

## **What do you think?**

### **LaGuer Fights On**

**T**hank you for running "Tragedy Times Two" (April 5) by Eric Goldscheider. My lawyers are weighing a ninth motion for a new trial as a direct result of that exposé.

Goldscheider's story revealed how, in 1983, prosecutor James R. Lemire, now a state superior court judge, misled the court about the mental health history of the key eyewitness. (In October 2006, Peter Vickery, a member of the Governor's Council, voted against a judgeship for Lemire "[b]ecause," Vickery said, "the LaGuer case cast a long shadow.") Mr. Lemire also lied about a warrant granted to police to search my home, based on assertions attributed to the victim which she later refuted. When the defense undertook DNA testing in 2000, Judge Timothy S. Hillman, an ex-lawyer to the victim's family who should have recused himself on conflict of interest grounds, did little to force prosecutors to explain irregularities in the chain of custody: why the police had seized underclothes and other articles from my home which had not been authorized for seizure under the warrant application. In order for the DNA test to be accurate, my DNA needed to be compared with actual crime scene evidence and not DNA collected from my own personal articles. I have been asking the attorney general, district attorney and governor to intervene in the case and to order a forensic audit. The case for a forensic review is compelling: recently, the State Police's DNA crime lab director resigned and one of his underlings was fired for bungling over 27 DNA cases.

In March, the Supreme Judicial Court ruled that Mr. Lemire did not err in withholding from the defense fingerprint evidence that only reconfirmed that no physical evidence linked me to the crime. As readers know, this case has been a political hot potato. All of the Republican-appointed judges on the SJC may have been angered with me over Kerry Healey's failure in her bid for governor, even though Healey set her own campaign ablaze by running her race-baiting TV spots. The SJC is a conservative court on criminal law. Yet when a Harvard law student killed an unarmed Latino, younger and smaller than himself, the SJC saw fit to grant him relief after his parents, both lawyers, provided the best legal appearance their affluence could offer. When a white British nanny shook an interracial infant to death, following a second degree murder verdict, the SJC granted her relief in time for her to attend law school in England. The Duke lacrosse rape case collapse shows how promptly the system responds to white injustice compared to other cases, including those of less affluent whites, when race and poverty are factors against the defendant. However when I appeared before the SJC as a colored man accused of raping a white woman and with 23 years already served in prison, an unanimous SJC denied me relief (if only a new trial) despite acknowledging that "the Commonwealth could not place the defendant in the victim's apartment by means of any evidence, including fingerprint or other physical evidence." In Civics class we learned that justice in America is blind. But I am beginning to ask if that blindness is real or a kind of blind indifference to those of us who appear. I shall continue to fight for justice, no matter how many stand in my way to shadow the truth about my life and purpose.

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