

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, SS.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO.:

AVIELLE HERNANDEZ, by and through her
Guardian, SHAYANNA JENKINS HERNANDEZ,
PLAINTIFF

VS.

MASSACHUSETTS DEPARTMENT OF
CORRECTIONS,
DEFENDANT

and

COMMISSIONER THOMAS TURCO,
DEFENDANT

and

SECRETARY OF PUBLIC SAFETY
DANIEL BENNETT,
DEFENDANT

and

SUPERINTENDANT OF THE
SOUZA-BARANOWSKI CORRECTIONAL CENTER
STEVEN SILVA
DEFENDANT

1773CV00325C

BRISTOL, SS SUPERIOR COURT
FILED

APR 19 2017

MARC J. SANTOS, ESQ.
CLERK/MAGISTRATE

COMPLAINT

Avielle Hernandez, by and through her Guardian, Shayanna Jenkins Hernandez,
(Plaintiff) alleges, upon knowledge as to itself and otherwise upon information and belief,
as follows:

1. This suit is an action for equitable relief pursuant to the Court's general power of

equity pursuant to M.G.L. c. 214 § 1.

JURISDICTION AND VENUE

2. Aaron Hernandez, Shayanna Jenkins Hernandez, and Avielle Hernandez maintained an address of 22 Ronald C. Meyer Drive, North Attleboro, Bristol County, Massachusetts.

THE PARTIES

3. The Plaintiff, Avielle Hernandez, is a minor and the daughter of the deceased, Aaron Hernandez.
4. This action is being brought by Shayanna Jenkins Hernandez, Avielle Hernandez's mother and her guardian.
5. Defendant Massachusetts Department of Corrections, 50 Maple Street #3, Milford, County of Worcester, Massachusetts, the state agency is legally responsible for the operation of the Souza-Baranowski Correctional Center in Shirley, Massachusetts.
6. Defendant Thomas Turco is the Commissioner of the Massachusetts Department of Corrections, 50 Maple Street #3, Milford, County of Worcester, Massachusetts. Defendant Turco is legally responsible for the operation of the Souza-Baranowski Correctional Center in Shirley, Massachusetts.
7. Defendant Secretary of Public Safety Daniel Benner's place of business is at 1 Ashburton Place, Suite 2133, Boston, County of Suffolk, Massachusetts.
8. Defendant Superintendent of the Souza-Baranowski Correctional Center Steven Silva's place of business is at 1 Harvard Road, Shirley, County of Middlesex, Massachusetts.

FACTS

9. Aaron Hernandez was incarcerated at the Souza-Baranowski Correctional Center in Shirley, Massachusetts until his death on April 19, 2017. Exhibit A (Affidavit of George J. Leontire attached hereto) ¶ 4.
10. The Defendant, Massachusetts Department of Corrections, announced that his death was a suicide. Exhibit A ¶ 5.
11. The Plaintiff intends to investigate all of the circumstances regarding Aaron Hernandez's death. Exhibit A ¶ 6.
12. The presentation of evidence regarding the circumstances of his death is crucial to a full, complete and transparent investigation. Exhibit A ¶ 7.

COUNT I

Preliminary Injunction and Temporary Restraining Order.

13. Plaintiff repeats and realleges the above paragraphs as though fully set forth herein.
14. Plaintiff is likely to succeed on the merits of her claim.
15. Without a Preliminary Injunction to preserve all evidence of the circumstances of Hernandez's death, the Plaintiff will suffer irreparable harm. All evidence is presently outside the Plaintiff's control, and, without injunctive relief, Plaintiff will be unable to investigate the circumstances of her father's death.
16. The balance of harms between preserving all evidence related to the circumstances of Aaron Hernandez's death and permitting the alteration, discarding or destruction of such evidence favors the preservation of evidence through an injunctive order.

COUNT II

Permanent Injunctive Relief

17. Plaintiff repeats and realleges the above paragraphs as though fully set forth herein.
18. In the interest of justice, the Plaintiff requests an order prohibiting the alteration,

discarding, or destruction of evidence related to the circumstances of Aaron Hernandez's death. Said order is more fully set forth below, and attached hereto.

WHEREFORE, plaintiff requests:

1) That Defendants, their agents, employees, servants and assigns, and all persons acting in concert, participation or combination with the Defendants, be preliminarily and permanently enjoined from altering, discarding or destroying the following:

All documents, records, logs, video and audio recordings, physical materials, writings, and other evidence potentially relevant to the death of Aaron Hernandez.

The request to preserve includes, but is not limited to:

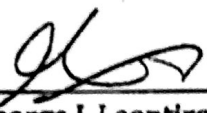
- . video recordings/logs of the cell block,
- . videos recordings/logs of Hernandez in his cell,
- . Hernandez's writings
- . cell check logs,
- . the sheets, ligature, from/on Hernandez and his cell cell,
- . medical equipment used to provide emergency medical care to Hernandez,
- . all contents of his cell,
- . any and all photos taken of the scene,
- . all prison and hospital infirmary and medical records,
- . any clothes that Hernandez may have been wearing or which were removed from his body in the course of providing emergency medical care,
- . records and recordings of any 911 or other emergency calls related to Hernandez,
- . any and all transmissions from the prison, the correctional facility, or correctional officers related to Hernandez or his medical emergency, as well as requests for medical assistance via phone, radio, electronic or other media,
- . any and recorded telephone calls made to or from Hernandez to any individual for the period of 30 days leading up to his death,
- . any and all recorded telephone calls made to or from any incarcerated individual who was housed in Hernandez's cell block for the period of 30 days leading up to his Hernandez's death,
- . any and all forensics, investigative reports or evidence of every kind,
- . any and all prisoners interviews,
- . any and all interviews with any correctional facility employee.

2) That judgment be entered for Plaintiff;

3) That the Court award such other and further relief as the Court deems just and equitable.

Respectfully Submitted
on behalf of AVIELLE HERNANDEZ,
by and through her Guardian,
SHAYANNA JENKINS HERNANDEZ,
By her attorney,

Date: 4-19-17



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