

**ATTORNEY GENERAL’S REPORT REGARDING THE SEPTEMBER 28, 1981,
MURDER OF LAURA KEMPTON IN PORTSMOUTH, NEW HAMPSHIRE**

I. INTRODUCTION

Attorney General John M. Formella announces the completion of the investigation into the September 28, 1981, murder of Laura Kempton (age 23) in her residence in Portsmouth, New Hampshire. Following a four-decades long investigation by Portsmouth Police Department, in conjunction with the Attorney General’s Cold Case Unit, the perpetrator of this crime has been identified as Ronney James Lee. Mr. Lee died of acute cocaine intoxication on February 9, 2005, at the age of 45. Therefore, even though the Attorney General has concluded that there would have been sufficient evidence to prosecute Mr. Lee for first degree murder in the death of Ms. Kempton, criminal charges cannot be brought. The purpose of this report is to summarize the Attorney General’s factual findings and legal conclusions regarding the culpability of Mr. Lee in the murder of Ms. Kempton. The findings and conclusions in this report are based upon various types of information gathered during the investigation, including police reports, interviews with witnesses, photographs of the scene, and forensic analysis of blood, DNA, and fingerprints. Based upon the review of this evidence, and the death of Mr. Lee, this case will be closed and identified as “solved.”

II. SUMMARY OF THE FACTS

At approximately 9:25 a.m. on September 28, 1981, Officer Ron Grivois of the Portsmouth Police Department was attempting to serve Laura Kempton with a court summons for parking meter violations at her residence at 20 Chapel Street, apartment 2. As he approached, he noticed that one of the panels on the wooden door to her apartment was missing and a piece of thin metal blocked most of the resulting hole in the door. Through the remaining opening in the

door panel, he could see a body lying on the floor. Officer Grivois saw that the upper part of the body was covered with a blanket, but two legs were visible and bound with a white cord. He also could see what appeared to be blood splattered on the far wall of the apartment. Officer Grivois secured the scene and called for backup.



Figure 1 – Photograph of 20 Chapel Street circa 2001

Detectives responded and first examined the exterior of the building for signs of forced entry. The windows to Ms. Kempton’s residence were secured¹ and the basement door in the back was fastened with a rusty lock that could not be opened. The front door leading from the hallway into Ms. Kempton’s apartment was also locked, but investigators were able to reach through the hole of the damaged panel and unlock the door from the inside.

Inside, investigators found Ms. Kempton’s body on the floor of the main front room, which appeared to function both as her living area and bedroom. Ms. Kempton was covered from

¹ One of the basement window’s screens was pushed in. Investigators looked for further evidence of forced entry through that window but found that the dirt on the outside of the window ledge was undisturbed.

the knees up with sheets, bedding, and her mattress and box spring. Her legs from the knees down were exposed and her ankles were tied with a white electrical cord, which was later determined to have come from an electric blanket. Investigators observed that the apartment had been ransacked and it appeared there had been a struggle in the living room area. They also observed that someone had gone through Ms. Kempton's closets and various pieces of furniture, removing clothing, paperwork, and other items.

When investigators removed the mattress and bedding that were on top of Ms. Kempton's body, they discovered that she was naked and lying on her back. In addition to the white electrical cord tied around her ankles, there was also a gray telephone cord around her neck and shoulder area, which appeared to have come from the kitchen phone. There were signs of blunt force trauma to the left side of her head and injuries to her face. There was a large amount of blood on the rug under Ms. Kempton's head as well as pattern blood stains on the living room wall that were in an upward angle.

Investigators seized hundreds of items of potential evidence from the scene. Among other things, they took the electrical and telephone cords located on Ms. Kempton's body, a green pillowcase found on her head/neck, and a cigarette butt that was on the floor next to her left buttocks. Investigators also seized a glass bottle found next to Ms. Kempton's body, which was believed to be a possible weapon used by the perpetrator.

Ms. Kempton's apartment and other relevant areas of the building were extensively processed for fingerprints and palmprint. Investigators identified and collected latent prints from outside the apartment, including from the outside of the second floor back door and the cross-section of the panel located in the center of the door leading to Ms. Kempton's apartment. Latent prints were also recovered from numerous locations inside the apartment, including the red

telephone in the apartment. Investigators examined the scene for several days, gathering numerous additional pieces of potential evidence.



Figure 2 – Crime Scene Photograph Depicting Door Panel

Pieces of Ms. Kempton’s door were preserved and investigators later reconstructed them in an attempt to learn more about the method of entry into her apartment. The upper left hand door panel (when facing the door from the hallway) had been broken, which allowed entry to the apartment.

Investigators found a black piece of metal on the floor near Ms. Kempton’s door, which they determined had come from the mailbox mounted on the wall in the hallway. There were pry marks on the outside of the broken door panel, which were consistent with having been made by the piece of black metal found inside the room.



Figure 3 – Crime Scene Photograph Depicting Piece from Mailbox Located on Floor



Figure 4 – Crime Scene Photo of Mailbox Highlighting Area Missing the Metal Piece Found on Floor in Figure 3

Investigators also observed that once the wooden part of the panel was removed, the only thing remaining was a thin piece of sheet metal on the inside of the door held in place by four pieces of molding. This metal was thin enough that it appeared that the perpetrator was able to pry it off with the piece of bent metal from the mailbox, resulting in one piece of molding falling out of the door. Investigators concluded that the piece of molding that fell out of the door was the same piece of molding found under Ms. Kempton's body at the scene. Once the sheet metal was removed, the perpetrator was able to reach inside, open the door using the doorknob, and gain access to the apartment. Investigators believed that the perpetrator then put the sheet metal back in place after breaking into the apartment so that others passing through the hallway would not see what was happening in the apartment.

On the afternoon of September 28, 1981, Dr. Dennis Carlson² performed an autopsy on Ms. Kempton's body at the Woods Funeral Home in Portsmouth. He attributed her cause of death to "a severe beating about the head" with a finding of terminal pulmonary edema. More specifically, he observed massive trauma to the left side of her head including lacerations to her forehead and left side, extensive complex fractures to her skull, and lacerations and contusions of her brain. Dr. Carlson noted that the caved-in appearance of her skull was consistent with being struck by a heavy blunt object, and he listed the wine bottle found next to her body as a possible weapon. He opined that her forehead lacerations could have been produced by an object, but that her split and bruised lips were consistent with blows from a fist. Although her exact time of death could not be determined with certainty, Dr. Carlson estimated it to be approximately 2:30 a.m., plus or minus an hour.³ A toxicology report showed the absence of any drugs or

² In 1981, the Office of the Medical Examiner had not yet been established. Dr. Dennis Carlson performed Ms. Kempton's autopsy in his role as a certified pathologist with Exeter Hospital.

³ On March 29, 2023, Chief Medical Examiner Dr. Jennie Duval reviewed Dr. Carlson's autopsy report and advised that today's standards would not support pinpointing a time of death to this level of specificity.

medications in Ms. Kempton's system, but revealed that her blood alcohol content was 0.11.

Dr. Carlson took several samples from Ms. Kempton's body at the scene and during the autopsy. Among these samples were vaginal swabs, vaginal smears, and skin scrapings taken from the left upper thigh area of Ms. Kempton's body. These items were secured by Portsmouth Police Department to be sent to the New Hampshire State Forensic Lab ("NH State Lab") for testing.⁴



Figure 5 – Photograph of Laura Kempton

Laura Kempton was enrolled as a student at Portsmouth Beauty School studying hairdressing at the time of her death. She was living by herself in the apartment on Chapel Street

Nevertheless, she agreed that the observations documented in the report are consistent with a time of death in the early morning hours of September 28, 1981.

⁴ On Tuesday, September 29, 1981, Portsmouth officers brought Laura Kempton's father – Robert Kempton – to Woods Funeral Home. Mr. Kempton was able to positively identify his daughter's body.

and had just started working at Macro Polo, a gift store on Market Street. She was consistently described by those who knew her as an outgoing free spirit with a big personality and a love for new wave fashion. Ms. Kempton was particularly social, going out frequently with friends and actively dating.

In establishing a timeline for Ms. Kempton's whereabouts in the 24 hours leading up to her murder, investigators discovered that J.R.⁵ was with Ms. Kempton at her apartment from the night of Saturday, September 26 into the morning of Sunday, September 27. J.R. told investigators that he met and danced with Ms. Kempton at the Riverside Club in Portsmouth towards the end of the evening on September 26. After the club closed, they drove in his car to her apartment on Chapel Street, arriving at approximately 1:30 a.m. As they entered her apartment, he noticed that the door was locked, and that Ms. Kempton re-locked the door when they left a short time later to get food around 2:00 a.m. After getting food, they returned to her apartment around 3:00 a.m., where they stayed for the rest of the night. He recalled that Ms. Kempton asked him to check that the door was locked before they went to bed.

J.R. said that he and Ms. Kempton had sexual intercourse over the course of the night, with the last time being around 8:00 a.m. on September 27. J.R. said that he ejaculated into her vaginal area during that last encounter. They then showered and he did not observe her to have any bruises or cuts. He remembered that after they showered, Ms. Kempton took cash and put it in a plain envelope and left it on her kitchen table.⁶ They left her apartment around 9:30 a.m. and drove to Goldie's Deli on Penhallow Street to get breakfast before her shift at Macro Polo. He

⁵ J.R.'s full name is withheld from this report in the interests of privacy due to the intimate nature of this discussion.

⁶ This envelope with cash was not found during the search of Ms. Kempton's apartment after the homicide.

estimated that Ms. Kempton left the restaurant around 10:00 a.m. J.R. said that he never saw her again.

Acquaintances of Ms. Kempton's confirmed seeing her at Goldie's Deli with J.R. during the timeframe he described on the morning of September 27. Ms. Kempton's supervisor at Macro Polo confirmed that she worked from approximately 10:00 a.m. to 7:00 p.m. as scheduled.⁷

Investigators were able to track Ms. Kempton's whereabouts after she left work on the evening of September 27 by speaking with her friend, Karen Weise. Ms. Weise estimated that she arrived at Ms. Kempton's residence at around 9:00 p.m. on September 27.⁸ There was no one else at Ms. Kempton's apartment at that time and she and Ms. Kempton walked to Luka's Restaurant for dinner, drinks, and to watch live music. Ms. Weise said that Ms. Kempton had been dating the band's saxophonist and wanted him to come back to her apartment that night, but he could not.

⁷ During that shift she was seen between 3:45 and 4:00 p.m. walking quickly on Daniel Street towards her apartment by a friend. She was then seen briefly by a waitress at Cafe Petronella sometime between 4:30 and 5:30 p.m. when she ran in to get some food and seemed to be in a hurry.

⁸ Ms. Weise was originally interviewed in 1981. When investigators spoke with her again in 2003, she said she arrived at Ms. Kempton's apartment at around 5:30 p.m. to the best of her recollection. This time does not appear to be accurate, however, based upon the inconsistency with her first interview and the fact that Ms. Kempton's boss said she worked until 7:00 p.m.



Figure 6 – Map of Downtown Portsmouth Area Depicting Locations of Interest Circa 1981: (1) 20 Chapel Street; (2) Goldie’s Deli; (3) Macro Polo; and (4) Luka’s Restaurant

Ms. Weise and Ms. Kempton stayed at Luka’s Restaurant until it closed at approximately 1:00 a.m. Between 1:00 and 1:30 a.m. they walked down Daniel Street to Ms. Kempton’s apartment on Chapel Street together. Ms. Weise said that Ms. Kempton asked her to stay overnight, but Ms. Weise said that she could not because she had to be at work early the next morning. She explained that Ms. Kempton then asked if she could get coffee with her at Victory Spa on State Street, but Ms. Weise declined and left for home. She said that she last saw Ms. Kempton on the steps of 20 Chapel Street at the exterior door. Ms. Weise said that Ms. Kempton never smoked around her. She observed Ms. Kempton dancing and talking with men while they were out at Luka’s that night, but no one came home with them. Several other witnesses also saw Ms. Kempton while she was at Luka’s Restaurant and gave statements consistent with Ms. Weise’s description of events that night.

As part of their investigation, Portsmouth investigators spoke with a 13-year-old boy named R.S.⁹ and his mother Evelyn, who lived at 107 State Street. The back windows of their residence directly faced the windows of Ms. Kempton's residence. Both of them described knowing what Ms. Kempton looked like and being able to see into her apartment on prior occasions. R.S. said that he was looking out of his bathroom window at around 9:30 p.m. on September 27 and observed Ms. Kempton walk into her kitchen, take something out of the refrigerator and walk into the living room, at which point he lost sight of her. He said that he went back to his bedroom and did not see her again until he went to the bathroom sometime around 1:20 or 1:30 a.m. on September 28. He and his mother were confident of the time because his mother had been up right before him. R.S. said that at that time, he observed Ms. Kempton sitting on the left side of the center living room window with her back to the window. He said that she was visible from the shoulder blades up and she was holding a cookie or cracker in her left hand. He could hear talking but was not sure if it was the radio. He knew it was not the television, because he would have seen the illumination of the screen on her wall. He was not sure if anyone else was in the room with her and did not see anyone else. He only watched for a few seconds and then went to bed.

Rebecca Kennedy, a second-floor neighbor, said she went to sleep around 9:00 p.m. on the night of September 27 and had observed nothing suspicious. However, when she left the building for the first time on the morning of September 28, at around 6:00 a.m., she noticed that the second-floor rear exit door was ajar. This stood out to her because she thought it was secured at all times. As she left the building, she also noticed that the front panel to Ms. Kempton's apartment door was pulled out and the hole was blocked with an unfamiliar object. Ms. Kennedy

⁹ R.S.'s full name is withheld from this report because of his juvenile status at the time of the investigation.

did not try to look inside the hole, but she could hear music coming from a radio inside the apartment. She stated that she was sure that the door had not been damaged the night before. Similar observations were made by a third-floor neighbor, Theodore Soter. Mr. Soter remembered that Ms. Kempton's door was not broken when he left the building between 10:00 and 10:30 p.m. on September 27, but that he saw the damage on the morning of September 28, sometime between 7:00 and 7:20 a.m.

As part of their investigation, police officers also spoke with Arthur Edwards, who disclosed that in the six months leading up to Ms. Kempton's death he was homeless and sometimes slept in the hallway of the 20 Chapel Street apartment building. He said that on the night of September 27, he had been drinking heavily and planned to sleep overnight in the 20 Chapel Street hallway. As he approached the building, he saw a male and female arguing very loudly on the corner of Chapel Street and Sheafe Street and decided that it was not a good time to sneak into the apartment building. He recognized the female as Ms. Kempton and identified the male from police photos as John Shea. Mr. Edwards said that he left, but came back later, snuck in through the front door and went up to the third floor where he fell asleep in a cubbyhole. He said he did not see anyone at that time, nor did he hear anything other than some talking in Rebecca Kennedy's apartment. He had no idea of the time when he entered the building, but believed he was only asleep for a short time when he was awakened by a loud crash on the first floor. He heard loud arguing and decided that he should leave so he would not be arrested if the police responded. He left quickly down the stairs and did not look around, but believed that at least some of the lights were off in the hallway. He remembered that the door to Ms. Kempton's apartment was ajar a couple of inches and said he could hear yelling that sounded like a male and female that knew each other shouting during an argument. He did not

think it sounded like the woman was in trouble or screaming for help. He walked out the front door without seeing anyone and slept the night in Prescott Park. When he woke up the next morning, he walked over to the Victory Spa Restaurant and heard people talking about Ms. Kempton's death.¹⁰

Daniel Fortier, Ms. Kempton's first-floor neighbor who lived in apartment #1 across the hall, provided further insight into the events preceding Ms. Kempton's murder. Mr. Fortier was home when the police discovered her body. He said that he had come home around 2:00 a.m. on the morning of September 28. He entered through the exterior front door and believed that, at that time, the hallway light at the foot of the stairs was out. He also noticed that Ms. Kempton's door was broken; more specifically, the wooden door panel was broken, and a piece of metal was covering most of the opening in the door panel – leaving an approximately one-inch gap between the metal and the wood. Mr. Fortier thought this meant that someone had broken into her apartment, but he could hear someone inside “playing with” the metal panel. He assumed that someone was “adjusting it or fixing it.” He could not see a light on in her apartment and heard no voices at that time. Mr. Fortier then went into his apartment, checked to make sure no one had broken in, locked his door and went to bed.¹¹

Significantly, Daniel Fortier said that a couple of days after Ms. Kempton's body was discovered, he went to put a new lightbulb in the downstairs hallway light. When he turned the old lightbulb to remove it, it turned on, thus indicating the lightbulb was not blown. Once investigators learned this information, they seized the lightbulb and surrounding glass globe to be

¹⁰ Reports indicate that John Shea was cleared as a suspect in this case through a DNA sample in 2003.

¹¹ In March of 1982, investigators spoke again with Daniel Fortier. They felt he had been withholding information given the improbability that someone would make these observations at 2:00 a.m. but not take any steps to investigate further. He repeatedly refused to take a polygraph test or to explain why he did not question the damage to the door or the source of the bending metal sound behind it, maintaining that he thought Ms. Kempton was fixing her own door. Although his answers were not satisfying to investigators, ultimately, he was cleared as a suspect through a DNA sample.

analyzed for fingerprints. Given that the lightbulb was apparently working, but had been unscrewed, investigators suspected that the perpetrator may have intentionally manipulated the lightbulb prior to breaking into Ms. Kempton's apartment.¹²

Based upon witness observations, the investigators believed that Laura Kempton was killed between 1:00 a.m. – when Karen Wiese last saw her going into her apartment building alone – and 9:25 a.m. – when her body was discovered by police. This window of time can be limited even further based upon R.S.'s observations of Ms. Kempton between 1:20 a.m. and 1:30 a.m.; Daniel Fortier's observations of suspicious activity around 2:00 a.m.; and the pathologist's findings that Ms. Kempton was killed in the early morning hours of September 28. This narrow window of time helped investigators exclude a number of people who could have had the opportunity to commit this crime.¹³ The limited window of opportunity to commit this murder further supports that Ms. Kempton was attacked by someone in her apartment, who was likely not seen by any witness.

Investigators extensively processed the considerable amount of physical evidence collected from Ms. Kempton's apartment and during her autopsy. Numerous items were submitted to the NH State Lab shortly after the murder and were analyzed to the extent possible using the technology and standards present in 1981.

¹² As of today's date, forensic testing has been unable to connect any evidence recovered from these items to any individual(s) of interest.

¹³ The observations from witnesses about Ms. Kempton's timeline was very consistent with a few exceptions. A friend, Mark Williams, was adamant that he bumped into her coming out of the Victory Spa Restaurant on State Street between the hours of 11:00 p.m. and 12:00 a.m. on Sunday, September 27. He said that he talked to her for two or three minutes, but she seemed to be in a hurry, said "I wish I had time to talk to you, but I am going home to meet someone" and then left. This information is inconsistent with the statements of Karen Wiese and others that placed Ms. Kempton at Luka's Restaurant until at least 1:00 a.m. Additionally, investigators spoke with Rose Sargent, an employee at Victory Spa, who was sure she saw Ms. Kempton there at around 1:30 a.m. sitting with a male individual. However, Ms. Sargent only saw her from the back and the waitress with that shift was unable to remember anything about who she served that night. Ms. Sargent's belief was also called into question because another acquaintance of Ms. Kempton, Mikeal McCarthy, was in Victory Spa at 1:30 a.m. on September 28 and did not see her there.

At that time, analysts were able to detect the presence of type A human blood on two of the glass bottles retrieved from the scene, including one that was located next to Ms. Kempton's body. As noted in the autopsy report, given its dimensions and proximity to her body, this bottle was originally flagged by the pathologist as a possible item used to inflict the blunt force trauma that killed Ms. Kempton. Those test results, combined with the fact that Ms. Kempton's blood was also type A, further supported the theory that that glass bottle was the murder weapon.



Figure 7 – Crime Scene Photo of Glass Bottle Found Near Laura Kempton's Body

Forensic testing was also performed on the portion of door molding that was found underneath Ms. Kempton's body and the green pillowcase that was taken from on top of her head. The results of that testing also revealed the presence of type A human blood. The grey telephone cord that was found wrapped loosely around her neck tested positive for the presence of two chemicals that are typically found in seminal fluid. Sperm, however, was not located.

In 1981, the NH State Lab tested various samples that were taken from Ms. Kempton's body at the scene and during the autopsy. At that time, they were able to detect spermatozoa in vaginal smears taken during autopsy. They were also able to detect spermatozoa and seminal material in the sample of skin scrapings that were taken from Ms. Kempton's left upper thigh area.¹⁴

Nineteen years later, in July of 2000, following advancements in available DNA testing, Portsmouth Police Department investigators submitted two samples for testing at Cellmark Diagnostics ("Cellmark") in Maryland – a scraping from Ms. Kempton's thigh area, and a swabbing from the grey telephone wire that was found on her neck. Analysts at Cellmark were unable to develop a DNA profile from the grey telephone wire. They were, however, able to

¹⁴ Dr. Carlson speculated in the autopsy report that the lack of detected seminal fluid in the vaginal samples indicated that the captured spermatozoa were not present from sexual activity that occurred at the time of the murder, but rather from "an earlier sexual contact." In contrast, he believed that the sample from the thigh scrapings was more close in time to the murder since it detected seminal fluid as well as spermatozoa. In April of 2023, Megan O'Donnell, a criminalist with the NH State Lab, reviewed the lab reports related to these samples and explained that Dr. Carlson's conclusions regarding the timing of the vaginal sample could be wrong. She explained that even with today's methods the lab cannot determine with accuracy the time that sexual activity occurred and that serological methods prior to the 2000's were not as reliable as they are now. She also noted that today's standards recognize that (1) seminal fluid actually is detectible longer than sperm; (2) the reagents used in today's testing could potentially detect seminal fluid where it was not detectible in the 1980's; and (3) seminal fluid could break down faster inside the body in a vaginal sample than it would outside the body. She believed that Dr. Carlson's conclusion that the lack of seminal fluid in the vaginal sample indicated that it was from "earlier sexual contact" than the thigh scrapings or than the time of the murder may be inaccurate when considering the more recent published scientific literature on this topic.

obtain a partial male DNA profile – 6 alleles – from the sperm fraction of the thigh scraping sample.¹⁵

In 2002, investigators had a breakthrough in the case after they submitted samples to the Maine State Police Crime Laboratory (“Maine State Lab”) to be analyzed by Forensic DNA Analyst Cathy MacMillan.¹⁶ These samples included the vaginal swabs and the cigarette butt that was found near Ms. Kempton’s thigh. On one of the vaginal swabs, Analyst MacMillan identified a full 13 locus male profile.¹⁷ Additionally, although a full DNA profile could not be obtained from the cigarette butt, testing revealed a partial male profile which matched the male profile on the vaginal swabs at the overlapping loci. Finally, when Ms. MacMillan compared these results to previous Cellmark testing of the thigh scrapings, she found that the partial profile from the thigh scrapings also matched the full profile from the vaginal swabs at the overlapping loci. Although these results could not conclusively establish that the same person’s DNA was on all three items, the man whose sperm was detected on the vaginal swabs could not be excluded as: (1) the person who left DNA on the cigarette butt near Ms. Kempton’s thigh; and (2) the person who left sperm and/or seminal fluid on her thigh.

A forensic comparison was completed of the full DNA profile identified on the vaginal swab and a known DNA sample from J.R. In January of 2003, testing revealed that J.R. was not

¹⁵ The language contained in Cellmark’s August 28, 2000 report of its findings originally led law enforcement to conclude that the DNA sample was a mixed sample from two male contributors. However, in April of 2023 when Criminalist O’Donnell from the NH State Lab was asked to review Cellmark’s report, she explained that the report actually says that DNA from more than one *individual* was detected, and the mixture contained DNA from a male. Therefore, the DNA mixture detected could be from two males or from one male and one female. After comparing Ms. Kempton’s profile to DNA detected, she concluded that two of the “extra” alleles were attributable to Ms. Kempton and could result from a “bleed-through” of her epithelial cells. Criminalist O’Donnell was able to attribute every extraneous allele to Ms. Kempton’s profile with the exception of one which, due to its low quantity, could potentially be attributed to drop-in from everyday contact with people or objects with trace amounts of DNA present.

¹⁶ The DNA testing used on these samples had only become widespread in the early 2000’s and New Hampshire’s DNA testing unit was not established until 2003.

¹⁷ A second DNA profile was mixed with the male sample, but this was identified as belonging to Ms. Kempton.

a contributor to the DNA profile found on the vaginal swab or the cigarette butt, which meant that he also could not be a match for the thigh scrapings. These results established that all three DNA samples belonged to someone other than Ms. Kempton's last known consensual sexual partner.

In March of 2003, analysts at the NH State Lab obtained a partial male profile from spermatozoa that was located on the green pillowcase that was found on Ms. Kempton's head when her body was discovered. This partial profile was preserved for future forensic testing if needed.

Given that J.R.'s DNA was not found, even though he had sexual intercourse with Ms. Kempton less than 24 hours before she was killed, another male whose profile matched the one on the vaginal swab must have had intercourse with Ms. Kempton after her consensual activity with J.R. on the morning of September 27. Furthermore, this same male could not be excluded from contributing the samples on the cigarette butt and the thigh scrapings. Given the narrow timeframe that Ms. Kempton's killer had to commit his crimes, as discussed *supra*, the evidence establishes that the contributor of the DNA profile on the vaginal swabs belongs to the person who sexually assaulted and murdered Ms. Kempton in the early morning hours of September 28.

Although a suspect DNA profile was identified in 2003, investigators did not know the identity of the contributor. For over a decade, Portsmouth Police Department investigators uploaded the DNA profile to as many databases as possible – including CODIS,¹⁸ every crime scene laboratory in the country, and Interpol – in the hopes of identifying the contributor of the

¹⁸ “CODIS is the acronym for the Combined DNA Index System and is the generic term used to describe the FBI's program of support for criminal justice DNA databases as well as the software used to run these databases. The National DNA Index System or NDIS is considered one part of CODIS, the national level, containing the DNA profiles contributed by federal, state, and local participating forensic laboratories.” *CODIS and NDIS Fact Sheet – FBI*, <https://www.fbi.gov/how-can-we-help-you/fingerprints/dna-fingerprint-act-of-2005-expungement-policy/codis-and-ndis-fact-sheet>.

suspect DNA profile. While these efforts were underway, investigators continued obtaining comparison DNA samples from any individual who could have potentially been the contributor of the DNA profile on the vaginal swab. Those efforts eliminated hundreds of persons of interest.

In December of 2016, Portsmouth Police Sergeant John Peracchi learned about a cold case homicide in Arizona that had been solved with the assistance of Colleen Fitzpatrick, a genealogist with a company called Identifinders International. He consulted with Ms. Fitzpatrick to see if there was evidence in Ms. Kempton's case that could be suitable for her genetic genealogy analysis process. Ms. Fitzpatrick explained that the technique available for genealogical work at the time used a short tandem repeat sequence found on the male Y chromosome profile ("Y-STR profile").¹⁹ Sergeant Peracchi consulted with Cathy MacMillan at the Maine State Lab, who obtained a Y-STR profile from the cigarette butt found next to Ms. Kempton's body. Ms. Fitzpatrick analyzed that Y-STR profile and determined that it belonged to a male with African-American heritage. Ms. Fitzpatrick was unable to generate more specific results at that time.

In September of 2021, members of the Portsmouth Police Department, the NH State Lab, and the Attorney General's Office met to discuss the possibility of revisiting forensic genetic genealogy using whole genome sequencing, which had recently developed as a viable option for suspect identification in cold cases. Thereafter, the vaginal swab samples were submitted to Identifinders International to evaluate viability of additional testing. In May of 2022, Portsmouth Police Detective Erik Widerstrom was notified that a profile had been successfully obtained and

¹⁹ "Y-STR testing explicitly targets STR regions on the male Y chromosome that is passed down through the paternal lineage (i.e., father to son). By specifically targeting the Y-chromosome, a Y-STR profile can be unmasked in the presence of female DNA . . . Y-STR testing is more sensitive than common biological fluid screening methods, such as traditional serology techniques, and even some quantification methods that screen for total amounts of male and human DNA." Amy Jeanguenat, MFS, *Y-STR Testing: Enhancing Sexual Assault and Cold Case Workflows*, <https://www.sakitta.org/resources/docs/SAKI-Y-STR-Testing.pdf>.

uploaded to a third-party public genetic genealogy database. Three days later he learned that the suspect DNA profile was a confirmed match as a relative to another DNA profile in the database who had connections to Rockingham County, New Hampshire. Identifinders International thereafter identified the biological parents of the suspect DNA profile, *i.e.*, the contributor to the DNA identified from the vaginal swabs. Subsequent investigation uncovered that these two individuals shared a sole biological son – Ronney James Lee.

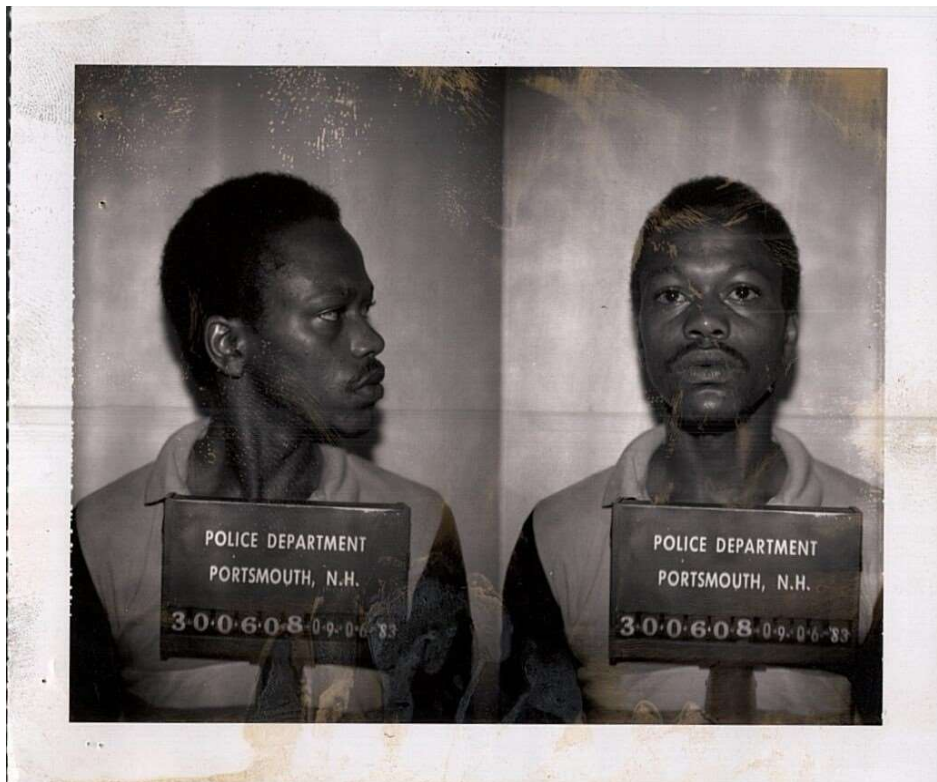


Figure 8 – Booking Photograph of Ronney James Lee – 1983

Mr. Lee was born in 1960. He served in the U.S. Army until May 15, 1981, and then worked for MBI Security at Liberty Mutual in Portsmouth from June of 1981, until August of 1982. Mr. Lee’s mother had moved to 198 Rockhill Avenue in Portsmouth in 1980, an address that Mr. Lee listed as his own when he was arrested by Portsmouth Police Department on November 8, 1982, on an Attempted Theft charge.

Mr. Lee had a significant history with the Portsmouth Police Department between 1982 and 1983. Between July and September of 1983, he was linked to four residential burglaries and one commercial burglary.²⁰ He pleaded guilty to one of those offenses where he broke into an apartment on Austin Street in Portsmouth at around 2:30 a.m. on July 26, 1983, by breaking a window, reaching in, and unlocking it before crawling in. He also pleaded guilty to breaking into a residence on Dennett Street the night before, at around 11:00 p.m., where he stole a pocketbook and appeared to leave behind a package of cigarettes when he fled.

In 1987, Ronney Lee was convicted of charges stemming from a burglary in Keene that included the sexual assault of one of the women who was in the home at the time. During that incident, the victim was awakened at around 3:30 a.m. by Mr. Lee, who was in her bedroom, touching her in the area of her groin. Mr. Lee fled when she screamed and woke up her roommate. Investigators discovered that a number of items were missing from the victim's home, including cash and jewelry. Mr. Lee was sentenced to the New Hampshire State Prison and was incarcerated from December of 1987 to July of 1990.

Ronney James Lee died of acute cocaine intoxication on February 9, 2005. In 2022, the Office of the Medical Examiner provided Detective Widerstrom with a blood card from Mr. Lee's autopsy. Maine State Lab Analyst Cathy MacMillan compared Ronney Lee's DNA Profile obtained from this blood card to the full 13 loci DNA profile from the vaginal swabs. Testing revealed that Mr. Lee was the contributor of the DNA profile found on the 1981 vaginal sample, thereby confirming Identifinders' theory identifying him as the source.

²⁰ The victim's description of one of these burglaries, at 22 Weald Street in Portsmouth, bore striking similarities to Ms. Kempton's case. She said that she was watching television in her bedroom at 1:15 a.m., when she observed that the hallway light was off – which it never was. She went to turn on the light switch and found a male intruder leaning on the light switch. When she asked him what he was doing there, he placed his fingers on his lips and said “shhh.” She started backing away and yelled for her sister and the intruder ran down the stairs and out the back door. It is unclear from a review of Mr. Lee's criminal history, however, whether he was convicted of any criminal offenses related to this incident.

As described above, Analyst MacMillan had previously determined that the contributor of the full male profile on the vaginal swab, now identified as Ronney Lee, could not be excluded as the person who left partial profiles on Ms. Kempton's thigh and on the cigarette butt found next to her body. The Y-STR testing used by Analyst Fitzpatrick in 2016 had further revealed that the partial profile from the cigarette butt belonged to a male with African-American heritage, which matched Mr. Lee.

In June of 2023, Analyst MacMillan directly compared Ronney Lee's DNA profile to the cigarette butt and the thigh scrapings to confirm her earlier findings. She verified that his DNA profile matched the partial profiles from the cigarette butt and thigh scrapings at the overlapping loci. She also compared Ronney Lee's profile to the partial profile obtained in 2003 from the sperm on the pillowcase and found that he was a partial match to that as well. Analyst MacMillan therefore concluded that Ronney Lee would be included as a potential donor for the cigarette butt, the thigh scrapings, and the pillowcase.

III. APPLICABLE LAW AND LEGAL STANDARDS

A. Relevant Statutes

In 1981 New Hampshire's homicide laws were set forth in RSA Chapter 630 as they are today. At that time "First Degree Murder" provided, in relevant part, that:

- I. A person is guilty of murder in the first degree if he:
 - (a) Purposely causes the death of another; or
 - (b) Knowingly causes the death of
 - (1) Another before, after, while engaged in the commission of, or while attempting to commit rape as defined in RSA 632:1 or deviate sexual relations as defined in RSA 632:2,I...."

RSA 630:1-a (1974 Revised Statutes Annotated).²¹

²¹ In 1981 "Capital Murder," as defined in RSA 630:1, did not include a variant related to sexual assault nor any other variant that would be applicable to the facts in this case. See RSA 630:1 (1974 Revised Statutes Annotated).

In 1981 RSA 632:1 defined the class A felony offense of “rape” as:

- I. A male who has sexual intercourse with a female not his wife...if
 - (a) he compels her to submit by force, or by threatening imminent force or serious bodily injury, or kidnapping to be inflicted on anyone; or
 - (b) he has substantially impaired her power to appraise or control her conduct by administering without her knowledge a substance for purposes of preventing resistance; or
 - (c) the female is unconscious or less than fifteen years old; or
 - (d) he knows that she suffers from a mental abnormality which renders her incapable of appraising the nature of her conduct; or
 - (e) he knows she is unaware of the sexual nature of the act being committed upon her.

RSA 632:1 (1974 Revised Statutes Annotated) (emphasis added). “Sexual intercourse” was defined as having “its ordinary meaning and occur[ring] upon any penetration, however slight” without the requirement of emission. *Id.* “Deviate sexual relations” was defined in RSA 632:2(II) as “any act of sexual gratification involving the sex organs of one person and the mouth or anus of another.” RSA 632:2:2 (1974 Revised Statutes Annotated).

B. Analysis

The evidence documented and analyzed over the 41 years since Ms. Kempton was sexually assaulted and murdered establishes beyond a reasonable doubt that Ronney James Lee committed First Degree Murder, RSA 630:1-a(I)(b)(1), by causing the death of Ms. Kempton “before, after, while engaged in the commission of, or while attempting to commit rape as defined in RSA 632:1.” There was significant evidence of sexual assault at the scene to include: the lack of clothing on Ms. Kempton’s body, the binding of her feet, the telephone cord around her neck, the vaginal swabs showing the presence of sperm, and the thigh scrapings showing the presence of sperm and seminal fluid.

Alternatively, the evidence establishes beyond a reasonable doubt that Mr. Lee committed First Degree Murder, RSA 630:1-a(I)(a), by purposely causing the death of Ms.

Kempton. “Purposely” for purposes of this subsection required that “the actor’s conscious object [was] the death of another, and that his act or acts in furtherance of that object were deliberate and premeditated.” RSA 630:1-a, (II) (1974 Revised Statutes Annotated). The extremely violent nature of Ms. Kempton’s death and the calculated nature of the break-in to her apartment provide significant evidence that Mr. Lee intended to kill her. However, the evidence, which is circumstantial, is also consistent with a sexually motivated crime that resulted in more violence than the perpetrator originally anticipated. This would be consistent with Mr. Lee’s criminal history. Consequently, if Mr. Lee were alive today, the Attorney General’s Office would charge him with alternative counts of first-degree murder.

IV. CONCLUSION

There is no reasonable doubt that Ronney James Lee broke into Laura Kempton’s apartment and killed her before, during, or after he sexually assaulted her. The DNA evidence left at the scene demonstrates that Mr. Lee had sexual intercourse with Ms. Kempton at some point after her consensual sexual activity with J.R.

There was no reasonable opportunity for Ms. Kempton to have had consensual sexual relations with anyone after J.R., based upon the timeline established by witnesses and the physical evidence. Furthermore, there is no evidence of any prior relationship between Ms. Kempton and Mr. Lee. Based upon the foregoing, it is unreasonable to posit that the two even knew each other, let alone engaged in consensual sex before she was murdered, and then another unknown male broke into her apartment and killed her.

Furthermore, Mr. Lee’s history of breaking into apartments in the Portsmouth area during this time frame with the motive of robbery and/or sexual assault establishes a common plan, knowledge, and choice of behavior that shows consistency between his actions prior to and after

the murder of Ms. Kempton. The ransacking of her apartment, J.R.'s description of money left on the table that was not located by detectives, purposely damaging or disabling lights in common areas, and the extent to which drawers and closets away from the crime scene were purged indicate planned behavior and a motive to steal consistent with Mr. Lee's behaviors in other crimes. Additionally, Mr. Lee was living and working in the Portsmouth area at the time of Ms. Kempton's murder, giving him proximity to the area of Ms. Kempton's residence.

During the course of the investigation, the extraordinary and thorough efforts of the Portsmouth Police Department in obtaining and testing DNA samples served not only to inculcate Ronney James Lee, but also to exclude any other person of interest. The evidence derived from this investigation, and all of the reasonable inferences that can be taken from that evidence, establishes beyond a reasonable doubt that Ronney James Lee broke into Laura Kempton's apartment at 20 Chapel Street in Portsmouth in the early morning hours of September 28, 1981, sexually assaulted her, and killed her by striking her in the head with a blunt object. Since Mr. Lee is deceased, this case cannot be resolved with criminal charges. Therefore, the Attorney General has concluded, based upon the evidence, that the case will be closed and identified as solved.