

STATEMENT OF FACTS

1) The purpose of this statement is to establish probable cause for the issuance of a complaint and arrest warrant for Richard R. Lavigne (DOB 02/18/1941, SSN 025-32-0198) of 86 Haven Avenue, Chicopee, Massachusetts, for the crime of Murder (G.L. c.265/s.1) related to the death of Daniel (“Danny”) Croteau on or about April 15, 1972. Since Danny’s remains were recovered by law enforcement authorities, a joint investigation into the circumstances surrounding his death has been conducted by troopers of the Massachusetts State Police Detective and Unresolved Cases Units assigned to the Hampden District Attorney’s Office and officers with the Chicopee Police Department. This statement is not intended to provide a summary of all investigative efforts conducted by law enforcement personnel over the last forty-nine (49) years in this joint investigation, but includes those facts known to this officer related to means, opportunity, motive and consciousness of guilt to establish probable cause for the complaint and arrest of Richard R. Lavigne for the killing of Daniel Croteau.

2) This officer is a Trooper of the Massachusetts State Police Detective Unit (MSPDU) assigned to the Hampden District Attorney’s (HDA) Office, who also is assigned to the Unresolved Cases Unit, a statewide unit of the Massachusetts State Police formed in 2020. On March 12, 2020, this officer was assigned to the on-going law enforcement investigation into the circumstances surrounding the death of Daniel Croteau that occurred on or about April 15, 1972, which case Hampden District Attorney Anthony D. Gulluni authorized the Unresolved Cases Unit to join in investigating. As part of my assignment, this officer has reviewed witness statements and other case file documents and photographs maintained by the Chicopee Police Department, Massachusetts State Police, and the Massachusetts State Police Crime Laboratory and its vendor laboratories, as well as an autopsy report filed relative to the death of Daniel Croteau. In addition, this officer has conducted multiple interviews of witnesses who have provided this officer information in this investigation, and reviewed forensic testing reports from DNA LABS International, an accredited forensic laboratory recently contracted by Hampden District Attorney

Gulluni to perform forensic testing on case evidence. This officer has learned the following facts and circumstances relative to Danny's death:

3) On Saturday, April 15, 1972, at 8:25 A.M., official records of the Chicopee police department document that on-duty Chicopee Police Officer Burl Howard radioed police headquarters to report the discovery of a deceased male child found in an area under the Governor Robinson Bridge overpass that crosses over East Main Street in the Chicopee Falls Section of Chicopee, Massachusetts. East Main Street is also known as Route 141, and runs in an east-west direction. Official records and photographs depict the child's remains found floating face down in the river, approximately 5-8 feet from the south bank of the Chicopee River. He was clothed in a tan suede zippered short jacket (with its left pocket torn off), white tee shirt, blue corduroy trousers with a wide brown leather belt, blue socks and high canvas shoes with white soles. In the right pocket of the jacket, which remained attached to the garment, small items were documented being found, including: a small wooden box containing a student's dissecting instruments, a blue neck tie with the initials "OLSH" in white, and an examination paper on yellow paper with the heading, "Daniel Croteau, Grade 7, Our Lady of the Sacred Heart School." In addition, in the child's left front pants' pocket, a package of chewing gum was recovered. The child's clothing and contents of his jacket's and pants' pockets were collected and maintained by investigators for submission to the Massachusetts State Police Crime Laboratory.

4) Upon discovery of the child's body, the Chicopee Police Department learned, though an official report filed with the Springfield Police Department at 2:11 A.M. on the morning of April 15, 1972 by Carl and Bernice Croteau of 106 Ferncliff Street, Springfield, MA, that their son, thirteen-year-old Daniel ("Danny") Croteau, with a date of birth of 11/12/1958, was missing. Investigators confirmed that the child's remains found in the Chicopee River were those of Daniel ("Danny") Croteau. It also was confirmed that Danny was a seventh grade pupil at Our Lady of the Sacred Heart School (OLSH), a parochial elementary school located in the City of Springfield.

5) On April 15, 1972, at approximately 1:30 P.M., an autopsy of Danny's remains was conducted by Dr. George Katsas, a forensic pathologist licensed to practice medicine in the Commonwealth of Massachusetts, with the assistance of Dr. Edward I. Kraus, a regional medical examiner for the Commonwealth of Massachusetts. According to an autopsy report filed in the case, Danny's cause of death was ruled to be "as the result of multiple blunt injuries of the head with fractures of the skull and lacerations of the brain." Also noted in the autopsy report were blunt injuries to Danny's neck, with contusions of the soft tissue and petechial hemorrhages of the laryngeal mucosa, and petechial hemorrhages about his eyes. The manner of death was ruled homicide. The official autopsy report documents Danny's stomach contents containing "many chewed portions of candy gum." A supplemental report from the Department of Public Safety for the Commonwealth of Massachusetts, dated May 2, 1972, and attached to the official autopsy report, describes Danny's blood alcohol content, confirmed by gas chromatography, was .18%, and his blood type grouping was Group "O". Official reports document that investigators focused their investigation on a time of death between approximately 4:00 P.M. on April 14, 1972, when Danny was reported to have been last seen alive by his mother, and 8:25 A.M. on April 15, 1972 when his remains were discovered.

6) The scene at the river's bank was documented and photographed by investigators with the following details: From the north side of East Main Street to the river's bank there are two cement piers, each 9 ft. wide and 33 ft. long, which support the Robinson Bridge. A large section of blood stained sand, about 6"x12" was found about 16 ft. from the south side of the northern most pier. Nearby were marks in the sand, which seem to indicate that some sort of scuffle had taken place. These marks and the bloodstain were close to a set of tire tracks from a motor vehicle, which had driven into the area, backed around and then taken off at a high rate of speed. From this blood stained area, marks in the sandy soil indicated that some heavy object had been dragged 83 ft. to the edge of the river and ended in a large pool of blood on the river's bank directly south of the location of the body in the river. From this pool of blood, bloodstains were found spattered on the rocks and soil for a distance of 15 ft. in a westerly direction. A piece of cotton rope, plastic straw, and the left pocket of Danny's jacket were recovered on the river's bank, in the vicinity of his

remains. These items, and samples of the soil and rocks, as described, were collected and maintained by investigators for submission to the Massachusetts State Police Crime Laboratory for testing and analysis.

7) On April 21, 2021, DNA LABS International, a forensic laboratory located in Deerfield Beach, Florida, received samples of the geological materials (recovered from the river's bank in this case in 1972) from the Massachusetts State Police Crime Laboratory. Hampden District Attorney Gulluni had contracted with DNA LABS International to conduct DNA STR analysis on the recovered samples. Blood was indicated on a soil sample from near the river's edge, near the tire tracks, and near the south side of the Chicopee River, and on stones previously collected by investigators. The indication of blood on these items is a presumptive test and does not identify its donor. Additional DNA STR testing on these items yielded a partial single source male DNA profile on three separate rocks. Daniel Croteau cannot be excluded as a contributor to this partial single source male DNA profile. The chance that an unrelated person, chosen at random from the general population, would be included as a contributor to this partial single source male DNA profile on two of the rocks is 1 in every 54 million individuals, and on one rock is 1 in every 390 million individuals. No DNA profile was developed on any other rock or soil sample collected from the scene.

8) In 1972, investigators developed a person of interest, Richard R. Lavigne, who was a Roman Catholic priest and friend of the Croteau family. At the time of Danny's death, Lavigne was assigned to Saint Mary's Parish, located at 840 Page Boulevard, Springfield. Lavigne met the Croteau family, who were practicing Roman Catholics, while he was assigned to the Croteau's parish, Saint Catherine of Sienna, located at 1023 Parker Street, Springfield, MA. from May 1967 through June 1968. Danny was the youngest of five boys in the Croteau family. He and his brothers, Carl, Gregory, Michael, and Joseph, had served as altar boys at Saint Catherine's, and assisted Lavigne at Mass. Lavigne also socialized with the Croteau family, and frequently took some of the Croteau boys, including Danny, without their parents on outings unrelated to church activities. Father Lavigne also maintained contact with Danny and his family after he was reassigned to St. Mary's Parish

in late June 1968, and continued the social outings. These social outings included the boys, either together or alone, staying overnight at Lavigne's parent's home at 88 Edward Street, Chicopee, Massachusetts. Witnesses reported that Lavigne also presided at Danny's funeral Mass and cemetery commitment service. Official records indicate that Lavigne was a person of interest for investigators because of the inconsistent and unusual statements he had made to investigators in the days after the murder, and an investigator's observation of him alone at the river's bank at approximately 4:30 p.m. on April 16, 1972. He also was reported to have been with Danny one week before, during the evening hours of Friday, April 7, 1972, when a witness reported Lavigne picked up Danny from a home on Granby Road in Chicopee, MA. The initial investigation did not result in the arrest of Richard R. Lavigne, or any other individual, and the investigation eventually grew inactive without any new information or leads for investigators to follow.

9) Then, on June 25, 1992, according to public court records, Richard R. Lavigne was convicted on Franklin County Indictments #92-028, Count 3, charging him with indecent assault and battery on a person over the age of fourteen (G.L. c. 265/s.13B) and #92-030, Count 1, charging him with indecent assault and battery on a child under the age of fourteen (G.L. c. 265/s.13H). He was sentenced by the Court, Volterra, J., to 1 year at the Hampshire County House of Correction, suspended with 10 years probation on Indictment #92-028, and 4 to 6 years at MCI-Cedar Junction, from and after the sentence imposed on Indictment #92-028, suspended with probation for ten years on Indictment #92-030. His terms of probation ran concurrently, and the same special conditions of probation were imposed upon each sentence, and required him to seek in-patient sex offender treatment and restricted his access to children under the age of sixteen. The charges had stemmed from an investigation begun in October 1991 and conducted by troopers of the Massachusetts State Police Detective Unit assigned to the Northwestern District Attorney's Office whose geographical jurisdiction includes Hampshire and Franklin counties and the Town of Athol. At the time of his convictions, Lavigne was assigned as pastor of St. Joseph's Parish located at 34 Monroe Avenue, Shelburne Falls, MA. On July 6, 1976, he had been transferred from St. Mary's Parish in Springfield to St. Francis of Assisi Church, formerly located at 12 Union Street, North Adams, MA, and, he was later transferred to St. Joseph's

Parish on November 30, 1977. The named victims in these indictments, like Danny, were altar boys at his parish and sons of parishioners with whom he socialized.

10) As a result of the investigation by Massachusetts State Police detectives assigned to the Northwestern District Attorney's Office and publicity generated through Richard R. Lavigne's arrest and convictions, new information was provided to investigators in this case. On December 19, 1991, an individual, whose additional identifying information is known to this officer and for the purposes of this statement will be designated as Witness #1, spoke with investigators in this case and provided a written statement. The witness stated that "they" and Danny Croteau were "best friends". The witness explained that they also served Mass together as altar boys. The witness further explained that after serving Mass, Lavigne would offer them wine from the chalice and that he would tell them to chew gum that he would provide them. The witness reported that he had observed Lavigne drive more than one model of car. One was a convertible and the other was "a funeral-like car, either dark blue or black, with four doors." There were Playboy magazines under the driver's seat in the convertible, and they said that Lavigne encouraged the boys to look at them. They said that Danny was with Lavigne a lot. At times, Lavigne appeared as the boys were playing street hockey in the afternoon. Without warning, Danny would stop playing, begin crying, tell they he had to leave, and run toward where Lavigne was parked, getting into the big four-door car, and leaving alone with Lavigne. They knew that Danny was not going home as the car drove away in the opposite direction.

11) In addition, on September 29, 1993, an individual, whose additional identifying information is known to this officer and for the purposes of this statement is designated as Witness #2, spoke with investigators in this case and provided a written statement. The witness reported that sometime between 12:30 AM and 1 AM on a weekend night in April 1972, "they" saw a black Cadillac driving out from under the Governor Robinson Bridge. Their headlights were on the car's driver's side. They described the driver as a white male, clean-shaven with dark eyes, in his thirties, who was wearing a priest's white collar. The driver looked at the witness and accelerated quickly out of the area. The witness did not know the name of the driver. It was not until they saw a picture of Richard Lavigne in

news reports and newspapers that, "something clicked in [their] mind that the face [they] saw at the underpass looks like Father Lavigne. He had that white priest collar on." The witness stated that he remembered hearing about the murder within a one-week period from when he had seen the priest coming out of the underpass.

12) On September 2, 1993, a search warrant seeking a blood sample from Richard R. Lavigne was approved by Moriarty, J., then-sitting as an associate justice with the Hampden County Superior Court. Investigators sought Richard R. Lavigne's blood sample to compare it with two items recovered from the river's bank in 1972. Results for serological testing and analysis maintained at the Massachusetts State Police Crime Laboratory and detailed in a May 9, 1972 report of Montgomery H. Talbot, an assistant chemist, documented that one recovered item, a rope, had tested positive for ABO blood type grouping Group B, which was inconsistent with Danny's reported ABO blood type grouping type at autopsy, Group O. Richard R. Lavigne's blood sample was taken pursuant to the terms of the search warrant, but prior to testing and analysis, he sought return of his blood sample from the Hampden County Superior Court. When that relief was denied, he appealed to the Supreme Judicial Court. On November 16, 1994, the Supreme Judicial Court found that common law required an adversarial hearing before the issuance of the search warrant, and remanded the case to the Hampden County Superior Court for future hearings.

13) On January 12, 1995, Moriarty, J, issued a court order from the Hampden County Superior Court allowing Richard R. Lavigne's blood sample, previously seized by investigators pursuant to the September 2nd search warrant, to be tested and compared with the serological ABO testing and forensic DNA testing results on the rope and straw recovered from the river's bank. Richard R. Lavigne's blood sample was transferred to the Massachusetts State Police Crime Laboratory for serological ABO testing and analysis. On January 18, 1995, Gwen Pino, a criminalist with the Massachusetts State Police Crime Laboratory, trained in serology, tested Richard R. Lavigne's blood sample and documented his ABO blood type grouping as Group B. Found in approximately 11% of the population, ABO blood type grouping Group B is one of the least common blood groups.

14) Subsequent forensic testing on the blood stained rope, as reported on January 31, 1996, from Forensic Science Associates, a forensic laboratory located in Richmond, California, indicated that the DQ[alpha] and polymarker genes using Polymerase Chain Reaction (PCR) amplification techniques employed at that time did not produce any amplified or typed DNA findings from the bloodstain. The biological material recovered from the straw was typed using PCR amplification techniques at the DQ[alpha] and polymarker genes, and eliminated Richard R. Lavigne as a potential source of the biological material recovered from the straw. Collectively, further DNA testing of the Type B blood found on the rope and the biological material recovered from the straw has been attempted four times during this investigation since 1996, three times on the rope and once on the straw. In official reports filed by the Massachusetts State Police Crime Laboratory on December 20, 2002, January 17, 2003, and April 30, 2021; and by DNA LABS International on April 1, 2021, neither forensic laboratory was able to develop a DNA profile from the blood (blood type grouping Group B) recovered from the rope, as reported in 1972, or DNA recovered from the straw, as reported in 1996.

15) On February 11, 2021, an individual, whose additional identifying information is known to this officer and for the purposes of this statement is designated as Witness #3, was interviewed. Previously, on May 3, 1993, this witness had provided investigators with a handwritten letter. "They" had disclosed to investigators assigned to the Northwestern District Attorney's Office on December 31, 1991 that they had been sexually molested by Richard Lavigne during an overnight camping trip in Goshen, MA. According to their May 3rd letter, they believed the incident occurred during the summer of 1968. The Croteau brothers, including Danny, had attended the camping trip. On the afternoon preceding their sexual molestation, Danny, as the youngest of the group of boys present, was teased by name calling and mild ridicule. They said that Richard Lavigne was present and joined in the taunting, which frustrated and upset Danny. More than once, they said, "Danny threatened Lavigne with the words 'I'll tell...! I'll tell!'" They reported that these words had an obvious effect on Lavigne. They said that Lavigne began to pay more attention to Danny and "ordered us to stop the name calling." They also said, "[a]t one point Danny

and I were vieying (sic) for Lavigne's attention when I pushed him [Danny] to the floor. Lavigne reacted violently by slapping me across the face so hard it knocked me down to the floor." They wrote, "I think the change in Lavigne's behavior on that summer weekend 25 years ago was a direct result of Danny Croteau threatening to tell. At the time I thought 'I wonder what he has on Lavigne.'"

16) On February 23, 2021, an individual, whose additional identifying information is known to this officer and for the purposes of this statement is designated as Witness #4, was interviewed. The interview was audio recorded. Previously, on November 17, 1994 this witness had spoken with investigators in this case and provided a written statement. The witness told this officer that "they" met Father Lavigne when they were thirteen years old and Father Lavigne was assigned to St. Mary's Parish in Springfield. They said that during a two to three year period after meeting Lavigne, they were sexually violated by him on a regular basis. Lavigne would give them beer on a regular basis, and Father Lavigne and they would drink alcohol wherever they were going. They told this officer that they overheard a conversation Lavigne had with a St. Mary's parishioner. The conversation concerned Lavigne being accused of killing a young boy. They heard Lavigne deny "everything" to the parishioner, "saying in essence taht (sic) he [Lavigne] wondered why he was being accused by the police." This was the first time that they had heard about the case and didn't know the boy's name. A short time after hearing this conversation, maybe two months after, they were with Lavigne. They were angry and upset about their sexual molestation by Lavigne and they asked Lavigne "why he had to kill the kid", referring to the conversation that they had overheard. They reported that, "That's when Father Lavigne said it was simply an accident and he told me to leave it alone. That's when he started to say that things could happen to me to. I took that as he could kill me just as well. He was very forceful about it. Father Lavigne had threatened me before one time when I told him I wanted to get out of the situation meaning the sexual abuse and I told him I would go to the police. He had told me more or less that if I did that, I would live to regret it. I never told anyone about the abuse at that time. I wanted to but I was afraid."

17) On April 30, 2021, an individual, whose additional identifying information is known to this officer and for the purposes of this statement is designated as Witness #5, was interviewed. The witness had been interviewed previously by investigators on March 12, 1993. They had been an altar boy and served Mass with Lavigne at St. Mary's Parish in Springfield. They have disclosed being sexually molested by Richard R. Lavigne. They said that the first time they went to Father Lavigne's parent's home, Father Lavigne offered them a drink of water, but it was not water. It was a martini. This apparently amused Father Lavigne, but not them. They said, "wherever you went, you had to sleep with him." They said that there would be "back rubbing" and just the thought of that made the witnesses' body stiffen. They also stated that Lavigne's day off was Friday, and you would stay overnight with him and come back on Saturday. They said that Father Lavigne was frightening and very impatient; they "feared him." They disclosed an incident where they were riding in a car with their brother and Father Lavigne. Their brother said something, and Lavigne "smacked him." They stated, "this man has a temper and you did not want to cross him." They said "he made you feel guilty." They also remembered when Lavigne drove them by the scene of the murder and said something to the effect of "that's where Danny Croteau was murdered." They recalled the police cars still being at there when they drove by the scene.

18) Over a series of five days, on April 14, 2021, April 15, 2021, April 16, 2021, April 17, 2021, and May 4, 2021, this officer conducted a series of interviews with Richard R. Lavigne, totaling approximately 11 hours. All interviews were audio recorded with Lavigne's consent. Each interview was conducted at a local medical facility where Lavigne was a patient. At the first interview on April 14th, this officer introduced myself to Lavigne, my status as a Massachusetts State Police Trooper and my role as an investigator into the circumstances surrounding Daniel Croteau's death on April 15, 1972. Lavigne was provided my business card on April 14th and May 4th. This officer observed my business card in Lavigne's room on April 15th, April 16th and April 17th. Prior to speaking with Lavigne on each date, Lavigne was observed by this officer to determine that he was oriented to time and place, and was not under the influence of any medications adversely affecting his ability to communicate or his decision-making process. Lavigne

did not appear to this officer to be under the adverse influence of any alcohol or drugs, was able to tell me his name, date of birth and the place of our interview, and was responsive to the questions this officer posed. From my review of case file materials, I also was aware that Lavigne graduated from college, and pursued post-graduate studies in the seminary. Lavigne voluntarily agreed to speak with this officer on each day. This officer advised Lavigne that he could stop questioning or request that this officer leave his room at any time. Breaks in the interviews accommodated the delivery of food and drink services, use of the bathroom facilities, or to allow medical personnel to provide services. At all times, the questioning remained conversational, and no promises, rewards or inducements were offered to Lavigne for speaking with this officer. Lavigne was provided Miranda warnings on four occasions, twice on April 16th, and once each on April 17th and May 4th. This officer advised Lavigne of his Miranda warnings by reading them from a sheet of paper, and requesting that Lavigne verbally acknowledge his understanding of each right. This process was audio recorded and documented in writing. During all of the interviews with this officer, Lavigne maintained he did not kill Danny. However, he made several admissions to this officer to indicate that he was the last person to see Danny Croteau alive, brought him to the river's bank on the night of his death, physically assaulted him there, observed him laying face down in the river, and told no one.

19) During the April 16th interview, Lavigne stated that he brought Danny to the Chicopee River on the night of his death. Danny wandered off, and after waiting there for twenty to thirty minutes, when Danny did not return, Lavigne said he left him there and went home. He stated that he did not report this to the police, nor did he tell Danny's parents. Lavigne told this officer that he returned to the river's bank "about an hour later" and saw Danny floating "face down" in the river. He could not recall why he returned to the river's bank. He said that he knew it was Danny in the river by what he was wearing, but he did not recall what Danny was wearing now, as it was so long ago.

20) Lavigne also expressed regret in leaving Danny alone. He followed that it was hard to say if that was the greatest regret of his life. He said that he was alone when he found Danny floating in the river. He said that he watched the body from his car and turned around

on the road and went home. He stated that he was “heavy hearted” when he got home. He said he did not alert police or Danny’s parents of what he saw. He said that Danny was a “nice little kid” and “kind of dumb, but charming in a way.” He also said “to see him face down in the water was just not something you’d like to keep in mind.” Lavigne stated that he never told anyone this. When asked why he had not told anyone, he said “why tell it?” He then said that, “there is truth in a lot of things that is never revealed.” He also said: “I just think about his mother, she must have been a mess of tears, afterwards, but the father, I didn’t give a damn about, he was a jackass, and the older brother too.”

21) Lavigne was asked if it “got out of hand with Danny” and he said “oh, yeah.” He agreed that he did not intend for the consequences that followed to come about. When Lavigne was asked why he hit Danny, he said he didn’t “hit him”, instead he “slapped him a little bit.” Later, he said that he didn’t remember hitting Danny at the river bank, but he “gave him a good shove.” When Lavigne was asked why he gave Danny a “good shove” he replied “because he was being,” -- then he paused and said “how should I say, the same reason you’d push your own son, and say ‘hey Billy, you don’t do that’.” He said Danny did not fall to the ground when he was shoved, but Danny apologized, saying “I’m sorry, I’m sorry.” Still later, Lavigne said that he did not shove Danny, but *pulled* him “away from the river bank” because Danny was too close to the water. Lavigne said Danny was “not a very intelligent kid” and Danny “did things on his own, reaction, you know, that sort of thing.”

22) Lavigne also said that it was possible that he (Lavigne) fell down: “upriver a bit” as he explained it. He stated that he got out of the car and tripped on a stone and fell. He stated that he cut himself on his knee and that could explain why type B blood was at the scene. He stated that there was nobody else by the river’s bank when he was there with Danny.

23) During the May 4th interview, Lavigne was asked about when he found Danny floating face down in the river. Lavigne said they were fishing, but Danny was not a good fisherman. Lavigne said that they separated at some point, while at the river, and then when

he came back he saw Danny floating in the river. Lavigne said that he then started “balling” crying. Lavigne said “people are going to blame me, you know? And they did, it was the worst experience of my life.” Lavigne said that he and Danny were walking along the stream and there was a pile of rocks “and some of them came down while I was upstream a bit.” Lavigne further stated that when he came looking for Danny he found Danny’s body in the river. He later said that he did not see the rocks from the rock wall hit Danny.

24) During the interview, Lavigne was asked about the first time he hit Danny by asking him “the first time you hit him, did you mean to hurt him?” he replied “no.” He was asked if it was more so to “shut him up?” and he replied “yup.” To clarify if it was Lavigne’s intent to shut Danny up, he was asked “was it?” He replied “well, I don’t know if it was to shut him up or if it was to stop him from doing what he was doing.” Lavigne was asked “what was he doing?” and he replied “frankly I don’t remember.” Then Lavigne was asked “what did you do with the object after you hit him?” he replied “tossed it in the water.” He was asked how far he threw it in the water and he replied “six feet.” He was then asked “do you think it could have had Danny’s blood on it?” Lavigne replied “it may have, by the time it got in the water for any length of time it would have been rinsed off.”

25) During the course of this investigation, Richard R. Lavigne has attempted to mislead investigators in this case, and these acts suggests a consciousness of guilt. On April 17, 1972, a telephone call was made to the Croteau family home. Carl Croteau, Jr., then nineteen years old, answered the telephone. A male voice said, “[w]e’re very sorry what happened to Danny. He saw something behind the Circle he shouldn’t have seen. It was an accident.” The caller would not identify himself and hung up. Carl, Jr. told investigators that the male voice was familiar to him, and that he recognized the caller’s voice as belonging to Richard Lavigne. When interviewed on January 27, 2021, Carl Jr. told this officer that within a month to a month and a half before Danny’s murder, he remembered that Danny would return from being with Lavigne and Danny would be sick to his stomach from drinking alcohol. Carl Jr. also told this officer that his brother Danny usually was with Lavigne on the weekends, specifically Friday nights. Carl Jr. provided written statements to investigators on August 7, 1972 and April 22, 1993.

26) On April 6, 2004, the Hampden County Superior Court, Sweeney, J., issued a search warrant for the residence of Richard Lavigne located at 86 Haven Avenue, Chicopee, MA. The search warrant authorized investigators to search for and seize a letter that, on March 23, 2004, Lavigne had shown an acquaintance, an individual, whose additional identifying information is known to this officer and for the purposes of this statement will be designated as Witness #6. When interviewed on April 5, 2004, the acquaintance told investigators that “they” had first learned of the letter in an earlier meeting with Lavigne. Lavigne told them that he received the typed, unsigned letter in the mail, and further said that it must have been written by the murderer himself because of the guilt it described. While executing the search warrant at Lavigne’s Haven Avenue residence, Detective Lieutenant Peter Higgins of the Massachusetts State Police Detective Unit assigned to the Hampden District Attorney’s Office spoke with Lavigne. Previously, D.Lt. Higgins had advised Lavigne of his Miranda warnings. Lavigne told D.Lt. Higgins that he received the letter sometime in January 2004 and was “very suspicious of it because it had no return address”. He described an elaborate process of opening the letter with tweezers, and placing it in a plastic bag prior to reading it because “he knew about fingerprints and DNA”. When he then read the letter, Lavigne described it as “chilling”. Lavigne told his acquaintance that he did not provide the letter to investigators because “nobody would believe that he (Lavigne) did not write it.” The letter, its envelope and a copy were obtained by investigators and are maintained in the case file.

27) On March 5, 2021, Hampden District Attorney Gulluni engaged the services of Robert A. Leonard, Ph.D., an expert in forensic linguistics, to conduct an authorship analysis upon the letter seized from Lavigne by investigators in 2004 and known writings of Richard R. Lavigne gathered during the investigation. Dr. Leonard has been qualified as an expert in linguistics in courts of fourteen states and six federal districts. He is a tenured Professor of Linguistics at Hofstra University, and lectures worldwide on the topic of linguistics. He has been published in his field of expertise on several occasions. Forensic linguistics applies the science of linguistics – the scientific study of language - to legal cases. An authorial analysis involves the examiner comparing questioned documents with documents of known authorship to discern linguistic patterns to determine whether a hypothesis of common authorship better explains the data than hypothesizing independent

authorship. While this analysis does not individualize the document from having originated from any certain individual, it can include or exclude an individual from having authored a questioned document. For his examination, Dr. Leonard was provided copies of the letter seized by investigators from Lavigne in 2004, and ten writings known to be written by Richard R. Lavigne.

28) On May 21, 2021, Dr. Leonard informed this officer that, based upon a review of the materials that had been provided to him, in his opinion, to a reasonable degree of scientific certainty, “ language patterns in the questioned document are consistent with language patterns in the known Lavigne documents to the point that Richard R. Lavigne cannot be excluded as a possible candidate of authorship.” This conclusion was based on a number of features, which show either “idiosyncratic overlap between the seized letter and the known writings of Lavigne, or wholly consistent uses of highly standardized written language.”

29) Based upon the foregoing facts and information, there is probable cause to believe that on or about April 15, 1972, in the Town of Chicopee, Massachusetts, Richard R. Lavigne (DOB 02/18/1941, SSN 025-32-0198) did unlawfully assault and beat Daniel Croteau, which assault and battery did kill Daniel Croteau, and that Richard R. Lavigne committed these acts with deliberate premeditation, and/or extreme atrocity or cruelty and malice, in violation of G.L. c.265/s.1 – Murder.

30) Based upon the foregoing facts and information, this officer requests that a complaint and warrant be issued for the arrest of Richard R. Lavigne (DOB 02/18/1941, SSN 025-32-0198) of 86 Haven Avenue, Chicopee, MA., for the crime of Murder (G.L. c.265/s.1) of Daniel Croteau on or about April 15, 1972.

Respectfully submitted,

Trooper Michael T. McNally, #3656

Unresolved Cases Unit and

Massachusetts State Police Detective Unit, Hampden County