

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss:

Superior Court  
No. [Impounded]

In re Richard Lavigne,  
Petitioner

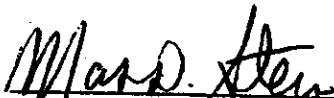
JOINT MOTION OF THE COMMONWEALTH  
AND THE DEFENDANT TO RELEASE BLOOD SAMPLE FOR TESTING

The Commonwealth and the petitioner hereby jointly move that the Court enter the attached proposed Order, releasing the blood sample for prompt testing, upon certain stated conditions. In support thereof, the parties state as follows:

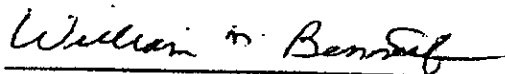
1. The Supreme Judicial Court rendered its decision in this matter on November 16, 1994. Under that ruling, the petitioner has the right to a hearing prior to the Commonwealth obtaining blood from him for testing.

2. The petitioner agrees to release of the blood sample currently in the custody of Bay State Medical Center, and waives his right to contest the taking of his blood, provided that the conditions set forth in the Order are complied with, including, prompt testing and reporting of the results, and provision of the results to petitioner as set forth therein.

Respectfully submitted,



Max D. Stern  
BBO# 479560  
Patricia Garin  
BBO# 544770  
STERN, SHAPIRO, WEISSBERG  
& GARIN  
90 Canal Street  
Boston, MA 02114-2022  
(617) 742-5800



William B. Bennett  
District Attorney  
Hall of Justice  
50 State Street  
3rd Floor  
Springfield, MA 01103  
(413) 781-8100

**RECEIVED**

JAN 12 1995

CLERK OF COURTS  
HAMPDEN COUNTY

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss:

Superior Court  
No. [Impounded]

In re Richard Lavigne,  
Petitioner

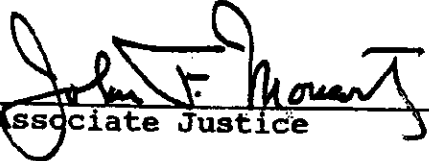
ORDER

It is hereby ORDERED as follows:

1. The sample of the blood of the petitioner which is now in the custody of the Baystate Medical Center shall be turned over to the Hampden County District Attorney forthwith solely for the purpose of conducting the tests set forth in paragraph #2, below.

2. The District Attorney shall cause the sample to be tested in a professional and reliable manner as soon as possible. Except as otherwise agreed by the Commonwealth and the petitioner, or ordered by the Court after notice and hearing, such testing may include only ABO analysis and DQ Alpha analysis and shall be completed within 30 days of this Order.

3. The District Attorney shall provide a copy of the report or reports of the testing to petitioner, through his counsel, as soon as received. No person shall make any public disclosure of the information contained in the report[s] until the District Attorney has provided petitioner's counsel with a copy.

  
Associate Justice

Dated: 01/12/95  
K:\LAVIGNE\ORDER

RECEIVED

JAN 12 1995

CLERK OF COURTS  
HAMPDEN COUNTY

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss:

Superior Court  
No. [Impounded]

In re Richard Lavigne,  
Petitioner

AFFIDAVIT OF RICHARD R. LAVIGNE

I, Richard R. Lavigne, make the following statements under the pains and penalties of perjury:

1. I am the petitioner in the above action.
2. I have read the decision of the Supreme Judicial Court issued in the above case on November 16, 1994. It is my understanding that under that ruling, I have the right to a hearing at which I could contest the taking of a sample of my blood prior to the Commonwealth obtaining a blood sample from me for the purpose of blood typing or testing.
3. I hereby waive my right to a hearing at which I could contest the taking of a sample of my blood and I agree that the sample of my blood which is currently in the custody of Bay State Medical Center may be released to the Commonwealth for testing, provided that the conditions set forth in the attached Order are complied with, including, prompt testing and reporting of the results, and provision of the results to petitioner as set forth therein.

Dated: 1/10/95

*Richard R. Lavigne*  
Richard R. Lavigne

Witnessed: Patricia L. Garin  
Patricia Garin

G:\LAVIGNE\CROCRIM.AFF

**RECEIVED**  
JAN 12 1995  
CLERK OF COURTS  
HAMPDEN COUNTY

*before me, this date,*  
*1/10/95.*  
*Mara Stein*  
*Notary Public*

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss:

Superior Court  
No. [Impounded]

In re Richard Lavigne,  
Petitioner


ORDER

It is hereby ORDERED as follows:

1. The sample of the blood of the petitioner which is now in the custody of the Baystate Medical Center shall be turned over to the Hampden County District Attorney forthwith solely for the purpose of conducting the tests set forth in paragraph #2, below.

2. The District Attorney shall cause the sample to be tested in a professional and reliable manner as soon as possible. Except as otherwise agreed by the Commonwealth and the petitioner, or ordered by the Court after notice and hearing, such testing may include only ABO analysis and DQ Alpha analysis and shall be completed within 30 days of this Order.

3. The District Attorney shall provide a copy of the report or reports of the testing to petitioner, through his counsel, as soon as received. No person shall make any public disclosure of the information contained in the report[s] until the District Attorney has provided petitioner's counsel with a copy.

  
Associate Justice

Dated: 01/12/95  
K:\LAVIGNE\ORDER

RECEIVED

JAN 12 1995  
CLERK OF COURTS  
HAMPDEN COUNTY

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss:

Superior Court  
No. [Impounded]

In re Richard Lavigne,  
Petitioner

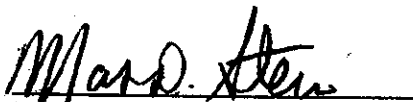
JOINT MOTION OF THE COMMONWEALTH  
AND THE DEFENDANT TO RELEASE BLOOD SAMPLE FOR TESTING

The Commonwealth and the petitioner hereby jointly move that the Court enter the attached proposed Order, releasing the blood sample for prompt testing, upon certain stated conditions. In support thereof, the parties state as follows:

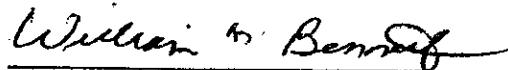
1. The Supreme Judicial Court rendered its decision in this matter on November 16, 1994. Under that ruling, the petitioner has the right to a hearing prior to the Commonwealth obtaining blood from him for testing.

2. The petitioner agrees to release of the blood sample currently in the custody of Bay State Medical Center, and waives his right to contest the taking of his blood, provided that the conditions set forth in the Order are complied with, including, prompt testing and reporting of the results, and provision of the results to petitioner as set forth therein.

Respectfully submitted,



Max D. Stern  
BBO# 479560  
Patricia Garin  
BBO# 544770  
STERN, SHAPIRO, WEISSBERG  
& GARIN  
90 Canal Street  
Boston, MA 02114-2022  
(617) 742-5800



William B. Bennett  
District Attorney  
Hall of Justice  
50 State Street  
3rd Floor  
Springfield, MA 01103  
(413) 781-8100

**RECEIVED**

JAN 12 1995

CLERK OF COURTS  
HAMPDEN COUNTY

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss:

Superior Court  
No. [Impounded]

In re Richard Lavigne,  
Petitioner

ORDER

It is hereby ORDERED as follows:

1. The sample of the blood of the petitioner which is now in the custody of the Baystate Medical Center shall be turned over to the Hampden County District Attorney forthwith solely for the purpose of conducting the tests set forth in paragraph #2, below.

2. The District Attorney shall cause the sample to be tested in a professional and reliable manner as soon as possible. Except as otherwise agreed by the Commonwealth and the petitioner, or ordered by the Court after notice and hearing, such testing may include only ABO analysis and DQ Alpha analysis and shall be completed within 30 days of this Order.

3. The District Attorney shall provide a copy of the report or reports of the testing to petitioner, through his counsel, as soon as received. No person shall make any public disclosure of the information contained in the report[s] until the District Attorney has provided petitioner's counsel with a copy.

  
Associate Justice

Dated: 01/12/95  
K:\LAVIGNE\ORDER

RECEIVED

JAN 12 1995

CLERK OF COURTS  
HAMPDEN COUNTY