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# Judge considers GPS evidence in Boston arson case

By Bridget Murphy

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BOSTON—A federal judge heard arguments Wednesday on whether to toss out evidence against a Boston man authorities say set fires as a way to settle scores.

Jose Baez, described by authorities as a vengeful serial arsonist, faces four counts of arson for fires at a dental office, auto body shop, a house and a store. In some instances, Baez allegedly set the fires because of grudges he held involving bill disputes of \$200 or less.

Baez, 40, has pleaded not guilty to the charges.

His lawyer, Murat Erkan, argued Wednesday that the government's case was poisoned by a GPS device put on Baez's car without a warrant.

"All the evidence which the government possesses ... was generated really as a result of the GPS surveillance," Erkan said in an interview.

The U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives said in an affidavit that the agency didn't seek a warrant for the device "in light of the law as it was then understood and interpreted by the courts, and the advice of counsel."

Authorities developed Baez as an arson suspect and put the device on his car in 2009.

"It was trying to act within the laws as they were understood," Assistant U.S. Attorney Stephen Heymann said in court Wednesday.

Federal prosecutors also said in a recent filing that enough evidence exists to convict Baez aside from the evidence obtained from using the GPS device.

U.S. District Judge Douglas Woodlock didn't issue an immediate ruling.

Law enforcement officials describe Baez in court documents as a person who bided his time before retaliating against his targets.

Baez was arrested in 2010 after a rental house fire in Boston's Roslindale section. In that fire, a resident jumped from the second story and another resident in a wheelchair was rescued by relatives.

In a 2009 fire at an auto body shop in the city's Jamaica Plain section, the shop owner told investigators Baez paid \$200 for a trunk leak repair, but came back dissatisfied with the work. Baez later lost a \$200 small claims case against the shop, authorities say. The fire caused about \$65,000 in damage.

Also in 2009, a fire caused about \$1.5 million in damage to a brownstone in the Kenmore Square neighborhood. The building housed condos and a dental office where Baez had a \$138 billing dispute, authorities say.

Baez also was indicted for a 2008 fire at a Whole Foods Market in Cambridge.

Erkan said his client, who lived in the Dorchester neighborhood, is a U.S. citizen who emigrated from the Dominican Republic as a teenager. Erkan said Baez has no record of criminal convictions. A handful of Baez's family members who came to court Wednesday declined comment through the attorney.