

#213

~~FEB 04 2015~~

~~COMMONWEALTH OF MASSACHUSETTS~~

~~MAR~~ BRISTOL, SS.
CLERK/MAGISTRATE

SUPERIOR COURT
CRIMINAL ACTION NO.
BRCR2013-00983

COMMONWEALTH

vs.

AARON HERNANDEZ

IMPOUNDMENT ORDER

The hearing into whether a sitting juror should be excused was closed to the public at the request of the parties and after findings by the court. See, e.g., United States v. Edwards, 823 F.2d 111, 117 (5th Cir. 1987) ("Experience and logic do indeed provide the reasons why midtrial proceedings involving the questioning of jurors have traditionally been closed to the public: holding such proceedings in open court would itself introduce an element of bias and would substantially raise the risk of destroying the effectiveness of the jury."), cert. denied, 485 U.S. 934 (1988).

The Commonwealth's motion to impound the transcript of the closed hearing is allowed. The court finds there to be a substantial interest in maintaining an impartial jury and that the release of the transcript of the closed proceeding before the jury has rendered a verdict will increase the difficulty in insulating jurors not only from media reports but also from remarks volunteered by others. Id. at 119. The impoundment order (except as to the name of the juror, work place, and personal address of a witness) will end once the jury renders its verdict.



E. Susan Garsh
Justice of the Superior Court

DATED: February 4, 2015