

**Commonwealth of Massachusetts
WORCESTER SUPERIOR COURT
Case Summary
Criminal Docket**

Commonwealth v LaGuer, Benjamin

Details for Docket: WOCR1983-03391

Case Information

Docket Number:	WOCR1983-03391	Caption:	Commonwealth v LaGuer, Benjamin
Entry Date:	08/04/1983	Case Status:	Crim 1 -CtRm 18
Status Date:	04/23/2007	Session:	Disposed (appeal denied)
Lead Case:	NA	Deadline Status:	
Trial Deadline:		Jury Trial:	NO

Parties Involved

2 Parties Involved in Docket: WOCR1983-03391

Party Involved:		Role:	Defendant
Last Name:	LaGuer	First Name:	Benjamin
Address:	500 Colony Rd.	Address:	P.O. Box 466
City:	Gardner	State:	MA
Zip Code:	01440	Zip Ext:	
Telephone:			

Party Involved:		Role:	Plaintiff
Last Name:	Commonwealth	First Name:	
Address:		Address:	
City:		State:	
Zip Code:		Zip Ext:	
Telephone:			

Attorneys Involved

10 Attorneys Involved for Docket: WOCR1983-03391

Attorney

Involved:
Last Name: Hautanen
Address: Worcester Trial Court
City: Worcester
Zip Code: 01608
Telephone: 774-317-2113
Fascimile: 508-831-9899

Firm Name: WORC02
First Name: Sandra L
Address: 225 Main Street
State: MA
Zip Ext:
Tel Ext:
Representing:

Attorney Involved:
Last Name: Reilly III
Address: Worcester Trial Court
City: Worcester
Zip Code: 01608
Telephone: 508-755-8601
Fascimile: 508-831-9899

Firm Name: WORC02
First Name: Joseph J
Address: 225 Main Street
State: MA
Zip Ext:
Tel Ext:
Representing:

Attorney Involved:
Last Name: Rehnquist
Address: 53 State Street
City: Boston
Zip Code: 02109
Telephone: 617-570-1820
Fascimile: 617-523-1231

Firm Name: GOOD01
First Name: James C
Address: Exchange Place
State: MA
Zip Ext:
Tel Ext:
Representing: LaGuer, Benjamin (Defendant)

Attorney Involved:
Last Name: Luz
Address: 53 State Street
City: Boston
Zip Code: 02109
Telephone: 617-570-1000
Fascimile: 617-523-1231

Firm Name: GOOD01
First Name: Kathleen
Address: Exchange Place
State: MA
Zip Ext:
Tel Ext:
Representing: LaGuer, Benjamin (Defendant)

Attorney Involved:
Last Name: Siegel
Address: 154 Stuart Street
City: Boston
Zip Code: 02116

Firm Name: NEW07
First Name: David M
Address:
State: MA
Zip Ext:

Telephone: 617-422-7270**Fascimile:** 617-422-7453**Tel Ext:****Representing:** LaGuer, Benjamin (Defendant)**Attorney
Involved:****Last Name:** Kasten**Address:** One Washington Mall 11th Fl**City:** Boston**Zip Code:** 02108**Telephone:** 617-723-6900**Fascimile:** 617-723-6905**Firm Name:** YURK01**First Name:** Steven W**Address:****State:** MA**Zip Ext:** 2603**Tel Ext:****Representing:** LaGuer, Benjamin (Defendant)**Attorney
Involved:****Last Name:** Goldberg**Address:** 28 State Street**City:** Boston**Zip Code:** 02109**Telephone:** 617-535-4000**Fascimile:** 617-535-3800**Firm Name:** MCDE02**First Name:** Judith A**Address:****State:** MA**Zip Ext:** 1775**Tel Ext:****Representing:** LaGuer, Benjamin (Defendant)**Attorney
Involved:****Last Name:** Fisher**Address:** 28 State Street**City:** Boston**Zip Code:** 02109**Telephone:** 617-535-4000**Fascimile:** 617-535-3800**Firm Name:** MCDE02**First Name:** Tamara**Address:****State:** MA**Zip Ext:****Tel Ext:****Representing:** LaGuer, Benjamin (Defendant)**Attorney
Involved:****Last Name:** Kim**Address:** 53 State Street**City:** Boston**Zip Code:** 02109**Telephone:** 617-570-1000**Fascimile:** 617-523-1231**Firm Name:** GOOD01**First Name:** Miriam**Address:** Exchange Place**State:** MA**Zip Ext:****Tel Ext:****Representing:** LaGuer, Benjamin (Defendant)**Attorney
Involved:****Last Name:** Terk**Firm Name:****First Name:** Robert E

Address: 5 Almount Terrace
City: Fitchburg
Zip Code: 01420
Telephone: 978-808-7154
Fascimile: 978-345-9022

Address:
State: MA
Zip Ext:
Tel Ext:
Representing: LaGuer, Benjamin (Defendant)

Calendar Events

13 Calendar Events for Docket: WOCR1983-03391

No.	Event Date:	Event Time:	Calendar Event:	SES:	Event Status:
1	03/13/2000	09:00	Hearing: Post-Sentence	1	Event held as scheduled
2	03/20/2000	15:30	Conference: Status Review	1	Event held as scheduled
3	03/29/2000	09:00	Hearing: Post-Sentence	1	Event not held--scheduled for another date
4	04/20/2000	09:00	Hearing: Post-Sentence	1	
5	07/19/2000	09:00	Hearing: Post-Sentence	1	Event held as scheduled
6	04/03/2001	09:00	Hearing: Post-Sentence	1	Event held--(ACTIVE) under advisement
7	08/10/2001	09:00	Conference: Status Review	1	Event held as scheduled
8	09/27/2001	09:00	Conference: Status Review	1	Event not held--scheduled for another date
9	10/11/2001	09:00	Hearing: Post-Sentence	1	Event canceled not re-scheduled
10	10/23/2001	09:00	Hearing: Post-Sentence	1	Event held as scheduled
11	01/09/2002	15:00	Hearing: Motion	1	Event held as scheduled
12	06/24/2011	09:00	Status: Review by Clerk	1	Event held as scheduled
13	09/09/2011	14:00	Hearing: Motion	2	Event held as scheduled

Full Docket Entries

361 Docket Entries for Docket: WOCR1983-03391

Entry Date:	Paper No:	Docket Entry:
08/04/1983	1	Indictment returned
08/11/1983		Plea of not guilty
01/30/1984		RE offense 1: Guilty verdict
02/17/1984		Sentence imposed: 12-15 years MCI Walpole to be served concurrent
02/17/1984		with 83-103394 (Mulkern,J.)
02/17/1984		Sentence credit given as per 279:33A: 216 days
10/21/1993		Status at conversion of computer.

10/21/1993		Appeals Court #93-P-623
10/21/1993		Amicus brief to be filed on or before 9/27/93. Commonwealth's brief
10/21/1993		due on or before 10/20/93. Dated in Appeals Court 9/24/93.
06/03/1994	73	Rescript rec'd from Appeals Court. Order denying motion for a new
06/03/1994	73	trial affirmed. Dated in Appeals Court 3/31/94.
07/25/1994	74	Deft files Petition for Revision of sentence. (Referred to Travers,J)
09/15/1994	75	Commonwealth files Opposition to Defendant's Motion to Revise &
09/15/1994	75	Revoke w/Certificate of Service (to Judge Travers).
09/19/1994		Motion #74 DENIED (see motion for Judge's endorsement); (Herbert F.
09/19/1994		Travers, Justice)
09/21/1994	76	Deft files A Response To The Commonwealth's Brief In Opposition To
09/21/1994	76	The Defendant's Motion For Revision or Revocation of Sentence.
10/07/1996	77	Deft files Letter requesting reconsideration of defendant's motion to
10/07/1996	77	revoke & revise w/affidavit.
11/12/1996	78	Deft files Motion for access to items for testing
11/27/1996		Motion (P#78) Denied without hearing (Herbert F Travers,Justice)
05/22/1997	79	Deft files Petition for a New Trial under Rule 30(A)(B) with
05/22/1997	79	Memorandum of Law, Affidavit and attachments
09/17/1997		Motion Re: P#79 Refuse to act upon the motion (Travers,J.) See motion
09/17/1997		for further endorsement. Copy to DA & Defendant
09/24/1997	80	Deft files Motion for this Court to Reconsider its "Refusal to Act
09/24/1997	80	Upon the Motion" for New Trial w/Affidavit in Support
09/24/1997	81	Deft files Motion for Findings of Facts and Conclusions of Law
10/22/1997	82	Deft files Motion for Assignment of Counsel
10/22/1997	83	Notice of appeal (Denial of motion P#79) (Filed in Appeals Court on
10/22/1997	83	10/14/97)
10/23/1997		Motion (P#80) Denied without hearing; See motion for judge's
10/23/1997		endorsement (Travers,J.) Copy to DA & Defendant
10/28/1997	84	Notice of appeal (Denial of motion P#80)
10/30/1997		Re: P#82 I will not act upon the motion, but the defendant should
10/30/1997		feel free to apply to the Office of Public Counsel Services pro se
10/30/1997		(Travers,J.) Copy to DA & Defendant
01/09/1998		Record Assembled. Notices mailed to John J. Conte, District Attorney
01/09/1998		and to Benjamin LaGuer, Pro se. Notice under Appellate Rule 9(d)
01/09/1998		mailed to Appeals Court, 2 certified copies of docket entries, the
01/09/1998		Denied Motion (P#80), Clerk's Statement of Case and the Notice of
01/09/1998		Appeal
01/09/1998		Record Assembled. Notices mailed to John J. Conte, District Attorney
01/09/1998		and to Benjamin LaGuer, Prose. Notices under Appellate Rule 9(d)
01/09/1998		mailed to Appeals Court, 2 certified copies of docket entries, the
01/09/1998		Denied Motion (P#79), the Clerk's Statement of Case & the Notice of
01/09/1998		Appeal.

03/04/1998		Case entered in Appeals Court 1/14/98, 98-P-63
04/07/1999	85	Rescript rec'd from Appeals Court, Order denying motion for new trial
04/07/1999	85	affirmed w/Memorandum and Order Pursuant to Rule 1:28 (Ashley Ahearn,
04/07/1999	85	Clerk) Copy to DA, Probation & Defendant
01/13/2000	86	Deft files Motion for an Order Authorizing DNA Testing of Physical
01/13/2000	86	Evidence in the Possession of the Worcester County Clerk's Office
01/13/2000	86	with Memorandum of Law in Support
01/13/2000	87	Affidavit of of Judith A. Goldberg
01/21/2000	88	Commonwealth files Motion for an Immediate Order to Preserve
01/21/2000	88	Evidence, and for an Evidentiary Hearing
01/21/2000	89	Affidavit of Assistant District Attorney Joseph J. Reilly
02/02/2000	90	Appearance of Deft's Atty: David M. Siegel, Judith A. Goldberg &
02/02/2000	90	Tamara Fisher
03/08/2000		Habeas corpus for Deft at Norfolk MCI
03/13/2000		Exhibits & file stored in locked file cabinet (3 drawers) in Cory's
03/13/2000		office. Big box of exhibits in locked closet in attic.
03/13/2000	90	Commonwealth files First Proposed Procedural Order w/Memorandum on
03/13/2000	90	First Proposed Procedural Order
03/15/2000	91	Commonwealth files Motion for Access to Documentary Evidence
03/15/2000	91	w/attachments
03/16/2000	92	Proposed Order re: DNA Testing of Physical Evidence
03/16/2000		Copy of Proposed Order P#92 Faxed to Attorney Judith Goldberg,
03/16/2000		Attorney Tamara Fisher, Attorney David Siegel and a hand delivered
03/16/2000		copy given to A.D.A. Joseph Reilly
03/22/2000		Motion (P#91) allowed (Hillman,J.) Copy to DA, Atty Siegel, Atty
03/22/2000		Goldberg & Atty Fisher
03/23/2000		Habeas corpus for Deft at Norfolk MCI
03/27/2000	93	Commonwealth files Response to First Proposed Order and Request for
03/27/2000	93	Inventory and Authentication w/attachments
03/27/2000	94	Commonwealth files Proposed Procedural Order for Inventory and
03/27/2000	94	Authentication
03/27/2000	95	Affidavit of Laboratory Supervisor Gwen B. Pino w/attachments
03/29/2000	96	Deft files Response to Commonwealth's Response to the Court's
03/29/2000	96	Proposed Order w/attachments
03/29/2000	97	Deft files Motion to Amend the Court's Proposed Order Concerning
03/29/2000	97	Method of Transportation
04/06/2000	97	Commonwealth files Motion to Comply with Parole Board's Request for
04/06/2000	97	Evidence
04/12/2000		Court Reporter David W. Mcauliffe is hereby notified to prepare one
04/12/2000		copy of the transcript of the evidence of 4/27/89.
04/19/2000	98	Commonwealth files Supplemental Memorandum Supporting Its Request for
04/19/2000	98	Inventory and Authentication w/attachments (Copy mailed to Judge

04/19/2000	98	Hillman in Lowell Superior Court by A.D.A. Reilly)
04/20/2000		Habeas corpus for Deft at MCI Norfolk to be held at Lowell Superior
04/20/2000		Court at 3:00pm
04/20/2000	99	Affidavit of Laboratory Supervisor Gwen B. Pino Regarding Blood Typing
04/20/2000	100	Affidavit of Laboratory Supervisor Gwen B. Pino
04/20/2000		Motion (P#98) Allowed (Hillman,J.) Copy to DA & Attorneys Siegel,
04/20/2000		Goldberg & Fisher
04/24/2000	101	Procedural Order for Inventory and Authentication - See P#101
04/24/2000	101	(Hillman,J.) Copy to DA & Attorneys Siegel, Goldberg & Fisher
05/08/2000	101	Exhibits - (2 boxes of evidence) exhibits - Given to Tpr Stephen
05/08/2000	101	Kelly on 5/8/00 and returned on 5/11/00
05/15/2000	101	Commonwealth files Proposed Procedural Order for Examination and
05/15/2000	101	Assessment of Evidence
05/15/2000	101	DNA Affidavit of Gwen B. Pino
05/15/2000	101	The Curriculum Vitae of Carl Matthew Selavka, Director of the State
05/15/2000	101	Police Crime Laboratory
05/15/2000	101	Certified copy of an "Order" issued by Grabau,J. on 4/21/00, and a
05/15/2000	101	"Stipulation for Release and Testing of Evidence" in the case of
05/15/2000	101	Commonwealth v. Kenneth Waters, Middlesex Superior Court Docket No.
05/15/2000	101	82-4115 w/attachment.
05/22/2000	102	Order Re: Parties submitting a proposed joint order by June 1,2000
05/22/2000	102	(Hillman,J,) See order for complete endorsement (Copies mailed to
05/22/2000	102	DA,Atty Siegel,Atty Goldberg & Atty Fisher)
06/01/2000	103	Affidavit of Assistant District Attorney Sandra L. Hautanen
06/01/2000	103	w/attachments
06/02/2000	104	Deft files Motion to Resolve Impasse as to the Choice of Laboratory
06/02/2000	104	to Conduct the Initial Phase of DNA Testing (Disk of Defendant's
06/02/2000	104	Proposed Orders Attached)
06/08/2000	105	Affidavit of Carl M. Selavka
07/17/2000		Habeas corpus for Deft at Norfolk MCI
07/19/2000	106	Commonwealth files Proposed Procedural Order for Visual Assessment
07/19/2000	106	and Preliminary Quantitative Analysis of Evidence w/ Memorandum in
07/19/2000	106	Support
07/24/2000	107	Order for Visual Assessment and Quantitative Analysis of Evidence -
07/24/2000	107	No analysis, division, or testing of the Items of evidence, other
07/24/2000	107	than as described in this order, shall be done without further order
07/24/2000	107	of the Court (Hillman,J.) Copy to ADA Reilly, Atty Siegel, Atty
07/24/2000	107	Goldberg & Atty Fisher
07/31/2000	107	The exhibits (2 sealed cardboard boxes) given to Trooper Stephen
07/31/2000	107	Kelly per Order on Visual Assessment and Quantitative Analysis of
07/31/2000	107	Evidence P #107
08/03/2000	108	Affidavit of Assistant District Attorney Sandra L. Hautanen w/

08/03/2000	108	attached report of Trooper Stephen E. Kelly
08/04/2000	109	Deft files Affidavit of Counsel Regarding Transport of Items
08/04/2000	109	w/attachments
08/22/2000	110	Affidavit of Assistant District Attorney Sandra L. Hautanen
08/22/2000	110	w/attachments
08/22/2000	111	Affidavit of Defense Representative (Penny Koffa) w/attachments
09/22/2000	112	Withdrawal of appearance filed by Atty Judith A. Goldberg
10/04/2000	113	Deft files Motion to Proceed with DNA Testing
10/27/2000		Docket entries mailed to defendant per his written request
11/03/2000	114	Commonwealth files Motion for a Short Extension of Time to File
11/03/2000	114	Proposed Order
11/06/2000	115	Commonwealth files Proposed Procedural Order for Division and Testing
11/06/2000	115	of Evidence (Copy to Judge Hillman, Hampden County)
11/06/2000	116	Commonwealth files Memorandum on the Progress of Testing
11/06/2000	116	w/attachments (Copy to Judge Hillman, Hampden County)
11/06/2000		Computer disc filed by Commonwealth in a sealed envelope and filed in
11/06/2000		case
02/15/2001	117	Finding and Order on Defendant's Motion for DNA Testing - See Order
02/15/2001	117	(Hillman,J.) Copy to ADA Reilly, ADA Hautanen, Atty Siegel & Atty
02/15/2001	117	Fisher
03/08/2001	118	Affidavit of Benjamin Laguer
03/16/2001	119	Deft files Motion to Transfer and Preserve Evidence
03/20/2001	120	Commonwealth files Motion for Clarification and Partial
03/20/2001	120	Reconsideration w/attachment
03/26/2001		Habeas corpus for Deft at Norfolk MCI
04/02/2001	121	Deft files Response to Commonwealth's Motion for Clarification and
04/02/2001	121	Partial Reconsideration w/Exhibits
04/03/2001		Hearing held matter taken under advisement (Judge Hillman)
04/12/2001	122	Affidavit of Dr. Edward Blake, Forensic Science Associates and
04/12/2001	122	related exhibits
04/13/2001	123	Commonwealth files Motion for Time to Review Dr. Blake's Second
04/13/2001	123	Affidavit and Defendant's Most Recent Proposed Order - The
04/13/2001	123	Commonwealth shall have until 4/23/01 to file any responsive
04/13/2001	123	pleadings (Hillman,J.) Copy to ADA Reilly & Attorneys Siegel & Fisher
04/18/2001	124	Affidavit of Edward T. Blake, D. Crim w/attachments
04/25/2001	125	Commonwealth files Response to Dr. Blake's Affidavit and Most Recent
04/25/2001	125	Proposed Order
05/02/2001	126	Further Findings and Order on Defendant's Motion for DNA Testing -
05/02/2001	126	See order for judge's endorsement (Hillman,J.) Copy to DA, Atty
05/02/2001	126	Siegel & Atty Fisher
05/21/2001	127	Affidavit of Edward T. Blake
06/29/2001	128	Affidavit of Defense Representative

07/16/2001	128	Affidavit of Assistant District Attorney Sandra L. Hautanen as to
07/16/2001	128	Delivery of Evidence w/attachments
07/18/2001	129	Commonwealth files Joint Stipulation on Transfer of Evidence
08/06/2001	130	Commonwealth files Motion to Compel Defendant to Comply with Court
08/06/2001	130	Orders
08/08/2001		Habeas corpus for Deft at MCI Norfolk for 8/10/01 (Hillman,J)
08/10/2001	131	Deft files Renewed Motion to Transfer and Preserve Evidence - ALLOWED
08/10/2001	131	(Hillman,J)
08/10/2001	132	Deft files Response to commonwealth's Motion to Compel Defendant to
08/10/2001	132	Comply with Court Orders
10/09/2001	133	Motion by Deft: Motion to Proceed with Additional DNA Testing
10/09/2001	133	Consistent with the Recommendations of Forensic Science Associates
10/10/2001	134	Motion by Commonwealth: Motion to Divide Tissue "D" for Further
10/10/2001	134	Testing
10/11/2001		Habeas corpus for Deft at Norfolk MCI
10/22/2001	135	Commonwealth files Proposed Further Findings and Order for DNA Testing
10/22/2001	136	Deft files Reply to Commonwealth's Motion to Divide Tissue "D" for
10/22/2001	136	Further Testing
10/23/2001		Hearing on Motions held, matter taken under advisement (Hillman,J)
10/24/2001	137	ORDER For Additional DNA Testing - See Order for specific decision
10/24/2001	137	(Hillman,J.) Copy to DA, Atty Siegel & Atty Fisher
12/11/2001	138	Motion by Deft: Motion to View Prosecutor's Trial File w/attachments
12/11/2001	139	Motion by Deft: Motion to Assign Costs of Test Observation
12/11/2001	140	Commonwealth files Joint Stipulation on Division of Tissue "D" and
12/11/2001	140	Transfer of Evidence to Implement the Court's Order on October 24,2001
01/02/2002	141	Withdrawal of appearance filed by Attorney Tamara Fisher
01/02/2002	142	Appearance of Deft's Atty: Steven W. Kasten
01/07/2002		Habeas corpus for Deft at Norfolk MCI
01/09/2002	143	Commonwealth files Opposition to Defendant's Motion to Assign Costs
01/09/2002	143	of Test Observation
01/09/2002		Hearing on Deft's Motion to Assign Costs of Test Observation held,
01/09/2002		matter taken under advisement (T.S. Hillman, J.)
01/10/2002		Motion (P#139) Denied (Hillman,J.). Copy to DA & Atty Siegel & Atty
01/10/2002		Kasten
01/31/2002	144	Motion by Deft: Motion to Order Government Entities to Preserve all
01/31/2002	144	Documents Connected with his Case
02/01/2002	145	Proposed Order Directing Government Entities to Preserve All
02/01/2002	145	Documents Connected with this Case
02/01/2002	146	ORDERED: Temporary Order Directing Government to preserve All
02/01/2002	146	Documents Connected with this Case - See Order for judge's
02/01/2002	146	endorsement (Hillman,J.) Copy to DA, Atty Siegel & Atty Kasten
08/26/2002	147	Deft files request for hearing on P# 138 and 144 (sent to Judge

08/26/2002	147	Hillman)
09/05/2002	147	General correspondence regarding permission to view and photocopy
09/05/2002	147	paper on cases 83-103391,92,93 and 94
09/20/2002		Motion (P#138) denied (Hillman, Justice). Copies mailed to DA,
09/20/2002		Attorney Siegel and Attorney Kasten
09/20/2002		Motion (P#144) allowed (Hillman, Justice). Copies mailed to DA,
09/20/2002		Attorney Siegel and Attorney Kasten
09/30/2002	148	ORDER Vacating Impoundment ON 83-103391,92,93 and 94 (See Order This
09/30/2002	148	order DOES NOT include any trial exhibits which are to remain
09/30/2002	148	impounded) (Hillman,J) (See Case # 83-103391 P#148) (copies mailed to
09/30/2002	148	all parties)
09/30/2002		Re: P147.5 General correspondence OK by agreement of counsel (See
09/30/2002		Order P# 148 of unimpoundment entered this day) (Hillman,J)
10/02/2002	149	ORDERED: Amended Order Vacating Impoundment on dockets
10/02/2002	149	83-103391,92,93 and 94: The Court having notified counsel and
10/02/2002	149	receiving no objection the following order is entered, Any previous
10/02/2002	149	impoundment orders are vacated. This order DOES NOT include any
10/02/2002	149	exhibits or physical evidence which are to remain impounded. By the
10/02/2002	149	Court Timothy S. Hillman, Associate Justice (copies sent to all
10/02/2002	149	parties) (See Case # 83-103391 P#149)
11/06/2002		CASE LOCATED CLOSED SECTION BOTTOM SHELF (CASE ONLY- EXHIBITS STILL
11/06/2002		IMPOUNDED)
07/29/2003	150	Appearance of Deft's Atty: James C Rehnquist and Appearance of Deft's
07/29/2003	150	Atty: Kathleen Luz
07/29/2003	151	General correspondence regarding the paralegal from the defendant
07/29/2003	151	attorney's office respectfully request full access to all pleadings
07/29/2003	151	(See Letter)
02/11/2004	152	Deft files motion for new trial or, alternatively, for dismissal of
02/11/2004	152	the indictments with memorandum and affidavit in support of
02/19/2004	153	ORDERED: Commonwealth has ninety days from the date of this order to
02/19/2004	153	respond to the defendant's Motion for a New Trial. (John S. McCann,
02/19/2004	153	Justice (RAJ))
05/19/2004	154	Commonwealth files opposition to defendant's eight motion for new
05/19/2004	154	trial (to Judge McCann)
06/04/2004		Motion for new trial referred to Justice Timothy S. Hillman by RAJ
06/04/2004		John S. McCann
06/10/2004	155	Deft files motion for leave to file a reply brief
06/10/2004	156	Deft files reply brief in support of defendant's motion for new trial
06/10/2004	156	or, alternatevely, for dismissal of the indictments
06/16/2004	157	ORDERED: Defendant's motion for leave to file a reply brief is
06/16/2004	157	Allowed. The Commonwealth shall have thirty days to file a sur-reply.
06/16/2004	157	This matter is now transferred to Honorable Timothy S. Hillman who is

06/16/2004	157	assigned to address the issue of a Motion for New Trial. ((McCann,
06/16/2004	157	Justice) copy to Justice Hillman
08/19/2004	158	Withdrawal of appearance filed by Miriam Kim (to Judge Hillman)
09/07/2004		Motion (P#158) allowed (Timothy Hillman, Justice). Copies mailed
09/07/2004		September 07, 2004
09/22/2004	159	MEMORANDUM & ORDER: Of decision on defendant's motion for a New Trial
09/22/2004	159	is Denied September 22, 2004, (Hillman,J)
10/04/2004	160	Motion by Deft: To reconsider the denial of defendant's motion for
10/04/2004	160	New Trial or, alternatively, for dismissal of the indictments and
10/04/2004	160	leave to file a supporting memorandum within 60 days with affidavit
10/04/2004	160	of James Rehnquist (copy to DA & Judge Hillman in Greenfield)
10/06/2004		Motion (P#160) allowed defendant given until December 10 ,2004 to
10/06/2004		file memorandum in support of motion for reconsideration. Thereafter,
10/06/2004		the Commonwealth may have until January 28, 2005 for it's reply if
10/06/2004		any. (Fecteau, Justice). Copies mailed October 07, 2004
10/08/2004	161	NOTICE of APPEAL FILED by Benjamin LaGuer
11/02/2004	162	Exhibits returned to Worcester Superior Court Clerk's Office from
11/02/2004	162	Trooper Wayne Gerhardt from the State Police Detective Unit assigned
11/02/2004	162	to the Office of the District Attorney for the Middle District (Chain
11/02/2004	162	of Custody Documentation) 2 sealed boxes are stored in locked closet
11/02/2004	162	upstairs
12/10/2004	163	Deft files memorandum of law in support of defendant's motion to
12/10/2004	163	reconsider the denial of defendants motion for new trial or,
12/10/2004	163	alternatively , for dismissal of the indictments with affidavit of
12/10/2004	163	James Rehnquist (copy to Judge Hillman)
01/05/2005		Motion (P#160) denied (Timothy Hillman, Justice). Copies mailed
01/19/2005	164	NOTICE of APPEAL FILED by Benjamin LaGuer
02/01/2005		Notice of assembly of record; mailed to Appeals Court per Rule 9(d)
02/09/2005	165	Case entered into Appeals Court on 2/7/05 No. 2005-P-0155 (Appeals
02/09/2005	165	Court)
06/26/2006	166	ORDERED: Notice of docket entry - Pursuant to Mass.R.A.P. 10(a)(3),
06/26/2006	166	you are hereby notified that, on June 22, 2006, the above -
06/26/2006	166	referenced case was entered on the docket of this court. (Supreme
06/26/2006	166	Judicial Court)
10/05/2006		CASE LOCATED CLOSED SECTION BOTTOM SHELF (CASE ONLY- EXHIBITS STILL
10/05/2006		IMPOUNDED)
01/11/2007		All exhibits, physical evidence and copies of trial transcripts
01/11/2007		transported by Clerk/Magistrate Dennis McManus to Susan Mellen, Clerk
01/11/2007		of the Supreme Judicial Court this day. See Acknowledgement of
01/11/2007		custody of exhibits form for detailed items.
01/11/2007		Acknowledgment of Chain of Custody of exhibits, physical evidence and
01/11/2007		copies of transcripts returned by Superior Court Clerk/Magistrate

01/11/2007		Dennis P. McManus as signed for by Susan Mellen, Clerk of the Supreme
01/11/2007		Judicial Court (located in impounded drawer)
04/23/2007	167	Rescript received from SJC; judgment AFFIRMED (Motion for New Trial)
04/28/2011	168	Deft files motion for New Trial and Evidentiary Hearing with
04/28/2011	168	Memorandum in Support of and affidavit of Counsel (per Judge McCann,
04/28/2011	168	check with Dennis or Corey on Monday to see if copies can be given to
04/28/2011	168	the press or anyone) 5/2/11 motion given to Dennis (5 /11/11motion
04/28/2011	168	and docket sent to Justice Peter Agnes, RAJ)
05/12/2011	169	ORDERED: The defendant Benjamin Laguer, has filed a motion for new
05/12/2011	169	trial pursuant to Mass.R.CrimP.30 and a request for an evidentiary
05/12/2011	169	hearing. The Office of the District Attorney is invited to respond on
05/12/2011	169	or before June 24, 2011. The matter is also assigned to Justice
05/12/2011	169	Richard Tucker for any action he may deem appropriate. (Peter W.
05/12/2011	169	Afnes, Jr, Justice, RAJ)
06/01/2011	170	Deft files list of prospective witnesses
06/07/2011	171	Appearance of Deft's Atty: Robert E Terk
06/15/2011	172	Commonwealth files opposition to LaGuer's NINTH Motion for New Trial
06/15/2011	172	and Evidentiary Hearing (to Judge Tucker)
06/21/2011	173	Deft files bebuttal to Commonwealth's opposition Laguer's Ninth
06/21/2011	173	motion for a trial and evidentiary hearing (To Justice Tucker)
06/22/2011	174	Deft files list of exhibits in support of Defendant's Motion for New
06/22/2011	174	Trial
07/05/2011		Five Volumes of exhibits in support of Defendant's Ninth Motion for
07/05/2011		New Trial (sent to Judge Tucker)
09/01/2011	175	Deft files request for evidentiary hearing to establish the following
09/01/2011	175	testimony and evidence from these listed witnesses (To Justice Tucker)
09/08/2011	176	Commonwealth files Renewed opposition and motion to reconsider
09/08/2011	176	allowance of "live testimony"
09/09/2011	177	MOTION by Commonwealth: to Dismiss LaGuer's Ninth Motion for New
09/09/2011	177	Trial Due to "Fraud on the Court", filed in Court
09/09/2011		After hearing - Deft's Brief due by 10/21/2011 - Commonwealth Brief
09/09/2011		due by 11/14/2011 (Tucker, J)
10/20/2011	178	Deft files memorandum in support of LaGuer's Motion for a New Trial
10/20/2011	178	and Evidentiary Hearing (To Judge Tucker)
11/14/2011	179	MOTION by Commonwealth: for enlargement of time to respond to
11/14/2011	179	Defendant's supplemental memorandum
11/14/2011		MOTION (P#179) Allowed (Tucker, R. , Justice (RAJ)). Copies mailed
11/14/2011		11/14/2011
11/21/2011	180	Commonwealth files Motion for Final Enlargment of Time to Respond
11/21/2011		MOTION (P#180) Allowed (R. Tucker, Justice). Copies mailed 11/21/2011
11/22/2011	181	MOTION by Deft: for sanctions against the Commonwealth for failure to
11/22/2011	181	respond to Defendant's supplemental memo on or before November 21,

11/22/2011	181	2011 & Affidavit of counsel
11/23/2011	182	MOTION by Commonwealth: To Clarify representation
11/23/2011	183	Commonwealth files Response to supplemental memorandum
12/05/2011	184	Deft files brief rebuttal to the Commonwealth's November 23, 2011
12/05/2011	184	response
12/05/2011		MOTION (P#181) DENIED. Commonwealth, upon motion filed, was granted a
12/05/2011		two-day enlargement of time on 11/21/11 which was complied with.
12/05/2011		(Richard T Tucker, J). Copies mailed
12/05/2011		MOTION (P#182) At present, Attorney Robert E Terk is counsel of
12/05/2011		record for the defendant. Therefore, all filings with the court and
12/05/2011		communications with the DA's office by defendant shall be through
12/05/2011		Attorney Terk. If this representation is to change it shall be
12/05/2011		accomplished only after court order upon a properly filed motion.
12/05/2011		Direct communication by defendant with the DA handling this case or
12/05/2011		with the DA office shall cease immediately. (Richard T Tucker, J).
12/05/2011		Copies mailed 12/5/2011
12/16/2011	185	Deft files Brief AMENDED Rebuttal to the Commonwealth's November 23,
12/16/2011	185	2011 Response

Charges

1 Charges for Docket: WOCR1983-03391

No.	Charge Description:	Indictment:	Status:
1	Robbery, unarmed	WODA83-03391	Guilty verdict