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May 28, 2004

James C. Rehnquist
Goodwin Procter LLP
Exchange Place
Boston, MA 02109

Dear Mr. Rehnquist,

I have reviewed material your client Benjamin LaGuer sent me, including the DNA report issued by Forensic Science Associates (FSA) on March 21, 2002 prepared by Dr. Edward Blake and Alan Keel, which states that LaGuer cannot be excluded as the perpetrator of a crime for which he has been claiming innocence for more than 20 years.

I have also read comments Dr. Blake made to the press in the wake of his report, specifically his statement quoted in a March 31, 2002 article by Matthew Bruun in the Worcester Telegram & Gazette. Dr. Blake referred to LaGuer as "a master manipulator and a flimflam artist" while asserting that his contention that evidence in the case was contaminated "defies credibility."

It is my opinion that Dr. Blake's comments were inappropriate and, given the totality of the evidence, possibly wrong on the facts. As I understand it Dr. Blake and Mr. Keel conducted a blind test of the evidence and were not aware that:

The search warrant return and the detective's sworn testimony claim "nothing" was taken from LaGuer's apartment. Yet his socks and underwear turned up in the evidence with no paper trail.

In 1983 a State Police chemist identified certain crime scene blood as Type B. In 2001 DNA showed this blood came from a woman (the victim) who was Type O.

There is a glaring discrepancy between inventories of the evidence done five days apart in May 1989. A pair of underwear, the focus of one of five points in a court hearing, simply vanished while in the DA's custody. The first of those two inventories was kept from LaGuer for 12 years.

A letter from an assistant DA shows that she was conducting an ex parte search for evidence related to the case in 1998. An affidavit shows that a seal a judge placed on the box of evidence was broken when it was found in 1999.

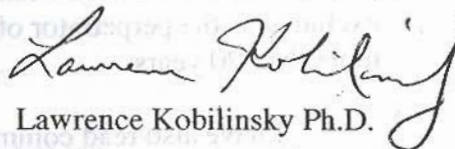
An exculpatory fingerprint report, prepared the day LaGuer was arrested, was withheld from the defense for 18 years.

Had LaGuer's lawyer in 2002 brought these facts to Dr. Blake's and Mr. Keel's attention, as he should have at the conclusion of the blind test, it is hard to imagine that Dr. Blake could make the highly charged and, in my opinion, uncalled for comments that he made.

This is especially true because the miniscule level of DNA the FSA report relies on for its conclusions is of an amount that could be consistent with contamination.

I look forward to seeing how the courts rule the motion you recently filed.

Sincerely,



Lawrence Kobilinsky Ph.D.

cc: Benjamin LaGuer