

DENNER ♦ PELLEGRINO, LLP

COUNSELLORS AT LAW

May 10, 2010

Massachusetts Parole Board
Central Office
12 Mercer Road
Natick, MA. 01760

Re: Benjamin LaGuer

Dear Chairman Conrad and Members of the Board:

I am writing to supplement the record the Board will consider in connection with the parole hearing of Benjamin LaGuer, which took place on April 22, 2010.

Enclosed please find an affidavit that refutes the Commonwealth's contention that no plea offer was communicated to Mr. LaGuer before his trial in 1984. Mr. LaGuer's trial counsel, Peter Ettenberg, has reviewed his notes and avers that he did receive and communicate to his client an offer from prosecutor James Lemire that in exchange for a guilty plea, the District Attorney's Office would join in a recommendation for a sentence of 20 years to M.C.I. Concord. This sentence would have made Mr. LaGuer eligible for parole at ten percent of the sentence, or two years, with credit for time served: precisely as Mr. LaGuer testified at the hearing.

Also enclosed is a letter from John Archer, who has offered Mr. LaGuer a place to live should he be paroled. Mr. Archer was present and scheduled to testify in support of Mr. LaGuer at the hearing, but in the interests of time elected to submit this letter instead.

The Board also has received materials sent under separate cover from Mr. LaGuer, including a report from a psychologist who evaluated him and a letter of support from the National Black Police Association.

Please do not hesitate to contact me if there is any other information I can provide.

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