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APPEALS COURT

Panel Cases

Case Docket

COMMONWEALTH vs. BENJAMIN LAGUER

2012-P-1785

CASE HEADER

Case Status	Blue brief filed	Status Date	07/10/2014
Nature	Crime: Sexual Offense	Entry Date	11/09/2012
Sub-Nature	9th mtn for new trial	SJ Number	
Appellant	Defendant	Case Type	Criminal
Brief Status	Awaiting red brief	Brief Due	03/25/2015
Panel		Argued/Submitted	
Citation		Decision Date	
Lower Court	Worcester Superior Court	TC Number	
Lower Ct Judge	Robert V. Mulkern, J.	TC Entry Date	08/04/1983
FAR Number		SJC Number	

INVOLVED PARTY

Commonwealth
Plaintiff/Appellee
Awaiting red brief
6 Extensions, 225 Days

Benjamin LaGuer
Defendant/Appellant
Replacement blue brief & app filed
11 Extensions, 510 Days

ATTORNEY APPEARANCE

[Jane A. Sullivan](#), A.D.A.
[Sandra L. Hautanen](#), A.D.A.

[John H. LaChance](#), Esquire

DOCKET ENTRIES

Entry Date	Paper	Entry Text
11/09/2012		Transcripts received: 1 vol, 2 sets paper in Clerk's envelope.

11/09/2012 #1	Entered.
11/09/2012 #2	Notice of entry sent.
11/13/2012	CD containing transcript of motion for new trial hearing, 9/9/11, received from Worcester Superior Court.
11/16/2012 #3	Motion for entry, filed by Benjamin LaGuer.
11/19/2012	RE#3: No action necessary as this appeal was entered on 11/9/12. *Notice.
12/31/2012	Notice preceding dismissal: Standing Order Governing Dismissals for Lack of Prosecution.
01/07/2013 #4	MOTION to extend brief & appendix due date, filed by Benjamin LaGuer.
01/08/2013	RE#4: As this case has been assigned to screening counsel, appellate proceeding stayed to 2/8/13 by when a status report is due, to be accompanied by the docketing statement required under this court's standing order. *Notice.
02/25/2013 #5	Motion to file Status Report late, and Status Report, filed by Benjamin LaGuer.
02/25/2013	RE#5: Appellate proceedings STAYED to 03/25/2013. Status report due 03/25/2013 to be filed by Attorney LaChance in his capacity as screening counsel. *Notice.
03/08/2013 #6	Docketing Statement received from Benjamin LaGuer.
03/08/2013	IMPOUNDMENT NOTE: Physical evidence impounded associated with dockets 1983-03391 and 1983-03394. See docketing statement.
03/28/2013 #7	Status Report, filed by Benjamin LaGuer.
03/28/2013	RE#7: Appellate proceedings STAYED to 04/29/2013. Status report due 04/29/2013 concerning whether CPCS has appointed counsel. *Notice.
05/02/2013 #8	Status Report, filed by Benjamin LaGuer.
05/03/2013	RE#8: Appellate proceedings STAYED to 06/03/2013. Status report due 06/03/2013 regarding CPCS approval. *Notice.
05/28/2013 #9	Status Report, filed by Benjamin LaGuer.
05/28/2013	RE#9: Appellate proceedings STAYED to 07/15/2013. Status report due 07/15/2013 indicating whether or not CPCS will appoint counsel. *Notice.
07/16/2013 #10	Status Report, filed by Benjamin LaGuer.
07/17/2013	RE#10: Appellate proceedings STAYED to 08/16/2013. Status report due 08/16/2013 indicating whether or not CPCS will appoint counsel. *Notice.
08/19/2013 #11	Status Report, filed by Benjamin LaGuer.
08/20/2013	RE#11: Appellate proceedings STAYED to 09/13/2013. Status report due then as to whether CPCS is to appoint counsel. *Notice.
09/09/2013 #12	Notice of appearance of John H. LaChance for Benjamin LaGuer.
09/09/2013 #13	Status Report, filed by Benjamin LaGuer.
09/09/2013 #14	MOTION to extend brief & appendix due date. filed by

	Benjamin LaGuer.
09/10/2013	RE#14: The stay of appellate proceedings is vacated. Appellant's brief and appendix due 11-15-13. Notice to counsel.
11/21/2013 #15	MOTION to extend brief & appendix due date, filed by Benjamin LaGuer.
11/22/2013	RE#15: Allowed to 01/15/14. No further enlargement to be anticipated. Notice
01/15/2014 #16	MOTION to extend brief & appendix due date, filed by Benjamin LaGuer.
01/15/2014	RE#16: Allowed to 02/18/2014. Notice sent.
02/14/2014 #17	MOTION to extend brief & appendix due date, filed by Benjamin LaGuer.
02/14/2014 #18	Notice of change of address of John H. LaChance, Esquire.
02/18/2014	RE#17: Denied without prejudice to renewal accompanied by the brief on or before 3/15/14. *Notice.
03/20/2014	Notice preceding dismissal: Standing Order Governing Dismissals for Lack of Prosecution.
04/15/2014 #19	MOTION to extend brief & appendix due date & revoke dismissal, filed by Benjamin LaGuer.
04/24/2014	RE#19: Allowed to 05/15/2014. No further enlargements. (Trainor, J.) *Notice sent.
05/21/2014	ORDER: DISMISSAL under Standing Order Governing Dismissals for Lack of Prosecution.
05/27/2014 #20	Motion to revoke dismissal and enlarge time, filed by Benjamin LaGuer.
06/13/2014	RE#20: The motion seeks to 6/6/14 to file the brief. To date, the brief has not been filed with the court. The motion is denied. (Trainor, J.) *Notice.
06/23/2014 #21	MOTION to extend brief & appendix due date, filed by Benjamin LaGuer.
06/24/2014	RE#21: Denied without prejudice to renewal, on or before 7/1/14, as a motion to reinstate this appeal which has been dismissed for failure to prosecute. *Notice.
06/30/2014 #22	Motion to reinstate the appeal, filed by Benjamin LaGuer
07/07/2014 #23	Motion for leave to file short moffett brief, filed by Benjamin LaGuer.
07/10/2014 #24	SERVICE of brief & appendix for Defendant/Appellant Benjamin LaGuer.
07/10/2014	RE#22: Allowed. The appeal is reinstated and the defendant's brief and appendix are accepted for filing this date. (Carhart, J.) *Notice.
07/15/2014	RE#23: The Clerk's Office has received the referenced document from Benjamin LaGuer, who, according to the case docket, is represented by counsel. The document is noted as received on the docket, but the court will take no further action because it was not filed by counsel. Where counsel is on record as representing a party, only

that counsel has authority to make filings in the court for the party, and only those filings will be reviewed and acted on by the court. Benjamin LaGuer should direct future inquiries and requests to counsel who can then making appropriate filings. This notice will not be sent in the future in response to any subsequent submissions from Benjamin LaGuer.

07/23/2014 #25	Motion to compel service of appellant's brief , filed by Commonwealth.
07/30/2014	RE#25: The defendant shall file a response to this motion on or before 08/06/2014 . *Notice/attest.
08/04/2014 #26	Certificate of service for appellant's brief, filed by Benjamin LaGuer (per paper #25).
08/11/2014 #27	Notice of appearance of Sandra L. Hautanen for Commonwealth.
08/11/2014 #28	MOTION to strike appellant's brief and appendix, filed by Commonwealth.
08/13/2014	RE#28: Allowed in part and denied without prejudice in part. The defendant's brief contains references to the victim's name, which is confidential. See G.L. c. 265, s. 24C. Consequently, Defendant's counsel shall make appropriate redactions to the brief in all copies on file with the Clerk's Office on or before 8/22/14. Alternatively, replacement briefs may be filed on or before said date. To the extent Commonwealth contends the defendant's appendix is incomplete, the Commonwealth may file an appendix containing additional materials from the trial court record with its responsive brief. The remaining arguments raised in the motion may be included in Commonwealth's responsive brief, now due on or before 9/15/14. *Notice.
09/10/2014 #29	MOTION to extend brief due date of Commonwealth.
09/11/2014	RE#29: Allowed to 10/31/2014. Notice sent.
11/03/2014 #30	MOTION to extend brief due date of Commonwealth.
11/04/2014	RE#30: Allowed to 12/01/2014. Commonwealth defendant's counsel is reminded of his obligation to file replacement briefs forthwith detailed in his court's order, dated 08/13/2014. Notice sent.
11/03/2014 #31	Notice of change of address of John H. LaChance, Esquire.
11/03/2014 #32	MOTION to file OPPOSITION to paper #28, filed by Benjamin LaGuer.
11/17/2014	RE#32: No action necessary. The defendant may respond to the Commonwealth's arguments in his reply brief, as the Commonwealth's motion was allowed in part and denied in part without prejudice to renewal in its brief. To the extent the Commonwealth's motion was allowed in part, it required redaction of the victim's name. See G.L. c. 265, s. 24C. Counsel is to comply with the court's orders regarding redaction forthwith. *Notice.

12/01/2014 #33	MOTION to extend brief due date of Commonwealth.
12/04/2014	RE#33: Denied without prejudice to renewal, on or before 1/16/2015, accompanied by the proposed brief and appendix *Notice.
01/15/2015 #34	SERVICE of revised brief & appendix for Defendant/Appellant Benjamin LaGuer.
01/15/2015 #35	Letter from Benjamin LaGuer re: Request for copy of docket
01/20/2015	Copy of docket sent to Ben LaGuer.
01/20/2015 #36	MOTION to extend brief due date of Commonwealth.
01/26/2015	RE#36: Allowed to 02/13/2015. Notice sent.
02/13/2015 #37	Motion to submit a Moffet brief in support of his appeal from denial of motion for new trial. (pro se motion), filed by Benjamin LaGuer.
02/23/2015 #38	MOTION to extend brief due date of Commonwealth.
03/02/2015	RE#38: Allowed to 03/06/2015. Notice sent.
03/02/2015	RE#37: Denied. If counsel so chooses, he may seek leave to file a substitute brief. (Cohen, J.). *Notice.
03/09/2015 #39	MOTION to extend brief due date of Commonwealth.
03/09/2015	RE#39: Allowed to 3/25/2015. *Notice.

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As of 03/11/2015 20:00

(2015-03-16 13:52:39)