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COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT DEPT.

Indictment No. *02CR0009-01312*

COMMONWEALTH

v.

LAURA LUNDQUIST

*12/11/09: Proposed after
in camera hearing, G.L. c. 123,
§ 15(b) of duty to issue.
(Mgt. Standard, J.)*

BRISTOL, SS SUPERIOR COURT
FILED
DEC
MARC J. SANTOS, ESQ.
CLERK/MAGISTRATE

JOINT MOTION FOR COMPETENCE EXAMINATION OF
THE DEFENDANT PRIOR TO ARRAIGNMENT

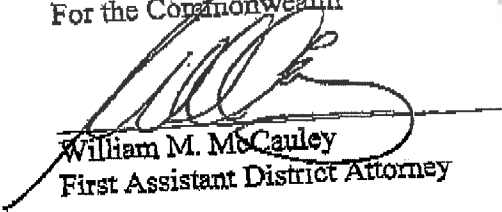
Now comes the Commonwealth and Counsel for the Defendant and jointly request that this Honorable Court order that the Defendant be committed to Taunton State Hospital for a competency evaluation prior to arraignment. In support of this request, the parties state the following:

1. The Bristol County Grand Jury yesterday (December 10, 2009) indicted the defendant on a single indictment charging the defendant, 98 years old, with Murder (in the 2nd Degree) for the killing of her roommate, Elizabeth Barrow, who was 100 years old at the time of her death. The murder occurred on September 24, 2009 while the victim was lying in her bed in a Dartmouth nursing home in which she resided.
2. On the morning of September 24, 2009, the victim was discovered in her bed with a sheet pulled up over her head. When the sheet was removed, the victim was discovered with a plastic Walmart bag tied loosely around her head. An autopsy was later performed and revealed that the victim had been strangled and suffocated.
3. The defendant harbored hostility towards the victim because she believed the victim was taking over the room. The defendant made statements prior to the victim's death that she would get the victim's bed by the window because she was going to outlive her. The evening before her death, the victim had complained to a nurse's aide that the defendant had placed a table at the foot of her bed which impeded her path to the bathroom. When the nurse's aide moved the table from that location, the defendant assaulted her by punching her. She stated that the victim might as well have the whole room.
4. The defendant remained angry throughout the night and blamed the victim for causing the trouble. The victim was observed returning to her bed around 6 AM on the morning of her death. When an aide went to awaken her at 6:20 AM, she discovered that she was dead. At that time, the table that had caused the argument the night before had been moved back to the foot of the defendant's bed. After the discovery of the body, an aide attempted to remove the defendant from the room. The defendant immediately denied that she had done anything to the victim. At that time no one had accused her of anything nor were they aware that anyone had caused her death.


5. The defendant was interviewed and told police that the victim had woken her up when she went to the bathroom. She stated that no one else besides the victim and herself had been in the room before the discovery of the victim's body. She indicated that the victim was screaming during that time but that she did nothing to assist her because she did not want to get into trouble. She also claimed that the victim had "hurt her." She told the police that she did not like the victim and her ways and that she was a very "sick woman."
6. The location of the room was a short distance from the nursing station. No one observed any other person in or near the room during this time.
7. The defendant was removed from the room. She was placed in a separate room with a different roommate. When she observed a similar white plastic bag, she stated "I hope I don't have to use that."
8. As a result of all the circumstances, the defendant was subsequently removed from the nursing home pursuant to M.G.L. chapter 123, section 12. She was taken to Norwood Hospital where she has remained until the present time under fulltime supervision.
9. An investigation followed which included a review of the defendant's medical history. The records revealed that the defendant has a long standing diagnosis of dementia and exhibited other erratic behaviors. The records further revealed that the defendant herself had previously expressed concerns that another roommate would strangle her in her bed.
10. Presently, the defendant has been medically cleared to be released from Norwood Hospital.
11. The Commonwealth and counsel for the defendant request that the defendant be transported to Taunton State Hospital to undergo an evaluation for competency pursuant to M.G.L. c. 123 s. 15 prior to arraignment.

Respectfully submitted,

For the Commonwealth


William M. McCauley
First Assistant District Attorney

For the Defendant


Carl Levin 547933
Counsel for the Defendant

Dated: 12/11/09