

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 13-10200-GAO
)	
DZHOKHAR TSARNAEV)	

DECLARATION OF JOSIE SMITH

I, Josie Smith, declare as follows:

1. I am self-employed. I have worked with Ed Bronson since 2005.
2. In the course of my employment I research media coverage for attorneys seeking information concerning the media coverage generated in connection with a particular case.
3. I collected the newspaper coverage used in connection with the supplemental material in support of the motion for change of venue filed by attorneys for Dzhokhar Tsarnaev on August 7, 2014.
4. In connection with that process I developed search terms designed to produce all articles that refer to the case or to the events that precipitated the case, directly and indirectly. I understood that these broad terms would produce articles that were both relevant and not relevant to the case. That is why I then reviewed each article to determine that it, in fact, referred to the case or to the events that precipitated the case before I included it in the collection. Once I found such a reference I did not make any determinations of degree of relevance. I excluded articles that contained a search term but did not refer to the case.
5. At the request of counsel for Tsarnaev I have reviewed the coverage in the *Boston Globe* and the *Boston Herald* between the dates of July 26, 2014 and November 15, 2014 using the same search terms and procedures previously used in collecting coverage from the *Boston Globe* from April 15, 2013 through July 11, 2014. Those search terms are attached to this declaration (redacted to protect certain personal identifying information).
6. For the *Boston Globe*, that review produced the following:
 - 143 articles that referred to the case or to the events that precipitated it including
 - 102 news articles;
 - 5 briefs;
 - 2 events;
 - 1 letter to the editor;
 - 11 commentary,

- 1 comment,
- 2 television listings;
- 4 editorials;
- 8 opinion pieces;
- 1 quiz,
- 3 photo captions, and
- 3 interview Q and As.

7. In terms of time of appearance:

- 3 appeared in July after July 26, 2014
- 33 appeared in August, 2014
- 35 appeared in September, 2014
- 50 appeared in October, 2014
- 15 appeared in November prior to November 15, 2014

8. For the *Boston Herald*, that review produced the following:

- 95 articles that referred to the case or to the events that precipitated it including:
 - 62 news articles;
 - 4 briefs;
 - 4 letters to the editor;
 - 17 commentary,
 - 1 comment,
 - 1 television show review;
 - 5 editorials;
 - 1 interview Q and A.

9. In terms of time of appearance:

- 3 appeared in July after July 26, 2014
- 20 appeared in August, 2014
- 26 appeared in September, 2014
- 34 appeared in October, 2014
- 12 appeared in November prior to November 15, 2014

10. Copies of the articles referenced in paragraphs 6-9 are submitted with this declaration.

11. I also reviewed the government's surreply addressing Dr. Bronson's declaration. On pages 8-9 of that document the Government states that it searched the *Boston Globe* archives using the search term "Boston Marathon or "Boylston Street" and looked at the first 50 articles to appear (in reverse chronological order). It lists the titles of 30 of those articles that it asserts "have little or nothing to do with the Marathon bombing or this case." Of those 30 articles listed by the government, 15 (articles 1, 2, 5, 6, 7, 9, 12, 15, 19, 20, 21, 22, 23, 24, and 30) are not on the list of articles I included in my collection. The other 15 do, in fact, refer to the Marathon bombing or to Tsarnaev.

12. I recreated the government's search. It started on July 10, 2014 and went back to April 1, 2014. It did not include the coverage from the 11 ½ months following the Marathon bombing.
13. Pages 10-11 of the government's surreply lists articles returned by other searches it conducted from 4/16/2013 to 7/10/2014. Those searches used terms (brutal, awful, chilling, fear, and anguish) not included in the search terms I used. Of the 12 articles listed by the government, 4 are not in my collection. The other 8 do, in fact, refer to the Marathon bombing or Tsarnaev.
14. Recreating the government searches (from 4/16/2013 to 7/10/2014) referenced on pages 10-11 of its surreply produces 25 articles for its first search (Boston Marathon and brutal); 49 articles for its second search (Boston Marathon and awful); 15 articles for its third search (Boston Marathon and chilling); 219 articles for its fourth search (Boston Marathon and fear); and 15 articles for its fifth search (Boston Marathon and anguish). The government's surreply lists the titles of 12 of those 323 articles.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 28th day of November, 2014.



Josie Smith