

#68.3

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
NO. 2013-CR-00983

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COMMONWEALTH OF MASSACHUSETTS

v.

AARON HERNANDEZ

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**AFFIDAVIT OF JAMES L. SULTAN IN SUPPORT OF DEFENDANT'S  
MOTION FOR TRANSFER FROM THE BRISTOL COUNTY JAIL AND HOUSE OF  
CORRECTION TO ANOTHER COUNTY JAIL LOCATED CLOSER TO  
BOSTON**


James L Sultan, being duly sworn according to law, hereby says and deposes as follows:

1. I am a member in good standing of the Massachusetts Bar and co-counsel to defendant Aaron Hernandez in the above-captioned criminal case. I make this affidavit based upon personal knowledge and documents obtained by me, as noted herein.
2. I am also currently co-counsel to Hernandez in his homicide case in Suffolk County Superior Court. Accordingly, I am now tasked with preparing to try two separate homicide cases for Hernandez in different counties simultaneously. This challenging undertaking is unprecedented in my more than 30 years of experience as a criminal

defense lawyer. It is imperative that my co-counsel and I be able to meet with Hernandez and confer privately with him on a very frequent basis so that he can assist us in preparing for those two trials. The distance between my office in Boston and the Bristol County Jail, as well as the bizarre restriction imposed on our meetings with Hernandez there (requiring us to meet with him in a specified contact visiting room), seriously impairs our ability to provide him with effective assistance of counsel in these two serious cases.

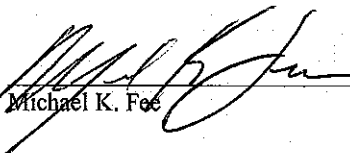
3. On May 6, 2014, the Office of Attorney Alan Black emailed to us at our request an unsigned copy of the Defendant's Motion to Transfer filed by the defendant in *Commonwealth v. Alberto Sierra*, #WOCR2014000345. A true copy of that motion is attached hereto as Exhibit 1. Thereafter, I downloaded the docket sheet for that case from the AOTC website. A true copy of that docket sheet, indicating that the Defendant's Motion to Transfer was allowed without objection by the Court (Ricciardone, J.) on May 1, 2014 is attached hereto as Exhibit 2.

Signed and sworn under the pains and penalties of perjury this 19<sup>th</sup> day of June 2014.

  
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James L. Sultan

#### CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the Commonwealth by e-mailing and mailing a copy thereof, US mail, postage prepaid, to: Roger Michel, Assistant District Attorney, Bristol County, 888 Purchase Street, New Bedford, MA 02740 on June 19, 2014.

  
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Michael K. Fee