

# 311

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

**CO COPY**  
SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CRIMINAL #2013-983

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, SS SUPERIOR COURT  
FILED

v.

AARON HERNANDEZ

MAR 25 2015

MARCO J. SANTOS, ESQ.  
CLERK/MAGISTRATE

**DEFENDANT'S MOTION FOR ORDER THAT COMMONWEALTH PROVIDE  
DEFENDANT WITH ALL TRANSCRIPTS, DRAFTS TRANSCRIPTS, AND  
SUMMARIES OF JAIL CALLS**

Aaron Hernandez ["Hernandez"], defendant in the above-captioned criminal case, hereby moves this Court for an order that the Commonwealth produce to the defendant forthwith copies of all transcripts, draft transcripts, partial transcripts, and summaries of jail calls that have been prepared in the course of this case. In support of this motion, the defendant states:

1. The Commonwealth has provided defendant with transcripts of excerpts of those jail calls it proposes to introduce. All of the transcripts appear to be short excerpts of much lengthier calls. During the examination of Jennifer Mercado on March 24, 2015, the Commonwealth attempted to make use of a partial transcript of a call on August 3, 2013, that had not previously been disclosed to impeach or refresh recollection of the witness.
2. The defendant had been under the impression that he had received all transcripts, draft transcripts, and summaries in the Commonwealth's possession. Given what occurred on March 24<sup>th</sup>, however, it is now apparent that the Commonwealth has a larger body of

*3/25/15*  
*ordered to be provided and the Commonwealth requests it be so produced there and the rest is it*  
*to be entered, there as transcripts. They are*  
*consist of notes taken by a*  
*prosecutor upon 10 ten to 15*  
*pages, which the*  
*defendant does not*  
*need.*  
*Palmer III*

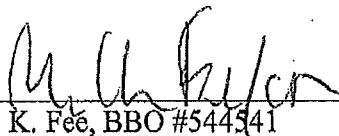
transcripts or summaries than those which have been provided to the defendant.

3. The observation by one of the Assistant District Attorneys at sidebar that the defendant has been provided with all the actual recordings themselves is accurate, but does not address the need for adequate discovery. There are hundreds and hundreds of jail calls, and the defendant may not be deprived of relevant information – transcripts, draft transcripts, and summaries – that is in the Commonwealth's possession and discoverable under Mass. R. Crim. Proc. 14. Whatever the Commonwealth has in this regard should be turned over forthwith, and the Commonwealth should be foreclosed from using any transcripts it has not turned over at least 24 hours in advance.

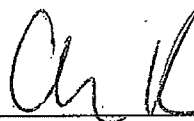
Respectfully submitted,

**AARON HERNANDEZ**

By his attorneys,



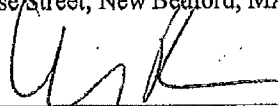
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**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing document upon the Commonwealth, **IN HAND**, to: William McCauley, Assistant District Attorney, Bristol County, 888 Purchase Street, New Bedford, MA 02740 on March 25, 2015.



Charles W. Rankin