



# EXHIBIT 13



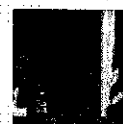
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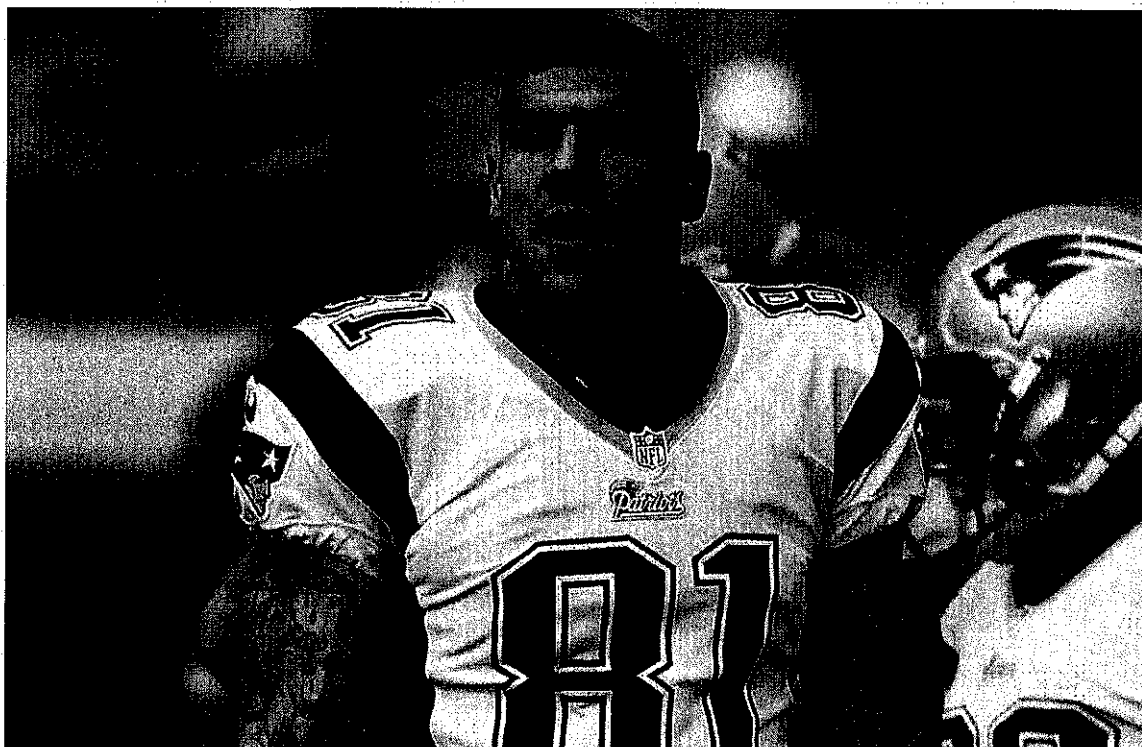
POLITICS

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ON FOOTBALL

# What Rolling Stone got right, wrong on Aaron Hernandez

By Ben Volin | GLOBE STAFF AUGUST 29, 2013



PHELAN M. EBENHACK/AP/FILE

According to Rolling Stone, Aaron Hernandez told Bill Belichick his life was in danger.

The Patriots wrap up the preseason Thursday night by hosting the Giants, and second-round bust Ras-I Dowling was finally released Wednesday, but those stories were overshadowed by the Aaron Hernandez saga after Rolling Stone magazine released a supposed bombshell of an expose Wednesday titled, "Gangster in the Huddle."

The piece, written by Paul Solotaroff with Herald columnist Ron Borges, does a thorough job of recounting Hernandez's sordid past, and provides several interesting revelations about Hernandez, Bill Belichick, and some of the events surrounding Odin Lloyd's murder. The piece doesn't hold back — not with the cover illustration of a blood-splattered Hernandez, or with the finger-pointing at Robert Kraft and Belichick for turning a blind eye toward Hernandez's behavior.

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But the story also is filled with sensationalism, hearsay, convenient fact-bending, and even one blatant falsity. The authors go to great lengths to portray Hernandez's friends and family as thugs and losers, then expect the reader to fully believe these same unnamed sources who provide many of the lurid details.

The revelation that Hernandez was a heavy PCP user is interesting and believable; his alleged accomplice, Carlos Ortiz, did tell his probation officer in May that he used PCP and several other drugs on a daily basis.

Hernandez could easily get away with a drug habit. Per NFL rules, players are tested for street drugs (cocaine, marijuana, total morphine and codeine, opioids, hydrocodone, oxycodone, PCP, MDMA) just once a year, between April 20 and Aug. 9. However, it's hard to imagine Hernandez being a heavy PCP user during the season — you'd think his teammates and coaching staff would notice something.

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It's also believable, given what we know now, that Hernandez carried a gun at all times, as the story reported.

Rolling Stone also uncovered that Hernandez actually flew to the NFL combine in Indianapolis in February to seek guidance from Belichick, telling his coach he felt his life was in danger from the gangsters he had befriended. The story says that Belichick recommended Hernandez rent an apartment, now known as the "flophouse," to lie low for a while. If true, that is a real mind-blower.

The story also says Hernandez blew off Tom Brady a couple of times in California, which is a sin on this team.

But the sensationalism and fact-bending hurt the story's credibility.

The story oversells the claim that Hernandez "was one misstep from being cut." The Patriots had just given him a \$40 million contract extension the previous August, and within six months they were so fed up with him that they would cut him? Deep in the story, we read that if Hernandez were involved in any more distractions, Belichick apparently said he would trade or cut him *after* the 2013 season.

What kind of threat is that? Sounds like something Belichick would say as a motivational tactic more than anything else. He'd still have plenty of time to change his mind.

Cutting or trading Hernandez before the 2014 season would have still cost the Patriots \$7.5 million in cap money in 2014, and they still would have been on the hook for more than \$4.3 million, including a \$3.25 million signing bonus payment he would have received next March.

That is one claim that is really hard to believe.

The story was flat-out wrong in saying "he skipped out on team training drills, going to California to rehab an aching shoulder and take a much-needed break from New England."

NFL players are not allowed under the collective bargaining agreement to work out with their teams until the middle of April, and many scatter across the country for two months after the Super Bowl.

Hernandez was in California during this time, and returned to New England for the offseason program, which lasts from April to June. He participated in enough workouts to earn an \$82,000 bonus as spelled out in his contract, and the NFL Players Association has now filed a grievance on his behalf to coerce the Patriots to pay the bonus, which they are currently withholding.

We're supposed to believe that Hernandez smoked "three or four blunts" in the car on the ride home from games, which is an insane amount of marijuana for any one person to smoke in that short of a ride, from Foxborough to North Attleborough. And the piece says Hernandez "cemented his don't-touch rep" by being named in a shooting in Gainesville, Fla.; but that shooting happened in 2007, not right before the 2010 draft, as the story intimates.

And the claim that none of this would have happened had the Patriots not replaced Frank Mendes, their former security chief, is laughable. The theory put forth in the story was that Mendes, a former state trooper, had a wide network of police friends across the state who would inform Belichick when players were up to things they shouldn't be doing.

But his replacement, "a tech-smart Brit named Mark Briggs," was apparently too arrogant to build friendships with local police enforcement or accept phone calls with random tips.

It's hard to believe that in 10 years on the job, Briggs hasn't developed any relationships with local police.

The piece calls the notion that Kraft was "duped" by Hernandez "arrant nonsense." I believe this to be half-true.

I actually believe that Kraft feels duped. He is a busy man running the Kraft Group, and maybe spends only 15-20 percent of his daily energy on the Patriots.

But for Belichick and the coaching and security staffs, it's a different story. They *had* to know Hernandez was a bad seed.

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# EXHIBIT 14



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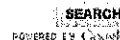
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Aaron Hernandez



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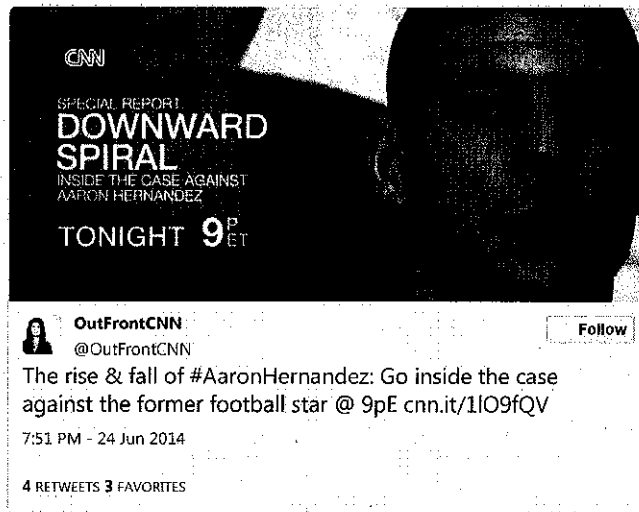
## Aaron Hernandez's downward spiral

It may be one of the biggest falls from grace in sports history. New England Patriots player Aaron Hernandez's is accused of shooting and killing two men after one of them bumped into him on a dance floor, causing the athlete to spill his drink

The former football star has also been charged with first degree murder in the shooting death of Odin Lloyd, a semi-pro football player. He made an appearance in court today.

### Inside the case against Aaron Hernandez

Susan Candiotti takes a closer look at the fallen football player in a CNN special "Downward Spiral: Inside the Case against Aaron Hernandez".



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### Jurors in Aaron Hernandez murder trial won't hear gun ...

Fox News - 19 hours ago

June 26, 2013: Former New England Patriots tight end **Aaron Hernandez** appears with his attorney Michael Fee, right, during an arraignment in ...

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### Aaron Hernandez - Wikipedia, the free encyclopedia

en.wikipedia.org/wiki/Aaron\_Hernandez - Wikipedia

Jump to **murder** of Odin Lloyd - [edit]. Main article: **Murder** of Odin Lloyd. On June 18, 2013, **Hernandez's** house in North Attleboro was searched by police ...

Murder of Odin Lloyd - Rob Gronkowski - North Attleborough - Bristol

### Murder of Odin Lloyd - Wikipedia, the free encyclopedia

en.wikipedia.org/wiki/Murder\_of\_Odin\_Lloyd - Wikipedia

The **murder** of Odin Lloyd occurred on June 17, 2013. His death made international headlines when **Aaron Hernandez**, at the time a tight end for the New ...

Background - Death and investigation - Charges and trial - Timeline of events

### Aaron Hernandez murder trial to start in January in 2013 ...

www.bostonglobe.com/.../aaron-hernandez.../story.html - The Boston Globe

Jul 22, 2014 - The first-degree **murder** trial of former New England Patriots star **Aaron Hernandez** in the shooting death of Odin L. Lloyd in 2013 will now ...

### Aaron Hernandez to be tried for Boston double-murder next ...

www.cbssports.com/.../aaron-hernandez-double-murder-t... - CBSSports.com

Jun 25, 2014 - With former Patriots star tight end **Aaron Hernandez** set to go to trial for the alleged **murder** of Odin Lloyd on Oct. 6, Hernandez still faces two ...

### Aaron Hernandez convinces judge to toss evidence in Odin ...

www.nydailynews.com/.../aaron-hernandez-convinces-judge-tos... - Daily News

Aug 26, 2014 - Hernandez is charged with **murder** in the fatal shooting of Lloyd, whose ... The judge in the **Aaron Hernandez** slaying case in Bristol County has ...

### Inside the case against Aaron Hernandez - CNN.com

www.cnn.com/2014/06/24/justice/case-against-aaron-hernandez/ - CNN

Jun 24, 2014 - How could **Aaron Hernandez**, who had more than 900 receiving yards in ... New England Patriots, he was charged with first-degree **murder**.

### Aaron Hernandez's double murder trial set for May 2015 ...

espn.go.com/.../aaron-hernandez-double-murder-trial-set-2015-jud... - ESPN

Jun 24, 2014 - A judge has tentatively scheduled former New England Patriots star **Aaron Hernandez** to stand trial next year in May on **murder** charges in the ...

### Aaron Hernandez: Trial Date, Latest News On The Ex ...

www.ibtimes.com/aaron-hernandez-trial-dat... - International Business Times

Aug 7, 2014 - **Aaron Hernandez's** trial date for the **murder** of Odin Lloyd has been set for 2015.

In-depth articles

The Gangster in the Huddle



Rolling Stone - Aug 2013

Aaron Hernandez might have been one of the NFL's all-time greats, but he could never escape drugs, ... Murder in the First Hernandez was arrested and led out of his mansion in North ...

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CNN - Jun 2013

North Attleborough, Massachusetts (CNN) -- Authorities charged former New England Patriots tight end Aaron Hernandez with first-degree murder on Wednesday, hours after police ...

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Aaron Hernandez's Terrifying Past



The Daily Beast - Jul 2013

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# EXHIBIT 17

LOOK SHARP



LIVE SMART

Sports

## The 25 Biggest Sleazebags in Sports

The realm of sports is where the human spirit seeks glory and achievement. It is also where some human spirits seek blow jobs, payoffs, and cushier luxury boxes. We do not know why sports attracts so many lowlifes. We only know their names

BY DREW MAGARY | ILLUSTRATIONS BY EDDIE GUY

September 2014



No-Class Class of 2014 members (from left) Winston, Hernandez, Rice, and Incognito

With the NBA desperately trying to purge every trace of ex-Clippers owner Donald Sterling, this is the perfect time to catalog the men in sports right now who surpass normal shitbaggery to achieve a kind of Trump-like transcendence. Thanks to the Internet—and the occasional TMZ leak—we can see every last molecule of slime. We can also see that these men are often not very good at their jobs. So come and meet them, presented here in no particular order. Keep some Purell handy.

• • •

### 1. Donald Sterling

The standard-bearer for all worldwide sleaziness. Racist? Yes. Cheap? Oh yes. Horny Neanderthal? Oh God, yes, *yes!* A landlord? Check—and by the way, if you don't have a check for him and you are a Latino, he will evict you three days early. He's like a Voltron of shitbags fused together. This is a man who once negotiated buying a fur coat for a mistress *in front of the mistress's mom*. There is no introspection with Donald Sterling. There is no remorse. There is no shred of decency tucked inside of him that will engender some measure of sympathy. There is only this, taken from his deposition: "If you are having sex with a woman you are paying for, you always call her honey because you can't remember her name." Pure class, kids.

SLEAZE KEY: 🍷 🍷 🍷 🍷 🍷 🍷 🍷 🍷 🍷 🍷

**2. Aaron Hernandez**

Allegedly murdered three people, two of them over a spilled drink. Allegedly got a tattoo commemorating that double murder. (He can rub it and always reminisce about avenging that lost G&T.) Allegedly invited a friend for a car ride specifically to kill him. Allegedly beat a handcuffed inmate while he was in jail. But look, you can take *all* of that away and the ex-Patriots tight end would still be a scumbag. Let's go back in time to 2007, when he was still in college. We're in a Gainesville, Florida, restaurant and Hernandez is refusing to pay his tab, because of course. A bouncer confronts Hernandez and is rewarded with a punch from behind to the head, which ruptures his eardrum. Tim Tebow—Hernandez's Gators teammate—is in the restaurant, but even He cannot use His magic Jesus powers to stop Hernandez from being an unhinged psychopath.

**SLEAZE KEY:** 

**3. Sepp Blatter**

All it took was \$5 million and a fancy sketch of a hovering air conditioner for the FIFA president and his board to bestow hosting duties for the 2022 World Cup upon Qatar, a nation that treats its migrant workers worse than Germany treated Brazil in its 2014 Cup debacle. Will Blatter answer for this? Of course not. Blatter is so un beholden to any form of international law or common decency that he can simply rampage from country to country, looting coffers and shitting on poor people as he pleases. He is a walking nightmare of diplomatic immunity.

**SLEAZE KEY:** 

**4. Isiah Thomas**

That smile. That oily, drippy, disingenuous smile. It's the kind of smile that lets you know Isiah just got back from grabbing your wife's ass. Isiah has such a long history of gross behavior (sexual harassment, bankrupting an entire basketball league, being friends with James Dolan) that we only have space here to give you a *taste* of his oeuvre. And here is that taste: While sexually harassing a Knicks exec, Isiah compared his feelings for her to the movie *Love & Basketball*. Ewwwww. Who would fall for that? Jesus.

**SLEAZE KEY:**  

**5. Chad Curtis**

The imprisoned ex-outfielder molested a 15-year-old girl and then told the girl that they should write a book together to prevent future grown men from being seduced by 15-year-old girls. It goes without saying that he once played for the Yankees.

**SLEAZE KEY:**   

**6. Tiki Barber**

The thing about Tiki is that, for a long time, no one knew what a shady fucker he was. Here's a quote about him from *Sports Illustrated* back in 2006: "Tiki wants America to wake up to Tiki, not to Matt Lauer." Oh God, can you imagine waking up to Tiki now? The guy who banged an NBC intern while his then wife was pregnant? That is an awful morning. Fun fact: While Barber was ditching his wife, he and his mistress hid from the media in his agent's attic. Did Barber use an Anne Frank analogy\* to describe this situation? Of course he did.

**SLEAZE KEY:**  

**7. War Machine**

Unfamiliar with the MMA fighter born Jonathan Koppenhaver? Allow us to introduce you! He's been thrown in jail multiple times for multiple bar fights in multiple states. He once joked on Twitter about raping his porn-star ex-girlfriend Christy Mack. He got kicked out of the UFC, then got kicked out of the porn business after going on a rampage at an industry pool party. This summer, he went on the lam after allegedly beating Mack half to death and was tracked down by the cops hiding out in a Simi Valley extended-stay hotel. He currently runs a clothing shop called Alpha Male Shit, where you can buy T-shirts with inspirational messages on them, such as I DO ALPHA MALE SHIT. You can also buy a shirt with "Don't Be a Pussy" written backward on it. Why is it backward? *Because I'm tailgating you with my motorcycle—NOW OUTTA MY WAY, PUSSY!*

**SLEAZE KEY:**   

**8. Dana White**

Turns out underpaying your UFC employees, bullying rivals, and generally impersonating Don King as a bald white guy doesn't do wonders for your charisma!

**SLEAZE KEY:** 

**Sleaze Key**

 **Cheatin' sleaze**

 **Dickhead sleaze**

 **Greedy sleaze**

 **Lying sleaze**

 **Pervy sleaze**

 **Says-horrible-shit sleaze**

 **Toupee sleaze**

 **Violent sleaze**

**9. Lance Armstrong**

He's not sorry. Watch any post-scandal interview and it's obvious that Armstrong feels that everything he did—all the cheating, all the lying, all the life-destroying of anyone who crossed him—was justified in his ascent to becoming Cancer Jesus. "People are going to call bullshit on this," he told ESPN this year, "but I've never been happier." Oh well, thank God you found peace and happiness. Asshole.

**SLEAZE KEY:** 🍷👊

**10. Bobby Petrino**

Want to become the perfect embodiment of a good-ol'-boy shitbag football coach? First, ditch your pro team (the Atlanta Falcons) for a college job without telling anyone you're leaving. Then hire an underqualified woman to work on your staff just so you can fuck her. Then take a motorcycle ride with your new mistress and crash the bike. Then refuse to call 911 in a last-ditch attempt to cover your ass. Congratulations! Louisville has a seven-year contract waiting for you.

**SLEAZE KEY:** 🍷👊



Possibly the worst thing about Donald Sterling: Walks around nude, like, *constantly*.

**11. J. R. Smith**

The Knicks shooting guard will sneakily untie your shoes on the court, jack up an air ball, and ask your mom for a hand job over Instagram. He's a charmer—until you remember that he once killed a friend in a car accident and served thirty days in jail. Kinda ruins it.

**SLEAZE KEY:** 🍷👊

**12. Ray Rice**

Earlier this year, the former Ravens running back knocked his wife unconscious and dragged her body out of an elevator. And he couldn't even bring himself to drag her *all the way out of the elevator*. He left her with her feet caught in the doorway; he was *that* inconsiderate. His apology was almost as awful: "I won't call myself a failure. Failure is not getting knocked down. It's not getting up... I want you to know that I'm still the Ray Rice that you know, or used to know, or grown to love." This is what separates the Ray Rices of the world from your standard, everyday creeps: a remarkable ability to victimize themselves while victimizing others. Folks, do not judge Ray Rice until you've walked a mile in his shoes, presumably while dragging your wife behind you.

**SLEAZE KEY:** 🍷👊

\*After noting that his agent, Mark Lepselter, was Jewish, Barber told *SI* that his attic retreat "was like a reverse Anne Frank thing."

**13. Luis Suárez**

Give it up for the man who made soccer just violent enough for Americans to get interested, and all it took was biting someone for a *third time*. You could make veneers for Suárez simply by fashioning a mold from an Italian defender's shoulder. He also once taunted a rival by calling him a *negro*—seven times—which is still a slur, even when you say it in Spanish.

**SLEAZE KEY:** 🍷👊

**14. John Terry**

The former England national-team captain reportedly had sex with a teammate's ex-girlfriend (while he was married, natch) and called an opponent a "fucking black cunt," which is still a slur, even when you say it in British.

**SLEAZE KEY:** 🍷👊

**15. Jim Irsay**

The Colts owner was pulled over this spring by the cops while wasted, with more than \$29,000 in cash on him (he later claimed it was normal for him to lug around that much money) and "numerous" pill bottles



FIFA's Blatter

([check out the camera phone video right here](#)), Mariotti contacted his former boss at the network to "make a point," and to assure him that while he had "no interest in going public with the story," "double standards should not exist." And here's the kicker: It sorta worked! As Mariotti explained it in a column that mentioned the incident, the ESPN boss "thanked me for the 'constructive' criticism, had me write one piece for ESPN.com and paid me."

**SLEAZE KEY:** 🍷 📺

#### 18. Lane Kiffin

The program-wrecking Alabama offensive coordinator is like a baby Petrino, only he crashed a *Lexus*, which is 31 percent classier than crashing a motorcycle.

**SLEAZE KEY:** 🍷

#### 19. Alex Rodriguez

Said to have a painting of himself as a centaur hanging inside his home. And that's the most endearing fact about him.

**SLEAZE KEY:** 🍷 📺

#### 20. Dan Snyder

Not enough has been made of the way Snyder was able to make his fortune prior to buying the Washington Redskins and turning them into para-schizo loony bin of fired coaches and tone-deaf press releases. Snyder is the rare self-made billionaire. Alas, one of the ways Snyder Communications made him that fortune was by forging customers' signatures and switching their phone service without their consent. His company was fined \$3.1 million for this, or about one-tenth of what he wastes on the average free agent.

**SLEAZE KEY:** 🍷 📺

#### 21. Jameis Winston

The Florida State Heisman Trophy winner was never charged for allegedly raping a fellow student, despite incriminating evidence and her continued insistence that he did. What's nice is that Winston had an entire infrastructure of school officials, coaches, lawyers, and deranged FSU fanboys all shielding him from having to answer questions about it. An ESPN sideline reporter tried once after a game, and Winston's lawyer demanded a public apology, presumably in the form of stolen crab legs. (Google "Jameis Winston stolen crab legs" for further merriment.)

**SLEAZE KEY:** 🍷

#### 22. Richie Incognito

There is the kind of cunning sleaze perpetrated by the likes of Donald Sterling, and then there is Incognito, whose sleaze arises from a lack of brain power. He's just a rolling mass of grunts and farts and "FAG!" You can see the little hamster wheel in Incognito's brain slowly spinning when you examine some of the text messages he sent to his bullying victim, Jonathan Martin: "I'm sorry I have puss swinging from my

inside his briefcase and on the floor mat, because cars today lack proper Valium holders. Irsay then blamed all this on hip pain, which is a solid excuse if you happen to be rich.

**SLEAZE KEY:** 🍷 📺

#### 16. John Calipari

Everything this man walks away from ends up vacated: titles, Final Fours, equipment facilities, Fatburger...you name it.

**SLEAZE KEY:** 📺

#### 17. Jay Mariotti\*\*

The former syndicated columnist and *Around the Horn* HOT TAKE provider was booted from ESPN after pleading no contest to stalking his girlfriend and ripping out her hair. Then he wormed his way back into ESPN's good graces with a dose of dumb luck: a day after he witnessed an ESPN bigwig stumbling and haplessly hitting on women at a Beverly Hills bar





nuts... I want to get puss but not drink...  
Worddddddd..."

**SLEAZE KEY:** 🍷🍷🍷🍷🍷

**23. Jimmy Haslam**

Whoa hey, you're telling me *another* NFL owner potentially made money through ill-gotten means? It's almost like there's a pattern! Here was the director of sales at Cleveland Browns owner Haslam's truck-stop company on how it ripped off Hispanic customers, for which it just got slapped with a \$92 million fine: "They're not stupid—there is a language barrier. So you can get away with a little bit more, because they know that they are not going to understand everything that you say." Oh, but Jimmy knew nothing about any of that, of course. He was too busy asking a magical hobo he met before the NFL draft—true story!—if Johnny Manziel is any good. *Es muy bueno.*

**SLEAZE KEY:** 🍷🍷

**24. Jeffrey Loria**

The Marlins owner conned Miami into paying \$509 million for a ballpark and then couldn't even last a full season before trading everyone away and hoarding every last penny for himself to blow on Giacometti paintings and Polo button-downs.

**SLEAZE KEY:** 🍷🍷

**25. Josh Lueke**

After allegedly raping a woman, the Rays pitcher pleaded no contest to unlawful imprisonment and spent forty-two days in jail. Later he called the incident "a freak-accident kind of thing." Whoops! Accidentally set my alarm clock to RAPE. You will notice this sort of behavior a lot among the gallery of assholes on this list: an aggressive distorting of reality and a terse dismissal of anyone who attempts to un-bullshit their stories. Now, if you'll excuse us, we need a shower.

**SLEAZE KEY:** 🍷🍷🍷

**\*\* Editor's note:** This text has been updated from the original print version of the story to avoid any potential unintended misimpression that Jay Mariotti created, leaked, or used the camera phone video in any way, all of which he adamantly maintains he didn't do.

**DREW MAGARY (@DREWMAGARY)** is a GQ correspondent and a staff writer for Deadspin

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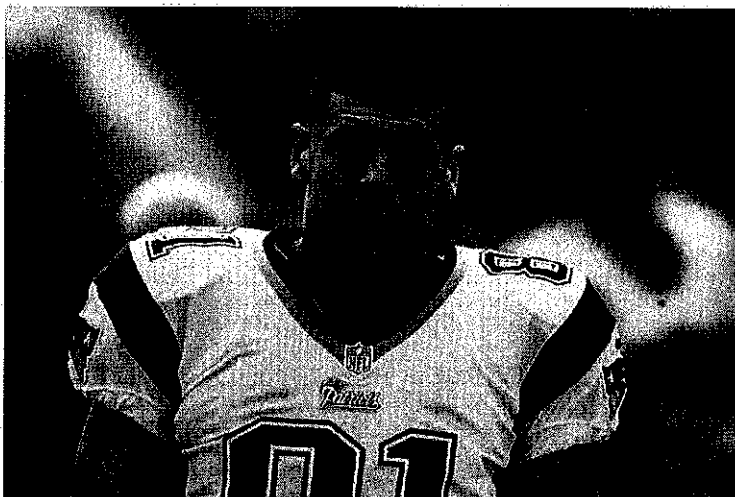
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By [Matt Burke](#)

Published: May 29, 2014

# Aaron Hernandez is 7th most hated man in U.S., Donald Sterling 1st in poll



Former Patriots tight end Aaron Hernandez was voted the seventh most hated man in America, according to E-Poll Market Research and ESPN.

A whopping 81 percent of people polled said they disliked Hernandez, who is accused of multiple homicides. Los Angeles Clippers owner Donald Sterling has the dubious distinction of being the "Most Hated Man in America," according to the poll. Here is the Top 10, according to E-Poll:

- 1 Donald Sterling
- 2 Bernie Madoff
- T3 OJ Simpson
- T3 Conrad Murray
- 5 Justin Bieber
- 6 Phil Spector
- 7 Aaron Hernandez
- 8 Michael Lohan
- 9 Elliot Spitzer
- 10 Jon Gosselin

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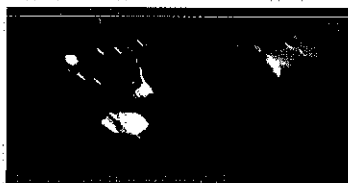
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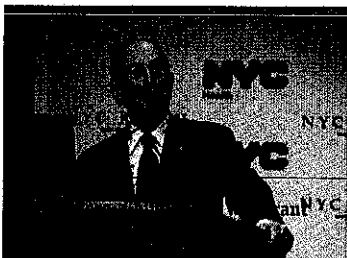
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Ray Rice Aaron Hernandez

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### Ray Rice, Aaron Hernandez Among GQ's '25 Worst People ...

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 Sep 17, 2014 - With recent controversies involving NFL stars Ray Rice and Adrian Peterson, ... **Ray Rice, Aaron Hernandez** Among GQ's '25 Worst People In ...

### Ray Lewis: "There is no comparison between me and Ray ...

profootballtalk.nbcsports.com/.../ray-lewis-there-is-n... Profootballtalk.com  
 Sep 8, 2014 - Previous: Rutgers drops **Ray Rice** highlights from video of NFL alumni .... Ozzie just announced that **Aaron Hernandez** has been signed.

### The Ravens Are Giving Ray Rice's Jersey the Aaron ...

bostinno.streetwise.co/.../ray-rice-jersey-exchange-for-baltimore-ravens-f...  
 Sep 9, 2014 - **Ray Rice**, the now-disgraced (and unemployed) running back ... The Ravens Are Giving **Ray Rice's** Jersey the **Aaron Hernandez** Treatment.

### NFL Treating Ray Rice like Aaron Hernandez? | Sidelines

sidelinesapp.com/item/nfl-treating-ray-rice-like-aaron-hernandez/  
 Of course, we all know about the **Ray Rice** saga that has been going on recently with his domestic violence situation. Despite that his wife is defending him, the ...

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### Long Lines for Fans Returning Ray Rice Jerseys - Breitbart

www.breitbart.com/.../Long-Lines-for-Fans-Returning-Ray-Rice... Breitbart  
 Sep 20, 2014 - ... to return jerseys after police arrested the tight end **Aaron Hernandez** for murder. The Ravens won't replace just any **Ray Rice** jersey, though.

### Sports News & Videos -- NFL, NBA, NHL, MLB ... - TMZ.com

www.t TMZ.com/category/tmzsports TMZ  
 Jay played Shannon during a skit for the show's cold open -- in which Shannon and **Ray Lewis** were discussing the issues with the NFL ... including the issue of ...

### Ray Rice's Suspension Is Followed by Praise - NYTimes.com

www.nytimes.com/.../a-penalty-for-abuse-is-less-than... The New York Times  
 Jul 24, 2014 - **Ray Rice** after the Baltimore Ravens' training camp practice on Wednesday. ... **Aaron Hernandez**, the New England Patriots' Pro Bowl tight end, ...

### In Ray Rice Case, N.F.L. Sees Only What It Wants to See ...

www.nytimes.com/.../ray-rice-in-lucrative-and-ludic... The New York Times  
 Sep 10, 2014 - "When we met with **Ray Rice** and his representatives, it was ambiguous about what actually ... **Aaron Hernandez** after his arrest last month.

### Financial ramifications of Ravens terminating Ray Rice's ...

www.baltimoresun.com Sports Ravens Insider The Baltimore Sun  
 Sep 8, 2014 - The Ravens' decision to cut former star running back **Ray Rice** after a ... This doesn't compare to **Aaron Hernandez** or Rae Carruth, but it's a ...

### Thousands Attend Ray Rice Jersey Exchange With Some ...

www.thepostgame.com/blog/.../thousands-attend-ray-rice-jersey-exchang...  
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Sep 19, 2014 - The New England Patriots ran a similar exchange after star tight end Aaron Hernandez was arrested and charged with murder prior to the 2013 ...

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# EXHIBIT 20



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# I hate that Aaron Hernandez is still leaching off of the New England Patriots

By Michael Jaycox

(http://cover32.com/patriots/author/mjaycox/)

July 03, 2014 8:00 am EDT

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Everything about Aaron Hernandez makes me sick. To throw your glamorous life away to be a part of the thug life he was given a free pass to escape from, is more than insane.

Now, he somehow has the audacity to ask the New England Patriots, who gave him the world and trusted him, for more money after what he did? I don't care what he believes was in his contract; there comes a point when you can no longer ask for favors.

According to Hernandez's lawyer, he's asking to be paid a \$3.25 million signing bonus and another \$82,000 he believes is still owed to him from his time in the NFL. Apparently, those murders are finally catching up to him in the form of courtroom costs.

I'm just happy the Patriots put their foot down and told Hernandez to let it go.

"The Patriots believe under the terms of that contract that they owe not another penny to Mr. Hernandez," Andrew Phelan, the team's attorney, said during a hearing at the Suffolk Superior Court.



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The sooner Hernandez's sentence is handed out and this story goes away, the better. I'd like to erase him from my memory as soon as possible.

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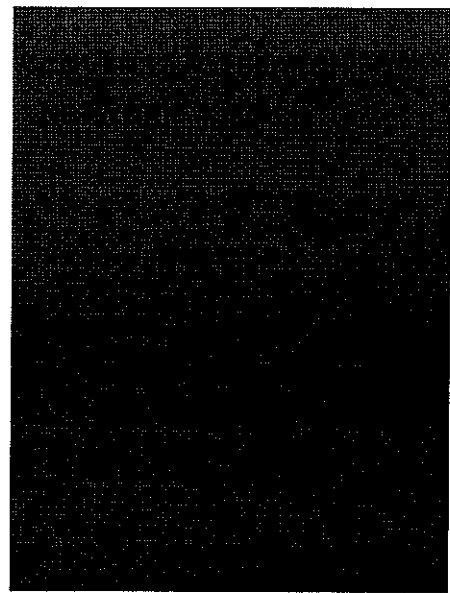
**Kris08** Posted 3:37 pm - July 4th, 2014  
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Seems as though you convicted him before a jury did. As far as I know, he's innocent until proven guilty. To my knowledge, he is still innocent. As a Pats fan myself, I would just like to let the legal process play itself out.

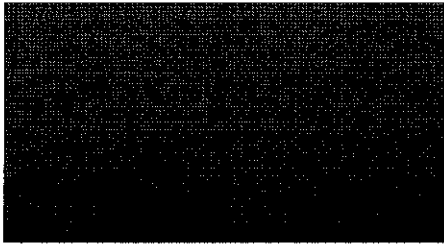


**talkingbear** Posted 9:49 am - July 5th, 2014  
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What happens if he is found not guilty? He's already been tried and convicted in the press thanks to folks like you. What if; what if it turns out that he didn't kill Odin Lloyd and the other two guys in Boston? What if he didn't pull the trigger? What if he was there but tried to stop the killing? At this point no one knows what really happened...except maybe Hernandez...maybe. To the best of my knowledge, Hernandez has not made any public statements...ergo...no one has heard his side of it. I wonder how you'd react if it was your brother or your son that was on this kind of a hot seat? And then "leaching off the Patriots?" When did contract issues turn into Leaching? Or maybe you meant to write Lynching and in your haste to throw out an opinion you forgot to think it through?







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# EXHIBIT 21

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 13-10200-GAO

UNITED STATES OF AMERICA

v.

DZHOKHAR A. TSARNAEV,  
Defendant.

OPINION AND ORDER  
September 24, 2014

O'TOOLE, D.J.

This Opinion and Order resolves several pending motions.

**I. Defendant's Motion for Change of Venue**

The defendant has moved, pursuant to Federal Rule of Criminal Procedure 21 and the Fifth, Sixth, and Eighth Amendments to the United States Constitution, to transfer his trial to a place outside of the District of Massachusetts. He asserts that pretrial publicity and public sentiment require the Court to presume that the pool of prospective jurors in this District is so prejudiced against him that an impartial trial jury is virtually impossible.

In two provisions, the Constitution of the United States addresses where criminal trials are to be held. Article III provides that the trial of a criminal case "shall be held in the State where the said Crimes shall have been committed." U.S. Const. Art. III, § 2, cl. 3. The Sixth Amendment to the Constitution guarantees a criminal defendant the right to trial "by an impartial jury of the State and district wherein the crime shall have been committed." *Id.* amend. VI. Due process requires, however, that the Constitution's "place-of-trial prescriptions . . . do not impede

transfer . . . to a different district at the defendant's request if extraordinary local prejudice will prevent a fair trial." Skilling v. United States, 561 U.S. 358, 378 (2010).<sup>1</sup>

In Skilling v. United States, the Supreme Court recently analyzed in depth the circumstances under which a presumption of prejudice would arise and warrant or command a change of venue, making clear that prejudice is only to be presumed in the most extreme cases. In that case, the defendant was a former Chief Executive Officer of Enron Corporation, a large Houston-headquartered corporation that "crashed into bankruptcy" as the result of the fraudulent conduct of the company's executives. Id. at 367. After the defendant was charged in federal court in Houston, he sought to move his case to another district based on widespread pretrial publicity and what was characterized as a general attitude of hostility toward him in the Houston area. The district court found that the defendant had not satisfied his burden of showing that prejudice should be presumed and declined to change the trial venue.

The Supreme Court agreed with the district court's conclusion. It addressed four factors it regarded as pertinent to whether the defendant had demonstrated a presumption of prejudice that required a venue transfer: 1) the size and characteristics of the community in which the crime occurred and from which the jury would be drawn; 2) the quantity and nature of media coverage about the defendant and whether it contained "blatantly prejudicial information of the type readers or viewers could not reasonably be expected to shut from sight"; (3) the passage of time

---

<sup>1</sup> The Federal Rules of Criminal Procedure mirror these principles. Fed. R. Crim. P. 18 ("[T]he government must prosecute an offense in a district where the offense was committed."); Fed. R. Crim. P. 21(a) (requiring transfer if the court is satisfied that "so great a prejudice against the defendant exists in the transferring district that the defendant cannot obtain a fair and impartial trial there").

between the underlying events and the trial and whether prejudicial media attention had decreased in that time; and (4) in hindsight, an evaluation of the trial outcome to consider whether the jury's conduct ultimately undermined any possible pretrial presumption of prejudice. Id. at 381-85.

The Court found that the potential jury pool—4.5 million people living in the Houston area—was a “large, diverse pool,” making “the suggestion that 12 impartial individuals could not be empaneled . . . hard to sustain.” Id. at 382. With respect to media coverage, “although news stories about [the defendant] were not kind, they contained no confession or other blatantly prejudicial information” of the type that readers or viewers could not reasonably be expected to ignore. Id. at 382-83. The Court also noted that the “decibel level of media attention diminished somewhat” in the time between Enron’s bankruptcy and the defendant’s trial. Id. at 383. Finally, after trial the jury acquitted the defendant of nine counts, indicating careful consideration of the evidence and undermining any presumption of juror bias.<sup>2</sup> Id. at 383-84. The Court, finding that no presumption of prejudice arose, went on to conclude that the district court had not erred in declining to order a venue change. Id. at 385 (“Persuaded that no presumption arose, we conclude that the District Court, in declining to order a venue change, did not exceed constitutional limitations.”) (footnotes omitted).

There is much about this case that is similar to Skilling. First, the Eastern Division of the District of Massachusetts includes about five million people. The division includes Boston, one of the largest cities in the country, but it also contains smaller cities as well as suburban, rural, and coastal communities. As the Court observed in Skilling, it stretches the imagination to suggest that an impartial jury cannot be successfully selected from this large pool of potential

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<sup>2</sup> Similarly, previous Enron-related prosecutions in Houston “yielded no overwhelming victory for the Government.” Id. at 361.

jurors. See also United States v. Salameh, No. S5 93 Cr. 0180 (KTD), 1993 WL 364486, at \*1 (S.D.N.Y. Sept. 15, 1993) (declining to transfer trial of defendant accused of the 1993 World Trade Center bombing out of the district due in part to the district's size and diversity).

Media coverage of this case, as both sides acknowledge, has been extensive. But “prominence does not necessarily produce prejudice, and juror impartiality does not require ignorance.” Skilling, 51 U.S. at 360-61 (emphasis in original). Indeed, the underlying events and the case itself have received national media attention. It is doubtful whether a jury could be selected anywhere in the country whose members were wholly unaware of the Marathon bombings. The Constitution does not oblige them to be. “It is sufficient if the juror can lay aside his impression or opinion and render a verdict based on the evidence presented in court.” Irvin v. Dowd, 366 U.S. 717, 723 (1961).

The defendant relies almost exclusively on a telephonic poll and an analysis of newspaper articles to support his argument that venue must be transferred due to the impact of pretrial publicity. I have reviewed the materials submitted. For substantially the same reasons articulated in the government's sur-reply, those results do not persuasively show that the media coverage has contained blatantly prejudicial information that prospective jurors could not reasonably be expected to cabin or ignore. For instance, regarding the newspaper analysis, I agree with the government that many of the search terms are overinclusive (e.g., “Boston Marathon” or “Marathon” or “Boylston Street”), hitting on news articles that are completely or generally unrelated to the Marathon bombings. Regarding the poll, the response rate was very low (3%), and that small sample is not representative of the demographic distribution of people in the Eastern Division. Additionally, some of the results appear at odds with the defendant's position. For example, almost all individuals who answered the poll questions were familiar with

the bombing and the majority of them answered that they believed the defendant is “probably” or “definitely” guilty in all four jurisdictions surveyed. In any event, “[s]carcely any of those best qualified to serve as jurors will not have formed some impression or opinion as to the merits” of a widely-publicized criminal case such as this one. See Irvin, 366 U.S. at 722-73.

As to the passage of time, unlike cases where trial swiftly followed a widely reported crime, e.g., Rideau v. Louisiana, 373 U.S. 723, 724 (1963) (two months after videotaped confession was broadcasted), more than eighteen months have already passed since the bombings. In that time, media coverage has continued but the “decibel level of media attention [has] diminished somewhat.” See Skilling, 561 U.S. at 361. The defendant’s submissions do not prove otherwise.

Finally, although it is not possible to evaluate the jury’s verdict for impartiality in hindsight at this stage, this Court’s recent experience with high profile criminal cases in this District suggests a fair and impartial jury can be empaneled. In each of those cases, the jurors returned mixed verdicts, indicating a careful evaluation of the trial evidence despite widespread media coverage. See, e.g., Jury Verdict, United States v. O’Brien, Cr. No. 12-40026-WGY (July 24, 2014) (ECF No. 579); Jury Verdict, United States v. Tazhayakov, Cr. No. 13-10238-DPW (July 21, 2014) (ECF No. 334); Jury Verdict, United States v. Bulger, Cr. No. 99-10371-DJC (Aug. 12, 2013) (ECF No. 1304); Jury Verdict, United States v. DiMasi, Cr. No. 09-10166-MLW (June 15, 2011) (ECF No. 597).

In support of his argument, the defendant cites in passing only a few cases in which the Supreme Court has presumed prejudice for the purposes of transferring a case, Rideau v. Louisiana, 373 U.S. 723 (1963), Sheppard v. Maxwell, 384 U.S. 333 (1966), and Estes v. Texas,



381 U.S. 532 (1965).<sup>3</sup> First, all three cases are about fifty years old, and both the judicial and media environments have changed substantially during that time. Second, important differences separate those cases from the defendant's. Rideau involved a defendant whose detailed, twenty-minute videotaped confession during a police interrogation was broadcast on television multiple times in a small community parish of only 150,000 people two months before trial. 373 U.S. at 724-28. In both Estes and Sheppard, the actual courtrooms were so overrun by media that the trial atmosphere was "utterly corrupted by press coverage." See Skilling, 561 U.S. at 380; Sheppard, 384 U.S. at 353, 355, 358 ("[B]edlam reigned at the courthouse during the trial and newsman took over practically the entire courtroom," thrusting jurors "into the role of celebrities" and creating a "carnival atmosphere"); Estes, 381 U.S. at 536 (describing reporters and television crews who overran the courtroom with "considerable disruption" so as to deny the defendant the "judicial serenity and calm to which [he] was entitled"). None of those circumstances are present here.

The defendant has not proven that this is one of the rare and extreme cases for which a presumption of prejudice is warranted. See Skilling, 561 U.S. at 381; United States v. Quiles-Olivo, 684 F.3d 177, 182 (1st Cir. 2012). Although the media coverage in this case has been extensive, at this stage the defendant has failed to show that it has so inflamed and pervasively prejudiced the pool that a fair and impartial jury cannot be empaneled in this District. A thorough evaluation of potential jurors in the pool will be made through questionnaires and voir dire sufficient to identify prejudice during jury selection. See Skilling, 561 U.S. at 384 ("the

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<sup>3</sup> The defendant attempts to rely more heavily on United States v. McVeigh, 917 F. Supp. 1467 (D. Colorado 1996), a pre-Skilling out-of-circuit district court case. Though there may be some similarities, that case is not pertinent. There, the main federal courthouse itself had suffered physical damage in the explosion at issue, and both parties agreed the case should not be tried in the district where the crime occurred. The issue was to which other district the trial should be moved.

extensive screening questionnaire and follow-up voir dire were well suited” to screening jurors for possible prejudice).

The defendant’s motion is denied.

## **II. Defendant’s Motion for Continuance**

The defendant has also filed a Motion for Continuance requesting the trial date be rescheduled from November 3, 2014 until September 1, 2015. The defendant’s previous request for that same trial date was rejected.

Upon a review of the parties’ submissions and oral argument, I find that a short continuance is warranted in this case, primarily on the basis of the amount of discovery involved. Although it appears that the defendant may have overstated his perceived predicament related to the volume and timing of discovery, particularly in light of (a) the government’s representation that the defendant has been in possession of the relevant computers for over a year and (b) the level of detail of the government’s September disclosures, there is likely utility in allowing the defendant some additional, though limited, time to prepare. See United States v. Maldonado, 708 F.3d 38, 42-44 (1st Cir. 2013); United States v. Saccoccia, 58 F.3d 754, 770-71 (1st Cir. 1995). An additional delay of ten months as requested by the defendant does not appear necessary, however, given the size and experience of the defense team; the availability of assistance from outside sources; the time period the defense already has spent in trial preparation; the relative impact on the other interests, including the Court, the government, and the public, if such a long postponement were granted; and the nature of the defendant’s other concerns and the uncertainty that more time would actually be helpful in those respects. See Maldonado, 708 F.3d at 42-44; Saccoccia, 58 F.3d at 770-71.

Accordingly, the trial will commence on January 5, 2015. The final pretrial conference will be on December 18, 2014. The current pre-trial conference scheduled for October 20, 2014 is converted to a status conference.

### **III. Government's Discovery Motions**

The government has filed a Renewed Motion to Compel Reciprocal Discovery (dkt. no. 530), requesting an order compelling the defendant to produce discovery and precluding him from using in his case-in-chief any Rule 16(b)(1)(A)—(C) information in his possession that he has failed to produce. The government adopts by reference the arguments it advanced in its motion on the same topic (dkt. no. 245) which is still pending.

Although the Court previously ordered the defendant to produce reciprocal discovery under Rule 16(b)(1)(A)—(C) by September 2, 2014, the government says (and the defendant does not dispute) that the defendant has not made any disclosures under Rule 16(b)(1)(A) or (B), and only one brief disclosure under Rule 16(b)(1)(C). The defendant, in response, argues that he has not yet “identified” which “‘documents, data, photographs’ or other exhibits might corroborate or illustrate the defense case.”

The defendant has stated that it would be considerably easier to respond to the government's Rule 16 requests in staggered stages based on whether the discovery relates to the guilt or penalty phase. A staggered schedule will not unduly prejudice the government as the defendant's Rule 16 discovery for both phases will be due well in advance of jury selection and the deadline for the submission of witness and exhibit lists.

In light of the change of trial date and the defendant's representations, the Court adopts a bifurcated reciprocal discovery schedule to be issued in a separate Scheduling Order. The

government's motions are otherwise denied subject to renewal if the defendant fails to provide the required discovery by the now-extended deadlines.

The government has also filed a Renewed Motion for List of Mitigating Factors (dkt. no. 529), which the defendant has opposed, primarily on Fifth Amendment self-incrimination grounds. It is within the Court's statutory discretion to require the disclosure. See, e.g., United States v. Wilson, 493 F. Supp. 2d 464, 466-67 (E.D.N.Y. 2006); United States v. Taveras, No. 04-CR-156 (JBW), 2006 WL 1875339, at \*8-9 (E.D.N.Y. July 5, 2006); see also Catalan Roman, 376 F. Supp. 2d. 108, 115-17 (D.P.R. 2005). The Federal Death Penalty Act provides both parties a fair right of rebuttal, see 18 U.S.C. § 3593(c), a right which would be meaningless if information is not provided sufficiently early to rebut. See Catalan Roman, 376 F. Supp. 2d. at 116-17; Wilson, 493 F. Supp. 2d at 466; see also Williams v. Florida, 399 U.S. 78, 82 (1970) (A criminal trial is not "a poker game in which players enjoy an absolute right always to conceal their cards until played."). Further, to the extent there are mitigating factors the defendant presently intends to pursue at a sentencing phase which it has not already disclosed, the disclosure of that information may be necessary to select a fair and impartial jury, and ultimately will "contribute to the truth-seeking process, resulting in a more reliable sentencing determination." See Catalan Roman, 376 F. Supp. 2d. at 114. The government does not seek to use the list of mitigation factors as a statement against him at trial, and if the defendant is found guilty, he would ultimately have to disclose to the jury the mitigating factors he pursues. See id. at 117 ("[T]here is no constitutional violation by requiring a defendant to disclose mitigating information he intended to offer the jury anyway.").

Consequently, the defendant shall provide the government a list of all mitigating factors he currently intends to prove in the penalty phase of the case, if any, on or before December 15, 2014. The submission shall be made under seal.

**IV. Conclusion**

The defendant's Motion for Change of Venue (dkt. no. 376) is DENIED. The defendant's Motion for Continuance (dkt. no. 518) is GRANTED in part and DENIED in part. The government's Motion to Compel Defendant's Compliance with Automatic Discovery Obligations (dkt. no. 245), Renewed Motion to Compel Reciprocal Discovery (dkt. no. 530), and Renewed Motion for List of Mitigating Factors (dkt. no. 529) are GRANTED in part and DENIED in part.

A separate scheduling order shall issue.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.  
United States District Judge



# EXHIBIT 22

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

169  
SUPERIOR COURT  
CRIM. No. 2011-10023

COMMONWEALTH

vs.

DWAYNE MOORE

**MEMORANDUM AND ORDER ON DEFENDANT'S  
MOTION FOR CHANGE OF VENUE**

By motion filed October 2, 2012, defendant Dwayne Moore moves that the Court order a change in venue for the retrial of the above-referenced case, from Suffolk County to either Berkshire County or Franklin County. The defendant asserts that as the result of extensive pretrial publicity attending to the case he is unable to obtain a fair trial in Suffolk County. The Commonwealth opposes the instant motion.

A change of venue may be ordered where "there exists in the community where the prosecution is pending so great a prejudice against the defendant that he may not there obtain a fair and impartial trial." Mass. R. Crim. P. 37 (b)(1); Commonwealth v. Clark, 432 Mass. 1, 6 (2000). A judge has substantial discretion to transfer a case to another county based on pretrial publicity. Commonwealth v. Gaynor, 443 Mass. 245, 259 (2005), although "the mere existence of pre-trial publicity, even if it is extensive, does not constitute a foundation of fact sufficient to require a change of venue." Commonwealth v. Colon-Cruz, 408 Mass. 533, 551 (1990). "A trial judge should exercise his power to change the venue of a jury trial 'with great caution and only after a solid foundation of fact has been first established.'" Id., quoting Commonwealth v. Smith,



357 Mass. 168, 173 (1970).

There is no question but that the instant case has been extensively reported in the media. The incident was widely reported at the outset because of the number of victims, the fact that two men were found naked, and because two victims were a mother and child. The circumstances suggested that the murders were committed in execution-style, as featured in both print and broadcast media. The trial of the defendant and co-defendant Edward Washington occurred in February - March, 2012, spanning four weeks and multiple days of jury deliberation. The two Boston daily newspapers, The Boston Globe and Boston Herald, assigned reporters to cover the trial and more than 50 news or feature articles appeared during and immediately after the trial.<sup>1</sup> The Boston Herald dubbed the case, "Mattapan Massacre" and featured the term as a by-line for its daily coverage. Both papers reported the mistrial declaration (and acquittal of Edward Washington) as their headline stories on March 23, 2012; the Herald's front page had a full page photograph of the sister of one victim placing a flower on her grave marker, with the headline, "We just didn't get justice . . . not yet." Articles recounted a march by relatives of several victims to the State House in an attempt to see the governor, citizen interviews expressing outrage at the verdicts, and police concerns about maintaining order in the Mattapan community following the verdicts. Articles also reported on events occurring during jury deliberations and included interviews with jurors who expressed their certainty as to the defendant's guilt.

Additionally, the broadcast media covered the trial from beginning to end, showing film clips as part of the evening news on most of the Boston television stations (WBZ, WCVB,

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<sup>1</sup> The defendant's Motion Regarding Jury Selection, pleading no. 134, includes as attachments, an index and copies of various news stories from the two newspapers.

WHDH, NECN, and Fox News). The media has continued its coverage of the case to the present time, and indications are that the retrial will generate substantial publicity.

In assessing where pretrial publicity has been so pervasive that a change in venue is warranted, courts look to the influence of the media coverage on the trial, the size of the community, the content of the news stories, and the length of time between publicity and the trial. Commonwealth v. Toolan, 460 Mass. 452, 463-464 (2011), quoting Skilling v. United States, 130 S.Ct. 2895, 2915 (2010). As noted, the media focus on the case has been extensive and sensational, and not so distant in time as to diminish in the public eye the notoriety of the crime. Although Suffolk County has an urban population estimated at 730,000<sup>2</sup>, it is geographically small and all parts are exposed to the Boston media market. The tenor of the news stories by and large have not been disparagingly prejudicial to the defendant individually or to any anticipated defense strategy or claim, a significant number of stories have, as a theme, the fact that no one has yet been convicted for such a horrendous group of murders. Likely in the minds of many, justice will not be achieved until the defendant has been held accountable.

I do not find that the pretrial publicity here is such that a change of venue is mandated because of presumptive prejudice, so "utterly corrupt[ing]" a jury venire that the defendant can only get a fair trial through a change in venue. Toolan, *supra* at 463. Rather, I find that the circumstances surrounding the retrial are appropriate for at least a partial change in venue in the exercise of my discretion. Commonwealth v. Gaynor, 443 Mass.245, 259 (2005); Commonwealth v. James, 424 Mass. 770, 775 (1997).

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<sup>2</sup> U.S. Census Bureau, Population Division data, April 2012 release.

The defendant requests that the case be transferred for trial purposes to either Berkshire or Franklin Counties, the two counties most geographically distant from Boston. Neither county is suitable for several reasons. First, the populations of each county is small; Berkshire has an estimated population of 130,000, and Franklin has 71,000. The typical jury venire is relatively small; Berkshire summonses an average of 238 jurors a week for the superior, district and juvenile courts in Pittsfield, and the Greenfield multi-use courthouse summonses fewer than 140 jurors a week.<sup>3</sup> The Berkshire Superior Court has a single session, split between criminal and civil cases which total over 450 active cases. Taking over the courthouse for the retrial of this case, likely to last several weeks to a month, would severely interfere with the administration of justice in that county. Similarly, the Franklin Superior Court, situated in Greenfield, is but a single courtroom in a multi-use courthouse. The Court sits only seven months a year and does not have a scheduled term of court until December, 2012.

Moreover, transferring the cases for trial to either one of these locations would present great hardships to the parties and court personnel. The Commonwealth called 43 witnesses at the first trial, most of whom were Boston-based. They included first responders, crime scene technicians and laboratory analysts, police detectives and officers, and medical examiners and a treating physician. Many civilian witnesses reside in Boston and likely would be challenged in getting to a distant county in order to testify when called. Similarly, the families of the five victims, as well as the defendant's family, have an obvious interest in attending the retrial.

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<sup>3</sup> The figures here are based on data received from the Office of the state Jury Commissioner. The defendant did not file a motion to change venue until October 2, 2012, providing inadequate time for the jury commissioner to increase the size of its jury list to accommodate a case of this magnitude.

Expecting that they would travel up to six hours each day, or incur the cost of lodging, is neither fair nor realistic.

Assessing a variety of resource and practical concerns related to venue, it is appropriate and most feasible to draw from a Worcester County jury venire. Worcester County lies at the center of the state, spanning from Connecticut on its southerly border to New Hampshire on the north. The jury pool is drawn from 54 cities and towns, many likely outside the peak subscription region of the Boston daily papers, and probably less focused on television news coverage of Boston cases or trials. The population of Worcester County is the second largest in Massachusetts, estimated at slightly over 800,000 according to U.S. census projections.<sup>4</sup> On average, 442 prospective jurors are called to the Worcester Trial Court on a weekly basis, providing a sizable pool from which to conduct the necessary voir dire to select 16 jurors. If feasible, the trial will take place in the Suffolk County courthouse with the jury bused in each morning and returned to a central Worcester County location each afternoon. While this may result in a slightly shorter trial day (perhaps 10:00 a.m. to 3:00 p.m.), it will have certain beneficial consequences, most notably in enabling court personnel to insulate jurors from other parts of the courthouse and environs, thereby reducing the potential for a juror being exposed to extraneous influences.

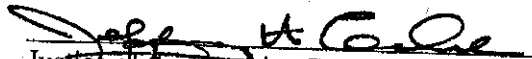
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<sup>4</sup> The largest county in Massachusetts is Middlesex County with a population in excess of 1.5 million. However, many of the communities of Middlesex County are geographically close and well within the reach of the Boston media market.

**ORDER**

Therefore, the defendant's motion is ALLOWED in part. Jury Impanelment shall occur in, and jurors drawn, from Worcester County.

Dated: October 5, 2012

  
Justice of the Superior Court



# EXHIBIT 23



## Odin Lloyd's mother trying to forgive accused murderer

Posted: Sep 22, 2014 10:37 PM EDT

Updated: Sep 23, 2014 4:15 PM EDT

Reported by Cheryl Flandaca

BOSTON (WHDH) - It has been nearly 15 months since the murder of Odin Lloyd in a North Attleboro parking lot and now his mother is speaking with 7News about how she remembers her son.

"I wish I was there to take the bullets for him. I wish I was there," Ursula Ward said.

Lloyd's mom says not a day goes by that she doesn't ache to see her only son again.

"It's not getting any easier. It's getting harder and harder because you are actually facing reality that you are never going to see your child again," Ward said. "I miss most of all my son's smile."

7News is the only station seeing one of the last home videos of Lloyd smiling and happy in his mom's kitchen sharing a meal with his family. His younger sister says she idolized him.

"I wish I would have told him how proud I was of everything he did and how much I wanted to be like him," Shaquilla Thibou said.

Lloyd was a 27-year-old semi-pro football player with the Boston Bandits. He became friends with former New England Patriot Aaron Hernandez, who police say drove him to an industrial park and killed him.

"Every time I go to court I would go to my son's grave and just ask him to just hug me tight when he sees that I'm about to fall apart. I've been feeling his arms around me several times saying 'ma, I got this, I got you ma,'" Ward said.

The family says they don't think Lloyd was afraid of Hernandez or knew he was in danger.

"Knowing my son, if he knows that his life was in danger he wouldn't have gone with anyone," Ward said.

His family has now filed a civil lawsuit against Hernandez demanding he pay for Lloyd's death.

"In the end I think the goal really should be to make sure that folks remember the name Odin Lloyd long after they forget the name Aaron Hernandez," Doug Sheff, the family's attorney, said.

Lloyd's mother said she is trying to do more than forget the accused murderer.

"I'm actually trying to forgive. I'm asking God to give me the strength to be able to forgive. I'm an angry person right now because I'm never going to see my baby," Ward said.

Ward said even a year and a half after her son's death she still visits his grave twice a day to take care of the flowers.



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# EXHIBIT 24



Printed from: *Boston Herald* (<http://bostonherald.com>)

## No NFL for Aaron Hernandez: Jailed ex-Patriot can't watch games

Sunday, January 12, 2014 -- Anonymous (not verified)

Local Coverage

Monday, January 13, 2014

**Author(s):**

Laurel J. Sweet

It was "game on" Saturday night for the general population at the Bristol County House of Correction in North Dartmouth — but it was quiet time for segregated detainee Aaron Hernandez, whose stellar six pass receptions for 85 yards helped propel the Patriots into the AFC Championship one year ago today.

If you found yourself wondering Saturday if the tight-end-turned-accused-killer was cheering his scene-stealing successor LeGarrette Blount across the goal line, the answer is "No," Bristol Sheriff Thomas M. Hodgson told the Herald yesterday. "He's not allowed to watch any TV."

Hodgson said prisoners spread over two tiers in general population were permitted to watch one hour of the AFC Divisional Round match that ended with the Pats kicking the Indianapolis Colts to the curb, 43-22. But Hernandez, for security reasons, is housed in a special-management unit, where he's confined to his cell 21 hours a day. And per Hodgson's order, no cell comes equipped with its own flat screen.

"It's jail," he said. "It's all about standards and sending a message."

"We only allow two hours a day of entertainment television," Hodgson said about his no-nonsense tube policy. "The rest of it has to be self-help tapes, self-help documentaries."

He said Hernandez, 24, previously has inquired if he might grab some time in front of the tube.

"That, of course, is no," Hodgson said, noting he is not allowed to mingle with other inmates due to his high-profile status.

Hernandez had a \$40 million contract with the Patriots when he was charged with the June 17 shooting murder of semi-pro football pal Odin L. Lloyd in North Attleboro. He has pleaded not guilty.

Three times a day, for an hour, Hernandez is placed in an outdoor 12-foot by 8-foot enclosure with nothing but his own company. "There's no equipment. It's basically just a pen. He can do pushups, situps," said Hodgson, confirming Hernandez is staying in shape.

"He's fine. For the most part, he's cooperative."

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# EXHIBIT 25

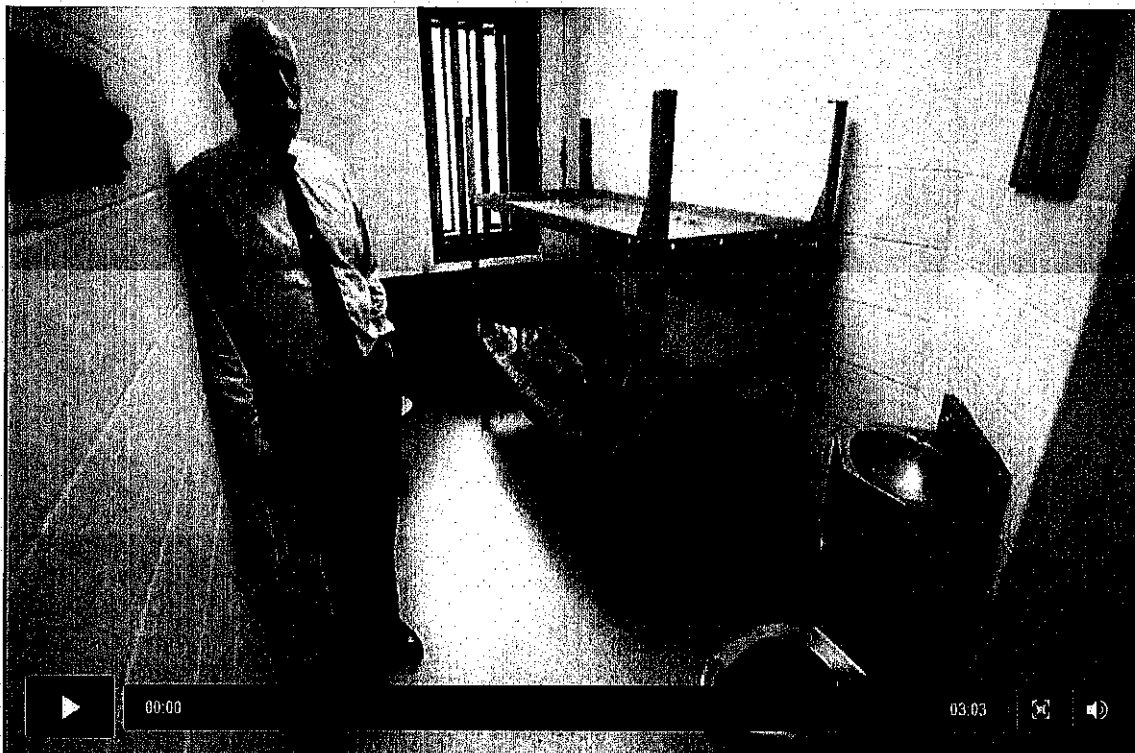
The Boston Globe

## Sports

# What it's like for Aaron Hernandez in jail

Awaiting trial, former Patriot adjusts to the confines of incarceration

By Stan Grossfeld | GLOBE STAFF JULY 16, 2013



NORTH DARTMOUTH — Inmate No. 174594, formerly No. 81 in your Patriots program, exercises alone in an 8-foot-by-12-foot padlocked cage in the courtyard of the Bristol County House of Correction.

For one hour a day, Aaron Hernandez gets to breathe fresh air and maybe get some sunshine amidst the chain-link fencing, roof, and razor wire. He does sit-ups, knee bends, and push-ups on the concrete floor, according to prison authorities.

Hernandez, charged in the first-degree murder of Odin Lloyd, is not just in prison, but confined to a “special management unit.” He is kept away from other inmates because of his high profile. He started off in the medical unit, where doctors evaluated his mental health and the gang intelligence unit inspected his numerous tattoos for affiliations that could spark jailhouse violence.

Hernandez has denied any gang allegiance, but he is still not ready to mix with the jail’s general population, according to Bristol County Sheriff Thomas M. Hodgson.

CONTINUE READING BELOW ▼

“We have to be very careful,” said Hodgson, adding that inmates could attack Hernandez “to raise their stature.”

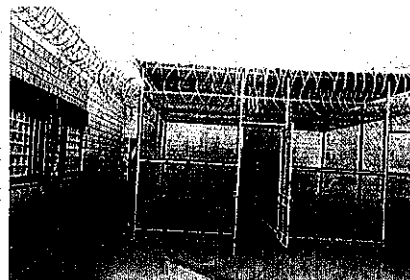
For 21 hours per day, Hernandez is locked in a 7-foot-by-10-foot single cell. There is no air conditioning, no television, no coffee, and no weight room.

“This is not the Ritz,” said Hodgson.

According to the no-nonsense sheriff, Hernandez has been a model prisoner. “He’s been nothing but perfect,” said Hodgson. “I met with him when he first came in to lay the rules out. I said, ‘Here’s the deal. You won’t be treated any better or worse or get any special privileges here. If you have any issues or problems, tell command.’ He was very polite and very respectful. He didn’t seem nervous, he seemed very comfortable.”

## Related

PHOTOS



### How Aaron Hernandez lives

**Graphic: Hernandez’s world**

**Video: What it’s like in jail for Aaron Hernandez**

■ **Full coverage: The Hernandez investigation**



Hodgson recently conducted a tour of the jail, excluding the double-tiered unit where Hernandez is kept along with seven other inmates. By interviewing other correction officers and inmates, it was possible to piece together Hernandez's new daily life in jail.

When the thick cellblock doors clang shut, the sound is more jarring than the muskets fired after every Patriots score at Gillette Stadium.

"Every Sunday he went into a stadium where thousands of people cheered him and revered him," said Hodgson. "In an instant he walks through our door, gets a new uniform, a longer number, and nobody's cheering for him."

Here, adoring fans are hard to come by. It's clear from the comments of his fellow inmates, many in their early 20s, that there isn't a lot of sympathy for Hernandez.

"He's a punk," says one young inmate wearing the tan uniform of the convicted. "He's a bum," says another. "I don't care about him," says a third inmate. "I'm worried about myself."

Hodgson has warned staff not to ask for autographs, take pictures, or go out of their way to engage Hernandez.

The luxuries of Hernandez's \$1.3 million home have been replaced by an austere cell. Standard issue is a metal double bunk bed with an inch-thick mattress that is more like a workout mat. He is also issued a pillow, sheet, and blanket.

It is unlikely his 6-foot-1-inch frame fits without his feet touching the bed frame. There's a metal toilet-sink combination — the toilet seat does not lift — and a tiny metal desk with an attached metal stool inside.

### **Morning jolt**

Hernandez's day begins at 6 a.m. when a slot in the door is opened and his breakfast tray arrives.

“He’ll get an egg — one egg, and a portion of grits,” said Hodgson. “He’d likely get a small muffin square and a choice between milk or juice. We actually serve Tang now to cut costs. But believe it or not, it actually has a higher nutritional value than orange juice and it’s cheaper.”

When Hernandez initially arrived, he asked about quenching his thirst. Officers pointed to the sink.

Hernandez has to clean his cell by 8, when officers inspect it for “proper decorum.”

“He has to make his bed, clean up, and make sure everything is neat,” said Hodgson. The bed must remain made all day.

Nothing is allowed on the walls. His window is divided into three narrow sections and faces the barbed-wire fencing and the woods. He has got a so-called mirror on the wall that is made of plastic. He addresses his jailers as “sir.”

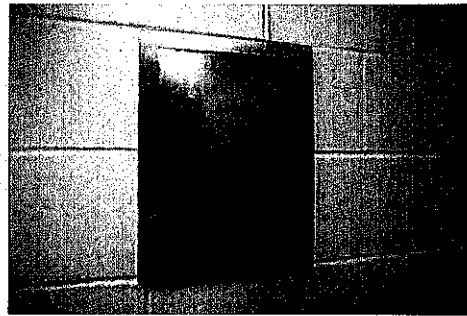
“His cell is in perfect decorum,” said Hodgson. “He keeps a very neat cell.”

Hernandez is allowed to read up to two books at a time and write letters. There are no video cameras in his cell. The lights are turned off each night at 11.

“I know he likes to read,” says Hodgson. “We sent him down a copy of ‘Tuesdays With Morrie.’ I recommended he read it.”

The former Patriot is allowed to leave his cell three times per day, for an hour each time. In the morning, he can make collect calls and take a hot shower in a narrow stall.

Hernandez can also stretch his legs and walk 30 yards in the unit.



STAN GROSSFELD/GLOBE STAFF

**This is similar to the so-called mirror, made of plastic, Aaron Hernandez has in his cell.**

Seven other inmates can see him through the thick window in the metal cell door and possibly communicate with him, but he is not allowed to stop and converse with them. Sometimes he waves.

His uniform is now dark green, the color of pretrial prisoners. They look like New York Jets colors.

“Yeah, pretty close, but no white, all green,” said Hodgson. His pricey Pumas are gone, as is his lucrative endorsement contract. He now wears standard-issue prison tennis shoes.

In the afternoon, he gets out for an hour and is again allowed to make collect calls. At 5 p.m., he gets his exercise hour in one of three cages, though Hodgson refuses to call them that. “It’s a pen, all chain linked around with a chain-linked top,” he says.

Hernandez exercises alone under the supervision of a prison officer who sits in a small booth during inclement weather. “It’s strictly for fresh air and sit-ups and push-ups,” said Hodgson. “In his unit only one inmate can be out at a time. So he’s not intermingling with people face to face.”

### **Close quarters**

The American Civil Liberties Union has complained that Hernandez is locked in a cell “the size of a parking spot.” Some have described his status as “solitary confinement,” and call it akin to torture.

Hodgson dismisses such talk. “In solitary confinement you don’t get an hour of visits, you don’t get access to the commissary, you don’t get three hours out of your cell.”

Hodgson says he is responsible for Hernandez’s safety and the safety of the other inmates.

Besides attorney visits, Hernandez is allowed one hour a week visitation from a list of five people he submits in advance so background checks can be completed.

Hodgson declined to say whether Hernandez’s fiancée or any former teammates

have come to visit him.

Hodgson has met with Hernandez twice. Once on arrival and again after he was denied bail. "He said, 'I'm fine,'" said Hodgson. "He's basically adapting."

He said Hernandez told him how the untimely death of his father, a former football player at Connecticut who died because of complications from a hernia operation in 2006, left him devastated.

The sheriff acknowledged Hernandez "presents well." But said it gets him no special privileges here.

Hernandez has never complained about his treatment and has eaten all his meals. He has made only one special request, asking for more protein in his diet. That request was denied, according to Bernie Sullivan, a Bristol County spokesman.

Lunch on a recent day was a cheese burrito, served with two slices of bread and rice. A typical supper is a beef burger, rice and beans, green beans, fruit, fortified juice, and water.

Hernandez's \$40 million contract buys him next to nothing here. The maximum allowed in his commissary account is \$80 a week to buy an assortment of dried soups, breakfast bars, and assorted toiletries in limited quantities.

## Quiet times

The media circus is gone now, and so are the fans — although four women from Texas recently volunteered to send Hernandez money.

But here, dollars can't buy you space or freedom.

"He came from a 7,100-square-foot home and he's living in a cell that's probably smaller than most of the bathrooms in his house," said Hodgson.

Hernandez goes from the playbook of coach Bill Belichick to the rulebook of the Bristol County sheriff, who says he has been called Attila the Hun by liberals. Hodgson has been on the job since 1997 to the delight of taxpayers who don't want pampered prisoners.

Hodgson is controversial. In 1999, he started a voluntary unpaid chain gang work unit and received a fax from China condemning it as a human rights violation. The irony makes him smile.

Sheriff Hodgson sees a silver lining in all the media attention. "I actually see media coverage as an opportunity for something good to come out of a bad situation," he said. "Young kids particularly get to see what life is like for someone who has celebrity status. This is probably one of the greatest advertisements as to why you don't ever want to come to jail. He had everything going for him."

Ironically, Hernandez has one member of the Patriot family that supports him.

Mac Bledsoe, the father of Patriot Hall of Fame quarterback Drew Bledsoe, is a Bristol County auxiliary sheriff. His "Parenting With Dignity" program has been presented in the jail for the last 15 years.

Hernandez, 23, has an infant daughter, Avielle Janelle, born last November. If asked, Bledsoe would love to help mentor Hernandez.

"I'm just never ready to convict somebody by what I read in the papers," Bledsoe said in a telephone interview. "He is innocent until proven guilty."

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# EXHIBIT 26

Sports

## Why I Can't Justify Being a Patriots Fan Anymore

A pair of New England Patriots fans look on in disgust during the Patriots opening day loss to Miami last Sunday. With all that is going down with the NFL lately, he's thinking it might be time to give it all up.

Getty Images

By Luke O'Neil

Special to Boston.com

September 9, 2014 3:38 PM

The emergence this week of a video depicting NFL running back Ray Rice striking his wife Janay in an Atlantic City elevator has led to an uproar of criticism of the league and the Baltimore Ravens' initially lenient, slow-acting response to the incident. Many in the media are calling it further evidence of the league's serious, entrenched domestic abuse problem.

The timing for the embattled sport could not be worse, and as a New England Patriots fan in particular, it seems like the day may have finally come for me to stop paying attention to football anymore.

On top of the Rice story, the NFL has found itself under fire from all corners for a laundry list of problems. As an essay in the Guardian recently pointed out: "The NFL, as fun as it is, is the only major sport that has forced its fans, for two consecutive years, to spend their Sundays wondering: 'Am I facilitating evil?'" I couldn't help but think the same thing as I watched the New England Patriots lose to the Miami Dolphins this past Sunday in embarrassing fashion.

Is this the type of league I want to invest my time and money in?

Boston writer Steve Almond has been leading a strong counterattack lately, not something you could exactly say about Tom Brady the other day, with excerpts from his new book, "Against Football: A Reluctant Manifesto" showing up all over the internet.

As he pointed out in a recent Boston Globe piece, a growing body of medical research shows that players are far more likely to suffer from a number of neurological issues like Alzheimer's and dementia, and that they can expect to live much shorter lives than the average American male. It's no longer possible to ignore the effects of the type of devastating on-field impact that the players are subject to, such as, say, Brady being sacked four times in the second half in Miami, two of which led to fumbles.



It simply doesn't seem right to cheer on the type of collisions these players go through over and over again on the field. Players like former Patriots offensive line star Logan Mankins, who suffered a hyperextended knee in the Tampa Bay Buccaneers loss to the Carolina Panthers. When I watched Mankins' replacement Tim Wright catch three balls for a measly 15 yards in an ultimately futile, and exasperatingly inept offensive attack the other day, it all clicked into perspective for me.

This right here? This is the product I'm going to compromise my sense of decency and empathy for?

It's just not as easy as it used to be to turn a blind eye to all of the league's serious issues: lawsuits brought by former players, overzealous drug suspensions, last year's bullying issues coming to light, its fans and organizational response to the prospect of the first openly gay player, the fact that one of our very own Patriots' players appears to have turned into a psychotic murderer while catching touchdowns for us, touchdowns that we still haven't figured out a way to make up for in the time since he was arrested.

This all happening amid a Patriots Super Bowl drought that's getting longer and longer, and doesn't seem like it's going to end any time soon, especially if this is the type of effort we can expect the Patriots to put forth this season.

Consider the case of Wes Welker, the former Patriots player, who suffered yet another concussion in the preseason this past month. He's since been suspended for a drug policy violation. But which of us sitting at home watching the undersized Welker get hammered again and again over the middle of the field really felt great about the idea of watching him go back out there and destroy his brain? Particularly since he's now doing it for the Denver Broncos, our arch rivals.

And all of that is before we even get to the insidious labor practices, tax breaks for the teams, and pilfering of the public coffers to build licenses to print money for billionaires in the form of shiny new stadiums. I'm not sure how I've managed to block that out this long, but something clicked into focus on Sunday as I thought about Robert Kraft sitting up there watching his incompetent team losing their season opener for the first time in a decade.

Maybe enough is enough?

The Atlantic had an eye-opening piece on the league's non-profit status last year, writing: "It's time to stop the public giveaways to America's richest sports league—and to the feudal lords who own its teams."

In both Cincinnati and Minnesota, tens of millions of dollars were diverted from very necessary funds for the state in order to provide NFL teams with new facilities. Numbers like those are just flat out infuriating when you consider them alongside Knowshon Moreno's 134 rushing yards, and his team out-gaining the Patriots 222 yards to 67 in the second half. Or if you think about how in Moreno's last game against the Patriots, when he was with the Broncos, he ran for 224 yards in what turned out to be another ignominious exit in last season's AFC title game.

I really don't want to turn my back on football. It's a sport that's given me so much pleasure my entire life, from all the way back in 2001 when the Patriots won their first of a string of Super Bowls, to the 2007 season when they almost pulled off the greatest season in professional sports history. But lately, as I look around the league and take stock of where we've come, as a culture, and as a specific regional fan base, I can't help but think maybe it's time to let it go. I wasn't ready to say it before, but now? Now I think it's time. I can no longer justify being a football fan anymore. Specifically a New England Patriots football fan.

The Seahawks look like they're pretty legit on the other hand. Maybe I'll watch a few of their games and see where things go before I write the NFL off completely.