

LaGuer wants DNA review

By Matthew Bruun
TELEGRAM & GAZETTE STAFF

WORCESTER — Controversy in the Massachusetts State Police crime laboratory has emboldened convicted rapist Benjamin LaGuer in his push to have officials scrutinize the DNA results that further implicated him in a brutal crime he has spent two decades denying.

An administrator at the crime laboratory in Sudbury was suspended last week after concerns about delays in reporting DNA results processed by the lab, along with “a few cases” in which he notified law enforcement of DNA matches on old cases when no match had been made, according to state police.

There is a Worcester County case — not Mr. LaGuer’s — being scrutinized in connection with the investigation, according to Timothy J. Connolly, spokesman for Worcester District Attorney Joseph D. Early Jr. Mr. Connolly said he could not discuss specifics of that, other than to say it involved “an old case.”

Mr. LaGuer’s eighth motion for a new trial is pending before the state Supreme Judicial Court. While the request focuses on other issues, the DNA analysis is the elephant in the room, and Mr. LaGuer wants it to be cast aside from the discussion before the justices make a ruling. The ruling is expected within two to three months.

Prosecutors, the victim’s family and the defense-picked DNA expert who conducted the testing after a series of hearings in Superior Court have dismissed Mr. LaGuer’s theories of contamination, accusing the media-savvy convict of grasping at straws instead of owning up to his guilt.

Mr. LaGuer, 43, was sentenced to 15 years to life in prison in 1984 for the rape and beating of his former neighbor at a Leominster apartment complex in July 1983. He has maintained his innocence since his arrest two days after the bloody assault, and he sought DNA testing that he said would vindicate him.

The results, published in 2002, further implicated him in the crime. Mr. LaGuer has been outspoken in his attempts to discredit those findings ever since. Several forensic experts have said the minimal amount of genetic material identified in the analysis is consistent with contamination.

The state police did not perform the analysis in Mr. LaGuer’s case, but the lab was responsible for preparing and labeling the samples for testing.

Mr. LaGuer says hairs taken from a jersey he was wearing when he was arrested were mislabeled and pooled with crime scene evidence, resulting in the positive DNA match that led many of his past supporters away. He cites testimony from the lead detective in the case, who described Mr. LaGuer donning a jersey when being questioned about the crime.

“How could I be wearing the shirt on Friday when I was arrested, and 18 years later (the shirt)

Convict seizes on lab woes

is labeled as found at the feet of the victim three days earlier?” Mr. LaGuer asked in a recent telephone interview from the Souza-Baranowski Correctional Center on the Lancaster-Shirley line. “The state police needs to tell us.”

He called on Mr. Early to ask the state police to review the chain of custody of evidence that was subjected to testing. Mr. Early, who was sworn in two weeks ago, issued a statement just hours after the Supreme Judicial Court heard oral arguments on Mr. LaGuer’s latest motion that he was confident justice had been served in the case.

Mr. LaGuer said he wants Mr. Early to take another look in light of the crime lab investigation, which he called scandalous.

“For DA Early to stand opposed to the state police conducting this review will provide only unnecessary speculation there is a cover-up,” Mr. LaGuer said yesterday. “The state police should be able to tell Joe Early in two weeks that the DNA isn’t valid.”

Mr. Connolly said it was too soon to say whether Mr. Early would seek a review of Mr. LaGuer’s case.

“We’re still looking at what implication the crime lab case has on Worcester County cases,” Mr. Connolly said yesterday.

Mr. LaGuer’s latest motion for a new trial focuses on a potentially exculpatory fingerprint report that his current legal team said was withheld from his original counsel, depriving him of a fair trial.

Current defense lawyer James C. Rehnquist argued before the Supreme Judicial Court earlier this month that the DNA has no bearing on the merits of the new trial motion. But for followers of the case, which became a central feature in the gubernatorial race because of Deval L. Patrick’s past support for Mr. LaGuer, the DNA results loom large.

“Is this a big academic exercise today?” Supreme Judicial Court Judge John M. Greaney asked on Jan. 4. “If this man is tried, that DNA evidence will sink him.”

Mr. Rehnquist said the validity of the DNA test — which was performed by an expert hired by the defense with funds donated from, among others, former Boston University president John Silber and Mr. Patrick — would be part of the new trial he wants the court to grant his client.

Mr. LaGuer has issued repeated calls to have the chain of custody of the evidence reviewed, and the flap in the state police laboratory demonstrates there are issues there that must be explored, he said.

“People thought the era of forensic perfection and DNA had arrived,” Mr. LaGuer said. But the science is only as good as its practitioners, he said, echoing a common refrain he has uttered since his handpicked expert said he was guilty.