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COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.
BRISTOL, SS SUPERIOR COURT
FILED

SUPERIOR COURT
BRCR2013-00983

JUL 15 2015

COMMONWEALTH

MARC J. SANTOS, ESQ.
CLERK/MAGISTRATE

vs.

AARON HERNANDEZ

**MEMORANDUM OF DECISION AND ORDER ON DEFENDANT'S
MOTION TO FILE ACCOMPANYING PLEADINGS RESPECTING
POST-VERDICT INQUIRY UNDER SEAL (MOTION TO IMPOUND)**

The defendant has filed with the court under seal a Motion to Authorize Issuance of Subpoena to Ascertain Source of Information Provided to Counsel, Defendant's Motion for Post-Verdict Inquiry Respecting a Juror's Exposure to Significant Extraneous Matter and Related Issues, the Affidavit of James L. Sultan in Support of Defendant's Motion for Post-Verdict Inquiry Respecting a Juror's Exposure to Significant Extraneous Matter and Related Issues, and Memorandum of Law In Support of Defendant's Motion for Post-Verdict Inquiry Respecting a Juror's Exposure to Significant Extraneous Matter and Related Issues. The defendant also filed a Motion to File Accompanying Pleadings Respecting Post-Verdict Inquiry Under Seal, which is in effect a motion to impound those documents. This court has already unsealed that motion.

GateHouse Media, LLC, the parent company for the publishers of *The Providence Journal*, *The Patriot Ledger*, and *The Herald News*, has filed a Motion to Intervene for the Limited Purpose of Unsealing Certain Post-Trial Motions in which it requests the court to unseal and grant immediate access to the pleadings respecting post-verdict inquiry.¹ The Commonwealth has filed an Opposition to the defendant's motion for impoundment. For the reasons discussed below, the defendant's

¹ The motion to intervene was allowed at the hearing.

motion to impound is **ALLOWED** in part and **DENIED** in part, and GateHouse Media LLC's's Request to unseal and grant immediate access to the pleadings respecting post-verdict inquiry is **DENIED**.

DISCUSSION

The common law and First Amendment rights of public access to court proceedings and records are intended to ensure and instill public confidence and trust in our system of justice and in the integrity and fairness of its proceedings. Commonwealth v. Fujita, 470 Mass. 484, 487 (2015). "Access to information about the operation of administration of justice, including information about jurors who render justice, promotes confidence in the judicial system by, among other things, providing an independent nongovernmental verification of the impartiality of the jury process, and educating the public as to their duties and obligations should they be called for jury duty." Id. at 490.

Despite the presumption of public access to judicial records under the common law, the First Amendment and the Uniform Rules on Impoundment Procedure, a judge can impound a judicial record for "good cause," after balancing, on the particular facts of the case, the competing rights of the parties as long as the impoundment of the records is narrowly tailored to prevent potential prejudice and there are no reasonable alternatives to impoundment. Id. at 489; Commonwealth v. Silva, 448 Mass. 701, 707 (2007); The Republican Co. v. Appeals Ct., 442 Mass. 218, 223 & n.8 (2004). In determining whether good cause to impound exists, the judge should take into account the nature of the parties and the controversy, the type of information and privacy interests involved, the extent of the community interest, and the reason for the request. Fujita, 470 Mass. at 489; New England Internet Café, LLC v. Clerk of Superior Court for Criminal Business, 462 Mass. 76, 83 (2012); The Republican Co., 442 Mass. at 223. The good cause analysis is sufficiently flexible that

the judge may consider any relevant information relating to the specific facts of the case. Commonwealth v. Pon, 469 Mass. 296, 316 (2014).

The party urging impoundment bears the burden of demonstrating good cause. New England Internet Café, LLC, 462 Mass. at 83. If there is good cause to impound, the judge must tailor the scope of the impoundment order so it does not exceed the need for impoundment. “[I]mpoundment is always the exception to the rule, and the power to deny public access to judicial records is to be ‘strictly construed in favor of the general principle of publicity.’” The Republican Co., 442 Mass. at 223.

In the context of a criminal trial, the public’s right of access must be balanced against the defendant’s constitutional right to a fair trial. Commonwealth v. George W. Prescott Publishing Co., LLC, 463 Mass. 258, 269 (2012). A defendant’s right to a fair trial undoubtedly is a substantial government interest. Id. In considering a request for impoundment, however, the judge need not adopt counsel’s conclusory assertions of prejudice. Id. at 271.

Post-trial protection of the identity of a juror to protect the juror’s privacy does not constitute good cause for impoundment, and the defendant does not argue otherwise. Fujita, 470 Mass. at 490; In re Globe Newspaper Co., 920 F.2d 88, 91 (1st Cir. 1990). Cf. George W. Prescott Publishing Co. v. Register of Probate for Norfolk County, 395 Mass. 274, 279 (1985) (party’s fear of embarrassment or unjustified adverse publicity not good cause for impoundment). Similarly, the anonymous source’s concerns about privacy or embarrassment do not constitute good cause for impounding the pleadings respecting post-verdict inquiry prior to a possible evidentiary hearing.

The interest advanced by the defendant in support of his motion to impound is the defendant’s right to a fair post-trial resolution of the questions he has raised regarding a juror’s

possible exposure to extraneous matter and related issues. The defendant argues that public disclosure of the identity of the juror accused of withholding knowledge of extraneous matters and the alleged details of any related misconduct “would seriously compromise the integrity and effectiveness of the fact-finding process. The likelihood of discovering the truth in this matter will be maximized if the witnesses being questioned do not know in advance what they are going to be asked or the specific nature of the allegations which have been made.”

The “full scope of the defendant’s request” is not, as the Commonwealth posits in its Opposition to the Defendant’s Motion for Impoundment, “controlled by the SJC’s reasoning in Globe Newspaper Co. v. Commonwealth, 407 Mass. 879, 884-885 (1990).” That case deals with the public’s right of access to a post-trial hearing held to determine whether one or more jurors were exposed to extraneous information by a court officer before deliberations began. The trial judge had closed the proceeding in which he questioned jurors and alternates out of a concern that public disclosure of information might have a chilling effect on the testimony of former jurors because they could learn from the press what other jurors already had said. The courtroom was also closed during the court officer’s testimony. The Supreme Judicial Court held that there was no lawful basis for exclusion of the public during the court officer’s testimony. Id. at 885. With respect to the testimony of the jurors, including alternate jurors, the only issue before the Court was whether any portion of the transcripts of their testimony could properly be redacted. The Court ordered the testimony to be made public unless the trial judge entered appropriate findings justifying the redaction of any part of the transcript. Id. at 890.

Should this court determine to hold an evidentiary hearing, at that point Globe Newspaper Co. would be controlling. Only then, if the defendant moves to close the courtroom, would this court

have to decide whether there were grounds to close the courtroom. Where, as here, no decision has yet been made as to whether there is a sufficient basis to proceed with an evidentiary hearing, Globe Newspaper Co. does not require the denial of the defendant's motion to impound. Neither the Commonwealth nor the intervenors cite any case holding that the specific details of post-trial accusations pertaining to jurors must be released before any preliminary investigation has taken place and before an evidentiary hearing has been scheduled or held.²

At this point, whether there will be an investigation and, if so, the form it will take has not been decided. Under these circumstances, Globe Newspaper Co. suggests that an impoundment order to protect an upcoming investigation may be warranted. The Supreme Judicial Court concluded its opinion in that case with a discussion of the various processes that might follow a claim that a juror or jurors were subject to extraneous prejudicial influence, making it clear that “[i]f the judge decides to conduct an investigation or to interview jurors privately, the public does not presumptively have a right to observe the process.” Id. at 887. The Court pointed out that the public does not have a constitutional or any other right of access to grand jury proceedings, depositions, lobby conferences, and side-bar discussions at trial, id., and that, “[i]n connection with postverdict consideration of a

² Several cases from other jurisdictions mention, without any analysis, that a motion for post-verdict jury inquiry or related documents were filed under seal. E.g., Hill v. Virga, 2013 WL 321843 at *40 (N.D. Cal. 2013) (noting that defendant filed under seal a motion for new trial based on juror misconduct in improperly considering punishment); Semien v. Warden, 2009 WL 1393316 at *20 (W.D. La. 2009) (noting that court directed defendant to file formal motion for hearing concerning juror misconduct under seal); State v. Watts, 907 A.2d 147, 149 (Me. 2006) (noting that defendant filed new trial motion under seal, accompanied by affidavit from sitting juror stating that another juror inaccurately or dishonestly answered juror questionnaire); United States v. Morrow, 412 F. Supp. 2d 146, 152 (D.D.C. 2006) (noting that, after defendant filed motion for new trial based on juror misconduct involving extraneous prejudicial information, court ordered evidentiary hearing and ordered defendant to file list of specific allegations of misconduct, and defendant produced emails between counsel and juror under seal).

claim of extraneous prejudicial influences on a jury, the public would have no right to attend interviews of jurors conducted by the prosecution or the defense or even a judge's limited inquiry of jurors conducted in the absence of counsel but with the right of counsel to submit questions through the judge." *Id.* at 888. Only if the allegations rise to the level of requiring a formal evidentiary hearing must the hearing be open to the public barring a substantial reason for closing it. *Id.* at 889. The moment has not yet come in this case where there has been a decision whether the claim of extraneous prejudicial influence is substantial enough to merit the holding of a formal hearing. Cf. Ex parte Greenville News, 482 S.E.2d 556 (S.C. 1997) (ordering release of deposition and hearing transcripts with juror names redacted following the filing of depositions of jurors under seal and then a closed hearing to determine whether to conduct an evidentiary hearing on the alleged juror misconduct, at which court determined there was no colorable basis for the allegations of juror bias and extraneous influence).

The defendant's constitutional right to a fair post-trial hearing should the court determine that there is a sufficient basis for holding such a hearing is a substantial interest deserving of protection that outweighs the public's right of unrestricted access to the entirety of the pleadings filed at this preliminary stage. The court finds that this case has received much more than the ordinary amount of publicity before, during, and after the trial in local, regional and national media, and on social media such as Twitter and Facebook. The trial and pre-trial hearings were televised and the seats in the courtroom allocated each day to representatives of different media outlets the media were used, with additional members of the media and the public utilizing an overflow room into which the proceedings were transmitted. Jurors were interviewed post-verdict on local and national television. Given the continuing level of interest in this case and in the defendant, the court finds that, if the

identity of the juror is released before any evidentiary hearing is held, it is highly likely that the juror at issue will be deluged with media and other public inquiries. The court further finds that the predictable onslaught of media and other public contacts with the juror is likely to subject the juror to coercive influences that may undermine the defendant's legitimate interest in a fair hearing. Just as withholding the names of jurors may be justified in a highly visible trial where the risk of inappropriate juror contact would jeopardize the fairness of the proceedings. Fujita, 470 Mass. at 490 n.17, so too the withholding of the identity of a juror may be justified in a highly visible post-trial inquiry where the risk of inappropriate juror contact would jeopardize the fairness of the post-trial proceeding. Indeed, the Supreme Judicial Court has recognized that redactions may be appropriate to protect legitimate interests in investigative secrecy. New England Internet Café, LLC, 462 Mass. at 86. The alternative of prohibiting the media and other members of the public from speaking to the juror about the subject matter of what has been reported to defense counsel is unlikely to be effective, and it is not a reasonable alternative because it would be challenged as an unconstitutional prior restraint.

The court also finds that preserving the secrecy of certain specific details, such as where and when the juror allegedly was exposed to extraneous information, will increase the likelihood of candor at the evidentiary hearing should one be held. In Globe Newspaper Co., 407 Mass. at 887, the Supreme Judicial Court recognized that it might be appropriate to redact information even from the hearing transcripts if its disclosure would hinder an ongoing investigation until the investigation is concluded. This court finds that the allegation by an anonymous caller that a juror was exposed to extrajudicial information which the juror failed to disclose during the voir dire makes the interest in fostering candor greater than that present in the typical case. This is not a situation where the


specific details already have been reported on by the media. Cf. United States v. Taylor, 2009 WL 1393312 at *2 (E.D. Tenn.) (declining to close hearing on juror misconduct to the public where allegations already had been reported in media, such that any taint had already occurred and there was only marginal value in closing hearing to protect defendant's right to fairness). The alternative available at a trial or hearing of sequestering the witnesses to protect against disclosure is not available in the context of papers filed to obtain information and ultimately an evidentiary hearing. Cf. Globe Newspaper Co., 407 Mass. at 889 (before excluding public from the courtroom, court must decide whether the goal of protecting against disclosure of certain information can be achieved by means such as sequestering juror witnesses and admonishing them not to read or listen to media accounts of the proceedings already held).

After balancing the competing rights of the parties and the public, on the particular facts of this case, the court finds an overriding interest and, therefore, good cause for impounding the papers at issue in the form in which they were filed. The court will release redacted versions in order to protect the identity of the juror and to keep out of the public domain at this stage the specific details as to where, when and how the juror allegedly was exposed to extraneous information as well as the source of the anonymous information. The redactions will be narrowly tailored to serve the interests at stake. There are no reasonable alternatives to such limited impoundment at this time. The court further finds that impoundment of the general nature of the extraneous information to which a juror allegedly was exposed and what the juror allegedly may have said to another is not essential to protect the defendant's interest in a fair proceeding. Cf. Globe Newspaper Co., 407 Mass. at 882-883 (post-trial affidavit by alternate juror setting forth statements that court officer allegedly made to certain jurors prior to their deliberations in file).

The impoundment order will remain in effect until this court either decides that the defendant is not entitled to an evidentiary hearing or a juror testifies in such a hearing.

ORDER

For the foregoing reasons, it is hereby **ORDERED** that the Defendant's Motion To File Accompanying Pleadings Respecting Post-Verdict Inquiry Under Seal (Motion to Impound) be **ALLOWED** in part and **DENIED** in part and that GateHouse Media LLC's's Request to unseal and grant immediate access to the pleadings respecting post-verdict inquiry be **DENIED**.



E. Susan Garsh
Justice of the Superior Court

DATED: June 15, 2015

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#375

BRISTOL, SS SUPERIOR COURT
FILED

MAY 28 2015

MARC J. SANTOS, ESQ.
CLERK/MAGISTRATE

REDACTED
FILED UNDER SEAL

BRISTOL, SS SUPERIOR COURT
FILED

JUL 15 2015

MARC J. SANTOS, ESQ.
CLERK/MAGISTRATE

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 POST-VERDICT INQUIRY
RESPECTING A JUROR'S EXPOSURE TO
SIGNIFICANT EXTRANEOUS MATTER AND RELATED ISSUES**

Aaron Hernandez ["Hernandez"], the defendant in the above-captioned criminal case, hereby moves this Court, pursuant to the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and Articles 12 and 29 of the Massachusetts Declaration of Rights, to conduct a post-verdict inquiry to determine: (1) whether a deliberating juror was exposed to significant, extraneous

matter which unfairly biased said juror against the defendant, affected the jury deliberations, and tainted the verdict; (2) whether said juror had expressed a desire, prior to trial, to be on the Hernandez jury, reflecting an undisclosed interest in the case; and (3) whether said juror was untruthful individual *voir dire* and written questionnaire. As grounds therefore, the defendant avers as follows:

1. As set forth in the accompanying Affidavit of James L. Sultan, there is substantial reason to believe that prior to trial, one of the deliberating jurors participated in and/or was present during a conversation about Aaron Hernandez and the various criminal charges pending against him, including the Boston murder charges. Any participation in or presence of the juror during such a conversation would contradict sworn testimony during individual *voir dire* and written questionnaire submitted prior to impanelment. Based upon the Court's rulings during the impanelment process, this juror would have been excused for cause disclosed knowledge of the Boston murder charges against Hernandez. Moreover, the exposure of this or any other juror to this extraneous matter would have unfairly biased said juror against the defendant, tainted the jury deliberations, and violated the defendant's constitutional rights to due process and trial by an impartial jury. There can be no doubt that such extraneous matter would likely have significantly affected a hypothetical, reasonable juror in this case.

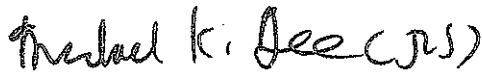
2. There is also substantial reason to believe that said juror expressed a desire to be on the Hernandez jury, reflecting a personal interest or stake in the case failed to disclose during *voir dire*. Any such undisclosed interest would render said juror biased, thus unqualified to serve as an impartial juror in this case.
3. The body of applicable case law discussed in the memorandum of law filed herewith demonstrates that it is the duty of the Court in these circumstances to conduct a thorough inquiry. Depending upon the outcome of that inquiry, the defendant may seek appropriate relief from the judgment of conviction thereafter.
4. Specifically, the defendant moves that the Court convene an evidentiary hearing at which the juror and (who also allegedly participated in the conversation at issue), as well as the putative informant shall be required to attend and testify in the presence of counsel and the defendant. Depending upon the evidence adduced at such hearing, the defendant reserves the right to request that the Court receive testimony from other witnesses.
5. The defendant has filed herewith a motion for leave to file this motion and all related materials under seal in order to protect the integrity of the fact-finding process.

6. In support of this motion, the defendant submits herewith: (a) Affidavit of James L. Sultan; and (b) Memorandum of Law in Support of Defendant's Motion for Post-Verdict Inquiry. The defendant is separately filing a motion to authorize the issuance of a subpoena to facilitate identifying an additional witness in this matter.

Respectfully submitted,

AARON HERNANDEZ

By his attorneys,




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James L. Sultan, BBO #488400
Charles W. Rankin, BBO #411780
Rankin & Sultan
151 Merrimac Street, Second Floor
Boston, MA 02114
(617) 720-0011

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the Commonwealth by e-mail and by mailing a copy thereof, US mail, postage prepaid, to: William McCauley, First Assistant District Attorney, Bristol County, 888 Purchase Street, New Bedford, MA 02740 on May 26, 2015.



James L. Sultan

BRISTOL, SS SUPERIOR COURT
FILED

MAY 28 2015

MARC J. SANTOS, ESQ.
CLERK/MAGISTRATE

#376 #365
REDACTED
FILED UNDER SEAL

BRISTOL, SS SUPERIOR COURT
FILED

JUL 15 2015

MARC J. SANTOS, ESQ.
CLERK/MAGISTRATE

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

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

COMMONWEALTH OF MASSACHUSETTS

v.

AARON HERNANDEZ

**AFFIDAVIT OF JAMES L. SULTAN IN SUPPORT OF
DEFENDANT'S MOTION FOR POST-VERDICT INQUIRY
RESPECTING A JUROR'S EXPOSURE TO
SIGNIFICANT EXTRANEOUS MATTER AND RELATED ISSUES**

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

1. I am a member of the Massachusetts Bar and co-counsel to the defendant in the above-captioned criminal case. I make this affidavit based upon personal knowledge and my best recollection.
2. The jury returned its verdict in this case on April 15, 2015. The following day, April 16, 2015, at approximately 5:04 p.m., a woman who declined to identify herself called my office from a "blocked" number and asked to speak with me concerning a juror. I took the call. The caller told me that she recognized one of the jurors from

TV named _____ caller told me _____ had been

at which the Boston murder case against Aaron Hernandez had been discussed and

_____ had been present during and/or participated in that discussion. She

also told me _____ had mentioned _____ that _____ hoping to be

on the Hernandez jury. I explained to the caller that I needed more information, but

had to leave the office to attend a school function for my children. I gave her my cell

phone number and asked her to call me back that evening. She agreed to do so.

3. At 7:51 p.m. that same evening (4/16), I received a cell phone call from a number

listed as "blocked." It was the same woman I had spoken to several hours earlier.

This time, she identified herself as _____ but declined to give me her last name.

During this call, which lasted for 16 minutes according to my redacted cell phone

records, appended hereto as *Exhibit 1*, she told me again that she was:

_____ She told me that "everyone" was talking about the
upcoming Aaron Hernandez trial. She recalled that the Boston murder case involving

Hernandez was discussed in the presence of _____ She did not recall whether

_____ said anything during that conversation.

4. I told her that I really needed more information in order to determine whether this

was something I needed to bring to the Court's attention. She expressed reluctance

to provide me with her full name or with more specific information, saying that she

did not want to get involved and that she was concerned _____ could get

into some sort of trouble. I did get her to agree to call me back the following evening

on my cell phone.

5. The same woman called me back on April 17, 2015 at 7:15 p.m. Her number again came up as "blocked." It appears in my cell phone records as "999-999-9999."

Exhibit 1. During this 19-minute call, she again identified herself as [redacted] but would not provide me with her last name. Based on my repeated requests for additional specific information, she told me that [redacted]

6. During this conversation, [redacted] again expressed concern that her name could become public and [redacted] could get into trouble. I told her I really needed more information in order to bring this to the attention of the Court. I asked her to call me back within a few days, and she agreed to do so.

7. I received another call from [redacted] on April 24, 2015 at 5:19 p.m. Once again, her number was listed as "blocked" and appears in my cell phone records as "999-999-9999." *Exhibit 1.* I was on my way to my car and asked her to call me back that evening. She did so at 7:58 p.m., and her number again appeared as "blocked". During this 25-minute conversation, [redacted] provided me with some additional information. She told me that [redacted]

She told me she does not want into trouble, but it is on her conscience that she knows some information which may be important.

8. I asked her to give me some more information:

The conversation was about Aaron Hernandez and included references to the Boston murder case.

did not recall whether said anything in response,

9. I asked about her earlier statement to me that wanted to be on the Hernandez jury. She told me had said that, but had not heard it herself. She declined to give me the name of the person who had supposedly heard comment to that effect.

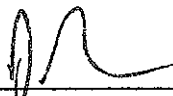
10. I again emphasized that I needed more information, including full name. I told her that I understood her reluctance to get involved, but that this was important

information which needed to be disclosed. I told her that I would do whatever I could to protect her privacy, but could not guarantee it. She asked me whether I would get into serious trouble or go to jail if the information came out. I told her that I really didn't think that would happen, but that I could not make her any promises about what the Court would do. I asked her to call me again in a couple of days, and she agreed to do so.

11. I have not heard from _____ again since April 24th. Due to the current ethical rules respecting contact with jurors, I was unable to investigate _____ assertions further by contacting _____ directly or by sending an investigator to _____ in an effort to identify the woman who had called me. Verizon, my cell phone provider, has indicated it is likely to be able to ascertain the originating phone numbers for these "blocked" calls, but will not do so without a subpoena or court order. Accordingly, I believe that the Court's assistance is required at this point to investigate these serious allegations.
12. According to my notes of the jury selection process,
- 13.

14. If the allegations made by [redacted] about the conversation regarding the Boston murder case are accurate, [redacted] was untruthful during the jury selection process, [redacted] was, in fact, exposed to extraneous information which was unfairly prejudicial to Hernandez. The admitted exposure of numerous other potential jurors to such information resulted in their being excused from jury service by the Court for cause. Had [redacted] disclosed any awareness of the Boston charges against Hernandez during [redacted] individual *voir dire*, defense counsel would have moved for [redacted] to be excused from jury service for cause and that motion would presumably have been allowed. If not, we would have exercised a peremptory challenge to prevent [redacted] from sitting as a juror.
15. If the allegations about [redacted] having expressed a desire to be on the jury in this case are true, [redacted] a personal interest in the case which [redacted] failed to disclose. Had defense counsel been made aware [redacted] wanted to be on this jury, we would have moved to excuse [redacted] for cause. Had that motion been denied, we would have exercised a peremptory challenge to prevent [redacted] from sitting as a juror. An important part of our jury selection strategy was to seek to identify and challenge any prospective juror who desired to serve on the jury.

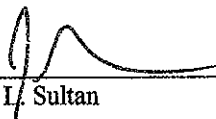
Signed and sworn to under the pains and penalties of perjury this 26th day of May 2015.



James L. Sultan

Certificate of Service

I hereby certify that I served the foregoing document upon the Commonwealth by e-mail and by mailing a copy thereof, US mail, postage prepaid, to: William McCauley, First Assistant District Attorney, Bristol County, 888 Purchase Street, New Bedford, MA 02740 on May 26, 2015.



James I. Sultan

My Bill Account #:

[VIEW CURRENT USAGE](#) | [ADD TEXT / EMAIL ALERTS](#) | [VIEW PAYMENT HISTORY](#) | [VIEW DOCUMENTS AND RECEIPTS](#)

Balance Since Last Statement: **\$0.00**

We are compiling your **May 16** statement, which will be available by **May 22**. The balance shown here and bill details reflect your **Apr 16** statement minus any payments.

[VIEW OR SAVE PRINTABLE BILL](#)


Due by: **May 11, 2015**



Last Payment of \$263.54 (Received 05/05/15)


March 17, 2015 - April 16, 2015 Monthly bills are available for up to 18 months.

Please remember to save a PDF copy of your bill if you need to keep a permanent record. You may also contact Customer Service for a bill reprint and incur a \$5 charge.

This information is directly taken from your Verizon Wireless bill as of the date selected. It only reflects activity on your account from the bill period displayed.

 We are compiling your **May 16** statement, which will be available by **May 22**. The balance shown here reflect your **Apr 16** statement minus any payments you've made. Please note that Customer Service will be able to retrieve your **May 16** statement when the information is available here in My Verizon.

 **A change to your account has occurred during your March 17, 2015 - April 16, 2015 billing period** 

As a result of the service change, your total amount due may be different than you anticipated because of prorated charges for the partial month during which certain services were active. Such service changes could include feature or plan changes, adding a line of service, or restoring service following a suspension. Click on the  found on the Bill Summary and Charges by Line tabs for more information.

BILL SUMMARY

CHARGES BY LINE

Bill Period: *March 17, 2015 - April 16, 2015*

SHARED USAGE

Details for:

VOICE MESSAGING & ROAMING

[Download to SpreadSheet](#)

Total Voice Usage Charges: \$0.00

EXHIBIT 1

Viewing 301 to 316 of 316 results.

[View Additional Call Detail](#)

Date	Time	Number	Minutes	Rate	Airtime Charge
4/14	9:49 AM		1	Peak	--
4/14	12:01 PM		6	Peak	--
4/14	5:26 PM		3	Peak	--
4/14	6:23 PM		1	Peak	--
4/15	3:01 PM		5	Peak	--
4/15	3:44 PM		1	Peak	--
4/15	4:13 PM		6	Peak	--
4/15	4:24 PM		1	Peak	--
4/16	9:03 AM		1	Peak	--

<u>Date</u>	<u>Time</u>	<u>Number</u>	<u>Minutes</u>	<u>Rate</u>	<u>Airtime Charge</u>
4/16	9:52 AM		2	Peak --	
4/16	9:57 AM		1	Peak --	
4/16	5:33 PM		7	Peak --	
4/16	5:54 PM		1	Peak --	
4/16	7:27 PM		2	Peak --	
4/16	7:51 PM	<u>Unavailable</u>	16	Peak --	
4/16	8:45 PM		1	Peak --	

Viewing 301 to 316 of 316 results.

[Previous](#) [14](#) | [15](#) | [16](#) All

[Download to SpreadSheet](#)

- I Want To
- Type what you would like to
 Related Action example "view my bill"
- [Analyze Usage](#)
 - [Block Services](#)
 - [Manage Products & Apps](#)
 - [Change Plan](#)
 - [Manage Paperless Billing](#)
 - [Pay Bill](#)
 - [Account Analysis](#)
 - [Set Up Auto Pay](#)

**THE NEWLY REDESIGNED
MY VERIZON MOBILE APP**


It's the most convenient way to manage your account.



[Download the App](#)

Go Paperless!

Reduce clutter, access your bill online and help save the environment.



[Enroll Today](#)

My Usage

Usage shown below reflects the current Billing Cycle (04/17/2015 - 05/16/2015)


[View Usage from a Past Billing Cycle >](#)

★★★★★ [Review Our Network](#)

Select from your devices



All Lines



James L Sultan ...

OVERVIEW

DATA

MINUTES

MESSAGES

MORE EVERY UNL TLK&TXT 12GB

Includes

Minutes

Shared by all lines

UNLIMITED

1247 used

Usage is estimated

Unlimited Minutes left
[Manage Global Usage Details](#)

Breakdown by Usage Type

	Peak	Off Peak	M2M	Weekend	Total Minutes
	17	58	35	0	110
	383	139	29	0	551
	244	217	125	0	586
Total by Type	644	414	189	0	1247

Current Call Log for Line: [Redacted]

[Download to SpreadSheet](#)

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Date	Time	Destination	Number	Call Type	Minutes
05/12/2015	12:40 PM	--			2
05/12/2015	8:36 AM	--			1
05/11/2015	5:11 PM	BOSTON		M2M Calling Peak	1
05/11/2015	4:00 PM	INCOMING		M2M Calling Peak	1
05/11/2015	3:13 PM	ARLINGTON		M2M Calling Peak	1
05/10/2015	6:38 PM	INCOMING		Off Peak	4
05/10/2015	6:35 PM	ARLINGTON		Off Peak	1
05/10/2015	5:01 PM	INCOMING		Off Peak	1
05/10/2015	3:26 PM	INCOMING		Off Peak	8
05/10/2015	3:24 PM	INCOMING		Off Peak	1
05/10/2015	2:19 PM	INCOMING		Off Peak	1
05/10/2015	2:13 PM	SO BOSTON		Off Peak	1
05/10/2015	2:08 PM	BOSTON		Off Peak	3
05/10/2015	1:59 PM	INCOMING		Off Peak	1
05/10/2015	1:48 PM	HARTFORD		Off Peak	2

Date	Time	Destination	Number	Call Type	Minutes
04/28/2015	6:48 PM	MALDEN		Peak	4
04/28/2015	6:40 PM	ARLINGTON		Peak	8
04/28/2015	6:33 PM	MALDEN		Peak	7
04/28/2015	6:32 PM	INCOMING		Peak	1
04/28/2015	5:38 PM	INCOMING		Peak	19
04/28/2015	5:19 PM	ARLINGTON		Peak	1
04/28/2015	5:11 PM	INCOMING		M2M Calling Peak	3
04/28/2015	3:21 PM	LAWRENCE		Peak	14
04/28/2015	2:29 PM	INCOMING		M2M Calling Peak	2
04/28/2015	1:50 PM	INCOMING		M2M Calling Peak	11
04/28/2015	11:01 AM	INCOMING		Peak	1
04/28/2015	10:42 AM	INCOMING		M2M Calling Peak	1
04/28/2015	10:08 AM	INCOMING		M2M Calling Peak	3
04/27/2015	7:56 PM	INCOMING		M2M Calling Peak	9
04/27/2015	4:33 PM	BOSTON		M2M Calling Peak	1
04/27/2015	4:26 PM	INCOMING		M2M Calling Peak	1
04/27/2015	3:50 PM	INCOMING		M2M Calling Peak	1
04/26/2015	5:13 PM	ARLINGTON		Off Peak	9
04/26/2015	2:26 PM	BOSTON		Off Peak	3
04/26/2015	1:22 PM	ARLINGTON		Off Peak	1
04/26/2015	1:13 PM	ARLINGTON		Off Peak	1
04/26/2015	12:41 PM	ARLINGTON		Off Peak	1
04/26/2015	12:17 PM	INCOMING		Off Peak	7
04/26/2015	11:23 AM	INCOMING		Off Peak	1
04/26/2015	11:21 AM	INCOMING		Off Peak	1
04/26/2015	9:56 AM	ARLINGTON		Off Peak	2
04/26/2015	9:48 AM	INCOMING		Off Peak	5
04/25/2015	4:49 PM	BOSTON		Off Peak	2
04/25/2015	11:29 AM	ARLINGTON		Off Peak	1
04/25/2015	11:16 AM	WROXBURY		Off Peak	2
04/25/2015	11:15 AM	EPPING		Off Peak	2
04/25/2015	9:53 AM	ARLINGTON		Off Peak	2
04/25/2015	9:22 AM	BOSTON		Off Peak	8
04/25/2015	9:19 AM	PAWTUCKET		Off Peak	2
04/24/2015	8:36 PM	WROXBURY		Peak	1
04/24/2015	7:58 PM	INCOMING	999-999-9999	Peak	25
04/24/2015	7:36 PM	INCOMING		Peak	1
04/24/2015	5:19 PM	INCOMING	999-999-9999	Peak	2
04/23/2015	7:20 PM	INCOMING		M2M Calling Peak	2
04/23/2015	6:25 PM	INCOMING		Peak	1
04/23/2015	5:57 PM	INCOMING		M2M Calling Peak	2
04/23/2015	5:23 PM	INCOMING		M2M Calling Peak	1
04/23/2015	3:51 PM	ARLINGTON		M2M Calling Peak	1
04/23/2015	12:57 PM	INCOMING		Peak	3
04/23/2015	12:50 PM	ARLINGTON		M2M Calling Peak	3
04/23/2015	11:14 AM	ARLINGTON		M2M Calling Peak	4
04/23/2015	11:09 AM	INCOMING		M2M Calling Peak	1
04/23/2015	10:18 AM	INCOMING		M2M Calling Peak	14
04/23/2015	9:27 AM	ARLINGTON		M2M Calling Peak	1
04/23/2015	8:20 AM	SOMERVILLE		Peak	2

Date	Time	Destination	Number	Call Type	Minutes
04/22/2015	6:19 PM	ARLINGTON		Peak	11
04/22/2015	12:02 PM	INCOMING		M2M Calling Peak	1
04/22/2015	11:44 AM	WASHINGTON		Peak	1
04/22/2015	7:47 AM	ARLINGTON		Peak	6
04/21/2015	6:19 PM	ARLINGTON		Peak	4
04/21/2015	2:43 PM	INCOMING		Peak	2
04/21/2015	11:38 AM	INCOMING		Peak	9
04/21/2015	11:34 AM	BOSTON		Peak	1
04/21/2015	11:33 AM	BOSTON		M2M Calling Peak	1
04/21/2015	11:32 AM	BOSTON		Peak	1
04/21/2015	11:22 AM	WASHINGTON		Peak	1
04/21/2015	9:00 AM	BOSTON		M2M Calling Peak	11
04/21/2015	7:39 AM	ARLINGTON		Peak	6
04/20/2015	8:48 PM	ARLINGTON		Peak	12
04/20/2015	8:42 PM	TOLL-FREE		Peak	2
04/20/2015	6:27 PM	ARLINGTON		Peak	4
04/20/2015	11:12 AM	WASHINGTON		Peak	2
04/20/2015	8:40 AM	INCOMING		Peak	11
04/20/2015	8:29 AM	ARLINGTON		Peak	2
04/19/2015	8:26 PM	ARLINGTON		Off Peak	20
04/19/2015	7:05 PM	ARLINGTON		Off Peak	1
04/19/2015	6:43 PM	ARLINGTON		Off Peak	1
04/19/2015	6:39 PM	ARLINGTON		Off Peak	1
04/19/2015	1:58 PM	ARLINGTON		Off Peak	1
04/19/2015	1:30 PM	INCOMING		Off Peak	1
04/19/2015	1:26 PM	ARLINGTON		Off Peak	1
04/19/2015	12:03 PM	BOSTON		Off Peak	8
04/19/2015	11:16 AM	TOLEDO		Off Peak	40
04/19/2015	10:57 AM	ARLINGTON		Off Peak	9
04/19/2015	10:03 AM	TOLL-FREE		Off Peak	5
04/19/2015	9:30 AM	ARLINGTON		Off Peak	1
04/18/2015	9:27 AM	ARLINGTON		Off Peak	3
04/17/2015	7:15 PM	INCOMING	999-999-9999	Peak	19
04/17/2015	6:12 PM	BOSTON		M2M Calling Peak	1
04/17/2015	6:12 PM	ARLINGTON		Peak	1
04/17/2015	6:07 PM	ARLINGTON		Peak	1
04/17/2015	2:03 PM	INCOMING		Peak	1
04/17/2015	9:21 AM	BOSTON		Peak	4
04/17/2015	8:01 AM	INCOMING		Peak	1

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#377 #366

REDACTED
FILED UNDER SEAL

BRISTOL, SS SUPERIOR COURT
FILED

MAY 28 2015

MARC J. SANTOS, ESQ.
CLERK/MAGISTRATE

BRISTOL, SS SUPERIOR COURT
FILED

JUL 15 2015

MARC J. SANTOS, ESQ.
CLERK/MAGISTRATE

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

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

COMMONWEALTH OF MASSACHUSETTS

v.

AARON HERNANDEZ

**MEMORANDUM OF LAW IN SUPPORT OF
DEFENDANT'S MOTION FOR POST-VERDICT INQUIRY
RESPECTING A JUROR'S EXPOSURE TO
SIGNIFICANT EXTRANEIOUS MATTER AND RELATED ISSUES**

I. STATEMENT OF RELEVANT FACTS.

The facts underlying the defendant's motion for a post-verdict inquiry are set forth in the accompanying *Affidavit of James L. Sultan*.

II. SUMMARY OF APPLICABLE LAW.

The defendant's right to be tried by an impartial jury based solely upon the evidence admitted in the courtroom is fundamental to our system of criminal justice. Both the Sixth Amendment to the United States Constitution and Article XII of the Massachusetts Declaration of Rights guarantee a criminal defendant the right to a trial by an impartial jury. *Duncan v. Louisiana*, 391 U.S. 145, 149

(1968); *Commonwealth v. Bresnahan*, 462 Mass. 761, 769 (2012). Moreover, Article XXIX of the Massachusetts Declaration of Rights guarantees “the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit.” That constitutional guarantee encompasses trial by jury. *Commonwealth v. Long*, 419 Mass. 798, 802 n.3 (1995); *Hall v. Thayer*, 105 Mass. 219, 223 (1870).

The exposure of one or more jurors to extraneous, prejudicial information unfiltered by the trial process undermines those fundamental constitutional rights and may invalidate the jury’s verdict. *Commonwealth v. Hunt*, 392 Mass. 28, 41 (1984). A defendant is “entitled to be tried by twelve, not nine or even ten (or eleven) impartial and unprejudiced jurors.” *Id.*, quoting *Parker v. Gladden*, 385 U.S. 363, 366 (1966). Accordingly, “[t]he presence of even one juror who is not impartial violates the defendant’s right to trial by an impartial jury.” *Commonwealth v. McCowen*, 458 Mass. 461, 494 (2010).

“Extraneous matter” for these purposes includes “information not part of the evidence at trial” which “raises a serious question of possible prejudice.” *Commonwealth v. Guisti*, 434 Mass. 245, 251 (2001); see also *Hunt*, 392 Mass. at 40; *Commonwealth v. Fidler*, 377 Mass. 192, 200 (1979). A party seeking a post-verdict inquiry by the Court into whether one or more jurors was exposed to extraneous matter must make a colorable showing, amounting to more than mere speculation, that such exposure may have occurred. *Guisti*, 434 Mass. at 251; *Commonwealth v. Dixon*, 395 Mass. 149, 151-152 (1985). In deciding whether to convene such a hearing, the Court should take into account the stringent limits imposed on unsupervised post-verdict contact between attorneys and jurors under the disciplinary rules. *Commonwealth v. Solis*, 407 Mass. 398, 404 (1990). Accordingly, “judges should be receptive to conducting an inquiry, once the defendant

demonstrates a basis for suspicion,” *id.*, and should “exercise discretion in favor of conducting an initial inquiry” in close cases. *Guisti*, 434 Mass. at 253; *Dixon*, 395 Mass. at 153. There are numerous cases where the Supreme Judicial Court has held that the trial court erred in refusing to hold a post-verdict inquiry into the jury’s alleged exposure to extraneous matter. *E.g. Guisti*, 434 Mass. at 253 (motion for inquiry should have been allowed); *Commonwealth v. Cuffie*, 414 Mass. 632, 636 (1993) (reversing judgment of conviction and ordering a new trial); *Solis*, 407 Mass. at 402 (affirming grant of a new trial); *Dixon*, 395 Mass. at 153 (remanding for additional inquiry); *Fidler*, 377 Mass. at 200-201 (remanding for additional inquiry).

Where a post-verdict inquiry is deemed appropriate, the burden rests upon the defendant to prove by a preponderance of the evidence that one or more members of the jury was, in fact, exposed to extraneous matter. *Commonwealth v. Kincaid*, 444 Mass. 381, 386 (2005) The defendant may rely on testimony by jurors to satisfy this burden. *Fidler*, 377 Mass. at 196. If the defendant makes such a showing, the burden shifts to the Commonwealth to demonstrate beyond a reasonable doubt that the defendant was not prejudiced by the jurors’ exposure to the extraneous matter. *Cuffie*, 414 Mass. at 637; *Fidler*, 377 Mass. at 201.

Although juror bias is not an extraneous matter as such, post-verdict inquiry on this subject may be appropriate as well where a colorable showing of juror bias which would undermine the defendant’s right to an impartial jury has been made. *See, e.g., Guisti*, 434 Mass. at 253. Jurors harboring either actual or implied juror bias may be revealed through the process of juror *voir dire*.

As the Supreme Court has explained:

Voir dire examination serves to protect th[is] right by exposing possible biases, both known and unknown, on the part of potential jurors. Demonstrated bias in the responses to questions on *voir dire*

may result in a juror being excused for cause; hints of bias not sufficient to warrant challenge for cause may assist parties in exercising their peremptory challenges. The necessity of truthful answers by prospective jurors if this process is to serve its purpose is obvious.

McDonough Power Equip., Inc. v. Greenwood, 464 U.S. 548, 554 (1984). See also *Commonwealth v. Emerson*, 430 Mass. 378, 384 (1999). Where a party alleges that a juror concealed bias by giving false answers during *voir dire*, "the crucial inquiry is whether the juror's answer was honest; that is, whether the juror was aware that the answer was false." *Commonwealth v. Amirault*, 399 Mass. 617, 626 (1987).

III. APPLICATION OF LAW TO FACTS.

Based upon the affidavit of counsel filed herewith, the defendant has clearly made a sufficient showing to require the convening of a post-verdict inquiry to determine whether a member of the jury that convicted the defendant was exposed to significant extraneous matter (the Boston murder charges against Hernandez) failed to reveal during *voir dire* and had an interest or bias in the case which failed to disclose. While the sole source of the information about this juror provided to the Court at this juncture is hearsay originating from an unidentified informant, the information is quite specific and clearly merits further inquiry. Moreover, given the ethical restrictions which preclude defense counsel from contacting the juror in question directly and the inability of counsel to trace the phone number of the informant absent a Court order or subpoena, the defendant has done all that he can to bring this significant information to the attention of the Court, and it is incumbent upon the Court to carry out further fact-finding in order to determine whether the defendant's state and federal constitutional rights were violated at trial.

Accordingly, the Court should convene an evidentiary inquiry as requested by the accompanying motion to investigate the factual allegations set forth in the affidavit of counsel.

Based upon what transpires, the taking of additional evidence may be necessary. Depending upon the outcome of the factual inquiry, the defendant may or may not have grounds to seek relief from the judgment of conviction via appropriate motion.

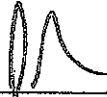
Respectfully submitted,

AARON HERNANDEZ

By his attorneys,



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John Hancock Tower
200 Clarendon Street, 20th Floor
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(617) 948-6000



James L. Sultan, BBO #488400
Charles W. Rankin, BBO #411780
Rankin & Sultan
151 Merrimac Street, Second Floor
Boston, MA 02114
(617) 720-0011

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the Commonwealth by e-mail and by mailing a copy thereof, US mail, postage prepaid, to: William McCauley, First Assistant District Attorney, Bristol County, 888 Purchase Street, New Bedford, MA 02740 on May 26, 2015.


James L. Sultan

BRISTOL, SS SUPERIOR COURT
FILED

MAY 28 2015

MARC J. SANTOS, ESQ.
CLERK/MAGISTRATE

#378 #367
REDACTED
FILED UNDER SEAL

BRISTOL, SS SUPERIOR COURT
FILED

JUL 15 2015

MARC J. SANTOS, ESQ.
CLERK/MAGISTRATE

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

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

COMMONWEALTH OF MASSACHUSETTS

v.

AARON HERNANDEZ

**DEFENDANT'S MOTION TO AUTHORIZE ISSUANCE OF
SUBPOENA TO ASCERTAIN SOURCE OF INFORMATION
PROVIDED TO COUNSEL**

Aaron Hernandez, defendant in the above-captioned criminal case, hereby moves this Court to authorize him to issue the subpoena attached hereto as *Exhibit 1*. As grounds therefore, defendant avers as follows:

1. As set forth in the accompanying *Affidavit of James L. Sultan*, defense counsel received several phone calls between April 16, 2015 and April 24, 2015, inclusive, from an individual purporting to have information regarding a deliberating juror's exposure to extraneous matter prior to trial and desire to be on the jury.

2. The informant called defense counsel's cell phone on four separate occasions. On each occasion, the caller ID came up as "blocked." The caller declined to provide her full, true name during those calls.
3. Undersigned counsel has obtained his cell phone records from Verizon and has spoken to representatives of Verizon regarding whether it is possible to retrieve the actual incoming phone numbers for these calls. The relevant records, appended hereto as *Exhibit 2*, report the incoming numbers as follows:

<u>Date</u>	<u>Time</u>	<u>Number</u>	<u>Duration</u>
4/16/15	7:51 p.m.	Unavailable	16 minutes
4/17/15	7:15 p.m.	999-999-9999	19 minutes
4/24/15	5:19 p.m.	999-999-9999	2 minutes
4/24/15	7:58 p.m.	999-999-9999	25 minutes

4. According to Verizon, they are able to retrieve "restricted" or "blocked" numbers in the vast majority of cases within one year of the date of the calls at issue. However, Verizon will not provide that information to its subscribers in the absence of a subpoena or court order. Accordingly, the subpoena requested herein is needed if this information is to be obtained.
5. It is in the interests of justice that the source of the information set forth in the *Affidavit of James L. Sultan* be identified, if possible, so that the source can be summoned to testified before the Court at a post-verdict inquiry. Once the subpoena has been complied with, it should be possible for the parties (or the Court) to identify the individual at issue and summons her to testify at a hearing, if the Court should

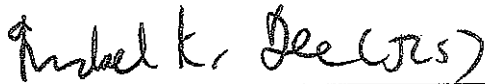
order that such a hearing be convened.

WHEREFORE, the defendant requests that the Court authorize him to issue the subpoena attached hereto or, in the alternative, that the Court should issue its own subpoena or order for said records.

Respectfully submitted,

AARON HERNANDEZ

By his attorneys,



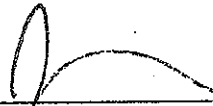
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James L. Sultan, BBO #488400
Charles W. Rankin, BBO #411780
Rankin & Sultan
151 Merrimac Street, Second Floor
Boston, MA 02114
(617) 720-0011

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the Commonwealth by e-mail and by mailing a copy thereof, US mail, postage prepaid, to: William McCauley, First Assistant District Attorney, Bristol County, 888 Purchase Street, New Bedford, MA 02740 on May 26, 2015.



James L. Sultan

Commonwealth of Massachusetts

BRISTOL, ss.

To: Verizon Wireless
Attn: Custodian of Records
180 Washington Valley Road
Bedminster, NJ 07921
FAX (888) 667-0028

Greetings. You are hereby commanded, in the name of the Commonwealth of Massachusetts and at the request of the defendant, to submit the following records to the Office of the Clerk, Attn: Mark A. Ferriera, Assistant Clerk, Bristol County Superior Court, 186 South Main Street, Fall River, Massachusetts 02720 relating to the case of Commonwealth of Massachusetts, Plaintiff, and Aaron Hernandez, Defendant, Bristol County Superior Court Criminal #2013-0983.

On or before June 5, 2015 with respect to Verizon Wireless Account #

provide the following:

- a. The originating telephone numbers of the following incoming calls made to Cell Phone _____ between April 16, 2015 and April 24, 2015, inclusive, including, but not limited to, incoming calls where the Caller ID was restricted or blocked by the originator of the telephone call.

<u>Date</u>	<u>Time</u>	<u>Number</u>
4/16/15	7:51 p.m.	Unavailable
4/17/15	7:15 p.m.	999-999-9999
4/24/15	5:19 p.m.	999-999-9999
4/24/15	7:58 p.m.	999-999-9999

- b. Subscriber information regarding each of the originating telephone numbers for the above-described calls.

Hereof fail not, as you will answer your default under the pains and penalties the law in that behalf made and provided.

Dated at Boston the ____ day of _____ 2015.

Notary Public or Justice of the Peace

My commission expires: _____

Upon receipt, please contact Attorney James L. Sultan, Rankin & Sultan, 151 Merrimac Street, Second Floor, Boston, MA 02114, telephone (617) 720-0011.

My Bill Account #:

[VIEW CURRENT USAGE](#) | [ADD TEXT / EMAIL ALERTS](#) | [VIEW PAYMENT HISTORY](#) | [VIEW DOCUMENTS AND RECEIPTS](#)

Balance Since Last Statement: **\$0.00**

We are compiling your **May 16** statement, which will be available by **May 22**. The balance shown here and bill details reflect your **Apr 16** statement minus any payments.

[VIEW OR SAVE PRINTABLE BILL](#)

Due by: **May 11, 2015**


Last Payment of \$263.54 (Received 05/05/15)


March 17, 2015 - April 16, 2015


Monthly bills are available for up to 18 months.

Please remember to save a PDF copy of your bill if you need to keep a permanent record. You may also contact Customer Service for a bill reprint and incur a \$5 charge.

This information is directly taken from your Verizon Wireless bill as of the date selected. It only reflects activity on your account from the bill period displayed.

 We are compiling your **May 16** statement, which will be available by **May 22**. The balance shown here reflect your **Apr 16** statement minus any payments you've made. Please note that Customer Service will be able to retrieve your **May 16** statement when the information is available here in My Verizon.

 **A change to your account has occurred during your March 17, 2015 - April 16, 2015 billing period**

As a result of the service change, your total amount due may be different than you anticipated because of prorated charges for the partial month during which certain services were active. Such service changes could include feature or plan changes, adding a line of service, or restoring service following a suspension. Click on the  found on the Bill Summary and Charges by Line tabs for more information.

BILL SUMMARY

CHARGES BY LINE

Bill Period: March 17, 2015 - April 16, 2015

SHARED USAGE

Details for: _____

VOICE MESSAGING & ROAMING

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EXHIBIT 2

Total Voice Usage Charges: \$0.00

Viewing 301 to 316 of 316 results.

[View Additional Call Detail](#)

Date	Time	Number	Minutes	Rate	Airtime Charge
4/14	9:49 AM		1	Peak --	
4/14	12:01 PM		6	Peak --	
4/14	5:26 PM		3	Peak --	
4/14	6:23 PM		1	Peak --	
4/15	3:01 PM		5	Peak --	
4/15	3:44 PM		1	Peak --	
4/15	4:13 PM		6	Peak --	
4/15	4:24 PM		1	Peak --	
4/16	9:03 AM		1	Peak --	

<u>Date</u>	<u>Time</u>	<u>Number</u>	<u>Minutes</u>	<u>Rate</u>	<u>Airtime Charge</u>
4/16	9:52 AM		2	Peak --	
4/16	9:57 AM		1	Peak --	
4/16	5:33 PM		7	Peak --	
4/16	5:54 PM		1	Peak --	
4/16	7:27 PM		2	Peak --	
4/16	7:51 PM	<u>Unavailable</u>	16	Peak --	
4/16	8:45 PM		1	Peak --	

Viewing 301 to 316 of 316 results.

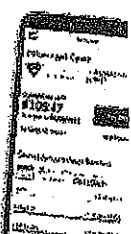
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- I Want To
- Type what you would like to
- Related Actions example "view my bill"
- [Analyze Usage](#)
 - [Block Services](#)
 - [Manage Products & Apps](#)
 - [Change Plan](#)
 - [Manage Paperless Billing](#)
 - [Pay Bill](#)
 - [Account Analysis](#)
 - [Set Up Auto Pay](#)

THE NEWLY REDESIGNED MY VERIZON MOBILE APP


It's the most convenient way to manage your account.



[Download the App](#)

Go Paperless!

Reduce clutter, access your bill online and help save the environment.



[Enroll Today](#)

My Usage

Usage shown below reflects the current Billing Cycle (04/17/2015 - 05/16/2015)


[View Usage from a Past Billing Cycle >](#)

★★★★★ [Review Our Network](#)

Select from your devices



All Lines



James L. Sultan ...

OVERVIEW | DATA | **MINUTES** | MESSAGES

MORE EVERY UNL TLK&TXT 12GB

Includes

Minutes

Shared by all lines

UNLIMITED

1247 used

Usage is estimated

Unlimited Minutes left
[Manage Global Usage Details](#)

Breakdown by Usage Type

	Peak	Off Peak	M2M	Weekend	Total Minutes
	17	58	35	0	110
	383	139	29	0	551
	244	217	125	0	586
Total by Type	644	414	189	0	1247

Current Call Log for Line: 787

[Download to Spreadsheet](#)

[View Less](#)

Date	Time	Destination	Number	Call Type	Minutes
05/12/2015	12:40 PM	--			2
05/12/2015	8:36 AM	--			1
05/11/2015	5:11 PM	BOSTON		M2M Calling Peak	1
05/11/2015	4:00 PM	INCOMING		M2M Calling Peak	1
05/11/2015	3:13 PM	ARLINGTON		M2M Calling Peak	1
05/10/2015	6:38 PM	INCOMING		Off Peak	4
05/10/2015	6:35 PM	ARLINGTON		Off Peak	1
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05/10/2015	2:19 PM	INCOMING		Off Peak	1
05/10/2015	2:13 PM	SO BOSTON		Off Peak	1
05/10/2015	2:08 PM	BOSTON		Off Peak	3
05/10/2015	1:59 PM	INCOMING		Off Peak	1
05/10/2015	1:48 PM	HARTFORD		Off Peak	2

Date	Time	Destination	Number	Call Type	Minutes
04/28/2015	6:48 PM	MALDEN		Peak	4
04/28/2015	6:40 PM	ARLINGTON		Peak	8
04/28/2015	6:33 PM	MALDEN		Peak	7
04/28/2015	6:32 PM	INCOMING		Peak	1
04/28/2015	5:38 PM	INCOMING		Peak	19
04/28/2015	5:19 PM	ARLINGTON		Peak	1
04/28/2015	5:11 PM	INCOMING		M2M Calling Peak	3
04/28/2015	3:21 PM	LAWRENCE		Peak	14
04/28/2015	2:29 PM	INCOMING		M2M Calling Peak	2
04/28/2015	1:50 PM	INCOMING		M2M Calling Peak	11
04/28/2015	11:01 AM	INCOMING		Peak	1
04/28/2015	10:42 AM	INCOMING		M2M Calling Peak	1
04/28/2015	10:08 AM	INCOMING		M2M Calling Peak	3
04/27/2015	7:56 PM	INCOMING		M2M Calling Peak	9
04/27/2015	4:33 PM	BOSTON		M2M Calling Peak	1
04/27/2015	4:26 PM	INCOMING		M2M Calling Peak	1
04/27/2015	3:50 PM	INCOMING		M2M Calling Peak	1
04/26/2015	5:13 PM	ARLINGTON		Off Peak	9
04/26/2015	2:26 PM	BOSTON		Off Peak	3
04/26/2015	1:22 PM	ARLINGTON		Off Peak	1
04/26/2015	1:13 PM	ARLINGTON		Off Peak	1
04/26/2015	12:41 PM	ARLINGTON		Off Peak	1
04/26/2015	12:17 PM	INCOMING		Off Peak	7
04/26/2015	11:23 AM	INCOMING		Off Peak	1
04/26/2015	11:21 AM	INCOMING		Off Peak	1
04/26/2015	9:56 AM	ARLINGTON		Off Peak	2
04/26/2015	9:48 AM	INCOMING		Off Peak	5
04/25/2015	4:49 PM	BOSTON		Off Peak	2
04/25/2015	11:29 AM	ARLINGTON		Off Peak	1
04/25/2015	11:16 AM	WROXBURY		Off Peak	2
04/25/2015	11:15 AM	EPPING		Off Peak	2
04/25/2015	9:53 AM	ARLINGTON		Off Peak	2
04/25/2015	9:22 AM	BOSTON		Off Peak	8
04/25/2015	9:19 AM	PAWTUCKET		Off Peak	2
04/24/2015	8:36 PM	WROXBURY		Peak	1
04/24/2015	7:58 PM	INCOMING	999-999-9999	Peak	25
04/24/2015	7:36 PM	INCOMING		Peak	1
04/24/2015	5:19 PM	INCOMING	999-999-9999	Peak	2
04/23/2015	7:20 PM	INCOMING		M2M Calling Peak	2
04/23/2015	6:25 PM	INCOMING		Peak	1
04/23/2015	5:57 PM	INCOMING		M2M Calling Peak	2
04/23/2015	5:23 PM	INCOMING		M2M Calling Peak	1
04/23/2015	3:51 PM	ARLINGTON		M2M Calling Peak	1
04/23/2015	12:57 PM	INCOMING		Peak	3
04/23/2015	12:50 PM	ARLINGTON		M2M Calling Peak	3
04/23/2015	11:14 AM	ARLINGTON		M2M Calling Peak	4
04/23/2015	11:09 AM	INCOMING		M2M Calling Peak	1
04/23/2015	10:18 AM	INCOMING		M2M Calling Peak	14
04/23/2015	9:27 AM	ARLINGTON		M2M Calling Peak	1
04/23/2015	8:20 AM	SOMERVILLE		Peak	2

Date	Time	Destination	Number	Call Type	Minutes
04/22/2015	6:19 PM	ARLINGTON		Peak	11
04/22/2015	12:02 PM	INCOMING		M2M Calling Peak	1
04/22/2015	11:44 AM	WASHINGTON		Peak	1
04/22/2015	7:47 AM	ARLINGTON		Peak	6
04/21/2015	8:19 PM	ARLINGTON		Peak	4
04/21/2015	2:43 PM	INCOMING		Peak	2
04/21/2015	11:38 AM	INCOMING		Peak	9
04/21/2015	11:34 AM	BOSTON		Peak	1
04/21/2015	11:33 AM	BOSTON		M2M Calling Peak	1
04/21/2015	11:32 AM	BOSTON		Peak	1
04/21/2015	11:22 AM	WASHINGTON		Peak	1
04/21/2015	9:00 AM	BOSTON		M2M Calling Peak	11
04/21/2015	7:39 AM	ARLINGTON		Peak	6
04/20/2015	8:48 PM	ARLINGTON		Peak	12
04/20/2015	8:42 PM	TOLL-FREE		Peak	2
04/20/2015	6:27 PM	ARLINGTON		Peak	4
04/20/2015	11:12 AM	WASHINGTON		Peak	2
04/20/2015	8:40 AM	INCOMING		Peak	11
04/20/2015	8:29 AM	ARLINGTON		Peak	2
04/19/2015	8:26 PM	ARLINGTON		Off Peak	20
04/19/2015	7:05 PM	ARLINGTON		Off Peak	1
04/19/2015	6:43 PM	ARLINGTON		Off Peak	1
04/19/2015	6:39 PM	ARLINGTON		Off Peak	1
04/19/2015	1:58 PM	ARLINGTON		Off Peak	1
04/19/2015	1:30 PM	INCOMING		Off Peak	1
04/19/2015	1:26 PM	ARLINGTON		Off Peak	1
04/19/2015	12:03 PM	BOSTON		Off Peak	8
04/19/2015	11:16 AM	TOLEDO		Off Peak	40
04/19/2015	10:57 AM	ARLINGTON		Off Peak	9
04/19/2015	10:03 AM	TOLL-FREE		Off Peak	5
04/19/2015	9:30 AM	ARLINGTON		Off Peak	1
04/18/2015	9:27 AM	ARLINGTON		Off Peak	3
04/17/2015	7:15 PM	INCOMING	999-999-9999	Peak	19
04/17/2015	6:12 PM	BOSTON		M2M Calling Peak	1
04/17/2015	6:12 PM	ARLINGTON		Peak	1
04/17/2015	6:07 PM	ARLINGTON		Peak	1
04/17/2015	2:03 PM	INCOMING		Peak	1
04/17/2015	9:21 AM	BOSTON		Peak	4
04/17/2015	8:01 AM	INCOMING		Peak	1

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