

Patrick aide aids LaGuer

Pushes police to revisit DNA evidence in rape

By DAVE WEDGE

A member of Gov. Deval Patrick's transition team is lobbying state police to review DNA tests in the Ben LaGuer rape case, even after Patrick's pledge to let the courts sort out the controversy.

Nation of Islam Minister Don Muhammad, a longtime LaGuer supporter and a member of Patrick's public-safety advisory team, is pushing state police attorneys to reopen the case to determine if materials tested for DNA were mishandled.

Muhammad, who was slated to give a sermon this morning at a prayer service in honor of the incoming governor, has called on state police to provide "answers" to questions over the handling of evidence found at the scene of the 1983 Leominster rape.

"I would like for them to make a position one way or the other with regards to their handling of the rape kit," Muhammad said. "Someone has to explain all of these things that happened with regards to that rape kit."

Muhammad added that he has not spoken with Patrick about the case, but expected it could "come up in conversation," depending on what happens with LaGuer's latest appeal.

LaGuer, whose case goes before the state's highest court today as Patrick is sworn in as governor, claims forensic reports linking him to the crime are invalid because authorities matched his DNA to samples taken from his apartment — not from the original rape kit. Several DNA experts hired by LaGuer's team have bolstered his claim.

State police attorney Ann

McCarthy confirmed she has spoken with Muhammad, but said the department cannot reopen the case without orders from the Worcester District Attorney's Office, which prosecuted LaGuer.

Liz Stammo, spokeswoman for new Worcester District Attorney James Early Jr., declined comment on the DNA controversy.

An SJC hearing today focuses on a fingerprint report LaGuer claims was withheld from him for 18 years. The report shows that prints lifted from the victim's phone did not match LaGuer. The victim was



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bound with a phone cord.

LaGuer is seeking a new trial based on the report, but Worcester prosecutors have argued that the jury in the 1984 trial was told that none of LaGuer's fingerprints was found in the apartment.

LaGuer, who is serving a life sentence, has maintained his innocence and has won legions of supporters over the years, including Muhammad, Patrick, former Boston University Chancellor John Silber and former Urban League Director Joan Wallace-Benjamin, who is Patrick's chief of staff.

The case became a lightning rod of controversy during Patrick's heated race against Lt. Gov. Kerry Healey when it was reported that he supported LaGuer and wrote letters to the parole board on his behalf.

Patrick has since said he withdrew his support after DNA tests linked LaGuer to the crime in 2002.

Last month, LaGuer called on Patrick to order a review of the DNA tests but Patrick vowed not to intervene in the case.

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