

#167

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss

SUPERIOR COURT DEPARTMENT
FALL RIVER SUPERIOR COURT
INDICTMENT NO.: BRRCR2013-00983

BRISTOL, SS SUPERIOR COURT
FILED

COMMONWEALTH

NOV 21 2014

v.

MARCJ. SANTOS, ESQ.
CLERK/MAGISTRATE

AARON HERNANDEZ

COMMONWEALTH'S OPPOSITION TO DEFENDANT'S MOTION TO REQUIRE THE
COMMONWEALTH TO PARE DOWN ITS WITNESS LIST TO THOSE INDIVIDUALS IT
ACTUALLY INTENDS TO CALL TO TESTIFY IN ITS CASE-IN-CHIEF AT TRIAL AND
FOR OTHER NECESSARY RELIEF

NOW COMES THE COMMONWEALTH in the above-captioned matter and respectfully OPPOSES the defendant's motion and requests that This Honorable Court DENY the motion. In support of this request, the Commonwealth relies on the following.

BACKGROUND

On December 16, 2013, following his arraignment in the Superior Court the defendant filed a nine page discovery request wherein he sought materials in fifty-five numbered paragraphs. In many instances the defendant's requests required the Commonwealth to seek out materials requested by the defendant. Undoubtedly, this contributed to and resulted in the purported "mountain of discovery" about which the defendant now complains.

As the Commonwealth provided the requested discovery to the defendant, it did so in a fashion that was very easy for the defendant to use. The discovery packages were indexed and each witness, interview, item, etc. provided was identified. As discovery was updated the Commonwealth provided updated discovery and again identified each item provided. On

multiple instances when the defendant has been unable to locate items he has requested the Commonwealth locate the discovery for him and the Commonwealth has provided the requested assistance.

Against the backdrop of this self-inflicted mountain the defendant without any basis now claims that the Commonwealth is somehow inflating its witness list in an attempt to interfere with the defendant's fair-trial right. The defendant has repeatedly declined offers from the Commonwealth to come to agreements on uncontested evidentiary issues and stipulations to evidence that would streamline the presentation of evidence at trial. The Commonwealth's witnesses are necessary to prove its case as currently constituted.

The defendant's contention has no basis in fact and as his memo itself shows, no basis in law. The defendant further requests that the Honorable Court provide him with special treatment by requiring the Commonwealth to synthesize reports and interviews for him and then provide for his consideration summaries of the witness discovery previously provided. The defendant, represented by three partners who are specialists in the criminal law, and untold associates from two prominent law firms, one of which boasts more than 2,000 lawyers, claims that he does not have the resources to comprehend the discovery concerning the Commonwealth's contemplated witnesses.

ARGUMENT

At bottom the defendant's claim is that the Commonwealth has provided too much information to him. Yet in exercising his own good-faith requirements to advise the Commonwealth of his intended witnesses the defendant not only incorporates all of the witnesses on the Commonwealth's pared down witness list, he states that any witness the Commonwealth interviewed or any witness that is described in any report or any unnamed and unidentified

witness that the defendant may dream up and produce under the guise that they were not yet located or they are being called in response to unanticipated evidence are his potential and intended witness. The witness list provided by the Commonwealth is a small sub-set of and is incorporated into the "good-faith" witness list of the defendant. Clearly the defendant in exercising his own requirement of providing his witness list in good faith knows the significance of the witnesses he has identified and why he is incorporating them into his own witness list. The defendant's own actions in advising the Commonwealth of his witnesses directly contradict his claims in his motion and memorandum.

The defendant's cases cited also contradict his claim and don't support, even by analogy, his claims for relief. For instance the defendant relies on a Supreme Court case holding that it is constitutional to require a defendant to disclose an alibi witness to support his claim that it parties don't enjoy a right to conceal their cards until played. Williams v. Florida, 399 U.S. 78, 82 (1970). Here the Commonwealth has laid every card on the table, many of them obtained and provided at the defendant's own request. The defendant's claim that he can't sort through them to properly prepare for trial doesn't ring true when the defendant pressed for the trial date and has chosen how to spend his time leading up to the trial through his own filings and actions. The implication that there is a game afoot comes only from the defendant's actions. He impliedly understands the evidentiary significance of the witnesses when he lists them on his own witness list, purportedly in good faith. When he refuses to engage the Commonwealth in a discussion about steps to streamline the admissibility of trial evidence, even on such simple things as foundation witnesses or requirements and instead files motions designed to consume the resources of the Court and the Commonwealth all the while providing no meaningful disclosure himself, the defendant directly contradicts the factual and legal basis of his own filing.

The Commonwealth's actions cannot have interfered with the defendant's effective assistance of counsel because the Commonwealth has provided "all witnesses who may have information concerning [the defendant's] guilt or innocence." Stewart v. Wolfenbarger, 468 F.3d 338, 356 (6th Cir. 2006). This case was again concerned a requirement of notice of alibi and particularly what steps defense counsel took to properly comply with the requirement. *Id.* at 355-358. Here the Commonwealth has provided the defendant information which defense counsel clearly apprehends as evidenced by their intent to call witnesses that the Commonwealth might not.

The defendant's citation to the James Bulger trial has no relevance to his requested relief. The defendant provides no context to any agreements, stated trial strategies, evidentiary issues, foundational requirements or challenges that led to the filing of that witness list. The government's evidence in that trial included testimony of witnesses that participated and cooperated with the defendant, something that the evidence in this case shows the defendant has taken steps to guard against. The trial of that matter concerned facts that arose prior to many of the technical and forensic techniques that the Commonwealth intends to elicit evidence of and about which the defendant refuses to discuss streamlining through the use of stipulations or agreements to foundation requirements.


Here the defendant has chosen to tell the Commonwealth he will not assist in the focusing of evidentiary issues. In response, the Commonwealth has submitted, in good faith a list of witnesses that prove and corroborate the evidence which it believes is necessary and admissible. This approach, according to the cases cited by the defendant is entirely proper. "We have elected to employ an adversary system of criminal justice in which the parties contest all issues before a court of law. The need to develop all relevant facts in the adversary system is

both fundamental and comprehensive. The ends of criminal justice would be defeated if judgments were to be founded on a partial or speculative presentation of the facts. The very integrity of the judicial system and public confidence in the system depend on full disclosure of all the facts, within the framework of the rules of evidence.” Taylor v. Illinois, 484 U.S. 400, 408-409 (1988).

CONCLUSION

WHEREFORE, the Commonwealth respectfully requests that this Honorable Court DENY the defendant’s motion.

RESPECTFULLY SUBMITTED,
C. SAMUEL SUTTER
DISTRICT ATTORNEY

BY: 
WILLIAM M. McCAULEY
BBO: 562635
Assistant District Attorney
888 Purchase St.
New Bedford, MA 02740
(508) 961-1800

Dated: November 20, 2014

11/27

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss

SUPERIOR COURT DEPARTMENT
FALL RIVER SUPERIOR COURT
INDICTMENT NO.: BRRCR2013-00983

COMMONWEALTH

v.


AARON HERNANDEZ

AFFIDAVIT

1. I am an Assistant District Attorney and I am assigned to the prosecution of this matter;
2. In the course of dealing with the discovery issues with defense counsel I have received numerous e-mail requests from defense counsel asking for clarification of discovery, location of discovery items in the discovery packages, etc. I have repeatedly responded to these requests and directed defense counsel to the location of the items of discovery in the packages which was provided to counsel itemized and organized for ease of use;
3. I have notified defense counsel of anticipated expert witness testimony, along with expert reports, and summaries of testimony and expertise as well as evidence of other bad acts of the defendant which the Commonwealth seeks to elicit at trial;
4. I made attempts to elicit from defense counsel where there might be stipulations or areas of agreement regarding evidence;
5. Since the time of the original filing of the "good faith" witness list, I have further provided a revised witness list, including addresses. I responded to the defendant's motion for discovery of witness statements again pointing defense counsel to the location of the information in the discovery previously provided. [Exhibit A to this affidavit] I again requested that defense counsel to provide information to the Commonwealth concerning areas of agreements on evidence, stipulations, etc., but to this date I have received no response from defense counsel; and
6. I am in receipt of the defendant's "good faith" witness list. [Exhibit B to this affidavit]. To date this is the only reciprocal discovery received from the defendant;
7. The Commonwealth's witness list represents a significantly lower number of witnesses than all of the witnesses interviewed or identified during the course of the investigation and in the absence of knowing what facts will be uncontested, what agreements to foundational evidentiary requirements can be reached or what evidence the defendant

will stipulate to, represents a list of witnesses necessary to the Commonwealth's case in chief as currently contemplated.

Signed under the pains and penalties of perjury, this 20th day of November, 2014.


WILLIAM M. McCAULEY

Bomberg, Patrick (BRI)

From: McCauley, William (BRI)
Sent: Monday, November 17, 2014 11:23 PM
To: James Sultan; Mark Ferriera
Cc: Bomberg, Patrick (BRI); Michel, Roger (BRI); Michael.Fee@lw.com; Charles Rankin
Subject: RE: Comm. v. Aaron Hernandez
Attachments: Response to Request for Witness Discovery.doc

Jamie - please see attached response to your motion regarding witness discovery. As you can see from our response, we have already provided you numerous materials related to most of these witnesses. Some of the others have not written reports or statements but are referenced in other testimony and therefore are on the witness list. I remain open to discussing areas that we could possibly agree to further reduce the witness list. Although there is a lot of material, we have made our best efforts to provide you all of the discovery in a well-organized manner. Despite your suggestion to the contrary, we also have limited resources and I hope that you will make a diligent effort to review these materials so we do not have to continue to address discovery that has already been provided. I hope this resolves this issue.

Bill

From: James Sultan [jsultan@rankin-sultan.com]
Sent: Friday, November 14, 2014 12:42 PM
To: Mark Ferriera
Cc: McCauley, William (BRI); Bomberg, Patrick (BRI); Michel, Roger (BRI); Michael.Fee@lw.com; Charles Rankin
Subject: Comm. v. Aaron Hernandez

Mark, Enclosed please find a cover letter and 6 court filings. The originals are being mailed to you today. Please note that the motion for criminal records is being filed under seal since it includes personal information (home addresses and birth dates) of civilians on the Commonwealth's witness list. Thank you. Jamie

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.

CIVILIAN WITNESSES

1. Nereida Alicea: Girlfriend of Roberto Olivares
 - a. January 31st, 2014
 - i. Disc Two, Item 60: MSP Rpt #167 re Eduardo Sandoval Interview, Tpr Benson, dated 10-28-13 (Alicea is mentioned by first name only and is identified as Roberto Olivares' girlfriend)
2. Mark Archambault: Employee of HomeTech - he is referred to in grand jury minutes of Mike Connor and relates to the defendant's knowledge of the surveillance system.
3. Edward Brennan, Jr.: Employee of Enterprise Rental/Keeper of Records - he provided the initial information to police regarding the rental of the Suburban to the defendant.
4. Larry Brown: Present at the arrest of Alexander Bradley on January 28th, 2013
 - a. May 5th, 2014
 - i. Disc One, Item 38: MSP Rpt #374 re Bradley Arrest, Tpr Crowley, Dated 2-18-14
5. Max Brown: [REDACTED]
 - a. June 30th, 2014
 - i. Disc One, Item 12: Folder labeled [REDACTED] [containing materials received from the [REDACTED]]
 - b. October 31st, 2014
 - i. Item 3: Folder labeled [REDACTED] [containing materials received from the [REDACTED]]
6. Carlos Ferreira: Present at May 28th, 2013 Incident in Providence (This interview was inadvertently left out of the May 5th, 2014 discovery package)
 - a. November 10th, 2014
 - i. Item 1: Folder labeled Ferreira, Carlos (3-26-14) containing an audio recorded interview
7. Jose Furtado: Friend of Steven Chaves
 - a. May 23rd, 2014
 - i. Item 2: Folder labeled Chaves, Steven (4-9-14) containing an audio recorded interview [Furtado is present during the interview and identified himself]
 - ii. Item 31: MSP Rpt #405 re Steven Chaves and Jose Furtado Interview, Tpr Benson, Dated 5-2-14 [Furtado is identified as being

present and participating in the audio recorded interview of Steven Chaves]

8. Jodi Jenkins: Shayanna Jenkins' Mother - mentioned in her grand jury minutes, included in phone records and was present in defendant's home in the days following the murder.
9. Jean Lorizio: City of Boston Licensing Board/Keeper of Records
10. Milian Mitrovich: Transcore (Weston Toll) employee/Toll violation on Mass Pike.
11. Zeid Nabulski: Rumor Nightclub Manager
 - a. January 17th, 2014
 - i. Item 3: Boston PD Rpt #130-370188 re Lloyd Homicide, Sgt Stratton, Dated 6-19-13
12. Steve Vujevich: Merrill Lynch Financial Advisor to Aaron Hernandez/referenced in phone records/texts messages regarding accounts.

LAW ENFORCEMENT PERSONNEL

1. Officer Craig Chapman (North Attleboro PD)
 - a. North Attleboro PD Incident Rpt #2013000015736: August 5th, 2013 (item 13a); January 14th, 2014 (item 271); January 31st, 2014 (disc two, item 142); February 7th, 2014 (item 41); March 17th, 2014 (disc one, item 52); April 4th, 2014 (item 14); May 5th, 2014 (disc one, item 77); June 23rd, 2014 (disc two, item 64); July 3rd, 2014 (item 33); July 30th, 2014 (disc two, item 22); September 11th, 2014 (item 46); September 29th, 2014 (item 17); October 10th, 2014 (item 40)
 - b. August 5th, 2013
 - i. Item 12d: DVD containing the photo array interview administered to Keelia Smyth, dated June 18th, 2013
 - c. January 14th, 2014
 - i. Item 183: Photo Array - Keelia Smyth, Dated 6-18-13
2. Detective Ralph Constantino (Providence PD)
 - a. January 14th, 2013
 - i. Item 284: Brown University PD Rpt #13-860-OF, Ofc Bento, Dated 5-18-13
 - ii. Item 285: Providence RI PD Rpt Rpt #2013-00043505, Ofc Kennedy, Dated 5-18-13

3. Lt. Fredrick DeMarco (North Attleboro PD)
 - a. North Attleboro PD Incident Rpt #2013000015736 [Authored Narrative]: August 5th, 2013 (item 13a); January 14th, 2014 (item 271); January 31st, 2014 (disc two, item 142); February 7th, 2014 (item 41); March 17th, 2014 (disc one, item 52); April 4th, 2014 (item 14); May 5th, 2014 (disc one, item 77); June 23rd, 2014 (disc two, item 64); July 3rd, 2014 (item 33); July 30th, 2014 (disc two, item 22); September 11th, 2014 (item 46); September 29th, 2014 (item 17); October 10th, 2014 (item 40)
4. Trooper Catherine Dias (Bristol County State Police Detective Unit)
 - a. June 23rd, 2014
 - i. Disc Two, Item 69: Supplemental Scene Rpt #7 re Recovery of Item 60-1, Sherri Menendez, Dated 2-12-14
5. Patricia Furdon (Massachusetts State Police)
 - a. August 8th, 2014
 - i. Disc Two, Item 10: MSP 911 Call Detail Rpt re Call Reference 1683824 [identified as 911 call dispatcher on page 3]
6. Officer Christiaan Grunewald (North Attleboro PD)
 - a. North Attleboro PD Incident Rpt #2013000015736 [Authored 18 Narratives]: January 31st, 2014 (disc two, item 142); February 7th, 2014 (item 41); March 17th, 2014 (disc one, item 52); April 4th, 2014 (item 14); May 5th, 2014 (disc one, item 77); June 23rd, 2014 (disc two, item 64); July 3rd, 2014 (item 33); July 30th, 2014 (disc two, item 22); September 11th, 2014 (item 46); September 29th, 2014 (item 17); October 10th, 2014 (item 40)
 - b. Performed phone extractions/examinations of the following people:
 - i. Tyler Basso (January 17th, 2014; item 40 [CD]), Brandon Beam (June 30th, 2014; disc one, item 7), Joel Carrasquillo (January 17th, 2014; item 44 [DVD]), Carmen Colon (January 17th, 2014; item 43 [DVD]), Devon Crussana (January 17th, 2014; item 29 [CD]), Alec Fornaciari (July 30th, 2014; disc one, item 1), Hannah Fortier (January 17th, 2014; item 38 [DVD]), Catherine Garner (January 17th, 2014, items 14 [Blu-Ray] and 35 [CD]), Eric Jenkins (January 17th, 2014; item 32 [CD]), Devon Maisonet (January 17th, 2014; item 26 [CD]), Stephen McLay (June 30th, 2014; disc one, item 9), Tamika Negron (June 30th, 2014; disc one, item 10), Tim Ryan (June 23rd, 2014; disc three, item 1), Michael Shepard (January 17th, 2014; items 45 [DVD] and 46 [DVD]), Tatiana Singleton (May 5th, 2014; disc three, item 6), Eric

Therrien (January 17th, 2014; item 39 [CD]) and Ian Wessels (June 23rd, 2014; disc four, item 1)

- c. Participated in the interviews of the following people:
 - i. Tyler Basso (January 14th, 2014; Interviews, item 1 and January 31st, 2014; disc two, item 81), Brandon Beam (June 23rd, 2014; disc one, item 2 and July 3rd, 2014; item 31), Tracey Blyther (January 14th, 2014; Interviews, item 3 and January 31st, 2014; disc two, item 76), Joel Carrasquillo (January 14th, 2014; Interviews, item 9 and January 31st, 2014; disc two, item 82), Carmen Colon (January 31st, 2014; disc two, item 112) Devon Crussana (January 14th, 2014; Interviews, item 12 and January 31st, 2014; disc two, item 84), Charlotte Dudley (May 5th, 2014; disc one, item 66 and disc two, item 2), Alec Fornacari (July 30th, 2014; disc one, item 3 and disc two, item 20), Hannah Fortier (January 14th, 2014; Interviews, item 17 and January 31st, 2014; disc two, item 83), Kera Francis (January 14th, 2014; Interviews, item 18 and January 31st, 2014; disc two item 78), Micheline Gaboury (January 14th, 2014; Interviews, item 20 and January 17th, 2014, item 124), Catherine Garner (January 14th, 2014; Interviews, item 22 and January 17th, 2014, item 126), Christopher Jarvis (June 23rd, 2014; disc one, item 8 and July 30th, 2014; disc two, item 16), Eric Jenkins (January 14th, 2014; Interviews, item 28 and January 31st, 2014; disc two, item 79), Jose Martinez (January 14th, 2014; Interviews, item 33 and January 31st, 2014; disc two, item 80), Stephen McLay (June 23rd, 2014; disc one, item 15 and July 3rd, 2014; item 30), Tamika Negron (July 9th, 2014; item 2 and July 30th, 2014; disc two, item 14), Victor Negron (July 9th, 2014; item 3 and July 30th, 2014; disc two, item 15), Bianca Nieves (January 14th, 2014; Interviews, item 38 and January 31st, 2014; disc two, item 75), Anamaria Rodriguez (June 23rd, 2014; disc two, item 6 and July 30th, 2014; disc two, item 13), Tim Ryan (January 14th, 2014; Interviews, item 46 and January 17th, 2014, item 141), Eric Therrien (January 14th, 2014; Interviews, item 52 and January 17th, 2014; item 125) and Valerie Velez (January 14th, 2014; Interviews, item 54 and January 17th, 2014, item 144)
- d. September 11th, 2014
 - i. Item 48: Ofc Christiaan Grunwald CV

7. Officer Gary Maitland (North Attleboro PD)

- a. North Attleboro PD Incident Rpt #2013000015736 [Authored Narrative]: August 5th, 2013 (item 13a); January 14th, 2014 (item 271); January 31st, 2014 (disc two, item 142); February 7th, 2014 (item 41); March 17th, 2014 (disc one, item 52); April 4th, 2014 (item 14); May 5th, 2014 (disc one, item 77); June 23rd, 2014 (disc two, item 64); July 3rd, 2014 (item 33); July 30th,

2014 (disc two, item 22); September 11th, 2014 (item 46); September 29th, 2014 (item 17); October 10th, 2014 (item 40)

b. November 15th, 2013

- i. Item 132: (1) DVD labeled Anonymous Tip, North Attleboro Police Department, 6-22-13

8. Officer Kevin McKeon (North Attleboro PD)

- a. North Attleboro PD Incident Rpt #2013000015736: August 5th, 2013 (item 13a); January 14th, 2014 (item 271); January 31st, 2014 (disc two, item 142); February 7th, 2014 (item 41); March 17th, 2014 (disc one, item 52); April 4th, 2014 (item 14); May 5th, 2014 (disc one, item 77); June 23rd, 2014 (disc two, item 64); July 3rd, 2014 (item 33); July 30th, 2014 (disc two, item 22); September 11th, 2014 (item 46); September 29th, 2014 (item 17); October 10th, 2014 (item 40)

9. Officer Kevin Mobley (North Attleboro PD)

- a. January 14th, 2014
 - i. Item 71: Evidence Submission 13-11925-21, Dated 6-20-13
- b. March 17th, 2014
 - i. Disc One, Item 1n: 13-11925-27

10. Detective Lt. Kevin Morrell (Bristol PD)

- a. January 14th, 2014
 - i. Item 11: Bristol CT PD Rpt re Search Warrant, 114 Lake Ave, Det Dorman, Dated 6-28-13

11. Detective Steve Pileski (Bristol PD)

- a. January 14th, 2014
 - i. Item 11: Bristol CT PD Rpt re Search Warrant, 114 Lake Ave, Det Dorman, Dated 6-28-13

12. Detective Jose Pineda (Providence PD)

- a. January 14th, 2014
 - i. Item 285: Providence PD Rpt #2013-00043505, Ofc Kennedy, Dated 5-18-13

13. Detective David Plasczynski (Bristol PD)

- a. January 14th, 2014
 - i. Item 6: Bristol CT PD Rpt re Contact with MSP, Det Dorman, Dated 7-4-13
 - ii. Item 12: Bristol CT PD Rpt re Search Warrant, Chrysler 300C, Det Dorman, Dated 7-1-13

- iii. Item 13: Bristol CT PD Rpt re Search Warrants, Det Plaszynski, Dated 7-3-13
- iv. Item 221: MSP Rpt #48 re Chain of Custody, Chrysler 300C, Tpr Rodriguez, Dated 7-9-13

14. Chief John Reilly (North Attleboro PD)

- a. North Attleboro PD Incident Rpt #2013000015736: August 5th, 2013 (item 13a); January 14th, 2014 (item 271); January 31st, 2014 (disc two, item 142); February 7th, 2014 (item 41); March 17th, 2014 (disc one, item 52); April 4th, 2014 (item 14); May 5th, 2014 (disc one, item 77); June 23rd, 2014 (disc two, item 64); July 3rd, 2014 (item 33); July 30th, 2014 (disc two, item 22); September 11th, 2014 (item 46); September 29th, 2014 (item 17); October 10th, 2014 (item 40)

15. Sgt. Jason Roy (North Attleboro PD)

- a. North Attleboro PD Incident Rpt #2013000015736 [Authored Narrative]: August 5th, 2013 (item 13a); January 14th, 2014 (item 271); January 31st, 2014 (disc two, item 142); February 7th, 2014 (item 41); March 17th, 2014 (disc one, item 52); April 4th, 2014 (item 14); May 5th, 2014 (disc one, item 77); June 23rd, 2014 (disc two, item 64); July 3rd, 2014 (item 33); July 30th, 2014 (disc two, item 22); September 11th, 2014 (item 46); September 29th, 2014 (item 17); October 10th, 2014 (item 40)

16. Detective Timothy Stanton (Boston PD)

- a. January 14th, 2014
 - i. Item 215: MSP Rpt #13 re Notification of Family, Located Suburban, Tpr Laliberte, Dated 7-8-13
- b. January 17th, 2014
 - i. Item 3: Boston PD Rpt #130-370188 re Lloyd Homicide, Sgt Stratton, Dated 6-19-13
 - ii. Item 146: MSP Rpt #289 re Boston Video Surveillance, Tpr Dumont, Dated 1-16-14
 - iii. Item 147: MSP Rpt #290 re Investigation of Tip, Tpr Dumont, Dated 1-16-14
- c. January 31st, 2014
 - i. Disc Two, Item 61: MSP Rpt #211 re Club Rumor, Tpr Laliberte, Dated 7-2-13
 - ii. Disc Two, Item 72: MSP Rpt #294 re Fayston St, Tpr Dumont, Dated 1-16-14

17. Captain John White (North Attleboro FD)

- a. North Attleboro PD Incident Rpt #2013000015736: August 5th, 2013 (item 13a); January 14th, 2014 (item 271); January 31st, 2014 (disc two, item

142); February 7th, 2014 (item 41); March 17th, 2014 (disc one, item 52); April 4th, 2014 (item 14); May 5th, 2014 (disc one, item 77); June 23rd, 2014 (disc two, item 64); July 3rd, 2014 (item 33); July 30th, 2014 (disc two, item 22); September 11th, 2014 (item 46); September 29th, 2014 (item 17); October 10th, 2014 (item 40)

- b. October 3rd, 2013
 - i. Item 1: MSP Case Initiation Rpt, Tpr Benson, Dated 7-5-13
- c. January 14th, 2014
 - i. Item 269: North Attleboro Fire Dept Rpt, Incident #20130001704, Dated 6-17-13
- d. September 11th, 2014
 - i. Item 45: NAFD Patient Rpt, Dated 6-17-13

18. Trooper Jeffrey Whitehead

- a. October 3rd, 2013
 - i. Item 27: MSP Rpt #60 re Search of Rt 128 South, Tpr Benson, Dated 8-11-13
- b. January 14th, 2014
 - i. Item 221: MSP Rpt #48 re Chain of Custody, Chrysler 300C, Tpr Rodriguez, Dated 7-9-13

19. Detective Carlton Williamson (Boston PD)

- a. January 17th, 2014
 - i. Item 3: Boston PD Rpt #130-370188 re Lloyd Homicide, Sgt Stratton, Dated 6-19-13
- b. January 31st, 2014
 - i. Disc Two, Item 72: MSP Rpt #294 re Fayston St, Tpr Dumont, Dated 1-16-14

20. Officer Edward Zimmer (North Attleboro PD)

- a. North Attleboro PD Incident Rpt #2013000015736 [Authored Narrative]: August 5th, 2013 (item 13a); January 14th, 2014 (item 271); January 31st, 2014 (disc two, item 142); February 7th, 2014 (item 41); March 17th, 2014 (disc one, item 52); April 4th, 2014 (item 14); May 5th, 2014 (disc one, item 77); June 23rd, 2014 (disc two, item 64); July 3rd, 2014 (item 33); July 30th, 2014 (disc two, item 22); September 11th, 2014 (item 46); September 29th, 2014 (item 17); October 10th, 2014 (item 40)

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November 17, 2014

William McCauley
First Assistant District Attorney
Bristol County District Attorney's Office
888 Purchase Street
New Bedford, MA 02740

Re: *Commonwealth v. Aaron Hernandez,*
Bristol Superior Court Criminal #2013-000983

Dear Mr. McCauley:

We are writing to provide notice to the Commonwealth regarding witnesses the defendant may call at trial. That disclosure is as follows.

First, the defendant reserves the right to call any witness listed on the Commonwealth's witness list dated October 31, 2014.

Second, the defendant reserves the right to call any person interviewed by the Commonwealth or whose name is mentioned in discovery by the Commonwealth.

Third, the defendant reserves the right to call any witness whose substantive knowledge of relevant evidence is discovered by defense counsel after this date, provided that the defense gives notice to the prosecution as soon as the defense forms an intent to call said witness at trial.

Fourth, the defense may call the following expert witness at trial:


Dr. David J. Greenblatt, Professor of Pharmacology and Experimental Therapeutics, Department of Integrative Physiology and Pathobiology, Tufts University School of Medicine, 136 Harrison Avenue, Boston, MA 02111. Dr. Greenblatt's *curriculum vitae* is enclosed herewith. It is anticipated that he will testify regarding the effects of PCP and/or marijuana on the human brain and human behavior.

Exhibit B

William McCauley, First Assistant District Attorney
Bristol County District Attorney's Office
November 17, 2014
Page 2

Fifth, the defendant reserves the right to call additional witnesses at trial with reasonable notice based upon the Commonwealth's presentation of unanticipated evidence or other currently unforeseen developments prior to or during the trial.

Sincerely yours,


James L. Sultan


Charles W. Rankin



Michael K. Fee

JLS:pcb

Enclosure

BY E-MAIL TO william.mccauley@state.ma.us and U.S. MAIL, POSTAGE PREPAID

cc: ADA Patrick Bomberg (By e-mail to patrick.bomberg@state.ma.us)
ADA Roger Michel (By e-mail to roger.michel@state.ma.us)

CLERK'S NOTICE	DOCKET NUMBER 1373CR00983	Trial Court of Massachusetts The Superior Court 
CASE NAME: Commonwealth vs. Aaron J Hernandez		Marc J. Santos, Clerk of Court Bristol County
TO: File Copy		COURT NAME & ADDRESS Bristol County Superior Court - Fall River 186 South Main Street, Suite 202 Fall River, MA 02721
<p>You are hereby notified that on 11/24/2014 the following entry was made on the above referenced docket:</p> <p>Endorsement on Request for Extension on the Date to Provide Exhibit List, (#165.0): DENIED The time table is designed to allow filings of motions in limine on schedule. The filing deadline has already been, in effect, extended because the exhibit list was due on November 15. Exhibit list of exhibits Commonwealth in good faith intends to offer shall be filed by November 26, 2014. At this time, the Court is not extending time for filing motions in limine because of the late filing of the exhibit list.</p>		
DATE ISSUED 11/24/2014	ASSOCIATE JUSTICE/ ASSISTANT CLERK Hon. Susan E Garsh	SESSION PHONE#