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Bristol DA's office to appeal reversal of Aaron Hernandez's conviction in North Attleboro murder

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Judge E. Susan Garsh

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FALL RIVER — The same judge who presided over the trial of former New England Patriots star Aaron Hernandez ruled Tuesday that his conviction for a 2013 North Attleboro murder could be reversed because he died before his appeal was heard.

Fall River Superior Court Judge E. Susan Garsh said she was compelled to adhere to a long established practice in Massachusetts to void convictions of defendants who have not had the merits of their appeals decided.

“This court has no choice but to vacate the conviction,” Garsh said from the bench about a half-hour after hearing lawyers argue in the same courtroom where the former \$40 million NFL star’s 9 1/2 -week murder trial was conducted.



The ruling means that Hernandez, despite the jury's guilty verdict two years ago, is now considered an innocent man.

Shortly after the ruling, Bristol County District Attorney Thomas Quinn told reporters at a news conference that his office would appeal Garsh's decision, most likely to the state Supreme Judicial Court.

"To allow an archaic rule to reverse the jury's verdict flies in the face of common sense and basic fairness," Quinn said.

Hernandez hanged himself in his prison cell April 19 while serving a life sentence for the murder of Odin Lloyd in June 2013 in the North Attleboro Industrial Park, near his Westwood Estates home. Lloyd, of Boston, was a semi-professional football player who was dating the sister of Hernandez's fiancée.

Hernandez's suicide came five days after being acquitted in a separate double slaying in 2012 in Boston.

One of Hernandez's appellate lawyers, John Thompson of Springfield, said the SJC has applied the longstanding legal doctrine, known as abatement, with no exception and that the manner of death was "irrelevant." The doctrine required the reversal of a conviction of a defendant whose appeal has not been heard.

"This is an established common law doctrine," said Thompson, who had been preparing Hernandez's appeal with his wife Linda Thompson. "There is no room in the framework for the argument the commonwealth is making,"

During his argument, First Assistant Bristol County District Attorney Patrick Bomberg argued that an abatement was not a constitutional right, a statutory right or even a rule of criminal procedure. The prosecutor added Hernandez forfeited his right to appeal by taking his own life and that more courts in the country were moving away from allowing abatements.

"The defendant should not be able to accomplish in death what he could not accomplish in life," Bomberg said.

Afterwards, at a press conference, John Thompson told reporters that he believes it is uncertain whether Hernandez took his own life, saying not much is really known about the circumstances. The lawyer said in recent correspondence, Hernandez showed an interest in pursuing his appeal.

High-profile lawyer Jose Baez, who was Hernandez's lead attorney in his recent double-murder trial in Boston, has promised to do an independent investigation into his death.



An autopsy performed by the state medical examiner's office determined the cause of Hernandez's death was asphyxia by hanging and the manner of death was suicide.

Douglas Sheff, the Boston lawyer representing Lloyd's mother Ursula Ward in a civil suit against Hernandez, said the reversal of the murder conviction "should not affect our case."

Sheff said they have already won a summary judgement in the case and were awarded the proceeds of Hernandez's Hummer and Westwood Estates home. When asked about a possible motion to reconsider the award in light of the conviction being voided, Sheff said he did not fear one.

Sheff said he is still in the discovery process of finding out how much Hernandez's estate is worth.

"We're interested in finding out where the money went," Sheff told reporters.

Speaking at a press conference after Quinn, Ward said she found strength in her faith in God.

"I have God on my side. I'm not giving up. I'm holding on until he tells me to give up," Ward said.



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