

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
DOCKET No. SJ-2015-0502

SUPERIOR COURT DEPARTMENT
SUFFOLK COUNTY
DOCKET NOS. SUCR2014-10417,
SUCR2014-10384

COMMONWEALTH

VS.

AARON HERNANDEZ

ORDER OF LIMITED REMAND

This matter came before the Court, Botsford, J., presiding, on a petition pursuant to G. L. c. 211, § 3. After hearing, it is ORDERED that the petition be, and the same hereby is, allowed to the limited extent that the publication and distribution to the Commonwealth of the Superior Court judge's sealed proposed findings of fact set forth in the second sentence of paragraph 6 and paragraphs 7-9 in the judge's Proposed Findings of Fact Relating to Commonwealth's Rule 17 Motion/Request for Search Warrant, dated November 17, 2015, shall remain stayed until further order of this court.

It is FURTHER ORDERED that this matter be, and the same hereby is, remanded to the trial court to permit the judge to decide the Commonwealth's pending Application for a Search Warrant and Rule 17 Motion for Production of the Specified Cell Phone from Ropes & Gray, LLP. Insofar as the judge includes in his decision or order the proposed findings of fact referred

to in the previous paragraph, those findings that have been placed under seal should remain under seal, and should not be disclosed to the Commonwealth at this time. With recognition that this order places a burden on the Superior Court judge, any ability of the judge to render a decision in the reasonably near future would be very much appreciated. Following the issuance of the judge's decision or order (or both), counsel for the parties are to contact the clerk of this court to schedule a hearing in this matter.

By the Court (Botsford, J.), *mb*


Maura S. Doyle, Clerk

Entered: February 19, 2016