

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 A. Garin
Patricia Garin

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RECEIVED

JAN 12 1995

CLERK OF COURTS
HAMPDEN COUNTY

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

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss:

Superior Court
No. [Impounded]In re Richard Lavigne,
PetitionerORDER

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

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CLERK OF COURTS
HAMPDEN COUNTY

These pages were removed from Moriarty, J's order date 9-29-93 and replaced with redacted copies

distance of 15 feet in a westerly direction.

In the course of the 1972 investigation of Daniel's murder, Father Richard R. Lavigne was one of numerous persons who were interviewed by the police. Father Lavigne was a Roman Catholic priest who at that time was stationed at St. Mary's parish on Page Boulevard in Springfield. He was a close friend of the Croteau family, including Daniel's father and mother and his four brothers, Carl, Gregory, Joseph and Michael. The friendship had developed during the period from May 6, 1967 to June 29, 1968 while Father Lavigne was assigned to St. Catherine of Siena Parish at 1001 Parker Street in Springfield where the Croteau family were parishioners and where all five of the Croteau brothers had served as altar boys. Lavigne developed a close relationship with the Croteau boys that continued after he was transferred to St. Mary's Parish. He would often visit the Croteau home and would take the Croteau boys on camping trips and other outings. At the time of Daniel's murder he was a trusted family friend and confidant.

On April 16, 1972, Lieutenant Radwanski observed Father Lavigne alone at the scene of the crime. On that same day, the Chicopee police received a report from a [REDACTED] in which she stated that Daniel Croteau had come to the door of her home on Friday, April 7, 1972, at about 10:30 PM. He had told her he was lost and looking for Father Lavigne. She allowed him to use her telephone and he placed a call. She overheard him ask, "Is Father Lavigne still there?" After a short conversation he hung up the phone and said that he

would wait outside. Within about five minutes a car drove up, picked Daniel up and drove off. She described the car as a Ford Mustang and positively identified the boy as Daniel Croteau from a photograph shown to her. She also identified a jacket which had been owned by Daniel as the jacket he was wearing when he arrived at her house. The police had information on file which indicated that Father Lavigne was at that time the owner of a maroon colored Ford Mustang.


On the following day, April 17, 1972, Lieutenant Radwanski interviewed Father Lavigne. In the course of that interview Lavigne asked him, "If a stone was used and thrown in the river, would the blood still be on it?" He also asked, "In such a popular hang-out with so many cars and foot prints, how can the prints you have be of any help?" He also admitted that he had received a phone call from Daniel on April 7th from a home on Granby Road. He said that Daniel had said he was lost and that he had picked him up, called his parents, and that Daniel had spent the night at Lavigne's parents' home in Chicopee. This admission was in contradiction of a statement made by Father Lavigne at an earlier interview when he had stated that whenever he took Daniel anywhere it was with his brothers or a gang of kids.

The evidence of the close relationship that had existed between Father Lavigne and Daniel, his presence at the scene of the crime on the day after the body was discovered, the unusual questions he had asked of the investigators in the course of his interview, and his admission that he had been alone with Daniel on

to visit our family home and continue to take one of our sons on rides and trips. However Danny was the one Father most frequently took for rides and kept him over night. The over night stays happen when Father Lavigne would call around 8:30 pm to 9:30 pm and asked to have Danny over night. This hour was late for our sons. This relationship continue until Danny's murder. There were times that we didn't know that Danny was with Father Lavigne until Father would call us to tell us he was with him and wanted to keep him over night, this would happen occasionally. This statement is written from the best of our knowledge.

The police learned from Daniel's brother Joseph that while he was a student at Our Lady of the Sacred Heart School he was repeatedly molested by Father Lavigne over a period of time. Joseph stated that he stayed many nights at St. Mary's rectory in Springfield and at Father Lavigne's parents house in Chicopee, and that during those overnight visits Lavigne sexually molested him. Another brother, Gregory Croteau, stated that when he was about fourteen years of age Father Lavigne initiated the same type of activity with him and at some time gave him alcohol.

On December 1991, Detective Lieutenant Brad Holmes interviewed


gave him the following statement:

Danny and I were best friends since about 1965, I was about 6 years old. We both attended Our Lady of Sacred Heart elementary school. I knew Danny as a good natured kid, he didn't have alot (sic) of material goods, and not to (sic) many friends. Danny stayed back a year in school and was therefore a year older than the other kids in our class. We were both alter boys at St. Catherine's. I served Mass with Danny for Father Lavigne for about a year before I moved with my family to [redacted]. When we did funeral Masses with Father Lavigne at St. Catherine's, he would usually get us out of school. this was always during the week. After the Mass, Father Lavigne would

out of his car or park any closer like he was trying to conceal his identity. Danny would say "I have to go" and he would run to the car crying with no further explanation. Danny told me that Father Lavigne was his uncle and that's why I never thought any more about it. This would happen alot. And Danny was with Father Lavigne alot (sic). Where Father Lavigne parked his car on Prouty St. was only about five houses from the Croteau house. I know that Father Lavigne did not bring Danny home to his (Danny's) house as he went the opposite direction. They drove towards Sunrise Terrace down Lumae St.

I know Danny seemed to latch on to Father Lavigne because he didn't have many friends, and it seemed like his father was never home. We never went to Danny's house.

The above statement is true and accurate to the best of my knowledge.

On May 3, 1993, [REDACTED]

[REDACTED] sent a written statement to Trooper Daly in which he described an incident that had taken place while he was on an overnight camping trip with Father Lavigne and the Croteau family in the Town of Goshen when he as about ten or eleven years old.

That statement is as follows:

To whom it may concern,

I recently had an opportunity to speak to my brother [REDACTED] regarding the weekend I, [REDACTED], was sexually molested by Richard Lavigne. We began this discussion with my inquiry of whether (sic) or not [REDACTED] had been molested as well. He had not.

As we spoke of that weekend in Goshen, Ma. a fog seemed to lift from my memory. He spoke of things as he remembered them and those same memories came rushing back to me clear and true. We both agreed upon the recollection of Danny Croteau, being the youngest one there, as the focal point of name calling and mild ridicule by his three brothers, Joe, Michael and Greg and the boys from my family, myself, [REDACTED] and [REDACTED]. It was obvious that Danny was frustrated and upset that Lavigne joined in the taunting. He seemed upset at being the

** TX CONFIRMATION REPORT **

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