

Subject: [npap] Ayer (Mass) to pay \$3.1m for wrongful conviction DNA evidence freed man after 19 years in jail

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Ayer to pay \$3.1m for wrongful conviction

DNA evidence freed man after 19 years in jail



Dennis Maher spent 19 years in prison for two rapes and a sexual assault before being proved innocent by DNA evidence. (Jim Davis/Globe Staff/File 2005)

By [Jonathan Saltzman](#)

Globe Staff / August 7, 2009

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Dennis Maher, who spent 19 years in prison for two rapes and a sexual assault before DNA evidence exonerated him, has reached a \$3.1 million out-of-court settlement with the town of Ayer days before his federal civil rights lawsuit was scheduled to go to trial, according to his lawyer and the town administrator.



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COMMENTS

(17)

The agreement, reached with the help of a mediator, marks the second time in recent weeks that Ayer and its insurance companies settled a civil rights suit stemming from a wrongful conviction.

On July 14, lawyers disclosed that the town had agreed to pay \$3.4 million to the estate of Kenneth Waters, who spent more than 18 years in prison for a slaying he did not commit until he, too, was freed

as a result of DNA evidence, in 2001.

Both suits accused Ayer police of manipulating evidence to convict the defendants and withholding information that could have cleared them. The suits said one officer, who has since left the department, played a pivotal role in both cases.

“This is a good result,” said Jennifer L. Chunias of Boston, Maher’s lawyer. “It’s the end of a 26-year battle for him.”

Maher, who was released from prison on April 3, 2003, with help from the nonprofit Innocence Project, declined to comment through Chunias. He works as a diesel mechanic and lives in Tewksbury with his wife and their two children, ages 4 and 3.

Ayer’s town administrator, Shaun A. Suhoski, said the town weighed several factors including the many years that have passed since Maher’s wrongful conviction and the potential for an even bigger jury award.

“We’re looking at 21st-century lawsuits and technology versus 20th-century police work,” he said. The town admitted no wrongdoing in the settlement, which was reached July 23, Chunias said.

In December, the city of Lowell reached a \$160,000 settlement with Maher. He had sued the Police Department for its investigation of a rape and assault for which Maher was wrongfully convicted the same year he was found guilty of the Ayer rape. One of the Lowell officers sued is Edward F. Davis, now Boston’s police commissioner.

Maher was arrested in November 1983 and ultimately charged with raping one Lowell woman, assaulting another, and raping a woman in Ayer. At the time, the 23-year-old Army sergeant assigned to Fort Devens had no criminal record.

The woman in Ayer had been staying alone at the Casa Manor Motel in August 1983 when a man entered her room and raped her at knifepoint.

The Lowell assaults occurred on consecutive nights. The first victim was a mail clerk at Wang Laboratories who got off a city bus on the evening of Nov. 16, 1983, and was heading home when a man pushed her into a yard, punched her several times, and raped her. The next night, a Lowell woman walking in the same area was attacked, but managed to fight off her knife-wielding assailant.

The attacker wore a red-hooded sweatshirt, exactly what Maher happened to be wearing as he walked near the crime scene later on the night of the second assault. Davis, a Lowell police detective at the time, spotted the red sweatshirt and detained him. Maher was charged with the Lowell attacks and then the unsolved Ayer rape and was convicted at two jury trials in spring 1984.

The lawsuit Maher filed in US District Court in Boston in March 2006 accused police in Lowell and Ayer of using improper eyewitness identification techniques, fudging chronologies, and failing to check out Maher’s alibi.

After the Lowell defendants settled out of court with Maher in December, Davis said he regretted that an innocent man was convicted, but asserted that he had done his job as a detective.

“I’m really glad that DNA was able to work that issue and prove that he wasn’t responsible for it,” he said. “But no system is perfect.”

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