

#460

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT OF  
THE TRIAL COURT

NO. 2013-CR-00983

BRISTOL, SS SUPERIOR COURT  
FILED

COMMONWEALTH OF MASSACHUSETTS

APR 24 2017

VS.

MARC J. SANTOS, ESQ.  
CLERK/MAGISTRATE

AARON HERNANDEZ

NOTIFICATION OF DEATH OF  
DEFENDANT-APPELLANT AARON HERNANDEZ  
AND MOTION TO ABATE PROSECUTION

Undersigned counsel for Defendant-Appellant Aaron Hernandez hereby notify the Court that Mr. Hernandez died April 19, 2017. Counsel move the Court for an order dismissing Mr. Hernandez's appeal of his convictions in this case, vacating his convictions and dismissing the indictment pending against him. See Commonwealth v. Eisen, 368 Mass 813, 813-814 (1975); Commonwealth v. De La Zerda, 416 Mass 247, 248 (1993) ["When a defendant dies while his conviction is on direct review, it is our practice to vacate the judgment and remand the case with a direction to dismiss the complaint or

Indictment, thus abating the entire prosecution"]; Commonwealth v. Latour,  
397 Mass 1007 (1986).

Respectfully Submitted,

  
John M. Thompson, BBO # 496780

  
Linda J. Thompson, BBO # 496840  
THOMPSON & THOMPSON, P.C.  
1331 Main Street, Suite 320  
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[habeasjohn@ttpclaw.com](mailto:habeasjohn@ttpclaw.com)

Attorneys for Aaron Hernandez

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document has been served upon District Attorney Thomas M. Quinn, P.O. Box 973, 888 Purchase Street, New Bedford, MA 02741 by first class mail, postage prepaid, this 20<sup>th</sup> day of April, 2017.

  
John M. Thompson

thompson & thompson, p.c.  
attorneys at law

1331 main street - springfield, ma 01103  
(413) 739-2100 -- fax (413) 739-2300

linda j. thompson  
john m. thompson

robert f. hennessy  
associate

April 20, 2017

Marc J. Santos, Clerk  
Bristol Superior Court  
186 South Main Street  
Fall River, MA 02720

Dear Clerk Santos:

Re: Commonwealth v. Hernandez  
BRCR2013-00983

Please file the enclosed Notification Of Death Of Defendant-Appellant  
Aaron Hernandez and Motion To Abate Prosecution and bring it to Judge Garsh's  
attention.

Thank you for your assistance.

Sincerely,



John M. Thompson

enclosure  
cc: District Attorney Quinn

BRISTOL, SS SUPERIOR COURT  
FILED

#461.

APR 26 2017

MARC J. SANTOS, ESQ.  
CLERK/MAGISTRATE

Commonwealth of Massachusetts  
Trial Court of the Commonwealth  
Superior Court Department

Bristol, ss.

Indictment #: 1373CR0983

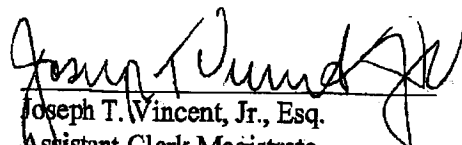
Commonwealth	)
vs.	)
Aaron Hernandez,	)
Defendant	)

ORDER

The Court having received a Notification of Death of Defendant-Appellant Aaron Hernandez and Motion to Abate Prosecution from counsel for the defendant, the Court hereby enters the following Order:

- (1) If the Commonwealth elects to file an opposition/response to said motion, it shall do so by filing the original of said opposition/response with the Fall River Superior Court Clerk's Office, as well as by emailing a copy of said opposition/response to counsel for the defendant, and to the Assistant Clerk, Magistrate assigned to Courtroom 7. The Commonwealth shall comply by filing and emailing said opposition/response as indicated above no later than 9:00 AM on Monday, May 1, 2017.
- (2) If counsel for the defendant elects to file a response to the Commonwealth's opposition/response, they may do so by filing the original of said response with the Fall River Superior Court Clerk's Office, as well as by emailing a copy of said response to the Commonwealth, and to the Assistant Clerk Magistrate assigned to Courtroom 7. Counsel for the defendant shall comply by filing and emailing said response as indicated above no later than 4:00 PM on Thursday, May 4, 2017.
- (3) The Court will conduct a hearing on this matter on Tuesday, May 9, 2017 at 10:00 am in Courtroom 7 of the Fall River Superior Court. All counsel shall appear without further notice.

By the Court (Garsh, J.)

  
 Joseph T. Vincent, Jr., Esq.  
 Assistant Clerk Magistrate