

## We Believe Richard Lapointe Did Not Kill Bernice Martin

Robert Perske

*On July 4, Richard Lapointe of Manchester, Connecticut, will complete the 12th anniversary of his imprisonment. He was sentenced to life without parole plus 60 years for the March 8, 1987, murder of 88-year-old Bernice Martin. We, a citizens' group called The Friends of Richard Lapointe, believe he is innocent. Our belief has yet to be proved in a court of law, but we intend to work until it is.*

It was the Fourth of July 1989. Richard Lapointe, 43, his wife Karen, 38, and his 9-year-old son Sean were preparing for a picnic and a night of watching fireworks. Then the phone rang. It was the Manchester police. They wanted to talk to Richard at the station. They would pick him up and get him back in time for the picnic. He never got back for the picnic or the fireworks . . .

Lapointe arrived at the station around 4:30 p.m. Right off, an officer read him the Miranda warning. He willingly initialed and signed the Miranda waiver sheet. After all, being a dishwasher in restaurants, he enjoyed talking to officers, and he always saw them as friends.

Next, the police walked Lapointe past a number of large charts on poster boards. Each one contained phony incriminating data in large letters with "Lapointe" printed on them as well.

He did not read any of the charts. He *could* not read them because he was born with a brain malformation that had wreaked damage in many of his physical and mental systems. He was only 5' 4" in height. Being far from athletic, he walked but never ran. If he stopped or turned too quickly, he sometimes became dizzy. Appearance wise, his head was enlarged from hydrocephalus. He wore thick glasses as well as hearing aids in both ears. He grew up with the nickname "Mr. Magoo." Even so, he answered these cruelties with a single sentence he still uses today: "It takes a bigger man to walk away."

Detective Paul Lombardo, the creator of the charts, said that they were meant to "reduce a suspect's inhibition to telling the truth"; and the "truth" he sought was a confession for the murder of Karen's grandmother, Bernice Martin.

The murder was savage and athletic. Martin

received bruising blows to the face. She suffered 10 stabs in the back and a deep one in the stomach. She was raped with a "blunt object." She was strangled with a tightly knotted ligature made from strips of torn cloth and with a "blunt object" applied to the side of the neck. She also suffered smoke inhalation from three fires that had been set in her Mayfair Gardens cottage apartment. When firemen pulled her from the burning building she was naked from the waist down.

After the case languished for 2 years and 4 months without a single arrest, Lombardo became the lead detective. With fresh vigor he targeted Lapointe as his top suspect.

His earliest suspicions were based on how Lapointe approached police officers repeatedly and asked them questions like, "Have you solved Mrs. Martin's murder yet" and "Am I a suspect, too?" Anyone who worked with persons like Lapointe would merely see this unorthodox behavior as a way to strike up friendly conversations. But Lombardo saw them as signs of guilt.

When the detective suddenly learned that Lapointe possessed the same blood type as the perpetrator, he became more convinced he was on the right track. He did so even though millions of us in the human race have that blood type, too.

After the charts failed to shake Lapointe, Lombardo took him to a small upstairs room and immediately accused him of murdering Martin. Lombardo claimed falsely that he had all kinds of evidence proving Lapointe was the killer.

Lapointe said later that Lombardo "got me confused." He said he never believed a policeman would lie to him.

Lombardo testified later that Lapointe's body language during the interrogation showed him to be guilty. He assumed "a runner's stance" with his feet pointing toward the door.

Lapointe denied killing Martin for quite some time. Then Lombardo came out with a confession that was printed by the detective in large block letters: "ON MARCH 8, 1987, I WAS RESPONSIBLE FOR BERNICE MARTIN'S DEATH AND IT

WAS AN ACCIDENT. MY MIND WENT BLANK.” Lapointe said later that he had to go to the bathroom, and Lombardo told him to sign the confession and he could go.

After Lapointe returned to the room he recanted, and Lombardo began a second one-on-one session. Again after some time, the detective came out with another confession of 157-typed words that ended with, “If the evidence shows that I was there, and that I killed her, then I killed her. But I don’t remember being there.”

Interestingly, while Lombardo worked on Richard, Detective Michael Morrissey went to the Lapointe home and interviewed Richard’s wife, Karen. He secretly used “a wire,” and the interrogation was recorded. Morrissey also printed out a one-page statement that Karen signed.

The printed statement appeared in the police reports handed over to the defense counsel, but the electronic recording had been suppressed. It never surfaced until 2 and a half years later, in December 1991. More surprisingly, the recording was never played to the jury during the evidentiary trial. Consequently, the jury voted that Richard was guilty without ever hearing Karen’s recorded voice, telling Morrissey that Richard was home with her and Sean when the crime was probably committed.

After Morrissey left Karen, he returned to the station and conducted a third one-on-one session with Richard. Richard said later that Morrissey scared him by telling him that if he didn’t “tell the truth” his wife would go to jail, and his son would be taken away. Later the detective testified that he would never make a threat like that, but the oncelost recording of his interview with Karen did indeed contain similar threats to her. Morrissey came out with a third confession that contained 212 words.

Both Lombardo and Morrissey testified that no stenographic or electronic recordings were made during the interrogation of Lapointe. Why Morrissey at least did not employ the hidden “wire” he used with Lapointe’s wife continues to be puzzling.

If the sessions had been tape-recorded, the judge and jury would have known exactly what went on in that small upstairs room from 4:30 p.m. until 1:30 a.m. Instead, the court was forced to listen to a “swearing contest” between three individuals about what each claimed they said in that small room. Any one of the three could have lied to the jury and gotten away with it.

Also, the two detectives were cool, articulate,

and convincing when they took the stand. Lapointe, not surprisingly, was inarticulate and clumsy, and the prosecutor cajoled him into saying almost anything she wanted him to say.

At one point, the judge stopped the cross-examination and told Lapointe that he did not have to answer every question the prosecutor asked. Lapointe nodded. Then, in his foggy struggle to please a powerful authority figure, he went right on giving bumbling answers to every question the prosecutor asked.

The confessions are troubling. The three are so dissimilar that they fail to give a coherent picture of what happened. Also, the wording in the confessions described the murder according to the way the police thought it happened. However, forensic expert witnesses showed that the crime did not happen the way the police thought.

Even so, the jury found Lapointe guilty. Later, he lost appeals in a state supreme court hearing and a habeas corpus trial.

In spite of the losses, The Friends are moving on. A year ago, Centurion Ministries, the nationally known organization that focuses its investigative and legal resources on people incarcerated for murders they did not commit, has joined with the group. To date, the Princeton-based agency has successfully vindicated and freed 24 “wrong-man” persons in cases like Lapointe’s.

On March 23, 2001, Centurion attorney Paul Casteleiro filed a “Brief of Petitioner-Appellant” in the Connecticut Appellate Court (*Lapointe v. Warden*, 2001). The brief requesting an oral argument cited many issues, but two of them stand out.

A recently discovered note showed that a fire marshal estimated a “burn time” of 30 to 40 minutes in Martin’s cottage apartment before the 911 call was made at 8:27 p.m. The note was found in the files of former lead detective Michael Ludlow. This note was kept from the defense until June 21, 1999.

Other facts show that Lapointe was watching TV with his family from 7:00 to 8:00 p.m. He talked on the phone to a relative at or around 8:00 p.m., making it utterly impossible for him to have engaged in such a comprehensive slaughter and arson and be at home with his family, watching a National Geographic special at the same time.

The other issue centers on Karen Lapointe. Had she been questioned during the trial, she could have testified that Richard had been home with her and Sean, watching TV from 7:00 until 8:00 p.m.

Sadly for Richard, Karen and Sean disappeared from his world shortly after his arrest. Karen, possessing a degree of cerebral palsy and epilepsy, tended to survive in the community by pleasing authority figures, too. It is not known where she is.

Later, a divorce was filed and granted without a single face-to-face interaction with her husband. With the help of a literacy tutor, Lapointe has written numerous letters to his son, but there is no evidence that the letters got through to him. Even so, through all these years when members of The Friends of Richard visit him, he continues to speak warmly about his wife and son.

When Richard Lapointe is released, he faces another tough job—picking up all the pieces of his life, which exploded on July 4, 1989.

*The Friends of Richard Lapointe is a group of 50 citizens who came together during or after Lapointe's*

*trial in the summer of 1992. Twenty-five have remained close, meeting regularly and looking at the case from every angle. Another 25 remain on call as advisors to the larger group. The membership includes concerned citizens and neighbors, agency executives, business persons, detectives, human service workers, lawyers, nurses, psychologists, writers, and retired persons as well as other persons with disabilities.*

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## Reference

Lapointe v. Warden, A.C. No. 21249, 2001.

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## Author:

**Robert Perske**, 159 Hollow Tree Ridge Rd., Darien, CT 06820. (E-mail:Rperske@aol.com)