

REPORT OF PSYCHIATRIST
Sexually Dangerous Person Examination

NOT SEXUALLY DANGEROUS

Inmate Name/Number: Benjamin Laguer, W #40280

Examiner: DANIEL M. WEISS, M.D., P.C.
2000 WASHINGTON STREET
NEWTON LOWER FALLS, MASS. 02162

Place/Date Examined: May 22, 1984 at MCI Walpole

In accordance with my assignment by the Department of Mental Health under Section 6, Chapter 123A, G. L. I examined the above-named inmate at the place and date indicated. My examination consisted of a review of the inmate's record and a personal interview with the inmate. I began the interview by identifying myself as a psychiatrist and by cautioning the inmate that he did not have to talk with me, and that whatever he said could be used in court against him. I explained that the purpose of the examination was to form an opinion regarding his sexual dangerousness, and that what was at stake was a possible one-day-to-life commitment to the Massachusetts Treatment Center at MCI Bridgewater. The inmate appeared to understand my explanation and agreed to talk to me.

A brief summary of the pertinent facts in this case and the reasons for my opinion appear below. My opinion that this person is not a Sexually Dangerous Person means only that I do not find sufficient evidence to support a psychiatric diagnosis of sexual dangerousness as defined in Section 1, Chapter 123A, G. L. This opinion should not be interpreted to mean that this person is free of other psychiatric disability, or that he is ready for parole, furlough or other privilege, or that he is or is not likely to be involved in criminal acts or sexual misconduct in the future.

Dear Sir:

Please be advised that I visited the above named at MCI Walpole on 22 May 1984. He is a 21 year old, single, black male who was convicted in a jury trial on 17 February 1984 in the Worcester Superior Court. The specific convictions involved aggravated rape, attempted murder, breaking and entering in the nighttime and house invasion and he was actually given a life sentence with two 15 to 20 year terms concurrent. He never had a prior conviction of any kind.

He was born in the Bronx, New York City, but the family moved to Boston when he was 12. His parents were divorced six years ago and he was 15 at the time. Mother has returned to live in Puerto Rico and he does not know really whether she has remarried or not, but his father who lives in Leominster, Massachusetts has remarried. He is the sixth of 8 children and the oldest is 35. The families are a little bit confusing because he has 2 older brothers who were a product of his mother's first marriage and he has 3 older sisters who were products of his father's first marriage, so that in effect he has only 3 full siblings of which he is the oldest and the other 5 are half siblings. He after the family moved to Boston he continued in high school and then he entered the Army in 1980 and served 3 very good years, mostly in Germany and he was discharged in 1983 with an Honorable Discharge. He has no earlier alcohol history and no drug history except for occasional pot cigarettes.

He has a slight stammer which is somewhat noticeable and while he is, of course, black he is not markedly dark. He has many friends, both male and female, and he had a good job in airconditioning and refrigeration when this event took place.

He described the case to begin with by saying that he is totally and completely innocent and that the victim, a 59 year old woman, not only does not see well, but had had a history of mental illness dating back 15 years. Yet he tells me that there is no question at all in his mind but that this woman was brutally beaten. In fact she suffered from a fractured jaw and she was raped and that following this incident she did develop a cardiac episode. It is very interesting that he tells it to me in this way and that he feels very sorry for this woman. Interestingly enough he does not harbor any rancor against her and yet this woman's statements have changed the course of his life. To begin with, he states that he lives only a few doors away from this woman and in the same apartment complex. Yet he has never seen her and he does not believe that she knew him in any way. He can give me and in fact does give me absolutely no details of the act itself, saying that he knows of none of them. However, on the strength of a statement which she made to the investigating officers that it was a dark-complected man who performed this act upon her, the officers went around inquiring of any dark-complected people living in this immediate area and they approached him. He

readily admitted where he lived and they asked him if he knew about the incident and if he would assist them by coming to the Station. He claims that he went voluntarily to the Station, that he was not told that he was under arrest and it was his contention that he was going to simply attempt to give any kind of history or details which might help in the apprehension of the attacker. Yet his picture was taken. He contends that no one told him about his rights because he was not arrested in any way. The woman with her poor eyesight is said to have said of him when looking at the picture that she thought it might be the man involved and it was only then that he was arrested. Even then he claims at least that she was not sure in her testimony that it was he, but a jury convicted him. I am told that the case went to the Appellate Court already and that statements were made there indicating that the lawyer ought to attempt through an appeal to secure a new trial because of a number of discrepancies.

In talking with him at some length and in reading the report and trying to compare the action with his own history as I understand it at least, it does not appear to me that he is a sexually dangerous person. I know that the attack, even as he described it, must have been a very brutal one, but it seems totally out of character that this man would have done it. I cannot, of course, dispute the court and I have no way of looking at the court testimony or any Grand Jury testimony or anything of that kind. Nevertheless in view of all this, it is my belief at least that he is not a sexually dangerous person and I recommend no further action on that question at this time.

Sincerely yours,



Daniel M. Weiss, M.D.

DMW:MPB