

#304

BRISTOL, SS SUPERIOR COURT  
FILED

MAR 18 2015

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

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

MARC J. SANTOS, ESQ.  
CLERK/MAGISTRATE

COMMONWEALTH OF MASSACHUSETTS

v.

AARON HERNANDEZ

**DEFENDANT'S MOTION *IN LIMINE* TO  
EXCLUDE EVIDENCE OF JAIL  
TELEPHONE CONVERSATIONS  
RECORDED BY THE COMMONWEALTH**

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, Article XII of the Massachusetts Declaration of Rights, and the Massachusetts common law of evidence, to exclude recordings and transcripts of telephone conversations of two individuals, as well as Hernandez, that were recorded on jail telephones and furnished to the Commonwealth. The transcripts that are the subject of this motion have been identified by the Commonwealth as evidence it intends to use in this case.<sup>1</sup> The telephone calls

<sup>1</sup> The conversations sought to be introduced by the Commonwealth have been transcribed. The transcripts provided to Hernandez, however, consist in many instances of only excerpts, snippets reflecting parts of what appear to be longer conversations. While Hernandez maintains through the instant motion that none of these conversations constitutes admissible evidence, should any of these excerpts survive the Court's action on this Motion, Hernandez reserves the right to insist that the conversations in their entirety be available to ensure that the selected excerpts may be evaluated fully and in context under the doctrine of verbal completeness. See generally, *Commonwealth v. Watson*, 377 Mass. 814, 824-834 (1979).

are irrelevant, prejudicial, and constitute inadmissible hearsay that does not fall within any relevant hearsay exception. As grounds therefore, Hernandez states as follows:

1. The Commonwealth seeks to enter into evidence recorded conversations between Hernandez and other parties, including his cousin Tanya Singleton, another cousin (and Tanya's sister) Jennifer Mercado, his fiancée Shayanna Jenkins, and his friend from college, Michael Pouncey. Hernandez's conversations are summarized individually below and copies of the transcripts of Hernandez's conversations are attached to the Affidavit of Michael K. Fee, filed with this Motion.

2. Separately, the Commonwealth also seeks to introduce conversations of Hernandez's cousin, Tanya Singleton, with other parties – including Singleton's sister, Jennifer Mercado – made while Singleton herself was in custody. In at least some of these conversations, Mercado seems to be reading aloud to Singleton the contents of a letter written by Hernandez and putatively intended for Singleton.

3. In addition, the Commonwealth also seeks to offer as evidence conversations recorded between Ernest Wallace and other parties – principally Tanya Singleton – while he was being held in custody.

4. All of Hernandez's conversations were recorded during telephone calls made from the Bristol County Jail following Hernandez's arrest.

5. All of Singleton's conversations were recorded during telephone calls made from jail while she was being held in custody for civil contempt.

6. All of Wallace's conversations were recorded during telephone calls made from the Plymouth County Jail while he was being held following his arrest.

## DISCUSSION

7. The conversations the Commonwealth seeks to introduce are irrelevant, prejudicial, and contain hearsay. Any statements made by Hernandez in the course of his conversations with family and friends captured by the telephone recordings must be relevant to qualify as an admissible party admission. Statements made by Hernandez's conversation partners on the telephone recordings are hearsay and cannot be admitted for their truth. Statements made by Singleton during her conversations with family and friends throughout recorded telephone calls are inadmissible hearsay. Finally, statements made by Wallace during his conversations with Singleton and others are also inadmissible hearsay.

### A. Hernandez's Statements Should Not Be Admitted Into Evidence

8. Out-of-court statements made by Hernandez – the defendant on trial – may be admissible as admissions of a party-opponent. *Commonwealth v. Mendes*, 441 Mass. 459, 467 (2004), citing *Commonwealth v. Marshall*, 434 Mass. 355, 365 (2001). See also *Mass. Guide to Evidence* § 801(d)(2)(A). The mere fact, however, that a statement is made by a party does not alone justify its admission at trial. The Supreme Judicial Court has held that “[a]n admission in a criminal case is a statement by the accused, direct or implied, of facts pertinent to the issue, which although insufficient in itself to warrant a conviction tends in connection with proof of other facts to establish his guilt.” *Commonwealth v. DiMonte*, 427 Mass. 233, 243 (1998); *Commonwealth v. Lewin* (No. 2), 407 Mass. 629, 631 (1990) quoting *Commonwealth v. Bonomi*,

335 Mass. 327, 347 (1957). Therefore, in order to be admissible, Hernandez's statements must be probative of an element of the offense charged and the probative value of the statements must not be substantially outweighed by the danger of prejudice. *DiMonte*, 427 Mass. at 243.

9. In a case like this one, where much of the recorded jail house phone dialogue between defendant and third parties was indecipherable, irrelevant, and subject to varying interpretations, the Supreme Judicial Court recently affirmed a decision to exclude the majority of the recorded conversations because they were "not relevant, were more prejudicial than probative, or should be introduced at trial, if at all, through the direct testimony of the person purportedly making the statement rather than through hearsay reports by others." *Commonwealth v. Spencer*, 465 Mass. 32, 33, 53-54 (2013).

10. Here, Hernandez's statements over the telephone consist of little more than innocuous remarks to friends and family, statements of assurance that he loves his terminally-ill cousin Tanya and her family, is thinking of them, and will do what he can to endure his detention and impending trial; he promises as well as try to mitigate the stresses of Singleton's own detention by attempting to facilitate contributions to her jail canteen account and defray the costs of school-related supplies for her children. Aside from establishing that Hernandez is a compassionate cousin, his statements to Singleton are not pertinent to any issue in this case. In short, the statements are not relevant and are thus not admissible as party admissions. The specific statements of Hernandez are summarized below. Transcripts of the conversations that were supplied by the Commonwealth are attached to the Affidavit of Michael K. Fee as Exhibits 1 through 23.

11. Hernandez's conversations consist of the following:

Recording No. 1 (Exhibit 1), between Hernandez and Singleton, consists of four lines of dialogue and begins with Hernandez repeating essentially what all callers are told when they begin speaking over the phone to a detainee: "Hey, what you say. The phone is recorded. What you up to?" He later says, "Just talk to me about what you up to and that's it." As discussed above, these statements, though made by the defendant, are not pertinent to any issue in the case and are thus inadmissible.

Recording No. 2 (Exhibit 2) is another four-line conversation in which Hernandez, in response to his cousin's announced intention to send him a card and a letter, simply says, "Watch what you write. They read that shit." There is no reference to the content of any planned correspondence or hint of any fact linking the conversation to the case at bar.

Recording No. 3 (Exhibit 3) is one of those conversations between Hernandez and his terminally-ill cousin in which he repeatedly expresses his love for her and says at one point: "Yeah, and – and I'll also help you out with that, too. Obviously, don't say nothing, but I love you." On its face, the conversation is innocuous. There is no indication of what "that" is. Hernandez could be referring to any number of intra-familial interactions. Moreover, in context, the reference to "don't say nothing" refers to the help that Hernandez is offering his cousin: nothing more. If admitted, the conversation would likely confuse a jury and lead to baseless speculation.

Recording No. 4 (Exhibit 4) is nothing more than an expression of love and absence: "I miss – I miss my – I miss my uncle." To which Ms. Singleton responds: "He misses you too." The conversation is not pertinent to any issue in this case and thus inadmissible.

Recording No. 5 (Exhibit 5) is between Hernandez and an unidentified woman, whom it is assumed the Commonwealth will allege is his terminally-ill cousin, Ms. Singleton. In the conversation, Hernandez speaks of helping to support two children by setting aside some money that could grow over time. This Court is familiar with the challenges Ms. Singleton is confronting due to her diagnosis of terminal breast cancer. Again, the risk of unwarranted speculation arising from this conversation is high and relevance is non-existent.

In Recording No. 6 (Exhibit 6) Hernandez speaks to Singleton about seeing someone – "...that little kid that I used to chill with when I was younger, the black dude" -- after he is released from jail. Specifically, Hernandez states: "Yeah. I just – I can't wait to go see him when I – when I get out of jail." There is no indication of the identity of the person whom Hernandez wants to visit when he gets out of jail, or how these statements could possibly be relevant to this case.

In Recording No. 7 (Exhibit 7) from July 23, 2013, Hernandez gives Ms. Singleton the phone number for his longtime friend Mike Pouncey and repeatedly states what a good friend Pouncey is and asks her, "You saw what Pouncey did for me?" Only nine days before this conversation was recorded, professional football players Mike and Maurkice Pouncey had gained widespread media attention for wearing in public hats with the emblazoned message, "Free Hernandez." See "Maurkice Pouncey Apologizes for Hat," an article that appeared on the website, ESPN.com. (Copy Attached as Exhibit 7A). Again, the relevance of these statements is non-existent.

Recording No. 8 (Exhibit 8) is another expression of love. Singleton conveys love from someone: "And you remember dark night?" "He says he loves you and misses you" to which Hernandez responds; "yeah, yeah definitely, definitely." Again, the relevance of Hernandez's statements to any issue in this case is not at all apparent.

In Recording No. 9 (Exhibit 9), Hernandez apparently suggests that Ms. Singleton obtain and use a cell phone with a number in the 617 area code so her calls from jail – which are made collect -- cost less. This brief conversation is irrelevant and inadmissible.

Recording No. 10 (Exhibit 10) is a call between an unidentified 'woman' and an unidentified man – context would suggest Mr. Hernandez – about the disposition of a vehicle and a television. Once again, this is an innocuous conversation not pertinent to any issue in this case.

Recording No. 11 (Exhibit 11) is a conversation between Hernandez and Shayanna Jenkins on August 1, 2013 in which Ms. Jenkins informs Hernandez that Tanya Singleton is now in jail. Mr. Hernandez's statement in this conversation does not have evidentiary value.

Recording No. 12 (Exhibit 12) is another discussion between Hernandez and Ms. Jenkins in which they discuss, among other irrelevant topics, their speculation about how long Ms. Singleton will be held in jail. Hernandez's statements are not relevant.

Recording No. 13 (Exhibit 13) is perhaps the apogee – or more appropriately, the nadir -- of non-relevance. In this two line conversation between Hernandez and Ms. Jenkins, Hernandez says: "the only good thing about Tanya being locked up is she's going to lose weight," to which Ms. Jenkins responds, "Shut up."

Recording No. 14 (Exhibit 14) is another innocuous conversation between Hernandez and his mother about Ms. Singleton's detention. In the conversation, Hernandez discusses his views of how long Ms. Singleton might be in jail.

Recording No. 15 (Exhibit 15) is part of a recorded conversation between Hernandez and his friend Mike Pouncey in which they discuss Ms. Singleton's detention. At one point, Hernandez says, "Yeah, for nothing man. She's a little innocent, a little innocent lady man." Like the other recordings discussed in this motion, Hernandez's statements are not pertinent to any fact in dispute in this case.

Recording No. 16 (Exhibit 16) is another conversation between Hernandez and Ms. Jenkins in which Hernandez makes the observation that his cousin "has no money in jail" and he asks Ms. Jenkins to put "a little bit of money" in her canteen account at jail to help her out. This discussion of family matters has no relevance to the case now being tried.

Recording No. 17 (Exhibit 17) is a conversation in which Hernandez tells Ms. Jenkins that he loves Ms. Singleton and asks Ms. Jenkins to convey his feelings to Ms. Singleton, with whom he can no longer communicate. Hernandez's statements are nothing more than expressions of love for a relative and have no relevance.

Recording No. 18 (Exhibit 18) is a conversation between Hernandez and Jennifer Mercado. Mercado states that she has heard Ms. Singleton has no money in jail and Hernandez states that he has asked his agent to send Ms. Singleton \$500 for her canteen account and for "stuff" for Ms. Singleton's young boys. Again, the conversation about the financial plight of a family member and her children has no relevance in the instant case.

In Recording No. 19 (Exhibit 19), Hernandez and Ms. Mercado discuss an unidentified third party ("ol boy") and Hernandez says, "Yeah, tell him I love him. I love him all the way." Conveying love to an unidentified individual hardly seems relevant.

Recording No. 20 (Exhibit 20) is another conversation between Hernandez and Mike Pouncey. In the conversation, both say they miss Ernest Wallace and discuss what they have heard about him. Again, Hernandez's statements, made in October 2013, are not relevant to any issue relating to a homicide that occurred four months earlier.

Recording No. 21 (Exhibit 21) is a fragment of a conversation between Hernandez and Ms. Jenkins that is unintelligible. Hernandez's statements about writing a letter to someone and possibly calling him are simply not understandable. The statements by Hernandez are not relevant and should not be admitted.

Recording No. 22 (Exhibit 22) reflects a conversation between Hernandez and Ms. Jenkins on Christmas Day 2013 in which Hernandez asks if his clothes are still at their house. The conversation reflects nothing more than the strain of

involuntary absence from a shared household and appears to be emotional and above all, not relevant to any issue in the case.

Recording No. 23 (Exhibit 23) is a conversation about returning a rented television. The transcript states it is a conversation between a "Man Voice" and "Woman Voice." Once again, the relevance of these statements is simply non-existent.

**B. Statements Made By Hernandez's Conversation Partners Are Hearsay**

12. Even if Hernandez's statements are admissible as relevant party admissions, and even if the Court finds that the probative nature of the statements is not outweighed by their prejudicial effect, statements made by any other individual in conversations with the defendant remain hearsay. See *Commonwealth v. Deane*, 458 Mass. 43, 54 (2010) (recognizing that the defendant's conversation partners' statements on admitted jail house telephone calls were hearsay). Hearsay is "generally inadmissible unless it falls within an exception to the hearsay rule." *Commonwealth v. Rice*, 441 Mass. 291, 305 (2004). If the recorded conversations are played for the jury, it is incumbent upon the Court to restrict the admissibility of the conversation partner's statements by providing a limiting instruction explaining that the statements are only admissible as context for the defendant's statements, and not for their truth. *Commonwealth v. Deane*, 451 Mass at 54 (stating that a limiting instruction is "an appropriate way to deal with the hearsay issues" presented by the admission of recorded phone conversations).

**C. Singleton's Conversations are Inadmissible Hearsay**

13. Tanya Singleton is not a party in the instant case. She is not a codefendant and she is not alleged to be a co-venturer. Accordingly, any statement made by Singleton and her conversation partners during calls that were recorded while she was in jail are inadmissible hearsay. Eg. *Commonwealth v. Pope*, 397 Mass. 275, 282 (1986) (expressly holding that Massachusetts,



unlike the Federal Rules of Evidence, does not recognize a residual “catchall” exception when there are other circumstantial indicia of reliability.) As a result, the statements should be excluded from evidence in their entirety.

**D. Wallace’s Statements are Inadmissible Hearsay**

14. Similarly, statements of Wallace made on a recorded telephone line at Plymouth County Jail are inadmissible against Hernandez in this case. The Commonwealth may claim that all of Wallace’s statements are admissible under an exception to the hearsay rule for statements of coconspirators or joint venturers. See e.g., *Commonwealth v. Bongarzone*, 390 Mass. 326, 340 (1983); *Mass. Guide to Evidence* (2014) § 801(d)(2)(E). To prevail with this argument, however, the Commonwealth must first show that a criminal joint venture existed between the declarant and the defendant, as shown by a preponderance of admissible evidence. *Commonwealth v. Silanskas*, 433 Mass. 678, 692-693 (2001). The Commonwealth has not established this indispensable foundation.

15. Even if the Commonwealth can establish the requisite foundation for the joint venture exception, the inquiry is not complete. Under well-established case law, the hearsay exception for statements made by alleged joint venturers is limited. The Supreme Judicial Court has held that for statements made by joint venturers to be admissible under the exception to the hearsay rule, the statements sought to be introduced must have been made during the pendency of the joint venture *and* to further its goals. *Bongarzone*, 390 Mass. at 340, 343 (“Unless the statements [during the joint venture] further a common objective, the community of interests, which is thought to assure that the statements which coventurers make about one another are reliable, is absent.”) Importantly, the Supreme Judicial Court has held that this exception “does not apply

after the criminal enterprise has ended, as where a joint venturer has been apprehended and imprisoned.” *Commonwealth v. Colon-Cruz*, 408 Mass. 533, 543 (1990).

16. Moreover, the Supreme Judicial Court has repeatedly held that a criminal venture is ended by the apprehension of a co-venturer, rendering any post-arrest statement by a declarant inadmissible hearsay against a defendant. See, e.g., *Commonwealth v. Angiulo*, 415 Mass. 502, 519-520 (1993) (stating that the incarceration or apprehension of a declarant constitutes circumstances allowing Court to say that joint venture had terminated). *Commonwealth v. Drew*, 397 Mass. 65, 71 (1986) (holding that a conspirator-declarant’s statement did not fall within the hearsay exception because it was made while declarant and defendant were imprisoned. The Supreme Judicial Court expressly reiterated its holding on this issue in 2012, declaring flatly that, “[w]e have said that, once a joint venturer has been apprehended, the criminal enterprise has ended.” *Commonwealth v. Santos*, 463 Mass. 273, 294 (2012) (emphasis added) (ruling that trial judge had committed error by concluding coconspirator’s statement was admissible against the defendant when coconspirator-declarant made the statement after defendant had been arrested). Because all of the statements made by Wallace on a recorded jail phone line were made after his apprehension and detention, the statements are inadmissible hearsay.

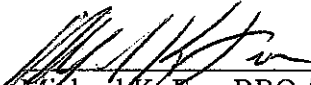
## CONCLUSION

For all the foregoing reasons, the Court should rule the recorded telephone conversations (an transcripts) identified by the Commonwealth as evidence it intends to offer to be inadmissible.

Respectfully submitted,

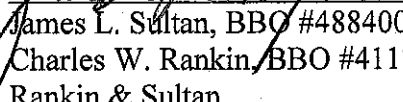
**AARON HERNANDEZ**

By his attorneys,



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Michael K. Fee, BBO #544541  
Latham & Watkins, LLP  
John Hancock Tower  
200 Clarendon Street, 20<sup>th</sup> Floor  
Boston, MA 02116  
(617) 948-6000

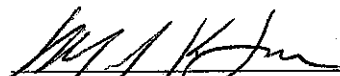


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James L. Sultan, BBO #488400  
Charles W. Rankin, BBO #411780  
Rankin & Sultan  
51 Merrimac Street, Second Floor  
Boston, MA 02114  
(617) 720-0011

## CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document and accompanying exhibits upon the Commonwealth by delivering a copy thereof in hand to William McCauley, Esq., First Assistant District Attorney, Bristol County on March 18, 2015.



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Michael K. Fee

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CRIMINAL #2013-00983

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COMMONWEALTH OF MASSACHUSETTS

v.

AARON HERNANDEZ

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**AFFIDAVIT OF MICHAEL K. FEE IN SUPPORT OF DEFENDANT'S  
MOTION *IN LIMINE* TO EXCLUDE EVIDENCE OF  
JAIL TELEPHONE CONVERSATIONS**

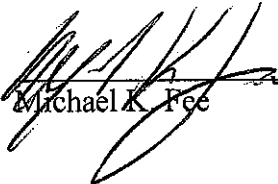
Michael K. Fee, being duly sworn according to law, hereby says and deposes as follows:

1. I am a member in good standing of the Bar of the Supreme Judicial Court of Massachusetts and co-counsel for the Defendant in the above-captioned criminal case. I make this affidavit based upon personal knowledge and documents obtained by me, as noted herein.
2. The Commonwealth has provided to Defendant transcripts of recorded telephone conversations it has identified as evidence it intends to introduce at trial in this matter. The transcripts the Commonwealth has provided to the Defendant appear to be conversations between Defendant and other parties -- conducted while Defendant was in jail; conversations between Defendant's cousin, Tanya Singleton, and other parties -- conducted while Singleton was in jail; and conversations between Ernest Wallace and other parties -- conducted while Wallace was in jail.
3. As shown in the accompanying motion *in limine*, these conversations are inadmissible hearsay, not satisfying any recognized exception to the hearsay rules under Massachusetts law. For the convenience of the Court, transcripts of 23 conversations to which the Defendant is a party are attached to this Affidavit.
4. Attached as Exhibit 1 is a true and correct copy of a conversation dated July 12, 2013 that was furnished by the Commonwealth and designated for possible use in this trial.
5. Attached as Exhibit 2 is a true and correct copy of a conversation dated July 12, 2013 that was furnished by the Commonwealth and designated for possible use in this trial.

6. Attached as Exhibit 3 is a true and correct copy of a conversation dated July 12, 2013 that was furnished by the Commonwealth and designated for possible use in this trial.
7. Attached as Exhibit 4 is a true and correct copy of a conversation dated July 23, 2013 that was furnished by the Commonwealth and designated for possible use in this trial.
8. Attached as Exhibit 5 is a true and correct copy of a conversation dated July 23, 2013 that was furnished by the Commonwealth and designated for possible use in this trial.
9. Attached as Exhibit 6 is a true and correct copy of a conversation dated July 23, 2013 that was furnished by the Commonwealth and designated for possible use in this trial.
10. Attached as Exhibit 7 is a true and correct copy of a conversation dated July 23, 2013 that was furnished by the Commonwealth and designated for possible use in this trial.
11. Attached as Exhibit 7A is a true and correct copy of an article, "Maurkice Pouncey Apologizes for Hat," dated July 15, 2013, that appeared on the website ESPN.com, as accessed on February 25, 2015, at URL <http://espn.go.com/espn/print?id=9479337&type=story>.
12. Attached as Exhibit 8 is a true and correct copy of a conversation dated July 12, 2013 that was furnished by the Commonwealth and designated for possible use in this trial.
13. Attached as Exhibit 9 is a true and correct copy of a conversation dated July 30, 2013 that was furnished by the Commonwealth and designated for possible use in this trial.
14. Attached as Exhibit 10 is a true and correct copy of a conversation dated January 16, 2014 that was furnished by the Commonwealth and designated for possible use in this trial.
15. Attached as Exhibit 11 is a true and correct copy of a conversation dated August 1, 2013 that was furnished by the Commonwealth and designated for possible use in this trial.
16. Attached as Exhibit 12 is a true and correct copy of a conversation dated August 1, 2013 that was furnished by the Commonwealth and designated for possible use in this trial.
17. Attached as Exhibit 13 is a true and correct copy of a conversation dated August 1, 2013 that was furnished by the Commonwealth and designated for possible use in this trial.
18. Attached as Exhibit 14 is a true and correct copy of a conversation dated August 2, 2013 that was furnished by the Commonwealth and designated for possible use in this trial.
19. Attached as Exhibit 15 is a true and correct copy of a conversation dated August 2, 2013 that was furnished by the Commonwealth and designated for possible use in this trial.
20. Attached as Exhibit 16 is a true and correct copy of a conversation dated August 3, 2013 that was furnished by the Commonwealth and designated for possible use in this trial.

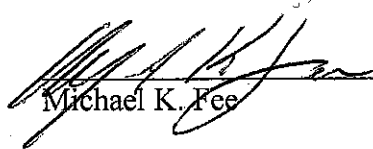
21. Attached as Exhibit 17 is a true and correct copy of a conversation dated September 9, 2013 that was furnished by the Commonwealth and designated for possible use in this trial.
22. Attached as Exhibit 18 is a true and correct copy of a conversation dated September 7, 2013 that was furnished by the Commonwealth and designated for possible use in this trial.
23. Attached as Exhibit 19 is a true and correct copy of a conversation dated September 7, 2013 that was furnished by the Commonwealth and designated for possible use in this trial.
24. Attached as Exhibit 20 is a true and correct copy of a conversation dated October 14, 2013 that was furnished by the Commonwealth and designated for possible use in this trial.
25. Attached as Exhibit 21 is a true and correct copy of a conversation dated December 24, 2013 that was furnished by the Commonwealth and designated for possible use in this trial.
26. Attached as Exhibit 22 is a true and correct copy of a conversation dated December 25, 2013 that was furnished by the Commonwealth and designated for possible use in this trial.
27. Attached as Exhibit 23 is a true and correct copy of a conversation dated December 31, 2013 that was furnished by the Commonwealth and designated for possible use in this trial.

Signed and sworn under the pains of perjury this 18th day of March, 2015.

  
Michael K. Fee

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document and accompanying exhibits upon the Commonwealth by delivering a copy thereof in hand to William McCauley, Esq., First Assistant District Attorney, Bristol County on March 18, 2015.

  
Michael K. Fee

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COMMONWEALTH OF MASSACHUSETTS

Bristol, SS.

CD Transcription

HOUSE OF CORRECTION RECORDED CALLS

Call Identification Number: 07\_12\_13 13\_03\_01

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LEDGEWOOD COURT REPORTING  
23 Last Street  
Tiverton, RI 02878  
(401) 625-5455





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C E R T I F I C A T E

I, Mary Ann C. Escobar, Registered Professional Reporter and Notary Public, within and for the Commonwealth of Massachusetts, duly commissioned, qualified and authorized to transcribe recorded court proceedings, do hereby certify that the foregoing 3 pages of the above recorded call was opened by me and was transcribed to the best of my knowledge, skill & ability.

I further certify that I am not interested in the event of the action.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my seal of office this 30th day of December, 2014.

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MARY ANN C. ESCOBAR, RPR

My commission expires: September 11, 2017

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COMMONWEALTH OF MASSACHUSETTS

Bristol, SS.

CD Transcription

HOUSE OF CORRECTION RECORDED CALLS

Call Identification Number: 07\_12\_13 13\_03\_02

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LEDGEWOOD COURT REPORTING  
23 Last Street  
Tiverton, RI 02878  
(401) 625-5455



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C E R T I F I C A T E.

I, Mary Ann C. Escobar, Registered Professional Reporter and Notary Public, within and for the Commonwealth of Massachusetts, duly commissioned, qualified and authorized to transcribe recorded court proceedings, do hereby certify that the foregoing 3 pages of the above recorded call was opened by me and was transcribed to the best of my knowledge, skill & ability.

I further certify that I am not interested in the event of the action.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my seal of office this 30th day of December, 2014.

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MARY ANN C. ESCOBAR, RPR

My commission expires: September 11, 2017.

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COMMONWEALTH OF MASSACHUSETTS

Bristol, SS.

CD Transcription

HOUSE OF CORRECTION RECORDED CALLS

Call Identification Number: 07\_12\_13 13\_03\_03

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LEDGEWOOD COURT REPORTING  
23 Last Street  
Tiverton, RI 02878  
(401) 625-5455

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## P R O C E E D I N G S

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AARON HERNANDEZ: Well, I got to get going.  
I will probably call you, um, probably like once a  
week or something like that. Like --

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TANYA SINGLETON: Yeah, that's perfect.

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AARON HERNANDEZ: Yeah, and -- and I'll  
also help you out with that, too. Obviously don't  
say nothing, but I love you --

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TANYA SINGLETON: I know. I'm not saying  
nothing. I love you so much.

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AARON HERNANDEZ: I love you. I miss you  
and uh --

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TANYA SINGLETON: (Inaudible).

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AARON HERNANDEZ: Well, I'll talk to you  
and I'll write to you almost every day.

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TANYA SINGLETON: Okay. I love you.

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AARON HERNANDEZ: I love you. Muah.

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(End of file)

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C E R T I F I C A T E

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2 I, Mary Ann C. Escobar, Registered Professional  
3 Reporter and Notary Public, within and for the  
4 Commonwealth of Massachusetts, duly commissioned,  
5 qualified and authorized to transcribe recorded  
6 court proceedings, do hereby certify that the  
7 foregoing 3 pages of the above recorded call was  
8 opened by me and was transcribed to the best of my  
9 knowledge, skill & ability.

10 I further certify that I am not interested in  
11 the event of the action.

12 IN WITNESS WHEREOF, I have hereunto subscribed  
13 my hand and affixed my seal of office this 30th day  
14 of December, 2014.

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17 MARY ANN C. ESCOBAR, RPR

18 My commission expires: September 11, 2017.  
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COMMONWEALTH OF MASSACHUSETTS

Bristol, SS.

CD Transcription

HOUSE OF CORRECTION RECORDED CALLS

Call Identification Number: 07\_23\_13 13\_33\_01

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LEDGEWOOD COURT REPORTING  
23 Last Street  
Tiverton, RI 02878  
(401) 625-5455

④

## P R O C E E D I N G S

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TANYA SINGLETON: Shayanna, Shayanna's be  
real good.

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6

AARON HERNANDEZ: I miss -- I miss my --  
I miss my uncle.

7

8

TANYA SINGLETON: He says he misses you,  
too.

9

10

AARON HERNANDEZ: Yeah.

11

TANYA SINGLETON: Yeah, he does. He  
misses you a lot.

12

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AARON HERNANDEZ: Yeah.

14

(End of file)

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C E R T I F I C A T E

1  
2 I, Mary Ann C. Escobar, Registered Professional  
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MARY ANN C. ESCOBAR, RPR

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COMMONWEALTH OF MASSACHUSETTS

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P R O C E E D I N G S

AARON HERNANDEZ: I set up account, don't tell nobody, a trust fund for Jarrod (phonetic) and Dudley (phonetic).

WOMAN VOICE: You did?

AARON HERNANDEZ: Yeah, so maybe like 18, 21 they gonna have a chunk of money.

WOMAN VOICE: I didn't know you did that.

AARON HERNANDEZ: Yo, yo, so at least if they struggle now, if they can mature enough, they may have like \$250,000 just to have (inaudible).

WOMAN VOICE: Yeah.

AARON HERNANDEZ: And the longer they wait the longer it grows. So they can take out a little bit when they're, like, 18. They can take out a little bit when they're 21. And then if they wait until, like, they're 30 years old, it will be like, could be like \$400,000 or something like that, do you know what I mean?

WOMAN VOICE: Yeah, I was going to say if they don't have to, they can just leave it in there until they're ready to settle down and get married.

AARON HERNANDEZ: Yeah, it depends on,

1 obviously (inaudible). It depends on -- I think it  
2 depends on me (inaudible).

3 WOMAN VOICE: Yes.

4 AARON HERNANDEZ: 'Cause that's going to  
5 be -- the reason I did that is that's my way to have  
6 some control so I can be like, hey, you guys want to  
7 do this, then once they're old enough (inaudible).  
8 But once they mature, (inaudible) do you know what I  
9 mean, and you did that. Do you know what I'm  
10 saying.

11 WOMAN VOICE: Yeah.

12 AARON HERNANDEZ: So don't tell nobody. I  
13 don't want nobody to know about it. And I ain't  
14 even telling my girl, nobody. And -- but what you  
15 call it, 'cause it already started off at \$100,000  
16 for them, do you know what I'm saying, I think about  
17 \$75 a piece or something like that and every 7 years  
18 it doubles. So it would be \$100,000, \$200,000. I  
19 put in \$250 in for Avielle (phonetic) (inaudible)  
20 it will be a million by the time she's 18, 6 million  
21 by the time she's, like, 30, so --

22 WOMAN VOICE: Oh, my God.

23 (End of file)

24 C E R T I F I C A T E

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COMMONWEALTH OF MASSACHUSETTS

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HOUSE OF CORRECTION RECORDED CALLS

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P R O C E E D I N G S

AARON HERNANDEZ: Oh, you know -- hey, check me out. You know that little kid that I used to chill with when I was younger, the black dude?

TANYA SINGLETON: Yeah.

AARON HERNANDEZ: Yeah, yeah, yeah. He um, um, back in the day before I came to jail I was talking to him and stuff like that, and, ah --

TANYA SINGLETON: Yeah.

AARON HERNANDEZ: And I just -- I was thinking when I get out of jail I can't wait to link up with him, you know what I mean. 'Cause obviously I'm gonna be -- I'm gonna to be okay in jail, you know what I mean. So everything's going to be all right.

TANYA SINGLETON: Uh hugh.

AARON HERNANDEZ: Yeah. I just -- I can't wait to go see him when I -- when I get out of jail.

TANYA SINGLETON: I know.

AARON HERNANDEZ: Yeah.

TANYA SINGLETON: I know.

(End of file)

C E R T I F I C A T E

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TD

## P R O C E E D I N G S

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3 AARON HERNANDEZ: You saw what Pouncey  
4 did for me?

5 TANYA SINGLETON: I know. Of course I  
6 did.

7 AARON HERNANDEZ: Yeah them -- I talk to  
8 him every -- well, I talk to Mike every day. It's  
9 his birthday coming up. But I was like --

10 TANYA SINGLETON: Who?

11 AARON HERNANDEZ: -- you know what I'm  
12 saying. Mike be crying and stuff. That's my man,  
13 you know.

14 TANYA SINGLETON: I have his number but I  
15 never called him because, you know.

16 AARON HERNANDEZ: Yeah. No. You could  
17 even ask Shayanna for his number to see -- I mean,  
18 to see if they got or I can give it to you. Matter  
19 of fact, you got a pen.

20 TANYA SINGLETON: Write this -- write  
21 this down, G. Yup.

22 AARON HERNANDEZ: 863.

23 TANYA SINGLETON: 863.

24 AARON HERNANDEZ: 804.

1 TANYA SINGLETON: Hurry up, 863, 804.  
2 AARON HERNANDEZ: 5557.  
3 TANYA SINGLETON: 5557.  
4 AARON HERNANDEZ: Yup, that's Mike.  
5 That's my main man, yeah.  
6 TANYA SINGLETON: Today's Mike's birthday  
7 (inaudible) birthday today, both of them.  
8 AARON HERNANDEZ: Yeah. Their birthday  
9 is the 24th.  
10 TANYA SINGLETON: I love them to death.  
11 AARON HERNANDEZ: Yeah.  
12 TANYA SINGLETON: Love them.  
13 AARON HERNANDEZ: Yeah, especially Mike.  
14 Mike -- Mike's --  
15 TANYA SINGLETON: Oh, yeah.  
16 AARON HERNANDEZ: -- Mike's my main man.  
17 TANYA SINGLETON: Mike's 100 all the way.  
18 AARON HERNANDEZ: Yeah, all the way.  
19 TANYA SINGLETON: He's 100 all the way.  
20 I mean --  
21 AARON HERNANDEZ: Yeah, all the way.  
22 TANYA SINGLETON: Keith, too, but Mike  
23 is--  
24 AARON HERNANDEZ: Yeah.

1 TANYA SINGLETON: That's --

2 AARON HERNANDEZ: Mike --

3 TANYA SINGLETON: That's (inaudible)

4 brother.

5 AARON HERNANDEZ: -- yeah.

6 (End of file)

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C E R T I F I C A T E

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MARY ANN C. ESCOBAR, RPR

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Exhibit 7A



**[PRINT]** ESPN.com: NFL

[Print without images]



Monday, July 15, 2013

## Maurkice Pouncey apologizes for hat

ESPN.com news services

Pittsburgh Steelers center Maurkice Pouncey apologized on Monday after he was photographed last weekend, along with his brother Mike Pouncey of the Miami Dolphins, wearing "Free Hernandez" caps.

"I fully recognize the seriousness of the situation involving my former teammate, and I regret that my actions appear to make light of that serious situation. I apologize to anyone who was offended by my actions," he wrote in a link that was tweeted to his Twitter followers.

A source told ESPN.com's John Clayton on Sunday that the Steelers had planned to talk to Pouncey about the photos. It is unknown whether that discussion had taken place before Pouncey posted his apology.

Mike Pouncey hasn't yet posted a similar apology. A source close to the center told ESPN.com on Sunday that the Dolphins were expected to discuss the photos with him, however.

The Pouncey brothers, who are twins, reportedly wore the hats on Saturday at a Miami nightclub, where they were celebrating their upcoming birthdays. They both turn 24 on July 24. The photos, which began circulating on the Internet on Sunday, do not appear to be digitally altered.

A Dolphins spokesman told the Miami Herald on Monday that the team had "only recently heard about it" and would not have any further comment on the matter.

The brothers played with former New England Patriots tight end Aaron Hernandez at the University of Florida. They were with Hernandez at the Venue nightclub in 2007 on the night of a shooting that left two men wounded. Hernandez was briefly questioned by police after the shooting, but at the time they did not see him as a suspect.

Hernandez is charged with the execution-style murder of 27-year-old semipro football player Odin Lloyd and is being held without bail. He has pleaded not guilty. The Patriots released the tight end last month after he was arrested.

*Information from ESPN.com's John Clayton was used in this report.*



Brothers Maurkice and Mike Pouncey wear "Free Hernandez" hats, an apparent gesture of support to former University of Florida teammate Aaron Hernandez.

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## P R O C E E D I N G S

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TANYA SINGLETON: And you remember dark  
night?

AARON HERNANDEZ: Yeah, yeah, yeah, yeah.

TANYA SINGLETON: Yeah, he says he loves  
you.

AARON HERNANDEZ: Yeah.

TANYA SINGLETON: He says he loves you  
and he misses you.

AARON HERNANDEZ: Yeah, yeah.

TANYA SINGLETON: And that's what he told  
me to tell you.

AARON HERNANDEZ: Yeah, yeah, definitely,  
definitely.

(End of file)

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COMMONWEALTH OF MASSACHUSETTS

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COMMONWEALTH OF MASSACHUSETTS

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(10)



## P R O C E E D I N G S

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3 WOMAN VOICE: Did you hear about your  
4 Range Rover?

5 MAN VOICE: What happened?

6 WOMAN VOICE: It's in (inaudible) --

7 MAN VOICE: Oh, it is.

8 WOMAN VOICE: -- somewhere. Yeah, me and  
9 Rise (phonetic) went to pick it up and it's  
10 (inaudible). They had no keys for it and I guess --

11 MAN VOICE: Did they call (inaudible).

12 WOMAN VOICE: Yeah, that Murphy --

13 MAN VOICE: Oh --

14 WOMAN VOICE: -- this girl paid, some  
15 girl.

16 MAN VOICE: (Inaudible).

17 WOMAN VOICE: Yeah.

18 MAN VOICE: Yeah.

19 WOMAN VOICE: And so we went to get it and  
20 it's still there, and I don't know what the hell --  
21 you know. Somebody -- if you talk to the guy, did  
22 you ever talk to him?

23 MAN VOICE: No (inaudible).

24 WOMAN VOICE: Yeah. But I was wondering

1           because the guy said --

2                       MAN VOICE:   (Inaudible).  I need to call  
3           her.

4                       WOMAN VOICE:   \$1,200 storage fee on it  
5           already.

6                       MAN VOICE:   Yeah.

7                       WOMAN VOICE:   So, they're gonna take it to  
8           the place in Canton and then get it fixed, whatever,  
9           and then, you know, whatever -- if your mother wants  
10          to sell it or whatever --

11                      MAN VOICE:   Yeah.

12                      WOMAN VOICE:   (Inaudible) if they got it  
13          to even run.

14                      MAN VOICE:   Yeah, I didn't even think of  
15          it.  It doesn't even run now.

16                      WOMAN VOICE:   No.  No.  I forgot where  
17          the guy said he got it from, but we went to get it  
18          and wasted a whole frigging, like, three hours  
19          driving there, waiting for the guy --

20                      MAN VOICE:   (Inaudible) get it?

21                      WOMAN VOICE:   It was in (inaudible), but  
22          the guy said "well, I can't give you the owner's  
23          phone number."  Just come up and talk to him, he'll  
24          be back there, come talk to him.

1                   So we went up there. The guy still wasn't  
2 there so the guy ended up calling me and said that  
3 that's not going anywhere. It needs keys. It needs  
4 (inaudible) So --

5                   MAN VOICE: Yeah, crazy. Made you drive  
6 up there for nothing.

7                   WOMAN: Yeah, I don't know where -- that's  
8 what I'm saying, if she talked to the people --

9                   MAN VOICE: Yeah, I'll call (inaudible).

10                  WOMAN VOICE: Yeah.

11                  MAN VOICE: Thank you for that.

12                  WOMAN VOICE: Yeah.

13                  MAN VOICE: That's crazy.

14                  WOMAN VOICE: Yeah.

15                  MAN VOICE: (Inaudible).

16                  WOMAN VOICE: Yeah. And then I told you I  
17 took your TV.

18                  MAN VOICE: Yeah, that's fine.

19                  WOMAN VOICE: I don't know why I didn't --  
20 like, I was sure it was yours or I wouldn't have  
21 taken it.

22                  MAN VOICE: That was upstairs (inaudible)  
23 in my uncle's place.

24                  WOMAN VOICE: Yeah.

1                   MAN VOICE:    So I just happened to rent  
2                   it.   (Inaudible)  I would have bought it, you know  
3                   what I mean.

4                   (End of file)

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C E R T I F I C A T E

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COMMONWEALTH OF MASSACHUSETTS

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11

## P R O C E E D I N G S

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SHAYANNA JENKINS: Um, Tanya's in jail.

4

AARON HERNANDEZ: Tanya?

5

SHAYANNA JENKINS: Yeah.

6

AARON HERNANDEZ: For what?

7

SHAYANNA JENKINS: I don't know.

8

AARON HERNANDEZ: What they arrest her

9

for?

10

SHAYANNA JENKINS: I don't know. Yup.

11

So she's in jail. She got arrested today.

12

AARON HERNANDEZ: They picked her up by

13

her house?

14

SHAYANNA JENKINS: No, she went for --

15

she was -- I don't know. You probably should talk

16

to your lawyers more about it.

17

AARON HERNANDEZ: Oh.

18

SHAYANNA JENKINS: But she told me to

19

tell you that she's gonna be just fine and to keep

20

your head up and to know that she loves you.

21

AARON HERNANDEZ: Oh, my God. Let me

22

call you right back.

23

SHAYANNA JENKINS: All right.

24

AARON HERNANDEZ: All right. I love you,

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bye.

SHAYANNA JENKINS: I love you, bye.

(End of file)



C E R T I F I C A T E

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17 MARY ANN C. ESCOBAR, RPR

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COMMONWEALTH OF MASSACHUSETTS

Bristol, SS.

CD Transcription

HOUSE OF CORRECTION RECORDED CALLS

Call Identification Number: 8\_1\_13 18\_30\_01

\* \* \* \* \*

LEDGEWOOD COURT REPORTING  
23 Last Street  
Tiverton, RI 02878  
(401) 625-5455

12

## P R O C E E D I N G S

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AARON HERNANDEZ: Hey.

4

SHAYANNA JENKINS: Yeah.

5

AARON HERNANDEZ: (Inaudible) I knew

6

about.

7

SHAYANNA JENKINS: Hugh?

8

AARON HERNANDEZ: I knew about that. I

9

thought it was (inaudible).

10

SHAYANNA JENKINS: (Inaudible) I'm just

11

letting you know.

12

AARON HERNANDEZ: Oh, yeah.

13

SHAYANNA JENKINS: Gina called me today

14

and she told me.

15

AARON HERNANDEZ: Oh, Gina called you and

16

told you?

17

SHAYANNA JENKINS: Yeah, I guess.

18

AARON HERNANDEZ: They cuffed her up and

19

everything?

20

SHAYANNA JENKINS: I have no idea. I

21

wasn't there. I didn't ask those type of questions.

22

I just said "How are you dealing with it?"

23

And she said "I'm tired but I have to stay

24

strong for the boys."

1                   And I said "I understand."

2                   And that's it.

3                   AARON HERNANDEZ:    I think she's not going  
4                   to be over here with me.

5                   SHAYANNA JENKINS:    I don't know.  I mean,  
6                   everything just seems to be (inaudible).

7                   AARON HERNANDEZ:    Yes, they just being  
8                   asses about it, but they get -- they got to go out  
9                   of their way to be assholes and, like, the longest  
10                  she'll do is, like, probably less than a month or a  
11                  month until the grand jury is done, investigation,  
12                  do you know what I mean?

13                  SHAYANNA JENKINS:    Yeah.  Well, they said  
14                  she could do up to three months, I guess.  I don't  
15                  know (inaudible).

16                  AARON HERNANDEZ:    Oh.

17                  SHAYANNA JENKINS:    When Tanya told me,  
18                  she said she could do up to a year.  I don't know.  
19                  I don't even want to think about it.  I mean it's  
20                  horrible.

21                  AARON HERNANDEZ:    That's ridiculous.

22                               (End of file)

23

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C E R T I F I C A T E

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COMMONWEALTH OF MASSACHUSETTS

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HOUSE OF CORRECTION RECORDED CALLS

Call Identification Number: 8\_1\_13 18\_30\_02

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LEDGEWOOD COURT REPORTING  
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COMMONWEALTH OF MASSACHUSETTS

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HOUSE OF CORRECTION RECORDED CALLS

Call Identification Number: 8\_2\_13 12\_50\_01

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COMMONWEALTH OF MASSACHUSETTS

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HOUSE OF CORRECTION RECORDED CALLS

Call Identification Number: 8\_2\_13 18\_11\_01

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## P R O C E E D I N G S

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AARON HERNANDEZ: You heard about Tanya?

MICHAEL POUNCEY: Un un.

AARON HERNANDEZ: Tanya got bagged and locked up. She's in jail, man.

MICHAEL POUNCEY: What?

AARON HERNANDEZ: Tanya got bagged. Guess why, man?

MICHAEL POUNCEY: For what?

AARON HERNANDEZ: Because I guess -- I guess she said "I ain't saying nothing", so they bagged her up.

MICHAEL POUNCEY: Wow.

AARON HERNANDEZ: Do you know what I'm saying? It's crazy, man. (Inaudible)

MICHAEL POUNCEY: That's crazy, bro.

AARON HERNANDEZ: Yeah, for nothing, man. She's a little innocent, a little innocent lady, man.

So now the kids at home with her sister and uncle, yo. She's in jail. She got to do like a a month to three months just for -- just for not talking.

1

MICHAEL POUNCEY: Wow.

2

AARON HERNANDEZ: That's crazy, man.

3

MICHAEL POUNCEY: That's fucked up, bro.

4

(End of file)

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COMMONWEALTH OF MASSACHUSETTS

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HOUSE OF CORRECTION RECORDED CALLS

Call Identification Number: 8\_3\_13 18\_38\_01

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P R O C E E D I N G S

AARON HERNANDEZ: Yeah, and I want you to do me a favor.

SHAYANNA JENKINS: All right.

AARON HERNANDEZ: Can you, um, give, uh, somehow stop by Tanya's house and give them a little bit of money to put on her canteen.

SHAYANNA JENKINS: Babe, I'm not going over there. I'm not going over there.

AARON HERNANDEZ: Oh, well, send her money or something.

SHAYANNA JENKINS: I don't know why you keep --

AARON HERNANDEZ: She's got no money in jail.

SHAYANNA JENKINS: I under -- Aaron, I understand that, but why do I have to keep being the one to do that? That's what you're not understanding.

AARON HERNANDEZ: All right. Well, can you give it to, um, I don't know who to tell you to give it to.

SHAYANNA JENKINS: Okay. Well, neither

1 do I.

2 AARON HERNANDEZ: All right. Well --

3 SHAYANNA JENKINS: I'm trying -- well,  
4 I'm trying to follow what my lawyers are telling me  
5 to follow, and then you keep trying to have me do  
6 other things.

7 AARON HERNANDEZ: Not really but I'm  
8 saying whatever works for you. I'm just trying to  
9 have my aunt be able to eat but, um --

10 SHAYANNA JENKINS: Aaron, I understand  
11 that. Don't make it so depressing. She's going to  
12 eat either way. Are you kidding me right now?

13 AARON HERNANDEZ: Yeah, whatever,  
14 whatever, whatever you want to do.

15 (End of file)

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COMMONWEALTH OF MASSACHUSETTS

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HOUSE OF CORRECTION RECORDED CALLS

Call Identification Number: 9\_9\_13 18\_18\_01

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(17)

## P R O C E E D I N G S

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AARON HERNANDEZ: Did you write her?

SHAYANNA JENKINS: No, I didn't write her, but, um, I did, um, plan on sending what you asked me to send, unless you already did it.

AARON HERNANDEZ: No, I didn't, but I talked to --

SHAYANNA JENKINS: But Gina did -- Gina did text me today and she said that, um, she got your letter and she's gonna write you back.

AARON HERNANDEZ: All right. Thank you.

SHAYANNA JENKINS: She said that Tanya said she loves you and, um, to keep your head up and everything will work out and she's -- Tanya's fine and everyone is going to be just fine and everything's in God and all that crazy stuff.

AARON HERNANDEZ: Yeah, yeah I was going to (inaudible) I love her and everything --

SHAYANNA JENKINS: Hugh?

AARON HERNANDEZ: I just -- if you were going to write her I was just saying have you tell her just that I love her and everything will be all right.

1 SHAYANNA JENKINS: Well, I don't -- I  
2 don't know if I can write her, can I?

3 AARON HERNANDEZ: I don't see why not, do  
4 you know what I mean. It's not like we're talking  
5 about anything. It's just saying "hi, I love you"  
6 (inaudible) --

7 SHAYANNA JENKINS: No. I know that. I'm  
8 not -- I'm not saying like that. I just don't  
9 know -- all right, that's fine. I'll write her. I  
10 know --

11 AARON HERNANDEZ: No, it's up to you.  
12 I'm not tripping. I just didn't know if you did.

13 SHAYANNA JENKINS: No, it's not that I  
14 don't want to. It's just that I didn't know if that  
15 was okay. Not necessarily on that, like, between  
16 the issues that we've had, I'm just saying that that  
17 was --

18 AARON HERNANDEZ: I know what you --  
19 yeah, I know exactly what you're saying.

20 (End of file)

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COMMONWEALTH OF MASSACHUSETTS

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HOUSE OF CORRECTION RECORDED CALLS

Call Identification Number: 9\_7\_13 13\_05\_01

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P R O C E E D I N G S

AARON HERNANDEZ: Keep letting me know, write me letters, like, when she runs out or something or something like that, so I could get her canteen and stuff like that.

JENNIFER MERCADO: Yeah, I just -- I just sent you another letter, um, because she had called me to see if I could send her some because she didn't have any.

AARON HERNANDEZ: Yeah, um, you got that money from, um, my agent; right?

JENNIFER MERCADO: Yeah.

AARON HERNANDEZ: I told him -- I had him send \$500 for her canteen and stuff and for the boys for stuff like that for school and everything.

(End of file)

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COMMONWEALTH OF MASSACHUSETTS

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COMMONWEALTH OF MASSACHUSETTS

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HOUSE OF CORRECTION RECORDED CALLS

Call Identification Number: 10\_14\_13 20\_52\_01

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(20)

## P R O C E E D I N G S

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AARON HERNANDEZ: Know who else miss you?

MICHAEL POUNCEY: Who's that?

AARON HERNANDEZ: Dat dat dat dat

(phonetic) (inaudible).

MICHAEL POUNCEY: Which one? Ersy

(phonetic)?

AARON HERNANDEZ: You don't remember, um,  
um, the dude that was at your house with me?

MICHAEL POUNCEY: Uh huh.

AARON HERNANDEZ: Um, the one -- the one  
that um, um --

MICHAEL POUNCEY: I know who you're  
talking about.

AARON HERNANDEZ: Yeah, yeah, yeah. The  
nigga look like nighttime.

MICHAEL POUNCEY: Yeah.

AARON HERNANDEZ: Yeah, yeah, yeah.

MICHAEL POUNCEY: What about him?

AARON HERNANDEZ: That's who I'm missing.  
You know who he's locked up with?

MICHAEL POUNCEY: Um, who?

AARON HERNANDEZ: He's locked up with

1           that -- with that mafia dude.

2                   MICHAEL POUNCEY:    No.

3                   AARON HERNANDEZ:    The mafia dude up here  
4           who just got caught like after like --

5                   MICHAEL POUNCEY:    Oh, yeah, yeah.

6                   AARON HERNANDEZ:    (Inaudible).

7                   MICHAEL POUNCEY:    Yeah.

8                   AARON HERNANDEZ:    He's in the cell right  
9           next to him.

10                   MICHAEL POUNCEY:    Oh, okay. He cool,  
11           though? Everything cool with him?

12                   AARON HERNANDEZ:    Yeah, yeah, yeah. He's  
13           good. He in the hole, too.

14                   MICHAEL POUNCEY:    What he in the hole  
15           for?

16                   AARON HERNANDEZ:    I don't know. I don't  
17           know.

18                   MICHAEL POUNCEY:    (Inaudible).

19                   AARON HERNANDEZ:    Probably just the way  
20           he looks.

21                                   (Laughter)

22                   MICHAEL POUNCEY:    (Inaudible).

23                   AARON HERNANDEZ:    Get your ass in the  
24           hole.

1                   MICHAEL POUNCEY: I miss Ernest, though,  
2                   too, bro. Real talk.

3                   AARON HERNANDEZ: Hugh?

4                   MICHAEL POUNCEY: I miss (inaudible),  
5                   too, for real, though.

6                   AARON HERNANDEZ: What happened?

7                   MICHAEL POUNCEY: I said I miss him, too,  
8                   though, for real, though.

9                   AARON HERNANDEZ: Word, yeah. That's my  
10                  nigga man, yeah.

11                  MICHAEL POUNCEY: He's a 100 brother.

12                  AARON HERNANDEZ: Yeah, man.

13                  (End of file)

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C E R T I F I C A T E .

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14 of December, 2014.

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17 MARY ANN C. ESCOBAR, RPR

18 My commission expires: September 11, 2017.  
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COMMONWEALTH OF MASSACHUSETTS

Bristol, SS.

CD Transcription

HOUSE OF CORRECTION RECORDED CALLS

Call Identification Number: 12\_24\_13 9\_20\_01

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LEDGEWOOD COURT REPORTING  
23 Last Street  
Tiverton, RI 02878  
(401) 625-5455

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P R O C E E D I N G S

AARON HERNANDEZ: I know (inaudible)  
like -- (inaudible)

SHAYANNA JENKINS: Yeah, I know. Layla  
told me that, you know, that he said he doesn't  
write back. He doesn't even write his brother, I  
guess, so I guess don't take it to heart, but I  
guess if you would call him, he would answer, but he  
got (inaudible) You know who your true friend is  
and to me that seems like --

AARON HERNANDEZ: (Inaudible).

SHAYANNA JENKINS: -- he can roll with  
it.

AARON HERNANDEZ: No. I just (inaudible)  
-- I'm just saying like I hope everything works out  
the best for you, this and that, and stuff like  
that. I didn't know -- I didn't know if he got my  
letters or anything, so I don't think (inaudible) I  
just hope the best for you. Go get the money you  
deserve, bla, bla, bla (inaudible).

SHAYANNA JENKINS: I get it.

AARON HERNANDEZ: (Inaudible) I don't  
know what the fuck he heard about you, and I was

1           like, to be honest with you, I don't care if you  
2           like me or don't like me or talk to me or not talk  
3           to me.

4                        SHAYANNA JENKINS:    You wrote that to him?

5                        AARON HERNANDEZ:    Yeah.

6                        SHAYANNA JENKINS:    Oh, my God, Aaron.

7           Now I ain't going over there for Christmas. He's  
8           writing all these crazy letters.

9                        AARON HERNANDEZ:    No, but I wasn't like  
10          dictating them, but (inaudible) --

11                       SHAYANNA JENKINS:    -- you wrote a lot of  
12          good things about me.

13                       AARON HERNANDEZ:    That's how I started it  
14          off, but then I wrote a lot of good things, do you  
15          know what I'm saying?

16                       (End of file)

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C E R T I F I C A T E.

1  
2 I, Mary Ann C. Escobar, Registered Professional  
3 Reporter and Notary Public, within and for the  
4 Commonwealth of Massachusetts, duly commissioned,  
5 qualified and authorized to transcribe recorded  
6 court proceedings, do hereby certify that the  
7 foregoing 4 pages of the above recorded call was  
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(401) 625-5455

## P R O C E E D I N G S

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3 AARON HERNANDEZ: You still got my clothes  
4 at the house and shit?

5 SHAYANNA JENKINS: Do I still have what?

6 AARON HERNANDEZ: My clothes still at the  
7 house?

8 SHAYANNA JENKINS: Where do you think  
9 they are?

10 AARON HERNANDEZ: I don't know.

11 SHAYANNA JENKINS: I mean, what -- what  
12 do you think I'm doing? I don't -- I don't  
13 understand. I really don't understand. Like,  
14 where do you think your clothes are? Your clothes  
15 are exactly -- I mean, that is your house. Your  
16 clothes are exactly where they're supposed to be.

17 AARON HERNANDEZ: Um.

18 SHAYANNA JENKINS: I thought about moving  
19 your shoes to give me some more room, but, I mean, I  
20 left them.

21 AARON HERNANDEZ: Yeah, (inaudible).

22 SHAYANNA JENKINS: But I -- I don't know  
23 what you're thinking I'm doing. I mean, your  
24 clothes are exactly where -- I mean, you've only

1           been gone for what, six months?

2                   AARON HERNANDEZ:    Yeah.

3                   SHAYANNA JENKINS:    You act like you're  
4           going to be gone for, like, 20 years.

5                   (End of file)

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COMMONWEALTH OF MASSACHUSETTS

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CD Transcription

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LEDGEWOOD COURT REPORTING  
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P R O C E E D I N G S

WOMAN VOICE: Oh, you know what I did and I wanted to tell you, is, like, I took your small TV that was up there.

MAN VOICE: Yup.

WOMAN VOICE: And when I see ya, I'll give it back, but only 'cause we -- when Brandon moved we gave him that TV and they're making a room upstairs, like, if the mother comes or, you know, my parents come.

MAN VOICE: Yup.

WOMAN VOICE: So the TV, might as well take that and use it so --

MAN VOICE: That TV they want back 'cause it's rented.

WOMAN VOICE: Hugh?

MAN VOICE: That TV was rented.

WOMAN VOICE: It was rented?

MAN VOICE: Yeah.

WOMAN VOICE: The little one?

MAN VOICE: Yeah.

WOMAN VOICE: Oh, I got to bring it back then. Son of a bitch.

1                   MAN VOICE:   Yeah, I tell you --  
2                   (inaudible) they will charge me. I'm not worried  
3                   about that. It's a couple hundred dollars for a TV.

4                   WOMAN VOICE:   Yeah. No, I will bring it  
5                   back.

6                   MAN VOICE:   No.

7                   WOMAN VOICE:   I didn't know.

8                   MAN VOICE:   Just hold onto it (inaudible).

9                   (End of file)

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