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January 29, 2014

Mark A. Ferriera, Assistant Clerk  
Bristol Superior Courthouse  
186 South Main Street  
Fall River, MA 02720

BRISTOL, SS SUPERIOR COURT  
FILED

JAN 31 2014

MARC J. SANTOS, ESQ.  
CLERK/MAGISTRATE

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

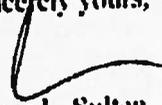
Dear Mr. Ferriera:

Enclosed for filing in the above-captioned criminal case please find the following:

1. *Defendant's Motion for Discovery;*
2. *Defendant's Motion for Bill of Particulars; and*
3. *Defendant's Motion to Compel Commonwealth to State Whether it Has Fully Produced Agreed-upon Discovery to Date and, If Not, When it Intends to Complete Said Production.*

I have e-mailed these filings to you today as well. Thank you for your anticipated assistance.

Sincerely yours,

  
James I. Sultan

JLS/lc  
Enclosures

cc:

First ADA William McCauley  
ADA Patrick O. Bomberg

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

BRISTOL SUPERIOR COURT  
No. 2013-983

COMMONWEALTH OF MASSACHUSETTS

v.

BRISTOL SUPERIOR COURT  
FILE

AARON HERNANDEZ

JAN 31 2014

MARC J. GANTY, P.C.  
CLERK/MAGISTRATE

DEFENDANT'S MOTION FOR DISCOVERY

Aaron Hernandez, 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 Mass.R.Crim.P 14(a)(2), to order the Commonwealth to produce the discovery enumerated below within 30 days. The specific grounds for each request follow the enumerated request.

1. Copies of all notes made by any law enforcement officers during the course of this investigation outside of Massachusetts.

The Commonwealth has agreed to produce notes made by law enforcement officers within Massachusetts, but has not agreed to produce such notes from outside Massachusetts. Rule 14, by its terms, applies to all materials, *inter alia*, "in the possession, custody or control of... persons who have participated in investigating and evaluating the case and either regularly report to the prosecutor's office or have done so in the case." Rule 14(a)(1)(A), Mass. R.Crim.P. (*emphasis supplied*) Based upon discovery provided to date, it is apparent that a substantial amount of the investigation in this case took place outside of Massachusetts, including Connecticut, North Carolina, and Florida. Presumably, the Commonwealth may seek to present evidence obtained

outside of Massachusetts at trial. Moreover, some of that evidence may well be exculpatory. Under the circumstances, the Commonwealth should be required to obtain and disclose notes from law enforcement officers participating in any portion of the investigation which occurred outside of Massachusetts. If the Commonwealth was in the position to direct that such investigation take place, surely the Commonwealth is equally able to obtain and disclose notes which constitute fruits of that investigation.

2. **With respect to the State Police Crime Lab or any other forensic laboratory which tested or analyzed any of the evidence in this case, provide: (a) a copy of the most recent outside audit/inspection report on the laboratory by an accrediting organization; (b) all records documenting quality control for materials and equipment utilized in said testing; (c) all documents evidencing any internal or external proficiency testing conducted during the past 5 years and the results of said testing; (d) a copy of all relevant protocols governing said testings; and (e) the error rate for each type of testing employed and all documentation supporting said error rate.**

Based on the discovery provided to date, the Commonwealth has conducted or is in the process of conducting substantial forensic analysis of evidence obtained during the course of its investigation. In order to prepare to challenge those forensic results at trial and/or through appropriate *Lanigan/Daubert* motions to be filed pre-trial, the defendant must have access to the materials sought. For example, the defendant cannot assess the validity of the testing protocols or determine whether the laboratory adhered to those protocols without seeing the protocols themselves. Similarly, depending upon the error rate and the results of any recent audits, test results may not be sufficiently reliable to be presented at trial. In short, in a case such as this where the Commonwealth seeks to rely on forensic test results, the defendant must be provided with the documentary materials necessary to analyze and challenge those results.

- 3. All public "posts" about the case on the Internet made by any prospective Commonwealth witness agent who may testify at trial.**

In order to effectively cross-examine the Commonwealth's witnesses, the defendant must have access to all prior statements made by those witnesses regarding the subject matter at issue. Such statements may be inconsistent with testimony presented at trial. Such statements may also reveal a witness's biases or prejudices, all relevant to credibility. In today's world, individuals may make statements using a variety of vehicles, including blogs and social media sites. Under the circumstances, the Commonwealth should be required to ask all of its agents who may be trial witnesses whether they have posted any such statements about this case and, if so, to provide a copy of same to the defendant in order to enable the defendant to prepare effectively to cross-examine the Commonwealth's witnesses at trial.

- 4. A copy of any and all documents and recordings memorializing the statement made to law enforcement agents by Oscar Hernandez in Belle Glade, Florida on June 27, 2013 and any subsequent statements made by him.**

Mr. Hernandez may be an important witness in the case. The defense does not believe it has received any discovery at all to date about his statements to law enforcement agents. It should be produced.

- 5. A copy of any credit card receipt for goods or services purchased by Hernandez, Roberto Olivares, or Odin Lloyd at Rumors nightclub on June 14-15, 2013.**

The Commonwealth has devoted enormous resources to scrutinizing the defendant's activities at Rumors on the night of June 14-15, 2013, yet the defense does not believe it has been provided any documentation of any credit card purchases made by the defendant or two individuals who may have been with him that night. Such information is clearly relevant and may well be exculpatory. It should be produced if it exists.

Respectfully submitted,

**AARON HERNANDEZ**

By his attorneys,

*Michael K. Fee (S)*

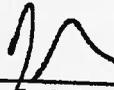
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Charles W. Rankin, BBO #411780  
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Boston, MA 02114  
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**CERTIFICATE OF SERVICE**

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 Patrick O. Bomberg and William McCauley, Assistant District Attorneys, Bristol County, 186 South Main Street, Fall River, MA 02721 on January 29, 2014.



James L. Sultan

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

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

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COMMONWEALTH OF MASSACHUSETTS

v.

BRISTOL, SS SUPERIOR COURT  
FILED

AARON HERNANDEZ

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JAN 31 2014

MARC J. SANTOS, ESQ.  
CLERK/MAGISTRATE

**DEFENDANT'S MOTION FOR BILL OF PARTICULARS**

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 Mass. R. Crim. P. 13(b)(1), to order that the Commonwealth provide him with a bill of particulars specifying the time, place, manner, and means of each of the defendant's alleged offenses. As grounds therefore, the defendant avers as follows:

1. The first count of the indictment, charging Hernandez with first degree murder, alleges that "on or about June 17, 2013," the defendant "did assault and beat Odin Lloyd with intent to murder him, and by such assault and beating did kill and murder the said Odin Lloyd."

2. The second count, charging unlawful possession of a firearm in violation of M.G.L.c. 269, § 10(a), alleges that "on or about June 17, 2013," the defendant "did knowingly have in his possession, or under his control in a vehicle, a loaded or unloaded firearm, as defined in G.L.c. 140, § 121, the defendant not being present in or on his residence or place of business and not having in effect a license to carry firearms or otherwise being authorized or exempted by statute so to do...."
3. The third count, charging Hernandez with unlawful possession of a rifle without an FID card in violation of M.G.L.c. 269, § 10(h), alleges that "on or about June 22, 2013," the defendant "did own or possess or transfer possession of a rifle without complying with the requirements relating to the firearms identification card provided for in [G.L.c. 140, § 129C]."
4. The fourth count, charging Hernandez with unlawful possession of a large-capacity weapon or large-capacity feeding device in violation of M.G.L.c. 269, § 10(m), alleges that "on or about June 22, 2013," the defendant "did knowingly possess, or did knowingly control in the vehicle, a large capacity weapon or large capacity feeding device, as defined in [G.L.c. 140, § 121], without possessing a valid ... license to carry...."
5. The identically-worded fifth and sixth counts, charging Hernandez with unlawful possession of ammunition without an FID card in violation of M.G.L.c. 269, § 10(h), allege that "on or about June 22, 2013," the defendant "did own or possess or transfer possession of ammunition without complying with requirements relating to the firearms identification card provided for in [G.L.c. 140, § 129C]."

6. The Sixth Amendment to the United States Constitution states that “[i]n all criminal prosecutions, the accused shall enjoy the right ... to be informed of the nature and cause of the accusation....” Similarly, Article XII of the Massachusetts Declaration of Rights states that “no subject shall be held to answer for any crimes or offence, unless the same is fully and plainly, substantially and formally, described to him....” Thus, “if the indictment does not fully, plainly, substantially and formally set out the offense charged in compliance with Art. XII of the Declaration of Rights [the defendant] is entitled as of right to a bill of particular[s].” *Commonwealth v. Hayes*, 311 Mass. 21, 24-25 (1942); accord *Commonwealth v. Miranda*, 415 Mass. 1, 6 (1993) (“A defendant has a right to be definitely informed of the charge against him in order to facilitate his ability to prepare a defense in order to prevent his being taken by surprise at trial.”). Moreover, “in cases where the indictment complies with this requirement of our Constitution but where the nature of the offense is such that the court in its discretion believes that it is in the interest of justice the defendant ought to be furnished with additional information as to the grounds which the Commonwealth contents constitute the offense and the method and means by which the alleged crime was committed, then the Commonwealth may be ordered to file a bill of particulars.” *Hayes*, 311 Mass. at 25. In general, “the decision to order a bill of particulars is a matter of sound judicial discretion.” *Commonwealth v. Allison*, 434 Mass. 670, 677 (2001). “The purpose of specifications in a bill of particulars is to give a defendant reasonable knowledge of the nature and character of the crimes charged.” *Rogan v. Commonwealth*, 415 Mass. 376, 368 (1993).

7 Massachusetts Rule of Criminal Procedure 13(b)(1) states, in relevant part: "A defendant may request or the court upon its own motion may order that the prosecution file a statement of such particulars as may be necessary to give both the defendant and the court reasonable notice of the crime charged, including, time, place, manner, or means." It is within the Court's discretion to order a bill of particulars and "[a] more liberal exercise of that discretion seems to be indicated when considering a conventional request for particulars of the time, place, nature and grounds of the crime charged when a felony is charged in an indictment framed in the limited language permitted by [G.L.c. 277,] § 79." *Commonwealth v. Baker*, 368 Mass. 58, 77 (1975).

8 In this case, as to the charge of murder, Hernandez seeks a bill of particulars stating whether he is alleged to be the principal or a joint venturer. If Hernandez is alleged to be a joint venturer as to the murder count, the bill of particulars should identify the alleged principal or principals.<sup>1</sup> As to Counts 2-4, Hernandez requests a bill of particulars identifying the specific firearm, rifle, large-capacity feeding device, or large-capacity weapon he is alleged to have possessed and where he allegedly possessed it. With respect to the identically-worded indictments charging him with unlawful possession of ammunition (Counts 5 and 6), Hernandez requests a bill of particulars identifying the specific ammunition he is alleged to have possessed, as well as the alleged location of such possession.

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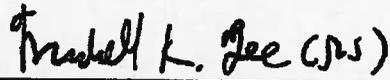
<sup>1</sup> Such notice is particularly warranted here since no other person has been charged with the murder of  
Odin Lloyd.

9. Hernandez avers that the information requested is essential to enable him to prepare effectively for trial and to have adequate notice of the charges against him. The boilerplate indictments simply fail to provide such notice.

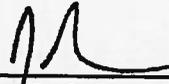
Respectfully submitted,

**AARON HERNANDEZ**

By his attorneys,



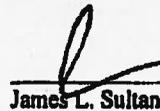
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Charles W. Rankin, BBO #411780  
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**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing document upon the Commonwealth by e-mail and by US mail, postage prepaid, to: William McCauley, First Assistant District Attorney, and Patrick O. Bomberg, Assistant District Attorney, Bristol County, 186 South Main Street, Fall River, MA 02720 on January 29, 2014.

  
James L. Sultan

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

BRISTOL SUPERIOR COURT  
No. 2013-983

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, SS SUPERIOR COURT  
FILED

v.

AARON HERNANDEZ

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MARC J. SANTOS, ESQ.  
CLERK/MAGISTRATE

**DEFENDANT'S MOTION TO COMPEL COMMONWEALTH  
TO STATE WHETHER IT HAS FULLY PRODUCED AGREED-UPON  
DISCOVERY TO DATE AND, IF NOT, WHEN IT INTENDS TO COMPLETE  
SAID PRODUCTION**

Aaron Hernandez, defendant in the above-captioned criminal case, hereby moves this Court, pursuant to Rule 14 (a)(2), Mass. R. Crim.P., to compel the Commonwealth to state, with respect to specific requested discovery it has agreed to produced, whether it has already produced all such discovery and, if not, when it intends to do so. Those specific items are enumerated in the letter of defense counsel to First Assistant District Attorney William McCauley dated December 16, 2013, as responded to by letter of First Assistant District Attorney McCauley dated January 23, 2014, appended hereto as Exhibits A and B, respectively. <sup>1</sup>

As grounds therefore, defendant avers that his counsel needs to know that all relevant discovery is in hand in order to agree to date for the filing of substantive motions and in order to prepare for trial. Defendant understands that discovery is an ongoing obligation and that some items not currently within the possession, custody, or control of the Commonwealth may come into the Commonwealth's possession and be timely produced on some future date prior to trial.

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<sup>1</sup> As noted in Mr. McCauley's letter, the Commonwealth objects to Requests 21, 23 (in part), and 44 (in part). Those requests are thus addressed in defendant's separately-filed Motion for Discovery.

Respectfully submitted,

**AARON HERNANDEZ**

By his attorneys,

*Michael E. Fee (JLS)*

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*JLS*

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Charles W. Rankin, BBO #411780  
Rankin & Sultan  
151 Merrimac Street, Second Floor  
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### CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document upon the Commonwealth by e-mailing and mailing a copy thereof, US mail, postage prepaid, to Patrick O. Bomberg and William McCauley, Assistant District Attorneys, Bristol County, 186 South Main Street, Fall River, MA 02721 on January 29, 2014.

*JLS*  
\_\_\_\_\_  
James L. Sultan

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MICHELLE MENAEN

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December 16, 2013

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 write in an effort to obtain necessary discovery not provided to date, minimize the need to involve the Court in discovery disputes, and identify those issues which must properly be addressed by motion. We appreciate that the Commonwealth has provided a significant amount of discovery to date. Nevertheless, nearly six months since our client's initial arrest and arraignment on these charges, there remains a substantial amount of critical discovery which has not been produced and which we need in order to identify substantive pretrial motions to be filed and to prepare for trial.

We have set forth below a list of specific discovery items we request. This list is not all-inclusive. We reserve the right to identify additional items we need, particularly as we continue to review the discovery materials already provided and those to be provided. This list is also not intended in any way to diminish the Commonwealth's discovery obligations as delineated by the Massachusetts Rules of Criminal Procedure and as required under the United States Constitution and the Massachusetts Declaration of Rights. For purposes of these requests, "co-defendant" includes Ernest Wallace, Carlos Ortiz, Tanya Singleton, and Shayanna Jenkins, all of whom have been charged in connection with this matter.

EXHIBIT A

William McCauley  
First Assistant District Attorney  
December 16, 2013  
Page 2

1. **"Any written or recorded statements, and the substance of any oral statements, made by the defendant or a co-defendant," as required by Mass. R. Crim. P. 14(a)(1)(A)(i).**

With respect to Mr. Ortiz, we note that Trooper Benson stated in a search warrant affidavit that "Ortiz has made multiple statements regarding the homicide of Odin Lloyd." We also note that you indicated to us previously that Ortiz made statements during a proffer session with the Commonwealth. Nevertheless, to date, we believe we have received only one statement from Ortiz – the videotaped statement he made at two locations in Bristol, CT on or about June 24, 2013. We need all of his other statements, including recordings, written statements he signed or adopted, and all reports memorializing his oral statements. To the extent that Ortiz made statements during interviews or proffer sessions which have not yet been reduced to writing, they should be reduced to writing and disclosed to the defendant pursuant to this provision of Rule 14. We recall that you informed us during a telephone conference in September that Ortiz had made a proffer with his attorney present and that agents of the Commonwealth present during that proffer had intentionally refrained from taking notes. Nevertheless, Ortiz's statements during that proffer are within the scope of this request and should be reduced to writing based on the agents' best recollection.

We also note that during that telephone conference, you informed us that you had concluded that Carlos Ortiz was completely unreliable and that you did not intend to call him as a prosecution witness at trial. Nevertheless, we are clearly entitled to all of his statements, either oral or written.

2. **"Any grand jury minutes or written or recorded statements of a person who has testified before a grand jury" not previously provided, as required by Rule 14 (a)(1)(A)(ii).**
3. **"Any facts of an exculpatory nature," as required by Rule 14(a)(1)(A)(iii), including, but not limited to, information casting doubt on the Commonwealth's allegations that the defendant was outside the vehicle at the scene where the decedent's body was found, that the defendant shot the decedent at that scene, and that the defendant was holding an object consistent with the alleged murder weapon either before or after the shooting, as well as any facts suggesting that someone other than Mr. Hernandez shot the decedent.**

4. **"The names, addresses, and dates of birth of the Commonwealth's prospective witnesses other than law enforcement witnesses," as required by Rule 14 (a)(1)(A)(iv).**
5. **"The names and business addresses of prospective law enforcement witnesses," as required by Rule 14 (a)(1)(A)(v).**
6. **"Intended expert opinion evidence, other than evidence that pertains to the defendant's criminal responsibility and is subject to subdivision (b)(2). Such discovery shall include the identity, current *curriculum vitae*, and list of publications of each intended expert witness, and all reports prepared by the expert that pertain to the case," as required by Rule 14 (a)(1)(A)(vi).**

With respect to this request, we note that many months into this investigation and more than five months since the defendant was charged, we have received virtually no forensic discovery of any kind. Given the virtually unprecedented scope of the law enforcement investigation in this case, we presume that forensic analysis has taken place in some or all of the following disciplines, among others: DNA, fingerprints, ballistics, tool marks, footprints/tire marks, fiber and trace evidence, pathology, GPS/cell phone technology and video surveillance technology. Where is all of that discovery? We need it forthwith!

7. **"Material and relevant police reports, photographs, tangible objects, all intended exhibits, reports of physical examinations of any person or scientific tests or experiments, and statements of persons the party [Commonwealth] intends to call as witnesses," as required by Rule 14 (a)(1)(A)(vii).**

We have received some police reports; have we received all of them, including reports by police departments outside of Bristol County? We have received some witness statements; have we received all of them? We do not believe that the remainder of this provision of the Rules has been complied with to date.

8. **"A summary of identification procedures, and all statements made in the presence of or by an identifying witness that are relevant to the issue of identity or to the fairness or accuracy of the identification procedures," as required by Rule 14 (a)(1)(A)(viii).**

9. **"Disclosure of all promises, rewards or inducements made to witnesses the party [Commonwealth] intends to present at trial," as required by Rule 14 (a)(1)(A)(ix), including, but not limited to, any payments of money or promises of future payments, promises not to prosecute, threats to prosecute or take other adverse measures, and assistance with respect to pending cases,**
10. **Access by defense counsel and defense experts to all physical evidence seized or otherwise obtained, including an opportunity to examine and photograph same.**
11. **An opportunity for our video expert to inspect the original Elan HT8 video system controller seized from the defendant's home on June 18, 2013, to scroll through its contents, and to take screen shots from that original hard drive.**

In this regard, we note that the copy of this hard drive provided to us in discovery appears to have some significant gaps during a critical time. Our expert requires an opportunity to examine the original hard drive thoroughly in order to determine whether those gaps exist on the original.

12. **Documentation of all forensic testing performed to date, including, but not limited to, reports, lab notes, bench notes, backup documents, photographs, diagrams, all communications between the crime lab or forensic experts and prosecutors/law enforcement, and the curriculum vitae for all forensic experts who performed said testing.**

As noted above, we have received virtually no such material to date. We require this material as soon as possible so we can determine whether we need to file pretrial motions to exclude such evidence and to prepare our own experts for trial. We request all forensic testing discovery, whether or not the Commonwealth intends to offer it at trial. When Ortiz was interviewed in June, he was told that investigators found his DNA and hair on the towel found near the decedent's body. That evidence is exculpatory. Please turn it over forthwith.

13. **All grand jury exhibits not previously produced.**
14. **A copy of Ernest Wallace's 14-page letter to Tanya Singleton obtained via warrant.**

15. **All recordings and transcripts of telephone calls from jail made by the defendant or any co-defendant which are in the custody or control of the Commonwealth, along with documentation memorializing how the Commonwealth obtained such recordings.**
16. **All jail correspondence to or from the defendant or any co-defendant in the custody or control of the Commonwealth, along with documentation memorializing how the Commonwealth obtained such correspondence.**
17. **Any and all communications between agents of the Commonwealth and the Bristol County Sheriff, the Superintendent of the Bristol County Jail, and/or jail officials respecting the defendant or any co-defendant, including, but not limited to, letters and e-mails. To the extent that there have been oral communications, such communications should be reduced to writing and disclosed to the defendant.**
18. **If the Commonwealth intends to offer any evidence at trial respecting a double homicide which occurred in Boston on or about July 12, 2012, disclose any and all evidence either implicating the defendant or any co-defendant in that homicide or tending to exculpate him which is in the possession of the Commonwealth, including the Bristol County District Attorney's Office or the Suffolk County District Attorney's Office, including, but not limited to, police reports, witness interviews, forensic documentation, and grand jury minutes.**
19. **If the Commonwealth intends to offer any evidence at trial respecting a double homicide which occurred in Boston on or about July 12, 2012, disclose any and all evidence that Odin Lloyd was involved in said homicide or possessed any information about it at the time of his death, which is in the possession of the Commonwealth, including the Bristol County District Attorney's Office or the Suffolk County District Attorney's Office.**
20. **All promises, rewards, inducements, and threats made to any co-defendant, including, but not limited to, Carlos Ortiz, whether communicated directly or via counsel. Said promises, rewards, and inducements shall include, but not be limited to, immunity, partial immunity, the opportunity to face lesser charges, sentencing consideration, and financial benefits.**
21. **All public "posts" about the case on the Internet made by any Commonwealth agent or any prospective Commonwealth witness.**
22. **A copy of the autopsy report and all underlying documentation (including toxicology report) from the medical examiner.**

23. **Copies of all notes made by any law enforcement officers during the course of this investigation, whether in Massachusetts or elsewhere.**
24. **Copies of any and all proffer letters, statements, and notes made during proffer sessions with any prospective Commonwealth witness or with anyone else with knowledge of relevant facts.**
25. **Copies of any and all cell phone records and text messages not yet produced, including, but not limited to, cell phone records and text messages obtained from Odin Lloyd's cell phone or cell phone provider, June 1- June 17, 2013, inclusive.**
26. **Copies of Enterprise Car Rental records for all vehicles rented by the defendant during 2012 and 2013, inclusive.**
27. **Any and all videos obtained from the defendant's residence, Rumors, or any other location not produced to date.**
28. **The results of any and all forensic searches of any electronic devices seized pursuant to a warrant, which have not been disclosed to date.**
29. **Any and all relevant statements by the defendant or any co-defendant not previously disclosed, whether made to the Commonwealth or to anyone else.**
30. **A copy of the defendant's voluntary, signed consent dated on or about June 18, 2013 authorizing the Commonwealth to search the rented Suburban.**
31. **Documentation (whether written reports, video, or photographs) of all relevant searches conducted to date, including searches conducted pursuant to a warrant and searches of locations (including, but not limited to, woods, ponds, etc.) conducted without a warrant.**
32. **A copy of any and all photographs shown to Carlos Ortiz during his interview in June of 2013 and the source of said photograph(s).**
33. **A transcript of any and all witness interviews which have been transcribed by the Commonwealth.**

34. **With respect to any relevant item as set forth in Rule 14 (a)(1)(A)(i-viii) not within the possession, custody, or control of the prosecution, persons under its direction and control, or person who have participated in investigating or evaluating the case and either regularly report to the prosecutor's office or have done so in the case, notification "of the existence of the item and all information known to the prosecutor concerning the item's location and the identity of any persons possessing it," as required by Rule 14 (a)(1)(E).**
35. **Any oral or written statements by a prospective witness materially inconsistent with that witness's grand jury testimony or with the testimony which the Commonwealth expects such witness to provide at trial.**
36. **Any evidence that any prospective Commonwealth witness harbors any bias or animus against the defendant or any co-defendant.**
37. **Any evidence known to the Commonwealth that a prospective witness has an interest or incentive to curry favor with the Commonwealth.**
38. **Any evidence that a prospective Commonwealth witness suffers from cognitive or memory impairment, either at the time of the relative events or at present, including, but not limited, evidence of drug use.**
39. **An accounting of any sums of money or other material benefit which the Commonwealth or any agent of the Commonwealth has paid or authorized or promised to be paid to any prospective witness or to his or her family.**
40. **Any evidence casting doubt upon the credibility of any of the Commonwealth's prospective trial witnesses.**
41. **Any evidence known to the Commonwealth that someone other than the defendant had a motive to kill Odin Lloyd.**
42. **Identify every item of physical evidence and all biological samples collected in the course of the investigation of this case. With respect to each such item, provide any and all photographs, notes, reports, memoranda, inventories, chain of custody records, and other documents relating to or documenting the location, collection, packaging, transportation, testing, and storage or destruction of such physical evidence and biological samples from the point the item was first collected to date.**

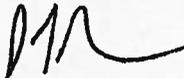
43. With respect to each item of biological or physical evidence subjected to scientific testing or analysis, identify or provide: (a) the item of evidence; (b) the date and location of testing; (c) the type of testing conducted; (d) the name, title, *curriculum vitae*, and current address of the person(s) conducting the testing; and (e) the results of said testing.
44. With respect to each laboratory which tested or analyzed any of the evidence identified in item #43, above, identify or provide: (a) all accreditations or certifications of the laboratory; (b) a copy of the most recent outside audit/inspection report on the laboratory by an accrediting organization; (c) all records documenting quality control for materials and equipment utilized in said testing; (d) all documents evidencing any internal or external proficiency testing conducted during the past five years and the results of said testing; (e) a copy of all relevant protocols governing said testing; and (f) the error rate for each type of testing employed or all documentation supporting said calculation of error rate.
45. Any and all correspondence between the Commonwealth and its agents with any laboratory officials or personnel respecting the testing done in this case and test results.
46. The criminal records of all potential civilian Commonwealth witnesses.
47. Identify all law enforcement personnel and other individuals present at the scene where the victim's body was discovered between the discovery of his body and the collection of any footprints at the scene.
48. Identify who collected a white towel found at the scene, provide all documentation memorializing such collection, and enumerate all testing performed on said towel (and anything found on it) and the results of such testing.
49. Specify the factual basis for the statement made to Carlos Ortiz by the law enforcement personnel who interviewed him in June 2013 that his hair and DNA was found on said towel.
50. With respect to any and all firearms seized by the Commonwealth in connection with this case, all documentation respecting the purchase, transfer, and ownership of said firearms.

William McCauley  
First Assistant District Attorney  
December 16, 2013  
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51. With respect to any prospective prosecution witness, specify any and all criminal conduct which the Commonwealth has reason to believe the witness engaged in within the applicable statute of limitations, but has not been charged with.
52. All information tending to show that (a) Jan (b) (c), was associated with a criminal organization known as "Downop".
53. Specify each and every occasion known to the Commonwealth when a prospective Commonwealth witness filed to the police, prosecutor, a grand jury, or a court.
54. State whether any prospective Commonwealth witness is currently on probation, parole, or other form of court ordered supervision. If so, identify the type of supervision, the supervising court, and whether any promises or threats have been made to such witness respecting such supervisory status.
55. Any prior or subsequent bad acts of the defendant or any co-defendant which the Commonwealth intends to seek to introduce into evidence at trial.

We would appreciate it if you would respond to this letter on or before by return mail prior to our next scheduled status conference with Judge Clark so that we may properly advise the Court of the scope of outstanding discovery issues and disputes which may need to be presented to the Court by motion. Thank you for your anticipated attention to this matter.

Sincerely yours,

  
James L. Sultan

  
Charles W. Rankin

  
Michael K. Fee

JLS:lc

BY U.S. MAIL, POSTAGE PREPAID  
and BY E-MAIL TO [william.mccauley@state.ma.us](mailto:william.mccauley@state.ma.us),