

Kenneth C. Campbell
39 Village Park Road
Amherst, MA 01002-1568

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Honorable Deval Patrick, Governor
Commonwealth of Massachusetts
Massachusetts State House
Office of the Governor
Room 105
Boston, MA 02133

Dear Governor Patrick:

I am a 66-year-old man living in Amherst. I am writing to you concerning Benjamin LaGuer, who has been incarcerated at the Central Correction Facility in Gardner for the last 30 years for a crime which I believe he did not commit.

One day in 1980, Benjamin LaGuer was walking home from high school with some friends. He was stopped and questioned by a police officer named Ronald Carrigan about a burglary which had occurred in the area.

Then, three years later, LaGuer, who was just home from military service, happened to stay at his father's apartment in Leominster. That night, a woman named Lennice Plante was assaulted in the same building. Carrigan was assigned to the case. The earlier stopping and questioning of LaGuer was still in Carrigan's file, and he became a convenient suspect. What he was accused of would be a very unlikely thing to do for a man who was just home from the Army and was looking for employment and training. Actually, the morning in question, LaGuer inquired about enrolling for computer courses at Fitchburg State College, using his GI bill.

Carrigan later testified that he had recovered fingerprints from the telephone and they could not be matched with LaGuer's. Carrigan also stated that he did not find any fingerprints in Ms. Plante's apartment that matched LaGuer's. The fingerprints from a soda can were disposed of by the police laboratory. The soda can was lost, and the negative report from the telephone was to re-surface in 2001. The State Police found the front page of a multi-page fingerprint report showing that the prints which were given to Carrigan just hours before LaGuer's arrest were not his. This was never made known to the jury, for whom it would have been at least a reasonable doubt.

Carrigan also disregarded another man whom private investigators said soon after the assault was a "likelier suspect" who had been incarcerated for sexual misconduct. It turned out that fifteen years later, this man was arrested for a sexual assault that was eerily similar to the assault of Ms. Plante. Carrigan also told the grand jury, and stated in the application to search the apartment where LaGuer had stayed, that Ms. Plante had seen the assailant go into

the apartment, which she swore she had never told police. Carrigan is now deceased, and so cannot be questioned further about his work.

The actual culprit was a secretor of O-Type perspiration based on a State Police analysis performed on a foreign tube sock recovered from Plante's apartment. LaGuer is a B-Type secretor. Prosecutors withheld fingerprint evidence, and other vital fingerprints remain a matter of secrecy.

The case was based solely on the victim's identification, and the identification was a poor one.

Lennice Plante had a long history of schizophrenia, a fact which was also not made known to the jury. The prosecutor, James R. LeMire, told Judge Mulkern that Plante had for two years not had any psychiatric problems and was not on any medication. This, it turned out later, was untrue. She denied knowing her attacker. The prosecution was based entirely on Plante's indication of LaGuer in a photo lineup, which she made while she was on heavy medication and without her reading glasses. During the trial, she pointed out LaGuer because he was the only dark-skinned person in the courtroom. Later, when she went about in public, she would point out any random Hispanic man whom she saw, which should at least raise the question of whether she had been ready to accuse any Hispanic man during the investigation and the trial.

The jury was all white and all male. It came out later that racist remarks against Hispanics had been made during the deliberations. One juror, named Joseph Novack, remarked "The goddamned spic is guilty just sitting there. Why bother having the trial" and "spics screw all day and all night." The jury foreman, James Dalzell, requested that Mr. Novack be quiet. Another juror, Stephen J. Martin, said to a reporter, "We saw an animal, and he [the judge] saw the same animal."

Later, DNA testing was performed. The DNA samples which were taken from LaGuer's clothes were mishandled by the Commonwealth's laboratory technician, Mark T. Grant, who by his own admission and lab notes, was handling and testing LaGuer's underwear at the same time that he was testing the hospital specimens from Plante, probably contaminating the latter with LaGuer's DNA and resulting in a false positive report. Since then, many experts have gone on record as saying that the DNA evidence was contaminated. One of them, Harvard University geneticist David Hartl, went so far as to write, "There is, in my opinion, ample reason for a full inquiry into the case, and I hope that the Supreme Judicial Court of the Commonwealth of Massachusetts will agree."

In 2007 the SJC held that: "What is exculpatory is that the Commonwealth could not place the defendant in the victim's apartment by means of any evidence, including fingerprints or any other physical evidence. The police collected numerous pieces of physical evidence from the victim's apartment. Several items in the unit were also dusted for fingerprints. None of the physical evidence was linked to the defendant. (448 Massachusetts 585)

Numerous testimonials have been made by people who have since read about the case. One juror has said, "I'm sorry." State Representative Ellen Story told the Springfield Republican, "From what I know about the case, I think there's not much question that he is innocent." The late John Silber testified at LaGuer's 2003 parole board hearing about irregularities in the handling of the evidence. Dr. Lawrence Hepshinen, the Superior Court

appointed psychiatrist, stated: "LaGuer does not fit either a psychological or pathological profile of a person capable of committing this crime." Dr. Daniel Weiss, a psychiatrist with the Department of Corrections, said: "It seems totally out of character. He has always seemed comfortable with and respectful toward women. Indeed, he may be one of the few feminists incarcerated in a male prison." Edith Fine, Associate Justice of the Massachusetts Court of Appeals, said: "I would have afforded LaGuer a new trial."

Despite all of the exculpatory evidence and the complete lack of positive evidence except for the compromised DNA tests, the courts have seemed to adamantly and blindly uphold the conviction and deny LaGuer a new trial.

LaGuer is a bright man, five feet eight inches and 140 lbs., who was president of the Latino student organization at Leominster High School, served honorably in the U.S. Army, earned a college degree magna cum laude from Boston University, and earned the prestigious PEN award for an essay about his mother. He had no criminal record. He does not fit the picture of a man who would commit this crime. He has three sisters and a brother working in human services, and he also did similar work before his arrest and incarceration.

For over 30 years, LaGuer has maintained his innocence because he is a Seventh Day Adventist and cannot lie, and he cannot ruin his family's name. He has a brother and three sisters working in human services. He also did similar work before going to jail. His maintaining of his innocence has only kept him in jail for twice as long as the original sentence stated that he would be eligible for parole. He has never been given the opportunity of a lie-detector test. He has been denied parole nine times, most recently on April 22, 2010. In addition, the Parole Board declared a five-year setback – he is next scheduled for a parole hearing in 2015. Each time, they have made it a requirement that he admit guilt, and have come down on him harder when he says that he cannot do so. They will accept no less than a confession.

There have been numerous cases in which a person has been paroled and later found innocent. Noteworthy is the case of New Jersey vs. Rubin "Hurricane" Carter and John Artis. Their conviction was overturned after 20 years, and Carter was released; Artis had already been paroled. If he had had to confess to the crime, he would have had to implicate Carter.

Due to the areas of doubt that I have explained, and after such a long time, I do not think that LaGuer should have to admit guilt as a condition for parole, which has been the reason he has been denied parole. July 15, 2014 marks 31 years that LaGuer has been incarcerated. He has been in the Gardner penitentiary and has not seen the outside since he was 20 years old, and he is now 50. He has spent more than half, three-fifths, of his life there.

I am asking you at this time to please grant LaGuer a special gubernatorial release. It is now time for Benjamin LaGuer to once again be a free man and devote his life to good work.

Respectfully Yours,

Kenneth C. Campbell