

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT

SUCR2014-10417;

SUCR2015-10384

COMMONWEALTH

v.

AARON HERNANDEZ

**DEFENDANT'S MOTION FOR COMPELLED SUBMISSION OF ALEXANDER BRADLEY TO
THE TAKING OF A BUCCAL SWAB FOR THE COLLECTION OF DNA STANDARD**

Now comes the Defendant and moves this Honorable Court to order Alexander Bradley to submit to the taking of a buccal (saliva) swab(s) sample(s) for the purposes of performing comparison analysis and DNA testing of the samples. In support of this motion the Defendant states that the requested sample "will probably produce evidence relevant to the question of the Defendant's guilt." Commonwealth v. Trigones, 397 Mass., 633, 640 (1986). In support of this request, the Defendant relies upon Attachment A: Affidavit of George J. Leontire, Esquire; and Attachment B: Affidavit of Richard Eikelenboom, Defendant's DNA forensic scientist expert, all which are attached hereto.

Respectfully Submitted
on behalf of Aaron Hernandez,
by his attorneys,



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Dated: January 18, 2017

CERTIFICATE OF SERVICE

I hereby certify this 18th day of January 2017 that a true copy of the within *Defendant's Motion for Compelled Submission of Alexander Bradley to the Taking of a Buccal Swab for the Collection of DNA Standard* was sent via First Class Mail, postage prepaid, and by email to all counsel of record as follows:

Patrick M. Haggan, Esq.
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George J. Leontire

ATTACHMENT A

**AFFIDAVIT OF ATTORNEY GEORGE J. LEONTIRE IN SUPPORT OF
DEFENDANT'S MOTION FOR DNA SAMPLE OF ALEXANDER BRADLEY**

1. I am licensed to practice law in the Commonwealth of Massachusetts and am currently co-counsel in the instant matter.
2. I was present on January 4, 2017 when Defendant's DNA expert collected DNA samples from the revolver the Commonwealth alleges is the murder weapon.
3. I have been advised, by the Defendant's DNA expert Richard Eikelenboom, on January 17, 2017 that the DNA samples he collected resulted in several mixed DNA profiles suitable for comparison with other DNA reference profiles.
4. If the Defendant's DNA expert was able to obtain a known DNA sample (i.e., Buccal Cells) from Alexander Bradley and perform DNA testing on this known sample, he could conduct scientific comparisons to the DNA mixed profiles obtained from the revolver in evidence. An expert opinion could then be rendered as to whether or not Alexander Bradley was or was not a probable source of any DNA obtained from the revolver.
5. Such evidence would be of significant value to the Defendant given the circumstances of the alleged shooting and recovery of the revolver as outlined by the Commonwealth in numerous disclosures with respect to this matter.

SWORN TO UNDER THE PAINS AND PENALTIES OF PERJURY THIS 18th DAY OF JANUARY 2017.


George J. Leontire

ATTACHMENT B

AFFIDAVIT OF RICHARD EIKELENBOOM

I, RICHARD EIKELENBOOM, affirm the following:

1. I am a forensic scientist specializing in DNA trace evidence recovery. I am co-owner of Independent Forensic Services located in Colorado and The Netherlands.

2. As a forensic scientist, I specialize in DNA trace evidence recovery methods known as Touch DNA. I have been using different methods of DNA trace evidence recovery since 1997, when Touch DNA trace recovery methods were first developed in the Netherlands. The methods used in the late nineties for DNA testing were not as sensitive as the methods used today. This forced DNA scientists to use Low Copy Number (LCN) methods (extra amplification steps). Interpretation of results obtained with LCN methods is more difficult than results obtained with standard DNA methods. With the help of more recent new DNA kits it is often possible to obtain similar results without using LCN methods.

3. I worked from 1993 to 2005 as a forensic examiner in the biology department at the Netherlands Forensic Institute, an autonomous crime-solving laboratory within the Dutch Ministry of Security and Justice that reports to the Directorate-General for the Administration of Justice and Law Enforcement. It was there that basic Touch DNA trace recovery methods were developed. Three types of touch DNA can be investigated:

- a) Contact due to wearing
- b) Contact due pressure/friction
- c) Contact due to touching

Touch DNA that is left behind by perpetrators when they come in (forceful) contact with victims belongs in category b. Touch DNA left by wearing, category a, is the most successful followed by categories b and c.

4. In 2005 I joined my wife as a partner at Independent Forensic Services (IFS). We have expertise in the fields of trace recovery and DNA extraction, sequencing, and profiling. Our state of the art laboratory uses the latest techniques in DNA investigation. We have investigated numerous cold-cases where we were able to successfully retrieve DNA from old pieces of evidence.

5. The standard accreditation for forensic laboratories worldwide is the ISO-17025. IFS acquired that accreditation in 2008 and held it ever since. This allows us the work internationally. The American Society of Crime Lab Directors (ASCLD) has some additional requirements, but they audit laboratories against the same ISO-17025 standard. We have the ASCLD accreditation since 2016.

6. In the case of Commonwealth v. Aaron Hernandez on Wednesday January 4, 2017 we retrieved from the revolver that the Commonwealth alleges was the murder weapon several

mixed DNA profiles that on January 17, 2017 were determined to be suitable for comparison with DNA reference profiles from Aaron Hernandez, Alexander Bradley and Jailene Diaz-Ramos.

I duly swear under oath, under the penalty of perjury the matters contained herein.

Signed this 17 day of February, 2017



RICHARD EIKELENBOOM