

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT NO.: 2012-P-1785

MIDDLESEX, SS

2013 SITTING

COMMONWEALTH

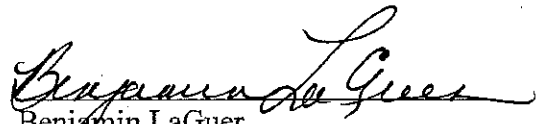
Plaintiff / Appellee

v.

BENJAMIN LaGUER,

Defendant / Appellant

I hereby certify that I have this date served two copies of Moffett Brief and Appendix and Motion to Submit Moffett Brief upon the District Attorney, Jane Sullivan/Sandra Hautenan, 225 Main Street, Worcester, MA 10604 via United Parcel Service Overnight Delivery.


Benjamin LaGuer

Dated: February 12, 2015

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT NO.: 2012-P-1785

WORCESTER, SS

2013 SITTING

COMMONWEALTH

Plaintiff / Appellee

v.

BENJAMIN LaGUER,

Defendant / Appellant

MOTION TO SUBMIT A MOFFET BRIEF
IN SUPPORT OF HIS APPEAL
FROM DENIAL OF MOTION FOR NEW TRIAL

Now comes Benjamin LaGuer and moves for leave to submit a pro-se "Moffet" Brief in support of his Appeal from the denial of his Ninth Motion for New Trial.

In support of this motion, LaGuer states that after reviewing the brief submitted on appeal by his pro-bono counsel after its filing, he wanted some additional issues had not been briefed that my counsel was reluctant to raise.

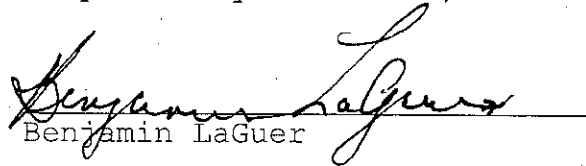
After discussion with counsel I drafted and submitted a Moffet brief to the Court which the Court rejected because I had counsel.

My counsel read the Moffet brief and although agreeing that it had some merit suggested it detracted from the other arguments raised by the brief.

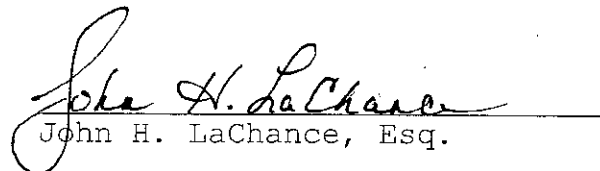
I requested that counsel acknowledge to the Court that the Moffet brief raised issues which had some merit and that he would recommend that the Court allow its filing by me, pro-se.

Accordingly, I move for leave to file the brief instanter.

Respectfully submitted,


Benjamin LaGuer

I John H. LaChance, counsel of record for Benjamin LaGuer on this Appeal of a denial of his motion for new trial, do hereby request that the Court grant this Motion for Leave to file his Moffet Brief.


John H. LaChance, Esq.

Dated: January 14, 2015