGuer's conviction.

Political use of the LaGuer case in the Massachusetts Governor's race

In the fall of 2006 the LaGuer case became a dominant issue in the race between Republican Lieutenant Governor Kerry Healey and Democrat Deval Patrick when it was revealed that Patrick had petitioned the parole board in 1998 and 2000 for LaGuer's freedom and had contributed financially to the DNA testing. In his letters to the parole board Patrick characterized LaGuer as "thoughtful and eloquent." He was criticized in two widely used television ads, considered by some analysts to be among the most negative in the 2006 campaign season. In one ad featuring a woman walking alone in a parking garage, the narrator asks, "have you ever heard a woman compliment a rapist?" The ad was widely perceived as backfiring on Healey because of its negative tone. Patrick ultimately won the race by a margin of more than 20 percentage points.

Racism infected the Trial of Ben LaGuer

On July 18, 1988, William Nowick, a juror at LaGuer’s trial in 1984, signed an affidavit in which he stated, in part:

2. Before and during the jury deliberations, countless racial slurs were made in the presence of the jury members about the defendant, Benjamin LaGuer. The first instance of a racial slur being uttered was immediately after the jury was empanelled, as the jury members were going to lunch. One juror, Joseph P. Novak, remarked about the defendant, "the goddamned spic is guilty just sitting there; look at him. Why bother having the trial." The jury foreman, James Dalzell, requested that Mr. Novak be quiet.

3. Moreover, during the jury deliberations, there was much unsubstantiated speculation about how anyone could have raped someone all night. This same Joe Novak stated that "spics
screw all day and night," and again alluded to the defendant's guilt. Again Mr. Dalzell asked the juror to refrain.

(R. 56)

In Commonwealth v. LaGuer, 410 Mass. at 98, the Supreme Judicial Court ordered the trial court to conduct a hearing to determine "whether the revelations or disclosures in Nowick's affidavit of ethnically oriented statements having been made by one or more jurors are essentially true." Four jurors were among the witnesses called at the hearing held by a trial judge in August of 1991.8 A brief summary of the testimony of those jurors at the hearing is set out below.9

William Nowick 64, of 887 Grove Street, Worcester, testified that paragraphs two and three of his affidavit truthfully reported ethnic comments made by juror Joseph Novak during the Laguer trial (Tr. 1/19-22). He described the affidavit as a whole, however, as being "maybe, a little overdramatic" (Tr. 1/25).10

The prosecutor on cross-examination reviewed, practically word for word, the entire affidavit that had been filed in court. At no time, however, did this painstaking parsing on cross-examination of the affidavit succeed in shaking for a minute Mr. Nowick's consistent and sworn-to testimony concerning the specific ethnically oriented remarks that had been made by Juror Novak. On redirect examination, Mr. Nowick continued to affirm the accuracy of the ethnically oriented statements in paragraphs two and three of the affidavit (Tr. 1/124-125).

Mr. Nowick was a frail, sickly man. He suffered from heart and lung disease (R. 74, July 10, 1991, p. 45, Tr. 1/22). He had been ill when he signed the affidavit in July, 1988, and entered the hospital for major surgery shortly thereafter. He had two lung operations, one in the summer of 1988, and one the summer of this hearing (Tr. 1/16-17).11 Mr. Nowick testified that at the time of the interview with the state troopers that preceded this hearing, he had a lung tumor and a collapsed lung, and that he has been suffering from a disease which is being treated with twelve drugs (Tr. 1/122).12 At one point, when questioned as to whether he had said something different to the state police on June 11, Mr. Nowick noted that June 11 was only two weeks before his recent hospitalization (Tr. 1/46, 62). Asked by the prosecutor, "How is your mind today?" he answered, "My mind. Well, I am here." (Tr. 1/62). His health, and not this case or this affidavit, is what has been on his mind "to be going over and over" during the last three years (Tr. 1/63).

Joseph Novak, 71, of 18 Edison Street, Worcester, testified that he had been foreman of the LaGuer jury and that there were women on the jury (Tr. 1/134-135, 139-140).13 Asked if he had told Mr. Nowick just before trial began, "The god-damned spick is guilty just sitting there. Look at him. Why bother having the trial," Mr. Novak replied:

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8 The suggestion by the Appeals Court majority that the defense had full Access to all of the jurors prior to the hearing is incorrect. Although a statement by the judge at the first of three pre-hearing conferences could have created the misimpression that counsel for Laguer were free to interview all the jurors (Tr. May 30, 1991 p. 10; Tr. June 10, 1991 p. 5, 12). The judge's comment then relied on in part by the Appeal Court majority, that all the jurors, except one who was deceased, were present at the hearing and "available to testify" is somewhat disingenuous.

9 The fourth of the jurors was Stephen Martin, who was called by the defense in an unsuccessful attempt to establish that he was a juror who had appeared on television with his face blacked out (Tr. 2/38-40). Mr. Martin denied that he was that juror or that he had heard racist comments during deliberations (Tr. 2/39-40). His memory of the deliberations were vague (Tr. 2/40). Mr. Nowick, when asked by the prosecutor if he knew whether any other jurors had heard Mr. Novak's racist remarks, had referred to an unknown juror who had stated on Channel 7 that he had heard such remarks (Tr. 1/110-112). Under the ground rules set up by the judge, the defense had not sought access to this juror prior to the hearing. Reference to the testimony of other witnesses may be made in the argument portion of this petition.

10 Mr. Nowick was not the author of the affidavit, which had been prepared by two Harvard Law School students who were assisting the defendant in his pro se attempt to win a new trial.

11 The prosecutor had reported at a July 10, 1991, conference that he had received a report that Mr. Nowick had undergone lung surgery on June 24, 1991, and as of July 10 was in intensive care with a collapsed lung (Transcript of July 10, 1991, p. 2).

12 Shortly after the start of his testimony, the judge offered Mr. Nowick a seat and asked that the "blowers" be turned off so that Mr. Nowick would not have to "strain" his voice (Tr. 1/16-17). The prosecutor noted that it was "better" when Mr. Nowick held the microphone (Tr. 1/19).

13 James Dalzell was the foreman of the jury which was comprised entirely of males (see Tr. 1/6-7).
No. The first time I heard that word - the only "spick" I ever knew was Spic & Span. The first time I ever heard that word "spick" was when William Nowick during deliberation, after the trial was finished, he said three times, "I don't know, the spicks all stick together." He repeated that at least three times. Now, I don't know what he meant by that. All I can do is conjecture about it.

(Tr. 1/136).

He denied that he knew any Spanish people, that he had never had a chance to meet any, and that he had "no prejudice or any animosity toward them. How can you when you don't know them?" (Tr. 1/137). Asked if any of the jurors had said anything about Spanish-speaking people being "overly romantic," Mr. Novak answered:

They didn't use the word "damn." They said overly romantic, but they didn't use the word "damn." If they would have done any cursing, I [because I was foreman] would have stopped them. I would have corrected them.

(Tr. 1/138).

The comment about being overly romantic was made twice by one of the women (Tr. 1/139). However, Mr. Novak explained:

They didn't make any statement you could consider an ethnic slur. There is nothing wrong with calling the Spanish people overly romantic, because one in five Spanish one of the five romance language they call them speaking races.

(Tr. 1/138) (emphasis added).

Mr. Novak then testified that Mr. Nowick was the only juror who had made what "[t]hey ... call an ethnic slur." (Tr. 1/140). He continued that he had been called a "dirty polack" when he was in grammar school, but that it was not considered an ethnic slur; the "kid" who made the remark would eventually apologize and they would shake hands:

[T]he kids always used to call "dirty polack," whatever nationality, "dirty frog," "dirty wop," "dirty Irish." When I was going to grammar school that happened often. That wasn't considered an ethnic slur then, because the kids usually made up.

(Tr. 1/140).

He continued, "But today you can take a slight dig at a nationality, and it's considered an ethnic slur. Everything is so changed so much today." (Tr. 1/140). At the time of the LaGuer trial, he did not consider such words to be ethnic slurs, "because I even heard grownups -- even the police call each other. But that was just a common phrase to them. They didn't make anything out of it." (Tr. 1/141-142).

Mr. Novak testified that during the deliberations he went around the room and spoke with jurors privately (Tr. 1/143).

Mr. Novak testified on cross-examination that the first time he told anyone that Mr. Nowick had used the term "spick" was when he had been questioned by the state troopers and the defense investigator (Tr. 1/148). He claimed that Mr. Nowick made these comments during deliberations (Tr. 1/148-149). Asked if he had ever made the statement attributed to him by Mr. Nowick, he replied, "I never heard of that word 'spick.' How could I? I don't know any Spanish people. I don't know any of these South American people" (Tr. 1/151).

James Dalzell, 53, a construction manager for Coughlin Electrical Contractors, testified that he was the jury foreman at the LaGuer trial (Tr. 1/153-154). He initially testified at the hearing that he could not remember any racial statements being made (Tr. 1/155). Asked if any part of the first three paragraphs of Mr. Nowick's affidavit were true, he answered, "They could be or couldn't. I just don't remember." Asked if during an interview with Trooper Richard McCann and Corporal William Kokocinski on July 17, 1991, had told them that parts of the affidavit were true, he said he had (Tr. 1/155-156). He could not "recall" telling the state troopers, "The first two paragraphs racism was brought up, and I asked the jury body to

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knock it off." (Tr. 1/156). Shown the transcript of his interview and asked if he had said that, Mr. Dalzell claimed, "I remember saying that parts of the -- this affidavit was correct, and I don't remember what parts I said was correct" (Tr. 1/157). Mr. Dalzell said he could not "specifically remember" if the word "spick" had been used (Tr. 1/158). He was then asked, if, when asked by the state police if the word "spick" was used, he had replied, "It probably was, but I couldn't say specifically. There was a racist remark, as my statement says, or as Mr. Nowick's statement says. What racist remark was used, I don't know." (Tr. 1/58). Mr. Dalzell answered he could only remember that he had told the troopers that there had been a remark and not that it had been racist (Tr. 1/158-159).

Mr. Dalzell was then asked if he had told the state police on July 17, 1991, that paragraph two of Mr. Nowick's affidavit was "basically correct, as I remember. Paragraph three the same." (Tr. 1/159-160). He went on:

The only thing I can say looking at this statement, if the body was out of order, I would have tried to bring it back. The fellow that wrote this has a better recollection than I do apparently. I don't remember specifically what it says here; just I know the way I would behave, that's all.

(Tr. 1/160).

He said the same would apply to paragraph three. (Tr. 1/160). He agreed that at the July 17, 1991, interview, he had said he "basically agreed with paragraphs two and three." (Tr. 1/160-161). The judge then took over the examination of Mr. Dalzell and asked if he had heard someone say, "The god-damned spick is guilty just sitting there. Look at him?" The witness said he did not remember hearing that (Tr. 1/161). The judge then asked Mr. Dalzell if he had heard someone say, "Spicks screw all day and night?" Mr. Dalzell answered, "I heard something that wasn't proper. I don't remember what it was, but I do remember having to take order more than once." (Tr. 1/161). The judge asked if what was out of order had "adverse, bad racial overtones?" Mr. Dalzell answered, "I honest to God don't remember" (Tr. 1/161-162). Defense counsel then, using the transcript of the state police interview with Mr. Dalzell on July 17, continued the examination.

Q. "And do you recall in paragraph three if Mr. Novack stated that spicks screw all day and all night". Answer: "I am trying to put a face on a name. Okay. I remember there was -- I believe that's the person I am thinking of, an elderly man, white hair. He seemed to have somewhat of a negative opinion of young people. I am not sure it was all racial. it was a generational thing as I remember." Do you recall being asked that question and giving that answer?

A.  Yes, I do, similar to that. I don't know if that's exactly it.

Q. Did the officers ask you this question and did you give this answer? Question: "You stated earlier that you did hear racist remarks?" Answer: Yeah, I think I did. I think the statement says that, the first paragraph. The second paragraph says that." Do remember being asked that question and giving that answer?

A.  Yes, I do.

Q.  Were you asked ... and did you give these answers? "And when you tried to uphold order." Answer: "I didn't try. I did." Question: "When you did, was it because there were racist remarks being made?" Answer: "I honest to god don't remember racial being a big thing here. I really don't. If I thought it was, believe me, I have no reason to hold back." Question: ["]That it was an issue?" "I don't remember it being a big issue, as Mr. Nowick thinks it was." Question: Did you hear racist or racial remarks?" Answer: "I am going to say yes; but if you ask me what I heard, I don't remember." Do you remember being asked those questions and giving those answers?

A. Similar to that statement, yes.

(Tr. 1/162-164) (emphases added; interview transcript page references deleted).
On cross-examination, Mr. Dalzell agreed with the prosecutor's summary of his position as thinking that a racist remark may have been made, but that he is not sure (Trial Tr. 165). He said his mind was refreshed by the interview and the affidavit (Trial Tr. 166).

The judge again took over the questioning.

Q. If, I understand you correctly, you don't recall any specific racist remark being made; is that correct?
A. That's correct. I couldn't quote anything that was said.
Q. Okay. You say there may have been a racist remark. Are you saying that based upon your present memory of what occurred during the trial and deliberations, or because having seen this affidavit and read the news items you are alerted to the fact that some other people say there were? Which is it?
A. Me refreshing my mind with the affidavit and the newspapers.

Q. Well, are you saying that you now have a present memory --
A. No.
Q. -- of racist remarks?
A. No, do not have a present memory of racist remarks

Q. Then are you saying it happened because others say it may have happened?
A. It may have happened, sir.
(Tr. 1/167-163) (emphases added)

2007 Developments

The Massachusetts Supreme Judicial Court heard LaGuer's appeal on January 4, 2007 and a ruling was rendered on March 23, 2007. The SJC unanimously upheld LaGuer's conviction. Soon after the decision a former caretaker to the victim stepped forward with new information about the victim's state of mind before and after the crime which raised previously unknown questions about the reliability of her identification. This case remains one of enormous legal, scientific and political consequences. This case is also a model case study for the necessity of establishing an Innocence Commission to investigate cases of factual innocence.

Glossary of Names
<table>
<thead>
<tr>
<th>Name</th>
<th>Description</th>
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<tbody>
<tr>
<td>Adams, Brian</td>
<td>One of two boys who found the victim's pocketbook by a stream two blocks away from her apartment a month after the attack and turned it over to officers Tata and Booth of the Leominster Police.</td>
</tr>
<tr>
<td>Arnold, David</td>
<td>A Boston Globe reporter who covered LaGuer's case.</td>
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<tr>
<td>Barry, Elizabeth</td>
<td>The victim's daughter.</td>
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<td>Barry, Robert</td>
<td>The victim's son in law.</td>
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<tr>
<td>Basque, Christine</td>
<td>Potential alibi witness identified by Martinez and Hammack.</td>
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<tr>
<td>Benoit, Dennis</td>
<td>The maintenance man for the building where both LaGuer and the victim lived.</td>
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<td>Blake, Dr. Edward</td>
<td>The forensic scientist who derived a DNA profile.</td>
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<tr>
<td>Bogosian, Kellie Ann</td>
<td>State Police lab technician assigned to observe DNA testing in Blake's laboratory.</td>
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<td>Bolton, Paul F.</td>
<td>The lawyer who examined Carignan during his grand jury testimony.</td>
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<tr>
<td>Bonifaz, John</td>
<td>MacArthur &quot;genius&quot; award winner who wrote to the parole board on LaGuer's behalf.</td>
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<tr>
<td>Booth, Raymond</td>
<td>One of the first officers at the crime scene. He also responded when the victim's pocketbook was found.</td>
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<tr>
<td>Boyer, Peter J.</td>
<td>Wrote a New Yorker article, “DNA On Trial: The Test is Irrefutable, so Why Doesn’t it Always Work?” (1/17/00). Conte's office gave it to Hillman to impugn Blake's reputation.</td>
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<tr>
<td>Brown, Deborah</td>
<td>Emergency room nurse present when Dr. William Siegel examined the victim.</td>
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<tr>
<td>Bruun, Matt</td>
<td>Worcester Telegram &amp; Gazette reporter who covered the hearings leading to the DNA test.</td>
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<tr>
<td>Caisse, Lt. Arthur</td>
<td>Officer who accompanied Carignan on July 16, 1983 to look for more evidence.</td>
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<tr>
<td>Caplette, Michael V.</td>
<td>Court appointed lawyer during LaGuer's first appeal. In May 2001 he sent some documents but withheld others claiming were his &quot;work product.&quot;</td>
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<tr>
<td>Carignan, Ronald</td>
<td>Detective who investigated the crime and searched LaGuer's apartment. He based his police report notes he later admitted to destroying. A 25-year veteran of the Leominster Police, he testified against LaGuer.</td>
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<tr>
<td>Carluccio, Kent</td>
<td>The man, according to a secret file, whose house LaGuer was suspected of breaking into in 1980.</td>
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<tr>
<td>Cass, Ronald A.</td>
<td>Dean of the BU Law School and a LaGuer supporter.</td>
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<tr>
<td>Chomsky, Noam</td>
<td>MIT professor who wrote to the parole board on LaGuer's behalf.</td>
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<tr>
<td>Cochran, Raymond S.</td>
<td>Manager of the apartment complex where both LaGuer and the victim lived.</td>
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<tr>
<td>Coleman, Roger</td>
<td>A man executed in Virginia in 1992 after Blake analyzed evidence from the crime he was accused of.</td>
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<tr>
<td>Conte, John J.</td>
<td>The Worcester County district attorney since 1976.</td>
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<td>Name</td>
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<tr>
<td>Cordy, Robert</td>
<td>A managing partner at McDermott, Will &amp; Emery, who would go on to the Massachusetts Supreme Judicial Court. Cordy tried to establish a protocol for doing DNA tests of the evidence in LaGuer's case.</td>
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<tr>
<td>Crowley, Dr. Francis</td>
<td>Leominster hospital physician who wrote the victim's discharge report.</td>
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<td>Dalzell, James</td>
<td>The foreman of the jury that convicted LaGuer.</td>
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<tr>
<td>Decter, Sheila</td>
<td>Director of the American Jewish Congress who wrote the parole board on LaGuer’s behalf.</td>
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<tr>
<td>DiPerri, Raymond</td>
<td>One of the first officers to arrive at the crime scene.</td>
</tr>
<tr>
<td>Dreben, Raya S.</td>
<td>One of three justices to hear LaGuer's 1998 appeal based on exclusion of women from the jury in 1984. She also heard LaGuer's 1985 appeal.</td>
</tr>
<tr>
<td>Dukakis, Michael S.</td>
<td>Former governor who appointed Conte as district attorney for Worcester County.</td>
</tr>
<tr>
<td>Epstein, Leslie</td>
<td>A novelist and the director of the Boston University creative writing program and LaGuer supporter.</td>
</tr>
<tr>
<td>Espada, Martin</td>
<td>A Puerto Rican poet and lawyer who wrote to the parole board on LaGuer's behalf.</td>
</tr>
<tr>
<td>Estebanez, Natasha</td>
<td>A WGBH producer who, in 1989, made an Emmy Award-nominated documentary on LaGuer called &quot;Sentenced to Life.&quot;</td>
</tr>
<tr>
<td>Ettenberg, Peter L.</td>
<td>LaGuer’s lawyer from July 1983 to January 1984.</td>
</tr>
<tr>
<td>Farrell, John Aloysius</td>
<td>Boston Globe reporter who wrote two articles in September 2000 on Roger Coleman who many people believe was wrongfully executed after Blake analyzed evidence from the crime he was accused of. Conte's office sent these articles to Hillman to impugn Blake's reputation.</td>
</tr>
<tr>
<td>Finnegan, Peter C.</td>
<td>Investigator who came forward in 1991 with a report that a Leominster bartender twice heard Gomez admit to attacking Plante.</td>
</tr>
<tr>
<td>Fletcher, Allen</td>
<td>Publisher of Worcester Magazine who supported LaGuer. He wrote to the parole board on LaGuer's behalf.</td>
</tr>
<tr>
<td>Flynn, Sean</td>
<td>A writer for the Boston Phoenix and Boston Magazine who called for LaGuer's release in print and in a letter to the parole board.</td>
</tr>
<tr>
<td>Gates Jr., Henry Louis</td>
<td>Harvard professor who wrote to the parole board on LaGuer’s behalf.</td>
</tr>
<tr>
<td>Goldberg, Judi</td>
<td>One of four attorneys at McDermott, Will &amp; Emery to defend LaGuer between 1998 and 2001.</td>
</tr>
<tr>
<td>Gomez, Jose Orlando</td>
<td>A man LaGuer's private investigators identified as a “likelier suspect” in 1983.</td>
</tr>
<tr>
<td>Grant, Mark T.</td>
<td>The police chemist who analyzed evidence associated with the crime. He testified at LaGuer's 1989 hearing and he provided a sworn statement on May 8, 2000 authenticating the evidence.</td>
</tr>
<tr>
<td>Grossi, Linda</td>
<td>A nurse who attended to the victim and who noted that the victim was being followed for schizophrenia.</td>
</tr>
<tr>
<td>Hall, David</td>
<td>Northeastern University provost and LaGuer supporter.</td>
</tr>
<tr>
<td>Hammack, Robert A.</td>
<td>A private investigator who worked with Nancy Martinez in 1983. They identified potential alibi witnesses and a “likelier suspect.”</td>
</tr>
</tbody>
</table>
Hatstat, Jane
Leominster Police dispatcher who faxed LaGuer's 38-page file to Leon Zitowitz in Conte's office.

Hautanen, Sandra
Assistant district attorney who handled LaGuer's efforts to get DNA tests and to obtain prosecutors' notes and files.

Hebert, Robert
A 28-year veteran of the Leominster Police was one of the first officers at the crime.

Higgins, Jacki J.
Staff DNA analyst at Cellmark Diagnostics who examined the rape kit.

Hillman, Timothy J.
The judge currently hearing LaGuer's case.

Hipschman, Lawrence
Psychiatrist who examined LaGuer before sentencing in February 1984.

Johnson, Barbara D.
Director of the parole board who wrote to Conte in 1998 to inform him of LaGuer's upcoming parole hearing. Conte's margin notes show he summoned his three top aides the day he received her letter.

Jurkowitz, Mark
The Boston Globe media reporter who wrote about LaGuer's prowess in promoting his cause.

Kass, Rudolph
One of three justices who heard LaGuer's 1998 appeal based on exclusion of women from the jury in his 1984 trial.

Kelly, Stephen
State police trooper who compiled inventories and interviewed Dr. William Siegel and Mark T. Grant as part of authenticating the evidence in 2000.

King, John
AP reporter who corroborated statements made to John Strahinich by juror William Nowick that racist slurs were uttered by jurors in LaGuer's trial. He went on to be the chief CNN White House correspondent.

Kokocinski, William
State Police trooper who signed for evidence kept in the Leominster Police station from 1984 to 1989. He also obtained blood from the victim in 1987. And in 1991 he interviewed jurors said to have made racist comments during the 1984 trial.

L. J. H.
Initials attached to a sock in a bundle of eight socks that inexplicably appeared with the evidence. The tag, mentioned in a May 2000 inventory, is marked “COMM No 17, 6/21/84 LJH.”

LaGuer, Benjamin
Convicted of raping his 59-year-old neighbor in 1983.

LaGuer, Luperto
Benjamin LaGuer's father.

LaPointe, Roland
Officer who accompanied Carignan and LaPrade to execute the search of LaGuer's apartment.

LaPrade Jr., Keith E.
Carignan's partner who helped search LaGuer's apartment. He witnessed that “nothing” was taken.

LeClair, Caroline

Lemire, James R.
Assistant district attorney who prosecuted LaGuer in 1984 and who opposed his bid to have the conviction overturned in 1989.

Lydon, Christopher
Boston journalist who wrote to the parole board on LaGuer's behalf.

Malone, Paul J.
Police chemist, “PJM”, who received the hospital specimens and items from the victim's apartment that Carignan delivered on July 20, 1983.

Mandell, Andrew
An attorney, now judge. Ettenberg hired him when LaGuer accused Ettenberg of prompting LaGuer to mix Partridge's saliva with his.
<table>
<thead>
<tr>
<th>Name</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Martin, Lt. Arthur</td>
<td>State police trooper who reported to Carignan that fingerprints found on the telephone, the cord of which had been used to tie the victim's wrists, did not match LaGuer's. LaGuer didn't see Trooper Martin's report until November 2001.</td>
</tr>
<tr>
<td>Martin, Steven J.</td>
<td>Juror who told Worcester Telegram &amp; Gazette reporter Matt Bruun in 2002, &quot;we saw an animal,&quot; referring to LaGuer's 1984 trial.</td>
</tr>
<tr>
<td>Martinez, Nancy (Dickman)</td>
<td>Private investigator who worked with Robert Hammack in 1983. They identified potential alibi witnesses and a likelier suspect.</td>
</tr>
<tr>
<td>Mazzarella, Dean</td>
<td>One of the first officers to arrive at the crime scene. He is now mayor of Leominster.</td>
</tr>
<tr>
<td>McMahon, Kate</td>
<td>Assistant district attorney who instructed Ptak to turn evidence over to the State Police.</td>
</tr>
<tr>
<td>Meadows, Dr. Edmund</td>
<td>A physician at the Leominster Hospital who saw the victim while she was hospitalized. He now lives in New Hampshire.</td>
</tr>
<tr>
<td>Mitchell, Oliver</td>
<td>Lawyer LaGuer paid $8,000 in 1996 to help him access evidence for DNA testing.</td>
</tr>
<tr>
<td>Monahan, Timothy E.</td>
<td>A seven-year veteran of the Leominster Police and one of the first officers at the crime scene.</td>
</tr>
<tr>
<td>Muhammad, Don</td>
<td>A Nation of Islam minister in the Boston area and steadfast LaGuer supporter. He wrote to the parole board on LaGuer's behalf.</td>
</tr>
<tr>
<td>Mulkern, Robert V.</td>
<td>Judge who presided over LaGuer's 1984 trial, the 1985 hearing on Carignan's grand jury testimony, the 1989 hearings on physical evidence, and the 1991 fact finding hearing regarding alleged juror racism.</td>
</tr>
<tr>
<td>Nangle, Richard</td>
<td>A reporter for the Fitchburg - Leominster Sentinel and Enterprise who wrote a four-part series in 1986 and was the first reporter to raise serious doubts about LaGuer's conviction. He also wrote a letter in on LaGuer's behalf.</td>
</tr>
<tr>
<td>Neufeld, Peter</td>
<td>A lawyer with the Innocence Project who filed an affidavit stating that if sperm existed on only one hair in the rape kit it would constitute &quot;deliberate indifference&quot; not to send it to Blake for testing.</td>
</tr>
<tr>
<td>Novak, Joseph F.</td>
<td>Juror William Nowick identified as uttering bigoted slurs during LaGuer's 1984 trial.</td>
</tr>
<tr>
<td>Nowick, William</td>
<td>Juror who told Strahinich that bigoted slurs were uttered during LaGuer's 1984 trial.</td>
</tr>
<tr>
<td>Ogletree, Charles</td>
<td>A Harvard Law School professor who questioned the fairness of LaGuer's conviction and who wrote a letter on LaGuer's behalf to the parole board.</td>
</tr>
<tr>
<td>O'Niel, William Jr.</td>
<td>Judge who heard a pre-trial motion in January 1984 on the admissibility of the victim's psychiatric records. He deferred the decision on whether the records were admissible to the trial judge who never got to rule on that question because LaGuer's lawyer failed to ask him to.</td>
</tr>
<tr>
<td>Partridge, David</td>
<td>Prisoner with whose saliva LaGuer mixed his before submitting it for testing. According to LaGuer, Partridge was Ettenberg's client and was known to Ettenberg to have a blood type other than 'O'.</td>
</tr>
<tr>
<td>Patrick, Deval L.</td>
<td>Former assistant U.S. attorney general for civil rights and now general counsel to Coca Cola, he wrote the parole board on LaGuer's behalf.</td>
</tr>
<tr>
<td>Pellecchia, Michele</td>
<td>Leominster police officer who responded to Wysocki's 1998 inquiry, informing her that evidence she was seeking was sent to Worcester Superior Court nine years earlier.</td>
</tr>
<tr>
<td>Name</td>
<td>Details</td>
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</tr>
<tr>
<td>Pino, Gwen (Boisvert)</td>
<td>Generated the state police inventory of the rape kit before it was sent to Cellmark Diagnostics in Maryland to be divided between them and Forensic Science Associates in California.</td>
</tr>
<tr>
<td>Pinsky, Robert</td>
<td>Former United States poet laureate who wrote to the parole board on LaGuer's behalf in 2000.</td>
</tr>
<tr>
<td>Plante, Lennice</td>
<td>The 59-year-old victim of the crime for which LaGuer was convicted.</td>
</tr>
<tr>
<td>Pouliot, Frances</td>
<td>Potential alibi witness identified by Martinez and Hammack.</td>
</tr>
<tr>
<td>Pouliot, Retta</td>
<td>Tina Carlton's sister and a potential alibi witness identified by Martinez and Hammack.</td>
</tr>
<tr>
<td>Carlton, Tina</td>
<td>LaGuer's old girlfriend who was out of town when he went to see her on the night of July 12, 1983.</td>
</tr>
<tr>
<td>Ptak, Francis J. Jr.</td>
<td>Leominster police officer who created an inventory of evidence stored in the police station from 1984 to 1989. He contacted Lemire after LaGuer's lawyer found the evidence.</td>
</tr>
<tr>
<td>Quick, Harry</td>
<td>Head of the criminal division in the Worcester district attorney's office. He was summoned by Conte the day Conte received notice of LaGuer's 1998 parole board hearing.</td>
</tr>
<tr>
<td>Ramos, Aida</td>
<td>LaGuer's sister who was present during a speaker-phone conversation between Terk and Mandell.</td>
</tr>
<tr>
<td>Rivers, Eugene</td>
<td>Boston religious leader who wrote to the parole board on LaGuer's behalf.</td>
</tr>
<tr>
<td>Sandler, Tim</td>
<td>Boston Phoenix, and later NBC Dateline, reporter. He wrote a letter asking for a reduction in LaGuer's sentence.</td>
</tr>
<tr>
<td>Seelye, Tracy F.</td>
<td>Fitchburg Sentinel-Enterprise reporter who interviewed Ettenberg in December 1986.</td>
</tr>
<tr>
<td>Siegel, David</td>
<td>One of LaGuer's lawyers from 1999 to the present.</td>
</tr>
<tr>
<td>Siegel, Dr. William Craig</td>
<td>Emergency room physician who examined the victim. He also provided a sworn statement in 2000 authenticating the rape kit.</td>
</tr>
<tr>
<td>Silber, John</td>
<td>Chancellor of Boston University and former Democratic candidate for governor of Massachusetts who championed LaGuer's cause after visiting him in prison. Silber helped arrange for legal representation and paid much of the costs for DNA testing.</td>
</tr>
<tr>
<td>Slowe, Richard</td>
<td>A private investigator and former FBI special agent and prosecutor. LaGuer's team hired him in 1999 to make sure the evidence they found in the Worcester Superior court was handled properly. Slowe submitted an affidavit that the seal on the evidence was broke when he and LaGuer's lawyers found it.</td>
</tr>
<tr>
<td>Spina, Francis X.</td>
<td>One of three justices to hear LaGuer's 1998 appeal based on exclusion of women from his jury.</td>
</tr>
<tr>
<td>Strahinich, John</td>
<td>Wrote two major articles questioning the fairness of LaGuer's trial. A juror told him of racist comments uttered during deliberations. He encouraged LaGuer to write his story and shorter articles for publication, including in Boston Magazine. He also wrote to the parole board on LaGuer's behalf.</td>
</tr>
<tr>
<td>Styron, William</td>
<td>The Pulitzer Prize-winning author wrote to the parole board on LaGuer's behalf in 2000.</td>
</tr>
<tr>
<td>Tata, John R.</td>
<td>Officer responding with Booth when the victim's pocketbook was found a month after the attack.</td>
</tr>
<tr>
<td>Taylor, John</td>
<td>Writer of the May 1994 Esquire Magazine article about Mulkern's fact-finding hearing. His story included that LaGuer mixed saliva with another prisoner in 1983. Taylor also wrote to the parole board on LaGuer's behalf.</td>
</tr>
</tbody>
</table>
Terk, Robert
Fitchburg lawyer who advised LaGuer during his 1989 hearing. He found the box of evidence in the Leominster Police station which Lemire had stated in court two weeks earlier was missing.

Theroux, Alexander
A novelist and LaGuer supporter.

Tovares, Joseph
Producer of La Plaza, a television news magazine specializing in stories about the Latino community.

Travers, Herbert F.
Superior Court Judge who denied without a hearing LaGuer's 1996 request for DNA testing.

Turcotte, Lynn
Head of the appellate division, Conte summoned her the day he received notice of LaGuer's 1998 parole hearing. She was Wysocki's boss.

Walker, Adrian
Boston Globe columnist who called for DNA testing.

Weiss, Daniel M.
A prison psychiatrist who wrote in 1984 that he did not consider LaGuer to be sexually dangerous.

Weld, William
The former governor of Massachusetts who once belonged to McDermott, Will & Emery, and the law firm that took LaGuer on as a pro bono client.

Williamson, Dianne
Worcester Telegram & Gazette columnist.

Wilson, Randy
A potential alibi witness who was with LaGuer on the night of July 12, 1983.

Wysocki Capplis, Sandra P.
A former assistant district attorney who sent a 1998 letter to the Leominster Police inquiring about the whereabouts of the rape kit. She opposed LaGuer during a telephone hearing with three justices on whether LaGuer's lawyer erred in keeping women off the jury in his 1984 trial. LaGuer didn't see Wysocki's 1998 letter until April 2001.

Zitowitz, Leon
Conte's top aid who requested and received LaGuer's 38-page Leominster Police file in 1998.

Bibliographical Notes from Benjamin LaGuer Case 1983-2010

Original, Investigative Report by Lt. Robert Hebert 7/13/83 at 5:10AM (“The tenant in apartment 103 heard whistling at about 1:00 saw 3 teenagers outside.”)

Original, Investigative Report by Timothy Monahan 13 July at 5:10AM “The Dr stated that in his medical opinion that she was raped and it was not self abuse. There was evidence of semen in the vagina and throat.”

Follow Up, Investigative Report by Det. Ronald N Carignan 13 July 8:50AM (“The Dr is Dr Siegel and he told me that the woman was severely beaten and her vagina was abused w/something as there as blood and an abrasion at the entrance to the vagina.”)

10/23/10
Follow Up, Investigative Report by Det. Ron Carignan 14 July 10:50AM (“She stated that all of a sudden this black guy’ comes into the apartment totally nudes except for a pair of high white socks. He then pulled the lights out and picked her up out of the chair and threw her to the ground and began punching her telling her that he hated her.”)

Internal Leominster Police Department documents: (4/17/80 Ben LaGuer assaulted by Sidney Colson, 80-3646) (10/10/80 LaGuer possible suspect in the break in of Kent Carluccio’s home, 80-10688)

Application for a Grant of Search Warrant of Ben LaGuer’s apartment by Det. Ron Carignan 14 July, for these specific items: “Straw pocketbook with personal papers, and US currency, approximately $12.00, 2 Silver rings one with a turquoise stone, all the property of Lennice Plante. 1 tube sock with black and yellow stripes to match one left behind in the Plante apt.”

National Criminal Information Center query by Det. Ron Carignan about LaGuer 15 July at 10:34AM

Follow Up, Investigative Report by Det. Ron Carignan 15 July 10:50AM

Arrest Reports forms by Det. Ron Carignan, Det Kaith LaPrade and Timothy Monahan indicating LaGuer was effectively under arrest 15 July at 1:40AM.

Privileged Notes from Atty. James J. Brady 15 July

Record of Evidence Submitted, State Police Crime Lab by Assistant Chemist Mark T. Grant C83-636 20 July. (Official report released on 7 November.)

Progress Report of Lennice May Plante by Lt. Francis Ariel 21 July

Hospital Records of Plante from her admission on 13 July at 5:30AM to her discharge 30 July at 12:45PM

Grant Jury Testimony of Ron Carignan 8/14/83 (ADA Paul F Bolton)

Original, Investigative Report by Officers Jr. Tata and R. Booth 8/14/93 (Brian B. Adams (DOB 2/16/71) found the victim’s stolen pocketbook)

Alibi Affidavit of Retta Pouliot 8/1/83

Affidavit of Francis Pouliot 8/1/83

Alibi Affidavit of Russell Pouliot 8/1/83

Alibi Affidavit of Christina Basque 8/1/83

Alibi Affidavit of Wayne Dupuis 8/18/83

Alibi Affidavit of Randy Wilson

Alibi Affidavit of Raynaldo Vasque 8/3/83

Alibi Affidavit of Timothy Daniels

Alibi Affidavit of Jose Luis Nabarro 8/3/89

Interview with Cindy Granata and Raymond Benoit 7/25/83

Interview with Aida Ramos 8/2/83

Notes from Private Investigator Nancy Martinez
Notes from Private Investigator Robert Hammack


Privileged Notes of Peter L. Ettenberg

Photographic Evidence of Exhibits & Plante on her hospital bedside State’s Motion for a Saliva Sample from Ben LaGuer

Ettenberg’s Motion in Opposition to Saliva

Mulkern held hearing Ordered saliva collected from LaGuer 10/21/83

Det. Carignan collects saliva sample from Ben LaGuer 10/24/83

Letter from Ettenberg to Lemire 10/24/84 (Requesting the vaginal hair clippings said to have evidence of semen for independent testing)

State Police Crime Lab Forensic Report of Mark T. Grant 11/7/83

Letter from Ettenberg to Lemire 11/29/83 (Requesting information on the facts surrounding the identification procedure and whether fingerprint evidence might be used at the time of trial)

Letter from Lemire to Ettenberg 12/13/84 (“fingerprint reports have not been received as of yet. I will provide you with a copy of the same as soon as I receive the report.”)

States List of Prospective Witnesses 1/17/84

All Motions from Defense and Prosecution

Jury Pool List, including Vitals on Prospective Jurors

Petter Ettenberg leaves on a vacation to Barbados

The trial was held from 24 January through 27 January 1984

State’s Forensic Report of Dr. Lawrence Hipshimen 2/17/84 (“LaGuer does not fit either a psychological or pathological profile of a person capable of committing this crime.”)

Sentencing was held 2/17/84

States Forensic Report that LaGuer is Not Sexually Dangerous by Dr. Daniel M. Weiss 5/22/84 (“It seems totally out of character”)

Record of Evidence Submitted to the State Police Crime, referring to eight mysterious tube socks delivered after the trial for analysis 6/21/84

Affidavit of Innocence from Ben LaGuer

Robert P. Gittens, Deputy Chief Counsel, Governor’s Office 10/11/84 “I have reviewed your affidavit and I can understand our desire to have your case investigated. Unfortunately, the Governor cannot conduct such an investigation.”

Letter from LaGuer to Mulkern requesting Funds for Forensic Testing 5/29/85

Letter from Ettenberg to LaGuer 5/22/85 “I fully understand your intentions in claiming ineffective assistance...I hold no anger or hurt feelings toward you because of this. I personally do not believe that you
committed this crime and I am still haunted by the fact that a jury chose to believe a woman who was heavily medicated and who never got an adequate opportunity to view her attacker.”

Letter from Ettenberg to LaGuer 6/28/85 “It has come to my attention that you have filed a Motion for New Counsel...I believe that at this point, it is a wise decision on your part. I must say, however, that if you feel disappointed in what I have done for you, then I am equally disappointed in how you now feel. Had you been honest with me from the very beginning, and told me that you would be unable to pay for my services, then different arrangements would have been done. Instead, I received promise after promise, not only from you, but from your family that payment was forthcoming.”

Ben LaGuer Motion to Dismiss Indictments and New Trial

State’s Opposition to LaGuer’s Motion for Dismiss and New Trial 9/18/85 (“The defendant points out that Detective Ronald Carignan’s testimony to the Grant Jury included a purported statement from the victim that she had seen the defendant in the hallway coming and going from the apartment next to hers on previous occasions. At trial the victim denied ever having said this to the police. Based on this apparent contradiction the defendant request a dismissal of the indictment.”

Mulkern held evidentiary hearing on allegations that Det. Ron Carignan testify falsely before Grand Jury 9/18/85

Memorandum Denying Motion to Dismiss, per Mulkern 10/7/85 (“Detective Carignan at the evidentiary hearing acknowledged the inconsistencies discussed above, but denied any purposeful attempt to mislead the grand jury.”)

MCI Gardner Medical Records staffer Arlene Foley certified a true copy of a blood test indicting that Ben LaGuer is B-type blood 8/11/86

Motion for New Trial by Atty. Michael V. Caplette 2/19/87 Ineffective assistance of counsel based on Peter Ettenberg’s failure to (a) test LaGuer’s blood type to compare with the blood type found at the scene of the crime; (b) call certain alibi witnesses; (c) offer expert medical testimony on schizophrenia and the effect such condition might have had on the victim’s ability to identify her assailant; (d) request the State to produce the assailant’s underwear; and (e) to inform the jury that the State had failed to preserve and test the assailant semen sample.

Motion for Joint Blood Test 9/22/87

Report from Ed Drozda, University of Massachusetts Medical Center, Blood Services, confirming Ben LaGuer is B-type blood 9/25/87

Atty. Robert Terks’ Motion for ABO blood test from Lennice May Plante 11/3/87


Report from Ed Drozda, University of Massachusetts Medical Center, Blood Services, confirming Lennice Plante is O-type blood 2/2/88


Affidavit of Psychiatrist Dr. Steven K. Hoge 6/27/88

www.BenLaGuer.org
Barry Berke and Leigh Crowford of Harvard Law School enter the case

Affidavit of Juror William P. Nowick 7/18/88

Ben LaGuer amends Motion for New Trial to include allegations of racism jury.

Prehearing Held in Superior Court in Worcester 4/27/89

State Brief in Opposition to Petition for New Trial 4/27/89

Order from Mulkern of 4/27/89 “That an evidentiary hearing be conducted on Thursday, May 11, 1984 limited to an examination by chemists of the blood samples of the defendant and the victim and matters raised in the Motion for a New Trial based on Physical Evidence.”

Facsimile of 5/5/98 from State Police Crime Lab to District Attorney’s offices transmitting Mark T. Grant’s 11/7/83 Report and lab notes 5/5/89

Leominster Police Department Report by RJ Ptak of 5/11/89 “In regards to this complaint I received a request from Atty. Robert Terk to view ant evidence from a 1983 rape case...” At 11:30AM Terks arrived to inspect and photograph these items. After Terk left, Ptak says, he telephoned James R. Lemire at his private office in Holden. “Lemire informed me that there would be an evidentiary hearing on 5/22/89 in Suffolk Superior at 10:00Am in Boston ...the evidence would have to be taken there by someone who would have to testify to the fact that this is the the evidence that was used in the trial.”

State Police Tpr. William Kokocinski Report of 5/17/89 transferring fifteen (15) items of evidence from the Leominster Police Department to Assistant Chemist Caroline LeClair, State Police Crime Laboratory

Follow Up, Investigative Report, not attributed to any officer, “Officers present and that might have touched the sock are as follows along with their respective blood types.”

Follow Up, Investigative Report, not attributed to any officer, “Attention Lemire/I do not have the photo’s of the array on LaGuer and I believe you still have them from the trial or the last hearing held before Mulkern/You also may have the report in refer to analysis of body fluids on the sock.”

Evidentiary hearing held in Suffolk Superior Court in Boston 5/2/89

Memorandum Denying LaGuer’s Motion for New Trial, per Mulkern 6/2/89

Ben LaGuer files for Reconsideration of Denied Motion for New Trial 7/13/89

Letter from Ben LaGuer to District Attorney John Conte requesting Use of DNA testing to vindicate claim of innocence 7/10/89

Letter from Ben LaGuer to Paul J. Liacos, then Chief Justice SJC

Motion for Reconsideration, denied per Mulkern 7/19/89

Notice of Appeal to Appeals Court 6/21/89

Atty. Robert E. Terk withdraws from the case 10/19/89

LaGuer’s Motion for Appointment of Counsel, Appeals Court 10/23/89 “Denied without prejudice to a showing of a more specific claim of alleged errors. (Brown, J.) 11/6/89

“The motion for appointment is appellate counsel is denied, not on the grounds that the defendant is not indigent (I am satisfied that he is), but because there is no basis for another round of appellate proceedings.” (Appeals Court, Brown, J.) 12/5/89

10/23/10
“It is hereby Ordered, after consideration by the Full Court, that the petitioner’s request for appointment of counsel be, and hereby is, denied without a hearing.” (SJC 1/5/90)

Motion for Rehearing on Assignment of Counsel, Appeals Court 2/20/90 “Upon reconsidering, it is ordered that the order of 5 December 1989 is to stand.” (Brown, J.)

LaGuer's Petition for Rehearing on Denial of the Assignment of counsel, SJC denied 6/4/90
Motion Assignment of Counsel, Allowed SJC Chief Justice Wilkins 6/22/90

Notice of Appearance, Atty. Patricia O’Niell (CPCS) 7/17/90

Supreme Judicial Court rules that Ben LaGuer is entitled to a new trial if the allegations of racism in the jury are essentially true. It ordered Mulkern to take testimony from jurors. (410 Mass 89) 4/14/91


State Police Tpr. McKeon and Kokocinski 6/13/91 interview juror James Dalzell

After a series of hearing held on August 26, 27, and 29, per SJC, Judge Mulkern finds that the allegations of racism were not essentially true 9/10/91

Notice of Appeal

The Appeals Court Upholds Mulkern (Fine, dissenting) 2/31/94

Supreme Judicial Court Denied Further Appellate Review 5/26/94

Ben LaGuer files Motion for Revise and Revoke of Sentence 7/25/94

State’s Brief In Opposition to Revise and Revoke of Sentence 9/15/94

Ben LaGuer files Response to Opposition 9/21/94

Motion for Revise and Revoke denied, per Hubert F. Travers 9/19/94

Ben LaGuer files Response to Opposition 9/21/94

Letter from Ben LaGuer to Robert and Elizabeth Barry 10/6/94

Letter from Ben LaGuer to Judge Travers 10/7/94

Ben LaGuer retains Atty. Oliver Mitchell 9/16/96

Letter from Atty. Donnalyn Lynch Kahn to Ben LaGuer concerning a request for DNA testing 17 September 1996: “We will also need an order from the Worcester Superior Court to unseal the items to be retested.”

Motion for DNA Testing by Oliver Mitchell and Donnalyn Kahn (“Denied without a hearing” per Judge Hubert F. Travers 11/27/96)

Ben LaGuer’s files Motion for New Trial, “I believe that in the course of jury selection, trial counsel Peter L. Ettenberg engaged in gender discrimination.” 5/24/97. Judge Travers “refused to act upon the motion” 9/17/97. LaGuer files notice of appeal 10/22/97

Letter from Oliver Mitchell to LaGuer withdrawing from the case 4/27/98 “I recently made a decision to leave this law firm and to move to another city.”
Letter, Confidential, from Parole Board Director Barbara D. Johnson to District Attorney John J Conte 5/19/98. The letter is office marked “received” 5/21/98. “Leon, H. Quick, L. Turcotte, Please get back to me. JJC 5/21/98.” An advisory letter that Ben LaGuer is upcoming for parole prompts DA Conte to summons three prosecutors--Leon Zitowitz, Harry D. Quick and Lynn M. Turcotte--to his office.

Leominster Police Department Dispatcher John Gianninis records message from ADA Zitowitz 5/28/98 1609HR. Zitowitz wanted Lt. F.J. Ptak to telephone him and send him copies of police reports on Ben LaGuer.

Facsimile from Zitowitz to Lt Michelle D Pellecchia 5/29/98 at 9:21AM regarding Ben LaGuer’s Parole hearing. Zitowitz writes, “I would appreciate a copy of the police reports and an up to date report on he condition of the victim.

Leominster Police Department Incident Report, Dispatcher Jane Hatstat received a request from ADA Zitowitz 5/29/89 at 10:41AM for all police reports. At 11:20AM Hatstat faxed Zitowitz thirty-eight pages.

Letter from Lt. Pellecchia to the Parole Board in Opposition to Ben LaGuer being granted a parole 6/15/98 Parole Board held public hearing for LaGuer 6/29/98 from 9:30AM to 2:45PM. ADA Lynn Turcotte represented DA John Conte.

Letter from ADA Sandra P. Wysocki to Leominster Police Lt. Pellecchia requesting the Rape Kit 7/8/98. “I am particularly interested in the existence of the Items 15 to 18 on the attached Lab report dated November 3, 1983 from the Department of Public Safety...I would appreciate it if you would call me once you have determined the existence of this information so that I can determine whether any additional information is necessary.”

Leominster Police Department Incident Report by Lt. Pellecchia 7/10/98 11:25AM “Our records indicated that all evidence was turned over to CPAC Tpr. William Kokocinski on 5/17/89 on request of ADA Kate McMahon by Lt. Ptak.”

Letter to the Parole Board 11/23/98 “I do not believe the politics of sex and race are silent on this parole denial.”

Wysocki appears at the Appeals Court for oral arguments 12/11/98 (Justice Kass, Dreden and Spina asked Wysocki why her office was opposed to DNA testing. She was not responsive.

Affidavit from Richard Slowe, a defense investigator, formerly Supervisory Special Agent of the FBI 11/18/99


Motion to DNA test from Attorneys Siegel, Goldberg and Fisher 1/13/99

Media Press Release, DA John Conte 1/14/00

State’s Request for Inventory and Authentication 27 March 2000

LaGuer’s Brief In Support of A Grant for Parole 4/5/00

Parole Board held second public hearing for LaGuer 4/5/00 ADA Lynn Turcotte represented DA John Conte

Affidavit of Gwen B. Pino Regarding blood typing 4/14/00

State’s Supp. Memorandum Supporting its Request for Inventory and Authentication 4/18/00
Transcript of State Police Tpr. Stephen E Kelly interview of former Assistant Chemist Mark T. Grant 5/8/00

Transcript of State Police Tpr. Kelly with former Leominster Emergency Room physician Dr William C Siegel 5/8/00

Report from Tpr. Kelly to Detective Lt. Francis Moore 9 May 2000

Evidence Inventory and Documentation Report by Gwen B. Pino, Supervisor 1, State Police Crime Lab 12 May 2000

Letter from ADA Sandra L. Hautanen to Atty. Judi Goldberg 5/26/00

Affidavit of Carl M. Selavka, Director State Police Crime Lab 6/1/00

Affidavit of Sandra Hautanen 6/1/00

Affidavit from Peter Neufeld, Cardozo Law School 6/1/00

Supplemental Affidavit of Carl M. Selavka 6/7/00

Order for Visual Assessment and Quantitative Analysis of Evidence, per Superior Court Associate Justice Timothy S Hillman 24 July 2000

Letter from Ben LaGuer to James Lemire 8/6/00

Letter from Ben LaGuer to Adrian Walker 8/13/00

Post Conviction Evidence Assessment Report by Gwen B Pino 8/14/00

Letter from Ben LaGuer to Allen Fletcher 8/16/00

Cellmark Laboratory Forensic Report by Jacki J. Higgins 9/5/00

Letter from Cellmark’s GM Mark D. Stolorow to Judi Goldberg 9/15/00

Ben LaGuer’s Motion to Proceed with DNA testing 10/3/00

State’s Memorandum on the Progress of Testing 11/6/00

Affidavit of Gwen B. Pino 11/6/00

Public Records Request of The Leominster Police Department 2/7/01

Findings and Order on LaGuer’s Motion for DNA testing, per Hillman 2/15/01

Affidavit from LaGuer acknowledging destructive risk in DNA testing, as set forth in paragraph 4(d) 2/28/01

All Appellate Court Decisions in re: Commonwealth -Vs- Ben LaGuer

List of Broadcast Television Reports on Ben LaGuer

List of Published Feature Articles in Newspapers and Magazines

Memorandum from Judi Goldberg to John Silber “Summary of the Legal Proceedings relating to Benjamin LaGuer’s Attempt to Obtain Access to Evidence to subject to DNA testing” 6/28/00

Worcester Court Docket Entries from 10/10/93 to 10/2/00

10/23/10
Draft Petition for Revise and Revoke of Sentence

Military Discharge and Academic Records

Parole Board Record of Decisions 9/27/98 and 7/25/00

Ben LaGuer’s Motion to Transfer and Preserve Evidence of Documentary Reporters from Leominster Police Department, Tamara Fisher 3/15/01

Affidavit from Tamara Fisher 3/15/01

State’s Motion for Clarification and Partial Reconsideration of court’s 2/15/01 Order to Begin DNA testing 3/20/01

Ben LaGuer’s Response to State’s Motion for Clarification and Partial. Reconsideration of Hillman’s 2/16/01 Order, Siegel and Fisher 3/31/01

Affidavit of Ed Blake 4/5/01

Affidavit from Michelle L Chaftiz 4/10/01

Media Press Release of District Attorney John Conte 4/25/01

Massachusetts Department of Public Safety, State Police Crime Lab, DNA Registry, collected 5/1/01/ on DNA kit number 12907

Further Findings and Order on Ben LaGuer’s Motion for DNA Testing, per Hillman 5/2/01

Affidavit of Edward Blake of Forensics Associates 5/7/01

Letter from Ben LaGuer to David Siegel 5/14/01

Letter from Ben LaGuer to David Siegel 5/29/01

Letter from Tamara Fisher to Jacki Higgins of Cellmark 5/9/01

Letter from David Siegel to Ben LaGuer indicating delivery of Lennice Plante’s medical records 6/6/01

Letter from Ben LaGuer to Tamara Fisher 6/7/01

Letter from Ben LaGuer to David Siegel 6/11/01

Letter from Ben LaGuer to Emily Rooney 6/12/01

Letter from Ben LaGuer to Walter Robinson of Boston Globe 6/14/01

Letter from Ben LaGuer to Dan Rea of WBZ/CBS 6/16/01

Letter from Jacki Higgins to Tamara Fisher 6/16/01

Evidence Receipt from Forensics Associates, Edward Blake 6/14/01

Public Documents Request Under Public Law Act of Assistant District Attorney Sandra L Hautanen 6/21/01

Public Documents Request Under Public Law Act of Dr Carl M Selavka, Director, Massachusetts State Police Crime Laboratory 6/21/01

10/23/10
Affidavit from Penny Koffa from McDermott, Will & Emery 6/28/01

State Police Report from Tpr. Marian J McGovern

Letter from Jed M. Nosal, Office of the Chief Legal Counsel, State Police, to Tamara Fisher 6/28/01 (“To the extent that you wish to pursue you public records request with the State Police Crime Laboratory rather than obtain the documents through the Worcester County District Attorney’s Office and pursuant to the Massachusetts Rules of Criminal Procedure, the Departments opposes public disclosure...”)

Letter from ADA Sandra L. Hautanen to Tamara Fisher 6/28/01 (“It appears that most, if not all, of the records listed in your request are materials that your client’s former lawyers should have received through discovery or in connection with a post-conviction motions.”)

Letter from Dianne C. Roberts of US Justice Dept to Ben LaGuer 6/28/84 (“The Department of Justice is not authorized to give legal assistance to private citizens or to represent them.”)

Ben LaGuer appears before the Appellate Division of the Superior Court for a Reconsideration of Sentencing 5/14/84

Superior Court Judge Robert V. Mulkern assigns Michael Capplete to handled Ben LaGuer’s initial round of appeals 7/6/84

Letter from F. Lee Bailey to Ben LaGuer 10/11/84

Letter from Dianne C. Roberts of US Justice Dept. to Ben LaGuer 2/22/85 (“After reviewing the material, which you previously mailed, the matter ou related is not covered by a federal statute which we have the authority of enforcing.”)

A habeas Corps ad Respondendum was issued for Ben LaGuer for a hearing held in Worcester Superior Court 3/13/85

Letter from Alan M. Dershowitz to Ben LaGuer 6/4/85

A habeas Corpus ad Respondendum was issued for Ben LaGuer for a hearing held in Worcester Superior Court 7/17/85

Massachusetts Appeals Court upholds conviction 7/26/85

Letter from Michael Caplette to Ben LaGuer 7/26/85 (I know this is a bitter disappointment to you, Ben, but you should know that Brendan and I both hope you will be ultimately vindicated in this case.)

Letter from Diane Correa of Puerto Rican Legal Defense to Ben LaGuer 8/28/85

Letter from Linda Tally of Southern Poverty Law Center to Ben LaGuer 10/14/85

Letter from Robert Hundley of Legal Defense Fund to Ben LaGuer 9/17/85

Letter from Michael J May of May Systems to Michael Caplette 2/23/87

Motion for Leave to Withdraw from case by Michael Caplette 10/22/87 “Certain difference of opinion as to tactics and strategy in handling the above case have arisen between the Defendant and his counsel which are irreconcilable and prevent the Defendant’s counsel from further representation.”

Atty. Robert E. Terk Enters the case 10/15/87

Letter from Anthony Jones of Legal Defense Fund to Ben LaGuer 12/87

Letter from Harvard Student Atty. John C. Bonifaz to Ben LaGuer 5/28/90
Letter from Gilbert P. Lima, Assistant Clerk, Appeals Court, notifying Ben LaGuer that telephone arguments will be made via telephone conference on 6/12/90 before Brown, J., Perretta, J. and Gillerman, J. 5/31/90

Notice of Appearance before SJC by Patricia A. O’Neill 7/17/90

Letter from Ben LaGuer to Judge Hubert F. Travers 8/12/94 (“For eleven years I have sought to pursue the purest truth and truest sense of justice that I could not only for myself, but the victim and both of our families...I would not choose another life if I had a chance, because I am responsible for this life and no other. I hope that I have made this one a worthy life.”

Letter from Peter Costanza of MCLS to Ben LaGuer 7/30/97

Letter from Donnalyn Lynch Kahn to Ben LaGuer 11/24/97 (“Since I have become a part of you life and struggle, I wanted to personally tell you I will be leaving Goldstein & Manello...“

Letter from Jill Fieldstein of Gotshall & Manges to John Silber 3/25/99

Letter from Judi Goldberg of Will & Emery to Ben LaGuer 6/29/99


Letter from Lizette M. Perez of Proctor & Hoar to Ben LaGuer 6/28/99

Letter from Peter J. Duffy of Holland & Knight to Ben LaGuer 6/22/99

Letter from Lizette M. Perez to Ben LaGuer 7/30/99

Patient Discharge Instruction Sheet, Jose Orlando Gomez, from HealthAlliance Hospitals, Inc 10 December 2002

Letter from Dr. Jesus Blanco, M.D. of Fitchburg, dated 10 December 2002 “Mr Gomez was hospitalized at Leominster Hospital very ill. He has acute medical illness and is not able to return to work. We advised that he applies for disability at this time.”

Massachusetts Driver’s License Card, issued to Jose O. Gomez, class D, number 021523234, Height 5’06”

Preliminary Rental Application from Jose O. Gomez for an Apartment in Riverside Village, Leominster 11 September 2001

Social Security Administration, Disability Report Adult, Application form SSA-3368, listing sister as person of contact Maria Avelino, Medical Assistance Card #0215223234, 11 December 2002

Application for Employment, Car Wash, Jose Gomez claims to have attended Leominster High School, completing 11th grade 9 August 2001

Application for Employment, Kentucky Fried Chicken, August 2001, claiming to have completed 11th grade at Leominster High School. He falsely claims that he had no felony convictions within the last five years.

Fitchburg Police Department, Booking Report 98-16733 of 26 May 1998

Fitchburg District Court, Application for Criminal Complaint, Officer Farrell, charging Jose Orlando Gomez with rape and assault & Battery (Domestic) on 25 May 1998 (“The wife of the above Defendant stated that he grabbed and punched her as well as threatened to beat her up. The victim states she is in fear of her safety as he is very abusive. Victim also reported being raped.” Mr. Efrain Agosto posted a 1500 dollar bail for Gomez to be released on 27 May at 6:30PM
Worcester Superior Court 98-0558 Jose Orlando Gomez pleas guilty to Assault & Battery, in exchange of rape charges dismissed at the request of prosecutor. Superior Court Judge Peter A Velis sentenced Gomez to one year County jail, with 59 days to serve, plus 2 years probation. He ordered Gomez to attend Batterers program or Anger Management. Stay away from victim, Yaneth Gomez

Criminal Defense Attorney Leonard J Staples BBO 542782

Letter from Public Safety staffer Marie Gross to LaGuer 12 July 2007

Letter from Public Safety staffer Marie Gross to LaGuer 11 July 2007

Record of Decision, Parole Board postpones Public hearing 8 March 2008

Letter from Ozell Hudson and Louis Elisa to Public Safety chief Thomas Rapone 17 December 1993

Letter from Stacy Amaral to Governor Patrick 18 November 2007

A critical review of another suspect’s confession, a white paper from LaGuer to his lawyers September 1992

Letter from Robin Maldonado to LaGuer 25 July 1987

Letter from E. Abim Thomas to Maureen Walsh 7 January 2008

Letter from E. Abim Thomas to LaGuer 7 January 2008

Letter from Dr Susan Wadia-Ells to Governor Patrick 21 June 2007


Letter from LaGuer to Sentinel & Enterprise editor Jeff McMeneny 6 December 2007

Letter from LaGuer to BBO chief Canstance V. Vecchione 3 September 2007

Forensic Analytic letter from Dr. Lawrence Kobilinsky to James C. Rehnquist of Goodwin Procter 28 May 2004
Legal Analysis from Georgetown Professor Abbe L. Smith to state Representative Ellen Story 9 June 2005

Forensic Analytic Report from Dean A. Wideman to state Representative Ellen Story 30 March 2006

Forensic Analytic report from Dr. Theodore D. Kessis to state Representative Ellen Story 1 November 2005

Forensic Analytic report from Dr. Daniel L Hartl of Harvard University to state representative Ellen Story 21 August 2006

Forensic Analytic report from Hans Sherrer of the Justice Institute to state representative Ellen Story 6 September 2006

Affidavit from Michelle L. Chafitz 10 April 2001

Letter from James C. Rehnquist to DA Joseph Early concerning the concerns regarding the DNA evidence 19 January 2007

Letter from State Senator Jarrett T. Barrios to State Police Crime Lab Director Dr. Carl Selavka 15 July 2004

Letter from State Senator Dianne Wilkerson to State Police crime Lab Director C. Selavka 25 August 2004

10/23/10
Letter from James C. Rehnquist to SJC clerk Susan Mellen concerning the DNA evidence
24 January 2007

Letter from state representative Ellen Story to State Police Crime Lab case manager
Gwen Pino
13 November 2003

Petition for Executive Clemency
November 2007

Letter to Governor Patrick from LaGuer
18 January 2008

Letter to Governor Patrick from LaGuer
30 January 2008

Letter to Deputy Legal Counsel E. Abim Thomas from LaGuer
3 February 2008

Letter to United State Assistant Attorney General Jeffrey L. Sedwick from LaGuer
3 February 2008

Letter to Worcester District Attorney Joseph D. Early Jr., from LaGuer
3 February 2008

Letter to Public Safety chief Kevin Burke from LaGuer
25 December 2007

Letter to Chief Legal counsel Ben T. Clements from LaGuer
30 October 2007

Letter to State Police chief counsel Eleanor Sinnott from LaGuer
15 December 2006

Letter to State Police crime lab manager Gwen B. Pino from LaGuer
22 March 2006

Letter to Governor Patrick from LaGuer
14 December 2006

Letter to Governor Patrick from LaGuer
16 November 2007

Letter to Governor Patrick from Stacy Amaral
8 February 2008

Letter from Worcester County Assistant District Attorney James A. Sullivan to Board of
Pardons
7 December 2007

Letter to Lt Gov. Timothy Murray from LaGuer
18 February 2008

Letter from Board of Pardons to LaGuer
18 January 2008

Letter from US Justice Dept. Regional Audit Manager Richard A McGeary to LaGuer
10 July 2007

Letter from the Auditor of the Commonwealth A. Joseph DeNucci to LaGuer
19 July 2007

Letter to Maureen Walsh of Parole Board from LaGuer
29 February 2008

Letter from BBO chair Constance V. Vecchionae to LaGuer
24 August 2007

Letter from BBO chair Constance V. Vecchionae to LaGuer
29 August 2007

Letter from Deval Patrick to Ben LaGuer
5 August 1998

Letter from Ben LaGuer to Supreme Judicial Court Chief Justice Paul J. Liacos
18 September 1992

Letter from Center on Wrongful Conviction Rob Warden to Ben LaGuer
13 February 2008

Letter from State Rep Ellen Story, Byron Rushing, Benjamin Sawn, Kay Khan, Patricia Jehlen and Anne
Paulsen to State Police Crime Lab Director Dr. Carl Selavka
13 June 2003

10/23/10
Letter from Massachusetts Commission on Judicial Conduct Robert J. Guttentag to Ben LaGuer 21 June 2005

Letter from Noam Chomsky to Ben LaGuer 10 March 2008

Letter from Massachusetts Association of Hispanic Attorneys President John Lozada to Associate Justice Herbert F. Travers concerning LaGuer’s Motion to Revise and Revoke 10 January 1996

Letter from Christopher Lydon to Justice Travers

Letter from Esquire Magazine writer John Taylor to Justice Travers 30 May 1995

Letter from Boston University Director of Prison Programs Walter J. Silva to Justice Travers 14 October 1994

Letter from Allen W. Fletcher to Justice Travers 23 May 1995

Letter from Nation of Islam Minister Don Muhammad to Justice Travers 31 July 1995

Letter from Urban League of Eastern Massachusetts President Joan Wallace-Benjamin to Justice Travers 4 August 1995

Letter from Criminal Justice Institute’s Deputy Director Abbe L. Smith to Justice Travers 24 August 1994

Letter from Boston Phoenix staff writer Tim Sandler to Justice Travers 28 July 1995

Letter from John Strahinich to Justice Travers

Letter from Richard A. Nangle of the Worcester Telegram to Justice Travers 23 August 1995

Letter from Three Pyramids President Adrian L. Ford to Parole Board 11 December 1997

Letter from BU Prison Education Program Coordinator Dan DiPiro to Parole Board 10 December 1997

Letter from former CBS producer Jill Fieldstein to Parole Board 7 February 1998

Letter from Max D. Stern to Parole Board 5 January 1998

Letter from Poets Rosanna Warren and Robert Pinsky to Parole Board 28 March 2000

Letter from Crime & Justice Foundation Executive Director John J. Larivee to Parole Board 26 February 1998

Letter from Georgetown Law Professor Abbe Smith to State Parole Board 9 August 1997

Letter from CPCS Deputy Chief Appellate Attorney Patricia A. O’Neill to Parole Board 22 June 1998

Letter from Massachusetts Association of Hispanic Attorneys President Lucy E. Reyes 24 June 1998

Letter from Massachusetts Chapter of the National Congress for Puerto Rican Rights President Jaime Rodriguez to Parole Board 30 March 1998

Letter from Attorney Francisco Gonzales-Palacion to Parole Board 13 May 1998

Letter from PEN staff Jackson Taylor to Ben LaGuer informing that “you work, ‘A Man Who Loves His Mother, Loves Women,’ has won the only prize in the Memoir category of our 1997 Writing Awards for Prisoners. Congratulations!” 29 January 1998
Letter from BU Dean Romualdas Skvarcius to Ben LaGuer informing “that your name has been added to the Dean’s List for the 1995-1996 academic year. Your outstanding academic performance provides a model…” 10 June 1996

Affidavit of Minister Don Muhammad of 14 July 1999 Affidavit of Dr Joan Wallace-Benjamin, Ph.D., 15 July 1999


Letter from Chief Paul A. Petty indicating that the National Archives and Records Administration has notified that US Army that all records are on loan to another agency and thus previous submissions must be resubmitted in 90 days 29 March 2010

Letter from ADA James R. Lemire to the Army's National Personnel Records Center, St Louis, Missouri, dated April 6, 1987 "particularly interested in LaGuer's blood type, medical records, and discharge information."

Letter from State Ethics Commission Enforcement Division Chief Stephen P. Fauteux to LaGuer 29 October 2004

Letter from Commission on Judicial Conduct Staff Attorney Neil P. Olson to LaGuer 5 May 2005

Letter from Commission on Judicial Conduct Executive Director Jill Pearson to LaGuer 4 January 2005

Letter from Commission on Judicial Conduct Executive Director J Pearson to LaGuer 4 November 2004

Letter from Deval L. Patrick to LaGuer 5 August 2004

Letter from Deval Patrick to Parole Board 5 August 1998

Letter from ABC News Nightline Co-Anchor Cynthia McFadden to Ben LaGuer 21 February 2007 (“Indeed, the ways in which our justice system handles and has handled DNA leaves open many opportunities for injustice. It certainly seems that there may have been mistakes in your case.”)

Letter from LaGuer to Sentinel & Enterprise Editor Jeff McMenemy 6 December 2007

Letter from Dr. Susan Wadia Ells to Deval Patrick 21 June 2007

Letter form Rev. Eugene Rivers to members of the civic and cleric community appealing to support Ben LaGuer September 1991

Letter from Lawrence A. Rossello to Judge Travers 19 June 1996

Letter to Parole Board from Douglas Medina 4 September 1997

Letter to Parole Board from Poet Laureate of the United States Robert Pinsky and BU Professor Rosanna Warren 28 March 2000

Letter from Executive Clemency Coordinator Julie Pease to Ben LaGuer 1 May 2008

Grievance form from William F. Winn, CPO III, to Ben LaGuer acknowledging complaint of illegal wiretapping of legal telephone calls Grievance Number 33698, 1 May 2008

Letter from DOC Director of Public Affairs Diane Wiffin to WTKK Radio 96.9 FM host Jimmy Myers 24 April 2008
Letter from Deval Patrick to Ben LaGuer 23 December 1998
Letter from Patrick to LaGuer 3 November 1998
Letter from Patrick to LaGuer 21 September 2000
Letter from Patrick to LaGuer 3 November 1998
Letter from Michael S. Dukakis to LaGuer 25 September 2004
Letter from Richard H. Chacon to Ben LaGuer 14 May 1987
Letter from Chacon to LaGuer 23 April 1987
Letter from Peter Wagner to LaGuer 16 August 2006
Letter from Lisa J. Steele to LaGuer 28 March 2006
Letter from Peter Costanza to LaGuer 30 July 1997
Letter from Jill G. Fieldstein to John Silber 25 March 1999
Letter from Hispanic American Chamber of Commerce Executive Director, Bruce Young Candelaria, To Parole Board 14 February 2000
Letter from Sally J. Greenberg to Judge Travers 26 July 1998
Press Release by McDermitt, Will & Emery 5 April 2000
Letter from Michael S. Dukakis to LaGuer 13 April 2000
Letter from BU Leslie Epstein to Parole Board 24 March 2000
Letter from Alexander Theroux to Parole Board 12 March 2000
Letter from MIT Noam Chomsky to Parole Board 24 February 2000
Letter to Parole Board from Leslie Epstein 23 March 2010
Letter from John Silber to Joseph D. Early 14 October 2009
Letter from Alicia Lapomardo to Ben LaGuer 25 February 2010
Letter from Noam Chomsky to Ben LaGuer 11 March 2010
Letter from Harvey A. Silverglate to LaGuer 3 March 2010
Letter from Michael Dukakis to LaGuer 7 November 2010
Letter from Lorene Melvin to LaGuer 121/larch 2010
Letter from Elizabeth Billowitz to LaGuer 11 January 2010
Letter from Billowitz to LaGuer 21 December 2009
Letter from Stacy Amaral to Deval Patrick 8 February 2008
Letter from Stacy Amaral to Deval Patrick 18 November 2007
Letter from Ben LaGuer to Dr Deeb Salem 5 April 2010
Letter Army Review Boards Agency to LaGuer 29 March 2010
Affidavit of John Silber
Affidavit of Peter L. Ettenberg in support of motion for a new trial
Affidavit of Peter L. Ettenberg to Parole Board 29 April 2010
Affidavit of Ben LaGuer filed in Worcester Superior Court on 19 November 1984
Affidavit of James R. Lemire 30 April 2010
Letter from Stacy Amaral to Parole Chairman Mark Conrad 8 May 2010
Letter from Stacy Amaral to Governor Deval L. Patrick 8 May 2010
Email from BU Law Professor Stanley Z Fisher to Parole Board
Email from Tufts University Prof James Jennings to PB
Email from Geogetown Professor Abbe Smith to PB
Letter from B LaGuer to Parole Chair Mark A, Conrad 10 May 2010
Letter from JR Lemire to PL Ettenberg 17 January 1984
Letter from RE Terk to Dr, Mark W. Rodehaver 23 May 1987
Letter from Carmen-Iberia Manrique to CPCS P O'Niell 2 April 1994

Letter from Bradley J. Dye to Parole Board April 2010
Letter from B LaGuer to Peter L. Ettenberg 20 May 2010
Letter from Isaac Borenstein to Parole Board 10 May 2010
Letter from John C. Archer to Parole Board 3 May 2010
Affidavit of Robert E. Terk for new trial 29 April 2010
Email from Lisa Billowitz to Robert Terk 18 May 2010 10:59AM
Affidavit of Assistant District Attorney Joseph J. Reilly, III January 21, 2000
Affidavit of Carl A. Selavka January 1, 2000
Suppleratal Affidavit of CL Selavka June 7, 2000
Letter from ADA Sandra Hautanen to Dr William C. Siegel April 25, 2000
Letter to Tamara Fisher from ADA S Hautanen June 28, 2001
Letter to Judith A. Goldberg from S Hautanen July 11 2000

10/23/10
Letter from S Hautanen to JA Goldberg May 26, 2000

Letter to T Fisher from S Hautanen November 15, 2001 Supplemental Affidavit of SL Hautanen July 18 2000

Letter from JA Goldberg to Dr. Donovan Hommen of BU's Danielsen Institute, 185 Bay State Road, Boston, February 9, 2000

Letter from SL Hautanen to SJC clerk January 30, 2007

Letter from PL Ettenberg to B LaGuer February 15, 2001 "I received your letter of February 4. I have reviewed the contents of my files and can only locate the enclosed documents; the jury list and the pretrial conference report. I can only assume that anything else in my files was sent on to the attorney after me, Michael Caplette as I noticed a release and request from him and you that I send him my files. I do not know what the letter you refer to of October 24, 1983 contains."

Letter from Michael Caplette to Ben LaGuer of February 26, 2001 "Some of the items you are requesting, however, do not exist and others are clearly my work product, to which you are not entitled. I will, however, comply as completely as I can." Cellmark Diagnostics, Forensic Case Form Confidential Information, Cellmark case#F001408 August 14, 2000

Letter from Judith A. Goldberg to Jackie J. Higgins of Cellmark May 9, 2001

Letter from JJ Higgins to Tamara Fisher

Letter from Judi Goldberg to ADA JJ Reilly and SL Hautanen May 24, 2000

Letter from Judi Goldberg to ADA Reilly and Hautanen May 5 2000


Letter from ADA O'Brien To Superior Court Judge Rovert V. Mulkern June 13, 1991

Letter from MSPCL chemist Kellie A. Bogosian to Edward T. Blake August 14, 2001

Letter from ADA James R. Lemire to Robert E Terk 22 September 1987

Letter from State Rep Ellen Story to Dr. Frederick R. Bieber May 26, 2005

Record of Decision, State Parole Board: Date of Hearing April 22, 2010; Date of Decision May 10, 2010

Fax Transmission from ADA Sandra Wysocki to Leominster Police Department of 5 pages on July 8, 1998

Letter from CPCS Scott M. Miller advise on Sex Offender Registry Board to Ben LaGuer 21 May 2010

Unpublished Letter to the Editor of Sentinel & Enterprise in response to 27 April 2010 Editorial "No 'compelling reasons to parole' Benjamin LaGuer" dated 29 April 2010

Letter from Karen Spence to B LaGuer 26 May 2010

Letter from K Spence to Parole Chair Mark A. Conrad 26 May 2010

Affidavit from Ben LaGuer concerning discovery of the 17 January 1984 letter from Lemire to Ettenberg in Terk's file dated 27 May 2010

Letter from Sex Offender Registry Board June 2, 2010 notifying Ben LaGuer that he has been classified as a Level 3 Sex Offender. Sex Offender Number 21900. Per letter, Ben LaGuer is filing request for a hearing prior to June 28, 2010.
Letter from CPCS Scott M. Miller to Ben LaGuer 7 June 2010

Letter From S Miller to Sex Offender Registry Board member Kerry Fone 7 June 2010

Email from Eric Goldsheider to Prof James Joy June 2010

Letter from Weil, Gotshal & Manges, LLP 1 July 2010

Letter of 2nd Notification from Forensic Health Services Sexual Offender Treatment Program July 2010

Letter of Termination from SOTP to LaGuer from Stephanie Adaramola, SOTP Coordinator NCCI/Malee Preta, LICSW

Letter from Rosalyn Garbose Nasdor of Ropes & Gray on behalf of Pro Bono Committee 24 June 2010

Letter from State Parole Board "appeal Request" denied, "Prior vote to stand" 2 August 2010

Letter to Parole Board Julie Pease" Requesting DVD or VCR Tapes from All Hearing from LaGuer 21 August 2010

Letter from LaGuer to Clark University Associate Professor Ravi K. Perry, Political Science Department August 29 2010

Letter from LaGuer to Sentinel & Enterprise reporter Dan Magazu 29 August 2010

Letter from Douglas Most to Judge Timothy S. Hillman of 5 September 2002 (“I am working on a story for the ‘New York Times Sunday Magazine’ about Benjamin LaGuer. I am requesting to read the trial court transcript, subsequent court filings, and the most recent DNA report submitted by Dr. Edward T. Blake that proved Mr. LaGuer’s guilt in the case.”)

Lennice May Plante DOB 5/9/24

Burbank Hospital Medical Records (now known as HealthAlliance Hospital) located at 275 Nichols Road, Fitchburg, MA 01420. Hospital Records #421004-3

Worcester State Hospital, 305 Belmont, Worcester, MA

Herbert Lipton Community Mental Health Center located at 10 Pleasant, Fitchburg, MA. Medical Records. of Dr James M. Bonner and James L. Kahn.

Leominster Hospital Medical Records (now known as HealthAlliance Hospital) located at 60 Hospital Road, Leominster, MA 01453 Medical Records #190340*0 25*91*47

Billing No. Veterans Insurance 000061920641

Caldwell Home (formerly Wright Nursing Home under the ownership of Leo Piro, 45 Ryefield, Fitchburg, MA 978.342.4765) located at 10 Prospect, Fitchburg, MA

Medical Records of Winchendon Health Center, Geriatric Psychiatry Program, 55 Hospital Drive, Winchendon, MA 01475

Veteran's Administration Hospital (now known as Veteran's Administration New England Healthcare System, director. at 1400 VFW Parkway, West Roxbury 02132 Tel 857.203.6000 Parole Board Supplemental Summary Report by Alicia Lapomardo of 12 April 2010

Ben LaGuer's Opening Statement to Parole Board of 22 April 2010

10/23/10
Letter from LaGuer to Pamela Lombardini of 26 April 2010
Letter from LaGuer to Candace Kochin of 26 April 2010
Letter to Leticia Munoz from LaGuer 26 April 2010
Letter to Cesar Archilla from LaGuer 26 April 2010
Letter to Roger Michel from LaGuer 27 April 2010
Letter from LaGuer to Thomas Merigan 26 April 2010

Letter and package of supporting documents in opposition by Sandra Hautanen and Michelle King 22 April 2010
Sex Offender Registry Board letter of Notice of Right to Submit Materials within 30 Days, Sex Offender Number 21900, dated 26 April 2010.
Affidavit of Peter L. Ettenberg
Affidavit of Robert E. Terk
Affidavit of Isaac Borenstein

Letter to Tufts' Chief of Medicine Dr Deeb Salem granting him a release to speak with John Silber, Leslie Epstein and Isaac Borenstein about diagnosis and treatment at the Multidisciplinary Liver Tumor Clinic 5 April 2010
Sentinel & Enterprise, Editorial, "No 'compelling reasons to parole' Benjamin LaGuer 25 April 2010
Sentinel & Enterprise, OpEd, LaGuer seeks support during his parole hearing by Ben LaGuer 2 April 2010
Sentinel & Enterprise, Editorial, Right where he belongs 30 November 2007

Lemuel Shattuck Hospital, Primary physician include Dr Benjamin Smith and Chief of Radiology Dr Joseph F. Polak on Medical Record Number LS00115164
Tufts' Medical Center, Primary physicians include Dr Kathy P. Theall, Lawton Shick, Richard J. Rohrer, Mark Bankoff, Walid Asaad, D.J. Magnani, PhD M.D. on Medical Records Number 00242-17-02 (Chief of Medicine Deeb Salem, M.D.)

Letter to Parole Board from BU Professor Stan Fisher
Letter to Parole Board from Georgetown Law Center Abbe L. Smith
Letter to Parole Board from John C Archer
Letter to Parole Board from Leslie Epstein

North Central Correctional Institution Health Center, operated under a Commonwealth Medicine of UMASS Worcester contract, Principle physicians are Jesse Hammond, PA., Dr Lawrence Churchville (Chief of Medicine Dr Thomas Grubolesky.)


Judicial researchers Aaron S. Amaral, Melina E. Neely, Jesse Boodoo, Jill Fieldstein, David R. Weigel.

10/23/10
Pretrial Defense investigators Nancy Martinez and Robert Hammack; Richard D. Slowe on posttrial conviction motions.

Attorneys Nancy Gertner, John Reinstein, Abbe Smith, Williams Montross, Kimberly Hawkins, David Gibbs and Johnathan P. Cook for Lawyers Committee for Civil Rights of the Boston Bar Ass’n, & others, amici curiae.

District Attorney John J. Conte (a Dukakis appointee since 1976); Assistant District Attorneys are Eileen Jedrzynski, Paul F. Bolton, Phillip E. Shea, James R. Lemire, Lynn M. Turcotte, Kathrine E. McMahon, Sandra P. Wysocki, Linda G. Katz, Leon Zitowitz, Daniel F. Tooney, Maurice O’Brian, Harry D. Quick, Sandra L. Hautanen and Joseph J. Reilly III

District Court Judge Matthew R. McCann on arraignment; Superior Court Judge James H. Donahue on bail and pretrial motions; Judge William C. O’Neil on denial of defense request for victim’s medical records; Robert V. Mulkern on trial and postconviction motions. After Mulkern retired, in 1992, Judge Herbert F. Travers was assigned. Since 1999, Judge Timothy Hillman has presided over the postconviction proceedings.

Leominster Police Department (29 Church St, Leominster, MA 01453 978-534-7560) officials are Chief Alan J. Gallagher (retired); Lt. Arthur Caise (retired); Lt. Francis Arial (retired) Lt. Robert Hebert (retired); Det. Ronald N. Carignan (deceased); Det. Keith E. LaPrade (retired); Patrolmen Timothy Monahan (retired); Roland LaPointe (retired); Charles DePerri (retired); John R. Tata (unknown) Raymond A. Booth (remains in active service, along with) John Gianninis; Jane Hatstat; Lt. Michelle D. Pellecchia and; Dean J Mazzarella (currently Mayor of the City of Leominster)

State Police Troopers are Arthur Martin (#1428), William Kokocinski, Richard D. McKeon (#1814); Stephen E. Kelly (#2197); Lt. Ralph F. Defuria; Lt Francis Moore and Captain William P. Horgan; Marian J. McGovern; Robert O’Neil

State Police Crime Laboratory Criminalist in this case are Mark T. Grant (1983); Paul J. Malone (1983); “LJH” (1984); Gwen Boisvert (1988); Caroline LeClair (1989); Regina Cameron (2000); Gwen Pino; (2000); Mary K. McGilvray (2000); Carl M. Selavka (2000); Frederick Bieber (2000) and; Kellie Bogosian (2001)

Appeals Court 1996 (Kass, Dreben & Spina); Appeals Court 1994 (Kass, Kaplan and Fine); Supreme Judicial Court 1991 (Liacos, Wilkins, Nolon, O’Conner and Greaney; Appeals Court 1985 (Armstrong, Dreden and Smith)

Court Appointed Psychiatrist Lawrence M. Hipshmire; Department of Corrections Appointed Psychiatrist Daniel M. Weiss; Department of Corrections Appointed Psychologist Marcelino DeLeon; Olga DeAlma and Department of Corrections psychiatrist Harrison O’Connor


The twelve deliberating jurors, plus one alternate, are jury foreman James W. Dalzell of Worcester (508-853-6482); Joseph F. Novak of Worcester (508-753-1856) ; William P. Nowick of Worcester; Michael Schiavone of Worcester (508-852-3385); Helmut Lelke of Southbore; Stephen J Martin of Oxford (508-987-0111); Ernest H. Rice of Lancaster; John T. Hickey of Cherry Valley; Robert M. Racicot of Uxbridge; Alan W. Harty of Barre; Claudio G. Proulz of Southbridge; Gerald Scanlon of Spencer and; Reno H. Pigalargi of Milford.

The two nurses who were on staff during the hours of Plante’s allege photo identification are Carol Griffin and Liza Rowe.
A Rape Crisis Counsellor from the Fitchburg Luk Agency was Linda K. Reedy (James Lemire removed her from Carignan’s suggested list of witnesses) and Ruth Givens

Jose Gomez is the true perpetrator of this crime: Jose Gomez, 89 Adam Street, Leominster, MA 01420 978-665-0188. Felicita Gomez, Jose’s mother, lives in 143 Meadowbrook Lane, Fitchburg, MA 01420

“A poll showed that the difference between Ms Healey’s vote and Deval L. Patrick’s could be accounted for by gender. Men were supporting Healey 42 percent to 40 percent, while woman supported Mr. Patrick 63 percent to 27 percent for Ms. Healey.” Columnist Kenneth J. Moynihan, Telegram & Gazette October 25, 2006

"What concerns me is that Deval Patrick would persist in describing and complimenting a convicted rapist as eloquent and thoughtful even after DNA evidence has proven beyond all doubt that in fact, Mr, LaGuer was convicted properly," said Kerry Healey, Boston Herald, Laura Crimialdi, October 19, 2006

"This just wasn’t her race," said famed democratic operative Michael Goldman of Kerry HealeyTs gubernatorial bid. "Wrong candidate, wrong time, wrong message. It’s a horrible thing to say, but look at her numbers. Ben LaGuer has higher favorability than she does," Margery Eagen, Boston Herald, November 2, 2006.

"Anyone who claims to be a victim advocate or a champion for victim's rights or even has the most remote understanding of victims’ issues would do this," said Mary R. Lauby, executive director of Jane Doe, Inc, referring to Healey’s TV ad. Laura Crimialdi, Boston herald, October 19, 2006.

"After seeing his medical records, he realized that, if he had given the authorities a legitimate saliva sample, the result would have provided evidence of his innocence rather than a false impression of guilt," John Taylor, Esquire Magazine, May 1994

"Meanwhile, James Lemire, the former Worcester assistant district attorney who prosecuted the LaGuer case, was confirmed yesterday for a spot on the Superior court in a 6-1 vote by the Governor's council. Questions about Lemire’s handling of the LaGuer case prompted the lone nay vote, from Councilor Peter Vickery (D-Amherst), Dave Wedge, Boston Herald October 5, 2006

"The father of California murder victim Polly Klaas visited Boston yesterday to speak out against Democratic candidate Deval L. Patrick, saying..." I can't even believe that this character is running for governor of this state...Every fiber of my being cries out to beware any individual who prioritizes the rights of a violent sexual sadist like Ben LaGuer ahead of the rights of a crime victim..." By Andrea Estes, Boston Globe, Father of slain Calif, girl criticizes Patrick, October 26, 2006

"It would have been more surprising if Deval Patrick had not responded with interest to an appeal for support from a convicted rapist whose 1984 trial included racist remarks by a juror...But the LaGuer case raises a different question about Patrick, a newcomer to Massachusetts politics...His failure to disclose at an earlier point his contributions to the DNA test might have been just a memory glitch. In that case, his error was in not doing a more thorough review before describing his involvement with LaGuer Or, more seriously, he might have not mentioned the contribution because he wanted to hide this deeper connection to LaGuer." Editorial, Boston Globe October 6, 2006

"Memo to the Healey campaign: Enough of the Benjamin LaGuer case, already. The incessant harping on what should have been a brief aside in the 2006 gubernatorial race has turned a largely substance-free campaign into a mudslinging match that ill-serves the Massachusetts electorate." Editorial, Telegram & Gazette October 17, 2006

"It's inconceivable Patrick simply forgot repeated correspondence with a convicted rapist, so the LaGuer issue is fair game. As authorities struggle to keep our streets safe, a legitimate debate over public safety is critical, too." Editorial, Boston Herald, October 5, 2006

"For whatever reason, whatever motivation, whether conscience-drive or calculated, Patrick took such a leap, lending his credibility to LaGuer back when it was theoretically plausible that the latter was the victim
of a monstrous injustice...He could have stood fast, digging his heels on principle, insisting that what he did seemed right when he did it, before he had the benefit all the hindsight critics are hurling at him now...Instead, in the heat of the moment, he's revealing what he is, 'eloquent and thoughtful' but just another empty suit." Columnist Joe Fitzgerald, Boston Herald, October 7, 2006

"I think our advertising spent a little too much time on Benjamin LaGuer and not enough time on the issues like, you know, the fact that income taxes are going to go up significantly under Deval Patrick," said Lt Gov. Kerry Healey's running mate Reed Hillman, blaming his team's crime focused TV ad for drooping poll numbers as election day loom." Boston Herald, Kimberly Atkins, November 1, 2006