

12/22/14

#191

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

**SUPERIOR COURT DEPT.
FALL RIVER SUPERIOR CT.
INDICT. #BRCR2013-00983**

COMMONWEALTH

vs.

AARON HERNANDEZ

**COMMONWEALTH'S SUPPLEMENTAL SUBMISSION REGARDING
EXPERT TESTIMONY**

Now comes the Commonwealth and respectfully submits the following supplement to its prior submission of expert witnesses and the substance of their testimony and opinions:

AUTOPSY:

Dr. William Zane will testify about the autopsy of Odin Lloyd and his observations, conclusions and opinions related to victim's injuries/entrance and exit wounds/ bullet wounds/paths of bullets/recovery of projectiles from the body/injuries to organs/antemortem and postmortem injuries/mechanism of death/onset of death from time injuries inflicted/cause of death/other related topics relative to death (rigor/lividity/etc.) and information as contained in his autopsy report/ diagrams/photos of body/death certificate.

BALLISTICS:

Tpr. John Conroy will testify about Ballistics including the operation of firearms, rifles and related components such as ammunition as well as observations/ examinations/comparisons/ opinions related to ballistic evidence such as toolmarking/firing pin impressions/ breech face markings/ejection marks/ riflings/etc. See related reports/documents/ photographs/CVs/etc. detailing conclusions and opinions including the examination/test firing/certification of a .22 caliber Jiminez and a 7.62 FEG Hungarian rifle and related ammunition in reports dated June 19, 20 (2), 22, 25, 2013.

Sgt. Steven Walsh will testify about Ballistics including the operation of firearms, rifles and related components such as ammunition as well as observations/ examinations/comparisons/ opinions related to ballistic evidence such as toolmarking/firing pin impressions/ breech face markings/ejection marks/ riflings/etc. See related reports/documents/ photographs/CVs/etc. detailing conclusions and opinions including the identification of six (6) discharged .45 caliber shell casings to the same Glock type (rectangular pattern pin aperature and elliptical firing pin) firearm based on firing pin aperature sheer, firing pin sheer near drag, and striation on the firing

pin; and the identification of projectiles recovered from inside and under the body of Odin Lloyd based on class characteristics (caliber/polygonal rifling, consistency in weight and configuration to .45 caliber class ammunition) and sufficient agreement in quality and quantity of unique microscopic marks/ striations at the base of the projectile in the land impression as well as other information contained in reports dated June 22, 2013 and July 29, 2013;

Officer Jose Pineda will testify about the test firing of the .22 Jiminez firearm recovered in Providence, RI on May 18, 2013. He will describe the firearm and ammunition recovered from it and the steps he took to determine that that firearm and ammunition was functional including the examination/test firing/certification of a .22 caliber Jiminez..

CARS:

Tpr. Michael George will testify as a certified mechanic and a member of the CARS (Collision Analysis Reconstruction Section) Unit to observations/examination/ and opinions related to the determination that the Nissan Altima was a front wheel drive vehicle. See related documents/ photographs/ CV/reports/etc. detailing his findings/conclusions/opinions.

CELLPHONES/CELL TOWERS:

Tpr. Dan Giossi will testify to his background/training/ experience in the areas of wireless communications involving cellphone devices and cell towers including the operation of a cellphone/how a cellphone connects to a network or service providers/how a cell phone stores data/the forensic extraction of data either manually and/or with the use of a Universal Forensic Extraction Device or other forensic tools to recover cellphone data including the user's phone number/contact lists/calls logs/ recent calls/texts/photographs/ deleted information/etc. from phones related to this investigation – see related Cellebrite reports/photographs/records/CVs/ reports/etc. detailing findings/conclusions/ opinions.

Tpr. Michael Bates will testify to his background/training/experience as to how a cell phone stores data/the forensic extraction of data either manually and/or with the use of a Universal Forensic Extraction Device or other forensic tools to recover cellphone data including the user's phone number/contact lists/calls logs/ recent calls/texts/photographs/ deleted information/etc. from phones related to this investigation including the phones of the victim and defendant – see related Cellebrite reports/photographs/records/CVs/ reports/etc. detailing findings/conclusions/ opinions.

Tpr. Jeremiah Donovan will testify to his background/training/experience in the areas of wireless communications involving cellphone devices and cell towers including the operation of a cellphone/how a cellphone connects to a network or service providers/how a cell phone stores data/locating and identifying using GPS relevant cell towers/forensic extraction of data either manually and/or with the use of forensic tools to recover cellphone data including the user's phone number/contact lists/calls logs/ recent calls/texts/photographs/deleted information/etc. as well as the recovery of video surveillance footage related to this investigation – see related Cellebrite reports/photographs/records/ CVs/reports/etc. detailing findings/conclusions/ opinions. Others who also performed forensic extractions on other phones during the investigation with similar extraction training were Off. Christiaan Grunewald, Tpr. Mark Burke, and Tpr. Michael Bates

Justin Darrow will testify as a Radio Frequency (RF) Engineer, employed by Sprint, to the general methodologies used for cellphone/cell sites (towers)/locations/ wireless networks and likely general area where calls were made based on cell service providers recording the identity of cell sites, through records and GPS locations, utilized through network based location services and can approximate the location of an active cellphone within its network based on the cellphones communications with a particular site .

Christopher Ritchell will testify as a Radio Frequency (RF) Engineer, employed by AT&T Wireless, to the general methodologies used for cellphone/cell sites (towers)/locations/ wireless networks and likely general area where calls were made based on cell service providers recording the identity of cell sites, through records and GPS locations, utilized through network based location services and can approximate the location of an active cellphone within its network based on the cellphones communications with a particular site.

Patrick Quinn will testify as Radio Frequency (RF) Engineer, employed by T-Mobile, to the general methodologies used for cellphone/cell sites (towers)/locations/ wireless networks and likely general area where calls were made based on cell service providers recording the identity of cell sites, through records and GPS locations, utilized through network based location services and can approximate the location of an active cellphone within its network based on the cellphones communications with a particular site. Other witnesses who would testify to similar methodologies for other phone companies have not yet been assigned by respective companies.

Eric Perry will testify about his background/training/ experience as a member of the FBI's Cellular Analysis Survey Team and his review of the phone records/ toll and call detail records, GPS tower locations, the geographic locations of cell towers, the function of cell towers, verification of signal acquisition by cell towers in a number of areas of Massachusetts including in, around, and between North Attleboro, Attleboro, Foxboro, Dorchester, Boston and Franklin as well as some locations in Rhode Island by conducting Radio Frequency Drive testing, the methods of cellular telephone communications, the signaling to nearby cell towers, the capturing and recording of the sector and the specific antenna/cell tower receiving a signal from a cellular telephone at the beginning of a voice and sms connection, and the determination from this data the general geographic location area of a cellular telephone at the time of the communications.

CRIMINALISTICS:

Sherri Menedez will testify about her background/training/experience in the Criminalistic Unit and her involvement in the investigation into the death of Odin Lloyd. This included the collection/preservation/transportation/analysis of related evidence including clothing of the victim/ shell casings/gunshot powder residue/blood screenings on numerous items including clothing and fingernails of the victim/collection of DNA from shell casings, clothing and individuals including Aaron Hernandez/lead and copper testing (on clothing as included in report of April 21, 2014)/ positive vaporous findings are indicative of a gunshot having been fired from three (3') feet or less from muzzle to target / positive Griess results (as included in same report) are indicative of a gunshot having been fired within four (4') to five (5') from muzzle to target/ collection of fibers from projectiles found at the scene – see related records/photographs/ reports/ CV/etc. detailing the findings/conclusions/opinions related to this testing – specifically

including the witness' reports dated July 24, 2013; August 7, 2013; February 12, 2014; April 21, 2014; and June 10, 2014. Other witnesses listed (Alana Fredericks, Dan Pratt, Jessica Robidoux and John Biello participated in other aspects of assisting, testing and/or verifying testing procedures and protocols – see related documents/reports/CVs.

DRUGS (Marihuana):

Tpr. Timothy Woods will testify to his background/training/ experience as a forensic scientist with the Forensic Services Group of the Massachusetts State Police that he tested a cigarette butt, which had been recovered at the scene, and determined that it contained marihuana – see related photographs, CV, and report of drug certification dated June 20, 2013. Tpr. Woods would also testify that his examination and testing of a bowl (recovered with a scale in the defendant's house) revealed that it contained residue of Marihuana - see supplemental drug certification dated October 14, 2014.

DEMS:

Tpr. John Conron will testify to his background/training/experience as a member of the Digital Evidence and Multimedia Section (DEMS) and his involvement in the recovery of the DVR portion of the surveillance system during the execution of the June 18th search warrant at the defendant's home. After recovering the DVR from the surveillance system, a forensic image of the hard drive was made and then restored to additional hard drive disks without error. During this process, he determined the difference between the DVR system time and the actual time – see related photographs/imaged disks/CV/and report dated January 29, 2014.

Sgt. Carl Oley will testify to his background/training/experience as a member of the Digital Evidence and Multimedia Section (DEMS) and his involvement in the recovery of the DVR portion of the surveillance system during the execution of the June 18th search warrant at the defendant's home. Sgt. Oley will describe the forensic process of recovering a hard drive and making an imaged copy and verifying that imaged copy – see related photographs/imaged disks/CV/and report of Tpr. John Conron dated January 29, 2014.

DNA:

Diane Fife-Biagiotti will testify about her backgrounds/training/experience/ related to the field of DNA and the recovery and forensic testing of biological samples for DNA including the collection methods/ preparation of samples/procedures/testing methodology/analysis of testing results/statistical conclusions/opinions– see related test data/protocols/charts/records/ CVs/ reports/etc. detailing the findings/conclusions/opinions related to the DNA testing – specifically the witness' reports and supplements dated June 28, 2013; December 3, 2013; March 4, 2014; August 5, 2014; and September 3, 2014. Other witnesses listed were involved in (Sherri Anderson, Lindsay Bird, Kim Bonner, Sharon Convery Walsh, Emily Despres, Stephanie Harmon, Maureen McCabe) were involved in other aspects of DNA testing and/or verification of procedures and protocols – see related documents/CVs.

FINGERPRINTS:

Tpr. David Mackin will testify about fingerprints relying on his backgrounds/experience/ training in the field of fingerprinting and utilizing the ACE-V (Analysis/Comparison/Evaluation/ Verification) methodology to detect/photograph/ preserve/process/ recover/analyze/compare/

identify/ and verify to known fingerprints. – see related photographs/records/ CV/etc. detailing the findings/conclusions/opinions related to the fingerprints – including the witness' reports dated January 21, 22, 23, 27, and 28, 2014 and February 3, 2014. Other witnesses would testify to similar background/ experience/training and their respective involvement in recovering fingerprints from particular locations and/or individuals including the defendant, Odin Lloyd, Ernest Wallace, Carlos Ortiz, and Keelia Smith and/or were involved to verify the identification of fingerprints – see related photographs/ records/CVs/etc. of: DLt. Michael Holleran, Lt. Robin Fabry, Sgt. Kenneth Hefferan, Sgt. Kevin Halle, Sgt. Steven Bennett, Tpr. William Tarbokas, Tpr. William Watson, Tpr. Lance Mello, Tpr. Joseph Silvia, Jr., Tpr. Michael Lombard, Tpr. Paul Bartlett and Tpr. Peter Bengtson.

GUNSHOT POWDER RESIDUE (GSR):

John Biello would testify about GSR testing relying on his background/experience/training in the field of Gunshot Powder Residue testing. He would describe his involvement in testing a number of items of evidence submitted to him for GSR testing. This testing would include a description and the processes that are followed using a scanning electron microscope to detect tiny particles which may be recovered under certain circumstances when a gunshot is fired. He will also testify factors that impact the ability to recover these minute particles including movement, cleaning, friction, weather, moisture, etc. Tpr. Biello will describe his findings with regard to this testing - see opinions/conclusions contained in two related reports dated July 24, 2014.

IMPRESSION EVIDENCE:

Sgt. Steven Bennett will testify about impression type evidence relying on his background/training/experience and utilizing the ACEV methodology to analyze footwear evidence including the formation and detection of impression evidence by evaluating materials and surfaces involved, preserving, collecting, comparing and analyzing through accepted methods - see related reports/documents/ photographs/ CV/etc. detailing his conclusions and opinions – specifically report dated March 18, 2014 and report dated November 26, 2014.

Herb Hedges will testify about Nike shoes relying on his background/training/experience as a Footwear Manufacturing and Process Expert identifying footwear produced by Nike, Inc. He will testify that he has reviewed crime scene photographs and still pictures from the home surveillance footage recovered from 22 Ronald C. Meyer Drive, North Attleboro. From his review of these materials, he is able to identify the shoes Aaron Hernandez was wearing both before and after the homicide of Odin Lloyd as Air Jordan 11 Retro Low sneakers. He is also able to identify a pair of brown hiking type shoes (photographed in two locations at 22 Ronald C. Meyer with the Air Jordan 11 Retro Low sneakers) as Nike Air Jordan Winterized Spizike shoes. These shoes are consistent in appearance with the shoes being worn by Carlos Ortiz both before and after the murder. He will testify to the outsole pattern of both of these shoes - see related email correspondence/photographs/CV/search warrant of November 24, 2014.

Vance Hayes will testify about Creative Recreation Shoes relying on his background/training/ experience as the Director of Operations for Creative Recreation. He will identify a pair of shoes from crime scene photographs as Cesario Lo model shoes (Model # CR4LO13-RDHER) and he

will testify that the outsole pattern of all Cesario Lo's from 2008 to the present have the same outsoled mold - see related email correspondence/photographs/CV.

Tpr. Todd Girouard will testify about impression type evidence relying on his background/training/experience and utilizing the ACEV methodology to analyze tire track evidence including the formation and detection of impression evidence by evaluating materials and surfaces involved, preserving, collecting, comparing and analyzing through accepted methods - see related reports/documents/ photographs/CV/etc. and detailing conclusions and opinions. Such analysis included the analysis of certain tire track impressions observed at the crime scene and later compared and individualized to a tire on the Nissan Altima. Report – September 20, 2013

Lt. Robin Fabri will testify about impression type evidence relying on her background/training/ Experience and utilizing the ACEV methodology to verify the impression evidence findings of Tpr. Girouard related to footwear and tire track impressions.

GLOCK:

Kyle Aspinwall will testify relying on his background/training/experience and work for Glock that a TMZ photograph of the defendant holding a firearm is consistent with a Glock 21 (.45 caliber) firearm.

PHOTOGRAPHS:

David Witzke will testify to Digital photographs relying on his background/ training/experience as it relates to the originality of the TMZ photo and the metadata included therein – see report of witness dated March 10, 2014. Also related to other metadata from photograph from Odin Lloyd's phone taken on June 9, 2013 and photo taken by Lt. Michael King during execution of search warrant on date of June 18, 2013– see related photographs and supplemental report dated November 17, 2014.

SCENE:

Dr. Thomas French will testify relying on his background/training and experience as the assistant director of the Massachusetts Division of Fisheries and Wildlife. He will testify to his observations and examination of photograph from the crime scene and opine that the item observed near the body of the victim was animal scat and consistent with that of a fox - see related materials/CV/email dated October 27, 2014.

SOIL:

Jodi Blakely Webb will testify relying on her background/training and experience in the trace unit of the FBI about soil analysis and comparisons related to soils recovered from the Nissan Altima and from the crime scene – see report dated January 15, 2014.

SURVEILLANCE VIDEO:

Dorothy Stout will testify relying on her background/training/experience in forensic video analysis as to the video surveillance system at 22 Ronald C. Meyer Drive which includes the types of cameras (digital vs analog), the frame rates of each camera, the time offset of each camera, the native image resolution of each camera, the consistency of the time offset, Daylight

savings configurations, establishing the consistency of the video (analog cameras) based on the total number of frames for certain time periods, adjustment of system time to real time using established benchmarks, symptoms and causes of image latency (i.e. seeing individuals on two different cameras at the same time), symptoms and causes of dropped frames (i.e. freeze frames, missing frames), best practices of analyzing the video and the analysis process and exporting/backup process for obtaining video – see also CV/report of analysis dated March 24, 2014.

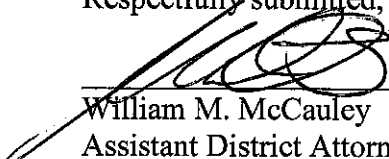
Robert Racette will testify relying on his background/training/experience in forensic video analysis as to the types of cameras (digital vs analog), the frame rates of each camera, the time offset of each camera, the consistency of the time offset, establishing the consistency of the video (analog cameras) based on the total number of frames for certain time periods, adjustment of system time to real time using established benchmarks, the symptoms and causes of image latency (i.e. seeing individuals on two different camera at the same time), the symptoms and causes of dropped frames (i.e. freeze frames, missing frames) and exporting/backup process for obtaining video.

TRACE:

Christina Hanley will testify relying on her background/training/experience in the trace unit to her observations/examination/ opinions related to fibers recovered from the projectiles located in the ground underneath the victim's body and then comparing those fibers with fibers from the victim's clothing.

The Commonwealth reserves the right to supplement/amend its responses with reasonable notice.

Respectfully submitted,



William M. McCauley
Assistant District Attorney
Bristol District
BBO#562635
888 Purchase St.
New Bedford, MA 02740
(508) 997-0711

Dated: December 11, 2014