



<p align="center">CLERK'S NOTICE</p>	<p>DOCKET NUMBER</p> <p>1373CR00983</p>	<p>Trial Court of Massachusetts The Superior Court</p> 
<p>CASE NAME:</p> <p>Commonwealth vs. Aaron J Hernandez</p>		<p>Marc J. Santos, Clerk of Court Bristol County</p>
<p>TO: File Copy</p>		<p>COURT NAME & ADDRESS</p> <p>Bristol County Superior Court - Fall River 186 South Main Street, Suite 202 Bristol County Fall River, MA 02721</p>
<p align="center">You are hereby notified that on 07/27/2015 the following entry was made on the above referenced docket:</p> <p>ORDER: Commonwealth is to respond to the Defendant's Motion to Question Witness Under Oath by 7/31/2015</p>		
<p>DATE ISSUED</p> <p>07/27/2015</p>	<p>ASSOCIATE JUSTICE/ ASSISTANT CLERK</p> <p>Hon. Susan E Garsh</p>	<p>SESSION PHONE#</p>

CLERK'S NOTICE	DOCKET NUMBER 1373CR00983	Trial Court of Massachusetts The Superior Court 
CASE NAME: Commonwealth vs. Aaron J Hernandez		Marc J. Santos, Clerk of Court Bristol County
TO: File Copy		COURT NAME & ADDRESS Bristol County Superior Court - Fall River 186 South Main Street, Suite 202 Bristol County Fall River, MA 02721
<p>You are hereby notified that on 07/27/2015 the following entry was made on the above referenced docket:</p> <p>Endorsement on Motion to Impound Affidavit of James L. Sultan in Support of Defendant's Motion to Questin Witness Under Oath, (#396.0): ALLOWED</p> <p>After review, for good cause, the defendant's motion to impound is ALLOWED. A redacted affidavit is to be made publicly available with the identity of the source kept private. The impoundment is narrowly tailored to prevent potential prejudice, and there are no reasonable alternatives to impoundment. See Globe Newspaper Co. v. Commonwealth, 407 Mass. 879, 887-889 (1990) and this Court's Memorandum of Decision and Order on Defendant's Motion to File Accompanying Pleadings Respecting Post-Verdict Inquiry Under Seal (Motion to Impound) dated June 15, 2015.</p>		
DATE ISSUED 07/27/2015	ASSOCIATE JUSTICE/ ASSISTANT CLERK Hon. Susan E Garsh	SESSION PHONE#

#396

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CRIMINAL #2013-983

COMMONWEALTH OF MASSACHUSETTS

v.

AARON HERNANDEZ

BRISTOL, SS SUPERIOR COURT
FILED

JUL 27 2015

MARC J. SAMPSON, ESQ.
CLERK/MAGISTRATE

**DEFENDANT'S MOTION TO IMPOUND
AFFIDAVIT OF JAMES L. SULTAN IN SUPPORT OF
DEFENDANT'S MOTION TO QUESTION WITNESS UNDER OATH**

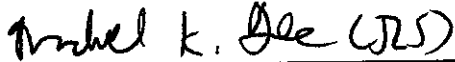
Aaron Hernandez, the defendant in the above-captioned criminal case, hereby moves this Court, pursuant to Massachusetts common law, to impound the *Affidavit of James L. Sultan in Support of Defendant's Motion to Question Witness Under Oath* filed herewith. As grounds therefore, defendant relies on the legal precedent and analysis set forth in the Court's Memorandum of Decision and Order on Defendant's Motion to File Accompanying Pleadings Respecting Post-Verdict Inquiry Under Seal (Motion to Impound) entered on June 15, 2015. The defendant does not object to the Court's releasing a redacted version of said filing as long as it keeps out of the public

domain at this stage of these proceedings the identity of the source of the information at issue.


Respectfully submitted,

AARON HERNANDEZ

By his attorneys,



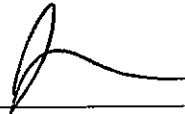
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James L. Sultan, BBO #488400
Charles W. Rankin, BBO #411780
Rankin & Sultan
151 Merrimac Street, Second Floor
Boston, MA 02114
(617) 720-0011

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the Commonwealth by e-mail and by mailing a copy thereof, US mail, postage prepaid, to: William McCauley, First Assistant District Attorney, Bristol County, 888 Purchase Street, New Bedford, MA 02740 on July 24, 2015.



James L. Sultan

After review, for good cause, the defendant's motion to impound is allowed. A redacted affidavit is to be made publicly available with the identity of the source kept private. The impoundment is narrowly tailored to prevent potential prejudice, and there are no reasonable alternatives to impoundment. See Globe Newspaper Co. v. Commonwealth, 407 Mass. 879, 887-889 (1990) and this Court's Memorandum of Decision and Order on Defendant's Motion to File Accompanying Pleadings Respecting Post-Verdict Inquiry Under Seal (Motion to Impound) dated June 15, 2015.

Gensh, J. (GRF/ACM) 7/27/15

RANKIN & SULTAN
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July 24, 2015

John F. Losowski, Assistant Clerk
Bristol Superior Court
186 South Main Street
Fall River, MA 02720

Re: ***Commonwealth v. Aaron Hernandez***
Bristol Superior Court Criminal #2013-000983

Dear Mr. Losowski:

Enclosed for filing in the above-captioned criminal case please find:

1. *Defendant's Motion to Question Witness Under Oath;*
2. *Affidavit of James L. Sultan in Support of Defendant's Motion to Question Witness Under Oath (Filed Under Seal);* and
3. *Defendant's Motion to Impound Affidavit of James L. Sultan in Support of Defendant's Motion to Question Witness Under Oath; and*

Thank you for your assistance.

Best regards,



James L. Sultan

JLS:pcb

BY E-MAIL TO john.losowski@jud.state.ma.us and US MAIL, POSTAGE PREPAID

cc: ADA William McCauley (By e-mail to william.mccauley@state.ma.us and US Mail, Postage Prepaid)

#394

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CRIMINAL #2013-983

COMMONWEALTH OF MASSACHUSETTS

v.

AARON HERNANDEZ

BRISTOL, SS SUPERIOR COURT
FILED

JUL 27 2015

MARC J. SANTOS, ESQ.
CLERK/MAGISTRATE

DEFENDANT'S MOTION TO QUESTION WITNESS UNDER OATH

Aaron Hernandez ["Hernandez"], the defendant in the above-captioned criminal case, hereby moves this Court, pursuant to the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, Articles XII and XXIX of the Massachusetts Declaration of Rights, and Massachusetts common law, to order that the witness identified in the *Affidavit of James L. Sultan* filed herewith be questioned under oath, either by the parties or by the Court. As grounds therefore, the defendant avers as follows:

1. Based upon the previously-filed affidavit of counsel and the affidavit of counsel filed herewith, the defendant has made "a colorable showing that an extrinsic influence may have had an impact upon the jury's impartiality." *See Commonwealth v. Dixon*,

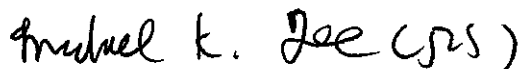
395 Mass. 149, 152 (1985). Accordingly, at this juncture, a limited, judicially-supervised investigation is clearly warranted. Specifically, the individual identified in the accompanying affidavit of counsel should be questioned under oath so that the Court may determine whether additional investigative steps are warranted.

2. Under *Globe Newspaper Company v. Commonwealth*, 407 Mass. 879 (1990) and its progeny, the Court may order that the witness be questioned by the parties at a deposition or similar proceeding, that the witness be questioned directly by the Court with the parties suggesting questions to be posed, or that the witness be questioned at a formal hearing. The form such an investigation should take is within the discretion of the Court. *Id.* at 887; *Commonwealth v. Fidler*, 377 Mass. 192, 203 (1979). The defendant notes that the likelihood of discovering the truth in this matter will be maximized if such questioning (and any transcript thereof) is not publicly-disclosed until the conclusion of the investigative process.

Respectfully submitted,

AARON HERNANDEZ

By his attorneys,



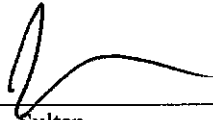
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(617) 720-0011

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the Commonwealth by e-mail and by mailing a copy thereof, US mail, postage prepaid, to: William McCauley, First Assistant District Attorney, Bristol County, 888 Purchase Street, New Bedford, MA 02740 on July 24, 2015.



James L. Sultan

BRISTOL, SS SUPERIOR COURT
FILED

JUL 27 2015

MARC J. SANTOS, ESQ.
CLERK/MAGISTRATE

#395.1
Redacted

FILED UNDER SEAL

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CRIMINAL #2013-983

COMMONWEALTH OF MASSACHUSETTS

v.

AARON HERNANDEZ

**AFFIDAVIT OF JAMES L. SULTAN IN SUPPORT OF
DEFENDANT'S MOTION TO QUESTION WITNESS UNDER OATH**

James L. Sultan, being duly sworn according to law, hereby says and deposes as follows:

1. I am a member in good standing of the Massachusetts Bar and co-counsel to the defendant in the above-captioned criminal case.
2. Based upon additional investigation, the defense has identified the individual who called me several times during April 2015 to report the exposure of a juror to prejudicial, extrinsic information as:

3. On information and belief, this individual has had extensive personal contact with the defendant since his arrest on June 26, 2013. That contact is clearly relevant to this individual's credibility. Nevertheless, there is reason to believe that this individual likely possesses information relevant to whether a juror was exposed to prejudicial, extrinsic information, including, but not limited to, the identification of other potential witnesses to such an incident.

Signed and sworn to under the pains and penalties of perjury this 24th day of July 2015.



James L. Sultan

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the Commonwealth by e-mail and US Mail, postage prepaid, to: William McCauley, First Assistant District Attorney, Bristol County, 888 Purchase Street, New Bedford, MA 02740 on July 24, 2015..



James L. Sultan