

Media Excerpts

James, Joy. Symposium. April 16-17, 2009. Carter G. Woodson Institute for African-American and African Studies the University of Virginia. University of Texas and Williams College Professor in Political Science The Prosecution of Race and Rape: Framing the Case of Ben LaGuer in the 2006 Massachusetts Gubernatorial Campaign ("The controversial 2006 Massachusetts gubernatorial contest between Republican Lt. Governor Kerry Healey and her democratic rival, civil rights attorney Deval Patrick, was influenced by strategies shaped in the 1988 presidential election. Trailing in the 'white' vote, the Healey campaign sought to tie Patrick to Ben LaGuer, a black Puerto Rican man imprisoned since 1983 for an interracial rape (LaGuer maintains his innocence), and by extension to link the democratic front runner to former Massachusetts Governor Michael Dukakis and Willie Horton. Reviewing police misconduct, racial bias, and media sensationalism that led to civil rights advocates' interest in the case, Professor James explores how the racial **and** gender politics of both parties led Patrick to renounce support for a new trial for LaGuer, and enabled Patrick to become the first African American Governor of Massachusetts, and one of only three black Governors since Reconstruction.")

King, John. Associated Press. Rapist fights conviction with jailhouse evidence 15 November 1987. ("William Nowick of Worcester was among the jurors who convicted LaGuer...Nowick said jurors had numerous questions about the evidence that might have been answered if they knew about the schizophrenia or why LaGuer was discharged early from the Army... 'Those two things would have changed an awful lot,' Nowick said. 'How could she identify anyone? And most of us were veterans. We didn't know why he was let of the Army and thought it probably was for rape or for attacking some girl in Germany.' LaGuer was discharged from the Army three weeks before the 1983 attack because he was caught with a small amount of hashish.")

On its website, the Danielsen Institute describes its mission as promoting "the benefits of a close collaboration between psychology and religion to alleviate human suffering and enhance human growth." BU President John Silber arranged for LaGuer to receive ongoing counseling with the Danielsen Institute as part of his 1989 Parole application.

Boston Phoenix, "Oxymoronic: For Benji LaGuer, there's no justice in the system" by Sean Flynn 30 August 1991 ("The irony in the approach runs deep. In order to preserve a supposedly fair and truthful verdict, [the prosecutor] was trying to make one of the men who rendered it look feeble-minded and untruthful, thoroughly incredible as a witness to the deliberation yet eminently qualified as a participant in them.")

Conte, J John. LaGuer Evidence Remains Strong. Letter to the Editor. Telegram & Gazette A8. ("While the commonwealth may be reluctant to retry a 1983 case because of the

victim's health and the death of the chief investigator, rest assured hesitation not due to any perceived 'shakiness' in the case. The evidence against LaGuer, despite the passage of time, is extremely strong." 3 June 1991.

"After seeing his medical records, he realized that, if he had given the authorities a legitimate saliva sample, the result would have provided evidence of his innocence rather than a false impression of guilt," John Taylor, Esquire Magazine, May 1994

"Ben LaGuer is a diabolical character, quite the manipulator," says Joseph Tavares, Executive Producer PBS documentary "Last Chance DNA" WGBH 21 May 2002. "We all knew what he would say--that he was framed."

Smith, L. Abbe. Defending the Innocent 32 Connecticut Law Review 485-522 (1999-2000)

Flynn, Sean. Boston Magazine, October, 1999. ("I hate typing those words. It's not fair. To release Benji, in the mentality of bureaucrats, is to admit defeat, to agree that he is not the savage rapist who beat and sodomized an old woman for hours on end, to concede that we kept the wrong guy locked up for his entire adult life.")

Telegram & Gazette, Tool for justice, Editorial 6 June 2003 ("More recently the case of convicted rapist Benjamin LaGuer of Leominster illustrated how DNA evidence can debunk even the most persistent protestations of innocence.")

Statement from Deval Patrick on his role in the case of Ben LaGuer 28 September 2006 ("My sole involvement in this case was more than 10 years ago, when I wrote a letter on Mr. LaGuer's behalf. At the time, there were serious unanswered issues concerning the facts and fairness of the original trial." On that basis, I stated my belief that the criminal justice system should have taken a further look at Mr. LaGuer's case--a view shared by The Boston Globe, John Silber, and many others in the state. DNA testing, at that time, had never been conducted.' 'In light of today's news stories, I have reviewed the case today and was updated on developments since my letter more than ten years ago. I understand that, in addition to other review, DNA testing was done in 2002. On the basis of my review, I believe that the right outcome has been achieved and that justice has been served.")

"We had very limited forensics; it wasn't like 'CSI,'" James R. Lemire told the Governor's Council considering his nomination for a superior court judgeship in September 2006. "The case was mostly tried on the basis of the victim's identification of LaGuer as the perpetrator."

Estes, Andrea. Boston Globe. Healey, Patrick duel on crime. 5 October 2006. ("Patrick, who also corresponded with LaGuer in the late 1990s, said yesterday, 'I am proud of what I did.' Asked whether he would still advocate on LaGuer's behalf 'knowing what you know now,'

he said yes. Patrick did not elaborate. Later, an aide explained that Patrick would advocate for LaGuer again because he may not have received a fair trial.”)

“It’s inconceivable Patrick simply forgot repeated correspondence with a convicted rapist, so the LaGuer issue is fair game. As authorities struggle to keep our streets safe, a legitimate debate over public safety is critical, too.” Editorial, Boston Herald, October 5, 2006

Wedge, Dave. Boston Herald. 5 October 2006. (“Meanwhile, James Lemire, the former Worcester assistant district attorney who prosecuted the LaGuer case, was confirmed yesterday for a spot on the Superior Court in a 6—1 vote by the Governor’s Council. Questions about Lemire’s handling of the LaGuer case prompted the lone nay vote, from Councilor Peter Vickery (D-Amherst).”)

Estes, Andrea, Patrick apologizes for disclosure missteps 6 October 2006. (“Patrick told reporters he should have researched his involvement in the case before offering statements over the past week that minimized his role. ‘We screwed up in terms of how we have handled doing the homework before we answered questions about this issue, no question about that. And I take the responsibility for that.’ Patrick said he was ‘proud of what I did’ and would do it again. ‘I don’t think it was a mistake.’”)

Editorial. Boston Globe. “Patrick’s Missteps” 6 October 2006. A16. (‘It would have been more surprising if Deval Patrick had not responded with interest to an appeal for support from a convicted rapist whose 1984 trial included racist remarks by a juror. Like former Boston University president John Silber, historian Elie Wiesel, and others, Patrick wrote letters on Benjamin LaGuer’s behalf. This page editorialized for a new trial in 1994. Patrick’s mistake this week was to say initially that there was only one letter, when it turned out there were more, as well as a contribution to the cost of a DNA test for the convict. The DNA test in 2002 provided evidence of LaGuer’s guilt and Patrick has said he has played no role in the case since then. LaGuer contends the DNA evidence was contaminated and still proclaims his innocence...The court in which LaGuer was tried was tilted against him. The all white jury that convicted him included one members made racist comments, according to an affidavit by a fellow juror.”)

Bruun, Matthew. Case campaign fallout embrace by LaGuer. Telegram & Gazette 6 October 2006 (“In an interview yesterday, Mr. Early said he was familiar with Mr. LaGuer’s case and had been following it in the news in recent days. He declined to speculate on whether he felt Mr. LaGuer had received a fair trial, noting the issue was going to be addressed by the Supreme Judicial Court, which is expected to hear oral arguments in December. “We’ll deal with it when we get the results back, ‘Mr. Early said.”)

“For whatever reason, whatever motivation, whether conscience-drive or calculated, Patrick took such a leap, lending his credibility to LaGuer back when it was theoretically plausible

that the latter was the victim of a monstrous injustice...He could have stood fast, digging his heels on principle, insisting that what he did seemed right when he did it, before he had the benefit all the hindsight critics are hurling at him now...Instead, in the heat of the moment, he's revealing what he is, 'eloquent and thoughtful' but just another empty suit." Columnist Joe Fitzgerald, Boston Herald, October 7, 2006

Moynihan, Kenneth, J. Hard to believe many will buy into Kerry Healey's attack. 11 October 2006. ("The Patrick campaign goofed by not being prepared for the LaGuer question. A number of upright citizens favored a new trial for the convicted rapist back in the 1980s, but only one of them is currently the Democratic nominee for Governor in Massachusetts. Mr. Patrick was not ready for the question, and as a result gave out inaccurate information when it was first raised. It took a few costly days to do the research and set the record straight. The candidate said very correctly, "The point is, we screwed up in terms of how we handled doing our homework before we answered questions about this issue. No question about that." T&G)

Phillips, Frank. Boston Globe. Healey keeps up attack; Patrick toughens his ad. 11 October 2006. ("Patrick's advisers, who would not speak for attribution because they do not publicly discuss strategy, said polling data from the weekend showed that Healey's attack ads have backfired by hurting her own standing among voters more than Patrick's. The advisers said Patrick and his aides decided not to launch a negative counteroffensive.")

Boston Herald 14 October 2006, Torpedo tube: Ads win Healey points/Gurus say TV assault is working by Jessica Heslam ("UMass-Boston political science professor Paul Watanabe said Healey's TV spots are 'classic attack ads that 'specifically raise questions about a person.' 'I think for her, it makes sense because in some ways Deval Patrick has proven to be immune from being hurt by distinctions on policy issues,' Watanabe said.")

Editorial. DNA Truth Seeking Boston Globe 16 October 2006, A8 ("All four candidates for Governor support post-conviction DNA testing, even Lieutenant Governor Kerry Healy, who has criticized Deval Patrick's efforts to help a convicted rapist get a DNA test that might lead to a new trial.")

"Memo to the Healey campaign: Enough of the Benjamin LaGuer case, already. The incessant harping on what should have been a brief aside in the 2006 gubernatorial race has turned a largely substance-free campaign into a mudslinging match that ill-serves the Massachusetts electorate." Editorial, Telegram & Gazette October 17, 2006

"Anyone who claims to be a victim advocate or a champion for victim's rights or even has the most remote understanding of victims' issues would do this," said Mary R. Lauby, executive director of Jane Doe, Inc, referring to Healey's TV ad. Laura Criminaldi, Boston Herald, October 19, 2006.

Crimaldi, Laura. Boston Herald. 19 October 2006. (“What concerns me is that Deval Patrick would persist in describing and complimenting a convicted rapist as being eloquent and thoughtful even after DNA evidence has proven beyond all doubt that in fact, Mr. LaGuer was convicted properly,” Lt. Gov. Kerry Healey said.”)

Telegram, LaGuer rape issue ignored/Healey appears in Leominster by Jason Feifer 22 October 2006 (“On Friday, her campaign more than doubled the television airtime for a controversial new ad about Mr. Patrick and Mr. LaGuer, which features a woman walking through a dark parking garage.”)

“A poll showed that the difference between Ms. Healey’s vote and Deval L. Patrick’s could be accounted for by gender. Men were supporting Healey 42 percent to 40 percent, while woman supported Mr. Patrick 63 percent to 27 percent for Ms. Healey.” Columnist Kenneth J. Moynihan, Telegram & Gazette October 25, 2006

Telegram & Gazette 25 October 2006, Latest polls say Patrick leading by 25-27 points by John J. Monahan (“The poll indicated a significant shift toward Mr. Patrick and away from Ms. Healey, compared to results of a similar poll two weeks ago that put Mr. Patrick ahead by 13 points. Suffolk University Political Research Center Director David Paleologos said the poll appeared to reflect a public rejection of the Healey campaign ads.”)

“The father of California murder victim Polly Klaas visited Boston yesterday to speak out against Democratic candidate Deval L. Patrick, saying...” “I can’t even believe that this character is running for Governor of this state...Every fiber of my being cries out to beware any individual who prioritizes the rights of a violent sexual sadist like Ben LaGuer ahead of the rights of a crime victim...” By Andrea Estes, Boston Globe, Father of slain Calif. girl criticizes Patrick, October 26, 2006

Payne, Dan. Tactics for desperate times. Boston Globe 26 October 2006. (“Ka—boom! Implosion you heard is collapse of Healey candidacy. Two TV polls have her now trailing by 27 and 25 points. Her unfavorable is above 50 percent. It’s over. Kerry Healey’s lurid ad about rape of white woman in parking garage has strong racial undertones. Using reality—style surveillance camera, spot uses racial stereotype of lone white woman about to be jumped by black rapist lurking behind cars. What it reveals is a desperate Healey using fear to mug Deval Patrick in dark, offensive, and racist TV commercial. For weeks, her slogan has been ‘It’s about race, stupid.’ Washington Post blog’s review gubernatorial ads from around country called garage spot ‘as vicious as we’re seen.’”)

Atkins, Kimberly. Ask her to step down as chair of violence council. Boston Herald. 31 October 2006 (“In a politically charged slap one week before the election, members of the Governor’s Commission on Sexual and Domestic Violence — most hiding behind anonymity -- yesterday called for Lt. Gov. Kerry Healey to step down as the group’s chairwoman. In a letter to Healey, the commission members and advisers said her attacks on

Democrat Deval Patrick for backing convicted rapist Ben LaGuer create unfounded fears...’This ad perpetuates three damaging myths; first, the only women are at risk for sexual violence; second, that strangers — particularly those who come from communities of color — are those who should be feared the most ; and third, that rapist are visibly unsavory individuals,’ said the letter.”)

“I think our advertising spent a little too much time on Benjamin LaGuer and not enough time on the issues like, you know, the fact that income taxes are going to go up significantly under Deval Patrick,” said Lt Gov. Kerry Healey’s running mate Reed Hillman, blaming his team’s crime focused TV ad for drooping poll numbers as election day loom.” Boston Herald, Kimberly Atkins, November 1, 2006

“This just wasn’t her race,” said famed democratic operative Michael Goldman of Kerry Healey’s gubernatorial bid. “Wrong candidate, wrong time, wrong message. It’s a horrible thing to say, but look at her numbers. Ben LaGuer has higher favorability than she does,” Margery Eagan, Boston Herald, November 2, 2006.

Editorial, Telegram & Gazette 9 November 2006 (“The campaign also demonstrated that how the money is spent is more important than how much. Kerry M. Healey’s spending on ads linking Mr. Patrick to a convicted rapist not only was wasted, but also drove away many of the unenrolled voters and conservative Democrats on which a Healey victory hinged.”)

"We conclude that, in the unusual circumstances of this case, the fingerprint evidence that was not produced has not been shown to have any bearing on the defendant's guilt or innocence and is consequently not exculpatory as to this defendant," Justice Judith Cowin wrote on behalf of the SJC, March 2007. "What is exculpatory is that the Commonwealth could not place the defendant in the victim's apartment by means of any evidence, including fingerprints or other physical evidence."

Murphy, Wendy. And Justice for Some: An expose of the lawyers who let dangerous criminals go free. Penguin, 2007. (“One thing to keep in mind is that guilty people can often persuade themselves, at least in some corner of their brain, that they’re actually innocent—and that makes them very persuasive. A typical example comes from my home state of Massachusetts and involves a man named Ben LaGuer, convicted in 1984 of raping an elderly woman over an eight-hour period...LaGuer was in jail awaiting trial when police got a court order to take a swab of the inside of his mouth. They wanted to conduct certain biological tests by comparing LaGuer’s saliva to evidence found at the scene (they couldn’t conduct DNA test back then because it was 1983 and technology hadn’t yet been developed but they could do certain on saliva, which was more sensitive than blood type alone.) LaGuer knew what police were planning to do (if his saliva was Type O, a recovered sock with Type O perspiration tied his complicity, but he intentionally tampered with the sample by literally taking body fluid from a fellow prisoner and mixing it in his mouth so that when the swab was taken, police got a mixed result. Would an innocent or guilty man try to

contaminate his own saliva with biological fluid of another person to mess up the test results? You know the answer.”)

LaGuer, Ben. A response to Professor Wendy Murphy on the publication of *And Justice for Some*. (Professor Murphy asked readers to judge me guilty on evidence never presented in court. The story of my saliva swapping with a prisoner to contaminate the test result was first revealed by me to *Esquire* magazine. Murphy surely read that article for her book. What she omitted, for reasons that betrays her bias, is *Esquire's* analysis that with a genuine sample, “the result would have provided evidence of innocence rather than a false impression of his guilt.” (May, 1994) The culprit was unmasked as Type O through perspiration in his sock recovered at scene. I am Type B. As a lawyer, Murphy knows that innocent people can act in ways that a prosecuting spirit can spin to look hideous. She should not have been so glib in writing about a case where serious minds still seek justice.

McFarlane, Clive. New DA faces tests on LaGuer, Early may be hoping that appeal is rejected, *Telegram & Gazette* 3 January 2007 (‘Joseph D. Early, Jr. will be sworn in today as district attorney, and there is one reason why his tenure will lack a honeymoon--Benjamin LaGuer...The important issue here, however, is whether the state, convinced of a defendant’s guilt, can manipulate the system to make that conviction stick...The disclosure of only a partial print, according to Mr. (James C.) Rehnquist, ‘is materially different than the fingerprint report’s content, which shows that four fingerprints were found and those fingerprints did not match Mr. LaGuer’s fingerprints’ ...Over all these years, the district attorney’s office has been asking us to believe, despite this manipulation of the process, that the defendant received a fair trial...Those of us who believe in protecting the integrity of the judicial process are waiting to see whether Mr. Early will ask us to make the same leap of faith.”)

McFarlane, Clive. DA quickly dismisses LaGuer, *Telegram & Gazette* Wednesday 10 January 2007. (“Less than a day after he said he did not know enough about the Ben LaGuer case to make an informed opinion, newly installed District Attorney Joseph early, Jr., boned up enough on the particulars to make it crystal clear that he supported his predecessor’s handling of the case as well as its outcome...This is the same Mr. Early who on Tuesday of last week said he had not read any of the files or briefs in the case, and was waiting until after he had been sworn in to delve into the matter...Apparently, Mr. Early found ample time among the swearing in, congratulations and the light introductory talks to get the measure of the Ben LaGuer. He did this, he said, by huddling with the lawyers, including the lead attorney working the case. He learned enough to issue the following statement later that night through his spokesman Timothy J. Connolly: “The new district attorney shares the opinion of the previous district attorney that justice was done in this case and that the right person was convicted.”)

Wedge, Dave. New DA nixes LaGuer rape case review. *Boston Herald* 11 January 2007 (“He believes justice has been served,’ spokesman Tim Connolly said of Joe Early. “The

evidence is very strong and compelling in the case...Early has no plans to grant LaGuer's request for a review of DNA test that linked LaGuer to the 1983 Leominster rape. LaGuer claims the 2002 tests were tainted.")

Telegram & Gazette, Lab Exam/Handling of DNA Evidence must be Meticulous, Timely. Editorial. 19 January 2007("State legislators should press for answers in the improper handling of DNA evidence...In this instance, State Police officials said the problem came to light before anyone was wrongly arrested. That is fortunate, but there could be other cases that have yet to be uncovered, creating a potentially huge problem for prosecutors statewide.")

LaGuer, Ben. Worcester Magazine. Questions 25 January 2007 ("A top lawyer with the State Police recently told a reporter that a DNA review can be ordered and any such issues as improper handling uncovered. but only if the DA requests it. I have been urging this review for four years. The State Police can trace the origins of each sample in just a couple hours. So why is DA Joe Early then opposing such a review? If confirmed invalid, Mr. Early would immediately need to admit that his prosecutor's DNA arguments before the SJC were wrong. Given his haste in declaring me guilty and the public criticism he got over that, a DNA review might not be what Mr. Early wants.")

Bruun, Matthew. Telegram & Gazette. 1 February 2007 B2. (Worcester District Attorney Joseph D. Early, Jr., said he will not request a specific audit of the Benjamin LaGuer case as investigators scrutinize the handling of DNA cases at the state police crime laboratory. . .The recent suspension of an administration at the crime lab because of improper handling of DNA proves there is a human factor that cannot be discounted, Mr. LaGuer said in a recent interview.. .Defense lawyer James C. Rehnquist sent a letter to Mr. Early last month asking him to review the case. ..'The conviction in the Benjamin LaGuer case was obtained without DNA testing by the Massachusetts State Police crime laboratory,' spokesman Timothy J. Connolly said...The state lab did not conduct the DNA analysis in his case, but Mr. LaGuer said lab personnel would have been responsible for handling and packaging material en route to testing.")

Telegram & Gazette, Shocking backlog/State Police lab faces new crisis (editorial) of 22 July 2007 ("The situation is intolerable and legislators and administration must continue to press for new policies and procedures. . . some aspects of the organization of the laboratory itself seem to virtually guarantee performance that is mediocre or worse. . . there was no one to alert the lab when evidence astray or, worst, if a single individual elected to delay or misrepresent it.")

Editorial. Custody concerns: Securing evidence crucial to justice system Telegram & Gazette 30 January 2008 ("The integrity of the criminal justice system depends in part on maintaining a secure chain of custody of trial evidence...Although evidence listed for some 50 cases could not be located, it has yet to be determined whether the discrepancy reflects

sloppy paperwork, mislabeling of evidence boxes or the loss or theft of material...the missing evidence was from cases concluded between 1990 and 2004.”)

Ifill, Gwen. *The Breakthrough: Politics and Race in the Age of Obama*. (Doubleday, 2009)(“No democrat had held the Bay State’s executive job in sixteen years——not since Michael S. Dukakis, who gave you the job in 1991 after having run a dismal and losing 1988 presidential campaign. Patrick didn’t just win. He pounded his Republican opponent, Kerry Healey, in a landslide, garnering 56 percent of the vote in a state where African Americans make up just under 7 percent of the population. Moreover, he defeated Healey after her own attempts to point him as a weak knee sellout lawyer backfire. Central to her campaign were ads that focused on Patrick’s 2002 defense of a jailed Puerto Rican felon named Benjamin LaGuer, who was convicted of raping a fifty nine year old white woman in her Leominster apartment. Patrick contributed \$5,000 to a defense fund that paid for DNA tests intended to exonerate LaGuer. Instead, they linked him to the crime.. .The perception that Healey had run a racist campaign may also have helped Patrick in the black community, where he was largely unknown. There is nothing like a perceived attack from an outsider to make otherwise warring insiders bank together.” p180, 188.)

Manso, Peter. *Reasonable Doubt: the fashion writer, Cape Cod, and the trial of Chris McCowen*. Atria Books/Simon & Schuster, Inc., 2011. (“The few historical exceptions have been triggered by racist comments. Racial bias in the jury room is considered grounds for reversal. In 1996, a federal court of appeals overturned a conviction after a juror allegedly used the word nigger. In 1991, the Massachusetts Supreme Judicial Court ordered a hearing into controversial Ben LaGuer case, in which one juror said, 'The goddamn spic is guilty.' In response to his fellow juror speculating about how anyone could rape all night long, he replied, 'spies screw all day and night.'”)

Williamson, Dianne. LaGuer case is bedeviling justice again, *Telegram & Gazette* 22 April 2011(“The thing is, there's no way to feel good about this case. If Ben is telling the truth, he's lived a Kafkaesque nightmare. If he's lying, he's a violent psychopath who has duped a lot of well-meaning people...Regardless of his guilt or innocence, 27 years is a long time to spend in prison for rape.”)

"I truly feel he [LaGuer] believes he is the victim in this case," son-and-law Robert Barry told Parole Board 22 April 2010

"I think he is one of the finest examples of courageous, honorable human being I've ever met," Boston University President Emeritus told Parole Board of Ben LaGuer 22 April 2010

"I do not care if he is guilty or not, even though I believe he's innocent," John C. Archer, former Opera Boston chairman told *Boston Globe* 22 April 2010. "I believe in forgiveness. We do our time and move on. We don't do our time for the rest of our lives."

"It takes the time it takes to get to the next step," recently retired Superior Court Judge Isaac Borenstein told Massachusetts Lawyers Weekly about his handling of Ben LaGuer's case 29 June 2009, "but I would not have dedicated myself to the case and to his defense if I had not spent many months going after things meticulously and believing in it."

Murphy, Wendy J. Don't violate privacy rights. Boston Herald. 21 May 2011. ("As a former sex crimes prosecutor, prosecutor and researcher who reads hundreds of court cases each week, I can confidently say that in the vast majority of cases, DNA tells us nothing valuable about the issues in dispute at trial.")

Patrick, Deval. A reason to believe: Lessons from an improbable life. (Broadway Books, 2011)("In another matter, I had urged Massachusetts to conduct a DNA test on a convicted rapist whose guilt seemed in doubt. So another attack ad cast me as a friend of sexual predators and played into racist fears about black men and white women: The camera followed a woman walking through a dark garage, then viewers heard an interview with me in which I described the prisoner, with whom I had exchange letters, as 'thoughtful.' The voiceover said, 'Have you ever heard a woman compliment a rapist?' (For the record, the DNA test confirmed the man's guilt.) I had a campaign staff and a cadre of energetic volunteers to help me with this nonsense, but it took its toll." pp 179)

James, Joy. The Case of Ben LaGuer and the 2006 Massachusetts Gubernatorial Election (White Supremacy; Racism; Governance, and the United States (Stanford University Press, 2011 }("In Leominster, Massachusetts, the analogy of whiteness with purity of vulnerability in the face of a perpetual Black aggressor provided an important context for understanding the conviction of Ben LaGuer, and how this crime (both the assault and the unethical trial) would be witnessed by society and prosecutors. The inability to establish a context that acknowledged a pervasive history of anti-Black animus and violation meant that twenty-three years after LaGuer's conviction, a gubernatorial campaign could use his case to fuel both conservative and liberal agendas." p172 }

Rossmo, D. Kim. Criminal Investigative Failures (CRC Press, 2009} (Wrongful Innocence Claims: Roger Coleman and Benjamin LaGuer ("I have not read the original police reports or trial transcripts, visited the crime scene, interviewed any parties, or reviewed any response or rebuttal from the district attorney's office, law enforcement agencies, or the state crime laboratory...Did Benjamin LaGuer receive a fair trial? I cannot answer that question. Is he factually guilty? Conjecture and theories aside, the actual evidence supports the conclusion, beyond any reasonable doubt, that he brutally raped his neighbor in 1983...The victim in this case is deceased. But one wonders, if she were still alive, what she would think of the intelligentsia who became part of the LaGuer medicine show,' people who, despite years and miles of distance from her apartment that horrible night of the crime, 'knew' more about what had happened to her than he did." (p256-265)

James, Joy. *Journal of Critical Sociology* 36 (1) (2010). "Campaigns Against 'Blackness': Criminality, Incivility, and Election to Executive Office." ("Early state malfeasance seems to stem from the now deceased lead detective, Ronald Carignan, whose unorthodox procedures were later supported by the District Attorney. Ben LaGuer was arrested 15 July 1983. Without physical evidence or a confession, police decided the guilt of LaGuer who shares the same race and ethnicity but not physical description of a man who may have been the perpetrator. LaGuer lived next door to the victim when the crime occurred, yet, another black Puerto Rican had also lived in the building and associated with the survivor; he had a history of mental illness and sexual assault but has to this date never been interviewed by detectives. The grand jury indictment was based on disinformation provided by Carignan who informed the grand jury that the crime had occurred in LaGuer's apartment; it in fact had occurred in the victim's apartment. The detective claimed that the victim was unable to appear at the hearing although she had already been released from the hospital. So, the detective became the sole spokesman for narrating the events of the crime. He stated that the victim identified LaGuer as her assailant to police; although she later denied [that] she did identify LaGuer as her attacker during the trial. Carignan testified that he recovered only one partial fingerprint from the scene of a crime that took place over eight hours; yet, in November 2001, a report emerged showing that four full fingerprints were retrieved from the base of a telephone whose cord had been used to bind the victim's wrists. . The prints did not belong to LaGuer and were subsequently lost (or destroyed) by the District Attorney's office. The detective, who kept the rape kit and items confiscated from LaGuer's apartment in his car trunk during his summer vacation, allegedly mixed underclothes he had taken from LaGuer's apartment with evidence collected at the crime scene. This compromised evidence used in 2002 as 'reliable' samples for DNA testing which claimed to prove 'conclusively' LaGuer's guilt.")

"Nobody in their right mind thinks that DNA is valid," District Attorney candidate Joseph D. Early, Jr., told attorney Robert E. Terk at a political event. (Fall of 2006)

Bibliographical Notes from Benjamin LaGuer Case 1983-2012

Original, Investigative Report by Lt. Robert Hebert 7/13/83 at 5:10 a.m. (“The tenant in apartment 103 “heard whistling at about 1:00 saw 3 teenagers outside.”)

Original, Investigative Report by Timothy Monahan 13 July at 5:10 a.m. “The Dr stated that in his medical opinion that she was raped and it was not self abuse. There was evidence of semen in the vagina and throat.)

Follow Up, Investigative Report by Det. Ronald N Carignan 13 July 8:50 a.m. (“The Dr is Dr Siegel and he told me that the woman was severely beaten and her vagina was abused w/something as there as blood and an abrasion at the entrance to the vagina.”)

Follow Up, Investigative Report by Det. Ron Carignan 14 July 10:50 a.m. (“She stated that all of a sudden this black guy’ comes into the apartment totally nudes except for a pair of high white socks. He then pulled the lights out and picked her up out of the chair and threw her to the ground and began punching her telling her that he hated her.”)

Internal Leominster Police Department documents: (4/17/80 Ben LaGuer assaulted by Sidney Colson, 80-3646) (10/10/80 LaGuer possible suspect in the break in of Kent Carluccio’s home, 80-10688)

Application for a Grant of Search Warrant of Ben LaGuer’s apartment by Det. Ron Carignan 14 July, for these specific items: “Straw pocketbook with personal papers, and US currency, approximately \$12.00, 2 Silver rings one with a turquoise stone, all the property of Lenice Plante. 1 tube sock with black and yellow stripes to match one left behind in the Plante apt.”

National Criminal Information Center query by Det. Ron Carignan about LaGuer 15 July at 10:34 a.m.

Follow Up, Investigative Report by Det. Ron Carignan 15 July 10:50 a.m.

Arrest Reports forms by Det. Ron Carignan, Det Keith LaPrade and Timothy Monahan indicating LaGuer was effectively under arrest 15 July at 1:40 a.m..

Privileged Notes from Atty. James J. Brady 15 July

Record of Evidence Submitted, State Police Crime Lab by Assistant Chemist Mark T. Grant C83-636 20 July. (Official report released on 7 November.)

Progress Report of Lenice May Plante by Lt. Francis Ariel 21 July

Hospital Records of Plante from her admission on 13 July at 5:30 a.m. to her discharge 30 July at 12:45 p.m.

Grant Jury Testimony of Ron Carignan 8/14/83 (ADA Paul F Bolton)

Original, Investigative Report by Officers Jr. Tata and R. Booth 8/14/93 (Brian B. Adams (DOB 2/16/71) found the victim's stolen pocketbook)

Alibi Affidavit of Retta Pouliot 8/1/83

Affidavit of Francis Pouliot 8/1/83

Alibi Affidavit of Russell Pouliot 8/1/83

Alibi Affidavit of Christina Basque 8/1/83

Alibi Affidavit of Wayne Dupuis 8/18/83

Alibi Affidavit of Randy Wilson

Alibi Affidavit of Raynaldo Vasque 8/3/83

Alibi Affidavit of Timothy Daniels

Alibi Affidavit of Jose Luis Nabarro 8/3/89

Interview with Cindy Granata and Raymond Benoit 7/25/83

Interview with Aida Ramos 8/2/83

Notes from Private Investigator Nancy Martinez

Notes from Private Investigator Robert Hammack

The Pretrial Conference Report 9/23/83 (amended 9/28/83)

Privileged Notes of Peter L. Ettenberg

Photographic Evidence of Exhibits & Plante on her hospital bedside State's Motion for a Saliva Sample from Ben LaGuer

Ettenberg's Motion in Opposition to Saliva

Mulkern held hearing Ordered saliva collected from LaGuer 10/21/83

Det. Carignan collects saliva sample from Ben LaGuer 10/24//83

Letter from Ettenberg to Lemire 10/24/84 (Requesting the vaginal hair clippings said to have evidence of semen for independent testing)

State Police Crime Lab Forensic Report of Mark T. Grant 11/7/83

Letter from Ettenberg to Lemire 11/29/83 (Requesting information on the facts surrounding the identification procedure and whether fingerprint evidence might be used at the time of trial)

Letter from Lemire to Ettenberg 12/13/84 ("fingerprint reports have not been received as of yet. I will provide you with a copy of the same as soon as I receive the report.")

States List of Prospective Witnesses 1/17/84

All Motions from Defense and Prosecution

Jury Pool List, including Vitals on Prospective Jurors

Peter Ettenberg leaves on a vacation to Barbados

The trial was held from 24 January through 27 January 1984

State's Forensic Report of Dr. Lawrence Hipshimen 2/17/84 ("LaGuer does not fit either a psychological or pathological profile of a person capable of committing this crime.")

Sentencing was held 2/17/84

States Forensic Report that LaGuer is Not Sexually Dangerous by Dr. Daniel M. Weiss 5/22/84 ("It seems totally out of character")

Record of Evidence Submitted to the State Police Crime, referring to eight mysterious tube socks delivered after the trial for analysis 6/21/84

Affidavit of Innocence from Ben LaGuer

Robert P. Gittens, Deputy Chief Counsel, Governor's Office 10/11/84 "I have reviewed your affidavit and I can understand our desire to have your case investigated. Unfortunately, the Governor cannot conduct such an investigation."

Letter from LaGuer to Mulkern requesting Funds for Forensic Testing 5/29/85

Letter from Ettenberg to LaGuer 5/22/85 "I fully understand your intentions in claiming ineffective assistance...I hold no anger or hurt feelings toward you because of this. I personally do not believe that you committed this crime and I am still haunted by the fact that a jury chose to believe a woman who was heavily medicated and who never got an adequate opportunity to view her attacker."

Letter from Ettenberg to LaGuer 6/28/85 "It has come to my attention that you have filed a Motion for New Counsel...I believe that at this point, it is a wise decision on your part. I must say, however, that if you feel disappointed in what I have done for you, then I am equally disappointed in how you now feel. Had you been honest with me from the very beginning, and told me that you would be unable to pay for my services, then different arrangements would have been done. Instead, I received promise after promise, not only from you, but from your family that payment was forthcoming."

Ben LaGuer Motion to Dismiss Indictments and New Trial

State's Opposition to LaGuer's Motion for Dismiss and New Trial 9/18/85 ("The defendant points out that Detective Ronald Carignan's testimony to the Grand Jury included a purported statement from the victim that she had seen the defendant in the hallway coming and going from the apartment next to hers on previous occasions. At trial the victim denied ever having said this to the police. Based on this apparent contradiction the defendant request a dismissal of the indictment.")

Mulkern held evidentiary hearing on allegations that Det. Ron Carignan testify falsely before Grand Jury 9/18/85

Memorandum Denying Motion to Dismiss, per Mulkern 10/7/85 ("Detective Carignan at the evidentiary hearing acknowledged the inconsistencies discussed above, but denied any purposeful attempt to mislead the grand jury.")

MCI Gardner Medical Records staffer Arlene Foley certified a true copy of a blood test indicating that Ben LaGuer is B-type blood 8/11/86

Motion for New Trial by Atty. Michael V. Caplette 2/19/87 Ineffective assistance of counsel based on Peter Ettenberg's failure to (a) test LaGuer's blood type to compare with the blood type found at the scene of the crime; (b) call certain alibi witnesses; (c) offer expert medical testimony on schizophrenia and the effect such condition might have had on the victim's ability to identify her assailant; (d) request the State to produce the assailant's underwear; and (e) to inform the jury that the State had failed to preserve and test the assailant semen sample.

Motion for Joint Blood Test 9/22/87

Report from Ed Drozda, University of Massachusetts Medical Center, Blood Services, confirming Ben LaGuer is B-type blood 9/25/87

Atty. Robert Terk's Motion for ABO blood test from Lenice May Plante 11/3/87

State Police Forensic Report of 11/4/87 by Assistant Chemist Gwen B. Pino of blood taken by Det. Ron Carignan of Ben LaGuer on 9/25/87

Report from Ed Drozda, University of Massachusetts Medical Center, Blood Services, confirming Lenice Plante is O-type blood 2/2/88

State Police Forensic Report of 3/23/88 by Assistant Chemist Gwen B Pino of blood taken by Det. Ron Carignan of Ben LaGuer on 9/25/87

State Police Forensic Report of 3/23/88 by Gwen B. Pino of blood taken by Tpr. Francis Moore from Lenice Plante 2/2/88

State Police Forensic Report of 3/31/88 by Assistant Chemist Gwen B. Pino of blood taken by Det. Ron Carignan of Ben LaGuer 9/25/87

Affidavit of Psychiatrist Dr. Steven K. Hoge 6/27/88

Barry Berke and Leigh Crowford of Harvard Law School enter the case

Affidavit of Juror William P. Nowick 7/18/88

Ben LaGuer amends Motion for New Trial to include allegations of racism jury.

Prehearing Held in Superior Court in Worcester 4/27/89

State Brief in Opposition to Petition for New Trial 4/27/89

Order from Mulkern of 4/27/89 "That an evidentiary hearing be conducted on Thursday, May 11, 1984 limited to an examination by chemists of the blood samples of the defendant and the victim and matters raised in the Motion for a New Trial based on Physical Evidence."

Facsimile of 5/5/98 from State Police Crime Lab to District Attorney's offices transmitting Mark T. Grant's 11/7/83 Report and lab notes 5/5/89

Leominster Police Department Report by RJ Ptak of 5/11/89 "In regards to this complaint I received a request from Atty. Robert Terk to view ant evidence from a 1983 rape case..." At 11:30 a.m. Terk arrived to inspect and photograph these items. After Terk left, Ptak says, he telephoned James R. Lemire at his private office in Holden. "Lemire informed me that there would be an evidentiary hearing on 5/22/89 in Suffolk Superior at 10:00 a.m. in Boston ...the evidence would have to be taken there by someone who would have to testify to the fact that this is the evidence that was used in the trial."

State Police Tpr. William Kokocinski Report of 5/17/89 transferring fifteen (15) items of evidence from the Leominster Police Department to Assistant Chemist Caroline LeClair, State Police Crime Laboratory

Follow Up, Investigative Report, not attributed to any officer, "Officers present and that might have touched the sock are as follows along with their respective blood types."

Follow Up, Investigative Report, not attributed to any officer, "Attention Lemire/I do not have the photo's of the array on LaGuer and I believe you still have them from the trial or the last hearing held before Mulkern/You also may have the report in refer to analysis of body fluids on the sock."

Evidentiary hearing held in Suffolk Superior Court in Boston 5/2/89

Memorandum Denying LaGuer's Motion for New Trial, per Mulkern 6/2/89

Ben LaGuer files for Reconsideration of Denied Motion for New Trial 7/13/89

Letter from Ben LaGuer to District Attorney John Conte requesting Use of DNA testing to vindicate claim of innocence 7/10/89

Letter from Ben LaGuer to Paul J. Liacos, then Chief Justice SJC

Motion for Reconsideration, denied per Mulkern 7/19/89

Notice of Appeal to Appeals Court 6/21/89

Atty. Robert E. Terk withdraws from the case 10/19/89

LaGuer's Motion for Appointment of Counsel, Appeals Court 10/23/89 "Denied without prejudice to a showing of a more specific claim of alleged errors. (Brown, J.) 11/6/89

"The motion for appointment is appellate counsel is denied, not on the grounds that the defendant is not indigent (I am satisfied that he is), but because there is no basis for another round of appellate proceedings." (Appeals Court, Brown, J.) 12/5/89

"It is hereby Ordered, after consideration by the Full Court, that the petitioner's request for appointment of counsel be, and hereby is, denied without a hearing." (SJC 1/5/90)

Motion for Rehearing on Assignment of Counsel, Appeals Court 2/20/90 "Upon reconsidering, it is ordered that the order of 5 December 1989 is to stand." (Brown, J.)

LaGuer's Petition for Rehearing on Denial of the Assignment of counsel, SJC denied 6/4/90
Motion Assignment of Counsel, Allowed SJC Chief Justice Wilkins 6/22/90

Notice of Appearance, Atty. Patricia O'Neill (CPCS) 7/17/90

Supreme Judicial Court rules that Ben LaGuer is entitled to a new trial if the allegations of racism in the jury are essentially true. It ordered Mulkern to take testimony from jurors. (410 Mass 89) 4/14/91

State Police Tpr. Richard D. McKeon and William Kokocinski 6/11/91 interview with jurors Joseph Novak and William Nowick

State Police Tpr. McKeon and Kokocinski 6/13/91 interview juror James Dalzell

After a series of hearing held on August 26, 27, and 29, per SJC, Judge Mulkern finds that the allegations of racism were not essentially true 9/10/91

Notice of Appeal

The Appeals Court Upholds Mulkern (Fine, dissenting) 2/31/94

Supreme Judicial Court Denied Further Appellate Review 5/26/94

Ben LaGuer files Motion for Revise and Revoke of Sentence 7/25/94

State's Brief In Opposition to Revise and Revoke of Sentence 9/15/94

Ben LaGuer files Response to Opposition 9/21/94

Motion for Revise and Revoke denied, per Hubert F Travers 9/19/94

Ben LaGuer files Response to Opposition 9/21/94

Letter from Ben LaGuer to Robert and Elizabeth Barry 10/6/94

Letter from Ben LaGuer to Judge Travers 10/7/94

Ben LaGuer retains Atty. Oliver Mitchell 9/16/96

Letter from Atty. Donnalyne Lynch Kahn to Ben LaGuer concerning a request for DNA testing 17 September 1996: "We will also need an order from the Worcester Superior Court to unseal the items to be retested."

Motion for DNA Testing by Oliver Mitchell and Donnalyne Kahn ("Denied without a hearing" per Judge Hubert F. Travers 11/27/96)

Ben LaGuer's files Motion for New Trial, "I believe that in the course of jury selection, trial counsel Peter L. Ettenberg engaged in gender discrimination." 5/24/97. Judge Travers "refused to act upon the motion" 9/17/97. LaGuer files notice of appeal 10/22/97

Letter from Oliver Mitchell to LaGuer withdrawing from the case 4/27/98 "I recently made a decision to leave this law firm and to move to another city."

Letter, Confidential, from Parole Board Director Barbara D. Johnson to District Attorney John J. Conte 5/19/98. The letter is office marked "received" 5/21/98. "Leon, H. Quick, L. Turcotte, Please get back to me. JJC 5/21/98." An advisory letter that Ben LaGuer is upcoming for parole prompts DA Conte to summons three prosecutors--Leon Zitowitz, Harry D. Quick and Lynn M. Turcotte--to his office.

Leominster Police Department Dispatcher John Gianninis records message from ADA Zitowitz 5/28/98 1609HR. Zitowitz wanted Lt. F.J. Ptak to telephone him and send him copies of police reports on Ben LaGuer.

Facsimile from Zitowitz to Lt. Michelle D. Pellicchia 5/29/98 at 9:21 a.m. regarding Ben LaGuer's Parole hearing. Zitowitz writes, "I would appreciate a copy of the police reports and an up to date report on the condition of the victim."

Leominster Police Department Incident Report, Dispatcher Jane Hatstat received a request from ADA Zitowitz 5/29/89 at 10:41 a.m. for all police reports. At 11:20 a.m. Hatstat faxed Zitowitz thirty-eight pages.

Letter from Lt. Pellicchia to the Parole Board in Opposition to Ben LaGuer being granted a parole 6/15/98

Parole Board held public hearing for LaGuer 6/29/98 from 9:30 a.m. to 2:45 p.m.. ADA Lynn Turcotte represented DA John Conte.

Letter from ADA Sandra P. Wysocki to Leominster Police Lt. Pellecchia requesting the Rape Kit 7/8/98. "I am particularly interested in the existence of the Items 15 to 18 on the attached Lab report dated November 3, 1983 from the Department of Public Safety...I would appreciate it if you would call me once you have determined the existence of this information so that I can determine whether any additional information is necessary."

Leominster Police Department Incident Report by Lt. Pellecchia 7/10/98 11:25 a.m. "Our records indicated that all evidence was turned over to CPAC Tpr. William Kokocinski on 5/17/89 on request of ADA Kate McMahon by Lt. Ptak."

Letter to the Parole Board 11/23/98 "I do not believe the politics of sex and race are silent on this parole denial."

Wysocki appears at the Appeals Court for oral arguments 12/11/98 (Justice Kass, Dreden and Spina asked Wysocki why her office was opposed to DNA testing. She was not responsive. Affidavit from Richard Slowe, a defense investigator, formerly Supervisory Special Agent of the FBI 11/18/99

Affidavit of Edward Blake, Forensic Science Associates 11/21/99

Letter from Atty. Robert J. Cordy to DA John Conte 12/27/99

Motion to DNA test from Attorneys Siegel, Goldberg and Fisher 1/13/99

Media Press Release, DA John Conte 1/14/00

State's Request for Inventory and Authentication 27 March 2000

LaGuer's Brief In Support of A Grant for Parole 4/5/00

Parole Board held second public hearing for LaGuer 4/5/00 ADA Lynn Turcotte represented DA John Conte

Affidavit of Gwen B. Pino Regarding blood typing 4/14/00

State's Supp. Memorandum Supporting its Request for Inventory and Authentication 4/18/00

Transcript of State Police Tpr. Stephen E Kelly interview of former Assistant Chemist Mark T. Grant 5/8/00

Transcript of State Police Tpr. Kelly with former Leominster Emergency Room physician Dr William C Siegel 5/8/00

Report from Tpr. Kelly to Detective Lt. Francis Moore 9 May 2000

Evidence Inventory and Documentation Report by Gwen B. Pino, Supervisor 1, State Police Crime Lab 12 May 2000

Letter from ADA Sandra L. Hautanen to Atty. Judi Goldberg 5/26/00

Affidavit of Carl M. Selavka, Director State Police Crime Lab 6/1/00

Affidavit of Sandra Hautanen 6/1/00

Affidavit from Peter Neufeld, Cardozo Law School 6/1/00

Supplemental Affidavit of Carl M. Selavka 6/7/00

Order for Visual Assessment and Quantitative Analysis of Evidence, per Superior Court Associate Justice Timothy S Hillman 24 July 2000

Letter from Ben LaGuer to James Lemire 8/6/00

Letter from Ben LaGuer to Adrian Walker 8/13/00

Post Conviction Evidence Assessment Report by Gwen B Pino 8/14/00

Letter from Ben LaGuer to Allen Fletcher 8/16/00

Cellmark Laboratory Forensic Report by Jacki J. Higgins 9/5/00

Letter from Cellmark's GM Mark D. Stolorow to Judi Goldberg 9/15/00

Ben LaGuer's Motion to Proceed with DNA testing 10/3/00

State's Memorandum on the Progress of Testing 11/6/00

Affidavit of Gwen B. Pino 11/6/00

Public Records Request of The Leominster Police Department 2/7/01

Findings and Order on LaGuer's Motion for DNA testing, per Hillman 2/15/01

Affidavit from LaGuer acknowledging destructive risk in DNA testing, as set forth in paragraph 4(d) 2/28/01

All Appellate Court Decisions in re: Commonwealth -Vs- Ben LaGuer

List of Broadcast Television Reports on Ben LaGuer

List of Published Feature Articles in Newspapers and Magazines

Memorandum from Judi Goldberg to John Silber “Summary of the Legal Proceedings relating to Benjamin LaGuer’s Attempt to Obtain Access to Evidence to subject to DNA testing” 6/28/00

Worcester Court Docket Entries from 10/10/93 to 10/2/00

Draft Petition for Revise and Revoke of Sentence

Military Discharge and Academic Records

Parole Board Record of Decisions 9/27/98 and 7/25/00

Ben LaGuer’s Motion to Transfer and Preserve Evidence of Documentary Reporters from Leominster Police Department, Tamara Fisher 3/15/01

Affidavit from Tamara Fisher 3/15/01

State’s Motion for Clarification and Partial Reconsideration of court’s 2/15/01 Order to Begin DNA testing 3/20/01

Ben LaGuer’s Response to State’s Motion for Clarification and Partial. Reconsideration of Hillman’s 2/16/01 Order, Siegel and Fisher 3/31/01

Affidavit of Ed Blake 4/5/01

Affidavit from Michelle L Chaftiz 4/10/01

Media Press Release of District Attorney John Conte 4/25/01

Massachusetts Department of Public Safety, State Police Crime Lab, DNA Registry, collected 5/1/01/ on DNA kit number 12907

Further Findings and Order on Ben LaGuer’s Motion for DNA Testing, per Hillman 5/2/01

Affidavit of Edward Blake of Forensics Associates 5/7/01

Letter from Ben LaGuer to David Siegel 5/14/01

Letter from Ben LaGuer to David Siegel 5/29/01

Letter from Tamara Fisher to Jacki Higgins of Cellmark 5/9/01

Letter from David Siegel to Ben LaGuer indicating delivery of Lenice Plante's medical records 6/6/01

Letter from Ben LaGuer to Tamara Fisher 6/7/01

Letter from Ben LaGuer to David Siegel 6/11/01

Letter from Ben LaGuer to Emily Rooney 6/12/01

Letter from Ben LaGuer to Walter Robinson of Boston Globe 6/14/01

Letter from Ben LaGuer to Dan Rea of WBZ/CBS 6/16/01

Letter from Jacki Higgins to Tamara Fisher 6/16/01

Evidence Receipt from Forensics Associates, Edward Blake 6/14/01

Public Documents Request Under Public Law Act of Assistant District Attorney Sandra L Hautanen 6/21/01

Public Documents Request Under Public Law Act of Dr Carl M Selavka, Director, Massachusetts State Police Crime Laboratory 6/21/01

Affidavit from Penny Koffa from McDermott, Will & Emery 6/28/01

State Police Report from Tpr. Marian J McGovern

Letter from Jed M. Nosal, Office of the Chief Legal Counsel, State Police, to Tamara Fisher 6/28/01 ("To the extent that you wish to pursue you public records request with the State Police Crime Laboratory rather than obtain the documents through the Worcester County District Attorney's Office and pursuant to the Massachusetts Rules of Criminal Procedure, the Departments opposes public disclosure...")

Letter from ADA Sandra L. Hautanen to Tamara Fisher 6/28/01 (“It appears that most, if not all, of the records listed in your request are materials that your client’s former lawyers should have received through discovery or in connection with a post-conviction motions.”)

Letter from Dianne C. Roberts of US Justice Dept to Ben LaGuer 6/28/84 (“The Department of Justice is not authorized to give legal assistance to private citizens or to represent them.”)

Ben LaGuer appears before the Appellate Division of the Superior Court for a Reconsideration of Sentencing 5/14/84

Superior Court Judge Robert V. Mulkern assigns Michael Caplette to handled Ben LaGuer’s initial round of appeals 7/6/84

Letter from F. Lee Bailey to Ben LaGuer 10/11/84

Letter from Dianne C. Roberts of US Justice Dept. to Ben LaGuer 2/22/85 (“After reviewing the material, which you previously mailed, the matter ou related is not covered by a federal statute which we have the authority of enforcing.”)

A habeas Corpus ad Respondendum was issued for Ben LaGuer for a hearing held in Worcester Superior Court 3/13/85

Letter from Alan M. Dershowitz to Ben LaGuer 6/4/85

A habeas Corpus ad Respondendum was issued for Ben LaGuer for a hearing held in Worcester Superior Court 7/17/85

Massachusetts Appeals Court upholds conviction 7/26/85

Letter from Michael Caplette to Ben LaGuer 7/26/85 (I know this is a bitter disappointment to you, Ben, but you should know that Brendan and I both hope you will be ultimately vindicated in this case.”)

Letter from Diane Correa of Puerto Rican Legal Defense to Ben LaGuer 8/28/85

Letter from Linda Tally of Southern Poverty Law Center to Ben LaGuer 10/14/85

Letter from Robert Hundley of Legal Defense Fund to Ben LaGuer 9/17/85

Letter from Michael J May of May Systems to Michael Caplette 2/23/87

Motion for Leave to Withdraw from case by Michael Caplette 10/22/87 “Certain difference of opinion as to tactics and strategy in handling the above case have arisen between the

Defendant and his counsel which are irreconcilable and prevent the Defendant's counsel from further representation."

Atty. Robert E. Terk Enters the case 10/15/87

Letter from Anthony Jones of Legal Defense Fund to Ben LaGuer 12/87

Letter from Harvard Student Atty. John C. Bonifaz to Ben LaGuer 5/28/90

Letter from Gilbert P. Lima, Assistant Clerk, Appeals Court, notifying Ben LaGuer that telephone arguments will be made via telephone conference on 6/12/90 before Brown, J., Perretta, J. and Gillerman, J. 5/31/90

Notice of Appearance before SJC by Patricia A. O'Niell 7/17/90

Letter from Ben LaGuer to Judge Hubert F. Travers 8/12/94 ("For eleven years I have sought to pursue the purest truth and truest sense of justice that I could not only for myself, but the victim and both of our families...I would not choose another life if I had a chance, because I am responsible for this life and no other. I hope that I have made this one a worthy life.")

Letter from Peter Costanza of MCLS to Ben LaGuer 7/30/97

Letter from Donnalyn Lynch Kahn to Ben LaGuer 11/24/97 ("Since I have become a part of your life and struggle, I wanted to personally tell you I will be leaving Goldstein & Manello...")

Letter from Jill Fieldstein of Gotshall & Manges to John Silber 3/25/99

Letter from Judi Goldberg of Will & Emery to Ben LaGuer 6/29/99

Letter from Toni G. Wolfman of Hoag & Eliot to Ben LaGuer 6/25/99

Letter from Lizette M. Perez of Proctor & Hoar to Ben LaGuer 6/28/99

Letter from Peter J. Duffy of Holland & Knight to Ben LaGuer 6/22/99

Letter from Lizette M. Perez to Ben LaGuer 7/30/99

Patient Discharge Instruction Sheet, Jose Orlando Gomez, from HealthAlliance Hospitals, Inc 10 December 2002

Letter from Dr. Jesus Blanco, M.D. of Fitchburg, dated 10 December 2002 “Mr. Gomez was hospitalized at Leominster Hospital very ill. He has acute medical illness and is not able to return to work. We advise that he applies for disability at this time.”

Massachusetts Driver’s License Card, issued to Jose O. Gomez, class D, number 021523234, Height 5’06”

Preliminary Rental Application from Jose O. Gomez for an Apartment in Riverside Village, Leominster 11 September 2001

Social Security Administration, Disability Report Adult, Application form SSA-3368, listing sister as person of contact Maria Avelino, Medical Assistance Card #0215223234, 11 December 2002

Application for Employment, Car Wash, Jose Gomez claims to have attended Leominster High School, completing 11th grade 9 August 2001

Application for Employment, Kentucky Fried Chicken, August 2001, claiming to have completed 11th grade at Leominster High School. He falsely claims that he had no felony convictions within the last five years.

Fitchburg Police Department, Booking Report 98-16733 of 26 May 1998

Fitchburg District Court, Application for Criminal Complaint, Officer Farrell, charging Jose Orlando Gomez with rape and assault & Battery (Domestic) on 25 May 1998 (“The wife of the above Defendant stated that he grabbed and punched her as well as threatened to beat her up. The victim states she is in fear of her safety as he is very abusive. Victim also reported being raped.” Mr. Efrain Agosto posted a 1500 dollar bail for Gomez to be released on 27 May at 6:30 p.m.

Worcester Superior Court 98-0558 Jose Orlando Gomez pleads guilty to Assault & Battery, in exchange of rape charges dismissed at the request of prosecutor. Superior Court Judge Peter A Velis sentenced Gomez to one year County jail, with 59 days to serve, plus 2 years probation. He ordered Gomez to attend Batterers program or Anger Management. Stay away from victim, Yaneth Gomez

Criminal Defense Attorney Leonard J Staples BBO 542782

Letter from Public Safety staffer Marie Gross to LaGuer 12 July 2007

Letter from Public Safety staffer Marie Gross to LaGuer 11 July 2007

Record of Decision, Parole Board postpones Public hearing 8 March 2008

Letter from Ozell Hudson and Louis Elisa to Public Safety chief Thomas Rapone 17 December 1993

Letter from Stacy Amaral to Governor Patrick 18 November 2007

A critical review of another suspect's confession, a white paper from LaGuer to his lawyers September 1992

Letter from Robin Maldonado to LaGuer 25 July 1987

Letter from E. Abim Thomas to Maureen Walsh 7 January 2008

Letter from E. Abim Thomas to LaGuer 7 January 2008

Letter from Dr Susan Wadia-Ells to Governor Patrick 21 June 2007

Letter, An Open Letter, from the Free Ben LaGuer Committee cochairs Susan Wadia and John Hosty to District Attorney Joe early 18 May 2007

Letter from LaGuer to Sentinel & Enterprise editor Jeff McMenemy 6 December 2007

Letter from LaGuer to BBO chief Canstance V. Vecchione 3 September 2007

Forensic Analytic letter from Dr. Lawrence Kobilisnky to James C. Rehnquist 28 May 2004

Legal Analysis from Georgetown Professor Abbe L. Smith to state Representative Ellen Story 9 June 2005

Forensic Analytic Report from Dean A. Wideman to Ellen Story 30 March 2006

Forensic Analytic report from Dr. Theodore D. Kessis to Ellen Story 1 November 2005

Forensic Analytic report from Dr. Daniel L Hartl of Harvard University to Ellen Story 21 August 2006

Forensic Analytic report from Hans Sherrer of the Justice Institute to state representative Ellen Story 6 September 2006

Affidavit from Michelle L. Chafitz 10 April 2001

Letter from James C. Rehnquist to DA Joseph Early concerning the concerns regarding the DNA evidence 19 January 2007

Letter from State Senator Jarrett T. Barrios to State Police Crime Lab Director Dr. Carl Selavka 15 July 2004

Letter from State Senator Dianne Wilkerson to State Police crime Lab Director C. Selavka 25 August 2004

Letter from James C. Rehnquist to SJC clerk Susan Mellen concerning the DNA evidence 24 January 2007

Letter from state representative Ellen Story to State Police Crime Lab case manager Gwen Pino 13 November 2003

Petition for Executive Clemency November 2007

Letter to Governor Patrick from LaGuer 18 January 2008

Letter to Governor Patrick from LaGuer 30 January 2008

Letter to Deputy Legal Counsel E. Abim Thomas from LaGuer 3 February 2008

Letter to United State Assistant Attorney General Jeffrey L. Sedgwick from LaGuer 3 February 2008

Letter to Worcester District Attorney Joseph D. Early Jr., from LaGuer 3 February 2008

Letter to Public Safety chief Kevin Burke from LaGuer 25 December 2007

Letter to Chief Legal counsel Ben T. Clements from LaGuer 30 October 2007

Letter to State Police chief counsel Eleanor Sinnott from LaGuer 15 December 2006

Letter to State Police crime lab manager Gwen B. Pino from LaGuer 22 March 2006

Letter to Governor Patrick from LaGuer 14 December 2006

Letter to Governor Patrick from LaGuer 16 November 2007

Letter to Governor Patrick from Stacy Amaral 8 February 2008

Letter from Worcester County Assistant District Attorney James A. Sullivan to Board of Pardons 7 December 2007

Letter to Lt Gov. Timothy Murray from LaGuer 18 February 2008

Letter from Board of Pardons to LaGuer 18 January 2008

Letter from US Justice Dept. Regional Audit Manager Richard A McGeary to LaGuer 10 July 2007

Letter from the Auditor of the Commonwealth A. Joseph DeNucci to LaGuer 19 July 2007

Letter to Maureen Walsh of Parole Board from LaGuer 29 February 2008

Letter from BBO chair Constance V. Vecchionae to LaGuer 24 August 2007

Letter from BBO chair Constance V. Vecchionae to LaGuer 29 August 2007

Letter from Deval Patrick to Ben LaGuer 5 August 1998

Letter from Ben LaGuer to Supreme Judicial Court Chief Justice Paul J. Liacos 18 September 1992

Letter from Center on Wrongful Conviction Rob Warden to Ben LaGuer 13 February 2008

Letter from State Rep Ellen Story, Byron Rushing, Benjamin Sawn, Kay Khan, Patricia Jehlen and Anne Paulsen to State Police Crime Lab Director Dr. Carl Selavka 13 June 2003

Letter from Massachusetts Commission on Judicial Conduct Robert J. Guttentag to Ben LaGuer 21 June 2005

Letter from Noam Chomsky to Ben LaGuer 10 March 2008

Letter from Massachusetts Association of Hispanic Attorneys President John Lozada to Associate Justice Herbert F. Travers concerning LaGuer's Motion to Revise and Revoke 10 January 1996

Letter from Christopher Lydon to Justice Travers

Letter from Esquire Magazine writer John Taylor to Justice Travers 30 May 1995

Letter from Boston University Director of Prison Programs Walter J. Silva to Justice Travers 14 October 1994

Letter from Allen W. Fletcher to Justice Travers 23 May 1995

Letter from Nation of Islam Minister Don Muhammad to Justice Travers 31 July 1995

Letter from Urban League of Eastern Massachusetts President Joan Wallace-Benjamin to Justice Travers 4 August 1995

Letter from Criminal Justice Institute's Deputy Director Abbe L. Smith to Justice Travers 24 August 1994

Letter from Boston Phoenix staff writer Tim Sandler to Justice Travers 28 July 1995

Letter from John Strahinich to Justice Travers

Letter from Richard A. Nangle of the Worcester Telegram to Justice Travers 23 August 1995

Letter from Three Pyramids President Adrian L. Ford to Parole Board 11 December 1997

Letter from BU Prison Education Program Coordinator Dan DiPiro to Parole Board 10 December 1997

Letter from former CBS producer Jill Fieldstein to Parole Board 7 February 1998

Letter from Max D. Stern to Parole Board 5 January 1998

Letter from Poets Rosanna Warren and Robert Pinsky to Parole Board 28 March 2000

Letter from Crime & Justice Foundation Director John J. Larivee to Parole Board 26 February 1998

Letter from Georgetown Law Professor Abbe Smith to State Parole Board 9 August 1997

Letter from CPCS Deputy Chief Appellate Attorney Patricia A. O'Neill to Parole Board 22 June 1998

Letter from Massachusetts Association of Hispanic Attorneys President Lucy E. Reyes 24 June 1998

Letter from Massachusetts Chapter of the National Congress for Puerto Rican Rights President Jaime Rodriguez to Parole Board 30 March 1998

Letter from Attorney Francisco Gonzales-Palacion to Parole Board 13 May 1998

Letter from PEN staff Jackson Taylor to Ben LaGuer informing that "you work, 'A Man Who Loves His Mother, Loves Women,' has won the only prize in the Memoir category of our 1997 Writing Awards for Prisoners. Congratulations!" 29 January 1998

Letter from BU Dean Romualdas Skvarcius to Ben LaGuer informing “that your name has been added to the Dean’s List for the 1995-1996 academic year. Your outstanding academic performance provides a model...” 10 June 1996

Affidavit of Minister Don Muhammad of 14 July 1999

Affidavit of Dr Joan Wallace-Benjamin, Ph.D., 15 July 1999

Transcript of PI Joseph Guidetti of interviews with jurors William P. Nowick and Joseph F. Novak 14 June 1991

Application for Review of Discharge from US Army dated 25 February 2010, Case Number. AR20100011372, under Review by Army Review Boards Agency under Chief Paul A. Pett 26 March 2010

'Letter from Chief Paul A. Petty indicating that the National Archives and Records Administration has notified that US Army that all records are on loan to another agency and thus previous submissions must be resubmitted in 90 days 29 March 2010

Letter from ADA James R. Lemire to the Army's National. Personnel Records Center, St Louis, Missouri, dated April 6, 1987 "particularly interested in LaGuer's blood type, medical records, and discharge information."

Letter from State Ethics Commission Enforcement Division Chief Stephen P. Fauteux to LaGuer 29 October 2004

Letter from Commission on Judicial Conduct Staff Attorney Neil P. Olson to LaGuer 5 May 2005

Letter from Commission on Judicial Conduct Executive Director Jill Pearson to LaGuer 4 January 2005

Letter from Commission on Judicial Conduct Executive Director J Pearson to LaGuer 4 November 2004

Letter from Deval L. Patrick to LaGuer 5 August 2004

Letter from Deval Patrick to Parole Board 5 August 1998

Letter from ABC News Nightline Co-Anchor Cynthia McFadden to Ben LaGuer 21 February 2007 (“Indeed, the ways in which our justice system handles and has handled DNA leaves open many opportunities for injustice. It certainly seems that there may have been mistakes in your case.”)

Letter from LaGuer to Sentinel & Enterprise Editor Jeff McMenemy 6 December 2007

Letter from Dr. Susan Wadia Ells to Deval Patrick 21 June 2007

Letter from Rev. Eugene Rivers to members of the civic and cleric community appealing to support Ben LaGuer September 1991

Letter from Lawrence A. Rossello to Judge Travers 19 June 1996

Letter to Parole Board from Douglas Medina 4 September 1997

Letter to Parole Board from Poet Laureate of the United States Robert Pinsky and BU Professor Rosanna Warren 28 March 2000

Letter from Executive Clemency Coordinator Julie Pease to Ben LaGuer 1 May 2008

Grievance form from William F. Winn, CPO III, to Ben LaGuer acknowledging complaint of illegal wiretapping of legal telephone calls Grievance Number 33698, 1 May 2008

Letter from DOC Director of Public Affairs Diane Wiffin to WTKK Radio 96.9 FM host Jimmy Myers 24 April 2008

Letter from Deval Patrick to Ben LaGuer 23 December 1998

Letter from Patrick to LaGuer 3 November 1998

Letter from Patrick to LaGuer 21 September 2000

Letter from Patrick to LaGuer 3 November 1998

Letter from Michael S. Dukakis to LaGuer 25 September 2004

Letter from Richard H. Chacon to Ben LaGuer 14 May 1987

Letter from Chacon to LaGuer 23 April 1987

Letter from Peter Wagner to LaGuer 16 August 2006

Letter from Lisa J. Steele to LaGuer 28 March 2006

Letter from Peter Costanza to LaGuer 30 July 1997

Letter from Jill G. Fieldstein to John Silber 25 March 1999

Letter from Hispanic American Chamber of Commerce Executive Director, Bruce Young Candelaria, To Parole Board 14 February 2000

Letter from Sally J. Greenberg to Judge Travers 26 July 1998

Press Release by McDermott, Will & Emery 5 April 2000

Letter from Michael S. Dukakis to LaGuer 13 April 2000

Letter from BU Leslie Epstein to Parole Board 24 March 2000

Letter from Alexander Theroux to Parole Board 12 March 2000

Letter from MIT Noam Chomsky to Parole Board 24 February 2000

Letter to Parole Board from Leslie Epstein 23 March 2010

Letter from John Silber to Joseph D. Early 14 October 2009

Letter from Alicia Lapomardo to Ben LaGuer 25 February 2010

Letter from Noam Chomsky to Ben LaGuer 11 March 2010

Letter from Harvey A. Silverglate to LaGuer 3 March 2010

Letter from Michael Dukakis to LaGuer 7 November 2010

Letter from Lorene Melvin to LaGuer 12/1arch 2010

Letter from Elizabeth Billowitz to LaGuer 11 January 2010

Letter from Billowitz to LaGuer 21 December 2009

Letter from Stacy Amaral to Deval Patrick 8 February 2008

Letter from Stacy Amaral to Deval Patrick 18 November 2007

Letter from Ben LaGuer to Dr Deeb Salem 5 April 2010

Letter Army Review Boards Agency to LaGuer 29 March 2010

Affidavit of Peter L. Ettenberg in support of motion for a new trial

Affidavit of Peter L. Ettenberg to Parole Board 29 April 2010

Affidavit of Ben LaGuer filed in Worcester Superior Court on 19 November 1984

Affidavit of James R. Lemire 30 April 2010

Letter from Stacy Amaral to Parole Chairman Mark Conrad 8 May 2010

Letter from Stacy Amaral to Governor Deval L. Patrick .8 May 2010

Email from BU Law Professor Stanley Z Fisher to Parole Board

Email from Tufts University Prof James Jennings to PB

Email from Georgetown Professor Abbe Smith to PB

Letter from B LaGuer to Parole Chair Mark A. Conrad 10 May 2010

Letter from JR Lemire to PL Ettenberg 17 January 1984

Letter from RE Terk to Dr, Mark W. Rodehaver 23 May 1987

Letter from Carmen-Iberia Manrique to CPCS P O'Neill 2 April 1994

Letter from Bradley J. Dye to Parole Board April 2010

Letter from B LaGuer to Peter L. Ettenberg 20 May 2010

Letter from Isaac Borenstein to Parole Board 10 May 2010

Letter from John C. Archer to Parole Board 3 May 2010

Affidavit of Robert E. Terk for new trial 29 April 2010

Email from Lisa Billowitz to Robert Terk 18 May 2010 10:59 a.m.

Affidavit of Assistant District Attorney Joseph J. Reilly, III January 21, 2000

Affidavit of Carl A. Selavka January 1, 2000

Supplemental Affidavit of CL Selavka June 7, 2000

Letter from ADA Sandra Hautanen to Dr William C. Siegel April 25, 2000

Letter to Tamara Fisher from ADA S Hautanen June 28, 2001

Letter to Judith A. Goldberg from S Hautanen July 11 2000

Letter from S Hautanen to JA Goldberg May 26, 2000

Letter to T Fisher from S Hautanen November 15, 2001 Supplemental Affidavit of SL Hautanen July 18 2000

Letter from JA Goldberg to Dr. Donovan Hommen of BU's Danielsen Institute, 185 Bay State Road, Boston, February 9, 2000

Letter from SL Hautanen to SJC clerk January 30, 2007

Letter from PL Ettenberg to B LaGuer February 15, 2001 "I received your letter of February 4. I have reviewed the contents of my files and can only locate the enclosed documents; the jury list and the pretrial conference report. I can only assume that anything else in my files was sent on to the attorney after me, Michael Caplette as I noticed a release and request from him and you that I send him my files. I do not know what the letter you refer to of October 24, 1983 contains."

Letter from Michael Caplette to Ben LaGuer of February 26, 2001 "Some of the items you are requesting, however, do not exist and others are clearly my work product, to which you are not entitled. I will, however, comply as completely as I can." Cellmark Diagnostics, Forensic Case Form Confidential Information, Cellmark case#F001408 August 14, 2000

Letter from Judith A. Goldberg to Jackie J. Higgins of Cellmark May 9, 2001

Letter from JJ Higgins to Tamara Fisher

Letter from Judi Goldberg to ADA JJ Reilly and SL Hautanen May 24, 2000

Letter from Judi Goldberg to ADA Reilly and Hautanen May 5 2000

Letter from ADA Maurice J. O'Brien, Jr. to John H. LaChance June 13, 1991

Letter from ADA O'Brien to Superior Court Judge Rober V. Mulkern June 13, 1991

Letter from MSPCL chemist Kellie A. Bogosian to Edward T. Blake August 14, 2001

Letter from ADA James R. Lemire to Robert E Terk 22 September 1987

Letter from State Rep Ellen Story to Dr. Frederick R. Bieber May 26, 2005

Record of Decision, State Parole Board: Date of Hearing April 22, 2010; Date of Decision May 10, 2010

Fax Transmission from ADA Sandra Wysocki to Leominster Police Department of 5 pages on July 8, 1998

Letter from CPCS Scott M. Miller advice on Sex Offender Registry Board to Ben LaGuer 21 May 2010

Unpublished Letter to the Editor of Sentinel & Enterprise in response to 27 April 2010

Letter from Karen Spence to B LaGuer 26 May 2010

Letter from K Spence to Parole Chair Mark A. Conrad 26 May 2010

Affidavit from Ben LaGuer concerning discovery of the 17 January 1984 letter from Lemire to Ettenberg in Terk's file dated 27 May 2010

Letter from Sex Offender Registry Board June 2, 2010 notifying Ben LaGuer that he has been classified as a Level 3 Sex Offender. Sex Offender Number 21900. Per letter, Ben LaGuer is filing request for a hearing prior to June 28, 2010.

Letter from CPCS Scott M. Miller to Ben LaGuer 7 June 2010

Letter from S Miller to Sex Offender Registry Board member Kerry Fone 7 June 2010

Email from Eric Goldsheider to Prof James Joy June 2010

Letter from Weil, Gotshall & Manges, LLP 1 July 2010

Letter of 2nd Notification from Forensic Health Services Sexual Offender Treatment Program July 2010

Letter of Termination from SOTP to LaGuer from Stephanie Adaramola, SOTP Coordinator NCCI/Malee Preta, LICSW

Letter from Rosalyn Garbose Nasdor of Ropes & Gray on behalf of Pro Bono Committee 24 June 2010

Letter from State Parole Board "appeal Request" denied, "Prior vote to stand" 2 August 2010

Letter to Parole Board Julie Pease" Requesting DVD or VCR Tapes from All Hearing from LaGuer 21 August 2010

Letter from LaGuer to Clark University Associate Professor Ravi K. Perry, Political Science Department August 29 2010

Letter from LaGuer to Sentinel & Enterprise reporter Dan Magazu 29 August 2010

Letter from Douglas Most to Judge Timothy S. Hillman of 5 September 2002 ("I am working on a story for the 'New York Times Sunday Magazine' about Benjamin LaGuer. I am requesting to read the trial court transcript, subsequent court filings, and the most recent DNA report submitted by Dr. Edward T. Blake that proved Mr. LaGuer's guilt in the case.")

Letter from Anatoly Trofimchuk of PLAP (Harvard) to B LaGuer 25 May 2011

Letter from Clerk of Court Dennis P. McManus to Ben LaGuer Notice of Docket Entry 25 May 2011

Department of Corrections Classification Report of Ben LaGuer 27 May 2011 by John Mobley

Letter from B LaGuer to Rosanna Warren 3 June 2011

Letter from B. LaGuer to John Taylor 3 June 2011

Letter from B. LaGuer to Martin Espada 3 June 2011

Letter from B. LaGuer to Abbe L. Smith 3 June 2011

Letter from B. LaGuer to Harvey Silverglate 3 June 2011

Letter from B. LaGuer to Chris Lydon 3 June 2011

Letter from B. LaGuer to Charles Ogletree 3 June 2011

Letter from B. LaGuer to Henry Louis Gates Jr. 3 June 2011

Letter from B. LaGuer to James Jennings 3 June 2011

Letter from Lisa Billowitz to B LaGuer 23 May 2011

Letter to Dr William C. Siegel, MD from B LaGuer 24 May 2011

Letter from B LaGuer to O Muhammad 24 May 2011

Letter to Terry Nagle of CPCS from Ben LaGuer 23 May 2011

Letter to John Silber from B LaGuer 23 May 2011

Letter from B LaGuer to R Contreras 14 May 2011

Letter from B LaGuer to Jonathan Saltzman 14 May 2011

Email from B LaGuer to David Frank 16 May 2011

Letter from B LaGuer to David M. Siegel 5 May 2011

Letter from B LaGuer to James C Rehnquist 5 May 2011

Letter from B LaGuer to Elizabeth Billowitz 5 May 2011

Letter from B LaGuer to Judi Goldberg 6 May 2011

Letter from B LaGuer to Tamara Fisher 6 May 2011

Letter from John Silber to B LaGuer 20 April 2011

Letter from John Silber to B LaGuer 27 April 2011

Emails to All Groups on Hotmail.com and Gmail 20 May 2011

Emails to All Groups Hotmail and Gmail accounts 13 May 2011

Letter from John Silber to B LaGuer 16 May 2011

John C. Archer meets D Patrick to discuss case 23 May 2011

John C. Archer and Susan Wadia-Ells meet with O Patrick at a fundraiser to the Mattapan Health Center 24 April 2010

Letter from Noam Chomsky to B LaGuer 6 May 2011

Letter from B LaGuer to John Silber 25 May 2011

Letter from Robert E. Terk to DA Joe early 16 May 2011

Letter from student attorney Lauren Russell to LaGuer 24 June 2010

Letter from Isaac Borenstein (through paralegal Julie L. Bellavia) to Ben LaGuer 25 January 2011

Letter from Borenstein (through paralegal Jaye L. Samuels) to LaGuer 5 November 2010

Letter from Borenstein (through Melina Neely, Legal Intern) to Ben LaGuer 21 September 2009

Letter from Borenstein to LaGuer 20 November 2008

Letter from Borenstein to LaGuer 8 October 2009

Letter to Borenstein from LaGuer 6 March 2011

Letter to John Silber from LaGuer 6 March 2011

Letter from John Silber to LaGuer 2 March 2011

Letter from Silber to LaGuer 16 February 2011

Letter from Silber to LaGuer 28 January 2011

Letter from Silber to LaGuer 28 February 2011

Letter from Silber to LaGuer 22 February 2011

Letter from Silber to LaGuer 8 February 2011

Letter from Silber to LaGuer 31 January 2011

Letter from Lisa Billowitz to LaGuer 21 December 2009 (“Isaac and I spoke at length, and we feel it would be most efficient to get your contributions after the draft is more complete. We will then come to see you, sit down, and review it together, and do one comprehensive edit.”)

Letter from Isaac Borenstein to Ben LaGuer of 20 November 2008 (“I am now familiar with the sequence of events that led to the DNA mishap. I am confident that we can argue that the DNA analysis provides evidence that actually contradicts the victim’s account, and therefore, additional exculpatory evidence for a new trial. This is an issue that may be developed in the courts, via a motion for a new trial, and in the arena of public opinion through the media. It is

my judgment, based on everything I have read, that there is a very good argument to be made on your behalf that no future jury will be allowed to consider this evidence, which prosecutors have argued is reliable. It is my opinion that the DNA evidence fails to meet even basic Daubert—Lanigan admissibility criteria.”)

Letter from Melina Neely to B LaGuer 23 October 2009

Letter from B LaGuer to B Billowitz & I Borenstein 9 October 2009

Letter from Stan Fisher to B LaGuer 9 December 2010

Letter from Silber to B LaGuer 3 January 2011

Letter from Silber to LaGuer 8 March 2011

Letter from LaGuer to Silber 14 March 2011

Letter from LaGuer to Isaac Borenstein 14 March 2011

Letter from Isaac Borenstein to Dr John Silber 7 April 2011

Letter from Isaac Borenstein to Atty Robert E. Terk 7 April 2011

Ben LaGuer v. Paul Rakiey, Warden (Wor Civ Action 94-1325)

(Associated Justice of the Superior Court Barbara A. Lenk, presided over the trial. Judgment in favor of LaGuer.)

Letter from John Silber to Ben LaGuer 20 April 2011

Letter from Bennett L. Gershman to Ben LaGuer 22 April 2011

LaGuer’s Motion for a New Trial and Evidentiary Hearing 28 April 2011

LaGuer’s Memorandum In Support of Motion for New Trial 28 April 2011

Robert E. Terk’s Affidavit of Exhibits 28 April 2011

Email from Tina Rondeau to R Terk June 3, 2011 11:51 a.m. Letter from B LaGuer to Omar Wasow of Harvard 1 June 2011 Letter from B LaGuer to Emett:G. Price of NEU June 2011 Letter from BLaGuer to Judge Richard T. Tucker 4 June 2011 Email to Dr. Deeb Salem of Tuft’s, cc Hannah M Lee, Robert E. Martell, Leslie Epstein, John Silber, Isaac Borenstein, James C. Rehnquist of 3 June 2011 Letter from B LaGuer to Isaac Borenstein 4 June 2011

Letter to Harvey Silverglate from B LaGuer 6 June 2011 Letter to Ishmael Scott Reed from B LaGuer 6 June 2011 Letter to June Victoria Cross from B LaGuer 6 June 2011 Letter to Dr. Derrick Bell from B LaGuer 6 June 2011 Letter to Shay Youngblood from B LaGuer 6 June 2011 Letter to Dr. Cornel West from B LaGuer 7 June 2011 Letter to Charles Ogletree from B LaGuer 7 June 2011 Letter to Angela Y Davis from B LaGuer 7 June 2011 Letter to Dante Ramos from Ben LaGuer 13 June 2011 Letter to Gerald Boyd from B LaGuer 13 June 2011 Letter to Tavis Smiley from B LaGuer 13 June 2011 Letter to Tom Joyner from B LaGuer 13 June 2011 Letter to NBC's VP Lisa R. Green from B LaGuer 14 June 2011 Letter to Dick Gregory from B LaGuer 14 June 2011 Letter to Toni Morrison from B LaGuer 14 June 2011 Letter to Charles Dutton c/o William Morris from B LaGuer 13 June 2011 Letter to Rev Al Sharpton from B LaGuer 14 June 2011 Letter to Theodore Shaw from B LaGuer 14 June 2011 Letter to Alvin Poussaint from B LaGuer 14 June 2011 Letter to Terrie Williams from B LaGuer 14 June 2011 Letter to Orlando Patterson from B LaGuer 14 June 2011 Letter to Alfre Woodard from B LaGuer 14 June 2011 Letter to Michael Eric Dyson from B LaGuer 14 June 2011 Letter to Tina Rondeau from B LaGuer 13 June 2011 Letter to Marie Lee from B LaGuer 30 May 2011 Letter from B LaGuer to John Silber 13 June 2011

Letter to Dianne Williamson from B LaGuer 14 June 2011 Letter to Mark P., Conrad from B LaGuer 14 June 2011 Letter to Joan Wallace-Benjamin from B LaGuer 15 June 2011 Letter to Sheila Decter from B LaGuer 15 June 2011 Letter to Alex Theroux from B LaGuer 15 June 2011 Letter to Robert B. Chatelle from B LaGuer 15 June 2011 Letter to Josiah Epps from B LaGuer 15 June 2011 Letter to Tina Rondeau from B LaGuer 16 June 2011 Letter from B LaGuer to Rev Rey Harmon 13 June 2011 Letter to Tuft's Requesting B LaGuer's MRN of 17 June 2011 Commonwealth's opposition to LaGuer's Ninth Motion for a New trial and Evidentiary Hearing 15 June 2011 Defendant's Rebuttal to Commonwealth's Opposition LaGuer's

Motion for a New Trial 19 June 2011 Letter from B LaGuer to Sandra L. Hautanen 21 June 2011 Letter from B LaGuer to Mark A. Conrad 21 June 2011 Letter from B LaGuer to Don Muhammad 21 June 2011 Email to Sandra Hautanen from B LaGuer 20 June 2011 10:30 a.m. Letter from Alex Theroux to Ben LaGuer 19 June 2011 Letter from B LaGuer to Douglas J. Tjapkes to 22 June 2011 Letter from B LaGuer to Rev James McCloskey 22 June 2011 Letter from B LaGuer to Union of Concerned Scientist Kevin Knohioch 22 June 2011 Letter to Peter Vickery from B LaGuer 23 June 2011 Letter from B LaGuer to Ron Madnick 23 June 2011 Letter from B LaGuer to Eennett L. Gershman 23 June 2011 Letter to Cary Fedêrmen from B LaGuer 24 June 2011 Letter from B LaGuer to John Reinstein 24 June 2011 Letter to Douglas Kjapkes from B LaGuer 24 June 2011 Letter from B LaGuer to Sue Huskins 26 June 2011 Letter from B LaGuer to Barb Dougan 27 June 2011 Letter from B LaGuer to Scott Hornoff 27 June 2011 Letter from B LaGuer to Juan Concepcion 27 June 2011 Letter from B LaGuer to Robert Lewis (Btn Foundation) 27 June 2011

Letter from B LaGuer to Peniel Joseph 27 June 2011 Letter from B LaGuer to Phillip L., Clay 27 June 2011 Letter from Ben LaGuer to Rubin Carter 27 June 2011 Letter from B

LaGuer to Joyce Carol Oates 27 June 2011 Letter from B LaGuer to John Silber 26 June 2011 Letter from B LaGuer to Robert Terk 26 June 2011 Letter from B LaGuer to Roberto Trestan 26 June 2011 Letter to Mary Frances Berry from B LaGuer 27 June 2011 Letter from B LaGuer to Glen Cartman Loury 27 June 2011 Letter from LaGuer to Malcolm—Jamal Warner 27 June 2011 Letter from LaGuer to Mike Farrell 28 June 2011 Letter from B LaGuer to Robert Romanow 28 June 2011 Letter from LaGuer to Allen W. Fletcher 28 June 2011 Letter to Stephen L. Carter from LaGuer 28 June 2011 Letter from B LaGuer to Tina Rondeau 30 June 2011 Letter to Eugene O'Flattery from B LaGuer 28 June 2011 Letter to Tina Rondeau from B LaGuer 28 June 2011 Letter from B LaGuer to David Hall 28 June 2011 Letter from B LaGuer to Sonia Chang-Diaz 28 June 2011 Letter to Rep Kay Khan from B LaGuer 29 June 2011 Letter from B LaGuer to Byron Rushing 29 June 2011 Letter from B LaGuer to Ben Swan 29 June 2011 Letter from B LaGuer to Robert Garcia 4 July 2011 Letter from B LaGuer to Aida Ramos 4 July 2011 Letter from B LaGuer to Kelli Bromes 4 July 2011 Letter to Lou Levesque from B LaGuer 4 July 2011

Letter to Brad Dye from B LaGuer 4 July 2011 Letter to Leslie Epstein from B LaGuer 7 July 2011 Letter to James Jennings from B LaGuer 7 June 2011

Letter from John Silber to B LaGuer 21 June 2011

Letter from Rosanna Warren to B LaGuer 28 July 2011

Letter from Debra S. Krupp to B LaGuer 1 August 2011

Email to group "State Police advisory" 15 July 2011

Letter from John Silber to B LaGuer 2 August 2011

Letter from B LaGuer to John Silber 7 August 2011

Letter from Liza Billowitz to B LaGuer 9 August 2011

Email to group "Judge Grants LaGuer Hearing" 12 August 2011

Letter from Judi Irizzary to B LaGuer 10 August 2011

Letter to Polly A. Tatum from B LaGuer 17 August 2011

Letter to John History-Grinnell from B LaGuer 17 August 2011

Letter from Jon Silber to B LaGuer 18 August 2011

Letter from Abbe Smith to B LaGuer 16 August 2011

Letter from B LaGuer to Bennett L. Gershman 27 August 2011

Letter from B LaGuer to Carlos Linera 27 August 2011

Letter from B LaGuer to John Silber 27 August 2011

Letter from B LaGuer to Carmen Donimichie 28 August 2011

Letter from B LaGuer to Hunter Amabile 28 August 2011

Letter from B LaGuer to Elaine Kline 28 August 2011

Letter from B LaGuer to John Silber 2 September 2011

Letter from B LaGuer to James c. Rehnquist 2 September 2011

Letter from B LaGuer to Robin Rondeau 2 September 2011

Letter from B LaGuer to Emily Rooney 6 September 2011

Letter from B LaGuer to John Strahinich 6 September 2011

Letter from B LaGuer to Dianne Williamson 6 September 2011

Letter from B LaGuer to Jonathan Saltzman 6 September 2011

Letter from B LaGuer to Peter Schworm 6 September 2011

Letter to Thomas Melville from LaGuer 6 September 2011

Letter to David Boeri from LaGuer 6 September 2011

Letter to Hunter Amabile from B LaGuer 6 September 2011

Letter to Dan Rea from LaGuer 6 September 2011

John C. Archer and Governor Deval L. Patrick privately discussed the LaGuer case at a dinner in Hamilton's prestigious and exclusive Pingree High School September 14, 2011. Patrick said he was following the case closely. He told Archer that LaGuer was lucky to have him for a friend. Archer updated him with a briefing about the September 9th hearing in Worcester courthouse.

Press Release Email 25 November 2011

Brief Rebuttal to District Attorney's Response December 2, 2011

Email to Governor Patrick in Re: District Attorney Wiretaps
Conversations between LaGuer and his lawyers 5 December 2011

Draft Motion of Discovery to Atty Robert E. Terk 22 November 2011

Undated letter to Judge Richard T. Tucker (by hand delivery) by ADA Jane A. Sullivan indicating that on December 7, 2011 at 1:32 p.m. LaGuer "sent the attached email to three (3) named Assistant District Attorneys, among others, from "Benlaguer@gmail.com."

Brief Amended Rebuttal to District Attorney's Response 15 December 2011

Email to Governor Patrick in Re: District Attorney Wiretaps Conversations between LaGuer and his lawyers 7 December 2011

Letter from Ben LaGuer to Superior Court Judge Richard T. Tucker through Attorney Robert E. Terk 24 December 2011

Letter from Texas Innocence Network to B LaGuer October 2011

Letter from Lawrence Kobilinsky to B LaGuer 5 September 2011

Letter from Bennett L. Gershman to B LaGuer 22 April 2011

Letter from Stacy Amaral to B LaGuer 8 December 2011

Innocence Project Questionnaire from Lisa Kavanaugh to Ben LaGuer 13 December 2011

Letter from B LaGuer to L Kavanaugh, Director of CPCS Innocence Project, with signed and filled out Questionnaire 26 January 2012

Order of Court: Justice, Superior Court Richard T. Tucker 9 January 2012 ("Correspondence from defendant dated 24 December 2011 not read and hereby returned to defendant. The Court does not receive correspondence directly from either party. Said practice by either party or attorneys shall cease immediately. The notice of compliance has been received and filed.")

Defense Motion to Stay Execution of Sentence Pending Final Judicial Adjudication, filed, 10 January 2012; Exhibit, Department of Corrections, MA, Correctional Offender Management Profiling for Alternative Sanction, or COMPAS.

Letter from John Silber to B LaGuer 26 January 2012

Letter from B LaGuer to Tamara Fisher 3 February 2012

Letter from J Silber to B LaGuer 8 February 2012

Letter from B LaGuer to J Silber 11 February 2012

Letter from J Silber to B LaGuer 19 March 2012

Letter from LaGuer to John Silber

Letter from B LaGuer to James C. Rehnquist

Letter from B LaGuer to inn C Goldbach

Letter from LaGuer to James C. Rehnquist

Letter from B LaGuer to Lisa Kavanaugh

Letter from LaGuer to Don Bronstein

Letter from Lou Levesque to B LaGuer

Letter from LaGuer to Anthony Bolden

Letter from Bradley Dye to LaGuer

Letter from LaGuer to B Dye

Letter from LaGuer to Dianne Williamson

Letter from LaGuer to Robert Terk

Letter from LaGuer to Judi Irizarry

Letter from Terk to LaGuer

Letter from LaGuer to Terk

Letter from Abby Depczynski to LaGuer 29 February 2012

Letter from LaGuer to Abby Depczynski 8 March 2012

Letter from Terry Scott Nagel to B LaGuer 14 March 2012

Letter from TS Negal to B LaGuer 12 March 2012

Letter from B LaGuer to Dianne Williamson 17 March 2012

Letter from B LaGuer to Jack Minch 17 March 2012

Letter from B LaGuer to Elaine Kline

Executive Clemency Petition from Ben LaGuer

Criminal Record Request and Dissemination Form

Advisory Board of Pardons Acknowledgement Release Form

Certification of General Law, Chapter 127, Section 167

Advisory Board of Pardons Release Information Form

Advisory Board of Pardons Authorization Form to Commissioner

Letter from B LaGuer to Elaine Kline 2 April 2012

Letter from B LaGuer to Frank Rodriquez 2 April 2012

Letter from B LaGuer to John Silber 7 April 2012

Letter to Terry Scott Naqel from B LaGuer 8 April 2012

Letter from B LaGuer to Dan Rea 8 April 2012

Letter from B LaGuer to Minister Don Muhammad 8 April 2012

Letter from Lisa M. Kavanaugh to B LaGuer 1 February 2012

("Your case will be reviewed to determine whether it meets the CPCS Innocence Program Criteria.. When the review is complete you will be notified whether or not your case has been accepted by the Innocence Program.")

Letter from B LaGuer to John Silber 6 May 2012

Letter from B LaGuer to Donald K. Stern 7 May 2012
Letter from B LaGuer to Tracy Miner 7 May 2012
Letter from B LaGuer/Nancy Gertner 7 May 2012
Letter from LaGuer to William F. Lee 7 May 2012
Letter from B LaGuer to Martin F. Murphy 7 May 2012
Letter from B LaGuer to Jason. Rodriguez 7 May 2012
Letter from B LaGuer to Joseph J. Balliro 8 May 2012
Letter from B LaGuer to Robert L. Ullmann 8 May 2012
Letter from B LaGuer to James R. Corroll 8 May 2012
Letter from B LaGuer to Terry Scott—Nagel 9 May 2012
Letter from B LaGuer to Evelyn Hernandez 9 May 2012
Letter from B LaGuer to Nancy W. Abmadifar 9 May 2012
Letter from B LaGuer to Joe Palazzolo (WSJ) 9 May 2012
Letter from B LaGuer to Jacqueline Palank (WSJ) 9 May 2012
Letter from B LaGuer to Jennifer Levitz (WSJ) 9 May 2012
Letter from B LaGuer to Anderson Cooper 9 May 2012
Letter from B LaGuer to Jack Nicas (WSJ) 9 May 2012
Letter from B LaGuer to Jennifer Smith 9 May 2012

Letter from B LaGuer to Steven M. Peck 14 May 2012
Letter from B LaGuer to Alison R. Bancroft 14 May 2012
Letter from B LaGuer to John J. Regan 14 May 2012
Letter from B LaGuer to H. Joseph Mameline 14 May 2012
Letter from B LaGuer to Jonathan W. Woodard 14 May 2012
Letter from B LaGuer to Adam J. Kessel 14 May 2012
Letter from B LaGuer to Kurt W. Hemr 14 May 2012
Letter from B LaGuer to Lou Levesque 14 May 2012
Letter from B LaGuer to Anthony McZura 14 May 2012
Letter from B LaGuer to Veronica Serrato 14 May 2012

Letter from B LaGuer to Rosalyn Nasdor 14 May 2012

Letter from John Silber to B LaGuer 19 March 2012

Letter from John Silber to B LaGuer April 2012

Letter from John Silber to B LaGuer 9 May 2012

Letter from B LaGuer to Kent A Coit (EQS) 14 May 2012

Letter from B LaGuer to John Pappalardo (EQS) 14 May 2012

Letter from B LaGuer to William F. Machen (ESQ) 14 May 2012

Letter from B LaGuer to James Jones (Georgetown U) 14 May 2012

Letter from B LaGuer to Jody Newman (ESQ) 14 May 2012

Letter from B LaGuer to Elaine Kline 14 May 2012

Letter from Martin F. Murphy to B LaGuer 14 May 2012

Letter from Robert E. Terk to B LaGuer 15 May 2012

Letter from Terry Scott Nagel to B LaGuer 15 May 2012

Letter from B LaGuer to Inez Martinez 21 May 2012

Letter from B LaGuer to Andrea Peyser 21 May 2012

Letter from B LaGuer to Michael Jaccarino 21 May 2012

Letter from B LaGuer to Adrian Campo-Flores (WSJ) 21 May 2012

Letter from B LaGuer to Joseph B. White (WSJ) 21 May 2012

Letter from B LaGuer to Robert P. Gittens 21 May 2012

Letter from B LaGuer to Karen Spence 21 May 2012

Letter from B LaGuer to Kristen Hinman (Bloomberg N) 21 May 2012

Letter from B LaGuer to Robert Terk 27 May 2012

Letter from B LaGuer to Eliazer LaGuer 27 May 2012

Letter from B LaGuer to Minister Don Muhammad 27 May 2012

Letter from B LaGuer to Judith Irizarry 27 May 2012

Letter from B LaGuer to Pete Yost (Washpost) 29 May 2012

Letter from B LaGuer to Pervaiz Shallwani (WSJ) 29 May 2012

Letter from B LaGuer to Jermaine L. Kidd (MSPCL) 29 May 2012

Letter from John J. Regan to B LaGuer 25 May 2012

Letter from R. Terk to Jane Sullivan 23 May 2012

Letter from R. Terk to Governor Deval Patrick 23 May 2012

Letter from Mary B. Strother to B LaGuer 21 May 2012

Letter from B LaGuer to John Silber 27 May 2012

Letter from B LaGuer to Eliazer LaGuer 27 May 2012

Letter from B LaGuer to John Archer 27 May 2012

Letter from B LaGuer to Javier Irizarry 27 May 2012

Letter from B LaGuer to Gavi Wolfe 27 May 2012

Letter from B LaGuer to Judith Irizarry 27 May 2012

Letter from B LaGuer to Bradley Dye 27 May 2012

Letter from Valerie McCarthy to Board of Pardons 25 May 2012

Letter from Valarie McCarthy to Robert E. Terk 25 May 2012

Letter from Robert Terk to B LaGuer 21 May 2012

Letter from Paul F. Ware, Jr. to Ben LaGuer 1st June 2012

Email from Julie Pease to Robert E. Terk 30 May 2012 2:49PM

Email from Julie Pease to R. Terk cc. Timothy Dooling 30 May 2012

Letter from Robert Terk to B LaGuer 29 May 2012

Letter from B LaGuer to R Terk 2 June 2012

Letter from B LaGuer to Terk 7 June 2012 (New Clemency Petition)

Attended Sexual Offender Treatment Program 7 June 2012
for Orientation by Stephanie Adaramola

Letter from B LaGuer to E LaGuer 7 June 2012

Article from Abby Dezynski entitled "Ben LaGuer: Wrongfully Convicted"

Letter from Sexual Offender Treatment Program 8 June 2012

Coordinator MCCI Gardner "[Y]ou are considered to be program complaint with respect to programming needs identified for you by the Department of Corrections." LaGuer was not required to sign a waiver admitting guilt as a condition of participating in this new program.

Letter from B LaGuer to JC Rehnquist 12 June 2012

Letter from B LaGuer to Donald S Bromstein 12 June 2012

Letter from LaGuer to Darren Motise 23 February 2012 Letter from LaGuer to Jeffrey Deskovic 23 February 2013

LaGuer was sent by Ambulance to Heywood Hospital in the morning of Saturday 16 February 2013

LaGuer was then sent by Ambulance to UMass Memorial Health Care Hospital in Worcester in the midday hour 16 February 2013, Medical Records Number 000840189/ECD 34517044

Letter from LaGuer to Emily Rooney 31 May, 2013

Letter from LaGuer to Mike Bello 31 May 2013

Letter from LaGuer to Dante Ramos 31 May 2013

Letter from LaGuer to Jonathan Saltzman 31 May 2013

Letter from LaGuer to Nathan Koppel 31 May 2013 Letter from LaGuer to Dianne Williamson 31 May 2013

Letter from LaGuer to Jim Braude 31 May 2013 Letter from LaGuer to Briggett Muprhy 31 May 2013 Letter from LaGuer to Iris Adler 31 May 2013 Letter from LaGuer to Phillip Martin 31 May 2013 Letter from LaGuer to Seth Mnookin 31 May 2013 Letter from LaGuer to Howard Manly 31 May 2013 Letter from LaGuer to Douglas Most 31 May 2013 Letter from LaGuer to Sean Kelly 3 June 2013 Letter from LaGuer to Adam Reilly 3 June 2013 Letter from LaGuer to Karen Anderson 3 June 2013 Letter from LaGuer to Harvey Silverglate 3 June 2013 Letter from LaGuer to David Boeri 3 June 2013 Letter from LaGuer to Dan Rea 3 June 2013 Letter from LaGuer to Jorge Ramos 3 June 2013 Letter from LaGuer to Matt Strout 3 June 2013 Letter from LaGuer to Elizabeth Vargas

Letter from LaGuer to Cynthia McFadden

Letter from LaGuer to John Strahinich

Letter from LaGuer to Michael Jeffries

Letter from LaGuer to Roger Lee
Letter from LaGuer to Deval Patrick
Letter from LaGuer to Isaac Dorenstein from
Letter from LaGuer to Maria Celeste from LaGuer
Letter to Jorge Ramos from LaGuer to Brett Connolly
Letter from LaGuer to Byron Barnett from LaGuer to
Jill Gadsby from LaGuer to Sara Suarez from
Letter LaGuer to Carmen Villaga
Letter to Elaine Kline Irizarry from LaGuer
Letter Letter from LaGuer to Deyal L. Patrick 24 June 2013
L to Anthony Bolden from LaGuer
L to Frank Rodriguez 24 June 2013
Letter etter aGuer from LaGuer to Kimberly Bookman
to Chris Lydon 24 June 2013
Letter from LaGuer to Helen Elaine Lee 24 June 2013
Letter Letter LaGuer to Gio Benitez 24 June 2013
from LaGuer to Lou Levesque 24 June 2013
Letter Letter LaGuer to Jim Nelson 24 June 2013
from LaGuer to Lester Holt 24 June 2013
Letter from LaGuer to Natacha Del Toro 24 June 2013
Letter from LaGuer
Letter from
Letter from
Letter from

Massachusetts General Hospital, GI Associates, Dr. Michael Thim Medical Records
No. 528747 (GMH) Tuesday, 23 July 2013

Lemuel Shattuck Hospital, Medical Records No. LS0004265633

Lemuel Shattuck Hospital, Medical records No. LS00115164, LS0004298154. Dr. Alene
Conant

Haywood Hospital, Account #35417807 Medical records 279875 Dr. Nikki F.
Pinkerton, MD.

Lemuel Shattuck Hospital, Medical Records No. LS000438019 5 September 2013

Letter from John LaGuer to Ben LaGuer 3 September 2013

Email from BenLaGuer to Ralph J. Cinquegrana 6 September 2013

Email from LaGuer to Joseph L. Kociubes 6 September 2013

Email from LaGuer to Kathrine P. Craven 6 September 2013

Email from LaGuer to Julio R. Hernando 6 September 2013

Email from Thomas Drechsler to LaGuer 6 September 2013

Email from LaGuer to Brian J. Gosselin 6 September 2013

Ronald S. Sullivan from LaGuer (email) 6 September 2013

Anthony J. Benedetti from LaGuer (email) 6 September 2013

Email from LaGuer to Nancy T. Bennett 6 September 2013

Email from LaGuer to James C. Rehnquist 6 September 2013

Email from LaGuer to Chief Roderick Ireland 6 September 2013

Email from LaGuer to Robert E. Terk 6 September 2013

Email from LaGuer to Donald Bromstein 6 September 2013

Email from LaGuer to Terry Scott Nagel 6 September 2013

Email from LaGuer to Anne C. Goldbach 6 September 2013

Email from LaGuer to John H. LaChance 6 September 2013

Letter from LaGuer to Cal Fussman 6 September 2013

Jeff Fager from LaGuer 6 September 2013

Letter from LaGuer to True Love 6 September 2013

Letter from LaGuer to John H. Richardson 6 September 2013

Letter from LaGuer to Shane Bishop 6 September 2013

Letter from LaGuer to Richard Blassberg 6 September 2013

Letter from LaGuer to Bostonmag John Wolfson 7 September 2013

Letter Isaac Borenstein from LaGuer 9 September 2013 Aida
to Letter to Ramos from LaGuer 9 September 2013 John C. Archer from
Letter to LaGuer 9 September 2013 Judi Irizarry from LaGuer 9
Letter to September 2013 Jann S. Wenner from LaGuer 9 September 2013
Letter to Anthorney J. Benedetti from 9 September 2013 David Boeri
Letter to from LaGuer 9 September 2013 Lawrence J. McGuire from
Letter to LaGuer 9 September 2014 Martin Healy from LaGuer 9
Letter to September 2013 Richard Soden from LaGuer 9 September 2013
Letter to Elaine Kline from LaGuer 9 September 2013 John Wolfson from
Letter to LaGuer 9 September 2013 Arnold Rosenfeld from LaGuer 9
Letter to September 2013 Paul Solotaroll from LaGuer 9 September 2013
Letter to Lou Levesque from LaGuer 9 September 2013 Donald
Letter to Muhammad from LaGuer 9 September 2013 Leslie Epstein from
Letter to LaGuer 9 September 2013 Margaret H. Marshall from LaGuer 9
Letter to September 2013
Letter to Christine P. Burak from LaGuer 9 September 2013 Herbert
Letter to Abrams from LaGuer 11 September 2013 Michael A. Collora from
Letter to LaGuer 11 September 2013 Harvey Silverglate from LaGuer 11
Letter to September 2013 Michael Harrington from LaGuer 11 September 2013
Letter to
Letter to
Letter to
Letter to

Letter to Scott L. HarShbarger from LaGuer 11 September 2013 Letter to Donald K.
Stern from LaGuer 11 September 2013

Email of Press Release to all contact groups on [gmail.com](mailto:) 17 September 2013 Email of Press Release to all
contact groups in [hotmail.com](mailto:) 18 September 2013 Email of Press Release to all contact emails on [hotmail.com](mailto:) 19
September 2013 Email from former Chief Justice Margaret Marshall to LaGuer 12 September 2013 Letter from
Kathleen Lee Prefontaine to LaGuer 16 October 2013

Letter from Pamela Lyons to Ben LaGuer 8 October 2013

Letter from Kathleen Lee Prefontaine to LaGuer 30 October 2013

Email from BenLaGuer@gmail.com to all contacts announcing 350 grand reward 2 December 2013
Email from BenLaGuer@gmail.com to all contacts Announcing 350 grand 3 December 2013
Posting of 350 grand Reward on website 4 December
Letter to Phillip Martin from Ben LaGuer 4 December
Letter to Adam Reilly from LaGuer 4 December
Letter to Douglas Starr from LaGuer 4 December
Letter to Jorge Ramos from LaGuer 4 December
Letter to Matt Strout from LaGuer 4 December
Letter to John Strahinich from LaGuer 4 December
Letter to Denise Lavoie from LaGuer 4 December
Letter to Jabob Cohen from LaGuer 4 December
Letter to Dianne Williamson from LaGuer 4 December
Letter to Jack Minch from LaGuer 4 December
Letter to George Barnes from LaGuer 4 December
Letter to Maria Stefanos from LaGuer 4 December
Letter to Brian McGrory from LaGuer 4 December
Letter to Peter Shwram from LaGuer 4 December
Letter to Jonathan Saltzman from LaGuer 4 December
Letter to Jim Braude from LaGuer 4 December
Letter to Gerald Russell from LaGuer 4 December
Letter to

Lenice May Plante DOB 5/9/24

Burbank Hospital Medical Records (now known as HealthAlliance Hospital) located at 275 Nichols Road, Fitchburg, MA 01420. Hospital Records #421004-3

Garden State Hospital, 500 Colony Rd., Gardner, MA 01440

Herbert Lipton Community Mental Health Center located at 10 Pleasant, Fitchburg, MA. Medical Records of Dr. James M. Bonner and James L. Kahn.

Leominster Hospital Medical Records (now known as HealthAlliance Hospital) located at 60 Hospital Road, Leominster, MA 01453 Medical Records #190340*0 25*91*47

Billing No. Veterans Insurance 000061920641

Caldwell Home (formerly Wright Nursing Home under the ownership of Leo Piro, 45 Ryefield, Fitchburg, MA 978.342.4765) located at 10 Prospect, Fitchburg, MA

Medical Records of Winchendon Health Center, Geriatric Psychiatry Program, 55 Hospital Drive, Winchendon, MA 01475

Veteran's Administration Hospital (now known as Veteran's Administration New England Healthcare System, director. at 1400 VFW Parkway, West Roxbury 02132 Tel 857.203.6000

Parole Board Supplemental Summary Report by Alicia Lapomardo of 12 April 2010

Ben LaGuer's Opening Statement to Parole Board of 22 April 2010

Letter from LaGuer to Pamela Lombardini of 26 April 2010

Letter from LaGuer to Candace Kochin of 26 April 2010

Letter to Leticia Munoz from LaGuer 26 April 2010

Letter to Cesar Archilla from LaGuer 26 April 2010 Letter to Roger Michel from LaGuer 27 April 2010 Letter from LaGuer to Thomas Merigan 26 April 2010

Letter and package of supporting documents in opposition by Sandra Hautanen and Michelle King 22 April 2010

National Black Police Association (NBPA) Statement Supporting the Release of Benjamin LaGuer of 21 April 2010 by Christopher C. Cooper.

Sex Offender Registry Board letter of Notice of Right to Submit Materials within 30 Days, Sex Offender Number 21900, dated 26 April 2010.

Letter to Tuft's Chief of Medicine Dr. Deeb Salem granting him a release to speak with John Silber, Leslie Epstein and Isaac Borenstein about diagnosis and treatment at the Multidisciplinary Liver Tumor Clinic 5 April 2010

Sentinel & Enterprise, Editorial, "No 'compelling reasons to parole' Benjamin LaGuer 25 April 2010

Sentinel & Enterprise, OpEd, LaGuer seeks support during his parole hearing by Ben LaGuer 2 April 2010

Sentinel.& Enterprise, Editorial, Right where he belongs 30 November 2007

Lemuel Shattuck Hospital, Primary physician include Dr. Benjamin Smith and Chief of Radiology Dr. Joseph F. Polak on Medical Record Number LS00115164

Tuft's Medical Center, Primary physicians include Dr. Kathy P. Theall, Lawton Shick, Richard J. Rohrer, Mark Bankoff, Walid Asaad, D.J. Magnani, PhD M.D. on Medical Records Number 00242-17-02 (Chief of Medicine Deeb Salem, M.D.)

Letter to Parole Board from BU Professor Stan Fisher

Letter to Parole Board from Georgetown Law Center Abbe L. Smith

Letter to Parole Board from John C Archer

Letter to Parole Board from Leslie Epstein

Letter from Terry Scott-Nagel to Ben LaGuer 25 July 2012 ("We will refer your case to an experienced member of our Post-Conviction ScreeningPanel.")

Letter from Max Stern to Ben LaGuer 25 July 2012

Letter from R Terk to B LaGuer July 27 July 2012

Letter from B LaGuer to R Terk 15 July 2012

Letter from R Terk to B LaGuer 31 July 2012

Email JC Peace to R Terk :..g--July 2012

Email from JC Pease to Terk. 30 July 2012

Email from gmail account to all groups 30 July 2012

"-----

Email from hotmail account to some groups 30 July 2012

Email from hotmail account to other groups 31 July 2012

Telephone message to Richard Fallon, Esquire 10 August 2012

Telephone message to Rosemary Scapicio Curren 10 August 2012

Tele..phone message to Janice Bassil 10 August 2012

Telegram message to John LaChance 10 August 2012

Letter from Julie Pease, Executive Clemency Coordinator of Advisory Board of Pardons, to Robert E. Terk 10 August 2012 ("After reviewing the materials you provided and following careful objective analysis, the Advisory Board of Pardons unanimously denied your request for a commutation hearing by a vote of 7-0. In reaching its decision, the Advisory Board of Pardon noted that you do not meet the threshold requirement set forth by the 2007 Governor's - Guideline as you have an administrative remedy available to you through the parole process in April 2015. The Board further noted that you received a full and thorough review of your parole in 2010 and at that time your parole was denied as your petition did not meet the legal standard for parole, For reasons stated, the commutation process unnecessary under these circumstances. A copy of the Board report will be forwarded to His Excellency, the Governor, for review.")

Letter from Robert E. Terk to Ben LaGuer 18 August 2012

Letter from John Silber to Ben LaGuer 3 August 2012

Letter from Ben LaGuer to Kenneth R. Himes, (BC.edu) 20 August 2012
Letter from Ben LaGuer to Deval Patrick 21 August 2012

Letter to Deval Patrick from Ben LaGuer 21 August 2012 (undated)

<p>Letter from ADA Lynn Morrill Turcotte to. Parole Board 19 June 2003 Letter from Julie Pease to Ben LaGuer 10 August 2012</p>	<p>Letter from B LaGuer to Dr Madeleine Biondolillo (official with the department of public health)</p>	<p>LaChance 16 September 2012 Letter from B LaGuer to Erika Humphries 15 September 2012 10 September</p>
<p>Letter from Julie Pease to Ben LaGuer 1 February 2008 Letter from ADA Jane A. Sullivan dated prior to December 2007 (orr file with Julie Pease)</p>	<p>Letter from B LaGuer to Stance Riley, MD (official with the department of public health) 11 September 2012</p>	
<p>Commutation Petition of Benjamin LaGuer W40280/Executive Clemency Unit 07-C-92 Case Summary</p>		
<p>Letter from Julie c. Pease to atty Robert Terk 29 August 2012 Letter from Elaine Fronhofer to B LaGuer 30 August 2012</p>		
<p>Letter from Julie.C. Pease to Gov. Deval Patrick 10 August 2012</p>	<p>Letter from Dorothy Mele of CPCS, Assignment Coordinator, notifying LaGuer of the assignment of John H. LaChance to represent him 11 September 2012</p>	
<p>Massachusetts Department of Correction Inmate Medical Grievance & Appeal form 6 September 2012 Medical Grievance from B LaGuer to Gene Chaison 6 September 2012 Medical Grievance to Gregg Nyman for Julie c. Pease from B LaGuer 6 September 2012 Letter from B LaGuer to Emily Rooney 6 September 2012 Letter from B LaGuer to Dianne Williamson 6 September 2012</p>		
<p>Letter from B LaGuer to Robert Terk 6 September 2012 Letter from B LaGuer to Deval Patrick 10 September 2012 Letter from B LaGuer to Abim Thomas 10 September</p>	<p>Letter from Ben LaGuer to John Strahinich 15 September 2012</p>	<p>012</p>
<p>Letter from B LaGuer to John Silber 9 September 2012</p>	<p>Letter from B LaGuer to John</p>	

Letter from B LaGuer to Susan Wadia-Ells 15 September 2012

Letter from B LaGuer to Eric Goldsheider 15 September 2012

Letter from B LaGuer to Michael Bello 16 September 2012

Letter from B LaGuer to Milton J. Valencia 16 September 2012

Letter Ben LaGuer to Jack Minch 16 September 2012

Letter from B LaGuer to Dante Ramos 16 September 2012

Letter from B LaGuer to Atty James c. Rehnquist 20 September (Releases)

Letter from B LaGuer to Atty Robert Terk 20 September 2012 (Releases)

Letter from B LaGuer to Jaye Weisman (US Department of Health .. and Human Services) 23 September 2012

Letter from B LaGuer to Dr Peter Page, M.D. (State Board Registration and medicine) 23 September 2012

Letter from CPCS Dorothy Mele to John H. LaChance 19 September 2012

Letter from John-H. LaChance to B LaGuer 26 September 2012

Letter from B LaGuer to John H. LaChance 29 September 2012

Letter to Deval Patrick from B LaGuer 2 October 2012 (requesting ft,Irlough to attend memorial service of John R Silber)

Letter from B LaGuer to John Strahinich 2 October 2012

Letter from B LaGuer to Dianne Williamson 2 October 2012

Letter from B LaGuer to Brad Dye 2 October 2012

Letter from B LaGuer to David Boeri 2 October 2012

Letter from B LaGuer to Brandeis U Innocence Project 4 October 2012

Letter from B LaGuer to Alex Theroux 4 October 2012

Letter from LaGuer to Thurgood Marshall Law School University Innocence Project 4 October 2012

Letter from B LaGuer to Ruth Nunez 4 October 2012

Letter from B LaGuer to Elaine Kline 4 October 2012 r.etter from B LaGuer to Kellie Bromes 4 October 2012

Letter from Ben LaGuer to Frank Rodriguez 4 October 2012

Letter from B LaGuer to MSP Col Timothy-P. Alben 5 October 2012

Letter from LaGuer to JFK School Christina Cole 5 October 2012

Letter from LaGuer to Edward R. Bedrosian, Jr., 5 October 2012

Letter from BL to MSPCL Director Guy Vallaro 5 October 2012

Letter to Dianne Williamson from BL 5 October 2012

Letter from B LaGuer to Dave Wedge 9 October 2012

Letter from LaGuer to Milton Valencia 9 October 2012

Letter from LaGuer to Matt Strout 9 October 2012

Letter from LaGuer to Chris Lydon 9 October 2012

Letter from LaGuer to Jack Minch 9 October 2012

Letter from LaGuer to John Strahinich 9 October 2012

Letter from LaGuer to Elaine Kline 9 October 2012

Letter from LaGuer to Bennett L. Gershman 9 October 2012

Letter from LaGuer to Adam Liptak 9 October 2012

Letter from LaGuer to Bradley Dye 9 October 2012

Letter from LaGuer to Lou Levesque 9 October 2012

Letter From LaGuer to John Yemma 15 October 2012

Letter from LaGuer to Cynthia McFadden 15 October

Letter from LaGuer to Ben Wallace-Wells 15 October 2012

Letter from LaGuer to Chris Jones (Esquire) 15 October

Letter from LaGuer to Marqela Garcia 15 October 2012

Letter from LaGuer to Scott J. Croteau 15 October

Letter from LaGuer to Learn Lamson 15 October 2012

Letter from LaGur to John R. Emshwiller (WSJ)· 15 October 2012

Letter from LaGuer to Jessie Kissinger (Esquire) 15 October

Letter from LaGuer to Jeff Jacoby (Globe) 15 October

Letter from LaGuer to Maureen Orth (VF) 15 October 2012

Letter from LaGuer to John Lozada 15 October 2012

Letter from LaGuer to Aida Ramos 19 October 2012

Letter from LaGuer to Elizabeth Bromes 19 October 2012

Letter from LaGuer to Elaine Kline 19 October 2012

Letter from LaGuer to Minister Don Muhammad 19 October 2012

Staff Pass to Medical Director from Ben LaGuer 13 October 2012

Staff Access Pass to Medical Dir. from LaGuer 19 October 2012

Staff Access Pass to Medical Dir. from LaGuer 26 October 2012

Staff Access Pass to Medical Dir. from LaGuer to 16 November 2012

Heywood Hospital, 242 Green Street, Gardner, 01440 (978) 632.3420

Medical Record #279875 / Billing Account #33804741

Dr. Seema Salib, MD

Notice of Assembly of Record from Clerk of the Courts 6 November 2012

Appeals Court Clerk's Office, Commonwealth v. LaGuer No. 2012-P-1785 is entered into the Appeals Court 9 November 2012

Letter from Board of Registration in Medicine to Ben LaGuer 13 November 2012

Letter from Howard Friedman to Ben LaGuer 12 November 2012

Letter from LaGuer to John H. LaChance 18 November 2012

Letter from LaGuer to Judi Irizarry 18 November 2012

Letter from LaGuer to Jack Minch 18 November 2012

Letter from LaGuer to Ellen Story 18 November 2012

Letter from LaGuer to Ben Wallace-Well 19 November 2012

Letter from LaGuer to Isaac Borenstein 19 November 2012

Letter from LaGuer to Frank Rodriguez 19 November 2012

Letter from LaGuer to Milton Valencia 19 November 2012

Letter from .Robert E. Terk to LaGuer 19 November 2012

Letter from LaGuer Bennett L. Gershman 19 November 2012

Letter from LaGuer to Rev Eugine Rivers 19 November 2012

Letter from LaGuer to David Boeri 19 November 2012

Letter from LaGuer to Matt Segal 19 November 2012

Letter from LaGuer to Dianne Williamson 19 November 2012

Letter from LaGuer to Eric Goldsheider 19 November 2012

Letter from LaGuer to Emily Rooney 19 November 2012

Letter from LaGtier to John Strahinich 19 November 2012

Lettei from LaGuer to Minister Don Muhammad 19 November 2012

Letter from LaGuer to Chris Lydon 19 November 2012

Letter from LaGuer to John c. Archer 19 November 2012

Letter from LaGuer to Elaine Kline 19 November 2012

Letter from LaGuer to LeslieEpstein 19 November 2012

Letter from LaGuer to John Hosty-Grinnell 19 November 2012

Letter from LaGuer to Cary Federman 19 November 2012

Letter from LaGuer to Karen Nugent 19 November 2012

Letter from ShafaiHasan to Ben LaGuer 8 November 2012

The Schuster Institute, 415 South Mailstop 043, Waltham, MA 02454 Goldfard Library

Letter from Atty Chester L. Tennyson, Jr. 15 November 2012

Letter from LaGuer to Howard Friedman 15 November 2012

Letter from LaGuer to Lemual Schattuck Hospital, Health Medical

Information, LS0004080057/LS00115164

Letter from LaGuer to Seith-Thomas Atkins 24 November 2012

Global Tel Link No. 1-866.230.7761

Letter to State Rep Harold Naughton, Jr from B LaGuer 3 December 2012

Letter to The Exoneration Project from B LaGuer 3 December 2012

Letter to Inspector General Glenn Cunha from LaGuer 3 December 2012

Letter to Jeffrey Toobin from B LaGuer 3 December 2012

Letter to Wirrniam c. Thompson from LaGuer 3 December 2012

Letter from Patricia J. William from LaGuer 3 December 2012

Letter from LaGuer to Adrian Walker 3 December 2012

Letter from LaGuer to Cynthia McFadden 3 December 2012

Letter from LaGuer to Jeff Jacoby 3 December 2012

Letter from B LaGuer to Judith Irizarry 3 December 2012

Letter from B LaGuer to State Police Crime Laboratory Director
Dr. Guy Vallaro, cc. Deval Patrick 4 December 2012

Letter from B LaGuer to First Assistant to AG Martha Coakley
Edward R. Bedrosian, Jr., cc Deval Patrick 4 December 2012

Letter from Rep. Bradley H. Jones, Jr. House Minority Leader. from B LaGuer 4 December 2012

Letter to Donovan Holn (GQ) from LaGuer 5 December 2012

Letter from LaGuer to Sean Flynn 5 December 2012

Letter from LaGuer to Innocence Project (NYC) 5 December 2012

Letter from LaGuer to James Parker (Atlantic) 5 December 2012

Letter from LaGuer to Tamara Fisher 6 December 2012

Letter from LaGuer to Elaine Xline 6 December 2012

Letter from LaGuer to Jim Dwyer 7 December 2012

Letter from LaGuer to Alex Theoux 8 December 2012

Letter from LaGuer to Carmeri Gauthier 8 December 2012

Letter to Leslie Epstein from LaGuer 8 December 2012

Letter from LaGuer to Karen Spence 8 December 2012

Letter from LaGuer to Frank Rodriguez 8 December 2012

Letter to David Grann from LaGuer 8 December 2012

Letter from LaGuer to Eugene Rivers 8 December 2012

Letter to Alexandra Styron from LaGuer 8 December 2012

Letter from LaGuer to Richard H. Chacon 8 December 2012

Letter from LaGuer to Re . Rey Hammond 8 December 2012

Letter from LaGuer to Frank Rodriguez 9 December 2012

Letter from LaGuer to Chris Cuomo 9 December 2012

Heywood Hospital, 242 Green Street, Gardner, MA 01440 No. 33804741
Seema Salib (MD), Quang Le (MD), Nithys Agrawal Venkatraman (MD), Srikant
Muddana (MD); Carrie Koumbis (RN), Melanie Hakala (RN), Aimee M.
Cormier (RN), Kristen Pezzolesi (RN), Patricia Fleming (RN), Christine
Meagher (RN), Mary Beth Keena (RN), Jamie Locke (RN) and Unis Barrett (RN)

Letter from LaGuer to Tina Rondeau 9 December 2012

Letter from LaGuer to Raffi Khatchadourian 10 December 2012

Letter from LaGuer to Isaac Chotiner 10 December 2012

Letter from LaGuer to Reeves Wiedeman 10 December 2012

Letter to Pastor Paul Robeson Ford from LaGuer 19 December 2012

Letter to Pastor Brandon T. Crowley from LaGuer 19 December 2012
Letter to Pastor Reymond Hammond from LaGuer 19 December 2012

Letter from LaGuer to Peter W nacott (WSJ) 24 December .2012

Letter from LaGuer to Neanda Salvaterra 24 December 2012

Letter from LaGuer to Jeff Tietz (RollingStone) 24 December 2012

Letter from Robert E. Terk to Gov. Deval L. Patrick 13 December 2012

Letter from Ann Thacher Anderson (Intake ACLU) to Ben LaGuer

13 December 2012

Letter from LaGuer to Ethan Bronner (NYtimes) 24 December 2012

Letter froLaGuer to Michael eoper (Nytime) 24 December 2012

Letter from LaGuer to Frank Rodriguez 24.December 2012

Letter from LaGuer to Jennifer Valentino-Devries 26 Dcember 2012

Letter from LaGuer to Gary Fields 26 December 2012

Letter to Colleen McCain Nelson 26 December 2012

Letter from LaGuer to James Forman, Jr., (Yale) 26 December 2012

Letter to *Rai* Rivera'from LaGuer 27 De ember 2012

Letter from Lizette Alvarez frm LaGuer 27 December 2012

Letter to Sam Roberts from L Guer 27 December 2012

Letter from Kathrine Q. Seelye from LaGuer 27 December 2012

Letter to Raymorid Hernandez from L Guer 27 December 2012

Letter from L Guer .to James Gorman 27 December 2012

Letter to Kenneth Chang from LaGuer 27 December 2012

Letter to Paul J. Reulbach from LaGuer 1 January 2013
Letter to Evelyn Hernandez; from LaGuer 1 January 2013
Letter to Martin Sheen from LaGuer 1 January 2013
Letter to "Kate Zernicke from LaGuer 1 January 2013
Letter to Benjamin Sherwood from LaGuer 1 January 2013
Letter to Charlie Savage from LaGuer 1 January 2013
Letter to James Taylor from LaGuer 1 January 2013
Letter to Frank Rodriguez from LaGuer 1 January 2013

Letter to Maureen Dowd from LaGuer 4 January 2013
Letter to Frank Rich from LaGuer 4 January 2013

Letter from LaGuer to Center for Wrongful Convictions 4 January 2013
Letter to Margaret Sand from LaGuer 4 January 2013
Letter from LaGuer to John Yemma 4 January 2013

Letter to Danzell Washington from LaGuer 4 January 2013

Letter to John H. LaChance from LaGuer 4 January 2013

Letter to Joseph Stanton (Appeals Court) from LaGuer 4 January 2013
Letter from LaGuer to Theo Emery 4 January 2013
Letter to Richard Finocchio (MA/IG) from LaGuer 6 January 2013

Letter from LaGuer to Barbara Hansberry 6 January 2013
Letter from LaGuer Rep. David Linsky (D-Newton) 6 January 2013

Letter from LaGuer to John K. McCarthy 6 January 2013
Letter from Harold P. Naughton to LaGuer 6 January 2013
Letter from LaGuer to Hendrik Hertzberg 6 January 2013

Letter from LaGuer to Sen. Patrick Leahy 6 January 2013

Letter from LaGuer to US Sen. Charles Grassley 6 January 2013
Letter from LaGuer to Ruben Santiago-Hudson 6 January 2013

Letter to Ted Daniels from LaGuer 6 January 2013
Letter from LaGuer to Karen Anderson 6 January 2013
Letter from LaGuer to Brad Dye 6 January 2012

Letter from LaGuer to Dean Mazzone (AG/Criminal Bureau)
7 January 2013

Letter from LaGuer to James O'Brien (AG/Public Integrity)
7 January 2013
Letter from LaGuer to Patrick Hanley (Major Crimes/AG)
7 January 2013

Letter from LaGuer to Eileen O'Brien (AG/Criminal Bureau)

7 January 2013

Letter from LaGuer to Lou Levesque 8 January 2013

-Boston Herald, "Breach of Protocol" crime lab closed amid allegations of mishandled drug evidence, By Matt Strout, Richard Weir and Chris Cassidy 31 August 2012; Metro, Chemist eyed in major breach at state crime lab by Michael Naughton 31 August 2012 ("This is deeply troubling information. No breach this serious can or will be tolerated," said Gov. Deval Patrick.); Boston Globe State says chemist imperiled evidence, Talks of retrial, false convictions by Milton J. Valencia 31 August 2012; Statehouse News Service, Defense lawyers raise questions after closing of crime lab by Colleen (Boston Globe, B3) 5 September 2012; Boston Globe, DA's fret at lapses found at drug lab, letter to Patrick worries

34,000 cases are affected by Milton J. Valencia 6 September 2012

"We need more information. Our paramount concern is making sure justice is served, and we don't want to see anybody behind bars that doesn't deserve to be there," said Worcester District Attorney Joseph D. Early Jr., head of the District Attorney's Association.) Boston Globe Seized drug's destruction may imperil convictions by John R. Ellement 8 September 2012; Associated Press, Mass.

Chemist in lab shutdown handled 50,000 samples by Denise Lavoie

5 September 2012; Editorial, Telegram, Suspected Chemist,

10 September 2012 ("What matters most is integrity. Unfortunately, that is not something a precision laboratory scale or any other equipment can measure." ; Boston Herald, DAs seek state help tracing tainted cases by Matt Stout 6 September 2012; Boston Globe!

Lawyers work on druggiest challenge, guidelines follow state lab closure by Milton J. Valencia 7 September 2012; Associated Press, Patrick: 'Breakdown in oversight' at-crime lab by Denise Lavoie 10 September 2012; Boston Herald, State lab breach could alter some federal sentences by Erin Smith 15 September 2012;

Metro, State health official resigns amid lab crisis by Michael Naughton 18 September 2012; Boston Herald, Lab scandal see doubling of caseload by Matt Strout 21 September 2012; Metro, Exprosecutor will lead drug lab review 21-23 September 2012 by Michael Naughton; Boston Herald, Bosses who lost jobs at drug lab missed 'Red Flags' by Dave Wedge & Erin Smith 14 September 2012; Boston Herald, Editorial, Come clean on crime lab 14 September 2012; Telegram, Editorial, Clues to a chemist 28 September 2012; Boston Herald, Chemist arrest puts state drug labs in jeopardy by Chris Cassidy & Laurel J. Sweet 22 January 2013 ("The arrest of a second drug lab chemist accused of evidence tampering," Sonja Farak, 35, of Northhamptom will be arraigned today.); Boston Herald, Chemist charged in latest state drug lab scandal by Laurel J. Sweet

and Chris Cassidy 21 January 2013 ("This scandal might pale in comparison to the Dookhan scandal, but what scandal wouldn't? asked attorney Matthew R. Segal, legal director of the Civil Liberties Union of Massachusetts.)

North Central Correctional Institution Health Center, operated under a Commonwealth Medicine of UMASS Worcester contract, Principle physicians are Jesse Hammond, PA., Dr. Lawrence Churchville (Chief of Medicine Dr. Thomas Grubolesky.)

Defense attorneys have been James J. Brady, Peter L. Ettenberg, Michael V. Caplette, Brendan P. Murray, Robert E. Terk, Leigh Crawford, Barry H. Berke, Jack Cunha, Patricia O'Neill, John H. LaChance, Syrie D. Fried, Tamara Fisher, Robert Cordy, Judi Goldberg, Mark Pearlstein, Steve W. Kasten, David M. Siegel, Marianne Kim, Kathleen Luz, Nicholas Gray III, Joshua Stayn, James C. Rehnquist, Elizabeth Billowitz, Isaac Borenstein.

Judicial researchers Maximilian E. Sirianni, Aaron S. Amaral, Jaye L. Samuels, Julie A. Bellavia, Regine Theodat, Melina E. Neely, Jesse Boodoo, Jill Fieldstein, David R. Seigel, Debe Gledhill, John R. Russell, Julie A. Bellavia.

Pretrial Defense investigators Nancy Martinez and Robert Hammack; Richard D. Slowe on posttrial conviction motions.

Attorneys Nancy Gertner, John Reinstein, Abbe Smith, Williams Montross, Kimberly Hawkins, David Gibbs and Johnathan P. Cook for Lawyers Committee for Civil Rights of the Boston Bar Ass'n, & others, amici curiae.

District Attorney John J. Conte (a Dukakis appointee since 1976); Assistant District Attorneys are Eileen Jedrzynski, Paul F. Bolton, Phillip E. Shea, James R. Lemire, Lynn M. Turcotte, Kathrine E. McMahan, Sandra P. Wysocki, Linda G. Katz, Leon Zitowitz, Daniel F. Tooney, Maurice O'Brian, Harry D. Quick, Sandra L. Hautanen and Joseph J. Reilly III

District Court Judge Matthew R. McCann on arraignment; Superior Court Judge James H. Donahue on bail and pretrial motions; Judge William C. O'Neil on denial of defense request for victim's medical records; Robert V. Mulkern on trial and post-conviction motions. After Mulkern retired, in 1992, Judge Herbert F. Travers was assigned. In 1999, Judge Timothy Hillman presided over the post-conviction proceedings. Since 2011, Judge Richard T. Tucker is presiding for a motion for a new trial..

Leominster Police Department (29 Church St, Leominster, MA 01453 978-534-7560) officials are Chief Alan J. Gallagher (retired); Lt. Arthur Caisse (retired); Lt. Francis Arial (retired) Lt. Robert Hebert (retired); Det. Ronald N. Carignan (deceased); Det. Keith E. LaPrade (retired); Patrolmen Timothy Monahan (retired); Roland LaPointe (retired); Charles DePerri (retired); John R. Tata (unknown) Raymond A. Booth (remains in active service, along with) John Gianninis; Jane Hatstat; Lt. Michelle D. Pelleccia and; Dean J. Mazzarella (currently Mayor of the City of Leominster)

State Police Troopers are Arthur Martin (#1428), William Kokocinski, Richard D. McKeon (#1814); Stephen E. Kelly (#2197); Lt. Ralph F. Defuria; Lt Francis Moore and Captain William P. Horgan; Marian J. McGovern; Robert O'Neil

State Police Crime Laboratory Criminalist in this case are Mark T. Grant (1983); Paul J. Malone (1983); "LJH" (1984); Gwen Boisvert (1988); Karoline M. LeClair (1989); Regina Cameron (2000); Gwen Pino; (2000); Mary K. McGilvray (2000); Carl M. Selavka (2000); Frederick Bieber (2000) and; Kellie Bogosian (2001)

Appeals Court 1996 (Kass, Dreben & Spina); Appeals Court 1994 (Kass, Kaplan and Fine); Supreme Judicial Court 1991 (Liacos, Wilkins, Nolon, O'Conner and Greaney; Appeals Court 1985 (Armstrong, Dreden and Smith)

Court Appointed Psychiatrist Lawrence M. Hipsh mire; Department of Corrections Appointed Psychiatrist Daniel M. Weiss; Department of Corrections Appointed Psychologist Marcelino DeLeon; Olga DeAlma and Department of Corrections psychiatrist Harrison O'Connor
The twelve deliberating jurors, plus one alternate, are jury foreman James W. Dalzell of Worcester (508-853-6482); Joseph F. Novak of Worcester (508-753-1856) ; William P. Nowick of Worcester; Michael Schiavone of Worcester (508-852-3385); Helmut Lelke of Southboro; Stephen J Martin of Oxford (508-987-0111); Ernest H. Rice of Lancaster; John T. Hickey of Cherry Valley; Robert M. Racicot of Uxbridge; Alan W. Harty of Barre; Claudio G. Proulz of Southbridge; Gerald Scanlon of Spencer and; Reno H. Pigalargi of Milford
The two nurses who were on staff during the hours of Plante's alleged photo identification are Carol Griffin and Liza Rowe.

A Rape Crisis Counsellor from the Fitchburg Luk Agency was Linda K. Reedy (James Lemire removed her from Carignan's suggested list of witnesses) and Ruth Givens

Jose Gomez is the true perpetrator of this crime: Jose Gomez, 89 Adam Street, Leominster, MA 01420 978-665-0188. Felicita Gomez, Jose's mother, lives in 143 Meadowbrook Lane, Fitchburg, MA 01420

State Parole Board members include Terrance J. McArdle, Robert Murphy, Sheila Ann Hubbard, Daniel M. Dewey, Michael J. Poramole, Maureen E. Walsh, Mary Ellen Doyle, Doris Dodrige, John P. Kivlan, Candace J. Kochin, Thomas F. Merigan, Jr., Leticia S. Munoz, Roger L. Michael, Jr., Mark A. Conrad, Cesar A. Archilla, Pamela Lombardini. Ina R. Howard—Hogan, Charlene M. Bonner, Lucy M. Soto—Abbe, John M. Bocon

Juan Garcia, Manuel Garcia, Aida Garcia, Maria Cruet Garcia, Justina Cruet, Flora Cruet Felix, Andrea Cruet Felix, Josefina Cruet Felix, Fonza Cruet, Lydia Cruet Felix, Emitterio Cruet Felix, Juanita Cruet Felix, Maria Del Carmen Felix, Malta Maria Escobar Felix, Carmen Soccoro Escobar Felix, Andre Alvarado Escobar Felix, Rafael Escobar Felix, Luis Alberto Escobar Felix, Andre Escobar Felix, Carmen Nereida Escobar Felix, Giovanni Escobar Felix, Cheguan Escobar Felix, Jaime Escobar Felix, Miriana Escobar Felix, Miriam Escobar Felix, Leticia Escobar Felix, Miguel Angel Santiago, Enrique Ramos, Milagros Ramos, Orlando Ramos Felix, Jose Alcadio Felix, Luz Eneida Ramos Felix, Magdalene Santana, Nydia Santana, Luperto Gonzalez LaGuer, Anna Gonzalez, Gregorio Gonzalez, Raquel Gonzalez Correa, Basilia Monte Gonzalez, Carmen Basilia Gonzalez Martinex, Iraida Cepeda, Mario Gonzalez, Carmen Correa, Benjamin LaGuer, Eliezar LaGuer, David LaGuer, Judy LaGuer trizarry, Elizabeth LaGuer Bromes, Javier Irizarry, Elaine Irizarry Kline, Laurie Ramos, Emily Rose Ramos, Kelly Bromes, Ebony Bromes, Jonathan Ramos, Monzaratte Ruiz-Elias, Cornilius Cruz, Carmen Cruz, Rey Cruz, Ismael Cruz, Santo Cruz, Monzeratte Cruz, Nemias, Isaias Cruz, Elizabeth Cruz Santana, Luca Cruz, Anna Cruz Velez, Antonio Cruz Nieves, Nilda Cruz Nieves, Maigdalia Nieves Cruz, Rebecca Nieves Cruz, Lucy Cruz, Herman Velez, Herman Velez, Jr., Richard Velez, Edith Cruz Santiago, Lourdes Cruz, Nolen Irizarry

Kline, Robert Garcia, Frank Rodriguez, Sinatra Rodriguez, Robert

Garcia, Jr., Ruth Nunez, Lucy Nunez, Sonia Cruz, Leticia Felix Escobar Cruet, Miriam Garcia Felix Escobar, Maria Felix, Diana Escobar, Leticia Felix Cruet, Jose Luis Escobar, Lucy Nunez, Miriam L. Escobar, Anna Iris Escobar, Milagros Felix Cruet, James Wright, Tammy Hamilton, Marisol Garcia, Benny Garcia, Jackie Mitchell, Michael Robinson, Nilda Morales, Patricia Morales, Marie Lee, Roger Nilson Lee, Monika Patterson, Yvette Martinez, Bertha Proctor, Loretta Stevens, Jose Algarin, Betsy Algarin, Carmen Delgado, Evelyn Delgado, Delgado Algarin, David Cervantes, Antoinette Patterson, Polly Jones Tatum, Wendy Singleton, Coby Hazard, Manuel Cotto, William Wood, Bill "Druani" Wood, Robin Rondeau, Marcelino DeLeon, William Daily, Richard LaBelle, Raymond S. Cochran, Raymond Benoit, Dennis Benoit, William J. Plante, Jose Luis Navarro, Reynaldo Vazquez, Christine Basque, Way Dupuis, Russell Pouliot, Frances Pouliot, Retta Pouliot, William Madera,

Glossary of Names

Adams, Brian	One of two boys who found the victim's pocketbook by a stream two blocks away from her apartment a month after the attack and turned it over to officers Tata and Booth of the Leominster Police.
Arnold, David	A Boston Globe reporter who covered LaGuer's case.
Barry, Elizabeth	The victim's daughter.
Barry, Robert	The victim's son in law.
Basque, Christine	Potential alibi witness identified by Martinez and Hammack.
Benoit, Dennis	The maintenance man for the building where both LaGuer and the victim lived.
Berke, Barry	A Harvard Law School student who assisted LaGuer during his 1989 hearing.
Blake, Dr. Edward	The forensic scientist who derived a DNA profile.
Bogosian, Kellie Ann	State Police lab technician assigned to observe DNA testing in Blake's laboratory.
Bolton, Paul F.	The lawyer who examined Carignan during his grand jury testimony.
Bonifaz, John	MacArthur "genius" award winner who wrote to the parole board on LaGuer's behalf.
Booth, Raymond	One of the first officers at the crime scene. He also responded when the victim's pocketbook was found.

Boyer, Peter J.	Wrote a New Yorker article, "DNA On Trial: The Test is Irrefutable, so Why Doesn't it Always Work?" (1/17/00). Conte's office gave it to Hillman to impugn Blake's reputation.
Brown, Deborah	Emergency room nurse present when Dr. William Siegel examined the victim.
Bruun, Matt	Worcester Telegram & Gazette reporter who covered the hearings leading to the DNA test.
Caisse, Lt. Arthur	Officer who accompanied Carignan on July 16, 1983 to look for more evidence.
Caplette, Michael V.	Court appointed lawyer during LaGuer's first appeal. In May 2001 he sent some documents but withheld others claiming were his "work product."
Carignan, Ronald	Detective who investigated the crime and searched LaGuer's apartment. He based his police report notes he later admitted to destroying. A 25-year veteran of the Leominster Police, he testified against LaGuer.
Carluccio, Kent	The man, according to a secret file, whose house LaGuer was suspected of breaking into in 1980.
Cass, Ronald A.	Dean of the BU Law School and a LaGuer supporter.
Chomsky, Noam	MIT professor who wrote to the parole board on LaGuer's behalf.
Cochran, Raymond S.	Manager of the apartment complex where both LaGuer and the victim lived.
Coleman, Roger	A man executed in Virginia in 1992 after Blake analyzed evidence from the crime he was accused of.
Colson, Sydney	LaGuer's brother-in-law. An erroneous secret file stated he assaulted LaGuer in 1980.
Conte, John J.	The Worcester County district attorney since 1976.
Cordy, Robert	A managing partner at McDermott, Will & Emery, who would go on to the Massachusetts Supreme Judicial Court. Cordy tried to establish a protocol for doing DNA tests of the evidence in LaGuer's case.
Crowley, Dr. Francis	Leominster hospital physician who wrote the victim's discharge report.

Dalzell, James	The foreman of the jury that convicted LaGuer.
Decter, Sheila	Director of the American Jewish Congress who wrote the parole board on LaGuer's behalf.
DiPerri, Raymond	One of the first officers to arrive at the crime scene.
Dreben, Raya S.	One of three justices to hear LaGuer's 1998 appeal based on exclusion of women from the jury in 1984. She also heard LaGuer's 1985 appeal.
Dukakis, Michael S.	Former Governor who appointed Conte as district attorney for Worcester County.
Epstein, Leslie	A novelist and the director of the Boston University creative writing program and LaGuer supporter.
Espada, Martin	A Puerto Rican poet and lawyer who wrote to the parole board on LaGuer's behalf.
Estebanez, Natasha	A WGBH producer who, in 1989, made an Emmy Award-nominated documentary on LaGuer called "Sentenced to Life."
Ettenberg, Peter L.	LaGuer's lawyer from July 1983 to January 1984.
Farrell, John Aloysius	Boston Globe reporter who wrote two articles in September 2000 on Roger Coleman who many people believe was wrongfully executed after Blake analyzed evidence from the crime he was accused of. Conte's office sent these articles to Hillman to impugn Blake's reputation.
Finnegan, Peter C.	Investigator who came forward in 1991 with a report that a Leominster bartender twice heard Gomez admit to attacking Plante.
Fisher, Tamara	One of four attorneys at McDermott, Will & Emery to defend LaGuer between 1998 and 2001.
Fletcher, Allen	Publisher of Worcester Magazine who supported LaGuer. He wrote to the parole board on LaGuer's behalf.
Flynn, Sean	A writer for the Boston Phoenix and Boston Magazine who called for LaGuer's release in print and in a letter to the parole board.
Gates Jr., Henry Louis	Harvard professor who wrote to the parole board on LaGuer's behalf.

Goldberg, Judi	One of four attorneys at McDermott, Will & Emery to defend LaGuer between 1998 and 2001.
Gomez, Jose Orlando	A man LaGuer's private investigators identified as a "likelier suspect" in 1983.
Grant, Mark T.	The police chemist who analyzed evidence associated with the crime. He testified at LaGuer's 1989 hearing and he provided a sworn statement on May 8, 2000 authenticating the evidence.
Grossi, Linda	A nurse who attended to the victim and who noted that the victim was being followed for schizophrenia.
Hall, David	Northeastern University provost and LaGuer supporter.
Hammack, Robert A.	A private investigator who worked with Nancy Martinez in 1983. They identified potential alibi witnesses and a "likelier suspect."
Hatstat, Jane	Leominster Police dispatcher who faxed LaGuer's 38-page file to Leon Zitowitz in Conte's office.
Hautanen, Sandra	Assistant district attorney who handled LaGuer's efforts to get DNA tests and to obtain prosecutors' notes and files.
Hebert, Robert	A 28-year veteran of the Leominster Police was one of the first officers at the crime.
Higgins, Jacki J.	Staff DNA analyst at Cellmark Diagnostics who examined the rape kit.
Hillman, Timothy J.	The judge previously hearing LaGuer's case and DNA proceedings.
Hipschman, Lawrence	Psychiatrist who examined LaGuer before sentencing in February 1984.
Johnson, Barbara D.	Director of the parole board who wrote to Conte in 1998 to inform him of LaGuer's upcoming parole hearing. Conte's margin notes show he summoned his three top aides the day he received her letter.
Jurkowitz, Mark	The Boston Globe media reporter who wrote about LaGuer's prowess in promoting his cause.
Kass, Rudolph	One of three justices who heard LaGuer's 1998 appeal based on exclusion of women from the jury in his 1984 trial.

Kelly, Stephen	State police trooper who compiled inventories and interviewed Dr. William Siegel and Mark T. Grant as part of authenticating the evidence in 2000.
King, John	AP reporter who corroborated statements made to John Strahinich by juror William Nowick that racist slurs were uttered by jurors in LaGuer's trial. He went on to be the chief CNN White House correspondent.
Kokocinski, William	State Police trooper who signed for evidence kept in the Leominster Police station from 1984 to 1989. He also obtained blood from the victim in 1987. And in 1991 he interviewed jurors said to have made racist comments during the 1984 trial.
L. J. H.	Initials attached to a sock in a bundle of eight socks that inexplicably appeared with the evidence. The tag, mentioned in a May 2000 inventory, is marked "COMM No 17, 6/21/84 LJH."
LaGuer, Benjamin	Convicted of raping his 59-year-old neighbor in 1983.
LaGuer, Luperto	Benjamin LaGuer's father.
LaPointe, Roland	Officer who accompanied Carignan and LaPrade to execute the search of LaGuer's apartment.
LaPrade Jr., Keith E.	Carignan's partner who helped search LaGuer's apartment. He witnessed that "nothing" was taken.
LeClair, Caroline	Police chemist who testified at LaGuer's 1989 hearing.
Lemire, James R.	Assistant district attorney who prosecuted LaGuer in 1984 and who opposed his bid to have the conviction overturned in 1989.
Lydon, Christopher	Boston journalist who wrote to the parole board on LaGuer's behalf.
Malone, Paul J.	Police chemist, "PJM", who received the hospital specimens and items from the victim's apartment that Carignan delivered on July 20, 1983.
Mandell, Andrew	An attorney, now judge. Ettenberg hired him when LaGuer accused Ettenberg of prompting LaGuer to mix Partridge's saliva with his.

Martin, Lt. Arthur	State police trooper who reported to Carignan that fingerprints found on the telephone, the cord of which had been used to tie the victim's wrists, did not match LaGuer's. LaGuer didn't see Trooper Martin's report until November 2001.
Martin, Steven J.	Juror who told Worcester Telegram & Gazette reporter Matt Bruun in 2002, "we saw an animal," referring to LaGuer's 1984 trial.
Martinez, Nancy (Dickman)	Private investigator who worked with Robert Hammack in 1983. They identified potential alibi witnesses and a likelier suspect.
Mazzarella, Dean	One of the first officers to arrive at the crime scene. He is now mayor of Leominster.
McMahon, Kate	Assistant district attorney who instructed Ptak to turn evidence over to the State Police.
Meadows, Dr. Edmund	A physician at the Leominster Hospital who saw the victim while she was hospitalized. He now lives in New Hampshire.
Mitchell, Oliver	Lawyer LaGuer paid \$8,000 in 1996 to help him access evidence for DNA testing.
Monahan, Timothy E.	A seven-year veteran of the Leominster Police and one of the first officers at the crime scene.
Muhammad, Don	A Nation of Islam minister in the Boston area and steadfast LaGuer supporter. He wrote to the parole board on LaGuer's behalf.
Mulkern, Robert V.	Judge who presided over LaGuer's 1984 trial, the 1985 hearing on Carignan's grand jury testimony, the 1989 hearings on physical evidence, and the 1991 fact finding hearing regarding alleged juror racism.
Nangle, Richard	A reporter for the Fitchburg - Leominster Sentinel and Enterprise who wrote a four-part series in 1986 and was the first reporter to raise serious doubts about LaGuer's conviction. He also wrote a letter in on LaGuer's behalf.
Neufeld, Peter	A lawyer with the Innocence Project who filed an affidavit stating that if sperm existed on only one hair in the rape kit it would constitute "deliberate indifference" not to send it to Blake for testing.
Novak, Joseph F.	Juror William Nowick identified as uttering bigoted slurs during LaGuer's 1984 trial.

Nowick, William	Juror who told Strahinich that bigoted slurs were uttered during LaGuer's 1984 trial.
Ogletree, Charles	A Harvard Law School professor who questioned the fairness of LaGuer's conviction and who wrote a letter on LaGuer's behalf to the parole board.
O'Niel, William Jr.	Judge who heard a pre-trial motion in January 1984 on the admissibility of the victim's psychiatric records. He deferred the decision on whether the records were admissible to the trial judge who never got to rule on that question because LaGuer's lawyer failed to ask him to.
Partridge, David	Prisoner with whose saliva LaGuer mixed his before submitting it for testing. According to LaGuer, Partridge was Ettenberg's client and was known to Ettenberg to have a blood type other than 'O'.
Patrick, Deval L.	Former assistant U.S. attorney general for civil rights and now general counsel to Coca Cola, he wrote the parole board on LaGuer's behalf.
Pellecchia, Michele	Leominster police officer who responded to Wysocki's 1998 inquiry, informing her that evidence she was seeking was sent to Worcester Superior Court nine years earlier.
Pino, Gwen (Boisvert)	Generated the state police inventory of the rape kit before it was sent to Cellmark Diagnostics in Maryland to be divided between them and Forensic Science Associates in California.
Pinsky, Robert	Former United States poet laureate who wrote to the parole board on LaGuer's behalf in 2000.
Plante, Lenice	The 59-year-old victim of the crime for which LaGuer was convicted.
Rondeau, Frances	Potential alibi witness identified by Martinez and Hammack.
Rondeau, Retta	Tina Rondeau sister and a potential alibi witness identified by Martinez and Hammack.
Rondeau, Tina	LaGuer's old girlfriend who was out of town when he went to see her on the night of July 12, 1983.

Ptak, Francis J. Jr.	Leominster police officer who created an inventory of evidence stored in the police station from 1984 to 1989. He contacted Lemire after LaGuer's lawyer found the evidence.
Quick, Harry	Head of the criminal division in the Worcester district attorney's office. He was summoned by Conte the day Conte received notice of LaGuer's 1998 parole board hearing.
Ramos, Aida	LaGuer's sister who was present during a speaker-phone conversation between Terk and Mandell.
Rivers, Eugene	Boston religious leader who wrote to the parole board on LaGuer's behalf.
Sandler, Tim	Boston Phoenix, and later NBC Dateline, reporter. He wrote a letter asking for a reduction in LaGuer's sentence.
Seelye, Tracy F.	Fitchburg Sentinel-Enterprise reporter who interviewed Ettenberg in December 1986.
Siegel, David	One of LaGuer's lawyers from 1999 to the present.
Siegel, Dr. William Craig	Emergency room physician who examined the victim. He also provided a sworn statement in 2000 authenticating the rape kit.
Silber, John	Chancellor of Boston University and former Democratic candidate for Governor of Massachusetts who championed LaGuer's cause after visiting him in prison. Silber helped arrange for legal representation and paid much of the costs for DNA testing.
Slowe, Richard	A private investigator and former FBI special agent and prosecutor. LaGuer's team hired him in 1999 to make sure the evidence they found in the Worcester Superior court was handled properly. Slowe submitted an affidavit that the seal on the evidence was broke when he and LaGuer's lawyers found it.
Spina, Francis X.	One of three justices to hear LaGuer's 1998 appeal based on exclusion of women from his jury.
Strahinich, John	Wrote two major articles questioning the fairness of LaGuer's trial. A juror told him of racist comments uttered during deliberations. He encouraged LaGuer to write his story and shorter articles for publication, including in Boston Magazine. He also wrote to the parole board on LaGuer's behalf.

Styron, William	The Pulitzer Prize-winning author wrote to the parole board on LaGuer's behalf in 2000.
Tata, John R.	Officer responding with Booth when the victim's pocketbook was found a month after the attack.
Taylor, John	Writer of the May 1994 Esquire Magazine article about Mulkern's fact-finding hearing. His story included that LaGuer mixed saliva with another prisoner in 1983. Taylor also wrote to the parole board on LaGuer's behalf.
Terk, Robert	Fitchburg lawyer who advised LaGuer during his 1989 hearing. He found the box of evidence in the Leominster Police station which Lemire had stated in court two weeks earlier was missing.
Theroux, Alexander	A novelist and LaGuer supporter.
Tovares, Joseph	Producer of La Plaza, a television news magazine specializing in stories about the Latino community.
Travers, Herbert F.	Superior Court Judge who denied without a hearing LaGuer's 1996 request for DNA testing.
Turcotte, Lynn	Head of the appellate division, Conte summoned her the day he received notice of LaGuer's 1998 parole hearing. She was Wysocki's boss.
Walker, Adrian	Boston Globe columnist who called for DNA testing.
Weiss, Daniel M.	A prison psychiatrist who wrote in 1984 that he did not consider LaGuer to be sexually dangerous.
Weld, William	The former Governor of Massachusetts who once belonged to McDermott, Will & Emery, and the law firm that took LaGuer on as a pro bono client.
Williamson, Dianne	Worcester Telegram & Gazette columnist.
Wilson, Randy	A potential alibi witness who was with LaGuer on the night of July 12, 1983.

Wysocki Capplis, Sandra P.	A former assistant district attorney who sent a 1998 letter to the Leominster Police inquiring about the whereabouts of the rape kit. She opposed LaGuer during a telephone hearing with three justices on whether LaGuer's lawyer erred in keeping women off the jury in his 1984 trial. LaGuer didn't see Wysocki's 1998 letter until April 2001.
Zitowitz, Leon	Conte's top aide who requested and received LaGuer's 38-page Leominster Police file in 1998.

Human Errors in Forensics

“Although best known for clearing the wrongfully convicted, DNA evidence has linked innocent people to crimes. In the lab, it can be contaminated or mislabeled; samples can be switched. In the courtroom, its significance has been overstated by lawyers or misunderstood by jurors.”

Los Angeles Times, 1/1/09

Boston Globe, DNA chief fired over crime lab problems by Jonathan Saltzman 14 April 2007 (Robert E. Pino was terminated of his employment by the secretary of public safety.); Telegram & Gazette, Shocking backlog/State Police lab faces new crisis (editorial) of 22 July 2007 (“The situation is intolerable and legislators and administration must continue to press for new policies and procedures. . . some aspects of the organization of the laboratory itself seem to virtually guarantee performance that is mediocre or worse. . . there was no one to alert the lab when evidence astray or, worst, if a single individual elected to delay or misrepresent it.”); Boston Globe, Chaos at the crime lab (editorial) 20 July 2007 (“The Patrick administration should be wary of culturing scapegoats as it begins its reform of forensic units. . . Burke, after all, had termed the DNA lab “disgraceful” back in 2001, when he served as Essex County district attorney. Now he’s in a position to do something about it.”); Boston Herald, Deval forwards LaGuer letter by Dave Wedge 25 July 2007 (Gov Deval Patrick, who has vowed a hands off approach in the Ben LaGuer case, is raising eyebrows after his office forwarded a request for a review of the convicted rapist’s case to top administration officials. “There is absolutely no investigation whatsoever taking place in the LaGuer case,” said Public safety spokesman Charlie McDonald.”); Boston Globe, Backlog at crime lab is in dispute, Prosecutors say it’s 2000 cases by John R. Ellement 26 July 2007 (“Told of the prosecutors’ criticism yesterday,” chief Kevin Burke “insisted that the study found 16,000 untested biological samples that must be processed. He said there is only a difference in semantics. . .” I think we are on the same book and page about it,” Burke said. “Everyone is looking at these cases to determine their status, and there will be cases where no action needs to be taken.” Essex County district attorney Jonathan W. Blodgett said, “we are all disturbed that there would be some implication that somehow we are covering up or hiding something, because that’s just not true.” Berkshire County district attorney David F. Capeless said, “The lab isn’t in any way connected to a case involving a wrongful conviction.” Boston Globe, lab woes might delay Entwistle murder trial by Michael Levenson 25 July 2007 (“The DAs keenly remember when newspapers were full of horrid stories of men who were wrongfully convicted and went to prison for very long period of time;” said Geline W. Williams, executive director of the Mass. Assn. of district attorneys, adding, “Because they may find that needle in a haystack that makes a big difference in somebody’s life, we’re going to go through and weed out cases. . . and then hone in on what is untested and that maybe needs a second look.”); New York Times, Study of Wrongful convictions raise Questions beyond DNA by Adam Liptak of 23 July 2007 (Brandon L. Garrett, a law professor at the University of

Virginia, has, for the first time, systematically examined the 200 cases, in which innocent people served on average of 12 years in prison. In each case, of course, the evidence used to convict them was at least flawed and often false--yet juries, trial judges and appellate courts failed to notice.”); In a University of Michigan study, by Samuel R. Gross and Barbara O’Brien, says, “In addition, a couple of strong demographic patterns appear to be reliable; black man accused of raping white woman face a greater risk of false conviction than other rape defendants.”); Telegram & Gazette, Evidence missing in 1987 slaying by Gary V. Murray 1 August 2007 (A lawyer, Terry Scott Nagel, wants the case of Worcester County Steven M. Siemietkowski, 47 because of missing evidence and improper DNA handling.); Boston Globe, Prosecutor tapped to fix crime lab by Andrea Estes 28 July 2007 (John Crossman, 40, deputy chief of Attorney General Martha Coakley’s Criminal Division, is selected to take over the job left by LaDonna J. Hatton, replacing her as undersecretary of public safety for forensic services. “We have a couple of agencies in crisis,” said Chief K Burke, adding that finding “people with experience in law enforcement and an understanding of the agencies that fall under forensic services and have experience managing people, that’s a small universe. . . John stood out.”); Boston Herald, Chief Medical Examiner Fired by Casey Ross & Laura Crimaldi 3 August 2007 (Gov. Patrick has fired the state’s chief medical examiner after an investigation exposed severe management breakdowns leading to botched prosecutions, deplorable health conditions and mishandled bodies.); Boston Herald, History of problems plague ME’s office by Laura Crimaldi 3 August 2007 (Since its inception in 1983, the beleaguered Office of the Chief Medical Examiner has been dogged by shoddy work.); Boston Herald, “Police chemist claims he’s a fall guy/Blames crime lab woes on inadequate resources” by Casey Ross 3 March 2007 (“It was a systematic error,” said Robert E. Pino. “Even after this filing [of the DNA matches) was OK’d, no one thought there was a need for a different kind of tracking system. No one ever asked about these cases. No one was vigilant.”); Boston Globe, “Director of crime lab quits post/State Police facility’s work is under fire” by Jonathan Saltzman 10 March 2007 (Dr. Carl Matthew Selavka’s “contact with the DNA computer database had been severely restricted to make sure that he could not taint the investigation by the State Police or FBI. ‘We couldn’t even leave the appearance that he could somehow influence or change the outcome of our internal investigation,’” said Public Safety Secretary Kevin Burke.); Boston Globe, Union Defends suspended DNA database administrator/cites lab funding, staffing problems by Tracy Jan 14 January 2007 (Attorney Robert Griffin, a former chief of Superior Court prosecutions in Suffolk County said he represented a case in which the state crime lab report indicated that semen was found on the victim’s body, but the autopsy gave no evidence of a sexual assault. The DNA sample did not match any of the defendants. Ultimately, as the trial date approached, the crime lab concluded that the DNA sample was not semen, but that it had come from one of the chemists in the lab who had contaminated a sample of protein found in the victim’s urine.); Boston Globe, DNA problems prompt novel case by Jonathan Saltzman 6 March 2007 (Robert E. Pino’s “alleged mishandling of DNA evidence, which has prompted three sweeping investigations and embarrassed the State Police, is reverberating through the Massachusetts criminal justice system.”); The New Yorker, Jan. 17, 2000 "DNA On Trial: The Test Is Irrefutable So Why Doesn't It Always Work?" by Peter J. Boyer (Dr. Ed Blake exonerated through DNA Kerry Kotler, who was later arrested for another rape. At his second trial, Blake testified that the police had framed Kotler by stealing his DNA. The jury disagreed.); New York Times, March 16, 2003 “You Think DNA Evidence is Foolproof? Try Again” by Adam Liptak (“It’s a ‘truth machine,’ but the human factor can be a spoiler.”); New York Times, Mar. 11,

2003 “Review of DNA Clears Man Convicted of Rape” by Adam Liptak (Prosecutors vowed to retest DNA in 525 cases); New York Times, Feb. 9, 2003 "Troubled DNA Crime Lab Faces Growing Scrutiny" by Nick Madigan (A DNA sample used to falsely convict a man is added to a mounting pile of dubious samples.); CBS News 48 Hours, “A Crime of the Mind” Sept. 27, 2002 (a jury acquitted psychiatrist Ronald Malave based on the idea that his rape accuser had transferred his sperm to her panties, probably by rubbing his stolen underpants together with hers. The State Police analyst was so helpful to their defense that Malave’s team felt no need to present their own DNA expert.); Boston Globe, April 17, 2003 “FBI Scientist Admitted False Testimony” by John Solomon (AP) (U.S. Justice Department reviews charges that an FBI scientist botched at least 103 DNA cases. Another scientist resigned while under investigation for improper testing of more than 100 DNA samples.) Associated Press, August 26, 2004 “Kobe Prosecutors Take Aim at Defense DNA Experts (Prosecutors charge that crucial DNA evidence the defense had hoped to use to prove NBA star Kobe Bryant’s innocence might have been contaminated.) ; Insight Magazine, June 10, 2003 “Inside the DNA Labs” by Timothy W. Maier (Justice Department Inspector General so incensed by bad science infecting crime labs nationwide that DNA errors may have jeopardized thousands of cases and sent innocent people to death row.); Houston Chronicle, “New DNA Exam indicates errors in 1997 murder case” by Roma Khanna of 15 February 2002 (A DNA test that forced Robert Lee Wallace to plead guilty to avoid the death penalty is found faulty on retesting.); Baltimore sun, “DNA lab fires analyst over falsified tests” by Naura Cadiz of 18 November 2004 (Cellmark, the world’s largest private DNA lab claims that falsification occurred in only 20 tests, but it is investigating other cases.); MA Lawyers Weekly, “Science Not A Guarantee Against Mistakes” (Letter) by Joelle Anne Moreno of 22 December 2003 (“Our faith in DNA evidence has recently been shaken by revelations of mistakes and misconduct.”); New York Times, “Prosecutors Are a Focus In Houston DNA Scandal” by Adam Liptak of 9 June 2003 (internal investigation of the laboratory would result in disciplinary or criminal charges against nine officials.); New York Times, “Prosecutors Fight DNA Use For Exoneration” by Adam Liptak of 29 August 2003 (While DNA can prove whether someone is associated with a given piece of biological evidence, prosecutors insist that is not the same thing as proving whether a defendant committed a crime.); Boston Herald, “Foolproof capital punishment is but the governor’s fantasy” (Op-ed) by James P Rooney of October 2003 (“The net result is that DNA testing is not a panacea for all the problems of determining guilt or innocence...”) Washington Post, “Va. DNA Analysis Incorrect In Murder” by Maria Glod of 7 May 2005 (“Intense political pressure prompted a senior scientist at Virginia’s DNA laboratory to report flawed results.”); New York Times, “Lab’s errors in ’82 killing force review of Virginia’s DNA cases” by James Dao of 7 May 2005 (Governor orders a review of Virginia’s nationally recognized DNA lab’s handling of testing in 150 cases as well as new procedures to insulate lab from any outside political pressure.) Associated Press, “Army Worker Investigated in Possible DNA Test Fraud” by Robert Burns 27 August 2005 (The Army’s Criminal Investigations Command alerts top Army, Navy, Air Force, and Marine Corps lawyers by letter of the “identified deficiencies” in 479 DNA cases possibly under review.) Washington Post, “Paternity Suit Raises Doubts on DNA Test – D.C., case points to growing problem” by Tom Jackman 22 August 2005 (Points to a series of bizarre cases, including one in Michigan where “a DNA test on evidence from 1969 matched someone who would have been four years old at the time of the slaying and couldn’t possibly be involved.”); Associated Press, “Dozens Falsely Jailed Due to Prosecutor Misconduct” by AP byline (www.publicintegrity.org) (Prosecutors misbehaved so badly in more than 2000 cases during that period that appellate

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Benjamin LaGuer and not enough on the issues..."); Boston Herald, Top adviser involved in bid to free rapist by Dave Wedge 18 November 2006 ("Joan Wallace-Benjamin, tapped by Deval Patrick as his new top adviser ...called the con "a talented writer, an intelligent advocate, and a man whose experience and life lessons make him a valuable member of the community."); Boston Globe, From convicted rapist, another cry of racism by Patricia Nealon 24 December 1998 ("Noting that she was at the June parole hearing Urban League president Joan Wallace-Benjamin termed" parole board member Terence McArdle "hostile and demeaning." It is ironic yet sad," Joan Wallace-Benjamin said, "that once again Ben LaGuer is a victim of this kind of racial hatred in an official proceeding, and that his future is held in the balance by men like Mr. McArdle-"); Boston Herald, Victim's advocates rip Healy for TV ad with rape message by Laura Grimaldi 19 October 2006 ("Any who claims to be a victim advocate or a champion for victims' rights or even has the most remote understanding of victims' issues wouldn't do this," said Mary R. Laudy, executive director of Jane Doe, Inc.") Associated Press, Healy says media made campaign negative by Steve LeBlanc 2 November 2006 (T&G)("The focus appears to have backfired, with polls showing voters' negative feelings toward Healey increasing after her campaign ran an ad that feature a woman walking in an empty parking garage and a narrator saying 'have you ever heard a woman compliment a rapist?' The ad closes with the message; Deval Patrick, he should be ashamed, not governor."); Boston Globe, Man sues police for wrongful conviction by Jonathan Saltzman 23 March 2007 (Anthony Powell, Neil Miller, Stephan Cowan and Shawn Drumgold are all suing city officials.); Boston Herald, LaGuer undeterred by highest court's rejection by Dave Wedge 24 March 2007 ("LaGuer could be released on parole if he admits guilt, but he vows he never will. 'I know that's what they want to hear from me. If I could, I would make it easier for them and for myself, but the righteous road is never easy,' he said.); St Louis Post Dispatch, Prosecutor Lied Says US Judge; Court Delays Trial in Child Rape by Tim Poor 4 May 1990; Chicago Tribune, The Verdict; Dishonor; How Prosecutors Sacrifice Justice to win by Ken Armstrong and Maurice Possley 10 January 1999; Washington Post, DNA Tests confirm Guilt of Man Executed by Va., by Glod and Shear 13 January 2006; New York Times, DNA Ties Man executed. in '92 to the Murder He Denied by Dao 13 January 2006; Washington Post, Burden of proof by Frankel 14 May 2006 (Roger Coleman's "picture was on the cover of Time magazine ('This Man Might be Innocent. This Man Is Due To Die'). He was interviewed from death row on 'Larry King Live,' the "Today' show, 'Primetime Live,' 'Good Morning America' and 'The Phil Donahue Show.'"); Lanier & Acker, Capital Punishment, The Moratorium Movement, and Empirical Questions, 10 Psychology, Public Policy & Law 577 (2004; Truth and consequences; The Penalty of Death, in Debating the Death Penalty: Should America Have Capital Punishment? The Experts on Both Sides Make Their Best Case (H. Bedau & P Cassell eds. 2004) (discussing the cases of alleged innocence of Rick McGinn and Derek Barnabei, whose guilt remain in doubt despite a DNA test.); Telegram & Gazette, Dame's lawyer may seek dismissal by Matt Bruun 20 December 2006 (John Lachance, attorney for Ronald Dame, arrested in connection with a 1974 slaying in Fitchburg, said "Obviously there's going to be an issue with the DNA."); New York Times, Brooklyn Brief, Case Against Lawyer To Go Ahead 12 October 2005 (Lee Long lawsuit against Barry C. Scheck.); New York Law Journal, Innocence Project Co-Founder Settles Malpractice Claim by Tom Perrotta 21 November 2006; Yale University Press, Convicting the Innocent: Sixty-Five Actual Errors of Criminal Law by Edwin Borchard (1932); Atlantic Monthly, The Case of Sacco and Vanzetti by Felix Frankfurter (1927); European Systems of State Indemnity For Errors of Criminal Justice by Edwin Borchard, 3 J. Am. Inst. Crim. L. & Criminology 685, May 1912 to

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Raymond Epps, Jr., was found in the DNA database and prosecutors credit the crime lab.); Boston Globe, Medical examiner officer gets lambasted by Peter Schworm 4 August 2007 (According to a scathing independent report, the chief medical examiner's office was "barely able to fulfill its basic legal responsibilities..."); Boston Globe, State crime lab's reliability by Jonathan Blodgett (OpEd), president of the Massachusetts District Attorney's Association 5 August 2007 ("The Vance report unequivocally endorsed the quality and integrity of the DNA testing provided by the lab and the scientific basis for that testing. Any suggestion that the Vance Report calls into question the reliability of the scientific analysis conducted by the lab is completely unfounded."); Lawyers Weekly, Editorial "The net effect of the 'Duke lacrosse' case" of 2 July 2007 ("Rarely have we seen such a reckless circumvention of responsibilities in Massachusetts. But there are cases of overzealousness here, and some prosecutors are tempted to turn a blind eye to exculpatory evidence."); Boston Herald, Report finds M.E.'s office operation nearly crippled by Laura Crimaldi 4 August 2007 ("It borders on the incredible that the intake and release of human remains (and personal effects) from a government agency is governed by a 'verbal understanding' of the process by OCME personnel," the reported noted. "One employee noted in their interview, "It's amazing that we have not lost more bodies."); Associated Press, Lent's lawyers look into case of police fraud by AP 27 June 1994 (Attorneys for Lewis S. Lent, Jr., are seeking information about three New York State Police troopers convicted of falsifying fingerprints. Lent is accused of killing 12 year old Jimmy Bernardo in 1990 and the presumed abductor of Sara Anne Wood.); Journal of Forensic Identification, "Detection of Forged and fabricated Fingerprints, 44(6) 1994); Savannah Morning News, "Sad Day for Honest cops 17 January XXXX (Garden City Police Sgt. Sam Kaminsky was convicted of planting false fingerprint evidence in a 1995 armed robbery case.); Lawyers Weekly, Contesting Fingerprints A Weapon for Defense Bar (Robert N. Feldman, a Boston attorney says, "the credibility of fingerprint evidence is now in play.") by John O. Cunningham of 16 February 2004; Telegram & Gazette, One Choice/Firing of state medical examiner key to fresh start (editorial) 9 August 2007; Craig M. Cooley, Reforming The Forensic Science Community To Avert The Ultimate Injustice, 15 Stan. L. & Pol'y Rev. 381 (2004); Matter of Investigation of west Virginia State Police Crime. Lab 190 W. Va. 321 (1993); McCarty v. State, 1988 OK CR 271 (1988); Steve Mills, Crime Lab Analyst Moved: Worcester Who is Under Fire Sent to Research Post, Chicago Tribune 16 August 2001; Lisa Olsen & Roma Khanna, DNA Lab Analysts Unqualified, Review Finds Education, Training Lacking, Houston Chronicle 7 September 2003; Leslie A. Pappas, Crime Labs Follow Strict Rules, But Scientists Can Make Errors, Philadelphia Inquirer 18 July 2003-(All of these cases recent scrutiny of allegations, some proven, some admitted, some under review--of grossly negligent or deliberate misconduct by laboratory personnel and their accompanying perjurious testimony.); Criminal Law Bulletin, The Use of Proper Procedure in Conducting Scientific Tests: Healing the Achilles Heels of Forensic Science by Edward J. Imwinkelried May/June 2007 (In the 1970s the Department of Justice, under the Law Enforcement Assistance Administration, sponsored the Forensic Laboratories Proficiency Testing Project. 235 to 240 crime labs participated. Only 37.4% of the labs correctly concluded whether two bloodstains had a common origin.); USA TODAY, DNA Backlog piles up for FBI Samples increase by 80,00 in '06 by Richard Willings 4 September 2007 (The FBI has fallen behind in processing DNA from nearly 200,000 convicted criminals. "It's embarrassing because it's the FBI, which is supposed to be this powerful organization, but it's not surprising," said Lawrence Kobilinsky of John Jay College.); USA TODAY, DNA lag leaves potential for crime by Richard Willings 4 September 2007 (The consequences of not processing DNA samples leads

to missed opportunities to solve old and prevent new crimes.) Boston Herald, Duke Players seeking 30M in false rape charges by AP 8 September 2007 (Players seek millions and reforms in the legal process.) Sentinel & Enterprise, August 11, 1986 “Serious Questions Linger Over Brutal Leominster Rape” by Richard Nangles; Sentinel & Enterprise August 12, 1986 “LaGuer Says Crucial Evidence Disallowed from Court Testimony” by Richard Nangles; Sentinel & Enterprise, August 13, 1986 “LaGuer Believes the Police Were Looking for a Quick Conviction” by Richard Nangles; Sentinel & Enterprise, August 14, 1986 “Family Support Keeps LaGuer Going As He Fights Life Term” by Richard Nangles; Telegram & Gazette, January 18, 1987 “Inmate From Leominster Struggles To Win Freedom” by Allen W Fletcher; Associated Press, September 16, 1987 “LaGuer’s Struggle for Freedom” by John King; Boston Magazine, October 1987, “Beyond A Reasonable Doubt” by John Strahinich; Boston Phoenix, November 27, 1987 “Toward A Reasonable Doubt” by Frank Connelly; Boston Globe, April 12, 1988 “A Convict Argues for His Freedom: Has Fought 5 Years to be Cleared of Rape” by David Arnold; Telegram & Gazette, April 2, 1989 “Claim Jury was tainted By Racial Prejudice Against Him” by Billing Kingsbury; Worcester Magazine, July 12, 1989 “Why Can’t This Man Get a New Trial” by Andrew Baron; Bay State Banner, April 13, 1989 “Inmate Wants Retrial On Assault Charges” by Badiuzzaman Khasru; Boston Magazine, October 1989 “Obsession; When a reporter has finished with the Story, but the story has not finished with the reporter” by John Strahinich; Telegram & Gazette, June 6, 1990 “Review Set for 1983 Case” by Ian Donniss; Telegram & Gazette, December 27, 1990 “Lawyers; Racism Marred Trial” by Ian Donniss; Sentinel & Enterprise, July 12, 1990 “LaGuer Looks Toward the Fall” by Andrew Baron; Telegram & Gazette, June 6, 1990 “Racism Tainted trial, SJC Told” by Ian Donniss; Boston Globe January 9, 1991 “Convicted Rapist Claims Juror Biased, Seeks Release” by Alexander Raid; Telegram & Gazette, January 10, 1991 “Convicted Rapist’s Counters Juror’s Denial of Racism” by Ian Donniss; -Boston Phoenix, January 4, 1991 “Justice Denied: Did Racist Remarks Taint Jury of Ben LaGuer? by John Hashimoto; Boston Globe , May 15, 1991 “SJC: Slur By Juror would be Critical” by David Arnold; Telegram.& Gazette, May 26, 1991 “Interesting Angles in Rape Case” by Billing Kingsbury; Telegram & Gazette, June 3, 1991 “LaGuer Evidence remains Strong Despite Time” by John Conte; Boston Phoenix, August 30, 1991 :’Oxymoronic: For Benji LaGuer, There’s No Justice in the System” by Sean Flynn; Boston Globe, August 27, 1991 “Review Begins of ‘84 Rape Trial to Probe Claim of Ethnic Bias” by Gerald Russell; Worcester Magazine, December 16, 1992 “LaGuer Plans Appeal of Mulkern Edict” by Scott Farmelant; Boston Phoenix, August 13, 1993 “Ben LaGuer’s Gets One Shot at Redemption” by Tim Sandler; Sentinel & Enterprise, November 14 1993 “Inmate’s Supporters Inspired by His Legal Fight” by Andrew Baron; Boston Herald, July 16, 1993 “There’s No Place for Bigotry on Jury” by Leonard Greene; Worcester Magazine, July 14, 1993 “Citizen LaGuer: A Life on Hold” by Allen Fletcher; Boston Globe, October 31, 1993 “The Issue of Racism in Massachusetts Trial” by Robert Jordan; Boston Globe, February 17, 1994 “LaGuer’s 10-year Fight for freedom” by Howard Manly; Boston Globe, March 24, 1994 Editorial “New Trial Justified In Rape Case”; Telegram & Gazette, April 6, 1994 “LaGuer has ‘Hope By the Barrel” by Dianne William; Esquire Magazine, May 1994 “And the Truth Shall Set him Free Or Will It?” by John Taylor; Sentinel & Enterprise, July 16, 1983 “Police Nab Man in Brutal Rape” by Neil Hartstein; Sentinel & Enterprise, December 10, 1986 “Lawyers Confident of LaGuer’s Innocence” by Tracy F Seely; Worcester Magazine, March 8, 2000 “Dirty DNA?” by Martha Akstin; Telegram & Gazette, July 6, 2000 “More Rely on ‘Miracle’ of DNA test” by Matt Bruun; Boston Globe April 6, 2000 “Parole plea meets Skepticism” by John Ellemen; Boston

Magazine, May 2000 “The Limits of Testing” by Mark Leccese; Boston Magazine, October 1999, “The Ghost of Willie Horton...Isn’t it time to free Ben LaGuer” by Sean Flynn; Telegram & Gazette, August 11, 2001 “Initial DNA test give no answers in LaGuer case” by Matt Brrun; Telegram & Gazette, April 5, 2001 “Patience, not DNA being tested; State stymies LaGuer quest for exoneration,” by Dianne Williamson; Boston Globe, April 9, 2001 “The Evidence Needs Review” by Adrian Walker; Telegram & Gazette, October 24, 2001 “Delays in Testing Frustrate judge” by Matt Bruun; Boston Globe, October 11, 2001 “Reasonable Doubt, Still” By Adrian Walker; Boston Globe, February 15, 2002 “DNA testing faults evidence” by David Arnold; The Final Call, February 26, 2002 “DNA evidence may Clear Another Black man” by Nisa Islam Muhammad; Boston Globe, January 22, 2002 “Sentenced to a Life of Argument” by David Arnold; Telegram & Gazette, December 12, 2001 “LaGuer alleges Evidence hidden; Fingerprints not a match” by Matt Brrun; Boston Globe, March 24, 2002 “DNA testing backfires for convicted rapist” by David Arnold; Boston Globe, May 22, 2002 “Shock waves and a turnaround” by Mark Jurkowitz In a highly controversial case Dr. Ed Blake did for the Innocence Project, among Peter Neufeld and Barry Scheck’s first DNA cases, Kerry Kotler was exonerated of a brutal rape after 11 years in prison. Four years later, DNA implicated Kotler in a second rape described in Actual Innocence, a book Neufeld and Scheck co-wrote with New York Times reporter Jim Dwyer, as “so galling, so calculating, that it led people to instantly assume that...his release had been some kind of legal trick or sleight of hand.” (Dr. Blake, a named consultant for the book, is never identified as the scientist in Kotler’s case.) But Dr. Blake even testified at the second trial that police had framed Kotler. The jury disagreed. In Texas, death row inmate Ricky McGinn became a controversy for then presidential aspirant George W. Bush. In that case Dr. Blake’s report was used as a basis for executing McGinn despite evidence, cited by Blake, that Texas Rangers had McGinn ejaculated himself for a reference sample---a practice unheard of in all law enforcement. (Dr. Blake did not preclude contamination as a factor.) In Virginia, Roger Coleman was a national death row figure who Time Magazine had put on its cover as a possible innocent man. (Eric S Landers, a finalist to become Harvard University’s president, had serious questions about Blake’s laboratory and analytical procedures.) But with Barry Scheck as his lawyer, in 2001, Dr. Blake began to fight Virginia over their request that he return all DNA samples in his lab. Blake said further tests might exonerate Coleman. (But Coleman was executed in 1991.) Why would Blake, given his history and those around him to spin (Neufeld begged a New Yorker staff writer not to include their roles in the Kotler case in a story,) ever want to establish that his own report led to Coleman’s wrongful execution? Perhaps Neufeld got it just about right when he told the New York Times that “DNA is a ‘truth machine’, but the human factor can be a spoiler.” In 2005, a superior court judgeship was left vacant when Judge Hillman accepted the office of Federal Magistrate. With the favorable vote from Peter L Ettenberg, LaGuer’s trial lawyer in 1984 and a member of the Judicial Nominating Committee, ADA Lemire’s name was presented to the governor with two other candidates. Why would Ettenberg press Lemire for a judgeship, a man who twenty years earlier denied his client exculpatory fingerprint evidence? In October 2006, Peter Vickery said, “I was the only member of the Governors Council to vote against the appointments {of Mr. Lemire}, Why? Because the LaGuer case cast a long shadow.” (www.msn.us/vickeryonLaGuer) (10/12/06). Did Ettenberg even sense an ethical duty to inform the governor that a court ruling was then pending involving Lemire’s role in the unethical withholding of evidence? In fact, Ettenberg had provided the defense in 2001 an affidavit attesting to these facts. Boston Herald, Crime lab crisis threatens us all, editorial of 17 July 2007 (“If it weren’t so deadly serious it would make a nifty twist for a

John Grisham thriller. But the mishandling (or nonhandling of DNA evidence at the Massachusetts State Police crime lab is not a figment of some bestselling author's imagination. It's an absolute travesty."); The New York Times, Trooper Goes on Trial on Charge Of Faking Fingerprint Evidence (no byline) of 28 March 1994, pp B5 (Trooper David M. Beers went on trial for fabricating fingerprint evidence in the wake of other troopers in jail, David L. Harding and Robert M. Lishansky, bragged about the case while interviewing for a CIA job.); Boston Globe, US ordered to pay \$101.7m in false murder convictions by Shelley Murphy and Brian R. Ballou 27 July 2007 ("The FBI's misconduct was clearly the sole cause of this conviction," concluded US district court judge Nancy Gertner.); Boston Globe, Meet the \$101.7 million dream team by Shelley Murphy 29 July 2007 (Attorneys Victor J. Garo, Juliane Balliro, Michael Avery, Austin J. McGuigan, Joseph B. Burns, Richard D. Bickelman, William T. Koski, Daniel R. Deutsch, Michael Rachlis, Edward Durham and John Cavicchi beat the government, winning a landmark judgment last week on behalf of four framed men. "If you're been in law enforcement and you're been a prosecutor, you get sort of outraged by things that happen to people who are innocent."); Telegram & Gazette, "FBI Frame-up (editorial) 28 July 2007 ("Alluding to a culture of disregard for legal processes within the law enforcement agency, [Judge Nancy Gertner] concluded that former FBI officers. . . for years worked to thwart efforts to bring the truth to light.") Boston Globe, Governor to replace 3 on Parole Board when terms end by Andrea Estes 16 March 2007; Boston Globe. Deval must make the most of his second chance by Joan Vennoch 17 March 2007 ("Kerry Healy tried to paint Patrick as a defender of criminals instead of victims. Her theme did not resonate with voters, who liked Patrick. By Election Day, Healey lost the campaign as much as Patrick won it. Now, he runs the risk of looking like an accidental governor, if he doesn't get his fledgling administration back on track." The case of Ben LaGuer was a factor.); Springfield Republican, Chief quits at state crime lab by Steve LeBlanc 10 March 2007 (The state signed a \$267,000 contract for a complete management and operational systems analysis of the lab to be conducted by the investigation and security consulting firm Vance, headquartered in Oakton, Va. The report is set to be completed by June 30.); Boston Globe, SJC Upholds conviction in LaGuer case/Appeal was factor in governor's race by Jonathan Saltzman 24 March 2007 ("The Supreme Judicial Court upheld yesterday the 23 year-old rape conviction of Ben LaGuer, whose case dogged Deval Patrick during his gubernatorial campaign last fall but may ultimately have helped him win."); undeterred by highest court's rejection by Dave Wedge 24 March 2007 ("LaGuer could be released on parole if he admits guilt, but he vows he never will. 'I know that's what they want to hear from me. If I could, I would make it easier for them and for myself, but the righteous road is never easy,' he said."); Boston Globe, SJC upholds conviction in LaGuer case by Jonathan Saltzman & Andrew Ryan 24 March 2007 ("The Supreme Judicial Court upheld yesterday the 23 year-old rape conviction of Benjamin LaGuer, whose case dogged Deval Patrick during his gubernatorial campaign last fall but may ultimately have helped him win."); The Republican, 4 men charged in DNA Tampering by Buffy Spencer 17 March 2007 (Hampden County DA William M. Bennett has indicted four individuals on charges of attempting to switch identities by trading their jailhouse bracelets when having blood drawn for a DNA test. State Police safeguards, which included a fingerprint match, revealed the deception. All four have been charged with conspiracy to tamper with the DNA record. This is the first state prosecution of its kind.); Boston Globe, Healey rejected by theater board by Mark Shanahan 4 April 2007 (American Repertory Theatre board members, in a 2½ long meeting last month specifically mentioned "a controversial television ad aired by the Healey campaign that linked Patrick and Benjamin

LaGuer, who has professed his innocence since his 1984 rape conviction and has corresponded with Patrick over the years.”); Associated Press, Prosecutor in Duke case apologizes to 3 athletes by Aaron Beard 12 April 2007 (“To the extent that I made judgments that ultimately proved to be incorrect, I apologize to the three students that were wrongly accused,” said Mike Nifong, DA of Durham County. “You can accept an apology from someone who knows all the facts and simply makes an error,” said Jim Cooney, a defense attorney for one of the lacrosse players. “If a person refuses to know all the facts and then makes a judgment, that’s far worse, particularly when that judgment destroys lives.”); Boston Globe, an editorial entitled Duke lacrosse case: Prosecuting a stereotype 13 April 2007 (“Prosecutors need to be wary of other stereotypes--about race and poverty--in cases where suspects lack wealth or connections.”); Telegram & Gazette, Police testimony decision to stand - Judge ruled officer lied under oath by Gary V. Murray 9 December 2003 (Assistant District Attorney Christopher P. Hodges, the head of District Attorney John J. Conte’s appeals unit, appeals ruling in which Worcester police Sgt. Timothy J. O’Connor falsely testified in an evidence suppression hearing. Mr. Hodges described the ruling as “clearly erroneous.”)(Covering up for police officers lying is a pattern in this office.); Boston Herald, LaGuer readies clemency Request for Deval’s Desk by Dave Wedge 20 November 2007 (“Chief among his claims are that the DNA tests, which he initially thought would exonerate him but which instead tied him to the rape, were mishandled. LaGuer said DNA mishandling is a key issue in light of recent troubles at the state police crime lab.”); Telegram & Gazette, Convicted rapist seeking from governor by Matt Bruun 20 November 2007 (“The document alleges prosecutorial misconduct--a pair of men’s underwear described as a “vital article of evidence” was discarded to cover up its illegal seizure, according to the narrative -- and paints the DNA expert Mr. LaGuer hired as a “rogue” who made inflammatory comments to the media after Mr. LaGuer questioned his findings.” Dr. Edward T Blake was that expert.); Associated Press, Convicted rapist plans to file clemency petition with governor by Denise Lavoie 19 November 2007 (“In his clemency petition, LaGuer argues that DNA taken from his apartment was mixed with swabs taken from the victim, resulting in analyst erroneously finding a positive match of his DNA at the crime scene. ‘The DNA has never been reviewed by a court of law. It needs to be reviewed,’ LaGuer said in an interview.”); Boston Herald, Revisiting Tavares case, editorial 3 December 2007 (“Worcester County District Attorney Joseph D. Early, Jr., has been busy attempting to rewrite history and convince the world his office had nothing to do with the failure to keep convicted killer Daniel Tavares behind bars.”); Telegram & Gazette, Sentence for rape, cruel and unusual, letter to the editor 28 November 2007 (“Benjamin LaGuer, guilty or innocent, has served 24 years for rape and assault. This man needs to leave prison.” Robin Van Liew); Sentinel & Enterprise, LaGuer seeking clemency from Patrick 20 November 2007 A1 (AP); Telegram & Gazette, Evidence forges link to ‘84 crime/Suspect’s DNA in N.Y. matches blood sample by Scott J. Croteau 13 December 2007 (New Yorker Craig Minggia, 47, is believed to have murdered 79-year old Lillian Johnson in what “authorities now say appears to be a sex related crime even though Mrs. Johnson was not raped.”); Boston Herald, Officials backs DOC on Tavares, Burke says DA delayed assault charge response by Laura Crimaldi 15 December 2007 (In an interview with this paper, Public safety chief Burke that DOC officials petitioned Worcester DA to seek criminal charges for the prison assaults two or three times before approval was granted in September 2006. Tim Connolly, a spokesman for the Worcester DA, said: “We’re never blamed anyone in this, certainly not Department of Correction.”); The Valley Advocate, Halos and Horns, The Advocate’s annual gallery of the best and worst reprises the most hopeful and the most appalling events of 2007 of 20 December 2007 (“A horn to Worcester Assistant

District Attorney Sandra Hautanen, who stuck to a questionable DNA test as grounds for insisting that Ben LaGuer's 1984 conviction for rape should stand while diverting the attention of the state Supreme Judicial Court from potentially extenuating fact: that the Commonwealth had kept a key piece of evidence in LaGuer's trial out of court. The evidence was the phone cord that was used to tie the victim up and was discovered afterward by the state police. There were four fingerprints on it, fingerprints that were not LaGuer's. Other leads in the case remain uninvestigated as well, yet the Worcester D.A.'s office has shown no interest in information that might exculpate LaGuer."); Boston Globe, Police find widespread drug tampering, nearly 1000 cases affected by Maria Cramer 5 January 2008 (Boston PD uncovers evidence tampering in a sweeping 14-month investigation. State and Federal officials are seeking culprits where drugs were stolen and switched with ordinary white power.); Boston Globe, US Judge chastises Dept of Justice/Blast handling of prosecutor's misconduct by Jonathan Saltzman 5 January 2008 (chief fed judge urges new US Attorney to crackdown on prosecutors not telling truth in court.); Boston Globe, Those exonerated push DNA analyses by Laurie Kellman 24 January 2008 (AP)(Judiciary Committee Chairman Patrick Leahy called a hearing into session in part to respond to the Justice Department Inspector General Glenn Fine's report last week that found lax oversight by the department caused charges of negligence and misconduct at some police forensic evidence labs to remain unchecked.); Associated Press Audit: Wrongdoing at DNA Labs Unchecked by Lara Jakes Jordan 19 January 2008 (The audit found that the Justice Department doesn't require allegations of wrongdoing at state and local police labs to be reported to independent investigators. Moreover, 34 percent of independent investigators charged with overseeing the labs lacked the authority, ability or resources to do so, according to the report issued by the Justice Department Inspector General Glenn A. Fine. "Guidance and processes are not in place to ensure that allegations of serious negligence or misconduct are referred' to independent investigators."); Lawyers Weekly, Local Lawyer spins a crime yarn with 'Innocence' by Alan S. Pierce (a book review) 14 January 2008 (The story is "somewhat reminiscent of the much publicized case of Benjamin LaGuer, a convicted rapist serving a life sentence, or, as [David] Hosp acknowledges, the wrongful 1997 conviction of Stephen Cowens."); USA TODAY, DNA test fuel urgency to free the innocent, Cover Story, by Kevin Johnson 19 February 2008 (New efforts underway nationwide to identify wrongful convictions.); Boston Globe, Author takes center stage in Worthington Case, Work for defense draws criticism by Jonathan Saltzman February 10, 2008 (Author Peter Manso is viewed by some as self-promoting gadfly and others as a fearless truth-seeker.); Telegram & Gazette, editorial, Custody Concerns, Securing evidence crucial to justice system 30 January 2008 ("It is reassuring that the district attorney's office has launched an investigation into how the Worcester Superior Court managed to lose track of evidence, including large amounts of illicit drugs and other material, in dozens of cases. Although there is no indication yet that any of the missing evidence has resulted in any miscarriage of justice it is nonetheless chilling that the problem went undetected for decades.") USA TODAY, New DNA Links used to Deny Parole by Kevin Johnson and Richard Willing 8 February 2008 (State law enforcement and crime victims are using DNA evidence that links parole candidates to crimes for which they were never prosecuted in an emerging strategy to block early release from prison.); Telegram & Gazette, Kilo of cocaine among unaccounted for evidence/Items missing after move to new courthouse by Gary V. Murray 27 January 2008 (According to Clerk of Courts Dennis P. McManus, "There could have been an order of destruction done and we just don't have the paperwork, or it's in another box labeled something else, or other nefarious reasons."); Telegram & Gazette, Charges dropped;

evidence lost by Gary V. Murray 28 February 2008 (Superior Court Judge John S Mccann dropped all charges against Anthony D. Miller, after vital evidence in the case was lost. Mccann described the actions of the investigating officers as “inept and bungling performance.”); USA TODAY, DNA test help free man who spent 26 years in prison by AP writer Jeff Carlton 4 January 2008 (Charles Chatman is set free.); Boston Globe, Commutation plea carries a political risk for Patrick by Shelley Murphy 27 February 2008 (Arnold King’s request for commutation is approved by Advisory Board of Pardons. “As the governor addresses the issue, the specter of Benjamin LaGuer looms large.”); Boston Globe, Flaws seen in DNA program in Ohio by AP 28 January 2008 (Ohio’s DNA testing program for inmates seeking to prove their innocence is deeply flawed, with police routinely discarding evidence after trials and court-ordered tests never getting done. Ohio Chief justice Thomas Moyer, said, “When we take someone’s life or take their freedom, we have to be certain that we’re done everything we can.”); Boston Globe, Drumgold legal bills soars for City, Trial next month in Civil Rights case by Jonathan Saltzman 25 January 2008 (Boston has spent more than \$1 Million on outside lawyers to fight lawsuit by Shawn Drumgold.); New York Post, ‘Wrong man’ sues for \$22M by Stefanie Cohen 11 February 2008 (Cy Greene spent 222 years falsely in prison on account that state prosecutors withheld exculpatory evidence.); Telegram & Gazette, Leominster rape scene haunted officer by Matthew Bruun 27 March 2002 (“you could still see, even though the shades were pulled,” said Dean J. Mazzeo, mayor of Leominster, remembering his days as a young officer. “Obviously she was able to see who did this to her.”); Valley Advocate, Tragedy Times Two by Eric Goldscheider 5 April 2007 (“If I went out in public with her [the victim],” [Annie K.] DeMartino recalls, “everybody saw who was either Spanish or black, she would be saying, that’s who did it, that’s who did it, and of course it wasn’t, because basically they were just people in the street. She was very paranoid at that time about everybody...she hated anybody dark-skinned.”) Telegram & Gazette, Editorial Footnote, Improved crime lab a boon to enforcement 23 May 2008 (“While there is much work to be done, increased staffing and improved procedures and facilities are making the crime lab demonstrably more effective.”); Telegram & Gazette, State Crime Lab and Medical Examiner Office Improve (AP) 23 May 2008 (“Gov. Deval L. Patrick says the State Police Crime Lab and the Office of the Chief Medical Examiner are both improving after some high-profile problems.”); Boston Globe, Huge Gains Reported at Crime Lab’s DNA unit by Brian R. Ballon 23 May 2008 (Michael O’Keefe, President of the Massachusetts District Attorney Associations said, “Any entity that has been neglected for many years isn’t going to be repaired overnight. It may take a number of years to repair, but we are on the right path.”) Telegram & Gazette, City Eyes Marlboro Ordinance/Sex Offenders Barred from 97 Percent of City by Anna L. Griffin April 29, 2008 (“Leominster City Councilor James Lanciani Jr., has asked Mayor Dean J. Mazzeo to seek the city solicitor’s opinion regarding a sex offender ordinance passed last year in Marlboro.”); Boston Herald, Deval’s Donation Doesn’t Check Out by Glen Johnson of the AP 7 May 2008 (Governor Patrick’s claim that he donated to then Illinois State Senator Barack Obama the hefty sum of \$5,000 is not documented. “The undocumented donation is not the first contribution controversy involving Patrick. In 2006, Patrick, then a wealthy corporate lawyer, acknowledged helping to pay for a DNA test for a convicted rapist after previously saying his only involvement in Benjamin LaGuer’s bid for freedom was writing supportive letters to the State Parole Board.”); Boston Globe, Exonerated, 17 Years Late by Maria Cramer 2 May 2008 (Guy Randolph was recently exonerated. “I don’t want to talk about what happened to me. All it does is upset me.”); Wall Street Journal, DNA Evidence Gains Acceptance As a Key Tool in Robbery Cases by Gautam Naik 19 June 2008;

Boston globe, ACLU sues over DNA sample, Allege Cape DA may have kept it by Jonathan Saltzman 20 June 2008 (ACLU sues DA over promise to destroy DNA samples collected from scores of men during the murder police investigation of fashion writer Christa Worthington); Boston Herald, Entwistle's in for the time of his natural life by Howie Carr 27 June 2008 (Entwistle "will scour the newspapers every day, studying new bylines, and he will send detailed 40 page letters to every gullible rookie reporter purporting to prove how he was railroaded. Ben LaGuer will show him how it's done."); Metro, Expert Witness Lied to put Killers in Prison by AP 27-29 June 2008 (Dr. Saami Shaibani often testified for the prosecution. But the physicist lied under oath about his credentials. At least one conviction has been overturned.); The disclosure of all evidence that might be material to evaluating a DNA test result is critical. The National Research Council's The Evaluation of Forensic DNA Evidence 'Report 82 (1996) made clear "the potential of DNA evidence and the relative ease with which it can be mishandled or manipulated by the careless or unscrupulous, the integrity of the chain of custody is of paramount important." See D Frumkin, et al., Authentication of forensic DNA samples, Forensic Sci. Int. Genet (2009) (Making one person's blood and saliva appear to have been taken from someone else is so simple, Israeli scientist. found, that a biology student could do it. In a starting experiment, the researchers-faked DNA using multiple techniques. In one, they replaced the DNA in a blood sample with that of another person, collected from hair and saliva. In another, they draw on DNA profiles in law-enforcement databases to construct a sample without any real DNA from a person. "These findings may undercut the viability of genetic evidence in the courtroom.) The Massachusetts judiciary is well aware with the potential for errors in DNA analysis. See Landry -Vs- Attorney General, 429 Mass 336 (1999)(State officials should be aware that a DNA test result "will inevitably be challenged on the ground,(among others) that the DNA sample was not properly obtained or that it had been contaminated with other human DNA, creating a possible misleading or false result.") Also see Commonwealth -Vs- Vao Sok, 425 Mass 787, 794 n. 11 (1997)(pointing out the possibility of contamination of a forensic DNA sample and further describing problems that might exist with certain types of DNA testing.); Wade -Vs- Brady, 612 F.Supp;2d 90 '(Mass, 2009)(A defendant should be afforded DNA analysis if the result might undermine the prosecution theory.); Richard A. McGeary, et al., Audit Report Number GR-70-06-012 US Department of Justice Office of the Inspector General, Compliance with Standard Governing Combined DNA Index System Activities Massachusetts State Police Crime Laboratory, Sudbury, Massachusetts, 26 September 2006; USA TODAY, Opinionline, What people are saying about the sexual assault case, A rush to judgment on Duke lacrosse men (a collection of five editorials from various newspapers) 13 April 2007; USA TODAY, Duke rape charges dropped by Andrea Stone 12 April 2007 (North Carolina's attorney general Roy Cooper said there was "no credible evidence" that a rape happened and that the charges had resulted from a "tragic rush to accuse, and a failure to verify serious allegations" and that "caution would have served justice better than bravado.") USA TODAY, Editorial, Duke rape case implodes revealing 'world of injustice' 12 April 2007 ("The Duke lacrosse case serves as a cautionary tale about the damage a combustible mix of sex, race, class, politics and overheated media coverage can wreck.") Boston Globe, A rush to injustice in the Duke 'rape' case (OpEd) by Cathy Young 16 April 2007 ("The case may bring focus to the tragedy of false accusations. It is not anti-female to say that some women lie.-any more than it is anti-male to say that some men rape women."); USA TODAY, As Police Rely More on DNA States take a closer look by Richard Willing 6 June 2000; Boston Globe, State Police may search for suspect using kin's DNA/Critics say innocent targeted by Jonathan Saltzman 17 April 2007 (State Police crime

lab director Mary Kate McGilvray plans to revise previous ban on familial DNA searches, in a speech to state prosecutors.); Boston Globe, Man pleads guilty in break-in and rape by David Abel 24 April 2007 (Ranjit Whistleon pleads guilty to raping a 72-year old woman, In July 2006 a forensic specialist at the Boston Police Crime Lab matched a DNA sample from the incident to Whistleon. A second test result confirmed the match.); USA TODAY, DNA to clear 200th person/pace picks up on exonerations by Richard Willing 23 April 2007 AI (A major milestone of DNA exonerations by DNA testing.); Lawyers Weekly, Together we're disappointed (editorial)(According to the testimony offered by SJC chief justice before a joint hearing of the House and Senate Ways and Means committees, Governor Deval Patrick underfunded the Trial Court by 39.1 million dollars.)(9 April 2000; The New Yorker, The CSI Effect/The truth about forensic science by Jeffrey Toobin 7 May 2007 (In April NYPD released the results of an internal investigation of its crime lab, which revealed that in 2002 two technicians had failed a department proficiency test. Officials failed to report that to the national accreditation body for forensic labs, as required by law.); Boston Globe, US judge rejects city's allegations in Drumgold case by Shelly Murphy 2 May 2007 (Judge Nancy Gertner ruled yesterday that there was no evidence to support the City of Boston's allegations that defense attorney Rosemary Scapicchio and former Boston Globe reporter Dick Lehr had improperly influenced witnesses in the Shawn Drumgold case.); Boston Globe, Body Lost after State Autopsy by Jonathan Saltzman & John R. Ellement 4 May 2007 (The governor suspended. and is considering firing the chief medical examiner after Dr. Mark A. Flomenbaum's office admitted earlier in the day to losing a corpse.); National Institute of Justice, A Report, Post conviction DNA Testing: Recommendations for Handling Request (1999)("Care should be taken in selecting samples for testing that will give meaningful/useful results for a particular case. There is no point in testing samples that have no relevance to the crime for which an individual was convicted." pp 23)("In some cases where inclusions [a match] are reported, the results are not meaningful or are inconclusive for that particular case from a legal perspective. Situations where this might apply are when the results obtained are all consistent with the individual from whom the samples were collected (e.g., victim's results only on vaginal swabs taken from the victim, defendant's results only on a bloodstain on defendant's clothing." pp 29); The. New York Times, Court Invalidates a Decade of Blood Test Results in Criminal Cases 12 November 1993 (West Virginia's State Supreme-Court ruled that none of the testimony provided by serologist Fred Zain in more than 130 cases was credible. A20); Houston Post, West Virginia Wants Forensics Expert Prosecuted by Jane Harper 17 July 1994; Boston Globe, Lost Body recovered by State Police by Franci R. Ellment 5 May 2007 (State Police found the body of Thomas E. Brissette interred in a cemetery under the name of another deceased individual, whose corpse was located yesterday in storage at the medical examiner's HQ in Boston's South End.); Boston Globe, Officials ID second body in 'mix-up of remains/Remains misidentified at examiner's office by John R. Ellement 8 May 2007 (When the state medical examiner's office misplaced a man's body and State Police went looking, they found Thomas Bris8ette:"-on:Friday:in the grave where Joseph Sullivan was supposed to have been *interred on April 26.); Telegram & Gazette, New LaGuer Trial Supported/DeMartino raises question of ID by Matthew Bruun April 8 2007 (Annie K. DeMartino said that her role as caregiver to the ,victim was never a secret, but that she had never spoken out because she was confident police had found the right person. Seeing the issues raised in the (Clive McFarlane) column, however, gave her pause.); Valley Advocate, Tragedy Times Two/If an horrendous crime leads to a wrongful conviction, justice is farther out of reach than if there were no convictions at all by Eric Goldsheider 5 April 2007;:Boston Globe, Inspector

general to probe state lab/Investigation is fourth into alleged DNA errors by Jonathan Saltzman 12 May 2007 (The new probe was launched after the New England Innocence Project asked Inspector General Gregory W. Sullivan to get involved.); Boston Herald, Top state cop steps down by O'Ryan Johnson 17 September 2009 (Col. Mark F Delaney announced his resignation yesterday. State police spokesman David Procopio said the state police's nine labs have turned the corner under Delaney's command, and earlier this year won national accreditation by the American Society of Crime Lab Directors/Lab Accreditation Board.); Associated Press, Milwaukee Sunday Journal Sentinel, Walter Ellis was Informant by Erik Bilstad 21 September 2009 (Serial Killer suspect Walter Ellis, 49, left his DNA on at least eight homicide victims by 2001. But his DNA matched nobody on the CODIS system. Authorities believed they were dealing with a new serial killer. Under a new law, in 2000, Ellis was to give a DNA sample for a database created to track down career criminals. But little effort was made to ensure- that guards got DNA from the right prisoners. In 2001, a fellow prisoner simply got in line and said he was Ellis.) Milwaukee Journal Sentinel, Walter E. Ellis: Is he the • Milwaukee Serial Killer? by Pete Kotz 7 September 2009; The New Yorker, Did Texas execute an innocent man? by David Grann 7 September 2009 (The story of. Todd Willingham); The Boston Globe, Ex NYC police commissioner sent to jail before corruption trial 21 October 2009 by AP (Defense Attorney Barry Berke said 'he would appeal the pretrial detention of Bernard Kerik.); Boston Globe, Earle C Cooley, skilled litigator, chairman of BU trustees, Obituaries, 21 October 2009 by Bryan Marquard; USA TODAY, High court weighs lawsuits against prosecutors by Joan Biskupic 5 November 2009 (Supreme Court justices struggled Wednesday with whether prosecutors - who usually are shielded from civil rights lawsuits - can be held responsible for framing defendants with false testimony and fabricated evidence.); Sentinel & Enterprise, Obituary of Ronald N. Carignan, 53, of 74' Granite St, Leominster,(leaving wife Jeanne C. Wood, sons Scott. R. Carignan, Marc S. Carignan and Greg B. Carignan and two brothers, Richard G. Carignan and David H. Carignan, published 4 November 1988); The Berkshire Eagle, Crusading DA retires, leaves painful wake by Associate Press reporter Gavance Burke 15 November 2009 (Kern County District Attorney Ed Jagels prosecuted a series of, notorious cases later overturned. Since the late 1980s, all but one of the 26 cases Jagels,.. secured convictions have been overturned, including the infamous McMartin Preschool of Manhattan Beach California.); Commonwealth - Vs- Martin Guy, 454 Mass 440 (2009)(No err in denying new trial where alleged newly discovered evidence regarding deficiencies in operations of Massachusetts State police crime lab with respect to DNA evidence, as no evidence produced by defendant had any apparent bearing on the accuracy of the Maine lab DNA test results at issue in defendant's case.) National Research Council, DNA Technology in Forensic Science 146 (1992)("The prosecutor has a strong responsibility to reveal fully to defense counsel and experts retained by the defendant all material that might be necessary in evaluating the evidence.") Laboratory reports have also been fabricated. See State -Vs-. Ruybal, 408 A.2d 1284, 1285 (Me. 1979)(FBI analyst "reported results of lab tests that he did not in fact conduct.") State -Vs-DeFronzo, 394 N.E.2d 1027, 1031 (Ohio C.P. 1978)(Expert represented that certain lab tests were conducted when "no such tests were ever conducted.") The testifying expert's record of proficiency should also be disclosed. State -Vs- Proctor, 559 S.E.2d 318, 322-23 (S.C. Ct App. 2001)("The proficiency test results could very well be material to the preparation of Proctor's defense. 'All proficiency test results of the DNA analyst involved in the case must be produced. Defense counsel has the right to cross examine the DNA analyst regarding his or her performance on proficiency tests. A failing grade by the DNA analyst on his or her proficiency tests is clearly relevant in the judge's evaluation of

the expert's competency and most probably reflects negatively on the reliability of the DNA evidence introduced at trial. -The trial court abused its discretion in denying discovery of the proficiency test results pursuant to Rule 5.") A expert's "qualifications, including her record in proficiency tests, also are relevant to the weight the fact-finder might give the test results on its assessment of her competency." Cole -Vs- State, 835 A.2d 200, 610 (Md. 2003) There are still significant interpretative issues in-DNA profiling. As several commentators have noted: "The complexity of short tandem repeat (STR) testing makes it difficult if not impossible for a lawyer to evaluate the evidence without expert assistance. Defense lawyers generally need • expert assistance to look behind the laboratory report and evaluate whether its conclusions are fully supported by the underlying data." See William C Thompson, et al., Part II: Evaluating Forensic DNA Evidence, *Champion* 24, 26 (May 2003). Robert N. Sikellis, et al., Final Report and Recommendations Regarding Vance's Operational Assessment of the Massachusetts State Police Crime Laboratory System 29 June 2007 (noting that "several DNA analysts suggested that supervisors are not consistent with their interpretations of DNA reports and protocols...[also that the laboratory was] in need of documentation mechanisms, protocols, review processes, and most elements of quality management controls."); "Just because the prosecution's evidence, if credited, would provide strong support for a guilty verdict, it does not follow that the evidence of third party guilt has only a weak logical connection to the central issues in the case. And where the credibility of the prosecution's witnesses or the reliability of its evidence is not conceded, the strength of the prosecution's case cannot be assessed without making the sort of factual findings that have traditionally been reserved for the trier of fact." In *Holmes -Vs- South Carolina*, 126 S.Ct. 1727 (2005); *Boston Herald, OpEd, Law Give Innocent a Chance* by Betty Anne Waters 2 April 2010P17; *Associated Press, Worcester Telegram & Gazette, Main Wins 1.1M for had rap - Columbus Ohio has agreed to pay fifty four year old Robert McClendon after he was released in August 2008. The Columbus Dispatch exposed flaws in the State DNA testing system.* (2/15/10); *Boston Globe, Judge urges skepticism on forensic evidence* by Jonathan Saltzman 29 March 2010 ("In the past, the admissibility of this kind of evidence was effectively presumed, largely because of its pedigree," says Judge Nancy Gertner.); *Lawyers Weekly, Conviction numbers in Worcester trail state, 66% acquittal rate in Superior Court* by David E. Frank 15 March 2010; *Sentinel & Enterprise, Letter to the Editor, Ben LaGuer Seeks Support for Upcoming Parole*, 1 April 2010; *Boston Globe, "The Myth of CSI: In Reality, many forensic science labs are corrupt or incompetent"* by BU Professor Douglas Starr 13 October 2010 A15. ; *Wall Street Journal, Executed Man Gerts a New day in Court* by Leslie Eaton 15 Oct 2010 A6 (Texas Judge Tries to Determine if Arson evidence was flawed in Case of Todd Willingham Convicted of Killing Three Daughters); *USA TODAY, Case Weighs inmate civil rights, Convict's argument centers on DNA testing denied under state law*, by Joan Biskupic 14 October 2010 A4 (Henry Skinner); *Boston Sunday Herald, Slay Trial Evidence Will Get 2nd look* by AP reporter Alessandra Rizzo 19 December 2010 (In Perugia, Italy, American Amanda Knox won an important victory in the appeals trial when a court ruled that crucial DNA samples the defense claims were inconclusive and possibly contaminated. Prosecutors main that Knox's DNA was found on the knife handle.); *Boston Globe, Editorial, In rape cases involving DNA, longer time limits make sense* 17 December 2010 ("Defense attorneys could still call into question how DNA evidence was handled, or offer alternative explanation as to how it got to where it was found."); Ben LaGuer was born May 1, 1963 at 4:06PM in Saint Francis Hospital, Bronx New York, delivered by Dr. Antonio Cavalli, M.D. Mary Cruz LaGuer and Luperto LaGuer, then residing 506 Tinton Avenue, Apt 90, New York Bronx, Post Office Zone 55. (Certificate of Birth Registration No. 63—208073.); *Boston Globe, Inquest Finds Flaws in N..C. Crime Lab blood evidence/Data reportedly withheld by Martha Wagoner* 19 August 2010 (FBA Christopher Sweeker); *Telegram, LaGuer again denied parole*

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Wall Street Journal, A Solitary Jailhouse Lawyer Argues His Way Out of Prison by Sean Gardiner 24 December 2010 (The story of Jabbar Collins, Inmate 95A2646); The largest study of criminal recidivism in the United States consist of 272,111 inmates released from 15 states in 1994. 12.6% of the studied group were convicted of rape. Only 2.5% of sex offenders released were rearrested for rape. By comparison, 23.4% of released burglars were rearrested for burglary; 33•9% of larceny offenders were rearrested for larceny. (Patrick Langan and David Levin, Recidivism of prisoners Released in 1994, US Department of Justice, Bureau of Justice Statistics (Washington, oc., 2002); Associated Press, Sex Offenders Rearrests are less likely by Curt Anderson 16 November 2003;

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Letter to Aida Ramos from B LaGuer 4 May 2014
Letter to Nicholas Lemann from B LaGuer 4 May 2014
Letter to center for wrongful convictions from B LaGuer 4 May 2014
Letter to Frank Rodriguez from B LaGuer 4 May 2014
Letter to David Grann from B LaGuer 4 May 2014
Letter to Polly A. Tatum from B LaGuer 4 May 2014
Letter to Phillip Martin from B LaGuer 4 May 2014
Letter to Alberto Vasallo from B LaGuer 4 May 2014
Letter to Tomiko Brown-Nagin from B LaGuer 4 May 2014
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Letter to Elaine Kline from B LaGuer 4 May 2014
Letter to Douglas Starr from B LaGuer 4 May 2014
Letter to Mindelyn Buford II from B LaGuer 4 May 2014
Letter to Maria Del Carman Felix 4 May 2014
Letter to Josefina Cruet Felix from B LaGuer 4 May 2014
Letter to Rachel Aviv from B LaGuer 4 May 2014
Letter to Michael Kinsley from B LaGuer 4 May 2014
Letter to Patrick Radden Keefe from B LaGuer 4 May 2014
Letter to Russell G. Murphy from B LaGuer 4 May 2014

Letter to Matt Taibbi from B LaGuer 5 May 2014
Letter to Robeffield from B LaGuer 5 May 2014
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Letter to Chris Cuomo from B LaGuer 5 May 2014
Letter to Ashley Bamsfield from B LaGuer 5 May 2014
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Letter from Kenneth C. Campbell to Deval Patrick 21 May 2008
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Letter from B LaGuer to Lee Smith 20 May 2014
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Letter to Liza Bromes from B LaGuer 23 May 2014
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Letter to Judi Irizarry from B LaGuer 27 May 2014
Letter to Frank Rodriguez from B LaGuer 27 May 2014
Letter to John LaChance from B LaGuer 27 May 2014
Letter to Jen Ortiz from B LaGuer 29 May 2014
Letter to Office of the Secretary of Defense from B LaGuer 29 May 2014

Letter to the Office of the Defense Department Office of General Counsel from B LaGuer 29 May 2014

Letter to the Secretary of the Army from B LaGuer 29 May 2014

Letter to the 8th Infantry Army Judge Advocate General from B LaGuer 29 May 2014

Letter from Terry Scott Nagel to B LaGuer 29 May 2014

Letter from Kimberly M. Guy, Department of Defense, Memorandum for the Office of the General Counsel, Department of Army, to Benjamin LaGuer 9 June 2014

Letter from Captain Travis P. Robert, Office of the Staff Judge Advocate, Headquarters, 1st Infantry Division, Fort Riley,
216 Custer Ave, KS 66442—9801, to Ben LaGuer 10 June 2014

Letter from Frank Rodriguez to Ben LaGuer 6 June 2014

Letter from Josefina Felix to Ben LaGuer 3 June 2014

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(“Mr. LaGuer has requested that CPCS assign counsel to seek additional DNA testing pursuant to Chapter 278A and recent case law indicating that previously tested material should be retested as new techniques become available.”)

Letter to Lou Levesque from Ben LaGuer 10 June 2014

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Letter from Ben LaGuer to Donald Straughter 10 June 2014

Letter from Ben LaGuer to Maria Del Carrnan Cruet 6 June 2014

Letter from Ben LaGuer to Eric Kline 14 June 2010

Letter from Ben LaGuer to Donald Bromstein 27 May 2014 (“I am writing with new information in the hope you might assign me counsel to pursue DNA retesting pursuant to M.G.L. c 278A §3 as recently interpreted by the Supreme Judicial Court in Commonwealth v Wade and Commonwealth y. Donald. Letter to John H. LeChance from Ben LaGuer (with enclosure of a memorandum requesting Chapter 278A for purposes of review and consultation only) 14 June 2014 US Army, D Battery, 2d Battalion, 67th Air Defense Artillery, 09095 US Army, Headquarters, XVII Airborne Corps, 1st Brigade, Alpha Company, 50th Signal, 82nd Airborne Division, Fort Bragg, North Carolina.

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