

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.
DEPARTMENT

SUPERIOR COURT

SUCR2014-10417
SUCR2015-10384

COMMONWEALTH

v.

AARON HERNANDEZ

**DEFENDANT'S RENEWED MOTION FOR PRODUCTION OF DOCUMENTARY
EVIDENCE AND OBJECTS FROM THIRD PARTY (CURE)**

1. On December 27, 2016 this Court heard the Defendant's Motion to View the Cure Lounge at 246 Tremont Street, Boston, the location of the alleged encounter between Defendant and the victims of the shooting on the night of July 15, 2012. See Exhibit A ¶ 3 (Affidavit of Ronald S. Sullivan, Jr.).
2. Defendant's December 27, 2016 Motion contained requests that Pasha Ltd, the Massachusetts corporation that owns the Cure Lounge, produce video recordings from surveillance equipment at the Cure Lounge, allow the inspection of all video surveillance equipment at the Cure Lounge by defense forensic experts, and production of documentary evidence regarding the video surveillance equipment at the Cure Lounge. Exhibit A ¶ 3. The Court made no ruling on these requests upon representations by the District Attorney Haggan that Pasha Ltd said it would turn over any and all documents in its custody responsive to the Defendant's requests and would permit inspection of its video equipment by defense experts. Exhibit A ¶ 4.

3. In fact, during the view of the Cure Lounge by the Defense on January 4, 2017, Pasha Ltd did not produce documents responsive to Defendant's requests nor did it permit inspection of the video surveillance equipment. **Exhibit A ¶ 5.** Defendant hereby renews his December 27, 2016 Motion for Production of Documentary Evidence and Objects from a Third Party Pursuant to Rule 17(a)(2) of the Massachusetts Rules of Criminal Procedure. A proposed order is attached to this Motion as **Exhibit B.**

Respectfully submitted
for the Defendant, Aaron Hernandez

By:



Ronald S. Sullivan, JR., Esq.
DC Bar #45158
32 Mill Street
Cambridge, MA 02138
(617) 496-4777



Jose Baez, Esq.
The Baez Law Firm
FL Bar #0013232
40 SW 13th Street, Suite 505
Miami, FL 33130
(305) 999-5100



George J. Leontire, Esq.
BBO No. 294270
Leontire & Associates, P.C.
32 William Street
New Bedford, MA 02740
(508)-993-0333

Linda Kenney Baden, Esq.
NY Bar #389330
Law Office of Linda Kenney Baden
15 West 53rd Street, Suite 18
New York, NY 10019
(732) 219-7770

Robert E. Proctor, Esq.
BBO No. 649155
6 Everett Street, Suite 5116
Cambridge, MA 02138
(617) 496-8144

Alex Spiro, Esq.
NY Bar #4656542
Brafman & Assoc., P.C.
767 3rd Avenue, 26th Fl.
New York, NY 10017
(212) 750-7800

Dated: February 1, 2017

EXHIBIT A

I, Ronald S. Sullivan Jr., do hereby depose and state that the following is true to the best of my knowledge, understanding, and belief:

- 1 . I am an attorney for Aaron Hernandez (Mr. Hernandez) in the above-referenced matter.
- 2 . This Affidavit is filed in support of the **DEFENDANT'S RENEWED MOTION FOR PRODUCTION OF DOCUMENTARY EVIDENCE AND OBJECTS FROM THIRD PARTY** (hereinafter "**Renewed Motion**").
- 3 . On December 27, 2016, this Court heard the **DEFENDANT'S MOTION TO VIEW FACILITY AND FOR PRODUCTION OF DOCUMENTARY EVIDENCE AND OBJECTS FROM THIRD PARTY** (hereinafter "**Original Motion**").
- 4 . At the hearing on the **Original Motion** the Court made no ruling on these requests upon representations by the District Attorney Haggan that Pasha Ltd said it would turn over any and all documents in its custody responsive to the Defendant's requests and would permit inspection of its video equipment by defense experts.
- 5 . The View of the Cure Lounge at 246 Tremont Street, Boston, occurred on January 4, 2017; however, during this view Pasha Ltd. made no production to Defendant nor were defense experts permitted to examine the video surveillance equipment at the Cure Lounge.
- 6 . This Motion is made in good faith.

SWORN TO UNDER THE PAINS AND PENALTIES OF PERJURY THIS 1st DAY OF FEBRUARY, 2017.



Ronald S. Sullivan Jr.

EXHIBIT B

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT

SUCR2014-10417;

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AARON HERNANDEZ

ORDER

IT IS HEREBY ORDERED by the undersigned Justice of the Massachusetts

Superior Court sitting in Suffolk County Massachusetts, that Pasha Ltd, a Massachusetts

Corporation with its principal office at 100 Warrenton St., Boston, MA:

1. Produce all records for the Cure Lounge video surveillance system as it existed on July 15-16, 2012 including any and all receipts for the purchase, maintenance and repair of said equipment, any and all manuals, pictures, product descriptions or other documents of every kind, nature and description related to said equipment; and
2. Produce all records for the Cure Lounge video surveillance system since July of 2012 including any and all receipts for the purchase, maintenance and repair of said equipment, any and all manuals, pictures, product descriptions or other documents of every kind, nature and description related to said equipment; and,
3. Produce the video equipment in the possession of the Pasha Ltd. described in paragraphs 1 and 2 above and allow a defense forensics expert to examine such equipment; and,
4. Produce copies of all documents evidencing what was produced to the City of Boston Police Department, the Massachusetts State Police, or the Suffolk County District Attorney's Office (Law Enforcement Officials) including any written documents or receipts from said Law Enforcement Officials indicating their receipt of any such recordings and materials; and
5. To the extent any recorded video from the Cure Lounge video surveillance system from July 15-16, 2012 is in the possession of Pasha Ltd. to produce such video to the defense; and

Such production being deemed material and necessary by the Court to the proceedings in the above titled matter shall be made to Aaron Hernandez, Defendant in the above titled criminal matter, by and through his attorney of record Jose A. Baez, 40 S.W. 13th Street, Miami, FL 33130

SO ORDERED.

Dated: February __, 2017

J. Locke