

Early Lead

Aaron Hernandez lawyers ask for conviction to be overturned, deny reports of gay lover

By **Des Bieler** April 25, 2017

Lawyers for Aaron Hernandez filed a motion Tuesday in a Massachusetts court asking for the deceased former NFL player's first-degree murder conviction to be overturned. They cited legal precedent in the state for such an outcome when a defendant dies before completing his or her appeals.

Hernandez, 27, was ruled to have committed suicide by hanging himself in his cell in a maximum-security Massachusetts prison last week, shortly after he was found not guilty by a jury in the 2012 deaths of two men in Boston. He was serving a sentence of life without parole after being convicted in 2015 of murdering another man, Odin Lloyd, in 2013, but was appealing that conviction.

In its filing, Hernandez's defense team cited previous cases, including one in which this opinion emerged: "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."

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Elsewhere, the long-standing legal principle being invoked on the former Patriots star's behalf is known as "[abatement ab initio](#)." It has been used to overturn convictions in cases such as those of John Geoghan, the Catholic priest who was found guilty in 2002 of molesting children but was killed in his Massachusetts prison cell the next year by another inmate, and John C. Salvi, who was found guilty in 1994 of killing two women at separate Massachusetts abortion clinics and who committed suicide in prison.

"Since the conviction is not final because the appeal has not been decided, there's nothing that can be done with the appeal," an appellate attorney for Hernandez, Linda Thompson, told the [Associated Press](#). "There is not going to be a conviction because it can't be pursued in the court system."

The Bristol County district attorney's office, which secured the 2015 conviction, said (via the [Boston Herald](#)) that it intends "to file an opposition to the defense motion within the next week." Meanwhile, a lawyer for Lloyd's mother said that her [civil suit](#) against Hernandez will proceed regardless of whether his conviction is overturned.

"We believe that a well-reasoned court will protect the rights of innocent, grieving family members like Ursula Ward and allow us to proceed with our wrongful-death case directly," the lawyer, Doug Sheff, said (via the AP).

Another of Hernandez's attorneys, Jose Baez, issued a [statement](#) Tuesday condemning as "malicious untruths" [reports](#) that the ex-player wrote a suicide note to another inmate with whom he had a romantic relationship. A lawyer for that inmate, Kyle Kennedy, asked Monday for that note to be turned over to Kennedy, a 22-year-old in prison for armed robbery who was reportedly the last person to see Hernandez alive.

"I issued the statement yesterday as follows: 'Rumors of letters to a gay lover, in or out of prison, are false. These are malicious leaks used to tarnish someone who is dead,'" Baez said.

Baez added that despite his "unambiguous statement that there were no such letters," a representative for Kennedy "continues to advise the media that such a gay love letter exists." He stated that he was "reaffirming, unequivocally, no such letter to Mr. Kennedy, or any other individual, in or of prison, exists."

A [funeral](#) for Hernandez was held Monday in his home town of Bristol, Conn., and was attended by his fiancée, Shayanna Jenkins-Hernandez, who legally added his name, as well as his 4-year-old daughter, his mother and brother. He was set to be cremated, with his brain preserved and donated to a medical center to be studied for possible signs of chronic traumatic encephalopathy, a neurodegenerative disease that has been found posthumously in some former NFL players.

 **13 Comments**

Des Bieler writes for the Early Lead and the D.C. Sports Bog, scouring the Web to bring readers items of interest, both serious and amusing. He also covers fantasy football. He came to The Post in 1995. [🐦 Follow @DesBieler](#)

