

**COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT**

No. SJC-13373

**RIAN WATERS,
Appellant/Complainant
v.**

**AIDAN KEARNEY,
Appellee/Defendant**

Single Justice	# SJ-2022-0432
Springfield District Court	# 2223AC000803
Boston Municipal Court	# 2201AC003838

Record Appendix

Filed Pro se by Rian Waters

Rian Waters
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Dated: 2/08/2023

Contains impounded files

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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. SJ-2022-0432

Hampden Superior Court
No. 1879CV00344

Springfield District
Court No. 2223AC803

RIAN WATERS

v.

AIDAN KEARNEY

JUDGMENT

This matter came before the Court, Gaziano, J., on a petition pursuant to G.L. c. 211, § 3 and motion to supplement the petition filed pro se by the petitioner Rian Waters referencing the above-referenced Hampden Superior Court civil action and Springfield District Court application for criminal complaint.

Upon consideration thereof, it is ORDERED that the petitioner be, and hereby is, allowed to supplement his petition. It is FURTHER ORDERED that the petition, including all requests for relief set forth in the petition and supplement, are hereby denied without hearing.

By the Court, (Gaziano, J.)

/s/ Maura S. Doyle
Maura S. Doyle, Clerk

Entered: December 7, 2022

**COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT**

No. _____

**RIAN WATERS,
Petitioner/ Complainant
v.**

**AIDAN KEARNEY,
Respondent/ Defendant**

SPRINGFIELD DISTRICT COURT: 2223AC803

PETITION FOR SUPERINTENDENCE RELIEF PURSUANT

TO G. L. c. 211, § 3

Filed Pro se by Rian Waters

/s/ Rian Waters
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Dated 11/07/2022

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Introduction

Kearney has been suppressing evidence with crime since 2019, but Kearney's June 18th threats are such obvious crimes that can only be justified with corruption. I drafted a complaint and accounted for every possible argument rationalizing Kearney's behavior, (SJC RA 4-47) but the District Court again approved of Kearney's undenied crimes without any intelligible reason other than noting that courts "have uniformly held that the denial of a complaint creates no judicially cognizable harm." (SJC RA 3) quoting *Bradford v. Knights*, 427 Mass. 748, (1998)

Aside from my obvious interest in the safety of my witnesses, I have an interest in Kearney's prosecution because if Kearney went to jail tomorrow, I would earn at least 100k from Hollywood in the next few months and it would become safe for me to get an attorney and present evidence of damages. I would be able to reasonably eat and sleep again. Justice delayed is justice denied.

Flagrantly corrupt decisions created an incredible opportunity, where if one of the cartels stands up to Kearney's sadistic cult, the cartel would gain public support and I would earn millions of dollars from Hollywood. Notably this court allowed Kearney to convey his weaponized assets and he promised several times that he will never pay me a penny.

I have not had a *good* night sleep in about a year because of Kearney's crimes and the lawless decisions protecting him. My doctor does not believe my pain level because he does not believe any judge is corrupt enough to allow a Defendant to send the January 15th or June 18th threats to witnesses. I did not renew my drivers license because Kearney frequently accesses DMV computers, and he attacked my last two roommates. (SJC RA 25) Kearney has promised to harass anyone that does business with me suppressing my liberty. In short Kearney is preventing me from enjoying with safety and tranquility my natural rights and the blessings of life. An unintelligible denial of this petition will mark the exhaustion of all Government remedies.

On June 18th, 2022, Aidan Kearney willfully and directly (i) threatened and attempted to cause an emotional or economic injury (A) to witness/ potential witness Cristina Yakimowsky with the intent to or with reckless disregard for the fact that it may; (1) impede, obstruct, delay, prevent or otherwise interfere with (1879CV0344) SJC RA 37 at 58

On June 18th, 2022, Kearney flagrantly threatened Cristina emotionally stating "I'm not gonna stop, we're just beginning here. I'm not gonna stop destroying your life, just destroying it, like I am gonna take everything away from you that you love, I want you to feel as low as I did in early January when I found out that you [were a witness.] I want you to feel that pain, and you're gonna feel it." SJC RA 39 at 61(c)

“I will not stop until you beg for mercy, and then I'm going to do it twice as much, you're gonna feel the way I felt when I was in my garage when I wanted to kill myself.” SJC RA 39 at 61(d)

On June 18th, 2022, Kearney threatened Cristina financially stating, “Your business is going to severely suffer from this, when I contact every single one of your customers...” SJC RA 39 at 61(c)

On October 10th, 2022, Kearney again said he was going to make my witness feel the same way he felt when he wanted to commit suicide.¹ On or about October 11th, 2022, **Kearney implied he is going after my family** next. I literally will not be able to rest until this problem is solved.

Timeliness

This petition was not ripe until the court denied my other petition on 11/3/2022, SJC-13328, as the possibility of effective relief made it that I did not have an interest in Kearney’s prosecution.

REASONS RELIEF IS APPROPRIATE PURSUANT TO G. L.

C. 211, § 3 Part 1

This court should prevent further abuses in the absence of an available effective remedy. Stare decisis prevents the Appeals court from granting relief, but Kearney’s obvious violations of GL CH 268 13B

¹ At this precise moment. <https://youtu.be/0A3sJXeejU?t=6141>

(i)(A)(1) denied me a 14th amendment right to a fair trial by preventing me from fairly mustering arguments and safely having witnesses, (SJC RA 13-16) killing me slowly by preventing me from reasonably sleeping. Stare decisis must yield to Constitutional demands. *infra* pgs 9-12

“It is well established that a procedural rule that unreasonably precludes the vindication of constitutional rights itself raises serious constitutional questions.” Davis v. United States, 411 U.S. 233, 256-57 (1973)

Are my witnesses and I to humble to enjoy constitutional rights? Does this court want us to die? Is equal damage on a mass scale necessary for equal protection? Does every witness in Massachusetts have to be threatened with Kearney’s June 18th threats for this court to act? Is it okay if every witness has their employers or customers harassed like my witnesses did because of their court participation? Is this court prepared to stand back if judges across Massachusetts are framed for pedophilia like Kearney’s November 19th scheme tried to do to me? “Free speech is the right to shout ‘theater’ in a crowded fire.” Abbie Hoffman, Soon to be a Major Motion Picture (1980) See **Article 1 of Mass. Constitution**.

“[Equal] protection is not protection unless it does so. Immunity granted to a class, however limited, having the effect to deprive another class, however limited, of a personal or property right, is just as clearly a denial of equal protection of the laws to the latter class as if the immunity

were in favor of, or the deprivation of right permitted worked against, a larger class." *Universal Adjustment Corp. v. Midland Bank, Ltd.*, of London, 281 Mass. 303, 322 (Mass. 1933)

REASONS RELIEF IS APPROPRIATE PURSUANT TO G. L.

C. 211, § 3 Part 2

In a constitution and liberty loving society internal controls are necessary to ensure that constitutional rights are protected. Superintendence is necessary to issue directions and rules instilling **auxiliary precautions** that will facilitate equal protection and the furtherance of justice, and to protect the integrity and reputation of the Massachusetts court system. *Infra.* pg. 12

I have standing to ask this question because resorting to the courts in vain has caused extreme emotional damage to my witnesses and I, so I therefore have an interest in knowing that my other related disputes can be resolved in Massachusetts courts without collateral damage. Unintelligible decisions with this defendant is a systemic problem. Eg. 1879CV0344

Background of criminal proceedings 2223AC803

Judge Jane Mulqueen of the Hampden County Superior Court told me to go to the police in 2019 to address witness intimidation. I have gone to every available police station more than once. The Springfield police

say that they do not pursue civil witness intimidation or online crimes regardless of the amount of evidence. The DA's office told the East Longmeadow police they wouldn't file charges. The State police detectives told me I should file a private complaint. The Springfield District Court cited outdated elements in 2019 to deny issuing a criminal complaint against Kearney, and sua sponte argued at the end of a hearing that GL ch. 268 S 13B only applied to criminal cases. (SJC RA 16-17) I filed a well written redetermination motion, but it was denied without explanation by now retired John Payne. I asked for an explanatory memorandum, and that Payne at least cite what element of the statute needed evidence, he denied that too.

On March 25th, 2022, I filed an application for a criminal complaint over the November 19th fake threat conspiracy, and January 15th threats. A hearing on the matter was scheduled for April 13th, 2022. Aidan Kearney filed an ex parte motion by e-mail on April 7th, 2022, (RA 3) the e-mail contained unverified facts falsely claiming that he had no idea what the allegations were, and further falsely claiming that my lawsuits were dismissed as frivolous. The Springfield District Court, not only accepted Aidan Kearney's e-mail motion, but they ruled on it and granted a continuance to May 25th, 2022, without giving me notice or an opportunity to respond.

On May 25th, 2022, Kearney did not appear or deny any allegation. Tyson Fung denied issuing a complaint without any explanation on June 1st, 2022.

On June 17th, 2022, Kearney was served with a witness subpoena to appear on June 28th, 2022, for a hearing on a motion for sanctions and or default (1879CV0344) Exhibit J (RA 48-49) SJC RA 37 at 59

Cristina Yakimowsky was a potential witness for criminal case 2223AC803, and she was listed as a primary/potential witness for the motion for sanctions and or default. Exhibit H (RA. 42) (SJC RA 37 at 60)

I filed a motion to redetermine the issuance of a complaint (SJC RA 4-23) with a verified proposed complaint that spelled out the claims like I did in the introduction. SJC RA 31-46

Kearney's only defense in court is the Fifth Amendment, but publicly Kearney identified two frivolous defenses.

1, Kearney argued Cristina Yakimowsky is not a witness.² But see SJC RA 20-21. Kearney's argument is bellied by his own social media posts directing people to harass her because she was my witness. (RA 42) (see also RA 8; RA 11-13; **RA 19**; RA 24-25; RA 36-37; RA 40; RA 45)

² <https://youtu.be/0A3sJXeejU?t=6173>

2. Kearney also argues he has a discernable purpose³ stating he doesn't care about the messages in my exhibits, he's punishing her for other messages she shared. This argument also fails see SJC RA 10. The statute and complaint include threats "with reckless disregard for the fact that it may; (1) impede, obstruct, delay, prevent or otherwise interfere with (1879CV0344)" SJC RA 37 Timing show intent too.

RELIEF REQUESTED

I request that the court redetermine the issuance of a complaint and/or issue directions and rules instilling auxiliary precautions for probable cause hearings to facilitate equal protection and the furtherance of justice. This court could consider a couple of proposed options.

1. This court could allow serious crimes obstructing justice or liberty to be redetermined by a grand jury instead of a judge.

2. This court could require judges to provide an intelligible reason for denying complaints involving obvious threats and alleged violations to constitutional rights.

3. This court could differentiate from or overturn *Bradford v. Knights*, 427 Mass. 748, (1998) deciding that a private person has standing to appeal if they present an "injury in fact" and a "substantial

³ <https://youtu.be/0A3sJXeejU?t=6253>

likelihood that the judicial relief requested will prevent or redress the claimed injury.”

Argument:

I have standing to vindicate constitutional rights.

Currently in Massachusetts a “private citizen lacks a judicially cognizable interest in the prosecution of another, appellate courts have consistently declined to review, under the authority given by Mass. Gen. Laws ch. 211, § 3, refusals to issue complaints.” *Bradford v. Knights*, 427 Mass. 748, (1998) But the *Bradford* Court cited *Whitley v. Commonwealth*, 369 Mass. 961, 962 (Mass. 1975) as the source of that precedent.

The *Whitley* court grounded their decision with a cherry-picked citation of *Linda R.S. v. Richard D.* 410 U.S. 614, 619 (1973). When the Supreme Court decided in *Linda* that “a private citizen lacks a judicially cognizable interest in the prosecution or non-prosecution of another.” They did so because that particular “appellant ha[d] made an insufficient showing of a direct nexus between the vindication of her interest and the enforcement of the State's criminal laws.” *Linda R. S. v. Richard D.*, 410 U.S. 614, 619 (1973)

A few years later the Supreme Court clarified their decision. “Upon careful reading, however, it is clear that standing was denied not because

of the absence of a subject-matter nexus between the injury asserted and the constitutional claim, but instead because of the unlikelihood that the relief requested would redress appellant's claimed injury.” *Duke Power Co. v. Carolina Env. Study Group*, 438 U.S. 59, 79 n.24 (1978) (“We continue to be of the same view and cannot accept the contention that, outside the context of taxpayers' suits, a litigant must demonstrate something more than injury in fact and a substantial likelihood that the judicial relief requested will prevent or redress the claimed injury to satisfy the ‘case or controversy’ requirement of Art. III”)

In this case, Kearney’s crimes have been preventing me from presenting evidence in multiple court cases, intimidating witnesses, and causing extreme emotional and financial damage to me and all my witnesses in a direct violation to my 14th Amendment right to a fair trial, and my concomitant 9th amendment right to protection in the courts, which certainly is an injury in fact. See SJC RA 13-16

Additionally, the *Whitley* Court reasoned their decision with the fact that “if aggrieved, [the Complainant could] have recourse to relief through administrative procedures or civil suit. It may further be stated that there [was] nothing before us which indicates any impropriety in the failure to issue process in these cases.” *Whitley v. Commonwealth*, 369 Mass. 961, 962 (Mass. 1975)

In this case every charge in the proposed criminal complaint is for a crime against justice that is preventing me from having recourse to a constitutionally fair civil suit. The courts are consistently allowing violations to my rights without any intelligible excuse. SJC RA 1-3

Additionally, the non-prosecution of Aidan Kearney has emboldened him to commit even more heinous crimes and he has promised that he will not stop until my witnesses are destitute or in jail.

“It is a settled and invariable principle, that every right, when withheld, must have a remedy, and every injury its proper redress.”
Marbury v. Madison, 5 U.S. 137, 147 (1803)

Stare decisis must yield to Constitutional demands

“The force of stare decisis is at its nadir in cases concerning procedural rules that implicate fundamental constitutional provisions.”
Doe v. Sex Offender Registry Bd., 41 N.E.3d 1058, 1062 (Mass. 2015) quoting Alleyne v. United States, – U.S., 133 S.Ct. 2151, 2163 n. 5, 186 L.Ed.2d 314 (2013) “Stare decisis, while an unquestionably important pillar of our judicial system, does not require slavish adherence to unconstitutional precedent.” Hancock v. Commissioner of Education, 443 Mass. 428, 470 (Mass. 2005) Citations omitted.

“Stare decisis is not an inexorable command; rather, it is a principle of policy and not a mechanical formula of adherence to the latest decision.

This is particularly true in constitutional cases." Id. At 471 "[W]here the Constitution commands it, stare decisis must yield.") Id At 472. "[A] law repugnant to the constitution is void; and that *courts*, as well as other departments, are bound by that instrument." Marbury v. Madison, 5 U.S. 137, 180 (1803) "Any departure from [the Court's Constitutional obligations], therefore, is not the kind of inconsistency that must be followed in the name of stare decisis. Where the reasons for departing from precedent outweigh the factors that favor adherence to it, we can and should acknowledge our past mistakes and cease perpetuating them." Commonwealth v. Rossetti, 489 Mass. 589, 609-10 (Mass. 2022)

Auxiliary precautions are necessary

Unappealable secret decisions is as welcoming to corruption as dark and dank conditions are to mold. Organized crime would not be as incentivized to infiltrate judicial positions if proper auxiliary precautions were in place. "The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government

would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.” Federalist paper 51 *Hamilton or Madison*

Kearney has been proudly making around 300 people a year including myself underemployed or unemployable without any due process with the assistance of numerous clerks and police. Failing to provide the people security has created a security vacuum ripe for exploitation. I will pledge allegiance to whatever entity solves this problem.

Conclusion

This court should issue a summons and issue a criminal complaint, as well as directions and rules instilling auxiliary precautions in show cause hearings that will facilitate equal protection and the furtherance of justice.

Submitted,

Pro se, Rian Waters

/s/ Rian Waters dated 11/07/2022 (530) 739-8951 Watersrian@gmail.com

Certificate of Service

Aidan Kearney will be served today with the petition, Motion to waive fees, and Record Appendix by email at TurtleboySports@gmail.com,

The Springfield District Court was already served with the petition in hand at 50 State St., Springfield, MA 01102 (I changed the title of the petition after service, but otherwise it was an exact copy)

Rian Waters

/s/ Rian Waters dated 11/07/2022

(530) 739-8951 Watersrian@gmail.com

**COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT**

No. SJ-2022-0432

**RIAN WATERS,
Petitioner/ Complainant**
v.

**AIDAN KEARNEY,
Respondent/ Defendant**

SPRINGFIELD DISTRICT COURT: 2223AC803

Motion to Supplement the petition

Filed Pro se by Rian Waters

/s/ Rian Waters
(530)739-8951

Watersrian@gmail.com

Dated 12/06/2022

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I. Introduction and request for relief

I, pro se petitioner move to supplement the petition with due process challenges over the handling of BMC criminal show cause hearing 2201AC003838. I also move for the court to require that the court make

the record publicly available so that among other reasons a transcript can be ordered, and Kearney's perjury can be identified.

II. Procedural background

On November 14th, 2022, I had a 5 minute and 39 second conversation with Boston Municipal Court clerk's office requesting the court issue witness subpoenas for both Aidan Kearney and Cristina Yakimowsky. An assistant clerk conferred with a superior, and then told me that the court said that they will not issue a subpoena for a criminal show cause hearing.

I filed a written motion requesting that the court make the record open to the public. At the start of the hearing Kearney asked the court if he could record the hearing and distribute the proceeding publicly. After the hearing I asked the court about getting the recording and transcript to identify perjury, and the court said that no probable cause was issued, so I am therefore not allowed access to the recording.

During the criminal show cause hearing on December 1st, 2022, the court did not tell me I had an opportunity to ask Aidan Kearney questions, and because of past complaints I did not think I was allowed to.

When it was Kearney's turn the court told Kearney he could ask me questions. Kearney told several lies and misrepresentations including but not limited to;

1. Kearney said he had no idea what the #BlogDat group chat was, and said it only existed in my mind.
2. Kearney claimed that he did not go to Cristina Yakimowsky's criminal hearing on June 17th, and that he did not give the court screenshots of the #BlogDat group chat, and he pretended to not know what I was talking about.
3. Kearney said I filed 7 criminal complaints.
4. Kearney implied that I filed several lawsuits, instead of just two.
5. Kearney alleged that he thought a child that gave me a hug was a drug addict falling on me.

Kearney closed his argument by asking about a child that he has been trying to identify so that he can destroy her future simply because she gave me a hug. Kearney knew that because of his disgusting history attacking children that attacking a child would stress my adjustment disorder and prevent me from thinking clearly.

The court then said I was only allowed to respond with one argument, and after allowing Kearney to speak freely the clerk said that I had to choose an argument relevant to the October 10th threat.

As I started making an argument the court let Kearney yell over me, I asked that I be given a chance to speak and I do not feel I was given a meaningful one.

III. Kearney's testimony, and the facts he thereby made relevant.

Aidan Kearney argued that because I never spoke to Crissy, she is not a witness, and he lied saying he never testified against her.

- a. I tried to get a witness subpoena for Crissy, the court did not let me.
- b. Aidan Kearney testified that Crissy worked for him for two years¹, on June 17th 2022 in 1966-CR-1686, and he gave the court screenshots of the BlogDat group chat to prove she intimidated a victim in that case. (RA 44) Kearney did not deny testifying on June 17th in this court. (SJ-2022-0327 pg 14)
- c. Aidan Kearney has publicly called Crissy my witness, and he showed screenshots of my motions identifying her as such, (RA 42) and Kearney publicly admits he is punishing her for the screenshots in my exhibits.
- d. Crissy admitted to the holden police that she was sharing screenshots of the BlogDat group chat. (RA 19) Kearney initially lied about the group chat, and the police decided lying was okay because Kearney trusted the members of his "inner circle."

¹ Kearney uploaded the audio file from the June 17th court date to YouTube on June 22nd, and he testifies here <https://youtu.be/wgnEcI7OA1g?t=626>

Aidan Kearney argued that because I comment on his Facebook and YouTube posts that I was not scared of him.

- a. I turned the other cheek for three years and I got nowhere.
Defending myself has completely stopped a steady stream of threats and most of the harassment against me.
- b. I am not scared of him attacking me, I am worried about Kearney directing his followers to attack people I care about as he always does.
- c. On September 24th, 2020, during an interview² (hearsay exception 801(d)(2)) Aidan Kearney admitted that his organization was cultish, and he said “definitely I think there is a pack mentality to it, and I am well aware that when I hit the publish button and I share something on Facebook, that this is going to have an immediate impact on the person it was written about, and then there will be a large group of people who will then go to that person.”

Kearney asked about the identity of a 10-year-old girl at the end of his argument knowing that it would prevent me from fairly responding to his arguments.

² <https://youtu.be/xHm0-eZUPls?t=2670>

- a. Kearney has said the best way to respond to lawsuits is to attack the litigant's friends and family, so they pressure the litigant to stop.³
- b. Kearney is legally aware from multiple motions, and he has admitted numerous times to coconspirators during conspiracies that his threats and harassment trigger my adjustment disorder. (RA 15)
- c. Kearney said he published articles before Crissy's court hearings to rattle the victim and make her seem less believable.
- d. Aidan Kearney's attempt to identify children frightens me because he is an obvious psychopath who has threatened to rape kids, he has defended a guy that bragged about molesting my daughter, and Kearney identifies as a sex cult leader.

Kearney argued that my lack of job and preoccupation with stopping his crime implied I was insane.

- a. On July 11th, 2019, Kearney said he would harass anyone that hired me. 1879 cv 0344 (Docket 67.2 at 17) Even if I had a job, I would not tell him or the court to protect the employer.

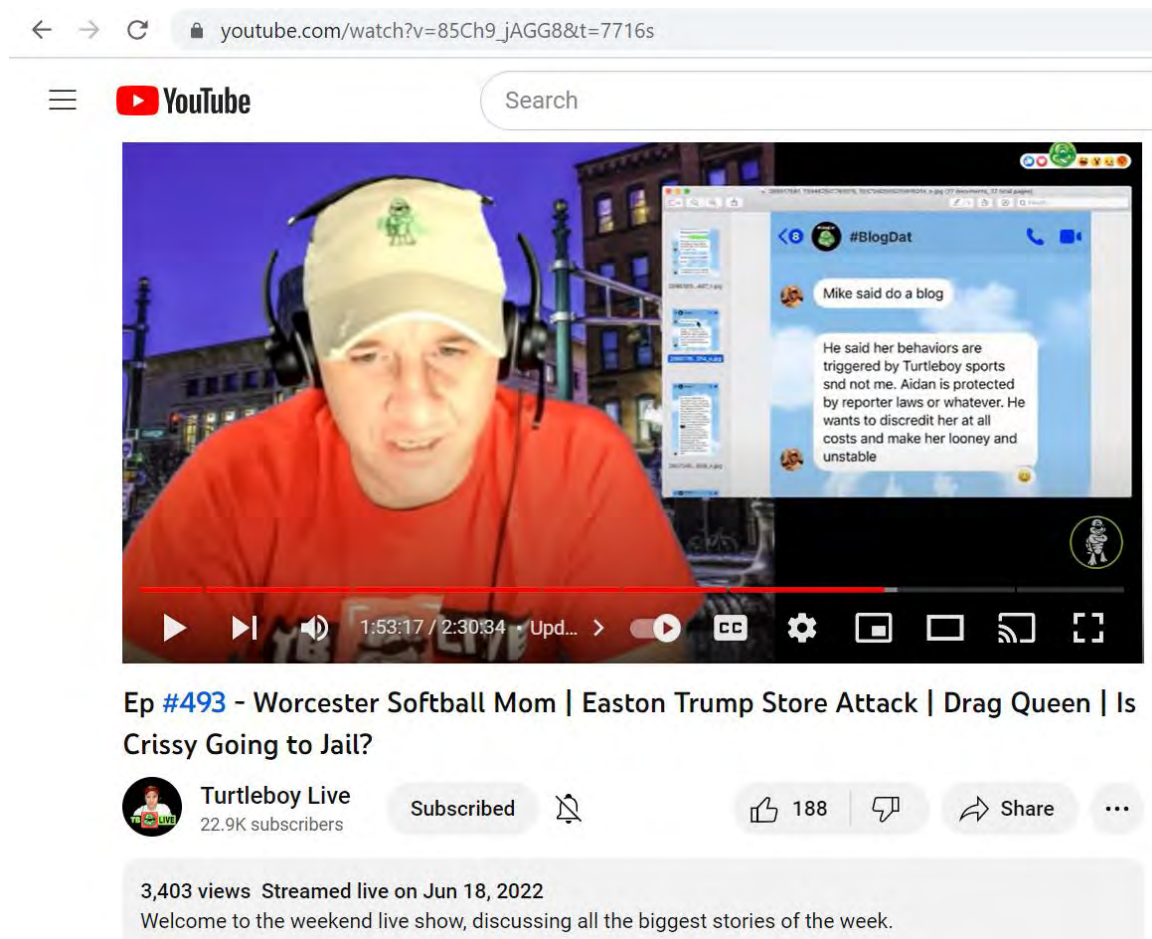
³ https://youtu.be/yznEChP_KzA?t=640 form 10:40 to 11:53

- b. Kearney has been causing preoccupation and suppressing evidence with constant crime.

Aidan Kearney argued he is a journalist running an important business.

- a. Aidan Kearney committed perjury saying he wound down, to fraudulently cancel his business in order to convey and conceal assets.

Aidan Kearney is aware that I was diagnosed with adjustment disorder, and Kearney knows that adjustment disorder is triggered by threats and similar conduct, and that it goes away on its own after the stressor stops. Adjustment disorder does not make you delusional, it causes me primarily preoccupation, and sleep disturbances. (RA 15) Adjustment disorder cannot be diagnosed if another major mental disorder is diagnosed.



As you can see above, on June 18th 2022 Aidan Kearney not only showed screenshots of the #BlogDat group chat from his perspective, but he showed that he conspired with Cristina Yakimowsky to use his platform to intimidate a victim in a criminal case. Kearney says multiple times in the video that he gave the screenshots to the court.⁴

Kearney admitted he is punishing her because she leaked screenshots of the #BlogDat group chat.⁵

⁴ https://youtu.be/85Ch9_jAGG8?t=6860

⁵ https://youtu.be/85Ch9_jAGG8?t=5559 (Kearney identifying members of the BlogDat group chat and saying Crissy was sharing messages)

IV. Argument

The court flagrantly violated due process

By allowing Kearney to repeatedly ask about an irrelevant child, and limiting me to only respond to one argument the court never gave me a meaningful opportunity to be heard. I did not have notice of Kearney's frivolous arguments before the hearing because prior to this hearing Kearney had only exercised his fifth Amendment right when asked about the allegations. I could not have predicted that Kearney planned on committing perjury and arguing irrelevant but prejudicial material. The court "need[s] to ensure that each party has fair notice of the arguments to which he must respond." *Office of Personnel Management v. Richmond*, 496 U.S. 414, 441 (1990) "The core of due process is the right to notice and a meaningful opportunity to be heard." *LaChance v. Erickson*, 522 U.S. 262, 266 (1998) It would be reckless to affirm on a ground that the appellant had never had a chance to address." *Frederick v. Marquette Nat. Bank*, 911 F.2d 1, 2 (7th Cir. 1990)

"In its Fourteenth Amendment, the Constitution imposes on the States the standards necessary to ensure that judicial proceedings are fundamentally fair." *Lassiter v. Department of Social Servs.*, 452 U.S. 18, 20 (1981) "Due process' requires, at minimum, that absent countervailing

https://youtu.be/85Ch9_jAGG8?t=5802 Kearney saying he is punishing Crissy for sharing messages.)

state interest of overriding significance, persons forced to settle their claims of right and duty through the judicial process must be given meaningful opportunity to be heard. U.S.C.A. Const. Amend. 14.” *Boddie v. Connecticut*, 401 U.S. 371, 91 S. Ct. 780, 28 L. Ed. 2d 113 (1971) “Every judge must exercise his inherent powers as necessary to secure the full and effective administration of justice.” *Commonwealth v. O’Neil*, 418 Mass. 760, 764-5 (Mass. 1994) (“[T]he power of the judiciary to control its own proceedings, the conduct of participants, the actions of officers of the court and the environment of the court is a power absolutely necessary for a court to function effectively and do its job of administering justice.”)

Kearney’s perjury should only be used against him.

Kearney has previously lied about and then come clean about the BlogDat Group chat. (RA 19) While reckless disregard is acceptable for 268 13B, Kearney’s numerous misrepresentations in this proceeding infer criminal intent. “[W]e have noted that ‘significant’ evidence of consciousness of guilt, such as providing a false statement in an effort to exculpate oneself, can carry great weight.” *In re Sushchyk*, 489 Mass. 330, 335 (Mass. 2022) Where it appears that perjured testimony may have played some part in influencing the district court to render a judgment, the perjury will not be weighed, on a motion to set aside the judgment. The district court must determine if the judgment obtained in part by the use of perjury. If it was, then it is clearly the duty of the district court to set

aside the judgment.” Peacock Records, Inc. v. Checker Records, Inc., 365 F.2d 145, 146 (7th Cir. 1966)

The court should not let intimidation influence their decision.

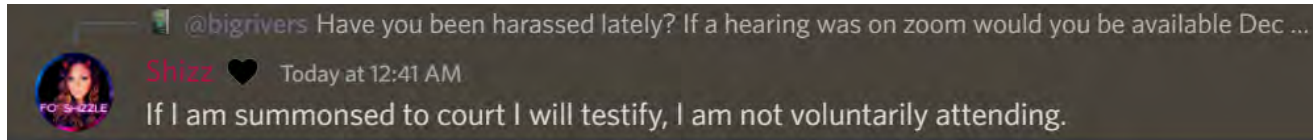


Figure 1 Cropped from discord

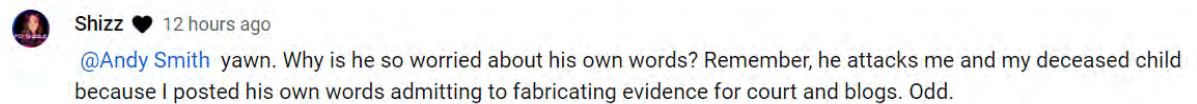


Figure 2 cropped from YouTube
<https://www.youtube.com/post/Ugkx9ZBa9Mq8F127b1ZgG29SG2p-ixKSp4Lx?lc=Ugxmz2lNg6qfbUd7v2F4AaABAg.9jBEO0j6WHH9jHHeps0qJd&lc=Ugxmz2lNg6qfbUd7v2F4AaABAg.9jBEO0j6WHH9jHHeps0qJd>

Aidan Kearney recently admitted on a plain view recorded video that he fabricated the threats to obstruct the court cases. I cannot get that evidence because Kearney is still viciously attacking Shannon Labarre (Shizz in screenshots) because she gave me evidence proving that Kearney knew I did not send the November 19th threats. (RA 25)

“While the plaintiff has not submitted supporting affidavits from these witnesses, that would not be surprising if, in fact, they were being threatened. The attorneys' affidavits, while certainly not conclusive, constitute reliable evidence to support the plaintiff's contention that it is likely to prevail on its claim that the witnesses were threatened.” Rissman,

Hendricks & Oliverio v. MIV Therapeutics, Inc., CIVIL ACTION No. 11-10791-MLW, at *11 (D. Mass. Oct. 20, 2011)

Additionally, with the application for a criminal complaint I included a screenshot of Kearney's June 10th, 2022, Facebook post, (RA 42) which featured a screenshot of my motion identifying Crissy as my (potential) witness for the motion with a hearing on June 28th, and asking his followers to leave bad reviews on her business Facebook page specifically because she supported me. "The Commonwealth was not required to prove that an actual crime had occurred or that a criminal investigation was in progress when the alleged intimidation occurred." Commonwealth v. Fragata, No. SJC-12330, 10-11 (Mass. Jul. 18, 2018)

"Mass. Gen. Laws ch. 268, § 13B punishes anyone who 'willfully [attempts]' to intimidate a witness; it does not require that the intimidation be successful." Commonwealth v. Robinson, 444 Mass. 102, 102 (2005) "The Commonwealth does not need to prove that the victim of witness intimidation was actually intimidated or frightened." Commonwealth v. Nordstrom, No. 20-P-1192, (Mass. App. Ct. Nov. 23, 2021)

A statement is not hearsay if the statement is offered against a party and is "a statement by a coconspirator of a party during the course and in furtherance of the conspiracy." Fed.R.Evid. 801(d)(2)(E) Kearney has admitted there was a conspiracy. (RA 25) When Kearney said "I am

the one who did it” still falls under the exception because it was a statement meant to keep conspirators abreast.

Fraud on the court

"A 'fraud on the court' occurs where it can be demonstrated, clearly and convincingly, that a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier or unfairly hampering the presentation of the opposing party's claim or defense." *Choi v. Toyota Motor Sales USA, Inc.*, 93 Mass. App. Ct. 1101, (Mass. App. Ct. 2018) "Because corrupt intent knows no stylistic boundaries, fraud on the court can take many forms." *Aoude v. Mobil Oil Corp.*, 892 F.2d 1115, 1118 (1st Cir. 1989)

Kearney intentionally unfairly hampered the presentation of my argument by asking about an innocent child. Kearney's denials about the #BlogDat group chat and his lies about his history with my witness was clearly intended to mislead the court and improperly influencing the trier. In a civil setting "entry of a default judgment for fraud on the court has been warranted for creating and presenting false evidence in support of a claim or defense" *Rockdale Management Co. v. Shawmut Bank, N.A.*, 418 Mass. 596, 599 (Mass. 1994)

A judicial conspiracy can be inferred for Civil Rights Lawsuits.

Kearney's threats keep escalating with judicial approval. Every judge that **unintelligibly** approved of the June 18th threats, and thereby caused Kearney to violate more civil rights, will soon be listed as nominal defendants in a California civil rights lawsuit.

Kearney said that he was not worried about getting in trouble for the November 19th threats because 90% of court clerk support him. The courts' decisions approving of Kearney's threats cannot be justified with fact or law. "Acts which seem otherwise innocent, when viewed in the context of the surrounding circumstances, may justify an inference of complicity." *United States v. Batimana*, 623 F.2d 1366, 1368 (9th Cir. 1980). "Intent is not at issue where intimidation or coercion is obvious." *Park v. Thompson*, 851 F.3d 910, 920 (9th Cir. 2017) That principle applies squarely in this case, where the caustic political environment surrounding [the Defendant] may have caused the jury to infer that an ulterior motive lay at the heart of [the Courts'] actions." *Gilbrook v. City of Westminster*, 177 F.3d 839, 857 (9th Cir. 1999) ("Evidence that police failed to exercise independent judgment will support an inference of conspiracy with a private party.") "[S]tate courts that aid private parties to perform [due process violations] implicate the State in conduct proscribed by the Fourteenth Amendment." *Evans v. Newton*, 382 U.S. 296, 302 (1966)

"Private parties who corruptly conspire with a judge in conjunction with the judge's performance of an official judicial act are acting under

color of state law for the purpose of § 1983, even if the judge himself is immune from civil liability.” Kimes v. Stone, 84 F.3d 1121, 1126 (9th Cir. 1996) see Dennis v. Sparks, 449 U.S. 24, 29 (1980

V. I am not asking the BMC to redetermine.

I cannot afford to deal with any more corruption. The powder keg has become a fertilizer truck and I am not give the BMC a chance to ignite it.

VI. Conclusion

This court should issue a summons and issue a criminal complaint, as well as directions and rules instilling auxiliary precautions in show cause hearings that will facilitate due process and equal protection and the furtherance of justice.

Submitted,

Pro se, Rian Waters

/s/ Rian Waters dated 12/06/2022 (530) 739-8951 Watersrian@gmail.com

VII. Certificate of Service

Aidan Kearney will be served today with the petition, Motion to waive fees,
and Record Appendix by email at TurtleboySports@gmail.com,

BMC Central will be served by email at

Rian Waters

/s/ Rian Waters dated 12/06/2022

(530) 739-8951 Watersrian@gmail.com

Record Appendix

Volume II BMC 2201AC003838

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Screenshot of Kearney's FB alleging he has recording of the hearing.....	pg 52

NOTICE OF MAGISTRATE'S HEARING ON COMPLAINT APPLICATION		DOCKET NUMBER 2201AC003838-	COUNT 2	Trial Court of Massachusetts BMC Department	
CASE NAME Rian Waters vs. Aidan T Kearney					
ATTORNEY OR PARTY TO WHOM THIS NOTICE IS ISSUED Rian Waters 			COURT NAME & ADDRESS: BMC Central 24 New Chardon Street, 6th Floor Boston, MA 02114		
POLICE DEPT. / APPLICANT: Rian Waters		INCIDENT REPORT#		DATE & TIME OF MAGISTRATE'S HEARING: 12/01/2022 at 09:00 AM	
FIRST FOUR OFFENSE COUNTS					
COUNT	CODE	OFFENSE DESCRIPTION	DATE OF OFFENSE		
1	268/13B/A	WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B	10/10/2022		
2	268/13B/A	WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B	10/10/2022		
TO THE PARTIES TO THIS COMPLAINT APPLICATION:					
You are hereby notified that the above-named complainant has filed an application for criminal complaint against the above-named defendant and has requested a hearing by a judicial officer of this court. The number of offense counts (charges) presented in this criminal complaint application are shown in the "no. counts" box above, and the first four offense counts are listed above. If there are more than four offense counts, you may obtain the details of them from the clerk-magistrate's office prior to the hearing. This notice is to inform you that a MAGISTRATE'S HEARING will be held at this court to determine whether criminal proceedings will be commenced against the above-named defendant in this matter. The hearing will be held on the date and time indicated above. Notice to Defendant: You may appear at this hearing to present your side of the case. You may bring witnesses with you and you may also bring a lawyer, although it is not required that you be represented by counsel. Please bring this notice and report to the Clerk-Magistrate's office upon your arrival at the court. The court house address is listed above. If you fail to appear for your hearing at the date and time noted, the criminal complaint may issue against you on that date. Notice to Complainant: If you have any witnesses you want to testify at the hearing, you must bring them to the hearing. Please bring this notice and report to the Clerk-Magistrate's office upon your arrival at the court. If you fail to appear for the hearing at the date and time noted, your application may be denied.					
FURTHER ORDERS OF THE COURT					
After full hearing, the court declines to issue process as to offense as applied. No Probable Cause found on both counts.					
DATE ISSUED December 2, 2022		CLERK-MAGISTRATE Daniel J Hogan			
ATENCION: ESTE ES AVISO OFICIAL DE LA CORTE. SI USTED NO SAVE LEER INGLES, OBTENGA UNA TRADUCCION.					

BOSTON MUNICIPAL COURT

RIAN WATERS,
Complainant

AIDAN KEARNEY
Defendant

)
)
)
)
)
)
)

VERIFIED PROPOSED COMPLAINT

I. PARTIES

Complainant

1. Rian Waters (“I/me”) it is too dangerous for me to tell Kearney where I am living because Kearney frequently harassed the last people I lived with. I did not renew my license because Kearney frequently has people search other peoples’ information in DMV computers for him.

Defendant

2. Aidan Kearney lives in Jefferson Massachusetts, and he is the sole owner and operator of Turtleboy Sports, a blog that he has proudly weaponized for public shaming.

Witness

3. Cristina Yakimowsky is Kearney's coconspirator that gave me group chat messages indicating Kearney tried to frame me for threatening his kids in attempt to obstruct court cases.

II. JURISDICTION AND VENUE

4. **Jurisdiction is proper** under Mass. Gen. Laws ch. 218 § 26, notably the statute has been amended since, Commonwealth v. Muckle, 478 Mass. 1001, (Mass. 2017)
5. **Venue is proper under** G. L. c. 268, § 13B, because in SJC-13328, I have/had a still pending request that the Supreme Judicial Court in Boston hold evidentiary hearings with Cristina Yakimowsky designated as the primary witness.
6. I filed three applications for criminal complaints against Kearney in Springfield Ma. Springfield denied each complaint without any intelligible reason, which has made Kearney's threats more explicit.

III. FACTS (additional facts are in the claims)

7. Exhibit A shows that Aidan Kearney posted on Facebook that he was aware that Cristina Yakimowsky was a witness, and that he was punishing her for it.
8. Exhibit B is a screenshot from Aidan Kearney's June 18th, 2022, YouTube video, Where Kearney showed his followers screenshots from the #BlogDat

group chat that he claims he presented to a judge, and/or gave to the district attorney's office to get Cristina Yakimowsky in trouble for using his blog to intimidate a witness in a different case. (1966CR1686)

9. On June 17th, 2022, in Milford District Court (1966CR1686) Kearney testified against Cristina Yakimowsky saying, “the court order ordered Cristina Yakimowsky not to have anything to do with my blog, or anything like that. I was not aware of this, but for the last two years Chrissy has basically been trying to you know, she befriended me, and **attempted to use the blog to weaponize and attack Hadassah (the victim in the case) more and torment her more, behind the scenes that way she was not the one publicly doing it** she was essentially, you know feeding me stories, feeding me information about Hadassah. Helping me run the turtle boy Facebook page, she was an administrator on it. **She worked for me.** I mean she was an active participant in this for the last two years in spite of the court order specifically telling her to have nothing to do with me.”

IV. CLAIMS

COUNT I : Threatening to cause a witness an emotional injury. GL CH 268 13B (i)(A)(1)

10. On October 10th, 2022, Aidan Kearney willfully and directly (i) threatened to cause an emotional injury (A) to witness/ potential witness Cristina Yakimowsky with the intent to or with reckless disregard for the fact that it may; (1) impede, obstruct, delay, prevent or otherwise interfere with (SJC-13328)
11. On October 10th, 2022, Aidan Kearney said that he was going to make Cristina Yakimowsky feel the way he felt when he was in his garage and wanted to kill himself. See <https://youtu.be/0A3sJXeejfU?t=6141>
12. Cristina Yakimowsky is a primary/potential witness for SJC-13328, as I requested that the SJC hold evidentiary hearings and subpoena her to testify.

COUNT II : Threatening to cause a witness an emotional/economic injury. GL CH 268 13B (i)(A)(1)

13. On June 18th, 2022, Aidan Kearney willfully and directly (i) threatened and attempted to cause an emotional or economic injury (A) to witness/ potential witness Cristina Yakimowsky with the intent to or with reckless disregard for the fact that it may; (1) impede, obstruct, delay, prevent or otherwise interfere with (1879CV0344)
14. On June 17th, 2022, Kearney was served with a witness subpoena to appear on June 28th, 2022, for a hearing on a motion for sanctions and or default (1879CV0344).

15. Cristina Yakimowsky was listed as a primary/potential witness for my motion for sanctions and or default. See Exhibit A

16. On June 18th 2022 Aidan Kearney hosted a video on YouTube titled “Ep #493 - Worcester Softball Mom | Easton Trump Store Attack | Drag Queen | Is Chrissy Going to Jail?” which can be found here https://youtu.be/85Ch9_jAGG8?t=7676 In the video Kearney said

- a. “I don't know why you thought this was a smart idea, Chrissy, because you know me, and you know what I do, and you know I'm not gonna rest, you know that right, like you own a business, I am speaking to Chrissy right now cause I know she's listening. So, you a business, you have couple kids or whatever, and a family and it's called Royal Thermal View, did you think I wasn't gonna make it like my mission to take all that away from you? Did you think that?”
- b. “Yeah Chrissy, you are going to - - **I am never going to stop until you are destitute, until you are in jail.** I'm not going to break any laws to do it. I'm not going to threaten you, I'm just going to do what I always do, I am going to remind you every ***** day, when you're alone, and sad, and crying, that you were the dumbest ***** person, who made the biggest mistake of your life when you decided to f*** with me, me of all people, me the most vindictive ***** on the planet, and

you're like I'm gonna go f*** with that guy. That's a mistake girl, cause where is crusty panties? She's not protecting you anymore...

- c. **Your business is going to severely suffer from this**, when I contact every single one of your customers and let them know that -- any conversation that they have with you on the phone was likely recorded. Because that's what you are, you're a convicted wiretapper and your lawyer has, you're gonna lose your lawyer now too, **you are losing everyone, cause that's what I do to people**, Chrissy, who **** with me, and maliciously, I don't take it on the chin, I'm not one of those people that just moves on, I'm a vindictive ****. **And I'm not gonna stop, we're just beginning here. I'm not gonna stop destroying your life**, just destroying it, like I am gonna take everything away from you that you love, I want you to feel as low as I did in early January when I found out that you [were a witness]. I want you to feel that pain, and you're gonna feel it.”
- d. **“I will not stop until you beg for mercy, and then I'm going to do it twice as much**, you're gonna feel the way I felt when I was in my garage when I wanted to kill myself.”

Respectfully submitted under the pains and penalties of perjury

/S/ Rian Waters
(530)739-8951 Watersrian@gmail.com Dated: 10/19/2022

Certificate of Service

Kearney will be served with the proposed criminal complaint by email at Turtleboysports@gmail.com, and tomorrow by mail at 111 mason rd Jefferson MA 01522

Rian Waters

/s/ Rian Waters dated 10/19/2022

(530) 739-8951 Watersrian@gmail.com

BOSTON MUNICIPAL COURT

	)	2201AC003838
RIAN WATERS,	)	
Complainant	)	
	)	
AIDAN KEARNEY	)	
Defendant	)	

MOTION TO MAKE THE SHOW CAUSE HEARING OPEN TO PUBLIC.

Now Comes the complainant, Rian Waters, who respectfully requests that this court allow public access to the show cause hearing for the enumerated reasons below. “Any member of the public, however, may request that the records of a particular show cause hearing be made publicly available, and a clerk-magistrate or a judge shall grant such a request where the interests of justice so require.” *Bos. Globe Media Partners v. Chief Justice of Trial Court*, 483 Mass. 80, 81 (Mass. 2019)

1) The crime happened in public view, and Kearney and I publicly discussed the allegations, and he has proven that he has no legitimate defense.

<https://youtu.be/pNqn6CsOPaE>

“Where an incident has already attracted public attention prior to a show cause hearing, the interest in shielding the participants from publicity is necessarily diminished, while the public's legitimate interest in access is correspondingly stronger.” *Eagle-Tribune v. Clerk-Magistrate*, 448 Mass. 647, 656-57 (Mass. 2007)

2) Kearney's right to privacy is weak because he is a public figure who has publicly discussed impounded material from my cases, and he has publicly accused hundreds of people of criminal allegations often on nothing but hearsay. see TBDailyNews.com

"The transparency that open proceedings afford may be especially important if a well-publicized show cause hearing results in a decision not to bring criminal charges, thereby ending the matter. In such cases, the public may question whether justice has been done behind the closed doors of the hearing room." *Eagle-Tribune v. Clerk-Magistrate*, 448 Mass. 647, 657 (Mass. 2007)

3) The case will eventually be public anyway. Kearney brags that he can't get in trouble for crime because 90% of court clerks support him. Unintelligible decisions ignoring a clear and present danger have emboldened Kearney to send even worse threats on a weekly basis, every clerk that causes civil rights violations will be listed as nominal conspirators for the purpose of establishing state action in a California 42 USC 1983 case. (Facebook provides jurisdiction)

"Judicial immunity does not insulate from damages liability those private persons who corruptly conspire with a judge. Nor has the doctrine of judicial immunity been considered historically as excusing a judge from responding as a witness when his co-conspirators are sued, even though a charge of conspiracy and judicial corruption will be aired and decided. The potential harm to the public from denying immunity to co-conspirators if the factfinder mistakenly upholds a charge of a corrupt conspiracy is outweighed by the benefits of providing a remedy against

those private persons who participate in subverting the judicial process and in so doing inflict injury on other persons.” Dennis v. Sparks, 449 U.S. 24, (1980)

Respectfully submitted under the pains and penalties of perjury

/S/ Rian Waters
(530)739-8951 Watersrian@gmail.com Dated: 11/21/2022

Certificate of Service

Kearney was served with this motion by email at the same time the court was at Turtleboysports@gmail.com,

Rian Waters

/s/ Rian Waters dated 11/21/2022

(530) 739-8951 Watersrian@gmail.com

rowser

Set as default

ok



Turtleboy Daily News

 Worcester, MA, United States, Massachusetts turtleboysports@gmail.com tbdailynews.com Rating · 3.9 (59 Reviews)  Add diversity info

Photos

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night sex cult members only stream. Tonight we're gonna be listening to some never heard before court audio that will entertain you. The more people in Turtle Club the more independent we can be, and the more Turtleboy grows. Tonight's show starts at 9:30 and you can join here if you haven't already:

<https://tbdailynews.com/product/turtle-boy-community-member/>



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COMMONWEALTH OF MASSACHUSETTS
SINGLE JUSTICE OF SUPREME JUDICIAL COURT

No. _____

RIAN WATERS,
Petitioner/ Complainant
v.

AIDAN KEARNEY,
Respondent/ Defendant

SPRINGFIELD DISTRICT COURT: 2223AC000803

Criminal Record Appendix

Filed Pro se by Rian Waters

/s/ Rian Waters Dated 11/07/2022

(530)739-8951
Watersrian@gmail.com

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

DISTRICT COURT DEPARTMENT
SPRINGFIELD DIVISION
DOCKET NO. 2223AC000803

RIAN WATERS

v.

AIDAN KEARNEY

**ORDER OF THE COURT ON
COMPLAINANT'S MOTION TO REDETERMINE ISSUANCE OF CRIMINAL COMPLAINT**

Introduction: The complainant, Rian Waters has requested redetermination of a decision made by Assistant Clerk Magistrate Fung with where he found no probable cause regarding a private criminal complaint he filed against Aidan Kearney. After review of the filings and the hearing, the request for redetermination is **DENIED.**

Procedural History: On or about March 25, 2022, Mr. Waters filed a private criminal complaint with the Springfield District Court clerk's office against Mr. Kearney alleging two counts of Intimidation of a Witness, G.L. ch. 268, § 13B, and Unlawful Wiretap in violation of G.L. ch. 272, § 99(C)(1). The matter was originally scheduled for hearing on April 13, 2022. On April 7, 2022, Mr. Kearney requested a continuance because he had another matter scheduled for the same time, Case No: 2223AC0620 filed by "another private citizen". The court allowed the motion to continue and rescheduled the hearing to May 25, 2022. Despite the allowance, on April 13, 2022, Mr. Waters filed a motion to "Hold hearing 4/13/2022 or Provide Alternate Relief". It does not appear as though the court acted on the motion since the matter was already continued at Mr. Kearney's request to May 25, 2022.

On May 12, 2022, Mr. Waters filed a motion seeking that two additional counts of Intimidation of a Witness, G.L. ch. 268, § 13B be included in the Application for Criminal Complaint. This motion was allowed administratively by the court.

On May 25, 2022, Assistant Clerk Magistrate Fung presided over the probable cause hearing which was conducted over ZOOM. Mr. Waters appeared remotely. ACM Fung commenced the hearing at approximately 2:55 pm. Mr. Kearney did not appear. At the commencement of the hearing ACM Fung stated that he had read "the file several times before the hearing". The file consisted of the "Complainant's Statement of Facts/Affidavit" (8 pages) and Exhibits A-F (30 pages, including Exhibit designation). The hearing lasted until approximately 3:44 pm. During the hearing, ACM Fung took the time to listen to Mr. Waters, inquired as to the evidence and conducted the hearing in a fair and deliberate manner. When he had questions, he asked Mr. Waters to explain. In short, the court finds that ACM Fung gave Mr. Waters every opportunity to present evidence supportive of the claims. At the conclusion of the hearing, Mr. Waters stated that he has petitioned the United States Supreme Court on a *writ of certiori*.

Discussion: "If the complainant seeks redetermination by a judge of the clerk-magistrate's decision to deny the issuance of a criminal complaint, the judge may examine the denied applications and the records associated with them." *See Boston Globe Media Partners, LLC v. Chief Justice of Trial Court*, 483 Mass. 80, 88–89 (2019); *See also* standard 3:22 of the Complaint Standards. A request for redetermination is not formally an appeal, because there is no entitlement to review by a judge. *See id.* "If the magistrate denies a complaint, the complainant may not appeal the magistrate's determination, but may request a judge to redetermine the matter". *See Id.*

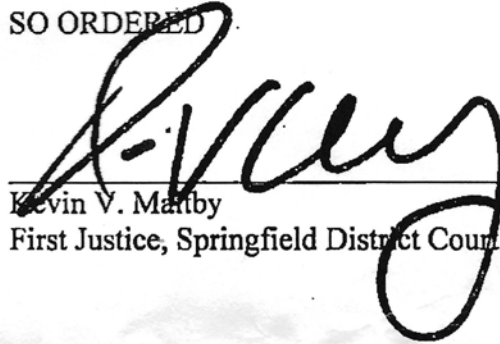
Where a redetermination is requested, the judge has the discretion to (1) "consider the application de novo" and hold a new show cause hearing, (2) to review the factual information previously provided to the clerk-magistrate, or (3) to deny redetermination, presumably because the complainant's allegations do not warrant further review. *Id.* If the judge denies redetermination or declines to issue a complaint after redetermination, the complainant has no right to further judicial review. *See Commonwealth v. Orbin O.,*

478 Mass. 759, 765 (2018), *quoting Bradford*, 427 Mass. at 751 (“even where the Legislature has given a private party the opportunity to seek a criminal complaint, we have uniformly held that the denial of a complaint creates no judicially cognizable wrong”).

Based on the court’s review of the record and submissions, the petition for redetermination is **DENIED**. See *Boston Globe Media Partners, LLC*, 483 Mass. at 88–89; See also standard 3:22 of the Complaint Standards.

SO ORDERED

September 8, 2022
Date entered



Kevin V. Marby
First Justice, Springfield District Court

COMMONWEALTH OF MASSACHUSETTS

Springfield District Court

2223A000803

RIAN WATERS,
Complainant

AIDAN KEARNEY,
Defendant

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Complainant's Motion to Redetermine Issuance of a Criminal Complaint

Introduction

Now comes the complainant, Rian Waters, who respectfully requests that pursuant of G.L. c. 276, § 22 and/or G.L. c. 218, § 35, that this court redetermine the issuance of a criminal complaint, and issue a summons, and warrant for Aidan Kearney. See the attached proposed complaint.

Alternatively, under this court's inherent power I move for this court to hold an evidentiary hearing and issue subpoenas for Aidan Kearney, his two coconspirators, and his confidant, so that I can fairly collect Article 12 exculpatory evidence for myself, and inculpatory evidence for Kearney.

Additionally, pursuant to article 114 the Massachusetts constitution, I request reasonable accommodation, that if this court denies issuing a criminal complaint, that it do so with a legal memorandum explaining why Kearney’s flagrantly criminal conduct is acceptable in Massachusetts, as dealing with corruption is causing serious harm to my mental and physical health.

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Legal standard

“Probable cause to sustain an indictment is a decidedly low standard... Probable cause has been defined as reasonably trustworthy information sufficient to warrant a prudent man in believing that the defendant had committed or was committing an offense.” Commonwealth v. Hanright, 466 Mass. 303, 311-12 (Mass. 2013) (citations omitted)

Background

In May 2018, I filed a lawsuit against Aidan Kearney for defamation in Hampden County Superior Court. (1879CV0344) Kearney made it too

dangerous to present evidence. The court told me to go to the police. I went to every available police station, and the State police told me to file a private complaint. This court cited outdated elements in 2019 to deny a criminal complaint against Kearney, so I filed a federal 42 USC 1985 witness intimidation lawsuit. (3:20-cv-30168)

On November 19th in 2021 Aidan Kearney was served with a motion for (1879CV0344) that included a note from my therapist identifying Kearney's harassment as the cause and stressor of my adjustment disorder. Aidan Kearney exploited my adjustment disorder by trying to frame me for threatening to molest and murder children. Two Coconspirators and a confidant have come forward with recorded videos of Kearney's conversations proving that Kearney orchestrated the conspiracy. Kearney has admitted publicly and privately, and even testified that the group chat messages are authentic, and he has relentlessly punished the witnesses that provided them.

Tyson Fung denied a complaint without reason on June 1st 2022. Kearney celebrated by escalating the witness intimidation.

On June 17th 2022 in Milford District Court (1966##1686) Kearney testified against Cristina Yakimowsky saying, "to clarify the court order

ordered Cristina Yakimowsky not to have anything to do with my blog, or anything like that. I was not aware of this, but for the last two years Chrissy has basically been trying to you know, she befriended me, *and attempted to use the blog to weaponize and attack Hadassah (the victim in the case)* more and torment her more, behind the scenes that way she was not the one publicly doing it she was essentially, you know feeding me stories, feeding me information about Hadassah. Helping me run the turtle boy Facebook page, she was an administrator on it. She worked for me. I mean she was an active participant in this for the last two years in spite of the court order specifically telling her to have nothing to do with me.”

The judge asked “she used your business, or your day-to-day activity as an instrument against the alleged victim in the case, is that about the summary of it? Kearney responded, “that's correct.”

Argument:

The witness intimidation is getting more intense with court approval.

On June 18th 2022, Aidan Kearney said, “I don't know why you thought this was a smart idea, Crissy, because you know me, and you know what I do, and you know I'm not gonna rest, you know that right? Like you own

a business, I am speaking at Crissy right now cause I know she's listening. So you own a business, you have couple kids or whatever, and a family, and it's called Royal Thermal View¹, did you think I wasn't gonna make it like my mission to take all that away from you? Did you think that?" "I'm a vindictive c***. And I'm not gonna stop, we're just beginning here. I'm not gonna stop destroying your life, just destroying it, like I am gonna take everything away from you that you love, I want you to feel as low as I did..." (Count VI) CC ¶ 61

"[W]ords do not need to be expressly intimidating, threatening, or harassing in order to fall within the meaning of intimidation. The assessment whether the defendant made a threat is not confined to a technical analysis of the precise words uttered the jury may consider the context in which the allegedly threatening statement was made and all of the surrounding circumstances." Commonwealth v. John, 43 N.E.3d 340, 347 (Mass. App. Ct. 2016) citations omitted. Kearney noted in the beginning of his threat that she knew him, and that she would know that he was going to retaliate. It is important to "consider the unique sensitivity of the recipient." U.S. v. Fulmer, 108 F.3d 1486, 1491 (1st Cir.

¹ Cristina Yakimowsky's business is called Royal Thermal View

1997) “[A]n eventual trial that reflects witness intimidation or jury tampering is as bad as not trial at all.” United States v. Acevedo-Ramos, 755 F.2d 203, 206 (1st Cir. 1985)

Kearney’s alleged discernible purpose is irrelevant

Aidan Kearney publicly says that his threats attacking Cristina Yakimowsky are examples of his “greatest hits,” and he implies that they are legal because he thinks he has just reasons for retaliating against her because she also leaked non-criminal private messages from the #BlogDat group chat. But “a statement constitutes a threat if it expresses an intention to inflict harm, loss, evil, injury, or damage on another, **regardless** of whether the person making the threat has a discernible purpose for communicating such an intention.” U.S. v. Jongewaard, 567 F.3d 336, 340 (8th Cir. 2009) cert den (2010, US) 130 S Ct 1502, 176 L Ed 2d 118.

GL ch 268 S 13B does not have a discernible purpose exception, “[w]e will not add words to a specific statute that the Legislature did not put there, either by inadvertent omission or by design.” Simmons v. Clerk-Magistrate, 448 Mass. 57, 64 (Mass. 2006)

I have standing to appeal all the way to The Supreme Court

Inaction under the current circumstances would run afoul with the due process and equal protection clauses of the 14th amendment. When the Supreme Court decided that “a private citizen lacks a judicially cognizable interest in the prosecution or non-prosecution of another.” They did so because the “appellant ha[d] made an insufficient showing of a direct nexus between the vindication of her interest and the enforcement of the State's criminal laws.” Linda R. S. v. Richard D., 410 U.S. 614, 619 (1973) A few years later the Supreme Court clarified their decision. “Upon careful reading, however, it is clear that standing was denied not because of the absence of a subject-matter nexus between the injury asserted and the constitutional claim, but instead because of the unlikelihood that the relief requested would redress appellant's claimed injury.” Duke Power Co. v. Carolina Env. Study Group, 438 U.S. 59, 79 n.24 (1978) (“We continue to be of the same view and cannot accept the contention that, outside the context of taxpayers' suits, a litigant must demonstrate something more than injury in fact and a substantial likelihood that the judicial relief requested will prevent or redress the claimed injury to satisfy the ‘case or controversy’ requirement of Art. III”)

In this case, Kearney's crimes have been preventing me from presenting evidence in multiple court cases, intimidating witnesses, and causing extreme emotional and financial damage to me and all my witnesses in a direct violation to my 14th amendment right to a fair trial, and my 9th amendment right to protection in the courts, which certainly is an injury in fact. If Aidan Kearney is charged for threatening to cause emotional damage to my witnesses, my injury will be redressed because it will become safe and fair for me to depose witnesses and present evidence in court. "It is well established that a procedural rule that unreasonably precludes the vindication of constitutional rights itself raises serious constitutional questions." Davis v. United States, 411 U.S. 233, 256-57 (1973) "It is a settled and invariable principle, that every right, when withheld, must have a remedy, and every injury its proper redress." Marbury v. Madison, 5 U.S. 137, 147 (1803)

Additionally, the non-prosecution of Aidan Kearney has emboldened him to commit even more heinous crimes and he has promised that he will not stop until my witnesses are destitute or in jail. "[T]he guaranty was intended to secure equality of protection not only for all but against all similarly situated. Indeed, protection is not protection unless it does

so. Immunity granted to a class, however limited, having the effect to deprive another class, however limited, of a personal or property right, is just as clearly a denial of equal protection of the laws to the latter class as if the immunity were in favor of, or the deprivation of right permitted worked against, a larger class." Universal Adjustment Corp. v. Midland Bank, Ltd., of London, 281 Mass. 303, 322 (Mass. 1933) ("The question to be determined in every case is whether citizens, aliens, nonresidents, or corporations are singled out for special hostile or *favorable* discrimination.")

I have a Constitutional right to safety in the court

The First Amendment's right to litigation, the Ninth Amendment's reservation of unenumerated rights to the people, and the Fourteenth Amendment's rights to due process and equal protection imply a concomitant right to protection in the courts. All courts are bound by the Constitution, including this one. Marbury v. Madison, 5 U.S. 137, 180 (1803) "[A] provision of the Bill of Rights which is 'fundamental and essential to a fair trial' is made obligatory upon the States by the Fourteenth Amendment." Gideon v. Wainwright, 372 U.S. 335, 342 (1963) "[S]tate courts have the solemn responsibility equally with the

federal courts to safeguard constitutional rights.” Burt v. Titlow, 571 U.S. 12, 19, 134 S. Ct. 10, 15, 187 L. Ed. 2d 348 (2013)

The Massachusetts Constitution says that this specific right was already included in the Massachusetts Constitution, even though it had not yet been specifically mentioned. “No proposition inconsistent with any one of the following rights of the individual, as at present declared in the declaration of rights, shall be the subject of an initiative or referendum petition... the right of access to *and protection in courts of justice...*” Massachusetts Constitution 48, Init., Pt. 2, § 2

“One purpose of ALM GL c 268 § 13B is protection of participants in judicial proceedings and thereby protection of public interest in due administration of justice.” Commonwealth v. Burt (Mass. App. Ct. Apr. 5, 1996) “It is essential to the preservation of the rights of every individual, his *life, liberty*, property, and *character*, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit.” Mass. Const. Pt. 1, art. XXIX

“Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws.” Mass. Const. Pt. 1, art. X

“Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. *He ought to obtain right and justice freely*, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; *conformably to the laws.*” Mass. Const. Pt. 1, art. XI

“From these provisions, it necessarily follows that courts of general jurisdiction have the inherent power to do whatever may be done under the general principles of jurisprudence to insure to the citizen a fair trial, whenever his *life, liberty*, property or *character* is at stake.” O'Coin's, Inc. v. Treasurer of the County of Worcester, 362 Mass. 507, 509-10 (Mass. 1972) “Every judge **must** exercise his inherent powers as necessary to secure the full and effective administration of justice.” Commonwealth v. O'Neil, 418 Mass. 760, 764-5 (Mass. 1994) (“[T]he power of the judiciary to control its own proceedings, *the conduct of participants*, the actions of officers of the court and the environment of the court is a power

absolutely **necessary** for a court to function effectively and do its job of administering justice.”)

“The administration of justice by an impartial judiciary has been basic to our conception of freedom ever since Magna Carta. It is the concern not merely of the immediate litigants. Its assurance is everyone's concern, and it is protected by the liberty **guaranteed by the Fourteenth Amendment**. That is why this Court has outlawed mob domination of a courtroom, mental coercion of a [Plaintiff and his witnesses”] Bridges v. California, 314 U.S. 252, 282 (1941) citations omitted.

The witness intimidation statute has been amended.

In 2019, at the end of a hearing after all the evidence was presented and argued this court sua sponte argued that civil witnesses were not protected by the GL 268 13B. The law has been expanded to civil cases since 2010. “[A]n official title to an act does not control the plain provisions of the statute, and, if there is any variation between the title and the body of the statute, the latter governs.” Commonwealth v. Muckle, 90 Mass. App. Ct. 384, 392 (2016)

The court also sua sponte argued that it did not think that I was intimidated. “Mass. Gen. Laws ch. 268, § 13B punishes anyone who ‘willfully [attempts]’ to intimidate a witness; it does not require that the intimidation be successful.” Commonwealth v. Robinson, 444 Mass. 102, 102 (2005) “The Commonwealth does not need to prove that the victim of witness intimidation was actually intimidated or frightened.” Commonwealth v. Nordstrom, No. 20-P-1192, (Mass. App. Ct. Nov. 23, 2021)

The group chat messages were authored by Kearney and are admissible for evidence.

"Before admitting an electronic communication in evidence, a judge must determine whether sufficient evidence exists 'for a reasonable jury to find by a preponderance of the evidence that the defendant authored' the communication. Evidence may be authenticated by direct or circumstantial evidence, including its appearance, contents, substance, internal patterns, or other distinctive characteristics" Commonwealth v. Middleton, No. 20-P-1278, 5 (Mass. App. Ct. Mar. 7, 2022) (citations omitted)

First, Kearney has publicly posted several screenshots of the #BlogDat group chat, and he has given screenshots to the District Attorney to prove that Cristina conspired to intimidate a victim in another court case. (RA 45-46) CC ¶ 30

Second, Kearney sent Shannon Labarre a screenshot of the #BlogDat group chat during the conspiracy from his perspective (Chrissy's messages are in grey on the left in (Exhibit D 02) (RA. 24) instead of being in blue and on the right like in (Exhibit A 07), and Kearney's messages are in blue on the right, instead of as Clarence in grey on the left.

Third, on November 19th 2021 Kearney uploaded my motion signed by the sheriff, into the #BlogDat group chat about 30 minutes after the sheriff served him and left his house. Exhibit B (RA 13-14)

Forth, on November 19th at 11:42 PM, I emailed screenshots of the fake profile and fake threats to Kearney's lawyer Ryan McLane, and Facebook lawyers, and I asked Facebook to investigate the crime. McLane forwarded my e-mail to Kearney on November 20th at 12:16 AM, and said "Bro it's getting worse." Kearney forwarded the e-mail that only he had access to into the #BlogDat group chat at 10:19 AM on November 20th. Exhibit F 1-2 (RA. 36)

Fifth, the November 19th, 2021, threats are part of a pattern of consistent threats against children and or harassment after court filings and before court hearings, and just like all of Kearney's other threats the threats were exceptionally heinous.

Sixth, Kearney admitted to the Holden police that he was the only one who had access to the Clarence Woods Emerson Facebook account (RA. 21) that was in the group chat. (RA 19-20) At first, Kearney told the police that there is no way anyone could have certain information without hacking his Clarence Woods Emerson account, but after Cristine came forward, Kearney admitted to the police that he sent the information in the BlogDat group chat. (Exhibit C) (RA 20 at 3)

Seventh, the coconspirators can testify to the group chat messages authenticity.

“[U]nlike former in-court testimony, co-conspirator statements ‘provide evidence of the conspiracy's context that cannot be replicated, even if the declarant testifies to the same matters in court,’ Also, given a declarant's likely change in status by the time the trial occurs, simply calling the declarant in the hope of having him repeat his prior out-of-court statements is a poor substitute for the full evidentiary significance

that flows from statements made when the conspiracy is operating in full force.

Second, we observed that there is little benefit, if any, to be accomplished by imposing an ‘unavailability rule.’ Such a rule will not work to bar absolutely the introduction of the out-of-court statements; if the declarant either is unavailable, or is available and produced for trial, the statements can be introduced.” White v. Illinois, 502 U.S. 346, 354, 112 S. Ct. 736, 742, 116 L. Ed. 2d 848 (1992)

Shannon and Cristina are clearly witnesses, and I was attending a motion hearing.

Kearney committed the crimes in count one and two as a direct response to being served on November 19th with a short order notice to appear at a motion hearing on December 2nd (CC ¶ 15, 38)

Aidan Kearney testified that Cristina Yakimowsky worked for him for two years and that she used his blog to intimidate the victim of a different criminal case. (CC ¶ 30) To prove this, Kearney presented to the Milford District Court screenshots between him and Cristina from their #BlogDat group chat. Cristina released videos of the same #BlogDat group chat showing that he tried to frame me for threatening his children

to obstruct our court case. Cristina was also identified by the Holden police as an “inner circle” member of Kearney’s organization.

Kearney sent Shannon a screenshot of the conspiracy group chat from his perspective showing he has access to the account the orchestrated the conspiracy, and at a minimum, Kearney admitted to Shannon that he presented falsified evidence and was a coconspirator with Crissy in an attempt to frame me for threats against his children, and he admitted to her that he presented the fake threats to the court knowing that I did not send them. “The term ‘witness’ is broadly used to characterize an individual with information that is pertinent to an investigation or case and is often used interchangeably with ‘potential witness.’ See Commonwealth v. Rakes, 478 Mass. 22, 41, 82 N.E.3d 403 (2017) (describing individuals who might testify in future as ‘witnesses’ and ‘potential witnesses’)” Commonwealth v. Brown, 479 Mass. 163, 167 (Mass. 2018) “The Commonwealth was not required to prove that an actual crime had occurred or that a criminal investigation was in progress when the alleged intimidation occurred.” Commonwealth v. Fragata, No. SJC-12330, 10-11 (Mass. Jul. 18, 2018)

Kearney clearly misled a clerk to delay a criminal proceeding.

Kearney lied to the clerk saying that he had no idea what the allegations were. Kearney was informed and neglected an opportunity to deny the allegations and exhibits in four courts,² and publicly he says he stands by everything he said in the #BlogDat group chat. This lie is not only an obvious factor in the court's decision to delay the preceding, but the lie also would reasonably mislead anyone into thinking that Kearney was denying the allegations. Kearney also misled the clerk into thinking that my past lawsuits were all dismissed as frivolous by falsely stating so, and “intentionally omitting [the fact that 1879CV0344 had been reversed on appeal] from a statement and thereby causing a portion of such statement to be misleading” Commonwealth v. Paquette, 475 Mass. 793, 799 (Mass. 2016) “It is well established that a criminal defendant's right to testify does not include the right to commit perjury... The fact that respondents were not under oath is irrelevant, since they were not charged with perjury, but with making false statements [misleading a clerk, is] a charge that does not require sworn statements.” LaChance v. Erickson, 522 U.S. 262, 263 (1998)

² US. Supreme 21A626, Hampden County Superior 1879CV0344, First Circuit 21-1582, Fed. Mass District 3:20-cv-30168 Each court denied motions without reaching the merits of the threats.

Timing shows intent

Kearney sent the pedophile and murder threats on November 19th 2021, the same exact day that he got a short order notice to show up to a court hearing on December 2nd 2021. Kearney filed a malicious harassment order and committed perjury to try to frame me for his crime the day before a court hearing. On June 18th, 2022, Kearney threatened the witness that had provided evidence for a motion hearing on June 28th 2022. "The timing of the defendant's actions makes it more, rather than less, likely that he was trying to intimidate [or punish] the witness." Commonwealth v. Robinson, 444 Mass. 102, 109, 825 N.E.2d 1021 (2005).

Respectfully submitted under the pains and penalties of perjury

/S/ Rian Waters
(530)739-8951 Watersrian@gmail.com Dated: 8/25/2022

SPRINGFIELD DISTRICT COURT

2223AC00803

RIAN WATERS,
Complainant

AIDAN KEARNEY
Defendant

VERIFIED PROPOSED COMPLAINT

I. INTRODUCTION

1. On November 19th, 2021, Kearney created a fake copy of my Facebook profile and conspired to frame me for sending psychotic rape and death threats to his own children. An accomplice and a confidant gave me evidence proving that Kearney orchestrated the conspiracy, and Kearney threatened and extorted them. After the courts approved of his crimes, his threats got more explicit.
2. Kearney's crimes are violating my 14th Amendment right to equal protection and due process in civil and criminal proceedings, and my concomitant 9th Amendment right to receive basic protection in the courts of justice.
3. I further argue that Kearney is violating my Article 12 right to be able to fairly collect evidence of a crime that I am being accused of, and to produce all proofs of my innocence.

4. I withheld evidence in 1879CV0344 for three and a half years because of witness intimidation.

II. PARTIES

Complainant

5. Rian Waters it is too dangerous for me to tell Kearney where I am living, I did not renew my license because Kearney frequently accesses DMV computers.

Defendant

6. Aidan Kearney lives in Jefferson Massachusetts, and he is the sole owner and operator of a blog that he has proudly weaponized for public shaming.
7. Aidan Kearney is known to go by the name Clarence Woods Emerson on Facebook where he has over 22,000 followers, in most of the exhibits his messages appear as Clarence coming from the left in grey.

Witnesses

8. Cris Gagne is the conspirator who sent the messages in grey from “Diane” on the left in Exhibits A and F.
9. Cristina Yakimowsky is the coconspirator that sent the messages in blue on the right in Exhibits A,B,F,G.

10. Shannon Labarre was one of Kearney's confidants who sent the messages in blue on the right in Exhibit D.
11. I request that the court not file any charges against cooperative witnesses, particularly Cristina Yakimowsky.

III. JURISDICTION AND VENUE

12. **Jurisdiction is proper** under Mass. Gen. Laws ch. 218 § 26, notably the statute has been amended since, Commonwealth v. Muckle, 478 Mass. 1001, (Mass. 2017)
13. **Venue is proper under** G. L. c. 268, § 13B, because the motion hearings and the witnesses were for proceedings in Hampden County Superior Court and Springfield District court

IV. FACTS (additional facts are in the claims)

14. Exhibit A, B, F, and G are all screenshots from videos of Kearney's Facebook group chat "#BlogDat" from Cristina Yakimowsky's prospective.
15. On November 19th, 2021, Kearney got served by sheriff with my motion and a short order notice to appear for a hearing for (1879CV0344) on December 2nd, 2021, for a motion to attach his bank account. Exhibit B (RA 13-14)
16. The motion included a note from my old therapist that detailed the devastating damage that Aidan Kearney's harassment causes me, and she

noted that Kearney's harassment is the identified cause and stressor of my adjustment disorder. Exhibit B pg 3 RA 15

17. Kearney uploaded my motion signed by the sheriff into his conspirator group chat "#BlogDat" about 30 minutes after the sheriff left his house. (Exhibit B) (RA 13)
18. On November 19th 2021, Aidan Kearney created a fake Facebook account in my name (Exhibit E) (RA. 33) and tried to frame me for threatening his children. (RA. 34)
19. Exhibit A 1-7 shows screenshots of the #BlogDat group chat from 11/19/2021 during the conspiracy. Exhibit A 9-13 are screenshots of the #BlogDat group chat from on or around January 3rd 2022.
20. Exhibit C is a Holden police report identifying the members of the #BlogDat group chat with their real names next their screen names. (RA 19 at 2, RA 20)
21. On or around January 3rd, 2022, Kearney told the Holden Police that he must have been hacked because messages that he claimed he had only sent to himself were being read by his ex girlfriend, and ex-employee. Kearney told the officer that he was the only person with access to his Facebook account Clarence Woods Emerson. (Exhibit C pg. 5 RA. 21)
22. The officers found out that Kearney lied to them and that he had also sent the messages to his #BlogDat group chat, because Christina Yakimowsky

admitted she had shared messages from the group chat because she did not like Kearney hurting people. (RA 19 at 2)

23. The officer decided it was reasonable for Kearney to lie to him about the group chat because Kearney trusted his “inner circle.” (RA 19 at 1 and 3)

24. Exhibit D, is screenshots from a Facebook messenger conversation between Shannon Labarre and Kearney using his Clarence Woods Emerson account. After Shannon noted that Exhibit A1 implicated that Kearney sent the threats, Kearney alleged he was just a coconspirator and he sent Shannon a screenshot of the #BlogDat group chat during the conspiracy from his (Clarence’s) perspective. (Exhibit D 02)(RA. 24) compare to the same messages from Crissy’s perspective. (Exhibit A 7) (RA. 8)

25. Exhibit E proves that the fake copy of my profile that sent the threats was created around 10pm on November 19th 2021, and page 2 is the threats from my prospective. (RA 33-34)

26. Exhibit F is screenshots from a video of Kearney’s Facebook group #BlogDat from Cristina Yakimowsky’s prospective, which was provided by Shannon Labarre. Exhibit F 03 proves that Kearney’s goal behind the November 19th conspiracy was to obstruct my ability to file and lawsuits. (RA. 37)

27. Exhibit G shows that Kearney uploaded an e-mail that I sent to his lawyer with a PDF document labeled “emergency files.” The document contained

screenshots of the fake profiles and fake threats, as well as evidence that Kearney is an unhinged psychopath. Coconspirator Laura hakes did not understand how I had gotten screenshots, because she thought the profile was down before anyone had a chance to report it. **Kearney said that the fake profile was up for about 15 minutes before Facebook took it down**, which proves that Kearny knew when the fake Facebook profile was created, and when it was removed by Facebook. (RA. 40)

28. Exhibit H shows that Aidan Kearney posted on Facebook that he was aware that Cristina Yakimowsky was a witness, and that he was punishing her for it.
29. Exhibit I is a screenshot from Aidan Kearney's June 18th 2022 YouTube video, Where Kearney showed his followers screenshots from the #BlogDat group chat that he claims he presented to a judge, and/or gave to the district attorney's office to get Cristina Yakimowsky in trouble for using his blog to intimidate a witness in a different case. (1966CR1686)
30. On June 17th, 2022, in Milford District Court (1966CR1686) Kearney testified against Cristina Yakimowsky saying, "the court order ordered Cristina Yakimowsky not to have anything to do with my blog, or anything like that. I was not aware of this, but for the last two years Chrissy has basically been trying to you know, she befriended me, and **attempted to use the blog to weaponize and attack Hadassah (the victim in the case) more**

and torment her more, behind the scenes that way she was not the one publicly doing it she was essentially, you know feeding me stories, feeding me information about Hadassah. Helping me run the turtle boy Facebook page, she was an administrator on it. **She worked for me.** I mean she was an active participant in this for the last two years in spite of the court order specifically telling her to have nothing to do with me.”

31. The judge asked “she used your business, or your day-to-day activity as an instrument against the alleged victim in the case, is that about the summary of it? Kearney responded, “that's correct.”

32. On November 7th, 2021, Kearney said, “People don't like victims, they like winners. They like people who punch the cancel mob in the face instead of playing defensive. What your fans want is for you to sink to your enemy’s level. That's the Turtleboy philosophy at least. Principles get you nowhere against these people they want to make you destitute and harm your families and for that they must be destroyed, nothing is off limits. Find out everything about them. Learn what their vulnerabilities are. Attack that. Don't even go after them go after their employers, friends, and people they love. Those unrelated parties won't want to deal with it and will begin to pressure them to stop ruin their lives as best as you can and make them regret the day, they ever thought it was a good idea to poke you.” <https://tbdailynews.com/dave->

[portnoy-finally-fires-back-atbusiness-insider-for-hit-piece-smearing-him-as-sex-predator-momfiles-police-report-after-daughter-coerces-sister-into-sleeping-withhim/](#)

V. CLAIMS

COUNT I : Cause injury/intimidate and harassed a person attending a motion hearing. GL CH 268 13B (i)(D)(1) or (iii)(D)(1)

33. On November 19th 2021, Kearney (i) attempted to, and caused an emotional injury and (iii) intimidated and harassed (D) me (person who was attending a motion hearing) by creating a fake Facebook account in my name, (Exhibit E pg1) and he threatened to rape and murder his children using the fake profile with my name. Exhibit E pg 2 (RA. 33-34)
34. Kearney conspired with Cristina Yakimowsky, Laura Hakes, and Cris Gagne in the Facebook group chat #Blogdat, to try and make it look like I sent the threats. (Exhibit A) RA. 5-8
35. Kearney was worried his plan failed after I reported the account and Facebook shut it down. (“Too late I got reported.”) But a member of Kearney’s inner circle, Cris Gagne, had already got screenshots of the threats, (Why too late I got them.” (Exhibit A 2) (RA 5)

36. At Kearney's direction, Cristina Yakimowsky, (admits that she) sent screenshots of the threats to Kearney from multiple Facebook profiles, so that Kearney could use them in court. (Exhibit A 07) (RA 8)
37. Kearney is the identified cause and stressor of my adjustment disorder, and these threats prevented me from reasonably eating or sleeping for several months. This crime has caused both emotional and physical injury. (RA 15)
38. I was a "person who is or was attending" "a motion hearing" or "other civil proceeding of any type," as we had a hearing to attach Kearney's bank account December 2nd, 2021 in Hampden County Superior Court 1879 CV 0344.
39. Aidan Kearney's actions were made with (1) intent or reckless disregard for the fact that they may impede, obstruct, delay, prevent or otherwise interfere with multiple court cases, including 1879CV0344.

COUNT II : Cause injury/intimidated and harassed, person attending a motion hearing. GL CH 268 13B (i)(D)(1) or (iii)(D)(1)

40. Kearney filed for a malicious harassment order in Leominster District Court. (2161RO358) Kearney and I had a hearing for the matter on December 1st, 2022. Exhibit K (RA. 51-52)
41. On December 1st 2021, Aidan Kearney willfully, and directly (i) attempted to, and caused an emotional injury and (iii) intimidated and harassed me, (D) a person who is or was attending a motion hearing, by telling a judge under

the pains and penalties of perjury, that he was certain that the threats that he sent on November 19th 2021 had come from me, because he alleged that when he clicked on the profile that had posted the threats, it linked to my profile with our past messages.

42. I was a “person who is or was attending” “a motion hearing” or “other civil proceeding of any type,” as we had a hearing to attach Kearney’s bank account December 2nd, 2021 in Hampden County Superior Court 1879CV0344.

43. Kearney implied to his co-conspirators that the hearing was somewhat of a success because the judge yelled at me.

44. Kearney's malicious harassment order hearing prevented me from fairly responding to the opposition to my motion and affidavit that Kearney (through his attorney) served on me December 2nd, 2021, a few hours before the motion hearing.

45. Aidan Kearney’s actions were made with (1) intent or reckless disregard for the fact that they may impede, obstruct, or otherwise interfere with 1879CV0344.

COUNT III : Misleading a judge GL CH 268 13B (iii)(C)(1)

46. I restate all allegations stated in Count II as if stated here within.

47. On December 1st 2021 Aidan Kearney directly (iii) misled a (C) judge, with the (1) intent to or with reckless disregard for the fact that it may obstruct the

due course of justice by presenting screenshots of threats to the court that he knew that I did not send, and falsely alleging that he clicked on the profile that sent the threats, and he falsely alleged it linked to my actual Facebook profile.

COUNT IV: Threatening and attempting to cause emotional or economic injury to a witness. GL CH 268 13B (i)(A)(1) or (iii)(A)(1)

48. On January 15th, 2022, Aidan Kearney willfully and directly (i) threatened and attempted to cause an emotional or economic injury and/or property damage (A) to witness/ potential witness Cristina Yakimowsky.
49. Alternatively, on January 15th, 2022, Aidan Kearney, (iii) intimidated and/or harassed (A) Cristina Yakimowsky.
50. Aidan Kearney's actions were made with (1) intent or reckless disregard for the fact that they may impede, obstruct, delay, prevent or otherwise interfere with multiple court cases, including 1879CV0344, and First Circuit 21-1582.
51. Cristina Yakimowsky provided evidence that Kearney conspired to frame me for the fake threats, (Exhibit A) and she told the police that she shared the evidence because she did not like Kearney hurting people. (Exhibit C pg. 3 at 2)
52. On January 15th, 2022, Kearney told his followers that he found out someone was leaking messages from his group chat, and he threatened and extorted

Cristina Yakimowsky on Facebook. The video has been deleted, but I have it recorded. In the video Kearney stated;

- a. “I hope she is scared because she should be, cause did you forget who the f*** I am, and what the f*** I could do? Did you Hun? Did you? Are you s***** your pants yet? Because you should be. What on earth would make you think, because you knew I was going to find out, when the screenshots came out and they’re from your perspective...”
Kearney said the blog with the screenshots was published on January 9th, he was talking about Katherine Peter’s blog that has screenshots from the same conversation as Exhibit A but redacted. <https://www.massholereport.com/2022/01/09/turtleboy-lies-about-hacking-to-cover-up-his-own-misdeeds/>
- b. “The other people I that I have gone to war with they have nothing to lose, you have a lot to lose, you own a business... you live in a \$600,000 house in Oxbridge, you have a fiancé who does not know that we talk. He is not going to like to see the messages...”
- c. “I am going to still give you a chance to get out of this, you can call me whenever you want, if you don’t, February 17th I will be there at your court date.”

53. Cristina Yakimowsky told the Holden police she is scared of Aidan Kearney because she shared messages from the #BlogDat group. (Exhibit C pg. 3 at 2)

COUNT V: Intimidating a witness. GL CH 268 13B (i)(A)(1) or (iii)(A)(1)

54. On February 17th 2022 Aidan Kearney willfully and directly (i) threatened and attempted to cause an emotional or economic injury and/or property damage (A) to witness/ potential witness Cristina Yakimowsky with the intent to or with reckless disregard for the fact that it may; (1) impede, obstruct, delay, prevent or otherwise interfere with (1879CV0344)

55. On February 17th, 2022, Kearney aggressively confronted Christina Yakimowsky as she walked out of court, and then shortly after he had a live show on YouTube and he said, "if you're listening Chrissy right now, and I'm sure you are, I'm sure you got your puppies in here and they're listening. What were you thinking? Why didn't you just wait? If you wanted to burn me like this, why didn't you just wait like three months two months? You couldn't wait until after the God damn trial? I mean, and then whatever then I wouldn't be able to turn you in and rat on you and stuff like that. You did it right before the court. **Is this the stupidest ***** decision a human being has ever made in their life?** What were you thinking? Like I'm a, I've told, **everybody knows that I am a vindictive c*nt**, everybody knows that."

56. In the same video, Kearney discussed putting Cristina Yakimowsky's boyfriend's phone number on his public shaming blog, after several followers talked Kearney out of it, Kearney said "I wasn't really going to put his number up there, I just wanted her to think I would."

57. The video is titled on YouTube, "Ep #457 - Interview with a National Socialist, What Happened in Court" and it can be found here https://www.youtube.com/watch?v=eTJzfh_2-7U&t=4153s

**COUNT VI: Threatening and intimidating a witness. GL CH 268 13B
(i)(A)(1) or (iii)(A)(1)**

58. On June 18th, 2022, Aidan Kearney willfully and directly (i) threatened and attempted to cause an emotional or economic injury and/or property damage (A) to witness/ potential witness Cristina Yakimowsky with the intent to or with reckless disregard for the fact that it may; (1) impede, obstruct, delay, prevent or otherwise interfere with (1879CV0344)

59. On June 17th 2022, Kearney was served with a witness subpoena to appear on June 28th 2022 for a hearing on a motion for sanctions and or default (1879CV0344). Exhibit J (RA 48-49)

60. Cristina Yakimowsky was a potential witness for this case, and she was listed as a primary/potential witness for my motion for sanctions and or default. Exhibit H (RA. 42)

61. On June 18th 2022 Aidan Kearney hosted a video on YouTube titled “Ep #493 - Worcester Softball Mom | Easton Trump Store Attack | Drag Queen | Is Chrissy Going to Jail?” which can be found here https://www.youtube.com/watch?v=85Ch9_jAGG8&t=7559s In the video Kearney said

- a. “I don't know why you thought this was a smart idea, Chrissy, because you know me, and you know what I do, and you know I'm not gonna rest, you know that right, like you own a business, I am speaking to Chrissy right now cause I know she's listening. So, you a business, you have couple kids or whatever, and a family and it's called Royal Thermal View, did you think I wasn't gonna make it like my mission to take all that away from you? Did you think that?”
- b. “Yeah Chrissy, you are going to - - **I am never going to stop until you are destitute, until you are in jail.** I'm not going to break any laws to do it. I'm not going to threaten you, I'm just going to do what I always do, I am going to remind you every ***** day, when you're alone, and sad, and crying, that you were the dumbest ***** person, who made the biggest mistake of your life when you decided to f*** with me, me of all people, me the most vindictive **** on the planet, and

you're like I'm gonna go f*** with that guy. That's a mistake girl, cause where is crusty panties? She's not protecting you anymore...

- c. **Your business is going to severely suffer from this**, when I contact every single one of your customers and let them know that -- any conversation that they have with you on the phone was likely recorded. Because that's what you are, you're a convicted wiretapper and your lawyer has, you're gonna lose your lawyer now too, **you are losing everyone, cause that's what I do to people**, Chrissy, who **** with me, and maliciously, I don't take it on the chin, I'm not one of those people that just moves on, I'm a vindictive ****. **And I'm not gonna stop, we're just beginning here. I'm not gonna stop destroying your life**, just destroying it, like I am gonna take everything away from you that you love, I want you to feel as low as I did in early January when I found out that you betrayed me. I want you to feel that pain, and you're gonna feel it.”
- d. **“I will not stop until you beg for mercy, and then I'm going to do it twice as much**, you're gonna feel the way I felt when I was in my garage when I wanted to kill myself.”
- e. “I just wanna ask Crissy how's life going? how's life? Do you regret, do you think, I just wanna remind her that six months ago, you were friends

with me, you had a business, and you had kids, life was going OK for you, you had a nice house in Oxbridge. You owned a business, life was going pretty well for you. Then you decided I'm going to throw this all away and I'm going to burn this bridge and I am going to go to crusty panties, and Leah, like they're going to protect me when Aidan retaliates against me, and exposes me, they will protect me, right? Nope. On your court date on February 17th when I confronted you, where were they? Nowhere, but I was there. And I'm going to be at every court date...

COUNT VII: Mislead a Clerk GL CH 268 13B (iii)(C)(1)

62. On April 7th 2022 Aidan Kearney directly and indirectly (iii) mislead (C) a clerk, or court officer, by making false statements, and intentionally omitted information from a statement and thereby caused a portion of such statement to mislead the clerk or court officer of this court with intent to (1) delay his criminal show cause hearing 2223AC803.
63. Aidan Kearney filed an ex parte motion in the District Court by e-mail, and in it he stated, "I have not received the affidavit for the Rian waters complaint so I have no idea what the allegations are." RA 3

64. Aidan Kearney was well aware of what the criminal allegations were, as he was served with these exact same allegations, with the exact same exhibits, in the US. Supreme Court 21A626, Hampden County Superior Court 1879CV0344, First Circuit 21-1582, and Fed. Mass. District Court 3:20-cv-30168. Aidan Kearney has never denied the November 19th allegations in any court.
65. Kearney's April 7th motion further stated "I am requesting that the Rian waters hearing be delayed to another date..." showing intent to delay.
66. Kearney's April 7th ex parte motion further stated, this particular plaintiff has filed multiple **frivolous** lawsuits, criminal complaints, and protective orders against me in this court all of which have failed..."
67. I have never filed a lawsuit that has been labeled frivolous, and the first lawsuit I filed 1879CV344, was dismissed because Aidan Kearney used death threats to suppress my evidence, but it was **reversed on appeal**. The second lawsuit, is active in the Supreme Court, 22-5133 Rian G. Waters, Petitioner v. Facebook, Inc., et al.
68. Kearney's lie that he had no idea of what the allegations were, and lie that my past cases were dismissed as frivolous, not only misled the court into granting the continuance without telling me, (RA. 03) it also misled (or could have mislead,) the court into thinking that Kearney was denying the allegations.

COUNT VIII: Threatening and intimidating a witness. GL CH 268 13B

(i)(A)(1) or (iii)(A)(1)

69. On May 3rd, 2022, Aidan Kearney willfully and directly (i) threatened and attempted to cause an emotional or economic injury, (iii) intimidated and/or harassed (A) witness/ potential witness Shannon O’Loughlin Labarre with the intent to or with reckless disregard for the fact that it may; (1) impede, obstruct, delay or otherwise interfere with 1879CV0344
70. Shannon is a witness because Kearney admitted to her that he had a role in the November 19th conspiracy (Exhibit D04-07) (RA. 25-27) on Facebook Messenger and sent her a screenshot of the #BlogDat group chat during the conspiracy from his perspective. (Exhibit D 2) see also A07 R08
71. On February 24th 2022 Aidan Kearney had a conversation with Shannon Labarre on Facebook Messenger, and he acknowledged that all of the group chat screenshots were real. Kearny initially alleged to Shannon Labarre that the November 19th fake account and pedophile threats was Chrissy’s idea, and that he was just a Coconspirator because he presented the threats knowing I did not send them. (RA 24-26)
- a. “Does it matter though? Rian waters beats women and kills dogs.”
 - b. “Chrissy made the account. I knew it wasn't him.”

72. Further in the February 24th 2022 conversation, Shannon pointed out that Kearney admitted to the crime in the group chat messages that were shared when he said “I'm the one who did it”, Kearney said “I'm the one that submitted them in court. Does it matter? that was never for the public to see anyways”

73. Further in the conversation Aidan Kearney said, “I'm sorry. I shouldn't have. you have no idea what this ***hole and all the pressure has done to me. I f***** up.” Exhibit D07 (RA. 27)

74. On February 25th 2022 Aidan Kearney apologized to Shannon for lying about the fake account in my name that had sent the threats on November 19th. Kearney tried to be nice to try and convince her to stay on his team. D09

75. On May 3rd 2022, Kearney told Shannon on Facebook Messenger “I know everything. I've known for a bit. I know you don't want your father and brother dragged into this...”

a. Shannon responded, what the f*** are you talking about, and she sent Kearney screenshots of their earlier conversation with him admitting to sending the fake threats. D10 RA 28

b. Kearney responded “all right we'll do it your way Shannon. You don't think I know your last name?”

c. Shannon responded “Don't care.”

- d. Kearney responded **“you want your father and brother dragged into this?”**
- e. Shannon asked, “why would you attack my family after you admitted your crimes to me?”
- f. Kearney responded, “I'm giving you an out right now. take it or leave it. But I will drag your family into this like you did to my 3-year-old son.”
- g. After some immaterial conversation, Kearney said, **“I'm giving you an out here to spare your family the shame and humiliation. If you're interested in hearing my proposal let me know if not, we'll do it the fun way.** We can talk about your fake dead kid. Just know what you're getting yourself into if you don't stop.”
- h. Shannon responded “my fake dead son that all my friends and family were at the birth and funeral of. Nice Aidan.” Exhibit D 12 RA 29
- i. Kearney responded “Try me.”
- j. Further in the conversation Kearney said “easy way and a hard way”, Kearney sent Shannon a picture of her mom, and said **“there's your mom too. I'm sure she'll appreciate you dragging her into this. Do you want to avoid all this Shannon?”**

- k. Further in the conversation Kearney said, “you helped Rian waters and big black Jeffrey...”
 - l. Further in the conversation Kearney wrote, “a cops daughter helped a domestic abuser. who beat a woman and killed a dog.”
 - m. Shannon responded, “a cops daughter submitted evidence of broken laws? Oh no!”
 - n. Kearney responded, “Shannon no one cares what you have to say you're relevant you have no platform. I thought you were smarter than this. I do. And you know that.” Exhibit D 16 (RA 31)
76. Aidan Kearney published a blog on May 8th 2022, titled, “Exposing Shannon O’Loughlin Labarre Part 1: Boston Cop’s Daughter Uses Social Media To Help Monica Cannon-Grant, Domestic Abusers, Child Rapists, Dog Killers” which can be found <https://tbdailynews.com/exposing-shannon-oloughlin-labarre-part-1-boston-cops-daughter-uses-social-media-to-help-monica-cannon-grant-domestic-abusers-child-rapists-dog-killers/>
77. In the May 8th blog Kearney showed his intent to intimidate/punish and or knowledge of Shannon as a potential witness by stating, “Shannon used the account to assist a man named Rian Waters, who has been trying and failing to sue me, and file criminal complaints against me for the last 4-5 years. Rian horrifically beat up the mother of his disabled child in late 2016, killed her

dog in front of the daughter he abandoned, intimidated her from testifying against him in court, and then sued her for defamation when she was too scared testify. **Shannon sent him private messages between me and a woman named Crissy Yakimowsky** (who is currently facing 2 felony charges in Milford) **that she believes will help Rian ‘end Turtleboy,’ and justified helping this domestic abuser out by claiming that he was a ‘victim’ of wiretapping.”**

COUNT IX: Harassing a witness. GL CH 268 13B (iii)(A)(1)

78. On June 28th, 2022, Aidan Kearney willfully and directly (iii) intimidated and/or harassed (A) witness/ potential witness Shannon O’Loughlin Labarre with the intent to or with reckless disregard for the fact that it may; (1) impede, obstruct, delay, prevent or otherwise interfere with 1879CV0344
79. Kearney put Shannon Labarre’s phone number on his YouTube video and encouraged his followers to call and harass her.
80. Kearney is proud that he weaponized social media, and he is aware that his followers routinely threaten people mentioned on his platform.
81. Kearney shared messages from Shannon's brother and admitted that he was trying to embarrass her.
82. I believe and allege Kearney’s conduct annoyed or alarmed Shannon, and would cause a reasonable person to suffer emotional distress.

Respectfully submitted under the pains and penalties of perjury

/S/ Rian Waters
(530)739-8951 Watersrian@gmail.com Dated: 8/25/2022

Certificate of Service

Kearney will be served with the proposed criminal complaint and Motion to redetermine today by email at Turtleboysports@gmail.com, and tomorrow by mail at 111 mason rd Jefferson MA 01522 (if he doesn't accept email service or tell me another address)

Rian Waters

/s/ Rian Waters dated 8/25/2022

(530) 739-8951 Watersrian@gmail.com

CourtView Justice Solutions

Springfield District Court

Criminal Case Summary

Restricted

Reminder

2223AC000803- Waters, Rian v. Kearney, Aidan**Case Information**

Site Springfield District Court
 File Date 03/25/2022
 Case Status Closed Case Status Date 06/01/2022 SCR Elapsed Days 75
 Case Disposition Complaint not to Issue Case Disposition Date 06/01/2022 Category
 Session
 Judge
 Track

Party Information: 2

Party Name	Party Alias(es)	Party Type	XREF-ID	Attorney(s)	Attorney Phone
Waters, Rian		Applicant	48711519		
Kearney, Aidan		Defendant	46797867		

Alert Information: 0**Case Schedule: 2 Displaying 2 Records**

Date	Start Time	Event Type	Session	Notes	Result	Result Reason
05/25/2022	02:00 PM	1 of Magistrate Hearing	Magistrate's Hearing	0	Defendant Failed to Appear - No PC Found	
04/13/2022	02:00 PM	1 of Magistrate Hearing	Magistrate's Hearing	0	Reschedule of Hearing	Defendant in Another Court

Service Summary: 0**Party Charges: 5**

Kearney, Aidan								
Count	Code	Description	Degree of Offense	Disposition	Disposition Date	Disposition Judge	Sentenced	
1	268/13B/A-5	WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B	Felony	No Probable Cause Found	05/25/2022	Fung, A C-M Tyson		
Count	Code	Description	Degree of Offense	Disposition	Disposition Date	Disposition Judge	Sentenced	
2	268/13B/A-5	WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B	Felony	No Probable Cause Found	05/25/2022	Fung, A C-M Tyson		
Count	Code	Description	Degree of Offense	Disposition	Disposition Date	Disposition Judge	Sentenced	
3	272/99/F-0	WIRETAP, UNLAWFUL c272 §99 (C)(1)	Felony	No Probable Cause Found	05/25/2022	Fung, A C-M Tyson		

	Count	Code	Description	Degree of Offense	Disposition	Disposition Date	Disposition Judge	Sentenced
	4	268/13B/A-5	WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B	Felony	No Probable Cause Found	05/25/2022	Fung, A C-M Tyson	
	Count	Code	Description	Degree of Offense	Disposition	Disposition Date	Disposition Judge	Sentenced
	5	268/13B/A-5	WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B	Felony	No Probable Cause Found	05/25/2022	Fung, A C-M Tyson	

Financial: 0 Displaying 0 Records A/R Amount Due: .00 Non-A/R Amount
 Due: .00 Holding Money Balance On-Hand: .00
 Ticklers: 1

Description	Days Due	Due Date	Completion Date	Entry Date	Entered By
Criminal Complaint and summons not issued timely	30	07/01/2022		06/01/2022	LPOTSURAY

DCM: 0

Linked Case(s) : 0

Docket Entries: 8 Displaying 8 Records

Date	Ref	Journal Book	Docket Text	Judge	Amount Due	Image
06/01/2022			At hearing, Accused not present - Judicial Officer finds probable cause on at least one offense- criminal complaint with summons to issue. Judge: Fung, A C-M Tyson	Fung, A C-M Tyson		
06/01/2022			Charges Disposed:: Charge # 1 WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B On: 05/25/2022 Judge: A C-M Tyson Fung No Probable Cause Found Charge # 2 WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B On: 05/25/2022 Judge: A C-M Tyson Fung No Probable Cause Found Charge # 3 WIRETAP, UNLAWFUL c272 §99(C)(1) On: 05/25/2022 Judge: A C-M Tyson Fung No Probable Cause Found Charge # 4 WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B On: 05/25/2022 Judge: A C-M Tyson Fung No Probable Cause Found Charge # 5 WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B On: 05/25/2022 Judge: A C-M Tyson Fung No Probable Cause Found			
06/01/2022			Complaint not to Issue			
04/08/2022			Event Scheduled Event: Magistrate Hearing Date: 05/25/2022 Time: 02:00 PM Result: Defendant Failed to Appear - No PC Found			
03/25/2022			Event Scheduled Event: Magistrate Hearing Date: 04/13/2022 Time: 02:00 PM Result: Event Cancelled			
03/25/2022			Statement of facts filed.			
03/25/2022			Court hearing scheduled on conducted by .			
03/25/2022	1		Application for criminal complaint - no fee due.			

Trackable Items: 0

John J Stocks

From: cmspringfielddc@jud.state.ma.us on behalf of Turtleboy Hottakes
<turtleboysports@gmail.com>
Sent: Thursday, April 7, 2022 12:52 PM
To: cmspringfielddc@jud.state.ma.us
Subject: hearing date change
Attachments: ATT00001.txt

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I received notice that the clerk's office has scheduled me for 2 different hearings on 2 different matters at the same time - April 13 at 2PM. Both are applications for criminal complaints against me by citizens. The first if Jeffrey McAdam, Application # 22 AC 620. The second is Rian Waters vs. Aidan Kearney, docket # ~~2223AC000803~~.

The first requires that I be there in person, the second is Zoom. I cannot be in 2 places at once, and I cannot prepare for 2 separate court cases at the same time. Additionally, I have not received an affidavit for the Rian Waters complaint, so I have no idea what the allegations are or how to prepare to defend myself against them.

I am requesting that the Rian Waters hearing be delayed to another date, and that it be done remotely since I live an hour and a half from Springfield. This particular plaintiff has filed multiple frivolous lawsuits, criminal complaints, and protective orders against me in this court, all of which have failed. This is an unfair burden to put on me, since I work for a living and have 2 small children, and it's an abuse of the courts for him to be allowed to continue to do this.

Please call me back as soon as possible so I can arrange childcare. 413-262-6909

Thank you

Aidan Kearney

MTC
Allowed
c. 5/25/22 2:00
2223AC-803
JBH

2022 APR -8 AM 9:38
FILED
SPRINGFIELD
DISTRICT COURT

EXHIBIT A

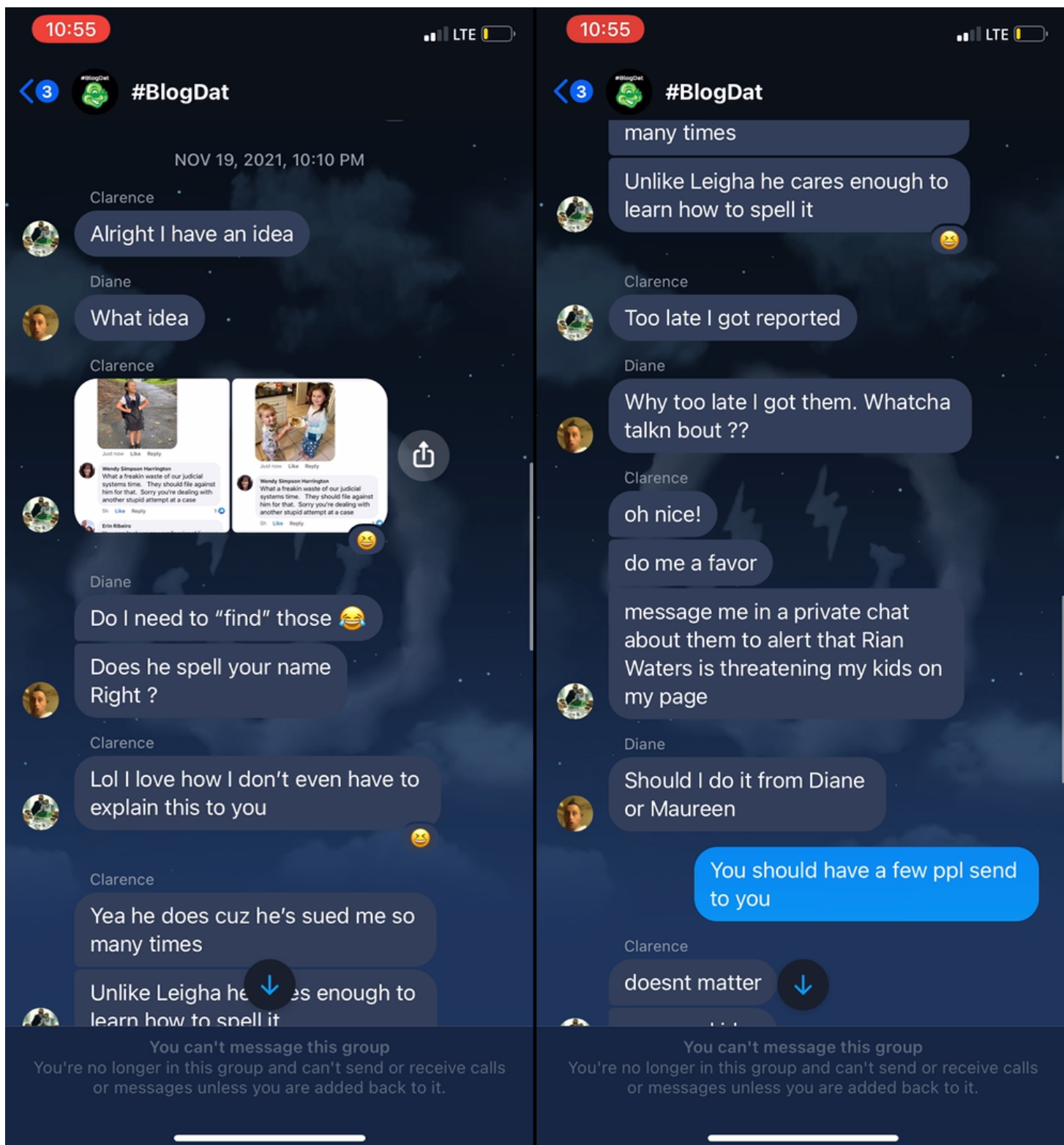


EXHIBIT A 01

02

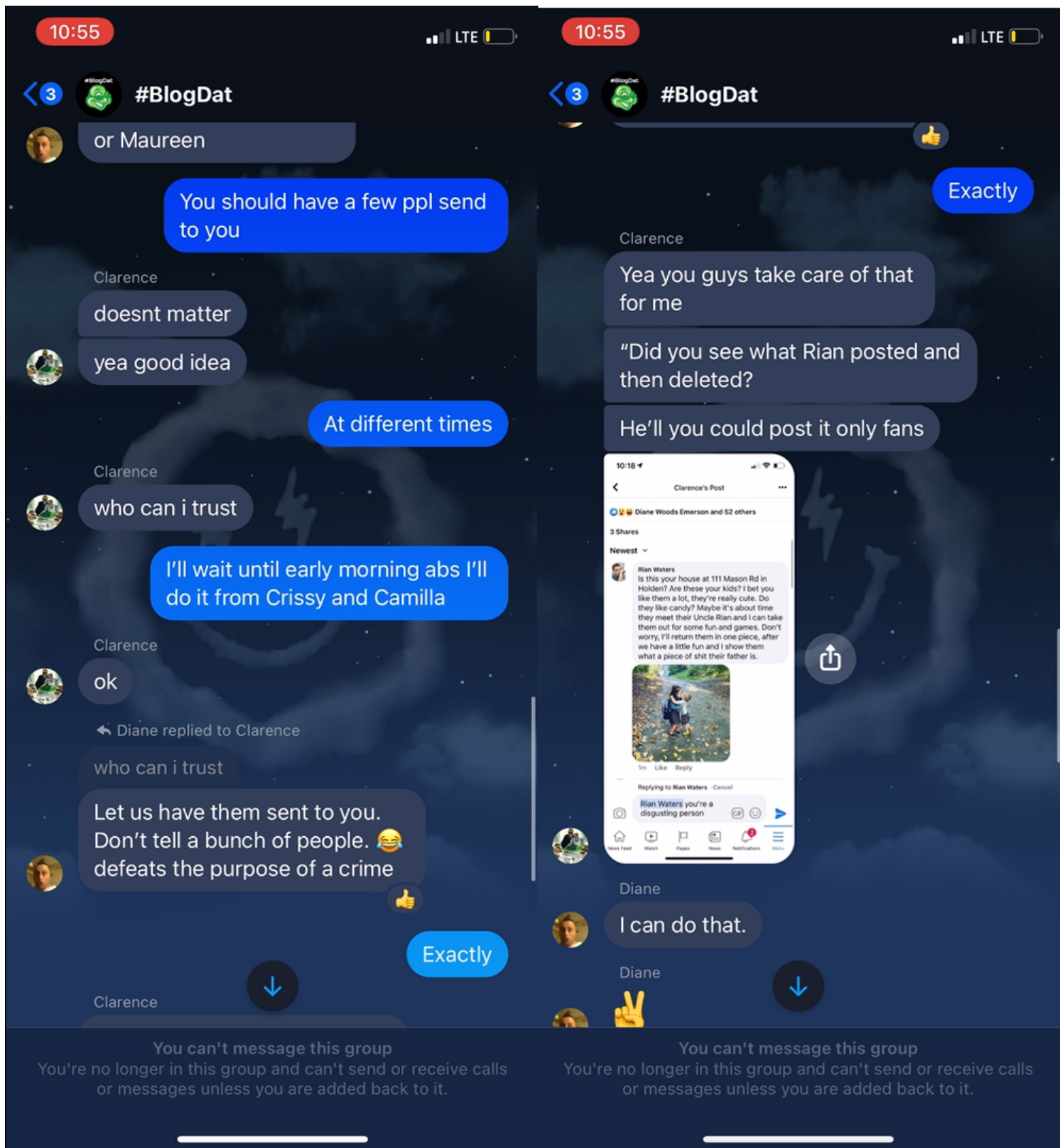


EXHIBIT A 03

04

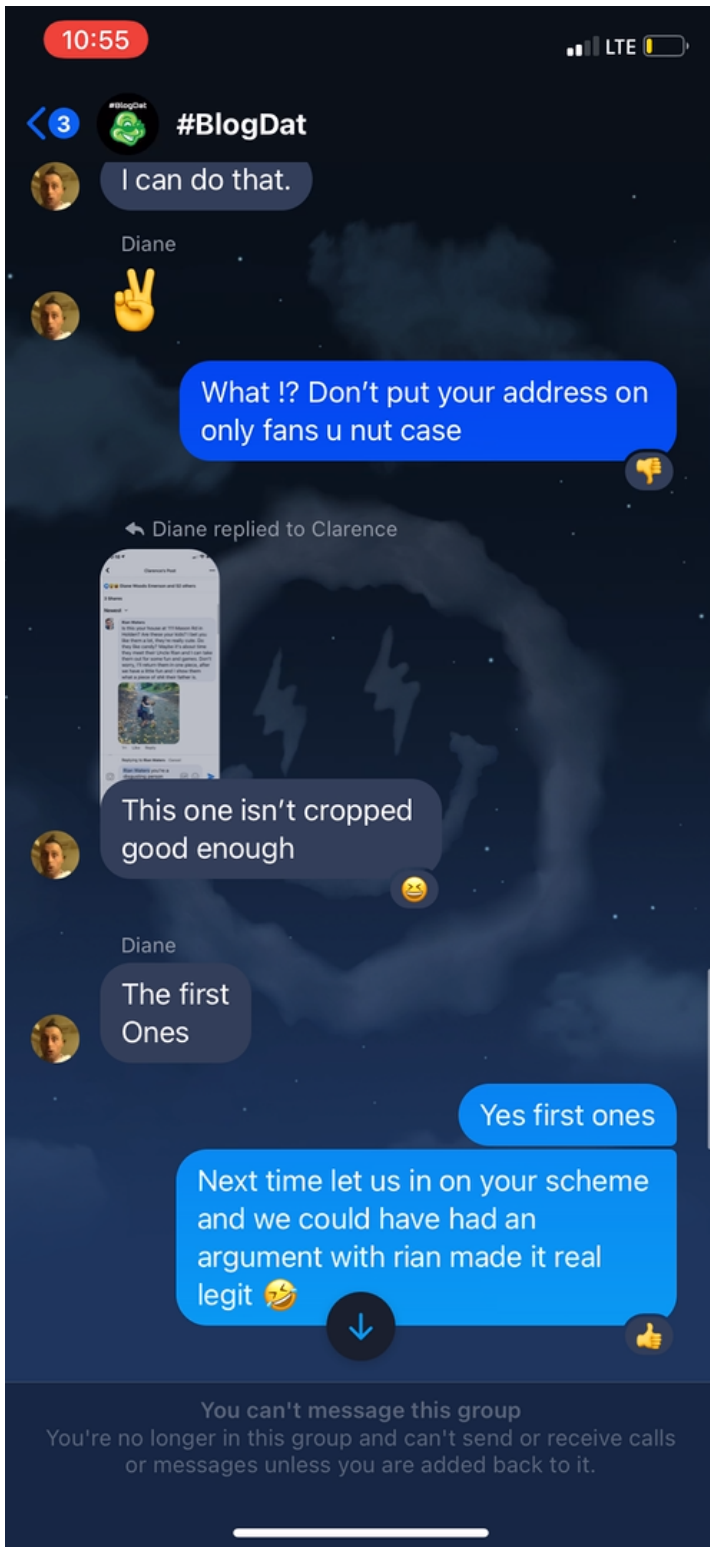
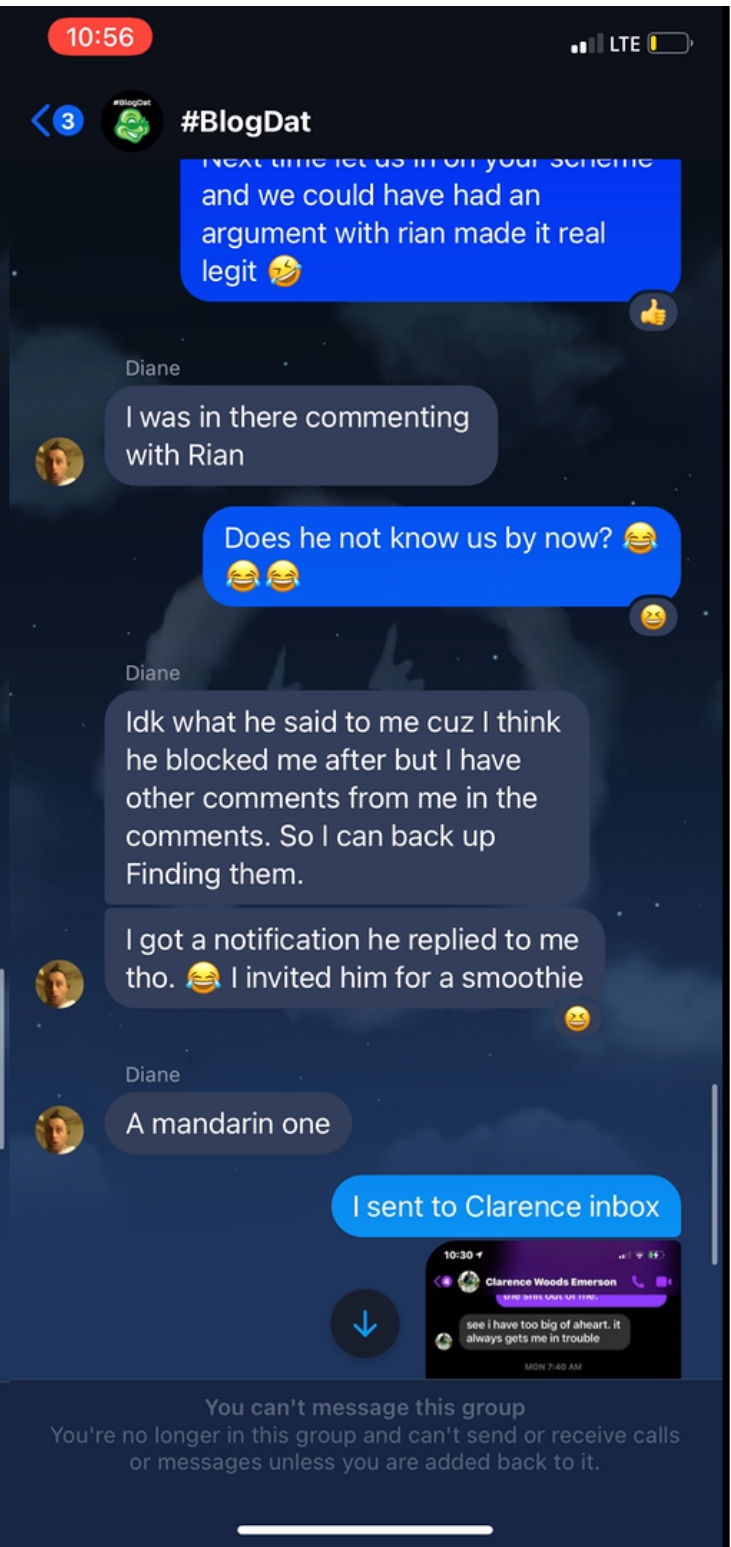


EXHIBIT A 05



06

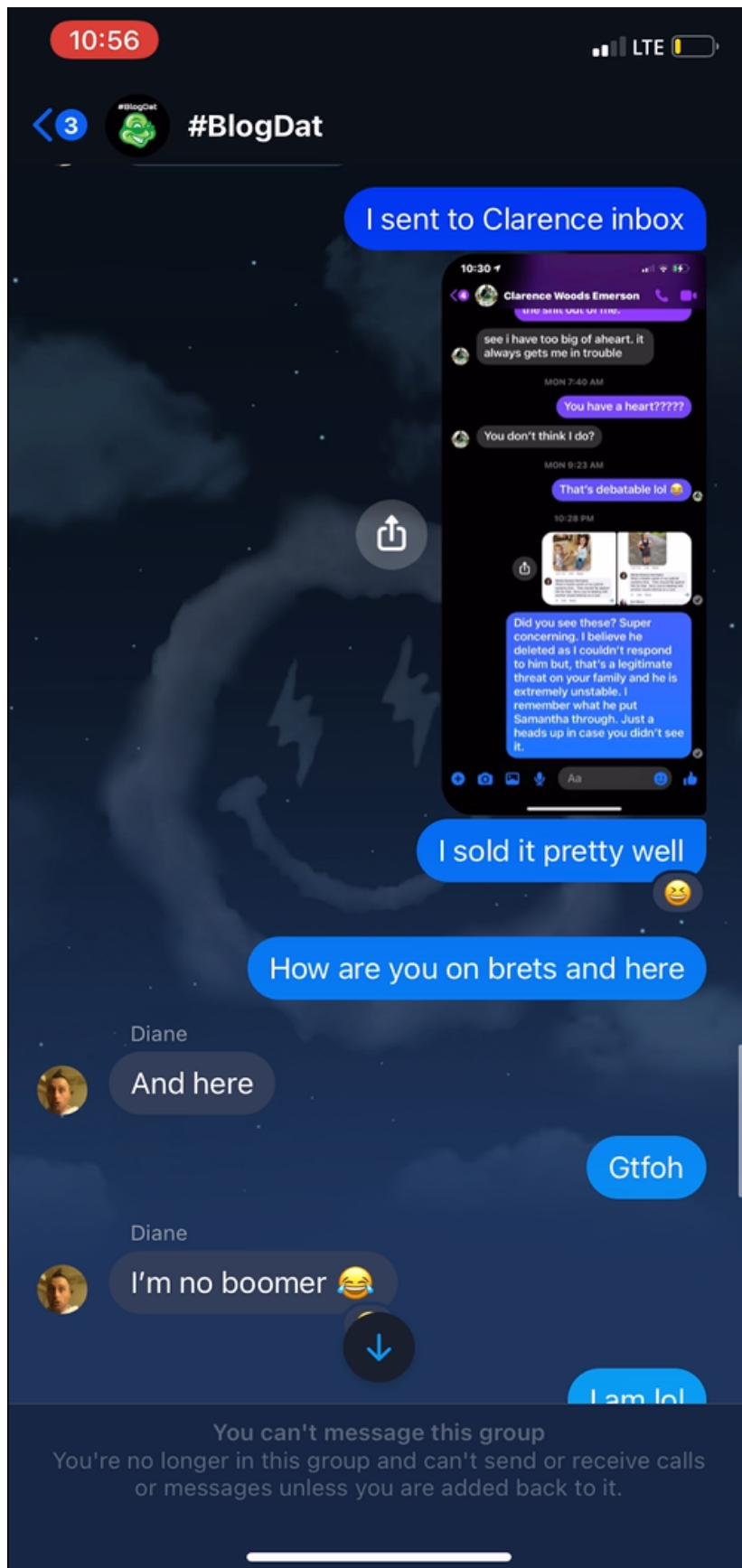


Exhibit A 07

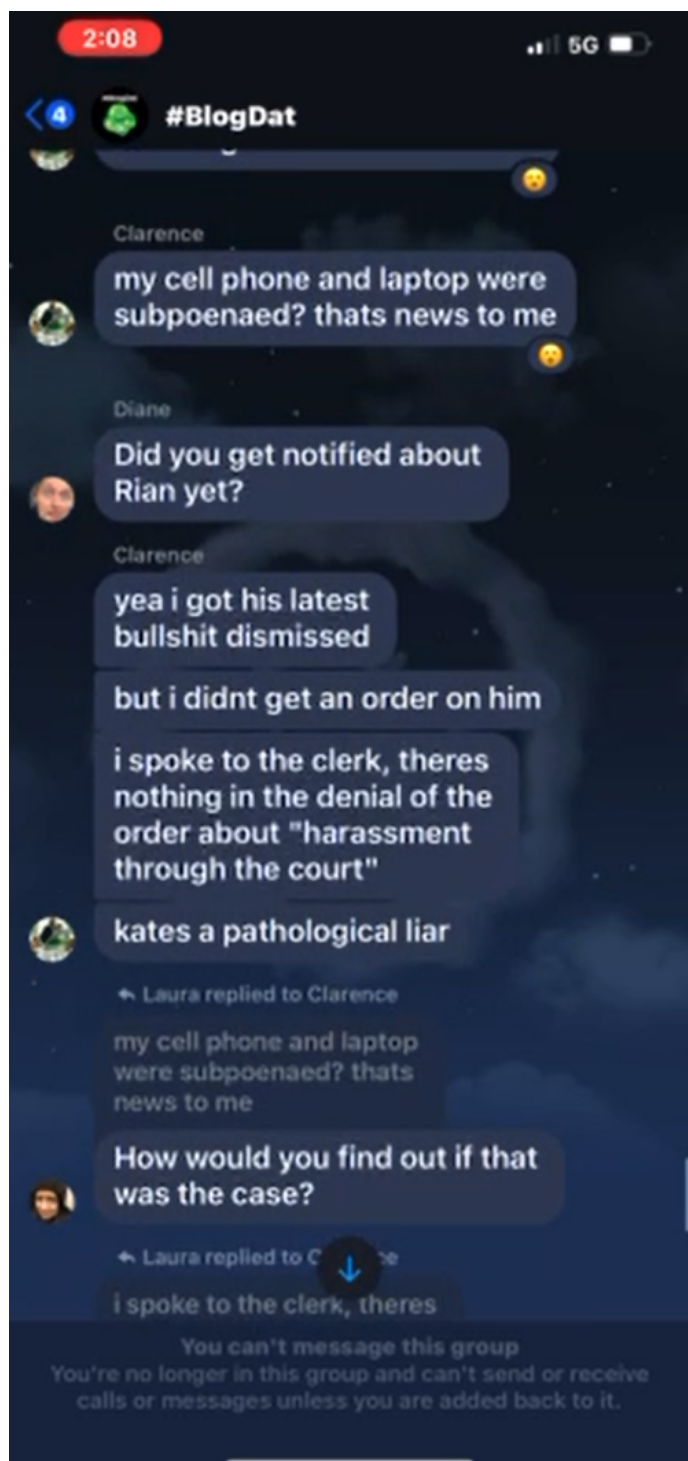


EXHIBIT A 09

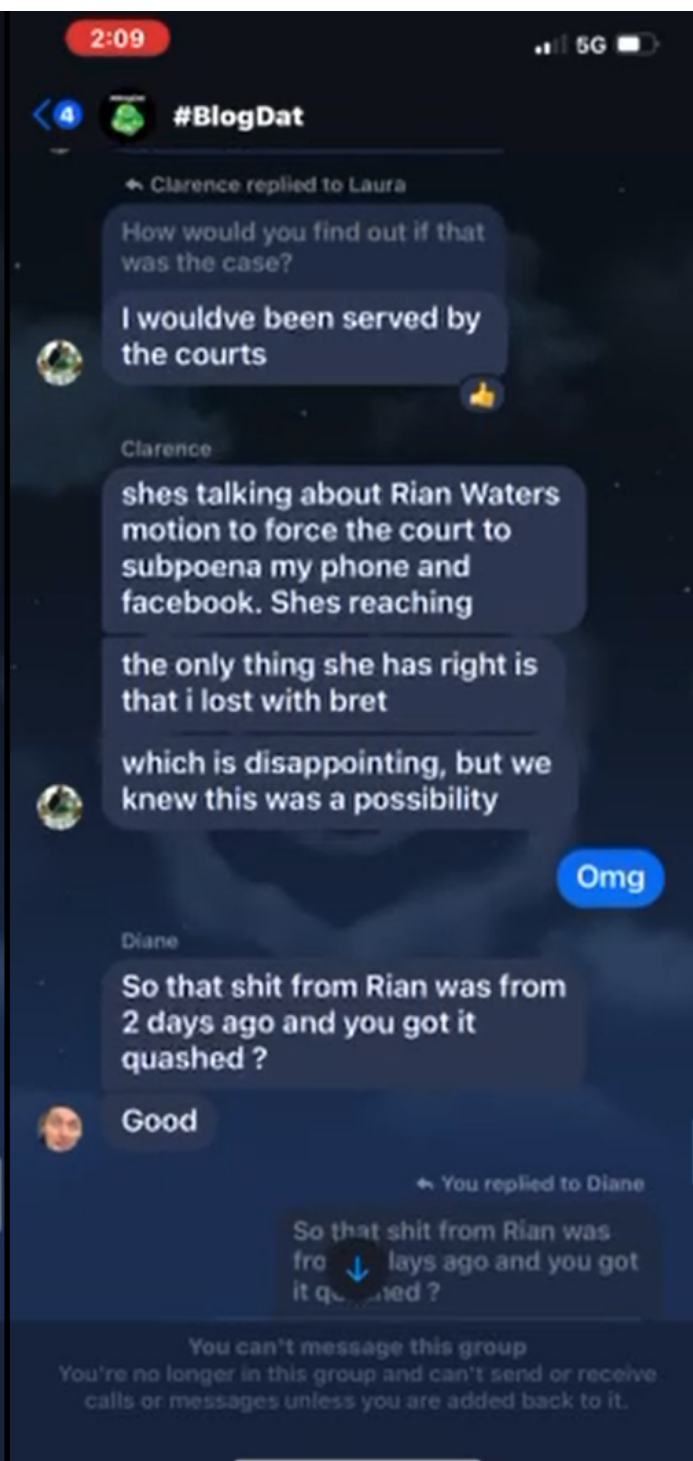


EXHIBIT A 10

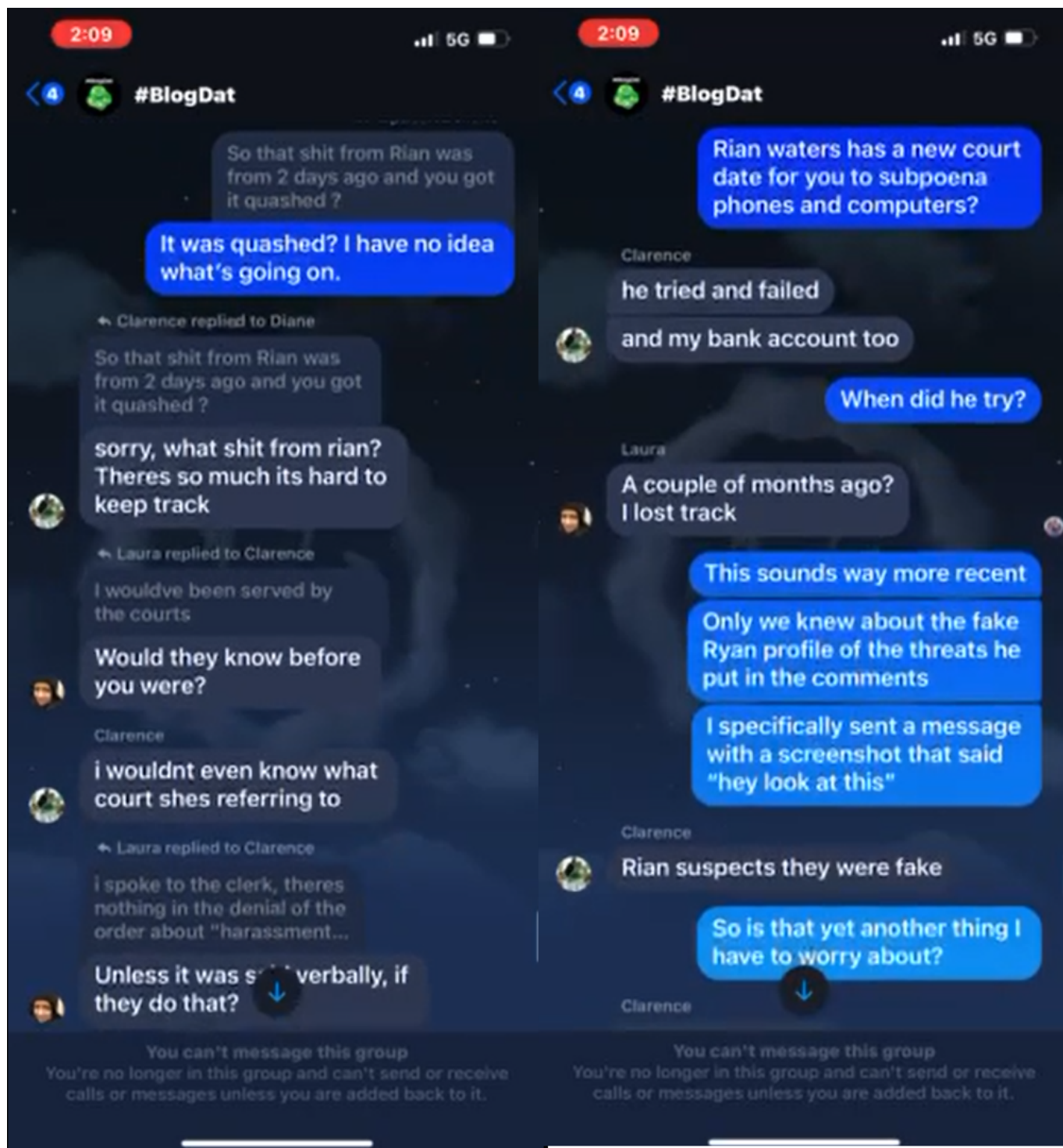


EXHIBIT 11

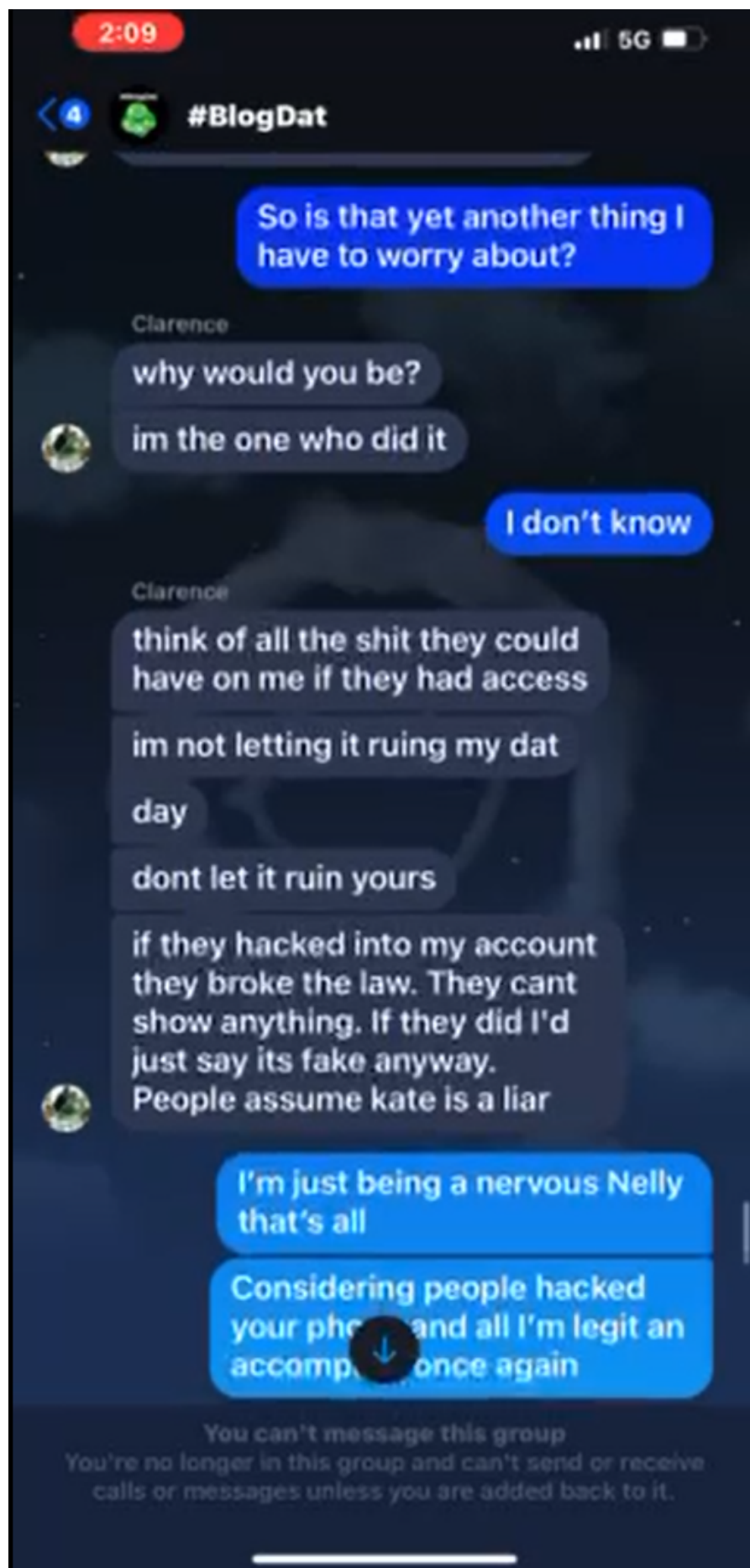
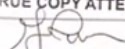


EXHIBIT A 13

EXHIBIT B

Edit

SUMMONS AND ORDER OF NOTICE		DOCKET NUMBER 1879CV00344	Trial Court of Massachusetts The Superior Court
CASE NAME Waters, Rian vs. Kearney, Aidan et al.		11/19/21 A TRUE COPY ATTEST  DEPUTY SHERIFF	Laura S Gentile, Clerk of Courts
To Aidan Kearney 111 Mason Rd Jefferson MA 01522		COURT NAME & ADDRESS Hampden County Superior Court Hall of Justice - 50 State Street P.O. Box 559 Springfield, MA 01102	

To the above named defendant(s):

You are hereby summoned and required to serve upon:

Rian Waters
 6 Liberty Square
 PMB #242
 Boston, MA 02109

an answer to the complaint which is herewith served upon you. This must be done within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this Court at Springfield either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

WE HEREBY NOTIFY YOU that application for an Attachment has been made in said action, as it appears in the ~~Ex Parte Motion~~. A hearing on this matter has been scheduled for:

VIA ZOOM:

Judge Hodge

Meeting ID: 161 0474 2055

Passcode: 780264

Date: 11/23/2021

Time: 02:00 PM

Event: Hearing on Motion for Attachment

Session Location: Civil A -

at which time you may appear and show cause why such application should not be granted.

DATE ISSUED	CHIEF JUSTICE OF THE SUPERIOR COURT Witness	ASSOCIATE JUSTICE	DEPUTY MASSACHUSETTS CLERK x <i>Donna M. Luke</i>
11/15/2021	Hon. Heidi E Brieger	Hon. David Hodge	

RETURN OF SERVICE

I hereby certify and return that on _____, I served a copy of this summons, together with a copy of the Complaint.

PARTY NAME:
X

More



Worcester County Sheriff's Office P.O. Box 1066 Worcester, MA 01613
(508) 752-1100

11/22/2021

I hereby certify and return that on 11/19/2021 at 10:18 AM I served a true and attested copy of the SUMMONS AND ORDER OF NOTICE, PLAINTIFF'S AMENDED EX-PARTE MOTION TO ATTACH DEFENDANT'S BANK ACCOUNTS, MEMORANDUM IN SUPPORT OF PLAINTIFF'S EX-PARTE MOTION TO ATTACH DEFENDANT'S BANK ACCOUNTS, AFFIDAVIT OF RIAN WATERS, EXHIBITS in this action in the following manner: To wit, by delivering in hand to AIDAN KEARNEY at 111 MASON ROAD JEFFERSON, MA 01522 . Attest (\$10.00) Mailing (\$5) (\$5.00) Mileage (\$22.70) Service Fee (\$20.00) Conveyance (\$3.00) Total: \$60.70

Gregory Carr

Gregory Carr
Deputy Sheriff

To Whom It May Concern:

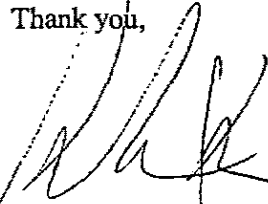
Rian Waters began psychotherapy with me in early October of 2018, when he was diagnosed with adjustment disorder (DSM code: F43.22) with anxiety and the target of perceived discrimination (ICD code: Z60.5). In order to meet criteria for adjustment disorder, one must have a lived identified stressor that marks the onset of symptoms; in Rian's case, his court case involving Turtleboy was and currently is the identified stressor.

At time of intake, Rian's presenting symptoms included disproportionate marked distress, nervousness, and excessive worry/preoccupation that impair occupational and social functioning. Rian's reported anxiety in response to the Turtleboy case and the related published articles proves an obstacle to seeking and maintaining employment to the best of Rian's capability. In addition to the court case and published articles, Rian has reported death threats related to this case. These threats cause marked clinical distress in Rian as well as concerns for immediate safety for himself and those he lives with. This reported distress has proved a further impairment to his occupational and social functioning.

Rian continues to meet criteria for adjustment disorder, though currently meets criteria for mixed anxiety and depressive symptoms. The distress of the court case has led to a report of increasingly depressed mood, feelings of overwhelm and hopelessness, and decreased desire to do things he once enjoyed. Rian attends weekly psychotherapy to help manage symptoms of anxiety and depression and will most likely benefit from support throughout and potentially a while after the case concludes.

If you have any further questions, please don't hesitate to contact me (413) 736-3668 ext. 9336 or via email at Rebecca.kaiserman@bhninc.org

Thank you,



Rebecca Kaiserman, BSW, MSW Intern

EXHIBIT C



Holden Police Department
Incident Report

Page: 1
01/18/2022

Incident #: 2101-711-OF
Call #: 21-52746

Date/Time Reported: 12/30/2021 1854
Report Date/Time: 12/30/2021 2013
Status: Incident Open

Reporting Officer: OFFICER JONATHAN SANTIMORE
Assisting Officer: DETECTIVE TODD VENTRES
Approving Officer: SERGEANT JASON CONSIGLIO

Signature: _____

Signature: _____

#	OFFENSE(S)	ATTEMPTED	TYPE
---	------------	-----------	------

LOCATION TYPE: Residence/Home/Apt./Condo Zone: NORTH
TOWN OF HOLDEN PUBLIC SAFETY BUILDING
1370 MAIN ST
HOLDEN MA 01520

1	HACKED COMPUTER	N	Not Applicable
---	-----------------	---	----------------

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
---	-----------	-----	------	-----	-----	-------

1	KEARNEY, AIDAN T 111 MASON RD JEFFERSON MA 01522-1314	M		40		
---	---	---	--	----	--	--

DOB:
EMPLOYER: TURTLEBOY SPORTS
ETHNICITY:
RESIDENT STATUS: Non Resident
VICTIM CONNECTED TO OFFENSE NUMBER(S): 1
CONTACT INFORMATION:
Home Phone (Primary)
Home Phone
CallBack Number (Primary)

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
---	-----------	-------------	-----	------	-----	-----	-------

1	CONFIDENTIAL						
2	CONFIDENTIAL						
3	CONFIDENTIAL						
4	CONFIDENTIAL						

NARRATIVE FOR OFFICER JONATHAN M SANTIMORE**Ref: 2101-711-OF**

Entered: 12/30/2021 @ 2020	Entry ID: JMS
Modified: 12/30/2021 @ 2036	Modified ID: JMS
Approved: 01/12/2022 @ 2144	Approval ID: JPC

Dispatched to the lobby to speak with party in regards to his computer being hacked. Arrived, and spoke with Aidan Kearney, he relayed the following: Aidan had a court hearing yesterday to try to get an RO against Brett Killoran. Before going to court Aidan wrote up what he wanted to say and sent it to himself via Facebook Messenger. Later that day Brett posted an excerpt from Kearney's note that he had sent to himself. Kearney advised there is no way anyone has access to that account.

Also, later that day Leigh Genduso made a comment on her Youtube page that Kearney was into girls who had tattoos on their lower back and described said tattoo. Kearney states he recently had a relationship with a female that had that same tattoo that Genduso described. Genduso also described a picture of him and this female in a mirror where the female is holding Kearney's penis. Kearney states that the photo was on his laptop and no has access to that either. That photo has since been distributed on multiple social media sites.

Kearney believes that Kate Peters (posted picture), Brett Killoran, or Leigh Genduso have something to do with his computer being hacked. Kearney advised he also call MSP Cyber Crimes Unit to help with his case. He was advised that this would be forwarded to the DB.

NARRATIVE FOR DETECTIVE TODD M VENTRES**Ref: 2101-711-OF**

Entered: 01/10/2022 @ 1144	Entry ID: TMV
Modified: 01/18/2022 @ 1441	Modified ID: TMV
Approved: 01/12/2022 @ 2144	Approval ID: JPC

1. This Officer spoke to several people regarding this case. It is apparent that Kearney trusted people in his inner circle with information/texts messages/pictures that they in turn distributed to others namely Kate Peter and Leigha Genduso.
2. This Officer spoke with Cristina Yakimowsky who was honest and admitted to getting several messages, photographs, videos and information that were either sent to her directly via text message from Kearney himself, or from a group text/chat between her, Kearney (Aidan Kearney and Clarence Woods Emerson in messages), Cristine Gagne (Diane Woods Emerson in messages), and Kearney's friend Laura Hake (Spicy Laura in messages). Yakimowsky admitted to giving/sending information as well as copies of messages, pictures and videos to Kate Peter and Leigha Genduso as she was not happy with the way things were going with Kearney and what he was doing to hurt and harm people via social media. Yakimowsky said she admitted to Kearney via a text message that she was the one that gave the information about him to Peter and Genduso. Yakimowsky stated that she is scared to death of retaliation from Kearney for giving out his information. It should be noted that several of the pictures and videos sent to Yakimowsky from Kearney are sexual and explicit that involve Kearney and his girlfriend Lauren Murray in sexual content as well as intercourse.
3. I then met with Kearney and advised him of some information that I obtained and he stated that he had no knowledge prior to this officer investigating of what had happened and that he definitely believed that he was a victim of being hacked. Kearney said that he did get a message from Yakimowsky stating that she said she did it (that she gave information to Peter and Genduso), but he thought that she was joking in the text message. Kearney did buy a new cell phone with a new number, replaced the wifi router from Charter Spectrum and was in the process of getting a new computer. All of these actions were after he (Kearney) made the initial report to HPD, and prior to this Officer obtaining the information of the "leak", therefore I do believe that Kearney did in fact believe that he was "hacked". There will be no charges for filing a false report to the police due to the facts and circumstances in this case.
4. This case is closed.

FROM LAURA HAKES**Ref: 2101-711-OF****Entered: 01/13/2022 @ 1329****Entry ID: TMV****Modified: 01/13/2022 @ 1330****Modified ID: TMV****Approved: 01/14/2022 @ 2115****Approval ID: JPC**

Email from Laura Hakes (hakes.laura@gmail.com)

Afternoon,

My name is Laura Hakes and I'm based in London, UK. I understand that you've been speaking to people regarding events surrounding Aidan Kearney believing his phone to be hacked.

I'm contacting you because I was in a group chat on Facebook with Aidan Kearney, Cris Gagne, and Chrissy Yakimowsky and have some information that I believe you should know.

In early December we started to notice that things we were saying in our group chat were being repeated verbatim by Kate Peter on her YouTube show and by others in her live chat. Crissy said that she thought her device was hacked, due to suspicious login alerts she was receiving. Crissy began to float theories about how Kate would somehow have this information, but never mentioned that she was the one sending out screenshots of our conversations

Aidan was initially skeptical that the conversation was being read by hackers, but as time went on Crissy convinced us that it was. She urged him to go to the police and pretended to be scared that our conversations were being read by hackers. Had she not done that the police would never have wasted their time on what we now know was Crissy sending screenshots to Kate Peter or to Kate Peter via Leigha Genduso. Included in those screenshots is my name, which Kate went on to publish on her blog. As a result of this I have received threatening messages and comments from several people.

Aidan made the group aware that people claiming to be hackers were texting him. Crissy knew these people were not hackers, but allowed Aidan to think they were. He became concerned once he realised that he had sent videos of his kids in the bathtub to himself on Facebook and showed us a screenshot of him doing so. He then sent that screenshot to the hackers (not the actual video).

I have screenshots of our conversation showing Crissy doing all of these things and would be happy to provide them. Unfortunately, with the time difference and my availability it is difficult for me to speak to you on the phone. If it is possible, I am quite willing to provide you with anything you need via email if that is sufficient? I would just need to know what sort of information you required.

Looking forward to your response

Laura

WITNESS STATEMENT/EMAIL FROM AIDAN KEARNEY

Ref: 2101-711-OF

Entered: 01/03/2022 @ 0859

Entry ID: TMV

Modified: 01/13/2022 @ 1331

Modified ID: TMV

Approved: 01/12/2022 @ 2144

Approval ID: JPC

Email from Aidan Kearney (turtleboysports@gmail.com) statement of facts:

I realize that what I'm sending you now is likely not something local police have the resources to investigate, but the state police cyber crimes unit told me to go to my local police first anyway.

My Facebook, computer, wifi, and website have all been hacked. In the past couple of weeks I have noticed that messages I've sent on Facebook messenger have been repeated verbatim by Kate Peter and Leigha Genduso on YouTube channels. Information they could only have if they had access to my account. I didn't think this was possible but then other things started happening this week:

1. Prior to a harassment order hearing in Leominster Court on Wednesday I wrote up a statement that I wanted to read out loud in court and sent it to myself via Facebook messenger so it would be easily accessible on my phone. Within an hour of the hearing ending the defendant posted a screenshot of the message I sent myself. He, along with Leigha, taunted me online with it, claiming they had my statement the day before court (when I sent it to myself). There is no way either of them could have been in possession of that message without access to my account.

2. I noticed on my logs of both of my Facebook pages (Clarence Woods Emerson and Aidan Kearney) that an IP address began logging into my account for about 10 minutes starting in May, but appearing more frequently starting December 11. This is when Kate and Leigha started repeating verbatim things I was saying in private messages.

3. My website, TBDailyNews.com, was hacked. The hackers gained access to the backpage and deleted the Turtle Club (a special feature where people pay money to get extra content) and the donation link. This made it impossible for me to monetize the website, and I had to pay my web developer to rebuild it from scratch.

4. Naked pictures that I had sent myself in Facebook messenger (and only myself) were posted by Kate Peter on her Masshole Report Facebook page and YouTube page. These pictures were not sent to anyone, and could only be accessed by someone who was logged into my Facebook account:

<https://www.facebook.com/MassholeReport/posts/641225297293381>

https://www.youtube.com/channel/UC4C9IZMYUG64_4fwsPGMtQ/community?lb=UgkxkFwprEB7QCarvFDOoyhnKQIAvY9UCIC

5. I routinely send myself pictures via FB messenger because it's the easiest way to transfer images from my phone to my computer. The hackers had access to all of my Facebook messages, which includes videos of my children in the tub. These were private videos meant for my eyes only, and the thought of a stranger now having possession of them is terrifying.

6. Every single person who has ever messaged me on Facebook is a victim of this as well. People send me story ideas every day, and over the years thousands of people have confided in me. All of their information and identities are now compromised as a result of this.

7. For the last 3 weeks my YouTube live streams have been interrupted multiple times during a show as I get

WITNESS STATEMENT/EMAIL FROM AIDAN KEARNEY

Ref: 2101-711-OF

Entered: 01/03/2022 @ 0859	Entry ID: TMV
Modified: 01/13/2022 @ 1331	Modified ID: TMV
Approved: 01/12/2022 @ 2144	Approval ID: JPC

bombarded with phone calls from blocked numbers, and then my Internet goes down. I'm forced to restart the router every time. It came to my attention that they were likely getting access to my computer through my wife, so I had to call Spectrum this week and have them install a new router, modem, and IP address.

8. I have been getting lots of messages from fake phone numbers telling me that my attempts to delete information and get a new router are futile. They specifically mentioned some conversations I deleted to protect people's privacy, so they're still in my Facebook.

Leigha Genduso, Kate Peter, and Bret Killoran have all posted images of hacked material publicly. Leigha specifically has stated she is going to get revenge, and has been vowing to post hacked pornographic images of me several days prior to doing so. They've said that the Holden Police won't do anything because they spoke to you and you and them joked and laughed about me (I don't believe that). I realize this may be something that cyber crimes would investigate, but I would like to get the ball moving as soon as possible. There are videos of my children in the tub in the hands of a stranger, and thousands of people have been victimized by this.

I filed a report on Friday with Jonathan Santimore.

Thank you

Aidan Kearney
[REDACTED]

EXHIBIT D

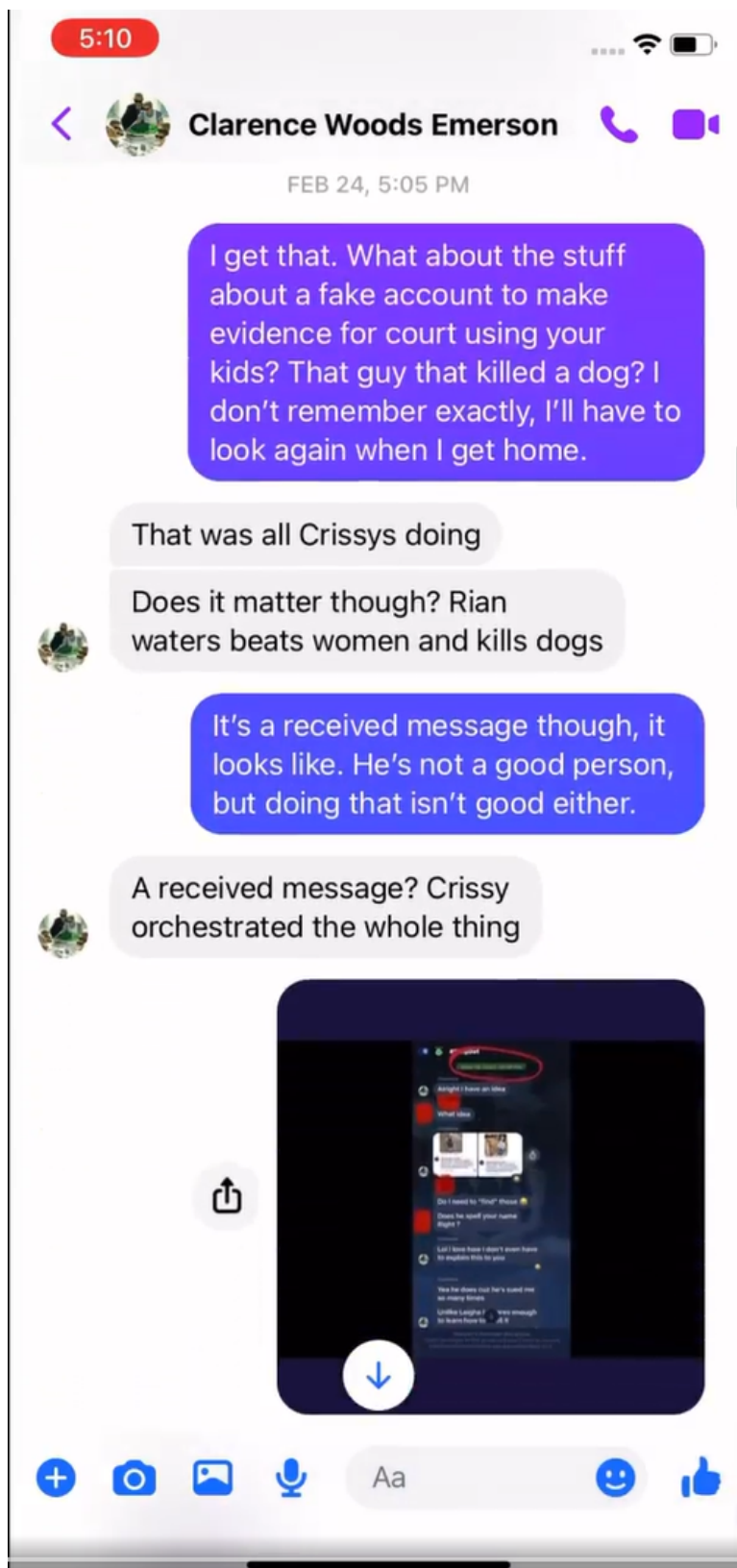
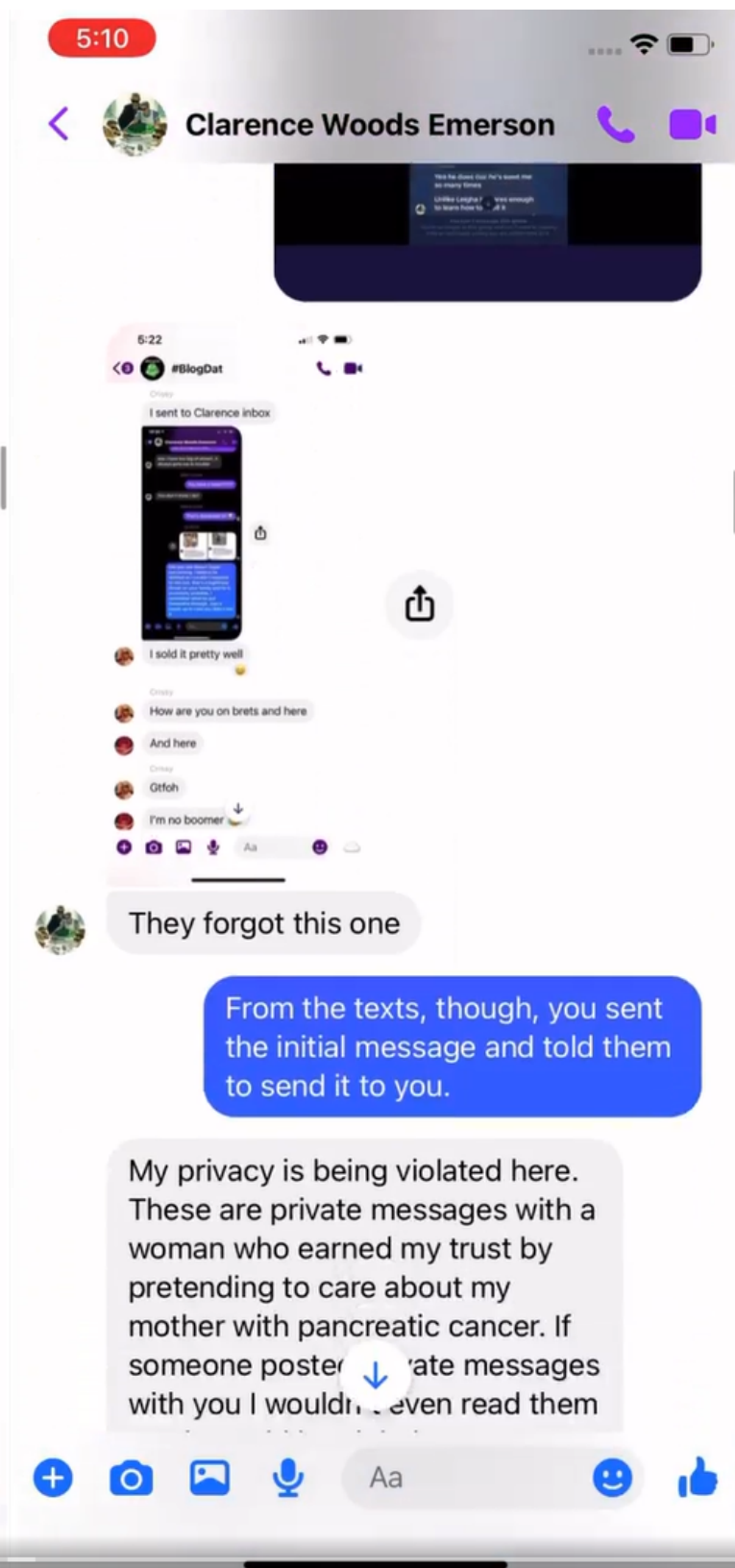


Exhibit D 01



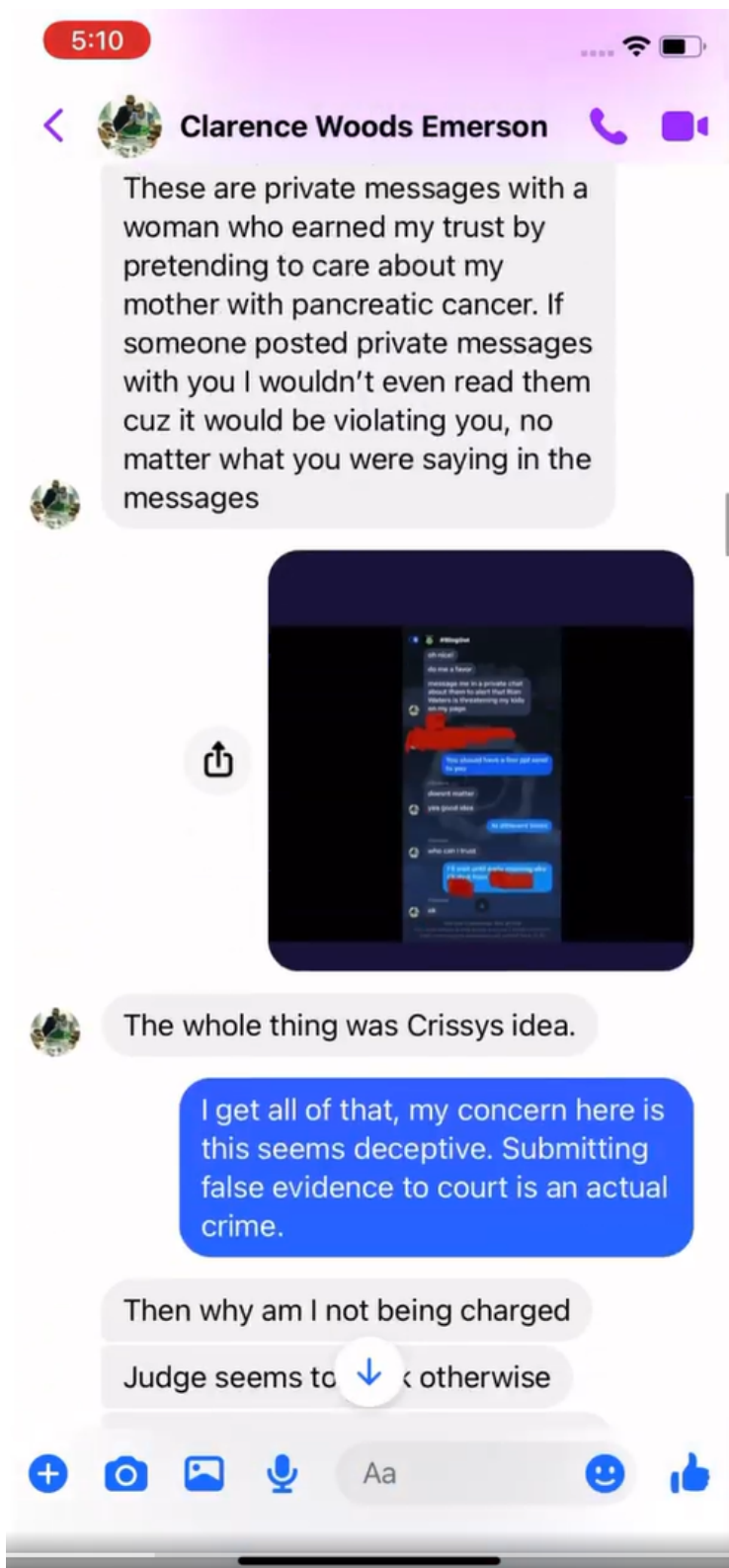


Exhibit D 03



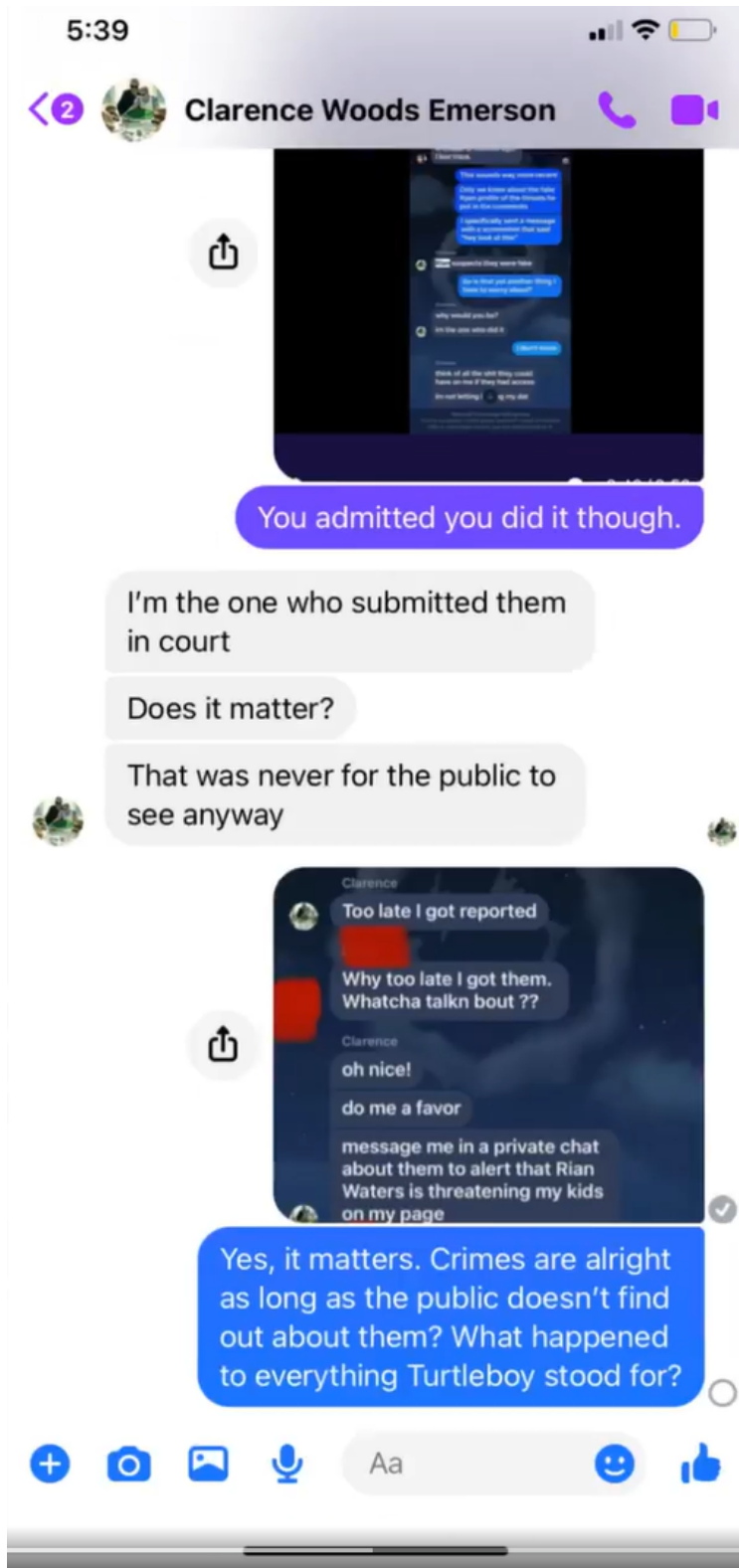
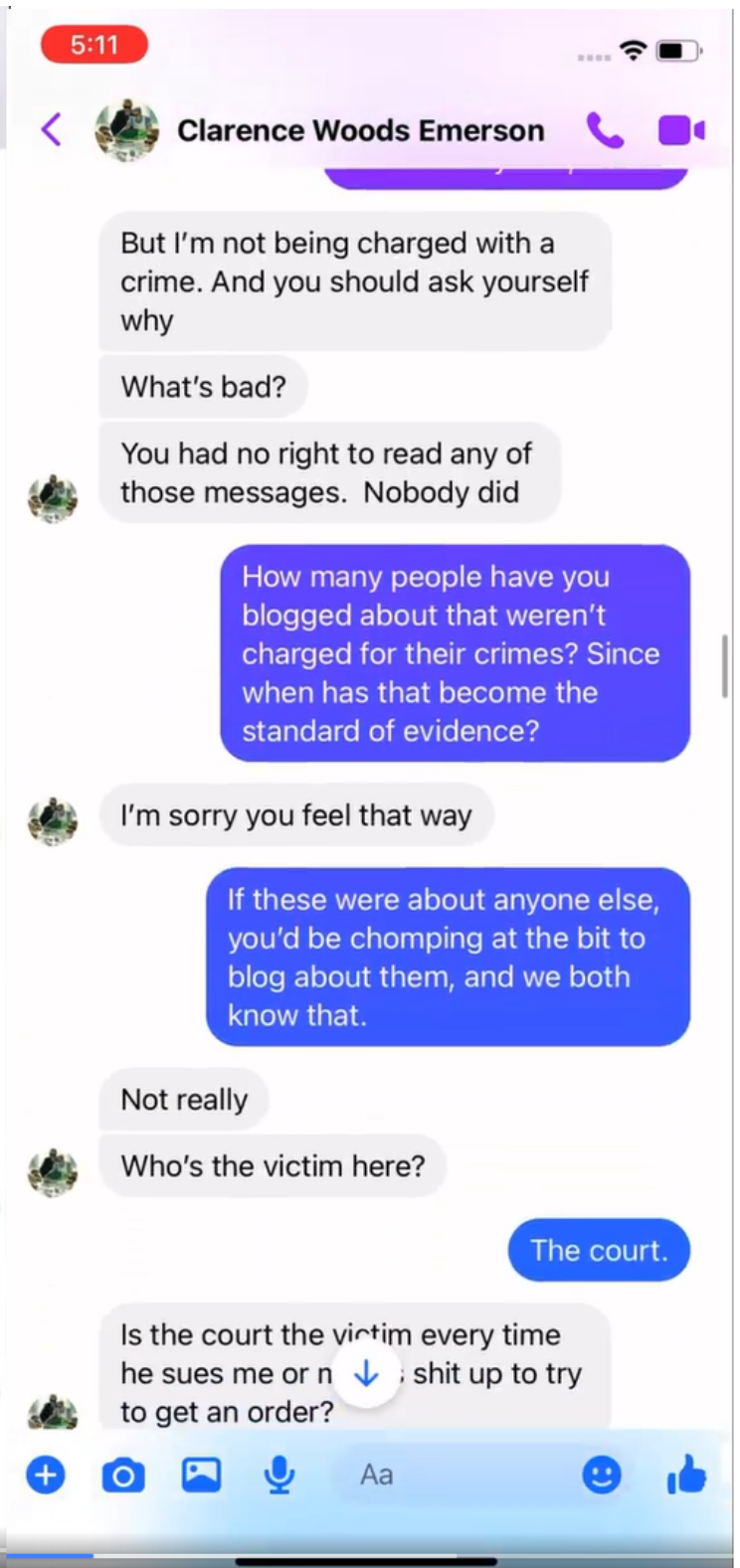


Exhibit D 05



06

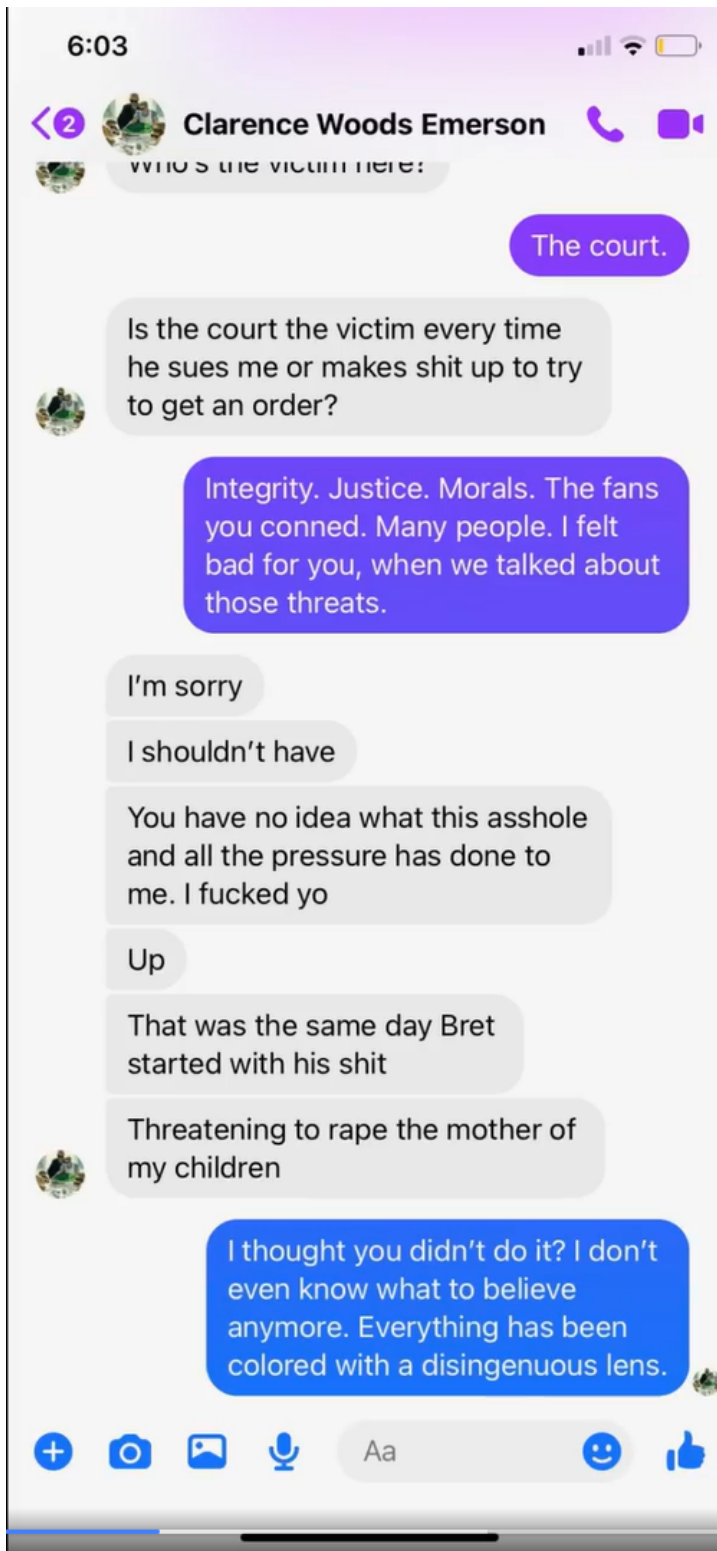
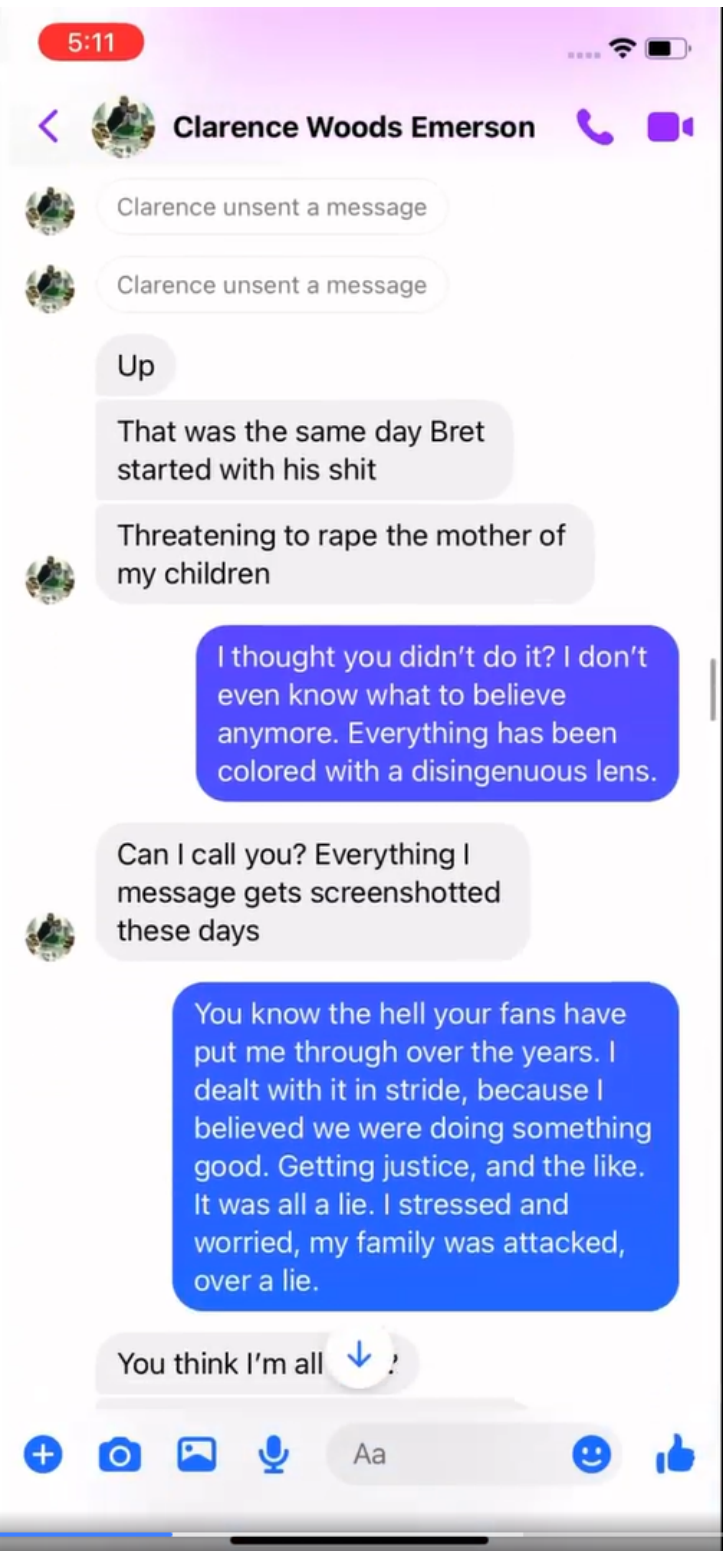


Exhibit D 07



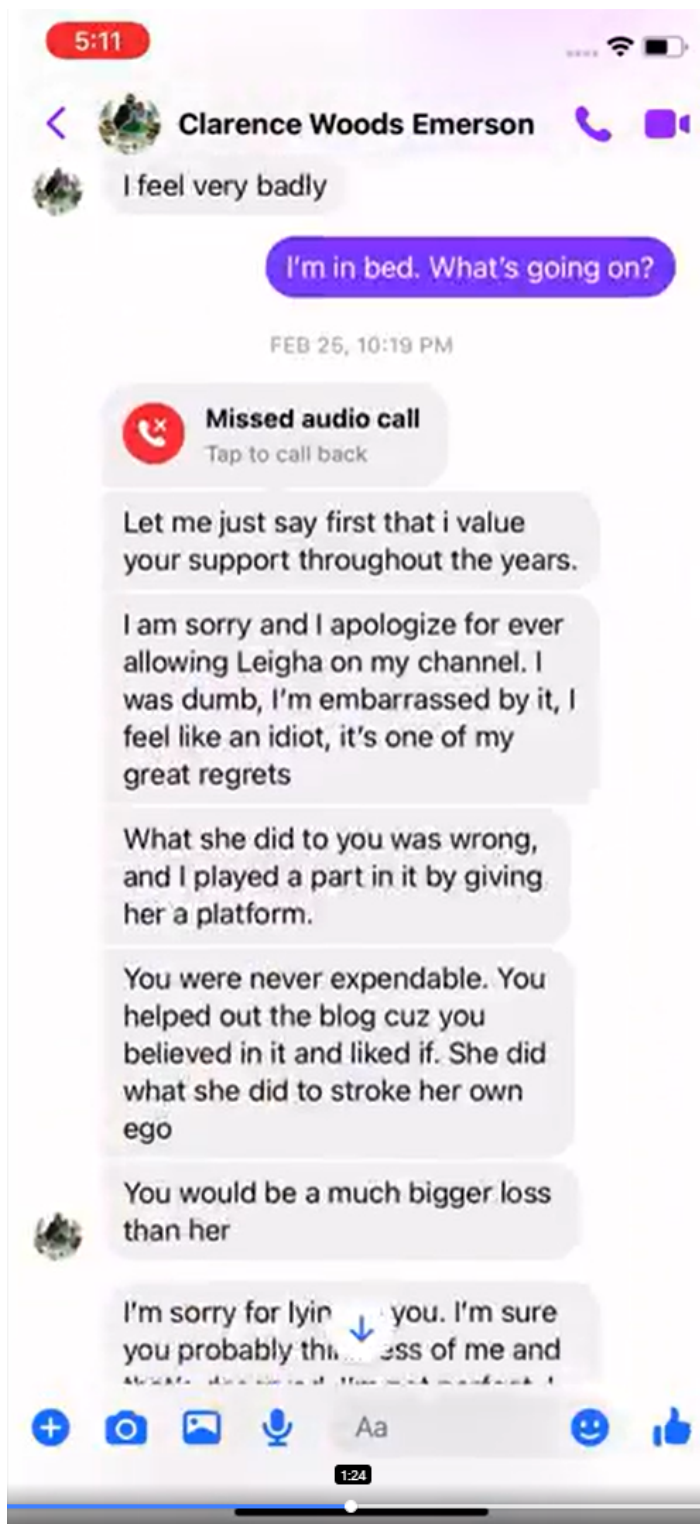


Exhibit D 09

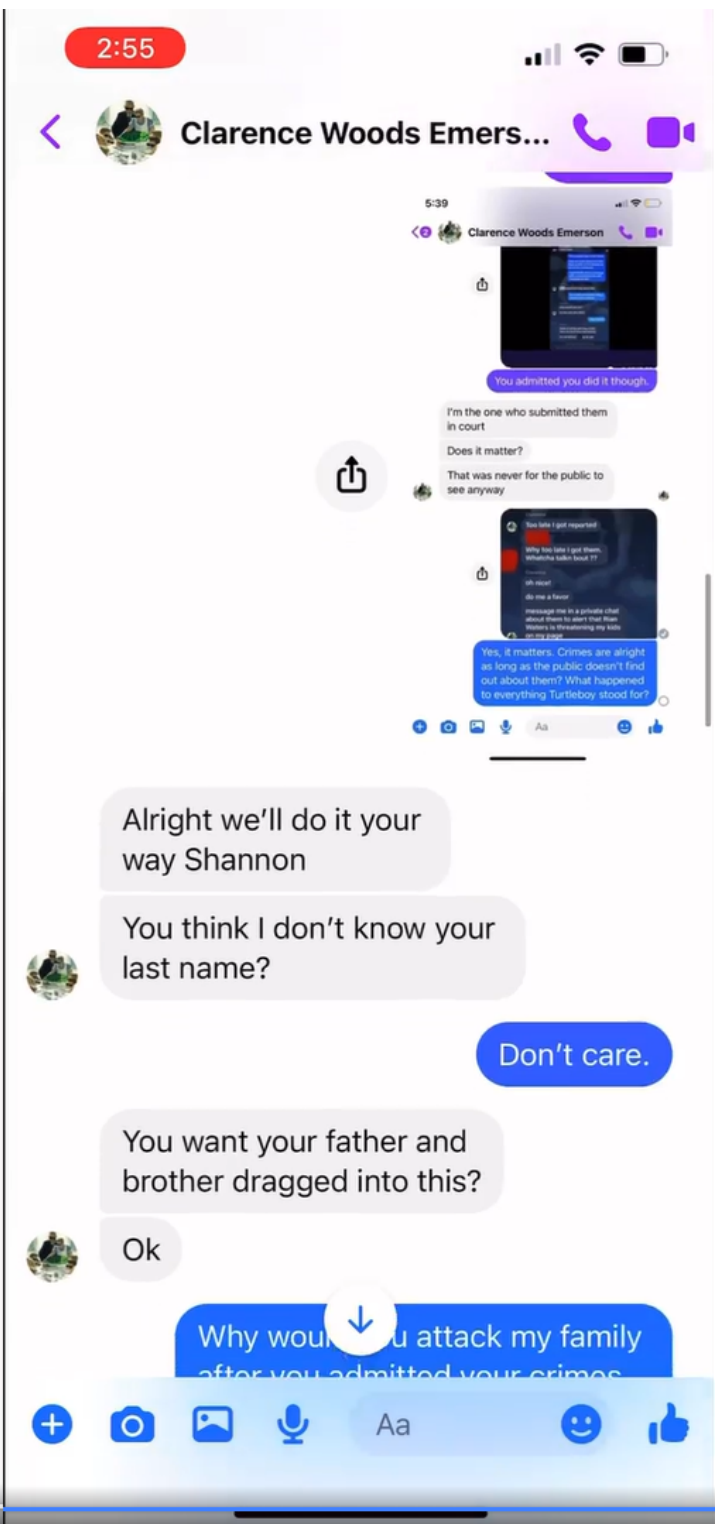
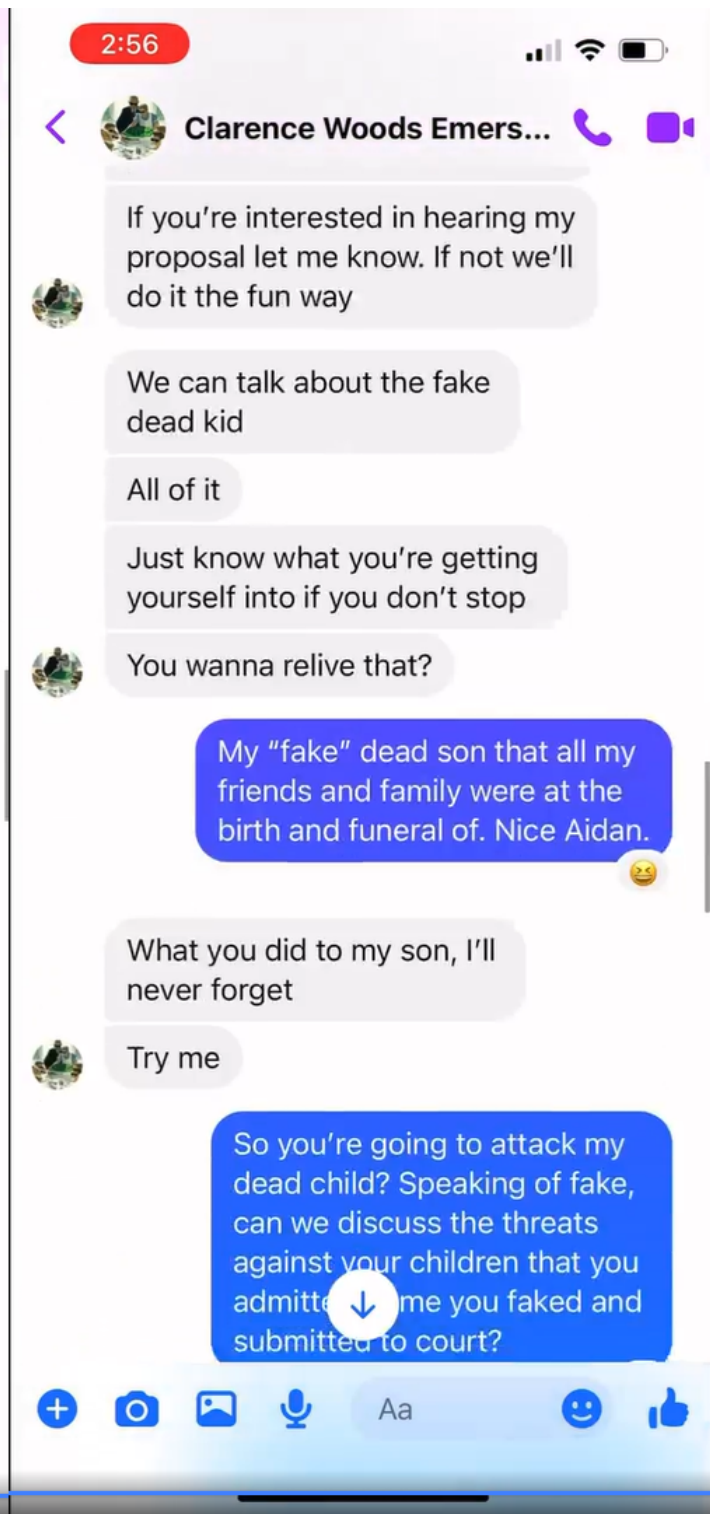


Exhibit D 10



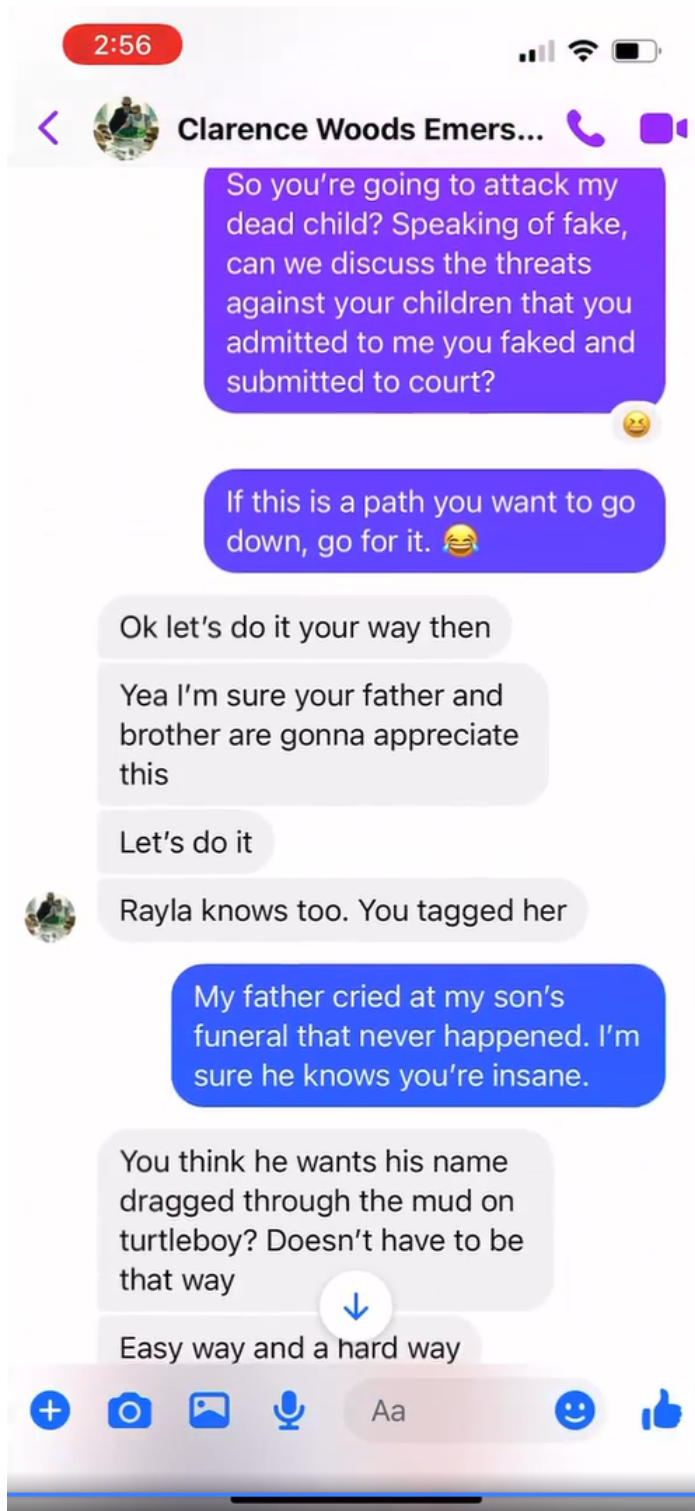


Exhibit D 13

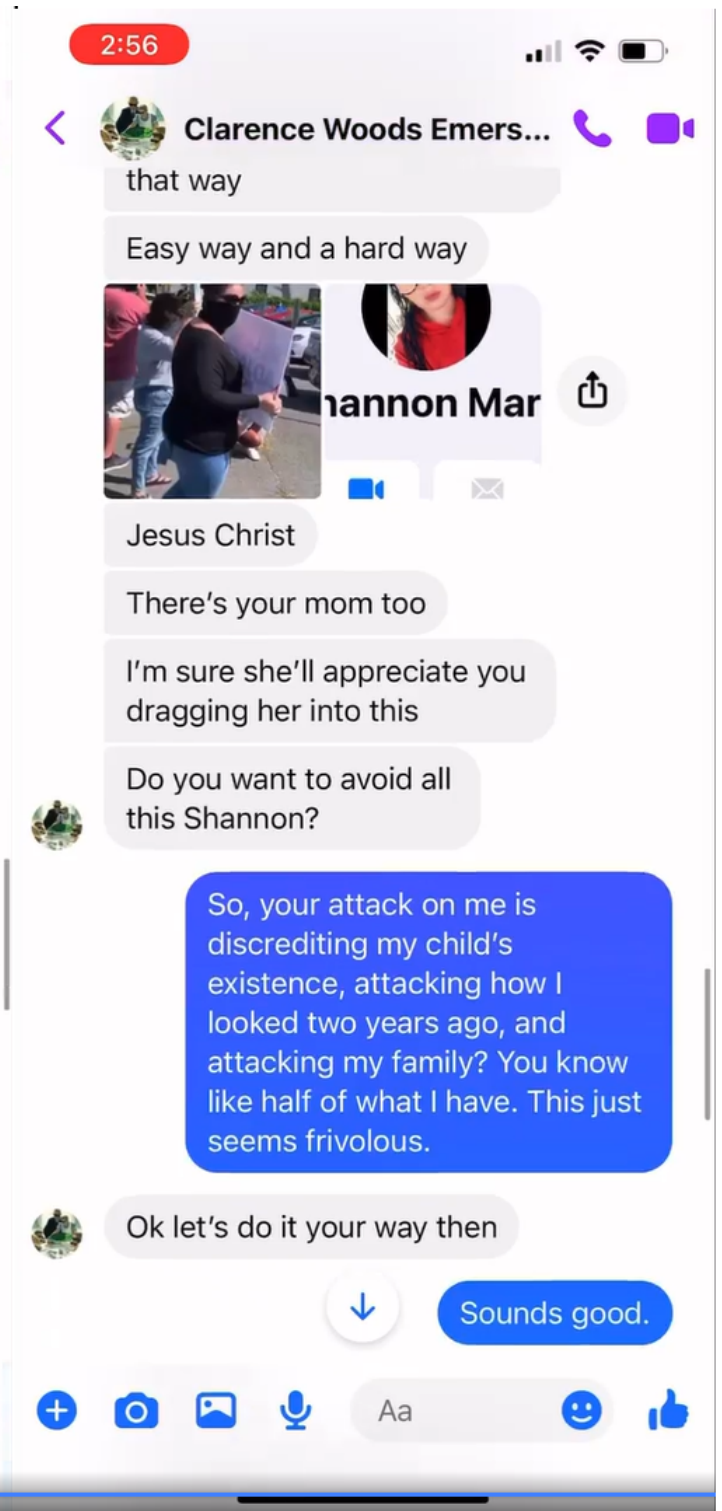




Exhibit D 15

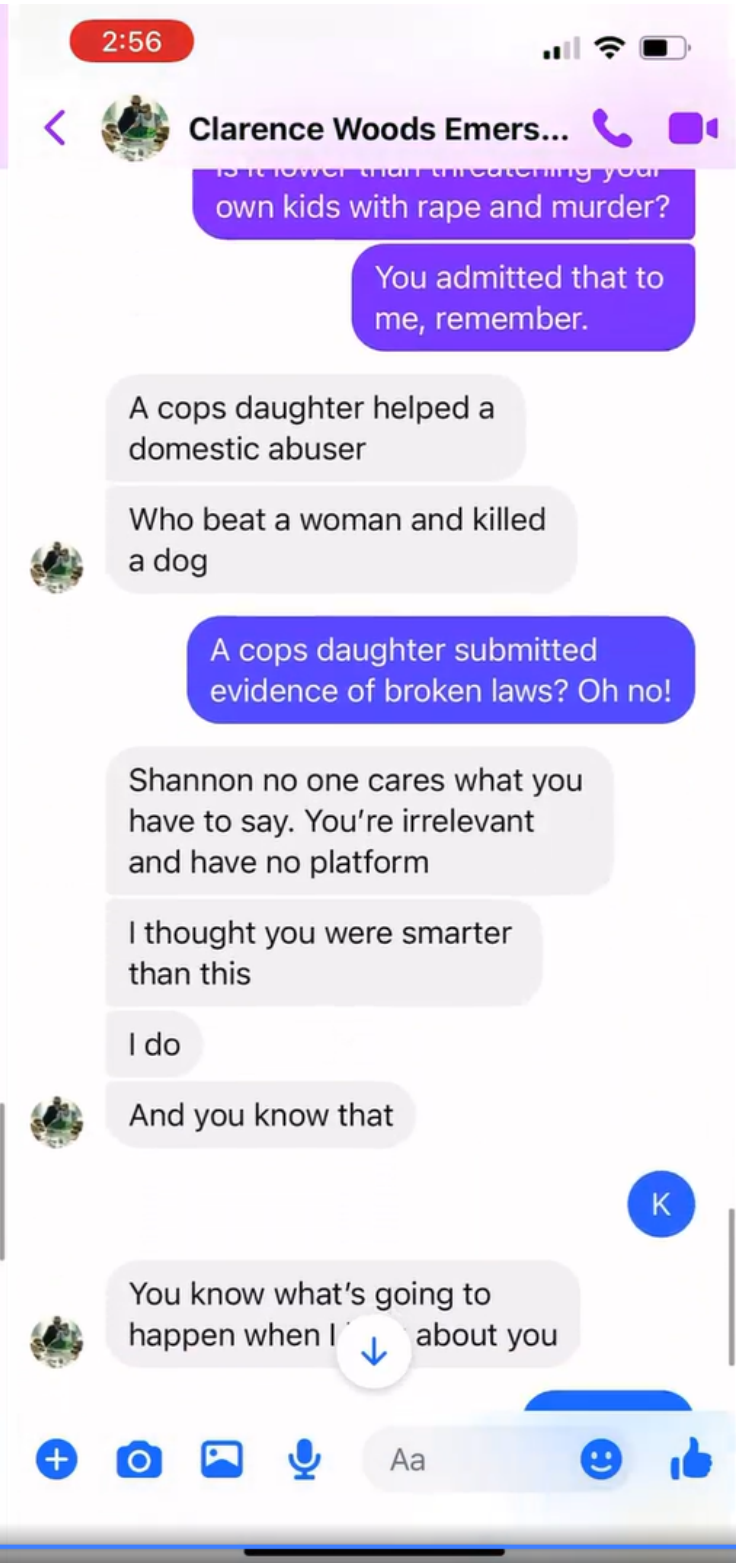


EXHIBIT E

10:13



Search



Rian Waters updated his cover photo.



19m ·



Share



Rian Waters updated his profile picture.



24m ·



Screenshot_20211119-221350_Facebook Properties



General Security Details Previous Versions

Property	Value
Description	
Title	
Subject	
Rating	☆☆☆☆☆
Tags	
Comments	
Origin	
Authors	
Date taken	11/19/2021 10:13 PM
Program name	Android RP1A.200720.012.S...
Date acquired	
Copyright	
Image	
Image ID	
Dimensions	720 x 1560
Width	720 pixels
Height	1560 pixels
Horizontal resolution	96 dpi
Vertical resolution	96 dpi

[Remove Properties and Personal Information](#)

10:12 53 >

Like Reply

Newest ▾



Rian Waters

Is this your house at 111 Mason Rd in Holden? Are these your kids? I bet you like them a lot, they're really cute. Do they like candy? Maybe it's about time they meet their Uncle Rian and I can take them out for some fun and games. Don't worry, I'll return them in one piece, after we have a little fun and I show them what a piece of shit their father is.

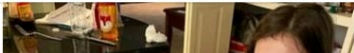


1m Like Reply



Rian Waters

Aidan, Aidan, Aidan, you never seem to learn. Don't forget, I know where you live, and I know what is most precious to you. If you had to pick one of them to live, which one would it be? Tick tock.



10:12 53 >

Like Reply



Rian Waters

Aidan, Aidan, Aidan, you never seem to learn. Don't forget, I know where you live, and I know what is most precious to you. If you had to pick one of them to live, which one would it be? Tick tock.



7m Like Reply



Rian Waters

Better watch what you say about me Aidan. Wouldn't wan anything to happen to your daughter now would we?



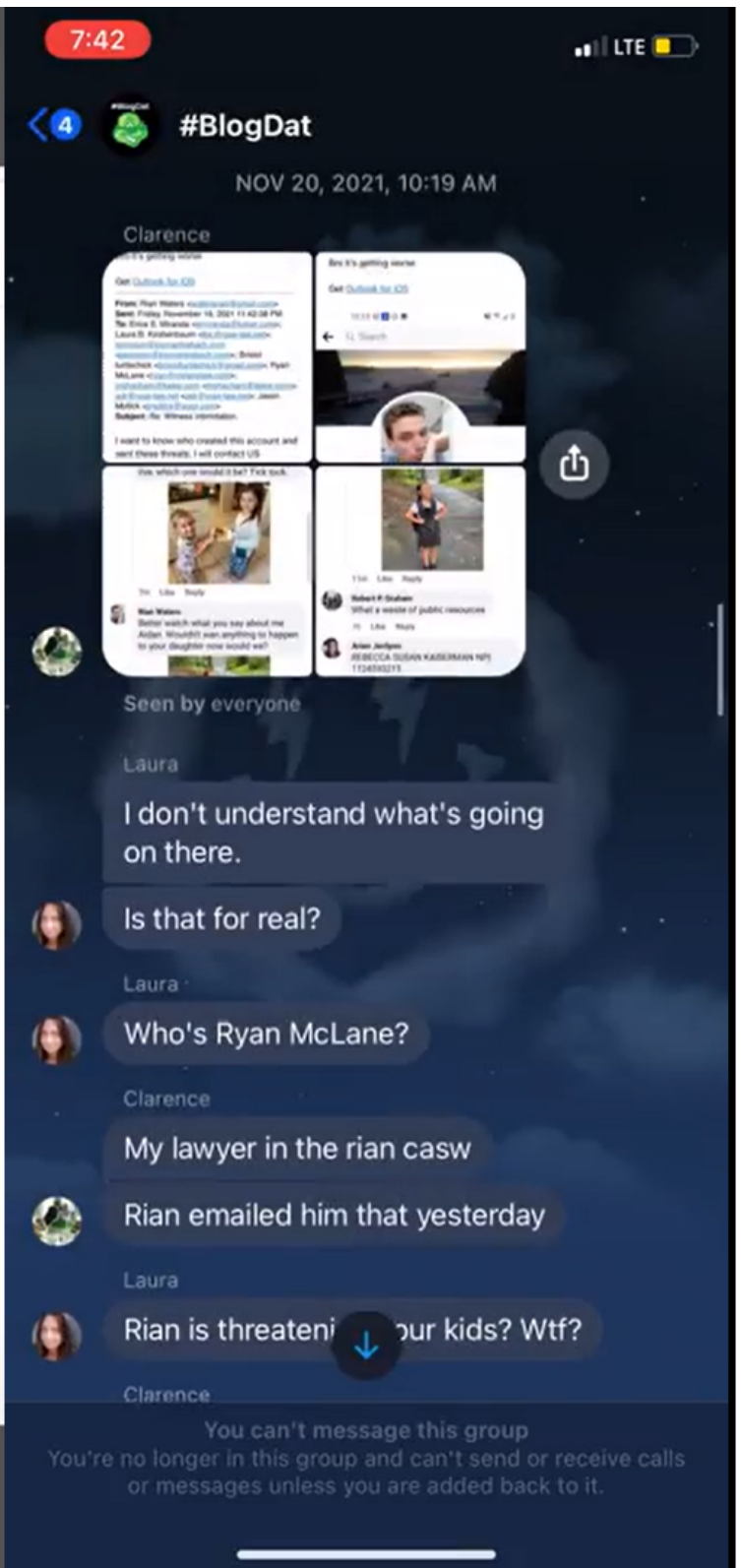
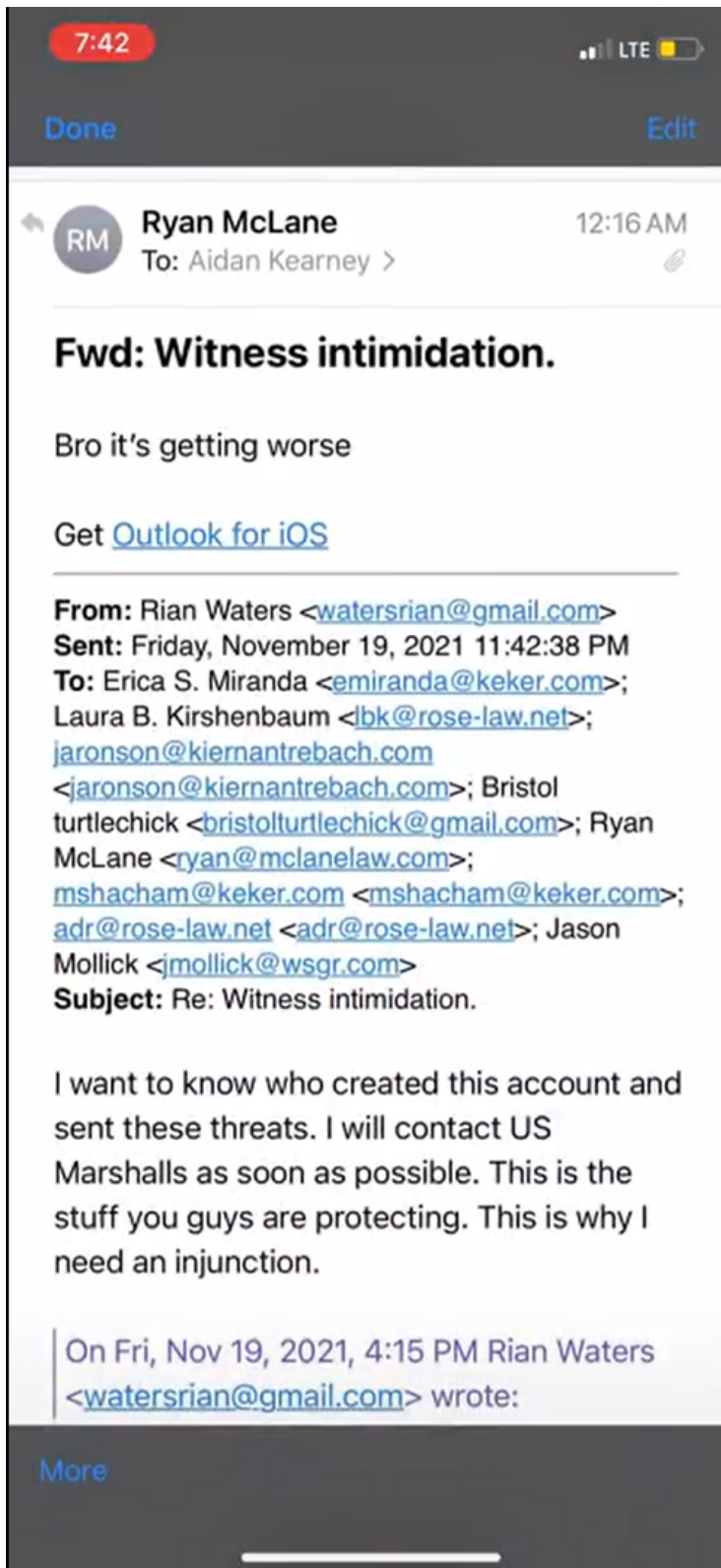
 Write a comment...   

 Write a comment...   

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EXHIBIT F



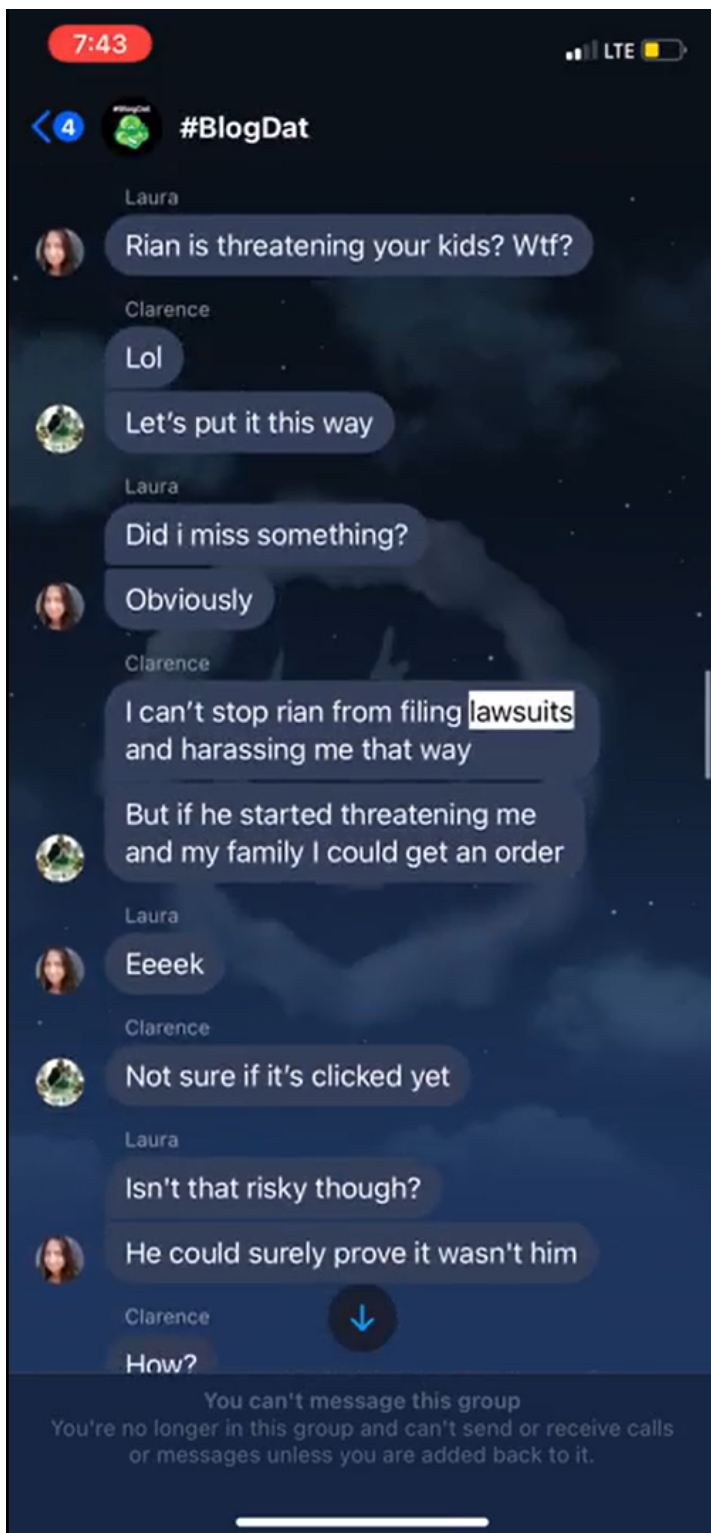
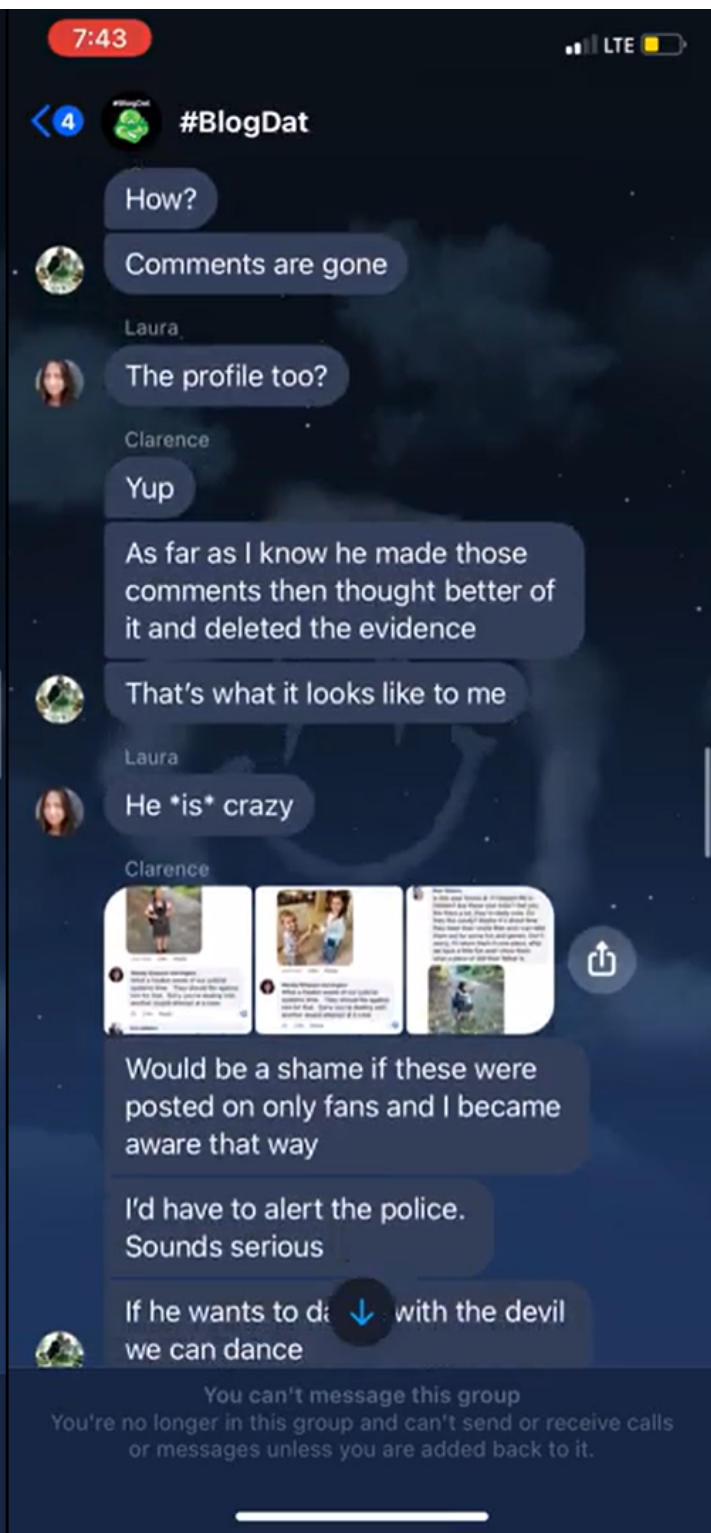


EXHIBIT F 03



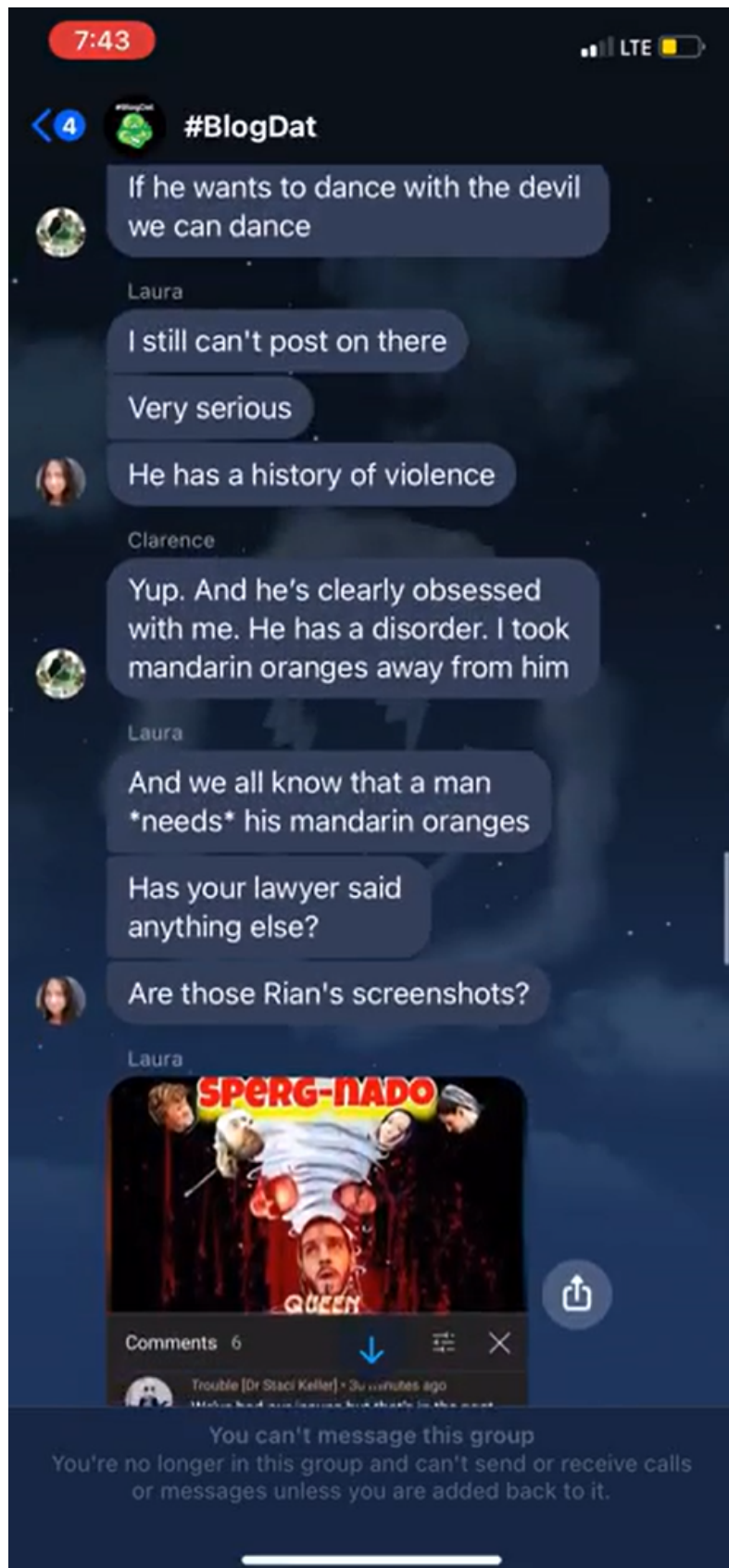


EXHIBIT F 05

EXHIBIT G

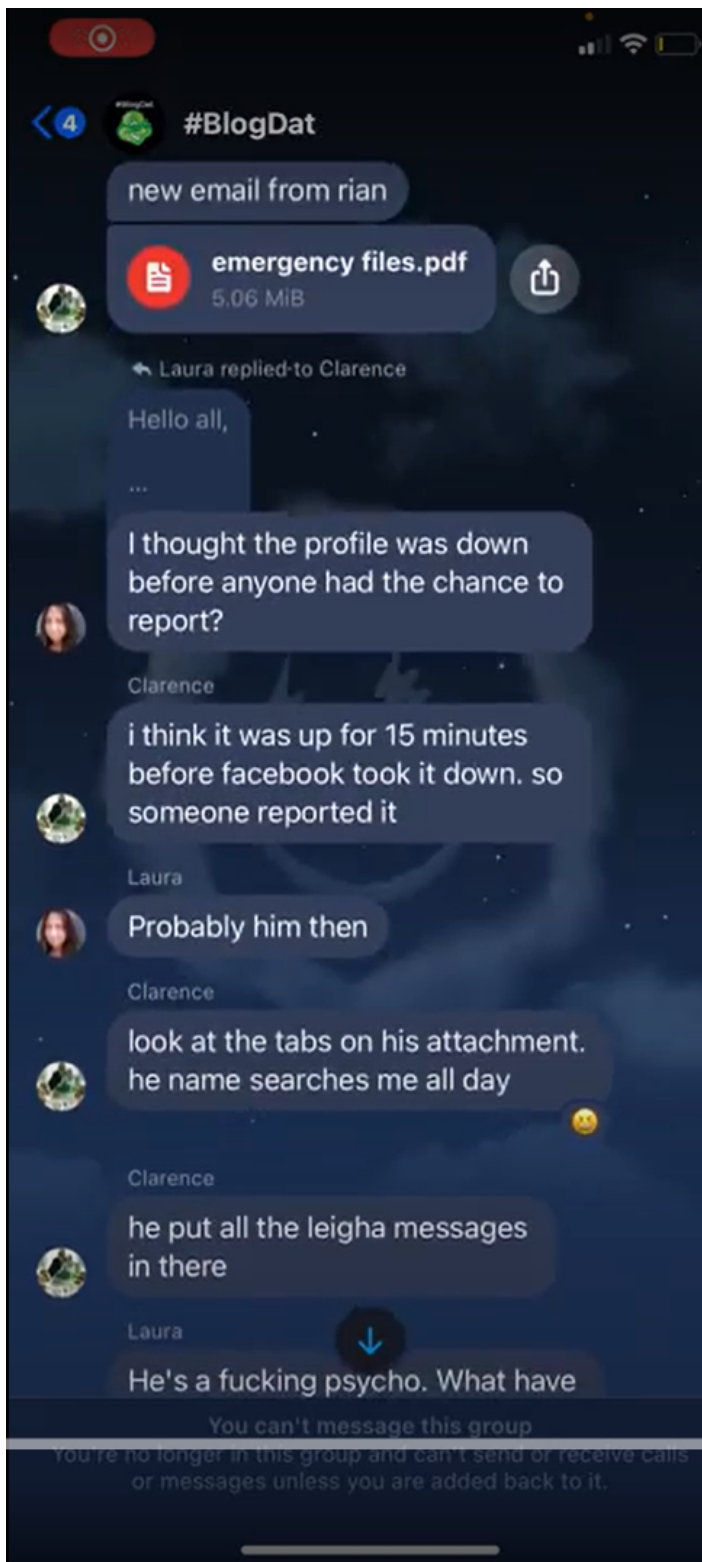
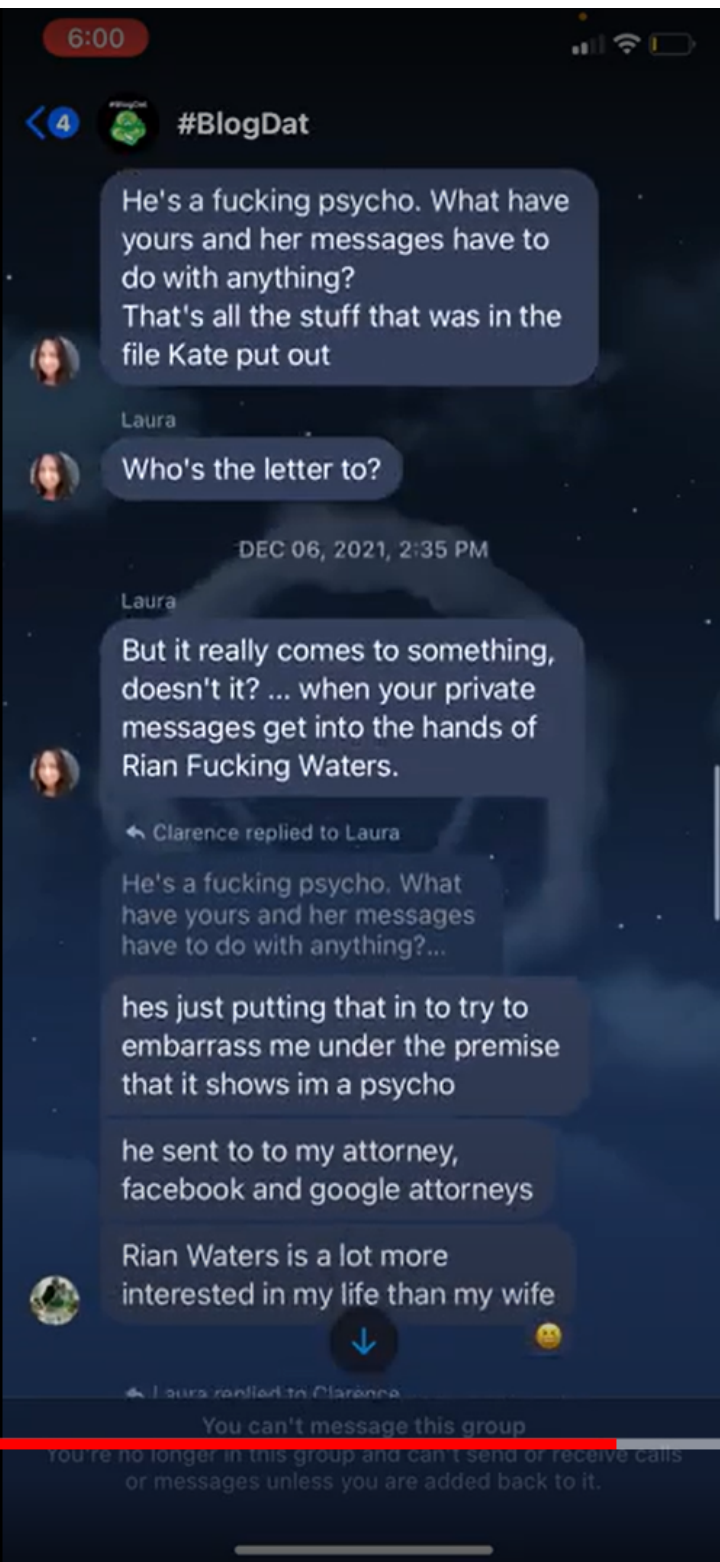


Exhibit G 01



02

EXHIBIT H



Videos

See all



2:00:13

We're broadcasting on Facebook until our YouTube suspe...

👍❤️😂 161

4.1K views · 34 weeks ago

📘 Page transparency

See all

Facebook is showing information to help you better understand the purpose of a Page. See actions taken by the people who manage and post content.

🏠 Page created - January 23, 2020

📍 Page manager location: United States

view 7 more comments



Uncle Turtleboy - Aidan Kearney

June 10 at 12:08 PM · 🌐

Rian Waters, who was blogged about after being arrested for beating his girlfriend and murdering their puppy, is still filing motions and dragging me to court. In his most recent filing he admits that he is being assisted by a woman named Cristina Yakimowsky, the owner of Royal Thermal View in Mendon. This company sponsored an Uxbridge youth softball team. Feel free to reach out to Royal Thermal View on Facebook and ask them why they are supporting a domestic abusing dog killer. Not a company I'd want to do business with:
<https://m.facebook.com/royalthermalview>

people are trying to ruin your life. Nothing is off limits." (Affidavit 31)

Kearney has consistently attacked me and everyone that helps me before court dates.

On January 15th, 2022, Kearney extorted Cristina Yakimowsky because she provided me with screenshots of his conspiracy group, and said if she doesn't call him, that he would go to her court hearing and try to send her to jail. On February 17th, 2022, Kearney followed through with his extortion threat against my witness and said presenting

6

👍 29

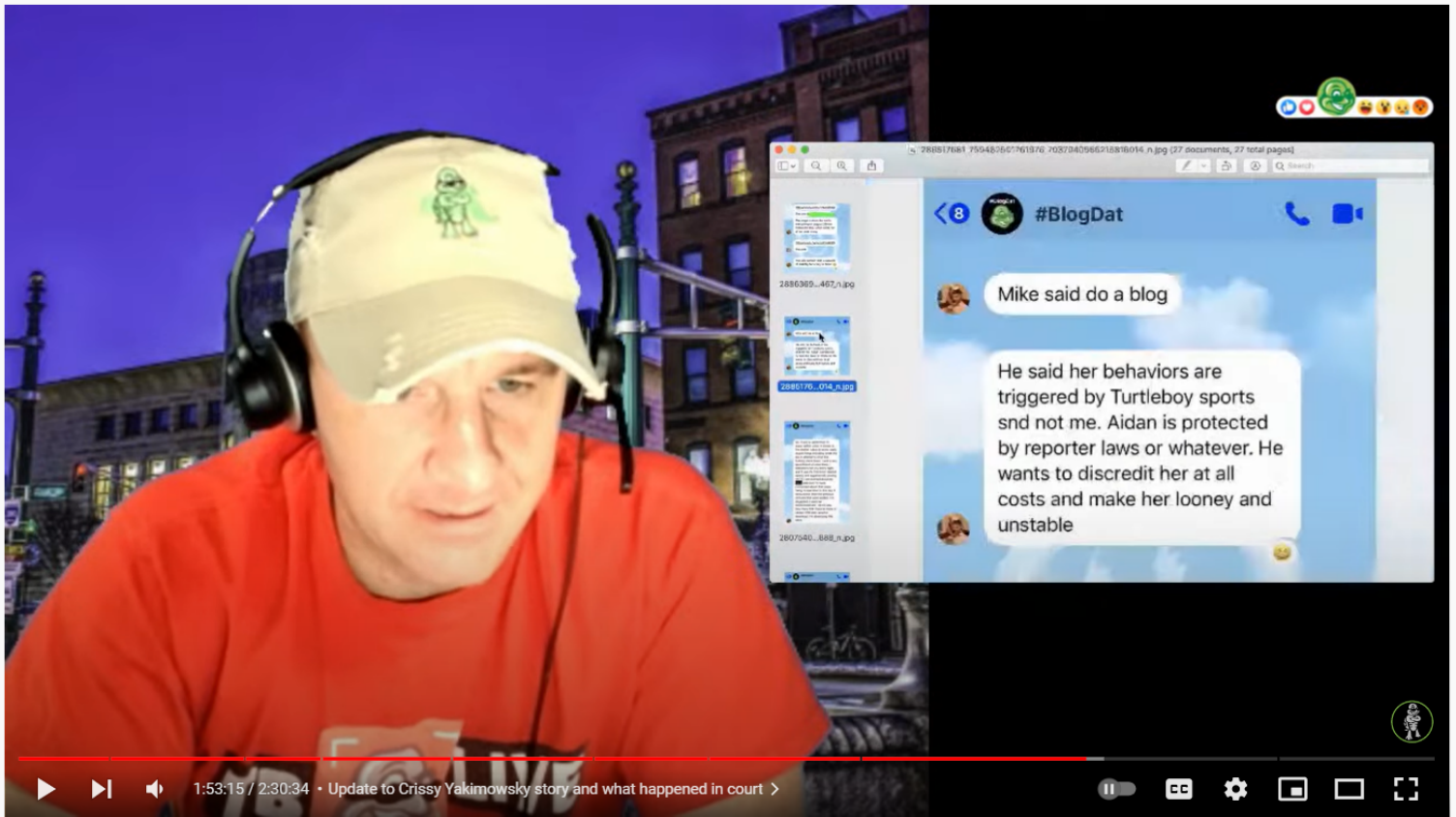
1 Share

👍 Like

💬 Comment

➦ Share

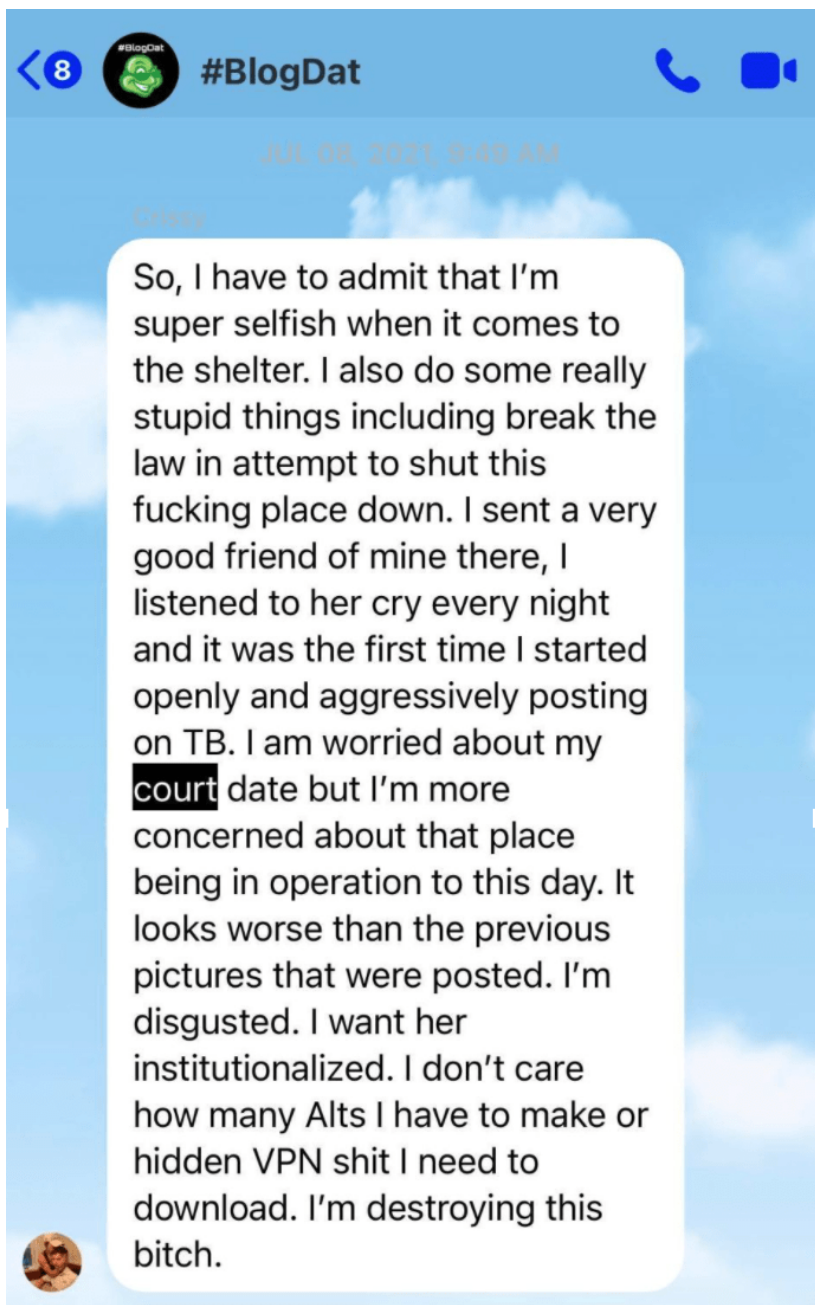
EXHIBIT I



Ep #493 - Worcester Softball Mom | Easton Trump Store Attack | Drag Queen | Is Crissy Going to Jail?

3,317 views • Streamed live on Jun 18, 2022

189 DISLIKE SHARE DOWNLOAD CLIP SAVE ...



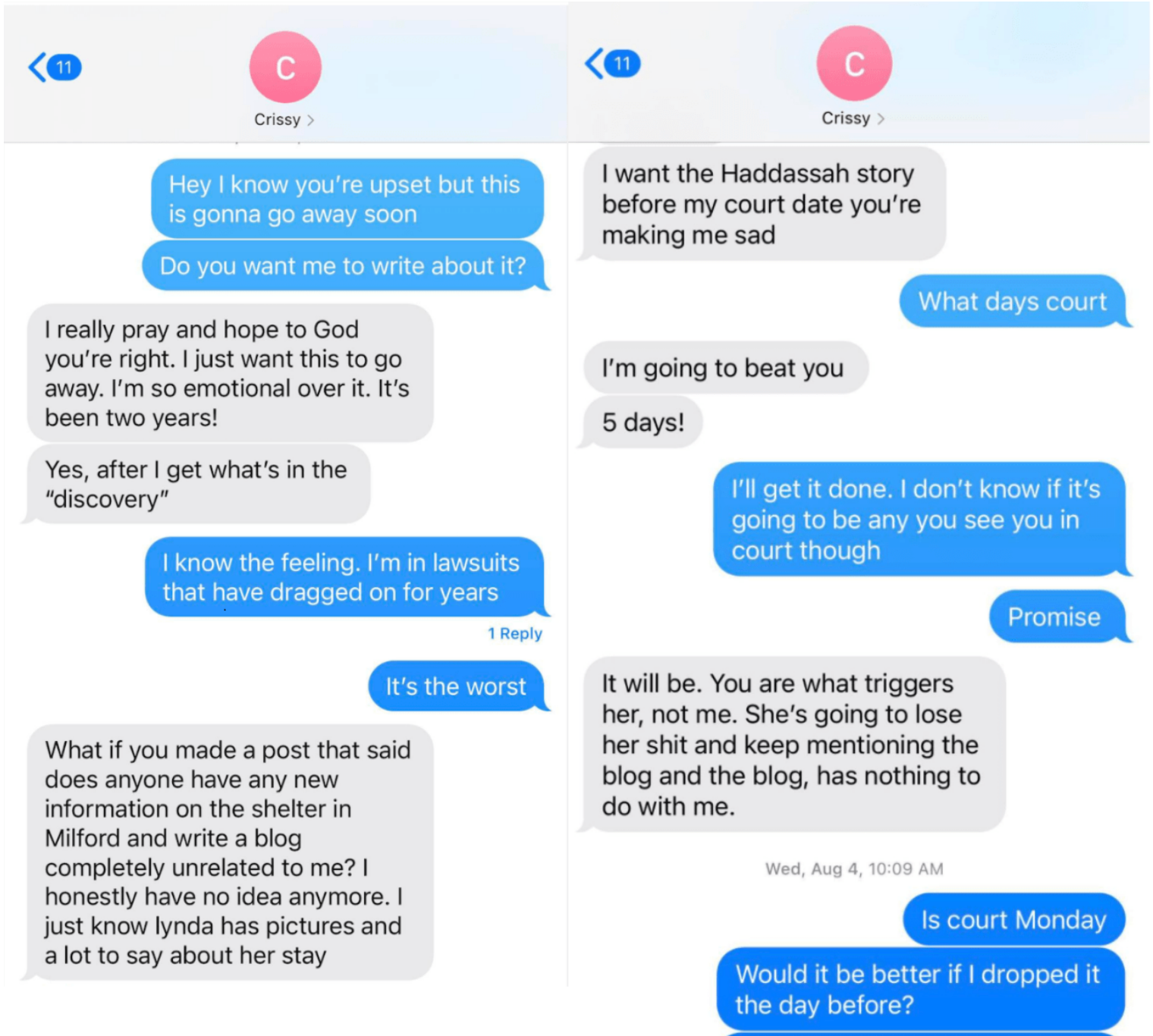


EXHIBIT J

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

SUPERIOR COURT 18-344

***SUBPOENA - SUBPOENA DUCES TECUM**

TO Aidan Kearney

111 Mason Rd,
Jefferson, MA.
01522

HAMPDEN COUNTY
SUPERIOR COURT
FILED

JUN 27 2022

Laura S. Gentile
CLERK OF COURTS

GREETING,

YOU HEREBY ARE COMMANDED, in the name of the Commonwealth of Massachusetts, to attend and give testimony, before the Superior Court holden at Springfield within and for the county of Hampden on the 28th day of June, 2022 at 2:00 o'clock in the PM noon, and from day to day thereafter, until the action hereinafter named is heard by said Court, relating to Civil Action No. 1879 CV 344 then and there to be heard and tried between Rian Waters Plaintiff, and Aidan Kearney Defendant and you are further required to bring with you

Motion hearing for sanctions, and or Default.

HEREOF FAIL NOT, as failure by any person without adequate excuse to obey a subpoena served upon him may be deemed a contempt of the court in which the action is pending.

DATED AT the 9th day of June 2022 A.D.

*Strike out inapplicable words

Laura S. Gentile
Laura S. Gentile, Esquire
CLERK OF COURTS



Worcester County Sheriff's Office P.O. Box 1066 Worcester, MA 01613
(508) 752-1100

6/17/2022

I hereby certify and return that after attempting personal service on 6/17/2022 at 10:36 AM I served a true and attested copy of the WITNESS SUBPOENA in this action in the following manner to wit: by leaving at the last and usual place of abode of AIDAN KEARNEY at 111 MASON ROAD JEFFERSON, MA 01522 . Served along with witness fee in the amount of \$ \$7.00. Service Fee (\$20.00) Attest (\$5.00) Postage (\$3.00) Mileage (\$22.70) Conveyance (\$3.00) Witness Fee (\$7.00) Total: \$60.70

Gregory Carr

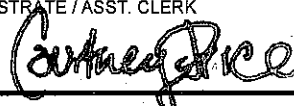
Gregory Carr
Deputy Sheriff

2022 JUN 27 P 2:00

CLERKS OFFICE
SUPERIOR COURT
HAMPSHIRE COUNTY

EXHIBIT K

COPY

SUMMONS TO DEFENDANT G.L. c. 209A or G.L. c. 258E		DOCKET NO. 2161RO358	Massachusetts Trial Court 
PLAINTIFF'S NAME Aidan Kearney		COURT NAME & ADDRESS Leominster District Court 25 School Street Leominster, MA 01453 (978) 537-3722 Ext. 105	
DEFENDANT'S NAME & ADDRESS Rian G. Waters 199 Allen Street East Longmeadow, MA 01028		DATE OF COURT HEARING 12/01/2021	TIME OF COURT HEARING 8:30 a.m.
TO THE DEFENDANT NAMED ABOVE: The Plaintiff named above has filed with this court the attached: ☐ Complaint for Protection from Abuse pursuant to Massachusetts General Laws chapter 209A, section 3, requesting that you be ordered not to abuse the Plaintiff and for other relief as indicated. ☒ Complaint for Protection from Harassment pursuant to Massachusetts General Laws chapter 258E, section 3, requesting that you be ordered not to harass or abuse the Plaintiff and for other relief as indicated. A judge will conduct a hearing on the Plaintiff's Complaint at this court on the date and time shown above. YOU ARE HEREBY SUMMONED TO APPEAR before this Court at that date and time if you wish to be heard on whether the Court should issue the requested Order. At that hearing, you will have an opportunity to cross-examine any witnesses offered by the Plaintiff. You may also offer witnesses or other evidence on your behalf and you may be heard on whether the Court should issue the requested Order. If you wish, you may retain counsel to represent you at that hearing. IF YOU DO NOT APPEAR AT THE HEARING, EITHER PERSONALLY OR BY COUNSEL, THE COURT MAY ISSUE THE REQUESTED ORDER WITHOUT HEARING FROM YOU. Whether or not you appear at the hearing, if the Court issues an Order that you are to refrain from abusing or harassing the Plaintiff, to refrain from contacting the Plaintiff or the Plaintiff's minor child, or to vacate the Plaintiff's household, multiple family dwelling or workplace, ANY VIOLATION OF THAT ORDER IS A CRIMINAL OFFENSE, punishable by imprisonment or fine or both.			
TESTE OF FIRST JUSTICE WITNESS 	DATE ISSUED 11/23/2021	CLERK-MAGISTRATE / ASST. CLERK X 	
[court seal]	CERTIFICATE OF SERVICE I certify that on this date I served this Summons and a copy of the Plaintiff's Complaint for Protection on the Defendant: ☐ by mailing them by first class mail to the Defendant at the address shown above. ☐ Other:		
	DATE	SIGNATURE OF PERSON MAKING SERVICE X	TITLE

AFFIDAVIT

Describe in detail the most recent incidents of harassment. If the harassment consisted only of conduct that was willful and malicious, but was not a violation of the listed criminal statutes, you must describe at least three separate incidents of such harassment. The Judge requires as much information as possible, such as what happened, each person's actions, the dates, locations, any injuries, and any medical or other services sought. Also describe any history of harassment, with as much of the above detail as possible. Note: Unless the Court allows a motion to impound, this affidavit will be public record, including any names or specific addresses included in the affidavit.

On or about

11/23/21

(date),

the Defendant: Rian Waters

2161200358

Rian Waters has been harassing me for several years now on line. He sent me emails trying to extort money out of me in 2018. He has repeatedly posted on my Facebook and Youtube accounts despite being told not to. I filed a report with Holden Police in 2018 when I got the extortion emails. ~~He~~ He has also harassed me through the courts, filing multiple law suits against me which have been thrown out, as well as attempting to file two criminal complaints. On Friday, November 19 Rian posted three times on my Facebook pages with pictures of my children. He threatened to hurt them. I am fearful due to his history of domestic violence and unstable/obsessive behavior.

If more space is needed, attach additional pages and check this box: ☐

I declare under penalty of perjury that all statements of fact made above, and in any additional pages attached are true.

DATE SIGNED

11/23/21

PLAINTIFF'S SIGNATURE

[Signature]

WITNESSED BY

PRINTED NAME OF WITNESS

Aidan Kearney

TITLE OF WITNESS

☐ If this box is checked, this form was completed by a police officer with information provided by the Plaintiff.

SIGNATURE OF OFFICER

PRINTED NAME/TITLE OF OFFICER

I have transcribed the above affidavit for the Plaintiff.

TRANSCRIBER'S SIGNATURE

PRINTED NAME OF TRANSCRIBER

- ☐ Court Certified Interpreter
☐ Court Screened Interpreter
☐ Other:
☐ Remote Translation via Telephone/Video

Vol IV Screenshots of Kearney's website after decision

- Screenshots of Kearney's website after Single Justices decision¹² ...pg 155-157

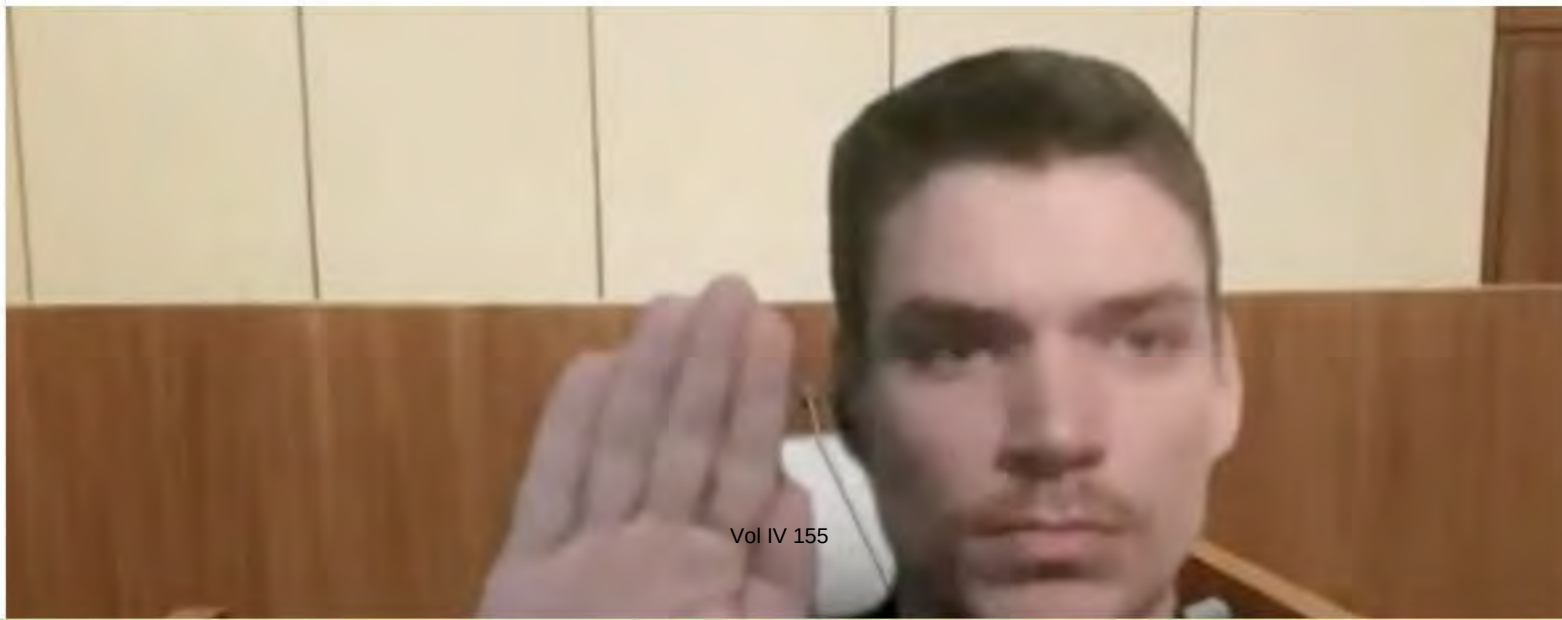
- ---
- ¹ <https://tbdailynews.com/turtleboy-vs-rian-waters-court-audio/>
- ² <https://tbdailynews.com/rian-waters-claims-i-am-running-a-sex-cult-and-cant-mention-the-drugged-out-woman-who-fell-onto-him-in-latest-court-filings-after-criminal-complaint-denied-in-boston/>

Home / Premium Stream / Turtleboy Vs. Rian Waters Court Audio

Turtleboy Vs. Rian Waters Court Audio

Aidan Kearney • December 8, 2022

🔥 1,249 📖 Less than a minute



Vol IV 155



This is members only content, and we restrict the right to ban anyone from accessing this stream. Rian Waters is officially banned, and cannot stay on this platform without our permission. If he attempts to purchase a membership we will immediately cancel it and not refund his money, in accordance with our ...

 Please access

[Turtle Club](#)

Already a member?

[Log in](#)

Choose Amount

How much would you like to donate? As a contributor to TB Daily News we make sure your donation goes directly to supporting our cause. Thank you for your generosity!

\$

100

- c. On September 24th, 2020, during an interview² (hearsay exception 801(d)(2)) Aidan Kearney admitted that his organization was cultish, and he said “definitely I think there is a pack mentality to it, and I am well aware that when I hit the publish button and I share something on Facebook, that this is going to have an immediate impact on the person it was written about, and then there will be a large group of people who will then go to that person.”

If you'd like to hear the analysis of the transcript from this hearing then tune in tonight at 9:30 to turtle club. Turtle Club is a subscription with extra content we offer to turtle riders for \$15 a month, which you can sign up for [here](#). Membership includes a free Turtleboy t-shirt, ad free on the website, and access to the Thursday sex cult members on streams. Joining is how you can support Turtleboy in lawsuits like this and ensure that our content never goes away.

Vol V 1923AC002799 1923AC002146 Consolidated

- Clerk decision denying criminal complaintpg 159
- Judge's decision denying consolidated redeterminationpg 160
- Judges decision denying explanatory memorandumpgs 161-162
- Application for criminal complaint.pgs 163 -171
- Motion to redeterminepgs 172 -179
- Exhibit Kearney threatening my roommate.pgs 180 -181
- Motion to make [the case] public. Allowed.....pgs 182-183
- Complainant's request for explanatory memorandum.....pgs 185 -186

059

**MOTION TO THE COURT
AND AFFIDAVIT**

CASE DOCKET NO.

1923AC002799

**Trial Court of Massachusetts
District Court Department**



NAME OF CASE

Rian Waters
PLAINTIFF / COMMONWEALTH

vs. Aidan Kearney
DEFENDANT

COURT DIVISION

SPRINGFIELD DISTRICT COURT
50 STATE STREET
SPRINGFIELD, MA 0103

On behalf of the ☒ Plaintiff ☐ Commonwealth ☐ Defendant in this case, I respectfully request the Court:

- ☐ **Continuance:** to continue this case which is presently scheduled for _____
on _____, until _____, for the reasons given on the back of this form.
- ☐ **Remove default:** to order that the default, default order, or default judgment that was entered on _____
be set aside, and that this case be restored to the court's calendar, for the reasons given on the back of this form.
- ☐ **Remove dismissal:** to order that the order for, or judgment of, dismissal that was entered on _____
be set aside, and that this case be restored to the court's calendar, for the reasons given on the back of this form.
- ☐ **Speedy trial:** to order that the complaints whose numbers are listed above be advanced for speedy trial, for the reasons given on the back of this form.
- ☐ **New trial:** to order that the court's judgment in this case dated _____ be vacated and
a new trial ordered, for the reasons given on the back of this form.
- ☐ **Revise or revoke sentence:** to revise or revoke the sentence(s) imposed in this case on _____
for the reasons given on the back of this form.
- ☐ **Amend or extend an abuse prevention order:** to extend or amend the abuse prevention order under G.L. c. 209A dated _____
in the manner and for the reasons given on the back of this form.
- ☐ **Withdraw from representation:** to be permitted to withdraw from further representation of the _____
in this case for the reasons given on the back of this form. I have notified my client of this motion.
- ☒ **Other:** (Specify what you are asking the Court to do, and the reasons for your request, on the back of this form.)

1 DEC 3 PM 3:30
DISTRICT COURT
SPRINGFIELD

I have today ☒ mailed ☐ delivered a copy of this motion to all other parties to this case.

Any statements of fact made in this motion are made under the penalties of perjury and
☒ of my own personal knowledge. ☐ based on information that I believe is true.

DATE SIGNED

SIGNED

12/31/2019

x Rian Waters

PRINT NAME

ADDRESS

DAYTIME TELEPHONE NO.

Rian Waters

199 Allen St E. Longmeadow

530 739 8951

If motion is agreed to by other party, that party or attorney should sign here to indicate assent.

DATE SIGNED

SIGNED

DAYTIME TELEPHONE NO.

X

FOR CLERK-MAGISTRATE'S USE ONLY

This motion has been scheduled for hearing
before the Court on this date and time.

DATE OF HEARING

TIME OF HEARING

DATE SIGNED

CLERK-MAGISTRATE OR DESIGNEE

FOR JUDGE'S USE ONLY

☐ After hearing

☒ Without a hearing

this motion is

☐ Allowed.

☒ Denied.

DATE

JUSTICE

1-3-20

John M. Payne
Vol 160

MOTION TO THE COURT AND AFFIDAVIT

CASE DOCKET NO.

1923 AC 2146

Trial Court of Massachusetts
District Court Department



NAME OF CASE

Rian Waters
PLAINTIFF / COMMONWEALTH

vs.

Aidan Kearney
DEFENDANT

COURT DIVISION

SPRINGFIELD DISTRICT COURT
50 STATE STREET
SPRINGFIELD, MA 0103

On behalf of the ☒ Plaintiff ☐ Commonwealth ☐ Defendant in this case, I respectfully request the Court:

- ☐ **Continuance:** to continue this case which is presently scheduled for _____ on _____, until _____, for the reasons given on the back of this form.
- ☐ **Remove default:** to order that the default, default order, or default judgment that was entered on _____ be set aside, and that this case be restored to the court's calendar, for the reasons given on the back of this form.
- ☐ **Remove dismissal:** to order that the order for, or judgment of, dismissal that was entered on _____ be set aside, and that this case be restored to the court's calendar, for the reasons given on the back of this form.
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- ☐ **New trial:** to order that the court's judgment in this case dated _____ be vacated and a new trial ordered, for the reasons given on the back of this form.
- ☐ **Revise or revoke sentence:** to revise or revoke the sentence(s) imposed in this case on _____ for the reasons given on the back of this form.
- ☐ **Amend or extend an abuse prevention order:** to extend or amend the abuse prevention order under G.L. c. 209A dated _____ in the manner and for the reasons given on the back of this form.
- ☐ **Withdraw from representation:** to be permitted to withdraw from further representation of the _____ in this case for the reasons given on the back of this form. I have notified my client of this motion.
- ☒ **Other:** (Specify what you are asking the Court to do, and the reasons for your request, on the back of this form.)

I have today ☒ mailed ☒ delivered a copy of this motion to all other parties to this case.

Any statements of fact made in this motion are made under the penalties of perjury and ☒ of my own personal knowledge. ☐ based on information that I believe is true.

DATE SIGNED

1/8/2020

SIGNED

x Rian Waters

PRINT NAME

Rian Waters

ADDRESS

199 Allen St E. Longmeadow

DAYTIME TELEPHONE NO.

530 734 8951

If motion is agreed to by other party, that party or attorney should sign here to indicate assent.

DATE SIGNED

SIGNED

x

DAYTIME TELEPHONE NO.

FOR CLERK-MAGISTRATE'S USE ONLY

This motion has been scheduled for hearing before the Court on this date and time.

DATE OF HEARING

TIME OF HEARING

DATE SIGNED

CLERK-MAGISTRATE OR DESIGNEE

20 JAN 8 11 52 AM

FOR JUDGE'S USE ONLY

☐ After hearing

☒ Without a hearing

this motion is

☐ Allowed.

☒ Denied.

DATE

2.4.20

JUSTICE

John M. Payne

**MOTION TO THE COURT
AND AFFIDAVIT**

CASE DOCKET NO.

1923 AC 2799

**Trial Court of Massachusetts
District Court Department**

NAME OF CASE

Rian Waters
PLAINTIFF / COMMONWEALTH

vs.

Aidan Kearney
DEFENDANT

COURT DIVISION

SPRINGFIELD DISTRICT COURT
50 STATE STREET
SPRINGFIELD, MA 0103On behalf of the ☒ Plaintiff ☐ Commonwealth ☐ Defendant in this case, I respectfully request the Court:

- ☐ **Continuance:** to continue this case which is presently scheduled for _____ on _____, until _____, for the reasons given on the back of this form.
- ☐ **Remove default:** to order that the default, default order, or default judgment that was entered on _____ be set aside, and that this case be restored to the court's calendar, for the reasons given on the back of this form.
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- ☐ **Withdraw from representation:** to be permitted to withdraw from further representation of the _____ in this case for the reasons given on the back of this form. I have notified my client of this motion.
- ☒ **Other:** (Specify what you are asking the Court to do, and the reasons for your request, on the back of this form.)

I have today ☒ mailed ☐ delivered a copy of this motion to all other parties to this case.Any statements of fact made in this motion are made under the penalties of perjury and
☒ of my own personal knowledge. ☐ based on information that I believe is true.

DATE SIGNED

1/4/2020

SIGNED

x Rian Waters

PRINT NAME

Rian Waters

ADDRESS

199 Allen St E. Longmeadow

DAYTIME TELEPHONE NO.

530-739-8951

If motion is agreed to by other party, that party or attorney should sign here to indicate assent.

DATE SIGNED

SIGNED

X

DAYTIME TELEPHONE NO.

FOR CLERK-MAGISTRATE'S USE ONLYThis motion has been scheduled for hearing
before the Court on this date and time.

DATE OF HEARING

TIME OF HEARING

DATE SIGNED

CLERK-MAGISTRATE OR DESIGNEE

25:5 11 8-11-02

FOR JUDGE'S USE ONLY☐ After hearing☒ Without a hearing

this motion is

☐ Allowed.☒ Denied.

DATE

2-4-20

JUSTICE

John M. Pagan

APPLICATION FOR
CRIMINAL COMPLAINT

APPLICATION NO. (COURT USE ONLY)

1923AC 002799

PAGE

of

Trial Court of Massachusetts
District Court Department

I, the undersigned complainant, request that a criminal complaint issue against the accused charging the offense(s) listed below. If the accused **HAS NOT BEEN ARRESTED** and the charges involve:

☒ ONLY MISDEMEANOR(S), I request a hearing ☐ WITHOUT NOTICE because of an imminent threat of
☐ BODILY INJURY ☐ COMMISSION OF A CRIME ☐ FLIGHT ☒ WITH NOTICE to accused.
☐ ONE OR MORE FELONIES, I request a hearing ☐ WITHOUT NOTICE ☐ WITH NOTICE to accused.

☐ WARRANT is requested because prosecutor represents that accused may not appear unless arrested.

Springfield District Court
50 State Street
Springfield, MA 01103

ARREST STATUS OF ACCUSED

☐ HAS ☒ HAS NOT been arrested

INFORMATION ABOUT ACCUSED

NAME (FIRST MI LAST) AND ADDRESS

Aidan Kearney
111 Mason Road
Jefferson, MA 01522

BIRTH DATE

12/26/81

SOCIAL SECURITY NUMBER

PCF NO.

MARITAL STATUS

DRIVERS LICENSE NO.

STATE

GENDER

HEIGHT

WEIGHT

EYES

HAIR

RACE

COMPLEXION

SCARS/MARKS/TATTOOS

INTERPRETER NEEDED (language)

BIRTH STATE OR COUNTRY

DAY PHONE

EMPLOYER/SCHOOL

MOTHER'S MAIDEN NAME (FIRST MI LAST)

FATHER'S NAME (FIRST MI LAST)

CASE INFORMATION

COMPLAINANT NAME (FIRST MI LAST)

Rign G Waters

ADDRESS

199 Allen St
East Longmeadow MA
01028

COMPLAINANT TYPE

☐ POLICE ☒ CITIZEN ☐ OTHER

PD

PLACE OF OFFENSE

Springfield MA

INCIDENT REPORT NO.

OBTN

CITATION NO(S).

OFFENSE CODE

268 13B

DESCRIPTION

Witness intimidation

OFFENSE DATE

9/25/2019

VARIABLES (e.g. victim name, controlled substance, type and value of property, other variable information; see Complaint Language Manual)

OFFENSE CODE

DESCRIPTION

OFFENSE DATE

VARIABLES

OFFENSE CODE

DESCRIPTION

OFFENSE DATE

VARIABLES

REMARKS

COMPLAINANT'S SIGNATURE

X Rign G Waters

DATE FILED

11/26/2019

COURT USE ONLY

A HEARING UPON THIS COMPLAINT APPLICATION
WILL BE HELD AT THE ABOVE COURT ADDRESS ON

DATE OF HEARING

12-17-19

TIME OF HEARING

AT 10:00 AM

COURT USE ONLY

DATE

PROCESSING OF NON-ARREST APPLICATION (COURT USE ONLY)

CLERK/JUDGE

NOTICE SENT OF CLERK'S HEARING SCHEDULED ON:

NOTICE SENT OF JUDGE'S HEARING SCHEDULED ON:

HEARING CONTINUED TO:

APPLICATION DECIDED WITHOUT NOTICE TO ACCUSED BECAUSE:

☐ IMMINENT THREAT OF ☐ BODILY INJURY ☐ CRIME ☐ FLIGHT BY ACCUSED☐ FELONY CHARGED AND POLICE DO NOT REQUEST NOTICE☐ FELONY CHARGED BY CIVILIAN; NO NOTICE AT CLERK'S DISCRETION

DATE

COMPLAINT TO ISSUE

COMPLAINT DENIED

CLERK/JUDGE

☐ PROBABLE CAUSE FOUND FOR ABOVE OFFENSE(S)NO(S). ☐ 1. ☐ 2. ☐ 3. BASED ON☐ FACTS SET FORTH IN ATTACHED STATEMENT(S)☐ TESTIMONY RECORDED: TAPE NO. _____

START NO. _____ END NO. _____

☐ WARRANT ☐ SUMMONS TO ISSUE

SCHEDULED ARRAIGNMENT DATE:

COMMENT

STATEMENT OF FACTS

IN SUPPORT OF

APPLICATION FOR CRIMINAL COMPLAINT

APPLICATION NO. (court use only)

PAGE

___ OF ___

Trial Court of Massachusetts
District Court Department

The undersigned alleges the following as a ☐ full or ☐ partial statement
of the factual basis for the offense(s) for which a criminal complaint is sought.

COURT DIVISION

See Attached

(Use additional sheets if necessary)

PRINTED NAME

SIGNATURE

I AM A:

DATE SIGNED

Rian Waters

x Rian Waters

☐ LAW ENFORCEMENT OFFICER☒ CIVILIAN COMPLAINANT OR WITNESS

11/26/2019

ADDITIONAL FACTS FOUND BY CLERK-MAGISTRATE / ASST. CLERK / JUDGE BASED ON ORAL TESTIMONY

REMARKS

SIGNATURE OF CLERK-MAGISTRATE / ASST. CLERK / JUDGE

DATE SIGNED

X

COMMONWEALTH OF MASSACHUSETTS

APPLICATION FOR CRIMINAL COMPLAINT

RIAN WATERS,
Complainant

AIDAN KEARNEY,
Defendant

TABLE OF CONTENTS

EXPLANATION OF WHY YOU DO NOT HAVE QUALIFIED IMMUNITY.	2
REQUEST FOR THE SHOW CAUSE HEARING TO BE RECORDED	2
STATEMENT OF FACTS	3
G.L Ch.268 Section 1 Perjury	3
G.L. Ch.268 13B Witness Intimidation	4

EXHIBITS

- EXHIBIT A: Affidavit of Aidan Kearney 9/24/2018**
EXHIBIT B: Email correspondence between Aidan Kearney and Rian Waters
EXHIBIT C: Aidan's 2016 and 2019 filings with the Secretary of State
EXHIBIT D: Screenshot from masslandrecords.com Registry of deeds
EXHIBIT E: Picture showing that current resident address is perjury
EXHIBIT F: Relevant pages of Aidan Kearneys deposition transcription
EXHIBIT G: GL Ch268 S13B from Lexis
EXHIBIT H: Preamble and Declaration of Rights from the Mass Constitution
EXHIBIT I: CD With Aidan Kearneys podcasts
EXHIBIT J Screenshots showing some of Aidan Kearney's malicious tactics

I request that the show cause hearing be recorded for future civil litigation uses.

STATEMENT OF FACTS

G.L Ch.268 Section 1 Perjury

- 1.) On September 24th, 2018 Aidan Kearney signed an affidavit (Exhibit A) for a motion in 1879cv00344, on ¶ 3 Aidan claimed that “following service of the complaint (He wrote above that he had received it on or about June 1, 2018) I received numerous emails from the named Plaintiff attempting to extort money in lieu of proceeding with the complaint.” But the email communication started from me asking him not to message my facebook account anymore, and then him asking me if I wanted to settle. Also on or about May 30th 2019 Aidan recalled a more accurate, and extortion free version of the email correspondence. Starting at 34.00 on (Exhibit I track5) he said “You chose this, I didn’t ask you to sue me. We had a correspondence last summer, I’m like dude you want the blog down? I’ll take it down. That’s a fucking generous offer dude, and your like, no I’m out here playing poker and I don’t have time for this. Okay so fuck you then Rian”
- 2.) Then on P#4 of the September 24, 2018 affidavit, Aidan committed a very clear example of perjury, claiming that on July 26, 2018 that I sent an email stating that in exchange for cash I would dismiss the lawsuit. The emails are (Exhibit A & Exhibit B page2).

- 3.) On P#6 of the September 24, 2018 affidavit, Aidan Kearney claimed that “The Plaintiff’s continued emails distracted my attention from this lawsuit” But Exhibit B, Exhibit I track 5, and paragraph 5a of this document prove that was perjury as well.
- 4.) Most of the addresses that Aidan Kearney used on his 2016 filings with the Secretary of State were false when signed under penalties of perjury, and I sent the Resident Agent address for both companies and his personal address a copy of the amended complaint, but the package that I sent to the currently listed 2019 Resident Agent address for WDM was sent back “Insufficient Address” Exhibits C-E
- 5.) On Page 12 Line 18 of the transcript for Aidan Kearneys deposition for 1865cv000052, when asked who Aidan Kearney was in contact with at Turtleboy Sports, Aidan Kearney said under penalties of perjury “I don’t know anyone’s name”. But on December 5th 2018 Aidan Kearney published a podcast on Itunes, and starting at 1.02.03 (Exhibit I track 2) Aidan Kearney admits that he has known three of his primary bloggers names, and minutes later in the same podcast he said he makes new bloggers sign NDAs, which would mean he knows their names as well.

G.L. Ch.268 13B Witness Intimidation²

- 6.) Aidan Kearney and his blog have turned harassment and the destruction of his victims lives into a sport. He has used his weapon on me and my first witness as punishment for our participation in court, and to deter unfavorable witnesses, which has also created a dangerous and unfair environment for discovery. In the first 90 seconds of Aidan Kearney’s August 8, 2019 speech, titled “Turtleboy is a wartime conservative” (Exhibit I

² The legislator rewrote Ch 268 s13b in 2018 for a reason, it is due for a fresh interpretation.

track 1) Aidan Kearney described his business as a blog that has “weaponized public shaming, and used it as a deterrent to ratchet public behavior.” See also Exhibit I

7.) Aidan Kearney has harassed, punished, harmed, and retaliated against me for my participation in 1879CV00344 on several occasions including but not limited to the following:

- a.) On or about 8/2/2019 someone convinced an extremely disgruntled person operating a Facebook account named Jay Mass, that I Rian Waters was the real person behind Turtleboy Sports. Aidan’s business used my Facebook photo for two weeks to further confuse him and intimidate me.
- b.) On June 23rd 2019, Aidan Kearney hosted a live online show, and published it on itunes. After discussing 1879CV00344, Aidan Kearney said “ **If you fuck with me in court you will be made an example of, I’m going to ruin your life... and I’m a vindictive fuck too**, I’m the guy that can be very friendly to you, and be nice. **But if you poke me I am going to ruin you, I dream, I get fucking hard over it right, I cum to it, when I think about, litterally I bust a fucking load thinking about punishing you. So please bring it on, I really enjoy it, I really really enjoy it.** (Starting at 1.33.00 on the podcast downloaded from Itunes)
- c.) On or about July 11th 2019 Aidan Kearney hosted a show online, and published it on Soundcloud.com. Starting at 27:00 Aidan said he was going to talk about Rian Waters, and then he discussed my motion and said various harassing statements. At 39:54 he said “your never going to get a job again, you cant, i agree with you

on that, and you shouldn't because any company that hires you we're going to find them, we're going to let them know who you are, and who hired you"...

- d.) On or about November 11th 2018, Aidan Kearney said on his recorded online show that he was going to "murder me with words, and that he was going to bury me" after saying he hoped I was listening. He also called my first witness Michael Gaffney my boyfriend.
- e.) On November 13th 2018, Aidan Kearney published a book (I am Turtleboy) that falsely stated that he knew for a fact that I committed several crimes, and misrepresented details of a prior criminal case to make me look guilty.
- f.) At the January 9th 2019 hearing, Aidan Kearney stared me down the entire time in the courtroom leading up to our case in a very intimidating manner. On January 14th 2019 on his live show recorded online with youtube, Aidan admitted to staring me down the whole time, and then said that one of his writers thought I was intimidated.
- g.) On January 13th 2019, and February 3rd 2019, Aidan Kearney's website TurtleboySports.com published several harassing images that were created with an editor, including some that photoshopped my first witnesses face and my face from our facebook profiles, and placed them on images of homosexual men in bed.
- h.) Turtleboy Sports published articles or online shows harassing me on 01/04/19, 01/06/19, 01/07/19, 01/08/19, 01/09/19, 01/13/19, 02/13/19, 05/10/19 All of the

blogs, and online shows had inaccurate, exaggerated, and slanted claims that are pulled out of context.

8.) Aidan Kearney has made it clear that the articles written about me and my first witness are punishment for our participation in court proceedings

a.) On or about January 14th 2019 (Exhibit I track 7 1.26.00), Aidan Kearney said he didn't know who I was before the lawsuit, and said it could have all gone away, but that I chose to bring it up, and that now I would be famous forever.

b.) On May 20th 2019 Aidan Kearney wrote the following about the Plaintiff from his newest lawsuit. "This idiot had the chance of walking away and not having his name plastered all over the Internet for eternity. He chose not to take it. Now he's gonna turn into Mike Gaffney and Rian Waters. I am going to continue to use my constitutionally protected free speech rights to urge everyone who knows how to Google to avoid him like the plague."

9.) On July 11th 2019 Turtleboy Sports published a podcast on Itunes, and at (40:30) Aidan Kearney says that it was "blatantly obvious" that in the beginning a lawyer was writing my filings, and that now I am writing them. But I wrote all of my filings, the obvious difference in quality is because of the Adjustment Disorder caused by Aidan Kearney's harassment.

10.) Aidan Kearney is the Defendant and sole owner, officer, and manager of the Defendant companies in Civil Action No. 1879CV00344, Worcester Digital Marketing LLC (WDM), Turtleboy Enterprises LLC, Aidan has stated in an affidavit that WDM owns and operates all Turtleboy Sports social media platforms.

- 11.) Most of the harassment took place shortly before the scheduled hearings for 1879CV00344 that were scheduled on 11/20/18, 01/09/19, and 01/17/19. The timing of the harassment significantly impaired my ability to argue the merits at the scheduled hearings.
- 12.) I have been diagnosed with Adjustment Disorder and Aidan Kearney's actions are the marked stressor and cause of the disorder. Aidan Kearney knows about the condition, but has continued to harass me since.

Signed under penalties of perjury

Rian Waters

(530)739-8951

Watersrian@gmail.com Dated:

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN COUNTY,

SPRINGFIELD DISTRICT COURT

1923AC002799

1923AC002146

RIAN WATERS,
Complainant

AIDAN KEARNEY,
Defendant

Complainant's memorandum in support of redetermination

Now Comes the complainant, Rian Waters, who respectfully requests that pursuant of G.L. c. 276, § 22 and G.L. c. 218, § 35, that this court consolidate both of my criminal applications, and make a de novo redetermination. The decisions were erroneous as the Defendant clearly violated the 2018 amended version of Gl. ch 268 s 13B.

Background:

I filed a lawsuit against Aidan Kearney for defamation in May 2018. Aidan Kearney did not answer in the prescribed time, and was defaulted. Aidan Kearney signed an affidavit on September 24th 2018, stating that I tried to extort him, and he misrepresented emails to provide a “good cause” for defaulting. After Aidan Kearney harassed my roommate, first witness, and myself, I told judge Jane Mulqueen that the harassment and violations of GL 268 s 13b had made it too dangerous and prejudicial for me to name or depose witnesses. Judge Jane Mulqueen alleged that she couldn't look into criminal allegations, and told me to talk to the police. The State Police said they didn't have jurisdiction, and informed me that I could file a private criminal complaint. The September 25th 2019 hearing for

1923AC002146¹ was for Aidan Kearney's perjury and witness intimidation in 1879cv00344. Aidan Kearney harassed and intimidated me before the September 25th 2019 hearing, and once I read **Commonwealth v. Cathy C., 64 Mass. App. Ct. 471, 472 (Mass. App. Ct. 2005)** I realized that he said the exact words that were the sole reason for a conviction, at a time when GL ch. 268 S 13b was significantly narrower. I filed another application for a criminal complaint (1923AC002799) which was heard on December 17th 2019. At the December 17th hearing the clerk magistrate denied the application because he didn't think I was intimidated, and he cited the pre 2010 elements for witness intimidation.

In November 2018 less than 10 days before the default hearing, Aidan said on an internet show that he was going to kill me with words(2146 P.7d). I no longer felt safe living at my residence, because I knew that Aidan had trained his followers to ignore his cautionary terms, and harass his subjects. I immediately decided to move out to protect both my roommates and myself from harassment. In January 2019 my ex roommate contacted him asking to take down her address for safety concerns. Aidan said "he dragged you into this by using your address to sue fucking Turtleboy... were the ones you don't do that to unless you want to get your shit blown up."(2799 P.2 and E.b)

Starting in November 2018 Aidan Kearney relentlessly harassed Michael Gaffney because Mr. Gaffney filled out an affidavit for my opposition to the Defendant's motion to remove default. On January 13th 2019, and February 3rd 2019, Aidan Kearney's website TurtleboySports.com published several harassing images that were created with an editor, including some that placed my first witnesses face

¹Paragraphs and exhibits for 1923AC002146 will be cited (2146 P.# and E.#) and 1923AC002799 will be cited (2799 P.# and E.#)

and my face from our facebook profiles, and placed them on images of homosexual men in bed. (2146 P.7G and E. presented during hearing)

At the January 9th 2019 hearing, Aidan Kearney stared me down the entire time in the courtroom leading up to our case in a very intimidating manner. On January 14th 2019 on his live show recorded online with youtube, Aidan admitted to staring me down the whole time, and then said that one of his writers thought I was intimidated. (2146 P.7F) “Defendant was properly convicted of witness intimidation because the victim understood his statements to be a threat, he “stared her down” in court, and his actions occurred while criminal charges were pending against his son for a property crime against the victim.” Commonwealth v. Carvalho (Mass. App. Ct. Jan. 13, 2016

Argument:

Everyones Intimidated of Aidan Kearney

An important factor to consider is that when fundraising, Aidan Kearney describes his business as a blog that has “weaponized public shaming.” (2146 P.6) The witness that was going to testify for me, but the clerk refused to allow, was going to explain why a reasonable person would be alarmed, annoyed, and would suffer substantial emotional distress from Aidan Kearney’s articles and statements.

I contacted at least twenty different lawyers seeking regular or LAR representation for the December 17th hearing. One lawyer said “as much as I would love to have my career destroyed, and be harassed by hundreds of strangers on the internet, I have a hearing that day. You do realize that I would be next right?” I certainly couldn’t disagree with him. “The assessment whether a defendant made a threat to a witness is not confined to a technical analysis of the precise words uttered; the jury may consider the

context in which the allegedly threatening statement was made and all of the surrounding circumstances.”

Commonwealth v. Carvalho, 88 Mass. App. Ct. 840, 841 (2016)

I was intimidated by Aidan Kearney, but it’s irrelevant.

On October 22nd 2019, Aidan Kearney said online while talking about the September 25th hearing “you were petrified of me in court, it was very satisfying.” (2799 E.A) Because of the harassment before the hearing, I forgot what I was trying to say multiple times, and I couldn't even remember where I went to therapy. “Mass. Gen. Laws ch. 268, § 13B punishes anyone who "willfully endeavors" to intimidate a witness; it does not require that the intimidation be successful.” Commonwealth v. Robinson, 444 Mass. 102, 102 (2005) In the Robinson case photographing the complainant’s family on the same day, but after a show cause hearing was adequate for conviction. “There was also sufficient evidence that the defendant's purpose was to influence the witness's testimony. In the McCreary case, the defendant did not explicitly state that he was trying to intimidate the witness, but the "place, time, and circumstances" of his approach brought him within the realm of the statute.” ID Robinson, at 111

Elements of Witness Intimidation

In 2018 the legislature amended GL ch. 268, § 13B making it significantly broader. (b) Whoever willfully, either directly or indirectly: (i) **threatens, attempts or causes** physical, **emotional or economic injury**... or (iii) misleads, **intimidates or harasses** another person who is a: (A) witness or potential witness; (B) person who is or was aware of information, records, documents or objects that relate to a violation of a criminal law...(D) **person who is or was attending** or a person who had made known an intention to attend a proceeding described in this section... with the intent to or with reckless disregard for the fact that it may; (1) impede, obstruct, delay, prevent or otherwise interfere with: a

criminal investigation at any stage, a ... a **motion hearing**..., or **any other civil proceeding** of any type; or (2) **punish, harm or otherwise retaliate** against any such person described in this section for such person or such person's family member's participation in any of the proceedings described in this section, shall be punished... The legislature also defined "Harass", in the context of GL ch. 268, § 13B as "to engage in an act directed at a specific person or group of persons that **seriously alarms or annoys such person or group of persons and would cause a reasonable person** or group of persons to **suffer substantial emotional distress** including, but not limited to, an act conducted by... internet communications"

I argue that the second element is satisfied because as a pro se litigant, I am a "person who is or was attending" motion hearings for 1879cv00344, and most of Aidan Kearney's harassment was shortly before the motion hearings. The first element can be satisfied in numerous ways;

1. **Emotional injury** Aidan Kearney is the identified cause and stressor of my adjustment disorder. Even after Aidan learned of my diagnosis in March of 2019, he continued to harass me before hearings. (2146 P.12)

2. **Economic injury**, Aidan Kearney has been intentionally preventing me from working. On or about July 11th 2019 Aidan Kearney hosted a show online, and published it on Soundcloud.com. Starting at 27:00 Aidan said he was going to talk about Rian Waters, and then he discussed my motion and said various harassing statements. At 39:54 he said "your never going to get a job again, you can't, I agree with you on that, and you shouldn't because any company that hires you we're going to find

them, we're going to let them know who you are, and who hired you" (2146 P.7c) Before this case I was an executive, and now I am too afraid for a business's well-being to have me as a public face.

3. Harasses, I argue that the doctored images of Michael Gaffney and myself that Aidan published, as well as the articles that his business published before the TRO and preliminary injunction hearings (which Aidan knew would cause hundreds of his followers to harass me)

As well as him treating me "like an animal" (2799 E. recording played during hearing) before the September 25th hearing, was all harassment.

4. Punishment, Aidan Kearney has made it clear that the articles written about me and my first witness are punishment for our participation in court proceedings. On May 20th 2019 Aidan Kearney wrote the following about the Plaintiff from his newest lawsuit. "This idiot had the chance of walking away and not having his name plastered all over the Internet for eternity. He chose not to take it. Now he's gonna turn into Mike Gaffney and Rian Waters. I am going to continue to use my constitutionally protected free speech rights to urge everyone who knows how to Google to avoid him like the plague." (2146 P.8b)

After the December 17th hearing, Aidan used his weaponized public shaming blog to punish the potential witness that came with me. His blog accused her of getting in bed with me, and encouraged his followers to call DCF on her because she brought her son to the hearing on a snow day.

The timing of harassment shows intent

Most of the harassment took place shortly before the scheduled hearings for 1879CV00344 that were scheduled on 11/20/18, 01/09/19, and 01/17/19 (2146 P.7h&11). The timing of the harassment significantly impaired my ability to argue the merits at the scheduled hearings. "the timing of the

defendant's actions makes it more, rather than less, likely that he was trying to intimidate the witness.”

Commonwealth v. Robinson, 444 Mass. 102, 109 (2005)

Interpretation

In *Commonwealth v. Muckle*, the police and clerk magistrate had no problem interpreting the 2010 version of GL c 268 s 13b, “[A] statute must be interpreted according to the intent of the Legislature ascertained from all its words construed by the ordinary and approved usage of the language, considered in connection with the cause of its enactment, the mischief or imperfection to be remedied and the main object to be accomplished, to the end that the purpose of its framers may be effectuated.” Commonwealth v. Muckle, 90 Mass. App. Ct. 384, 391 (2016), quoting from Commonwealth v. Figueroa, 464 Mass. 365, 368, 982 N.E.2d 1173 (2013) “[A]n official title to an act does not control the plain provisions of the statute, and, if there is any variation between the title and the body of the statute, the latter governs.” Commonwealth v. Muckle, 90 Mass. App. Ct. 384, 392 (2016) quoting from Wilcox v. Riverside Park Enterprises, Inc., 21 Mass. App. Ct. 419, 420 n.2, 487 N.E.2d 860 (1986).

Paul Muckle was a pro se litigant, and the victim was opposing counsel who was representing a bank. Paul Muckle’s crime was publishing statements on the internet, that considering the context were significantly less threatening than Aidan Kearney’s statements. Before 2010 GL. c.268 s.13b was not applicable to civil matters, but since the banks are powerful, they had no problem being protected by the new law. But in the instant case, Aidan Kearney is the powerful party, which leaves me with no protection. If roles were reversed, and I trained a cultish public shaming blog to ignore my cautionary terms, and I directed the blog to harass Aidan Kearney, his roommate, and cofounder, I would go to prison just like Paul Muckle did. “The purpose for which courts are established is to do justice. A

fundamental principle of free institutions was stated by Hamilton in these words: 'Justice is the end of government. It is the end of civil society. It ever has been, and ever will be pursued, until it be obtained or until liberty be lost in the pursuit. In a society, under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign, as in a state of nature where the weaker individual is not secured against the violence of the stronger.' (The Federalist, ed. 1864, No. 51, p. 401.)" Crocker v. Justices of the Superior Court, 208 Mass. 162, 179-80 (Mass. 1911)

Conclusion:

Based on the foregoing, I respectfully ask that this court issue a criminal complaint against Aidan Kearney, and consider issuing a protective order, to protect my witnesses, this court, and this court's family from being harassed on Aidan Kearney's weaponized public shaming blog.

Respectfully Submitted,

Rian Waters



199 Allen ST East Longmeadow

MA 01028

(530)739-8951

Watersrian@gmail.com Dated: December 31st, 2019

<  **Turtleboy Sports Forever**
Messenger



Turtleboy Sports Forever

29K people like this including Bill Porfilio and 14 friends

Public Figure

2:32 PM

Hi, could someone please give me a call at _____ ASAP, if not sooner? I just NEED to speak with someone real quick about a safety issue you guys (unknowingly, of course) put a disabled woman and child in and could very easily fix with a quick photo crop, but we are in danger for every moment our information stays up online, I'll explain to whomever calls me, thank you so much!

Again I know for sure that you guys did not do anything intentional but it actually IS a huge danger for an innocent



<  **Turtleboy Sports Forever**
Messenger



He listed your address as his address. Thats on him, not on us. I suggest you bring it up with him, since I'm sure you know how to contact him, and then get back to us about what he's going to do about it



Okay if that's what he needs to do I'm sure he will

But i can promise you he does not live here

get it done and then we can talk. If he did indeed lie about where he is living just know that I will be contacting our lawyer about this and will be pursuing both criminal and civil charges against him. Very serious



How about in the meantime you



<  **Turtleboy Sports Forever**
Messenger



i wanna see

and i want him to message
this page.

I will tell him to message you

how do you feel about him
using your address? Why is
he using your address? He
dragged you into this by
using your address to sue
fucking Turtleboy. Do you
understand how fucking
stupid that is?

We're the ones you don't do
that too unless you want to
get your shit blown up

I want answers from you too.
I want to know why he used
your address

and i want to know exactly

<  **Turtleboy Sports Forever**
Messenger



He is evil. Why are you
friends with such an evil
person?

He said he already changed it
with turtleboy?

I don't know to want and quite
frankly don't want to know
anybody's address

he hasn't changed shit. The
address in east longmeadow
is still listed on the court
documents

did you ask him why he used
your address? I want to see
screenshots of that convo

Well I don't know what to tell
you but that's what he just said
to me !!



COMMONWEALTH OF MASSACHUSETTS

HAMPDEN COUNTY,

SPRINGFIELD DISTRICT COURT
1923AC002799

RIAN WATERS,
Complainant

AIDAN KEARNEY,
Defendant

12/17/19
Allowed in part by assent of left.
The records and recording
of the hearing will be
open to public access, but
the hearing itself is closed.

19
11
21
SPRINGFIELD
DISTRICT COURT

EMERGENCY MOTION TO MAKE THE SHOW CAUSE HEARING OPEN TO PUBLIC

John
H/m

Now Comes the complainant, Rian Waters, who respectfully requests that this court record and allow public access to the show cause hearing. This is only an emergency because the hearing is Tuesday December 17th, 2019, and the Complainant does not want a continuance.

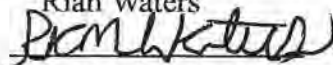
Reasons

1. Aidan Kearney has already posted the application for a criminal complaint on his business's Facebook page, and invited the public to attend. (Exhibit A) "Where an incident has already attracted public attention prior to a show cause hearing, the interest in shielding the participants from publicity is necessarily diminished, while the public's legitimate interest in access is correspondingly stronger." Eagle-Tribune Publ. Co. v. Clerk-Magistrate of the Lawrence Div. of the Dist. Court Dep't, 448 Mass. 647, 647 (2007)
2. Aidan Kearney is a public figure who is the outspoken owner and editor of Turtleboy Sports, which publicly he calls a news agency. Aidan Kearney has published all the submitted exhibits from the September 25th show cause hearing for 1923AC002146, and certainly will do the same for this one.

3. Aidan Kearney often brags about his influence with the police, and in the court system, and harrasses people on a daily basis. Most of his victims are rightfully too scared to say anything. The public should know if the system protects him with impunity. "It is desirable that [judicial proceedings] should take place under the public eye, because it is of the highest moment that those who administer justice should always act under the sense of public responsibility, and that every citizen should be able to satisfy himself with his own eyes as to the mode in which a public duty is performed." Republican Co. v. Appeals Court, 442 Mass. 218, 222, 812 N.E.2d 887 (2004), quoting Cowley v. Pulsifer, 137 Mass. 392, 394 (1884) (Holmes, J.). "The transparency that open proceedings afford may be especially important if a well-publicized show cause hearing results in a decision not to bring criminal charges, thereby ending the matter. In such cases, the public may question whether justice has been done behind the closed doors of the hearing room." Supra Eagle-Tribune Publ.
4. The purpose of making show cause hearings presumably private is because "citizens should be spared personal embarrassment whenever possible." But Aidan Kearney has described his blog as a weaponized public shaming device, and he regularly shames and accuses citizens of crimes without any evidence besides hearsay. Protecting him from publicity would be very ironic and unjust.

Respectfully Submitted,

Rian Waters



199 Allen ST East Longmeadow

MA 01028

(530)739-8951

Watersrian@gmail.com Dated: December 11th, 2019

Please note that you must comply with any court rules that govern your specific motion. Attach any materials you wish the Court to consider. Include all reasons for your motion; failing to include a reason may bar you from raising it later. As indicated on the front of this form, note that any factual statements are made under the penalties of perjury.

Explanatory Memorandum

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN COUNTY,

SPRINGFIELD DISTRICT COURT

1923AC002799

1923AC002146

RIAN WATERS,
Complainant

AIDAN KEARNEY,
Defendant

Complainant's Request for Explanatory Memorandum

Now Comes the complainant, Rian Waters, who respectfully requests that this court explain the decision, or at the very state which element of the listed statutes require more evidence.

1. GL ch. 268, § 1
2. GL ch. 268, § 13B(b) (i) (iii)(A)(B) (D)(1) (2)

Respectfully Submitted,

Rian Waters

199 Allen ST East Longmeadow

MA 01028

(530)739-8951

Watersrian@gmail.com Dated: ~~December 31st, 2019~~

1/8/2020

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

SUPERIOR COURT
CIVIL ACTION
No. 1979 CV 0385

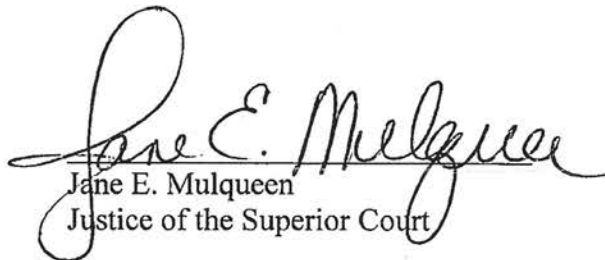
RYAN G. WATERS

vs.

AIDAN T. KEARNEY

**DECISION AND ORDER ON PLAINTIFF'S APPLICATION FOR HARASSMENT
PREVENTION ORDER UNDER G.L. c. 258E**

After hearing, and a thorough review of all submitted materials and relevant case law, the application for a harassment prevention order is **DENIED** as the court finds that the incidents alleged by plaintiff (November 11, 2018; January 9, 2019; February 3, 2019; and May 10, 2019) do not qualify as harassing conduct within the scope of G.L. c. 258E. See Van Liew v. Stansfield, 474 Mass. 31, 39 (2016) and Seney v. Morhy, 467 Mass. 58, 63 (2014).


Jane E. Mulqueen
Justice of the Superior Court

DATE: June 10, 2019

6-10-19

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