

would invite these boys to become altar boys and would begin to develop a relationship with them. As the relationship grew, Lavigne would take the boys on trips, overnight stays, and antique hunting. He would spend time with the boys and shower attention on them, buying them gifts and doing them favors to build their trust.

Often, Lavigne would invite the boys over to the rectory to work around the house. He would have them over for dinner and would spend evenings with them at the rectory. Statements indicate that Lavigne would often offer the boys alcohol and encourage them to drink it. Eventually, he would ask them if they wanted to sleep over at the rectory. At this point, the pattern becomes more rigid and ritualistic. It was during these sleep overs when Lavigne would often invite the boys to take a shower and then would give them a long nightshirt to wear to bed even though they often had their clothes. Lavigne would ask the boys to sleep in his bed with him. While in bed, Lavigne would begin to playfully touch the boys, tickling them and giving back rubs and massages. He would then ask that the boys return the favor. This would lead to Lavigne touching the boys sexually and inviting them to touch him. Often he would try to put the boys at ease, to lower their inhibitions by talking to them and explaining that this type of touching was alright.

Lavigne manipulated these boys, developing the relationship slowly and cautiously. He was generous, affectionate and attentive to their needs. He has been described in statements as "dynamic, exciting, and fun to be around. He seemed unlike other priests in the way he related to us altar boys. He was more of a friend or buddy than someone in authority. We felt he could do no wrong."

At times, he was warm and inviting but at other times, he could become enraged and display a violent temper. Because of this, he was often unpredictable. Many incidents describe how Lavigne could be intimidating and threatening. In one statement, nine year old _____ states, "When I went downstairs to the kitchen, Fr. Lavigne was cutting something. I think they were carrots for soup....Fr. Lavigne turned to me and said, 'If you tell anybody', and he had the knife in his hand and he started waving the knife at me, and then he said, 'I'm going to hurt you'. Then he started cutting carrots again. Then he turned back around and pointed the knife at me and said, 'or your parents'. Then he went back to cutting carrots and talking about other stuff. I was scared that he might cut me or stab me or my parents."

Lavigne developed these relationships with these boys through a deliberate and calculating process. He selected which boys to approach and then through coercion and seduction, he escalated the level of sexual activity. Once he established the relationship to the point where he was sexually molesting

these boys, Lavigne further manipulated them to keep the activity secret.

On May 10, 1993 this officer contacted Special Agent Gregg McCrary of the Federal Bureau of Investigation in Quantico, VA. S/A McCrary is assigned to the Behavioral Science Unit. After a brief conversation during which this officer requested research on the study of pedophiles, S/A McCrary forwarded to this officer literature on the subject.

As part of the material supplied by the FBI Academy, a publication was received entitled, "Child Molesters: A Behavioral Analysis." This was published by The National Center for Missing and Exploited Children in cooperation with the FBI. It was prepared by Supervisory Special Agent Kenneth V. Lanning of the Behavioral Science Unit. In this literature, the term pedophilia is defined as follows: "The essential feature of this disorder is recurrent, intense, sexual urges and sexually arousing fantasies, of at least six months' duration, involving sexual activity with a prepubescent child. The person has acted on these urges, or is markedly distressed by them. The age of the child is generally 13 or younger."

In discussing the differences between a child molester and pedophile, the manual explains that the person who has a distinct sexual preference for children and fantasizes about having sex with a child is a pedophile. A child molester is a person who may not necessarily have sexual fantasies about children but does in fact act out and sexually molests them. A person may be a pedophile but unless he acts out and satisfies his fantasies about children, he is not a child molester.

The Preferential Child Molester is defined as the following: "The Preferential Child Molesters have a definite sexual preference for children. Their sexual fantasies and erotic imagery focus on children. They have sex with children not because of some situational stress or insecurity but because they are sexually attracted to and prefer children. They can possess a wide variety of character traits but engage in highly predictable sexual behavior. These highly predictable sexual behavior patterns are called sexual ritual and are frequently engaged in even when they are counter-productive to getting away with the criminal activity. Although they may be smaller in number than the Situational Child Molesters, they have the potential to molest large numbers of victims. For many of them, their problem is not only the nature of the sex drive (attraction to children) but also the quantity (need for frequent and repeated sex with children). They usually have age and gender preferences for their victims. Members of higher socioeconomic groups tend to be over represented among Preferential Child Molesters. More Preferential Child Molesters seem to prefer boy than prefer girl victims."

One pattern of behavior of the Preferential Child Molester is referred to as "Seduction." This is describes as the following: "This pattern characterizes the offender who engages children in sexual activity by 'seducing' them - courting them with attention, affection, and gifts. Just as one adult courts another, the pedophile seduces children over a period of time by gradually lowering their sexual inhibitions. Frequently his victims arrive at the point where they are willing to trade sex for the attention, affection, and other benefits they receive from the offender. Many of these offenders are simultaneously involved with multiple victims, operating what has come to called a child sex ring. This may include a group of children in the same class at school, in the same scout troop, or in the same neighborhood. The characteristic that seems to make this individual a master seducer of children is his ability to identify with them. He knows how to talk to children - but, more important, he knows how to listen to them. His adult status and authority is also an important part of the seduction process. In addition, he frequently selects as targets children who are victims of emotional and physical neglect. The biggest problem for this child molester is not how to obtain child victims but how to get them to leave after they are too old. This must be done without the disclosure of the 'secret'. Victim disclosure often occurs when the offender is attempting to terminate the relationship. This child molester is most likely to use threats and physical violence to avoid identification and disclosure-or-to prevent a victim from leaving before he is ready to 'dump' the victim."

The four major characteristics of the Preferential Child Molester (pedophile) are defined as: 1) long-term and persistent pattern of behavior, 2) children as preferred sexual objects, 3) well-developed techniques in obtaining victims, and 4) sexual fantasies focusing on children.

A section entitled, "Well-Developed Techniques in Obtaining Victims" outlines the following characteristics and indicators of a pedophile in the process of selecting a victim:

Skilled at identifying vulnerable victims: Some pedophiles can watch a group of children for a brief period of time and then select a potential target. More often than not, the selected child turns out to be from a broken home or the victim of emotional or physical neglect. This skill is developed through practice and experience.

Identifies with children (better than with adults): Pedophiles usually have the ability to identify with children better than they do with adults - a trait that makes most pedophiles master seducers of children. They especially know how to listen to children. Many pedophiles are described as 'pied pipers' who attract children.

Access to Children: This is one of the most important indicators of a pedophile. The pedophile will surely have a method of gaining access to children. Other than simply hanging around places children congregate, pedophiles sometimes marry or befriend women simply to gain access to their children. Pedophiles are frequently the 'nice guys' in the neighborhood who like to entertain the children after school or take them on day or weekend trips. Also, a pedophile may seek employment where he will be in contact with children (teacher, camp counselor, baby sitter, school bus driver) or where he can eventually specialize in dealing with children (physician, dentist, minister, photographer, social worker, police officer). The pedophile may also become a scout leader, Big Brother, foster parent, Little League coach, and so on. The pedophile may operate a business that hires adolescents. In one case known to the author, a pedophile married, had a daughter, and he molested her. He was the 'nice guy' in the neighborhood who had the neighborhood girls over to his house for parties, at which he molested them. He was a coach for a girl's softball team, and he molested the players. He was a dentist, who specialized in child patients, and he molested them.

Activities with children, often excluding other adults: The pedophile is always trying to get children into situations where there are no other adults present. On a scout hike he might suggest the fathers go into town for a beer. He will 'sacrifice' and stay behind with the boys.

Seduces with attention, affection and gifts: This is the most common technique used by pedophiles. They literally seduce the children by befriending them, talking to them, listening to them, paying attention to them, spending time with them, and buying gifts for them. If you understand the courtship process, it should not be difficult to understand why some child victims develop positive feelings for the offender. Many people can understand why an incest victim might not report his or her father, but they cannot understand why a victim not related to the offender does not immediately report molestation. There are many reasons for a victim not immediately reporting molestation (fear, blackmail, embarrassment, confusion), but the results of the seduction process are often ignored or not understood at all.

Skilled at manipulating children: In order to operate a child sex ring involving simultaneous sexual relations with multiple victims, a pedophile must know how to manipulate children. The pedophile uses seduction techniques, competition, peer pressure, child and group psychology, motivation techniques, threats, and blackmail. The pedophile must continuously recruit children into and move children out of the ring without his activity being disclosed. Part of the manipulation process is lowering the inhibitions of the children. A skilled pedophile who can get children into a

situation where they must change clothing or stay with him overnight will almost always succeed in seducing them.

Has hobbies and interests appealing to children: This is another indicator that must be considered for evaluation only in connection with other indicators. Pedophiles might collect toys or dolls, build model planes or boats, or perform as clowns or magicians to attract children. A pedophile interested in older children might have a 'hobby' involving alcohol, drugs, or pornography.

The publication then goes on to discuss multiple victims and states, "If investigation reveals that an individual molested many different victims, that is a very strong indicator that the offender is a pedophile. More important, if other factors indicate that the offender is a pedophile then a concerted effort should be made to identify the multiple victims. If you know of only one victim, but have reason to believe the offender is a pedophile, then begin looking for the other victims. For instance, if a teacher who is a suspected pedophile molests one child in his class, the chances are high that he has molested or attempted to molest other children in the class as well as children in all the other classes he has taught." (Refer to Addendum H)

Information exists within this affidavit to show that Father Lavigne throughout his adult life has been sexually molesting a large number of adolescent boys. In light of the evidence which shows that this pattern of molestation is consistent with the character traits of the Preferential Pedophile, this officer feels there is enough probable cause to believe that Father Lavigne is a pedophile.

It has been demonstrated that Danny and Father Lavigne were often alone together and that an unusually close relationship existed between them. Danny would often burst into tears upon seeing Father Lavigne parked on the street. This indicates a deep emotional tie between the two. Further information exists to show that Lavigne often gave Danny alcohol and encouraged him to drink it. Statements on file reveal that this relationship was ongoing at the time of the murder. Danny spent the night at Lavigne's parents house in Chicopee one week before the murder on the night of April 7, 1972. Based on this, and the overwhelming amount of information to show how widespread his pattern of molestation has reached, this officer feels there is enough probable cause to believe that Daniel Croteau was being molested by Father Lavigne at the time of his murder.

On June 1, 1993, the officer interviewed Joseph Croteau at which time he described a fishing trip he had went on with Father Lavigne. He stated that approximately one year before the murder, Lavigne had taken him to the crime scene at the edge of the Chicopee River. At that time, Lavigne described

the location as a good fishing spot. Joseph Croteau went on to say that Lavigne had taken him fishing several times to area locations but he distinctly recalls being brought to the crime scene by Lavigne. This information reveals that Lavigne is familiar with this area and had been there in the past.

Furthermore, Carl and Bernice Croteau have described in their statement that Lavigne would pick Danny up on Friday or Saturday evenings two or three times a month during the school year and two or three times a week during school vacation. This reveals that Danny and Lavigne were together on a regular basis on Friday and Saturday nights. Danny spent the night at Lavigne's parent's house on Friday, April 7th, 1972. The murder occurred the following week, on the night of Friday, April 14, 1972.

In light of the foregoing information contained in this affidavit, Father Richard Lavigne has emerged as a strong suspect in the murder of Daniel Croteau. The unusual statements made to investigators, the denial that he and Danny were ever alone together, the telephone call to the Croteau home two days after the murder, the close relationship with Danny, the pattern of abuse consistent with that of a Preferential Pedophile, familiarity with the crime scene, and the pattern of spending Friday nights together; all of this adds to the level of probable cause to believe Lavigne murdered Danny Croteau.

I have personal knowledge, based upon my experience and training, that a crime scene will contain physical evidence which will aid in establishing the identity of perpetrator(s), the circumstances under which the crime was committed, and/or which in general will assist in the discovery of the pertinent facts, and that such evidence requires a systematic search to locate, seize, record and process.

In processing the crime scene where Daniel Croteau's body was found, numerous forms of evidence were recovered by investigators and later submitted to the state crime lab in Boston. This evidence included Daniel's clothing, soil and stones from the area near his body, a stained piece of paper, chewing gum wrappers, a piece of newspaper, a straw and a piece of cotton rope. These items were to be examined for human blood, blood group and evidential traces.

The results of the testing done by the crime lab on the articles submitted revealed the presence of two different types of blood groupings. These types are identified as group "O" and group "B."

Blood found on Daniel Croteau's clothing which included his suede jacket, blue corduroy trousers, and blue necktie was identified as group "O." The piece of stained paper also revealed traces of blood group "O." The soil collected from near the body and on the stones submitted tested positive as human blood but a blood grouping could not be identified.

The testing done on the cotton rope and plastic straw found on the river bank revealed that bloodstaining was present but this blood group was identified as group "B."

The identification of blood group "B" found on the articles submitted is extremely important for evidentiary purposes. It has been confirmed through the autopsy and toxicology tests that Daniel Croteau's blood was type "O." The discovery of blood group "B" at the scene of the homicide is not consistent with the blood type of the victim and therefore indicates that another person was present at the scene who was bleeding. (Refer to lab report Addendum I)

Weather data on file with the National Weather Service and Westover Air Force Base in Chicopee reveals that 0.96 inches of precipitation fell on Thursday, April 13, 1972. As reported, this is equivalent to 10 inches of snowfall and is defined as an intense rainfall. This was just twenty four hours before the murder. This means that the type "B" blood found at the scene could not have been there prior to the murder. The rain would have washed it away. As a result, there is a strong likelihood that this blood belongs to the person who committed the murder.

Based on my experience and training, I know that a homicide of this nature which involves blunt trauma inflicted on the victim is a crime of violence. Blunt trauma is caused by the physical impact of some object upon the human body. This involves a certain level of force. From my experience and training, I know that because of this force, such as a struggle between two people, the assailant oftentimes will sustain an injury. This may come as a result of the close physical encounter between the two people such as during an assault, stabbing or bludgeoning. The assailant is oftentimes injured in some way by the weapon or object used in the crime, or by the victim attempting to defend him or herself.

I have also learned that the person or persons participating in the commission of a violent offense are often in contact with the physical surroundings in a forceful or otherwise detectable manner. In crimes of violence there is often an attempt to alter, destroy, remove, clean up or cover up evidence of a crime but that traces may be left in the form of blood, saliva, physiological fluids and secretions, hair, fibers, fingerprints, palm prints, footprints, shoe prints, cutting instruments and cutting tools, blunt force instruments, and fragments, dirt, dust and soil. Many of the above items are minute and/or microscopic, thus requiring additional specialized examination by forensic laboratory techniques.

In this particular case, the crime scene contained evidence of a violent struggle between the victim and assailant. The front pocket of Daniel's coat had been torn away and marks in the sand indicated that his body had been dragged 83 feet to the edge of the river ending in a pool of blood. Evidence of