

COMMONWEALTH OF MASSACHUSETTS

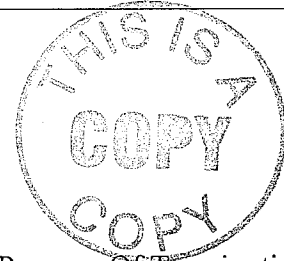
Bristol, ss

Trial Court Department
Attleboro Division
No. 1334CR2057

Commonwealth of Massachusetts)
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Aaron Hernandez)
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Order on Intervenors' Motions To
Terminate Order(s) of Impoundment



After a hearing on the Motion To Intervene For The Limited Purpose Of Terminating Orders Of Impoundment filed by GateHouse Media, Inc. and the Motion To Terminate Impoundment Orders filed by Globe Newspaper Company, Inc. ("the Intervenors"), I make the following decision and order:

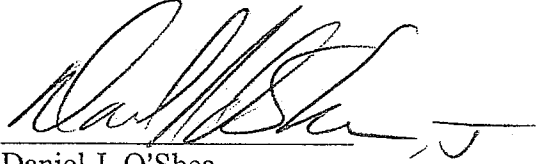
DECISION AND ORDER

In accordance with the Uniform Rules on Impoundment Procedure and the process outlined in The Republican Co. v. Appeals Court, 442 Mass. 219, 227 at n. 14 (2004), a hearing was held before me on the aforesaid Motions filed by the Intervenors to terminate certain Impoundment Orders ("the Orders") issued recently by the Attleboro District Court in connection with a criminal prosecution pending against the defendant, Aaron Hernandez.

Upon reviewing the relevant case law and hearing argument on the Intervenors' request to terminate the Orders impounding the search warrants, search warrant affidavits, applications for search warrant, search warrant returns, and the impoundment motions filed by the Commonwealth, I find there is no longer good cause for continued closure of such records. In addition, I do not find that the defendant has established a substantial probability that permitting access to the impounded information will prejudice his fair trial rights, or that impounding or closure of the subject records would be effective in protecting those rights. The burden is on the parties seeking continued impoundment and after hearing, I find this burden has not been met and that termination of the Orders would be appropriate at this time. Commonwealth and William O'Connell v. George W. Prescott Publishing Co., LLC, 463 Mass. 258 (2012), see also New England Internet Café, LLC v. Clerk of the Superior Court For Criminal Business in Suffolk County, 462 Mass. 76 (2012). However, given the important interests at stake, I will

stay the effect of this order approximately twenty four (24) hours to afford any interested parties the right to exercise further judicial review.

Wherefore, the Orders of impoundment relating to the aforesaid documents shall terminate effective as of 2:00 p.m., Tuesday, July 9, 2013 unless ordered otherwise by a court of competent jurisdiction. So Ordered.



Daniel J. O'Shea,
First Justice
Attleboro District Court

July 8, 2013

