

#168.

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

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

COMMONWEALTH OF MASSACHUSETTS

v.

AARON HERNANDEZ

**DEFENDANT'S RESPONSE TO COMMONWEALTH'S REQUEST
FOR EXTENSION ON THE DATE TO PROVIDE EXHIBIT LIST**

I. STATEMENT OF RELEVANT FACTS.

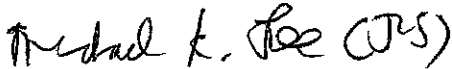
On July 22, 2014, following a hearing, the Court set a detailed schedule for pretrial proceedings, including deadlines for various pretrial filings and disclosures by the parties. That schedule was necessarily interdependent in that filing deadlines were linked to disclosure deadlines. According to the Court's schedule, the Commonwealth was required to disclose a list of exhibits it intends to introduce in its case-in-chief at trial as well, as premarked copies of all such documentary exhibits, on or before November 15, 2014. The Court's schedule further provided that motions in limine shall be filed by December 3, 2014. Jury selection is scheduled to begin on January 9, 2015.

November 15th came and went, and defense counsel received neither the Commonwealth's list of exhibits it intends to introduce in its case-in-chief nor premarked copies of such documentary exhibits. After waiting several days as a courtesy, defense counsel e-mailed the prosecutors on November 20, 2014 inquiring about the exhibit list and copies of premarked documentary exhibits.

Respectfully submitted,

AARON HERNANDEZ

By his attorneys,



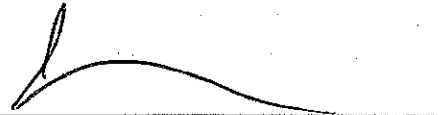
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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the Commonwealth by e-mail and by mailing a copy thereof, US mail, postage prepaid, to: First Assistant District Attorney William McCauley, Bristol County, 888 Purchase Street, New Bedford, MA 02740 on November 21, 2014.



James L. Sultan

James Sultan

From: James Sultan
Sent: Thursday, November 20, 2014 10:24 AM
To: 'McCauley, William (DAA)'; Bomberg, Patrick O (DAA); Michel, Roger (DAA)
Cc: Michael.Fee@lw.com; Charles Rankin
Subject: Comm's exhibit list and copies of premarked exhibits

Gentlemen, I believe the Commonwealth's trial exhibit list and copies of premarked documentary exhibits were due on 11/15/14. Have they been sent to us? When should we expect to receive them? Would you mind emailing us the list today? Thank you. Jamie

EXHIBIT 1

James Sultan

From: McCauley, William (DAA) [william.mccauley@state.ma.us]
Sent: Thursday, November 20, 2014 12:58 PM
To: Mark Ferreira (mark.ferriera@jud.state.ma.us); James Sultan; Charles Rankin; Michael.Fee@lw.com
Cc: Bomberg, Patrick O (DAA); Michel, Roger (DAA)
Subject: Re: List of Exhibits

Mark: We are requesting an extension of time to provide the defendant with the list of exhibits.
Jamie/Charlie/Michael: Do you anticipate viewing the exhibits prior to trial?

Bill

This e-mail message is generated from the Office of the Bristol County District Attorney and contains information that is confidential and may be privileged as an attorney/client communication or as attorney work product. The information is intended to be disclosed solely to the addressee(s). If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this email information is prohibited. If you have received this email in error, please notify the sender by return email and delete it from your computer system.

EXHIBIT 2