



COMMONWEALTH OF MASSACHUSETTS

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May 18, 2015

Joseph F. Stanton, Clerk
Massachusetts Appeals Court
John Adams Courthouse
One Pemberton Square, Suite 1200
Boston, MA 02108

Re: **Commonwealth v. Benjamin Laguer**
Appeals Court Docket No. 2012-P-1785

Dear Mr. Stanton:

Enclosed for filing by the Commonwealth in the above-captioned appeal are the following:

- 1) COMMONWEALTH'S MASS. R. APP. P. 15(a) MOTION TO CORRECT BRIEF AND CERTIFICATE OF SERVICE:
- 2) EIGHT (8) COPIES OF THE "MEMORANDUM OF DECISION" by TUCKER, J.

Thank you very much for your assistance.

Very truly yours,

Sandra L. Hautanen

Sandra L. Hautanen
Assistant District Attorney

✓ cc: John H. LaChance, Esq. (w/ two copies "Memorandum of Decision")
enclosures

COMMONWEALTH OF MASSACHUSETTS
APPEALS COURT

WORCESTER, ss.

No. 2012-P-1785

COMMONWEALTH OF MASSACHUSETTS,
Appellee
v.
BENJAMIN LAGUER,
Appellant

COMMONWEALTH'S MASS. R. APP. P. 15(a) MOTION TO CORRECT BRIEF

Now comes the Commonwealth of Massachusetts, Appellee in the above-referenced appeal, and, pursuant to Rule 15(a) of the Massachusetts Rules of Appellate Procedure, brings this motion before the Honorable Court to correct the Commonwealth's brief, which was inadvertently filed without the memorandum of decision by the court, and offers the following in support:

1. This case involves an appeal from an order issued in Worcester Superior Court by Tucker, J., on February 27, 2012, memorialized in a "Memorandum of Decision" denying Defendant Benjamin Laguer's 9th Motion for New Trial, and allowing the "Commonwealth's Motion to Dismiss for Fraud on the Court."

2. The Commonwealth's Brief and two-volume Appendix were mailed to the Court and served on Defendant's counsel two days ago on May 16, 2015.

3. When assembling and copying the Brief of the Commonwealth, counsel for the Commonwealth inadvertently omitted Judge Tucker's "Memorandum of Decision" from the Addendum to the Brief of the Commonwealth, see Mass. R. App. P. 16 (a) (6), although a copy is included in Volume 2 of the Commonwealth's Appendix.

4. For this reason, the Commonwealth moves to correct the Brief of the Commonwealth by adding the attached copies of Judge

Tucker's "Memorandum of Decision" to the Addendum in the Brief of the Commonwealth.

8. WHEREFORE, the undersigned counsel for the Commonwealth respectfully moves to correct the Commonwealth's filings by submitting the attached copies of Judge Tucker's "Memorandum of Decision" to be inserted into the Addendum section of each Brief of the Commonwealth to comply with Mass. R. App. P. 16 (a) (6).

Respectfully submitted,

FOR THE COMMONWEALTH,
JOSEPH D. EARLY, JR.
District Attorney
for the Middle District



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