

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT  
NO. 2014SUCR10471

COMMONWEALTH

v.

AARON HERNANDEZ

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COMMONWEALTH'S NOTICE OF EXHAUSTIVE TESTING

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Now comes the Commonwealth and notifies the defendant that it intends to conduct DNA testing on the following item, for which the procedure is likely to consume the entire sample:

- Item 13.1 – a swab taken from Item 13, one silver colored revolver, Serial #212682, with a wooden accent handle, labeled “38 S.&W. SPECIAL CTG” on one side of the barrel.

Because the above sample is so small that processing it may leave no portion available for future testing, the Commonwealth now offers the defendant the opportunity to have his own expert witness present for that processing. *See Commonwealth v. Gordon*, 422 Mass. 816, 836 (1996).

Should the defendant wish to have an expert observe the testing of this item, his counsel must notify the Commonwealth in writing by May 29, 2015 (email to the undersigned is sufficient). Counsel may then contact the Boston Police Department crime lab at (617) 343-4690, with reference to case number 15-0116.

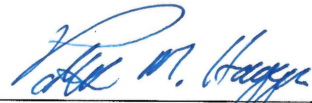
If the defendant does not wish to have an expert present for such testing, the Commonwealth requests that counsel sign and return the attached authorization form by

May 29, 2015. If the Commonwealth receives no objection from the defendant by the deadline stated above, the exhaustive testing will proceed.

Respectfully Submitted  
For the Commonwealth,

DANIEL F. CONLEY  
DISTRICT ATTORNEY

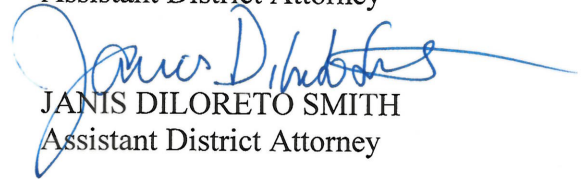
By:



PATRICK M. HAGGAN  
Assistant District Attorney



TERESA K. ANDERSON  
Assistant District Attorney



JANIS DILORETO SMITH  
Assistant District Attorney

One Bulfinch Place  
Boston, MA 02114  
(617) 619-4194

Dated: May 21, 2015

**Destructive Testing Without Observation Authorization Form**

I, the undersigned, do hereby authorize testing to be performed on the following evidence item(s) without observation **by a representative of the defendant or prosecutor's office.:**

CC#: 130395526 or Crime Lab Case #: 15-0116

BPD Item #: **13.1** – one swab of the textured areas, including the handle, hammer spur and cylinder release, taken from Item 13, one silver-colored revolver, Serial #212682, with a wooden accent handle, labeled “38 S.&W. SPECIAL CTG” on one side of the barrel.

By signing this form, I understand that the testing will consume the remainder of the sample/stain, with no sample remaining for independent testing or re-testing. However, I reserve the right to view, or have my scientific representative view, records and notes generated as a result of the DNA testing.

Accordingly, I authorize the Boston Police Crime Laboratory Unit to proceed with DNA testing on the above listed items as follows:

- I do not wish to have a scientific representative observe the DNA testing. The Boston Police Crime Laboratory Unit is hereby authorized to proceed with DNA testing and may consume the entire stained material from the items described above.

Authorized by:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_

Affiliation: \_\_\_\_\_