

served for only the hardest cases. Laguer had proved himself a model citizen in Bristol Block, and was now in danger of losing the perks and privileges his reputation had earned him.

Laguer saw one chance to turn this setback to his advantage. As long as they were intent on transferring him, he might as well go to a place of his own choosing. He had to keep his wits about him, though. He had to argue as though he were presenting a case to a judge. The decision rested with the three members of the classification board. Laguer had helped them by serving as an interpreter for newly arrived Hispanic inmates. One by one, he invited the officials to the library for coffee. One by one, he explained to them how he was trying to get his case reopened and needed to be closer to Leominster and Worcester. More to the point, Benjamin Laguer was not a troublemaker, and therefore was not likely to make them regret any decision they made on his behalf. In February 1985 the board agreed to send him to the North Central Correctional Institution, a medium-security prison. He'd argued his first case and won.

After a year in Walpole, Benji Laguer was going to Gardner. El Gago was less than 20 miles from Worcester and only 10 miles from home.

THEY'D GONE AROUND THE TABLE once and each man had had his say. Bill Nowick kept count in his head. Eight jurors appeared to be leaning toward acquittal and four toward convicting Benji Laguer. Nowick wasn't surprised. The week-long trial in late January 1984 had been exasperating so far.

On the second day of the trial, after the victim took the witness stand and told her story, half the jury was ready to put Laguer away. One of the jurors, a retired machinist with a hearing problem, was actually convinced of Laguer's guilt by the time they broke for lunch the first morning of the trial, shortly after the jury was impaneled. To Bill Nowick, these jurors gave a new meaning to the phrase "blind justice."

In Nowick's mind, the woman seemed shaky on the stand. Her eyesight was obviously bad, and the apartment had been dark except for a light in the back of the building. She also contradicted herself and the police a number of times. She'd told the police that the assailant shoved her head into a white plastic bag. But the bag the police found in her apartment was dark green. She also told the police that the assailant was totally nude when he came into her apartment. On the stand she said that he was wearing a pair of jogging shorts. Detective Ronald Carignan testified that Laguer had deep scratch marks on his back that appeared to be a day or two old. But the woman didn't remember scratching her assailant: She was too frightened to do something like that, she said.

When the woman was presented with the

array of nine photos used in the identification and asked to describe them, she identified seven of the men as white. The trouble was, none of the nine were white.

When the Leominster police took the stand, they almost blew the prosecution's case. The prosecutor, James Lemire, argued that Laguer raped and beat this poor woman for eight hours. Yet somehow the young man managed to leave no fingerprints in her apartment. The police had produced no fingerprints, no blood samples, and no semen test to link Laguer to the woman.

In his cross-examination, Laguer's lawyer, Peter Ettenberg, made Detective Carignan look like an errant schoolboy who hadn't done his homework. "Did you dust for fingerprints around the windows . . . in her apartment?" Ettenberg asked Carignan.

"I dusted many things in that apartment," the detective answered. "I may have. I don't recall."

"The man was in there eight hours, and you didn't find one print to match Benji Laguer's?"

"No," Carignan admitted.

"Did you . . . dust the security doors, anything like that?"

"No, I did not."

"The door handle?"

"No, I did not."

"Now, you were investigating a brutal rape, weren't you?"

"That's correct."

"In the course of your own investigation," Ettenberg asked Carignan, "how many people did you talk to in that apartment building . . . ? Other than Mr. Laguer?"

"Mr. Benoit," the detective said, referring to the maintenance man.

"Who else?"

"Mr. Laguer."

"That's it?"

"Correct."

At lunch that day, Nowick and James Dalzell, the foreman, were of the same mind. "How the hell can you spend that much time in a room and not leave any prints—or something—behind?"

Nowick and Dalzell spoke the same language. They were both professional men in their midfifties: Nowick was a retired Worcester banker; Dalzell, an expeditor for a Worcester electrical-supply company. They'd done business by phone for many years, but had never met face-to-face until happenstance put them into the same jury pool at the beginning of January. They'd made a habit of lunching together in the court cafeteria since then.

The other jurors were tradesmen and laborers, and all but two of them were up in years. Like Nowick and Dalzell, they were white. Nowick regarded most of them as louts, eager recruits in the war on crime, itching to put criminals away. He'd sat with one of them on an earlier case. During that trial, Nowick had seen him make a noose with his tie and dangle it at the defendant.

Ettenberg's turn came, and he blundered