

#310

COMMONWEALTH OF MASSACHUSETTS

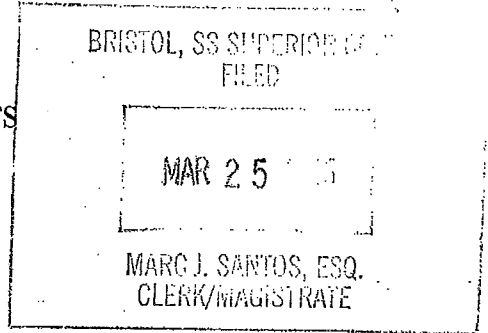
BRISTOL, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CRIMINAL #2013-983

COMMONWEALTH OF MASSACHUSETTS

v.

AARON HERNANDEZ



**DEFENDANT'S MOTION FOR DISCOVERY OF
EMAIL CORRESPONDENCE OF TROOPER ERIC BENSON**

Aaron Hernandez ["Hernandez"], defendant in the above-captioned criminal case, hereby moves this Court for an order directing the Commonwealth to furnish him with all email correspondence of Trooper Eric Benson relating in any fashion to this case or this investigation.

In support of this motion, the defendant states:

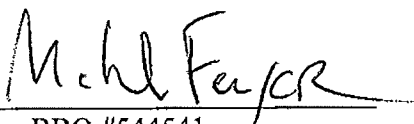
1. Trooper Eric Benson is the State Trooper who is the Case Officer in the Odin Lloyd homicide investigation. The Commonwealth is expected to call him as a witness next week.
2. The defendant has been furnished with a relatively small number of emails on which Trooper Benson is the sender, addressee, or recipient of a copy. These emails have generally concerned requests for information from witnesses or transmission of photographs or other documents to witnesses.
3. The defendant believes that there are likely to be many more emails sent by or to Trooper Benson that concern this case and this investigation that have not been provided.

4. These emails are discoverable as either statements of a witness, or otherwise constitute discoverable material. Mass. R. Crim. Proc. 14(a)(1)(A)(vii) (material and relevant police reports and statements of persons); Rule 14(a)(1)(A)(ii)(statements of grand jury witness); Rule 14(a)(1)(A)(iii)(exculpatory evidence to the extent the emails contain impeachment material or unsuccessful investigative efforts. *See Kyles v. Whitley*, 514 U.S. 419 (1995)).
5. Production of this material is essential to give the defendant a fair opportunity to cross-examine and confront Trooper Benson. U. S. Constitution, amend. VI; Mass. Declaration of Rights, art. XII.

Respectfully submitted,

AARON HERNANDEZ

By his attorneys,



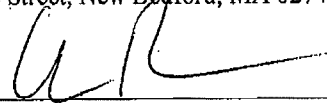
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CERTIFICATE OF SERVICE

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