

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

No. _____

RIAN WATERS,
Petitioner/ Plaintiff
v.

AIDAN KEARNEY,
Respondent/ Defendant

HAMPDEN COUNTY SUPERIOR COURT# 1879CV00344

Criminal Record Appendix

Filed Pro se by Rian Waters

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Dated 10/12/2022

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/s/ Rian Waters 8/25/2022

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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.,*

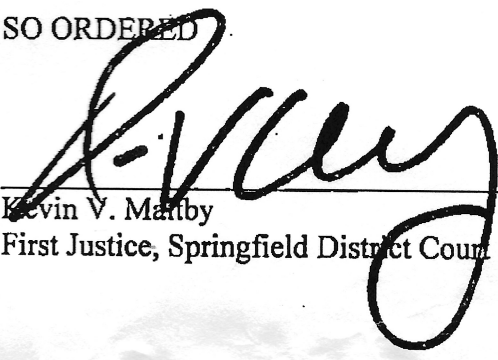
478 Mass. 759, 765 (2018), *quoting Bradford*, 427 Mass. at 751 (“even where the Legislature has given a private party the opportunity to seek a criminal complaint, we have uniformly held that the denial of a complaint creates no judicially cognizable wrong”).

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

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

EXHIBIT A

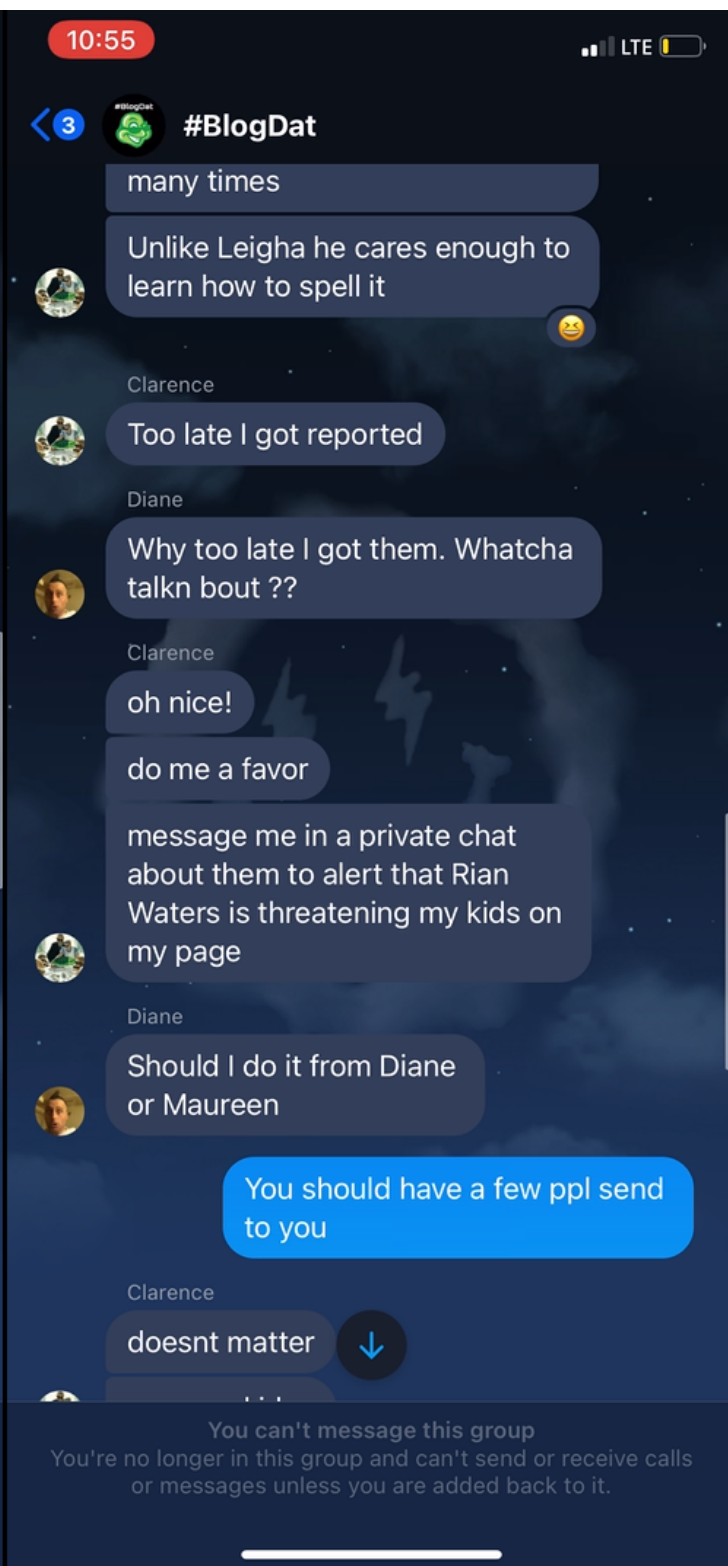
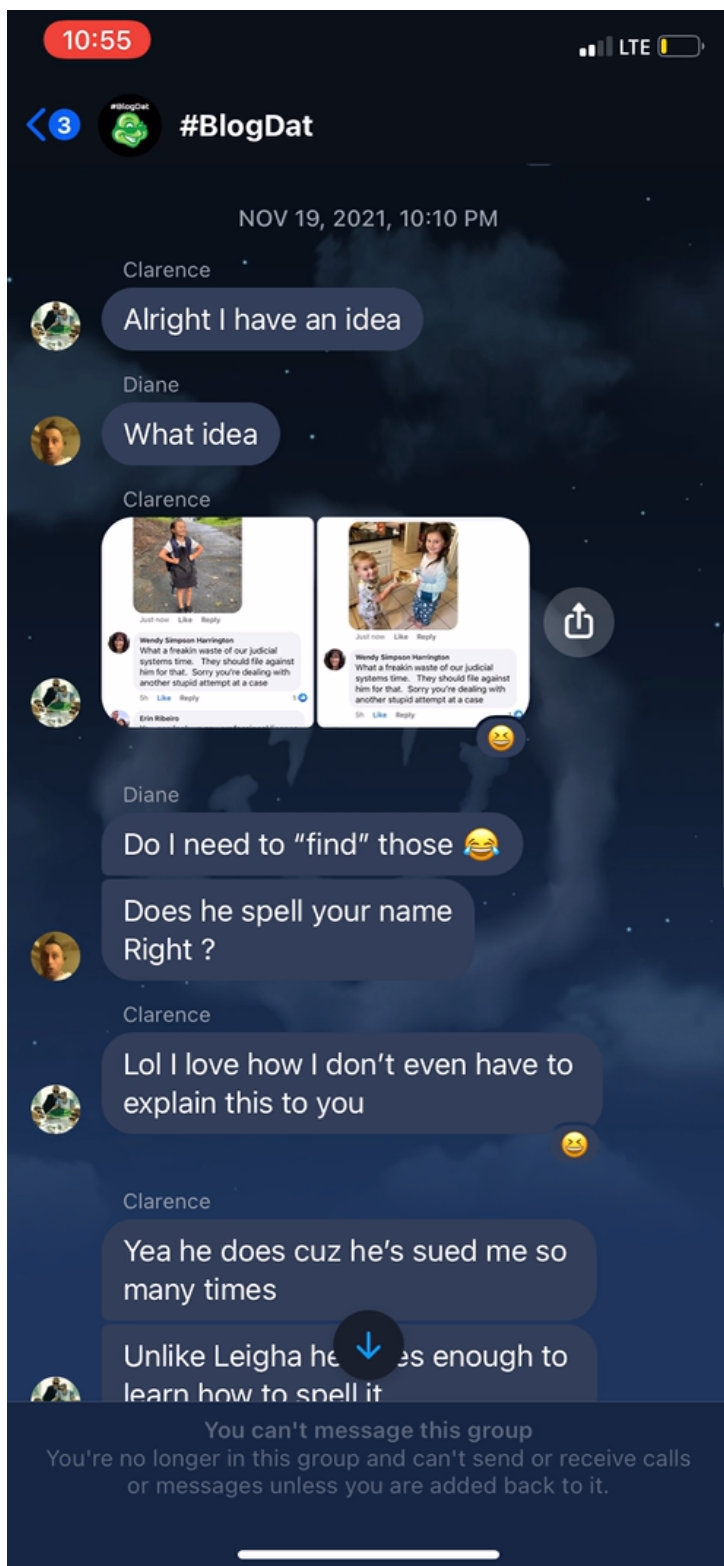


EXHIBIT A 01

02

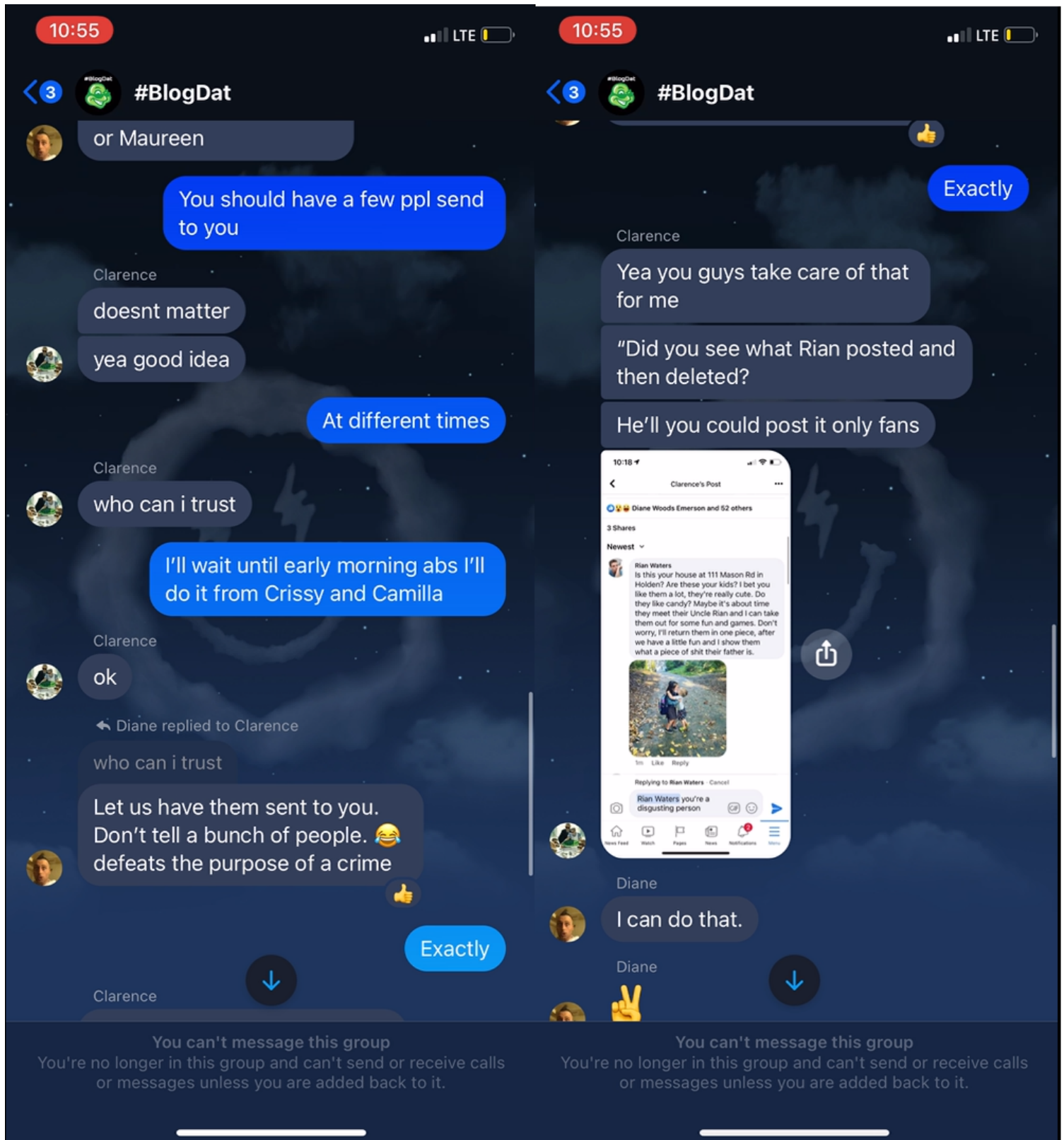


EXHIBIT A 03

04

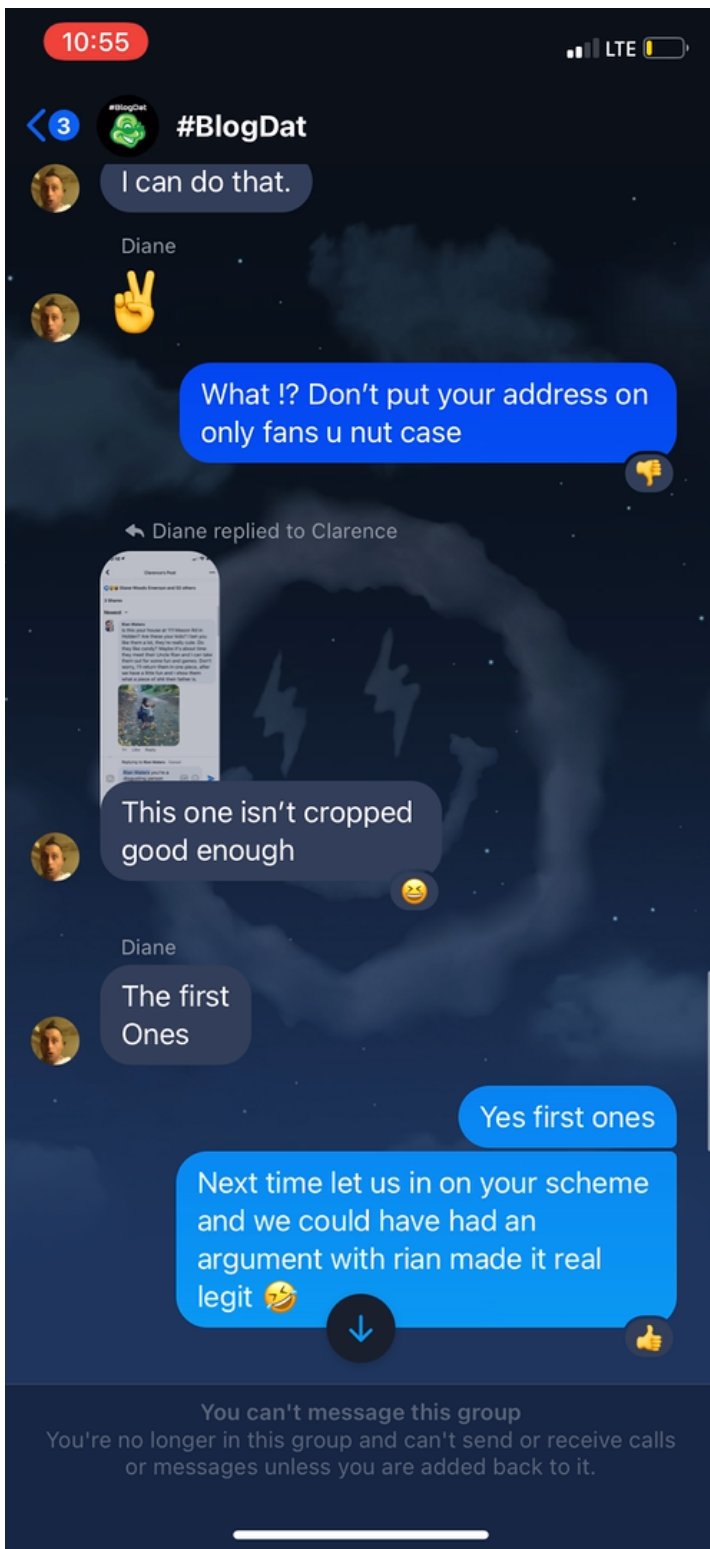
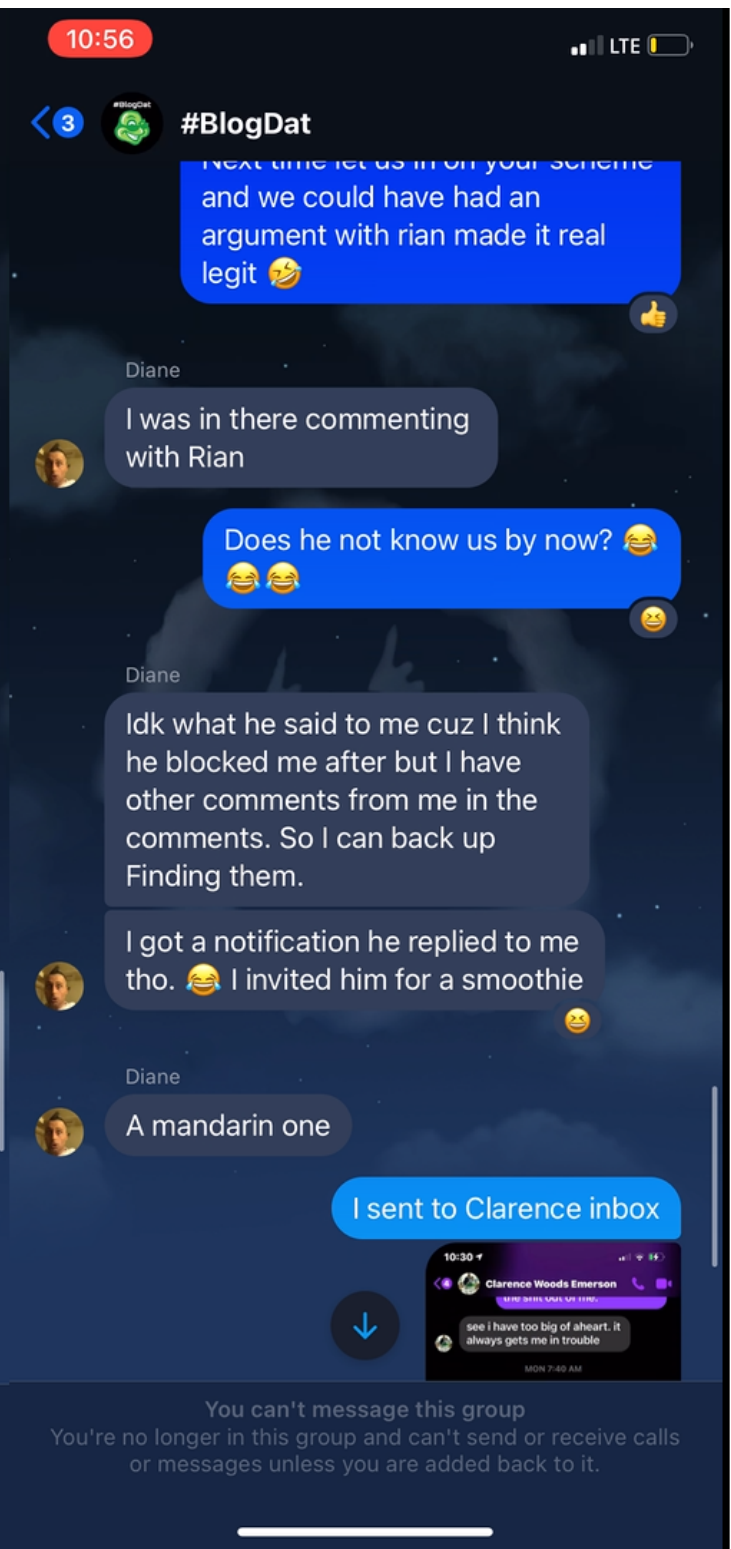


EXHIBIT A 05



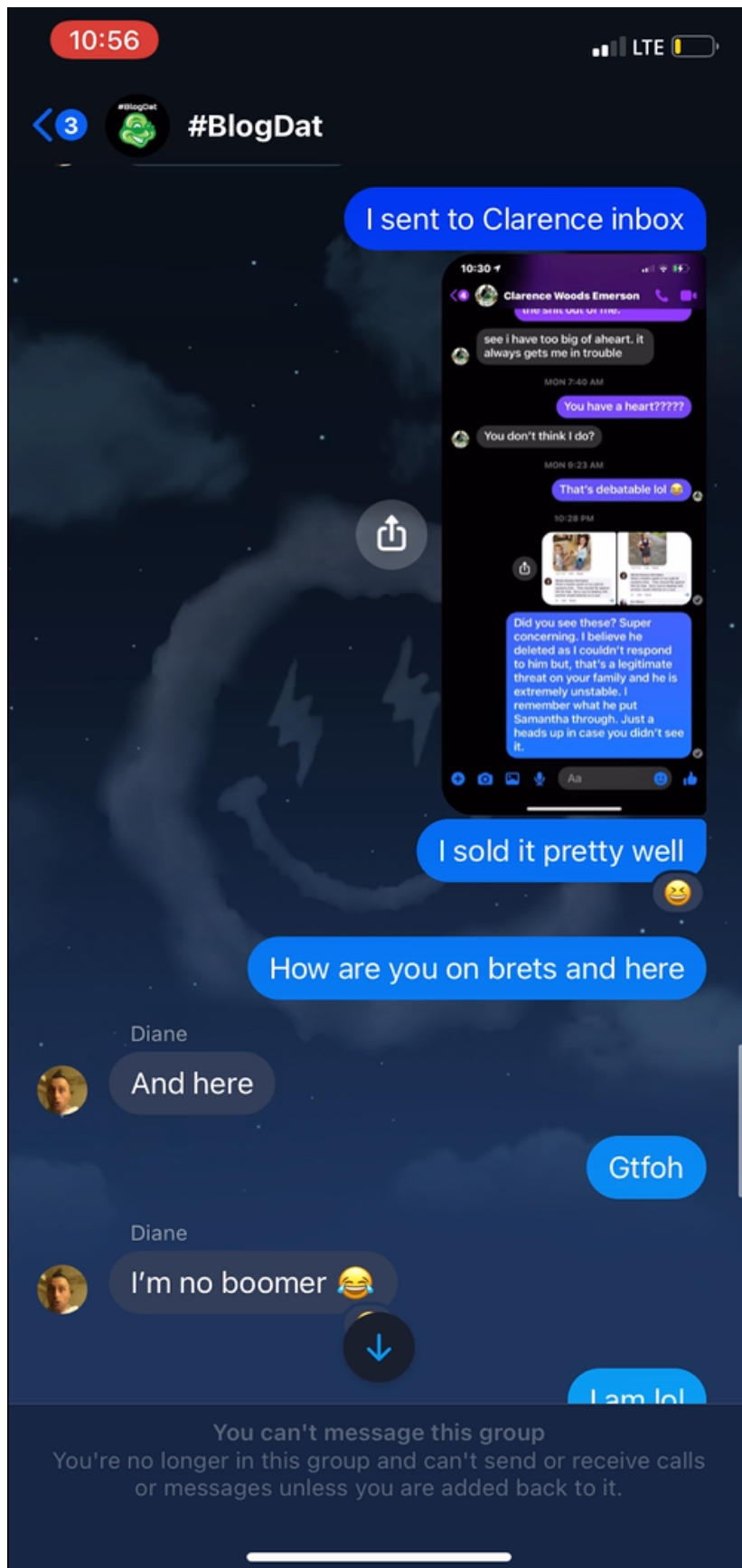


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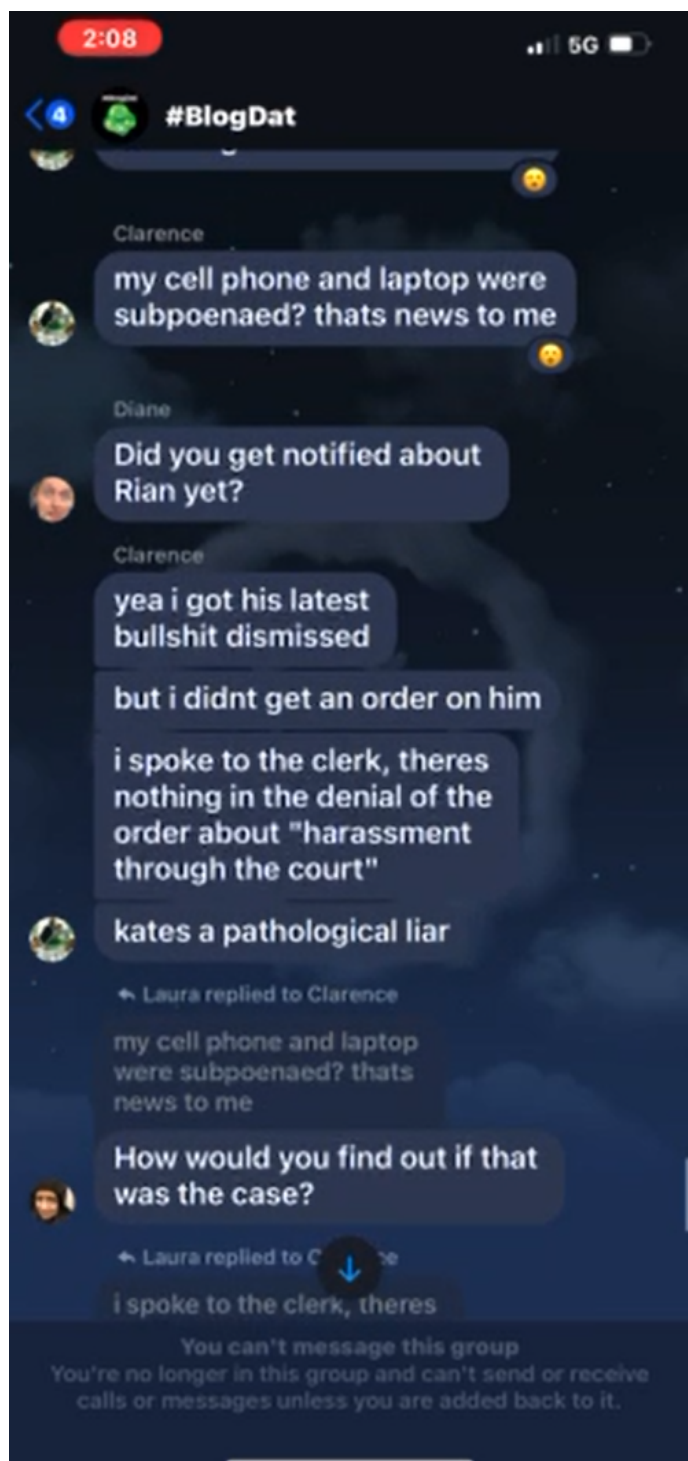


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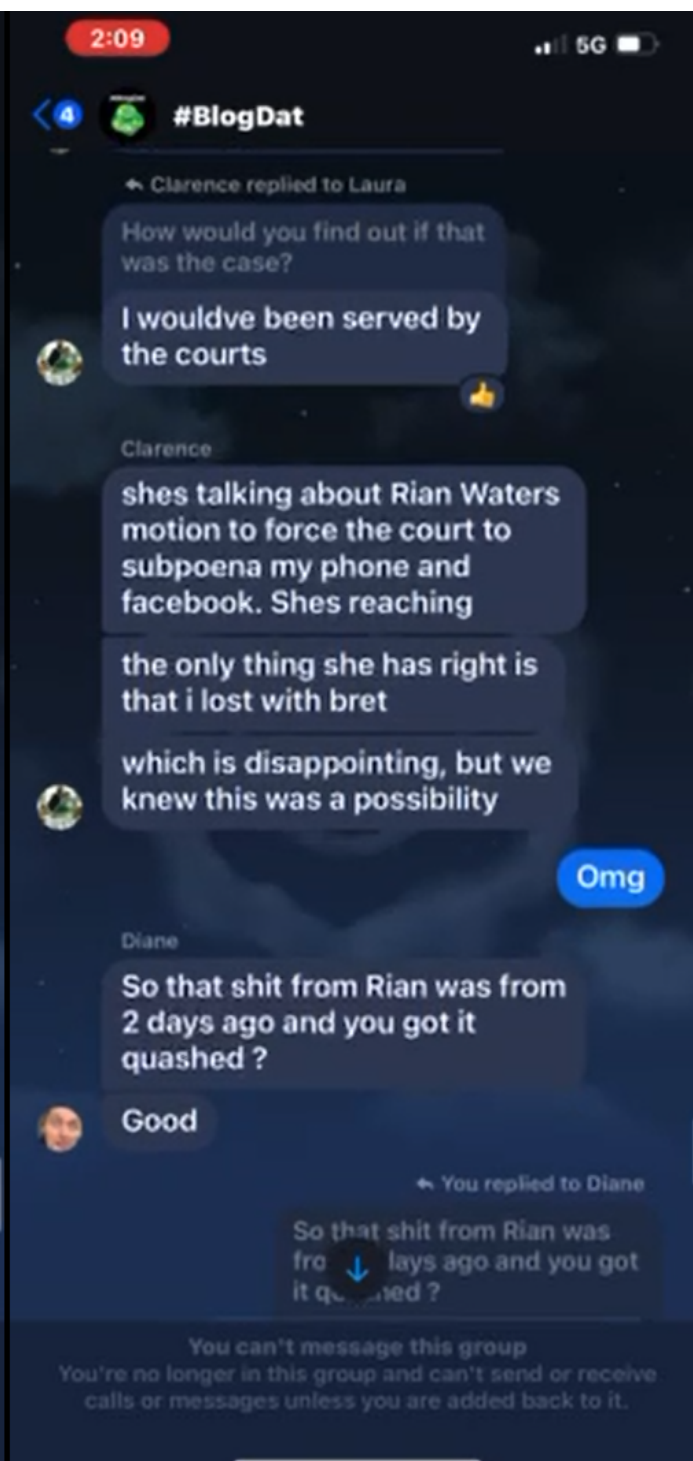


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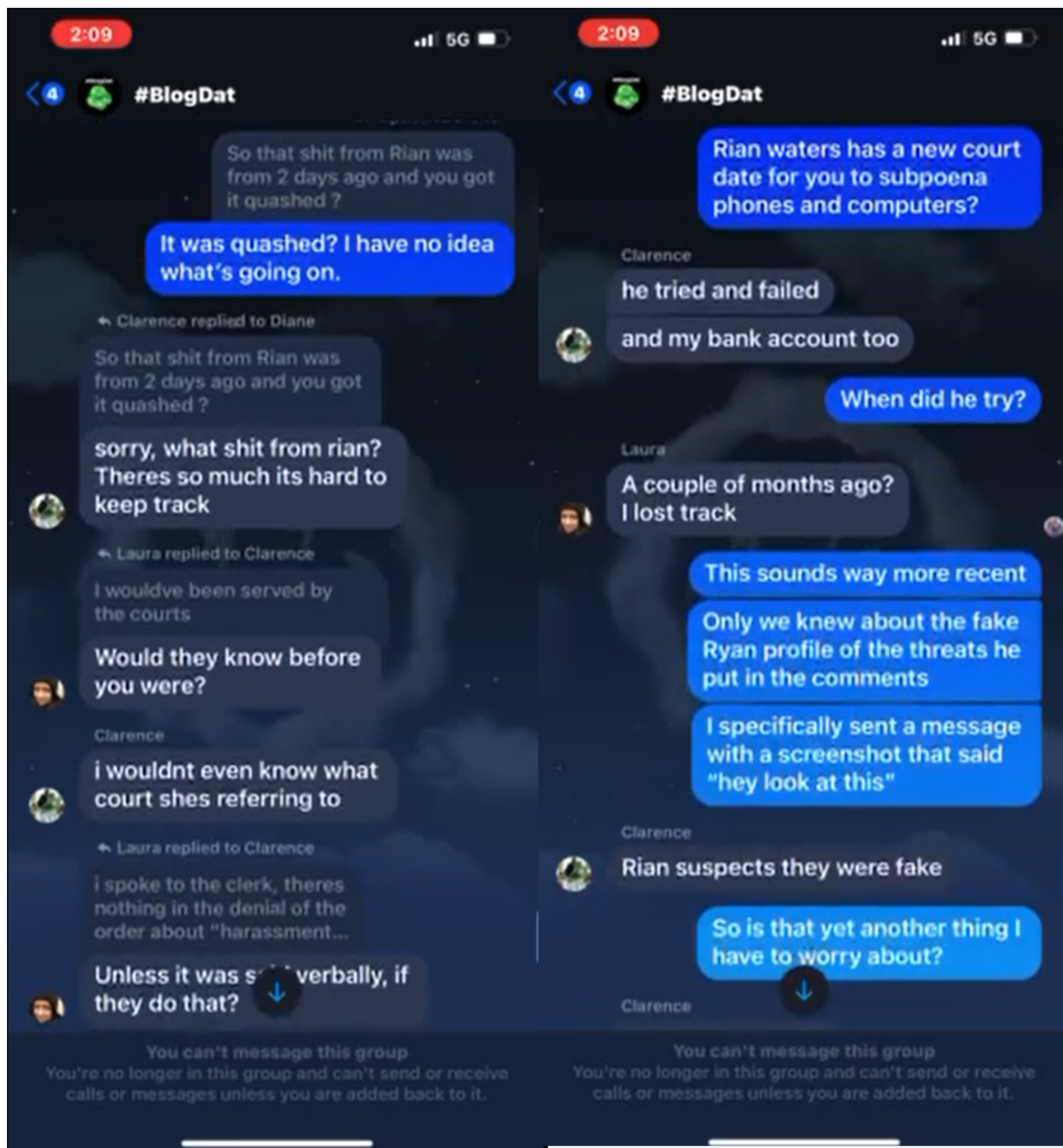


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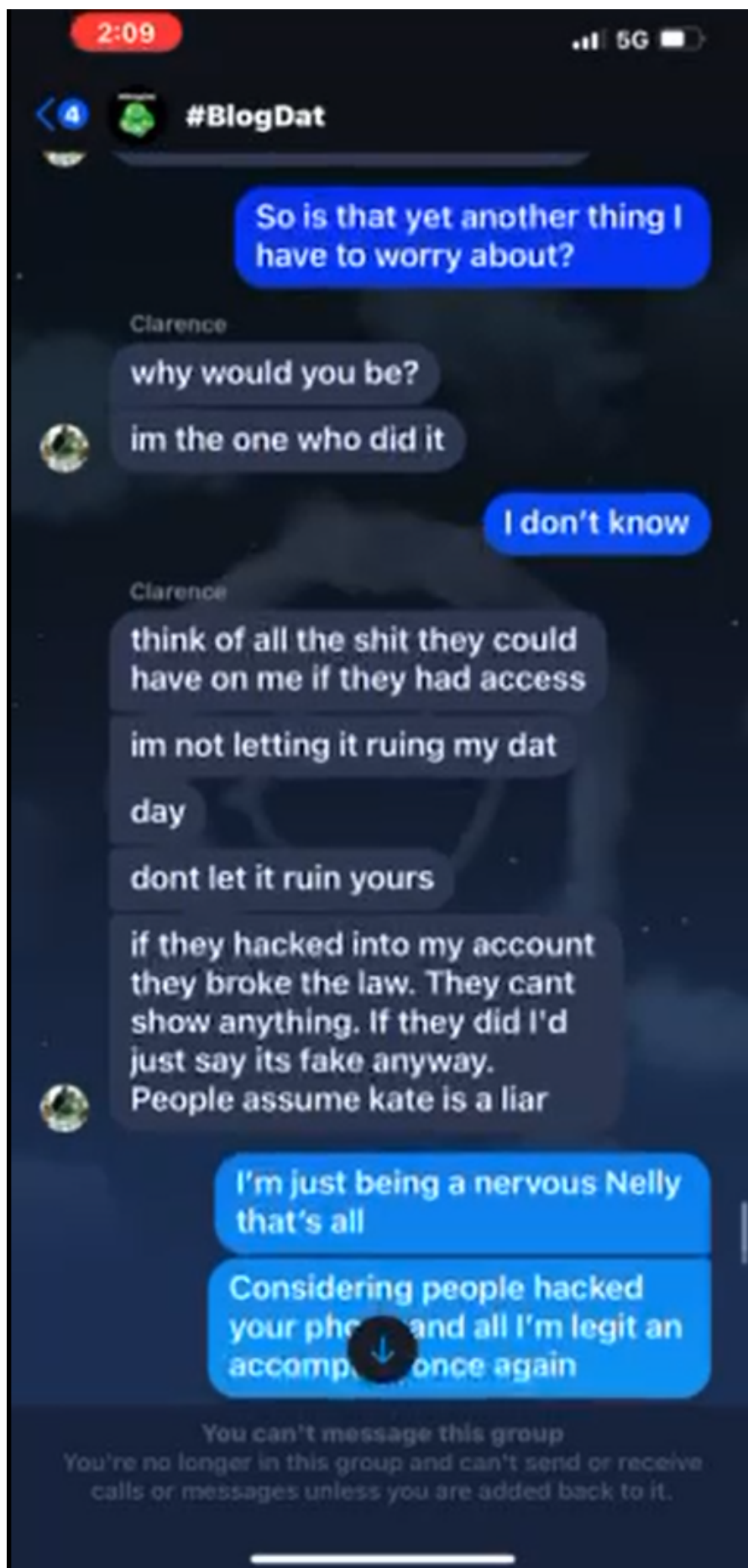


EXHIBIT A 13

EXHIBIT B

7:00



#BlogDat

NOV 19, 2021, 10:52 AM

Clarence

Sheriff just showed up at my house

SUMMONS AND ORDER OF NOTICE DOCKET NUMBER: 1879CV00344 Trial Court of Massachusetts The Superior Court

Case Name: Waters, Rian vs. Kearney, Aidan et al. DEPUTY SHERIFF

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 ~~NOTIFY~~ 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:

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: 11/19/2021
CHIEF JUSTICE OF THE SUPERIOR COURT: Hon. Heidi E. Brieger
ASSOCIATE JUSTICE: Hon. David Hodge
DEPUTY CLERK: *Ronnam Luke*

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

PARTY NAME: X

COMMONWEALTH OF MASSACHUSETTS

HAMPSHIRE COUNTY, 1879CV00344

RIAN WATERS, Plaintiff

vs.

DAVID KEARNEY, Defendant

Plaintiff's Amended Ex Parte Motion to Attach Defendant's Bank Accounts

Pursuant to MRCP 4.1, I Pro se plaintiff Rian Waters, move for this court to approve the attachment of Defendant Aidan Kearney's personal TD Bank account, and his TD Bank business bank account (Turbid Digital Marketing LLC, which is dissolved) in the amount of \$10,000 each (\$20,000 total). The court should grant the attachment because there is a reasonable likelihood that I will recover judgment in an amount equal to or greater than the amount of the attachment. Aidan Kearney does not have any relevant insurance, and there is a clear danger that the defendant if notified in advance of attachment of the

11-15-21

See Exhibit A.B. Summary changed Turbid Digital Marketing LLC on 11/15/21 for his bank account.

LLC's name to the original name

You can't message this group
You're no longer in this group and can't send or receive calls or messages unless you are added back to it.

Done

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. DEPUTY SHERIFF

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 ~~NOTIFY~~ 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:

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: 11/15/2021
CHIEF JUSTICE OF THE SUPERIOR COURT: Hon. Heidi E. Brieger
ASSOCIATE JUSTICE: Hon. David Hodge
DEPUTY CLERK: *Ronnam Luke*

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

RA013



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:

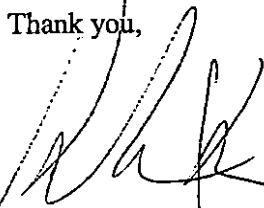
Rian Waters began psychotherapy with me in early October of 2018, when he was diagnosed with adjustment disorder (DSM code: F43.22) with anxiety and the target of perceived discrimination (ICD code: Z60.5). In order to meet criteria for adjustment disorder, one must have a lived identified stressor that 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 logins 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

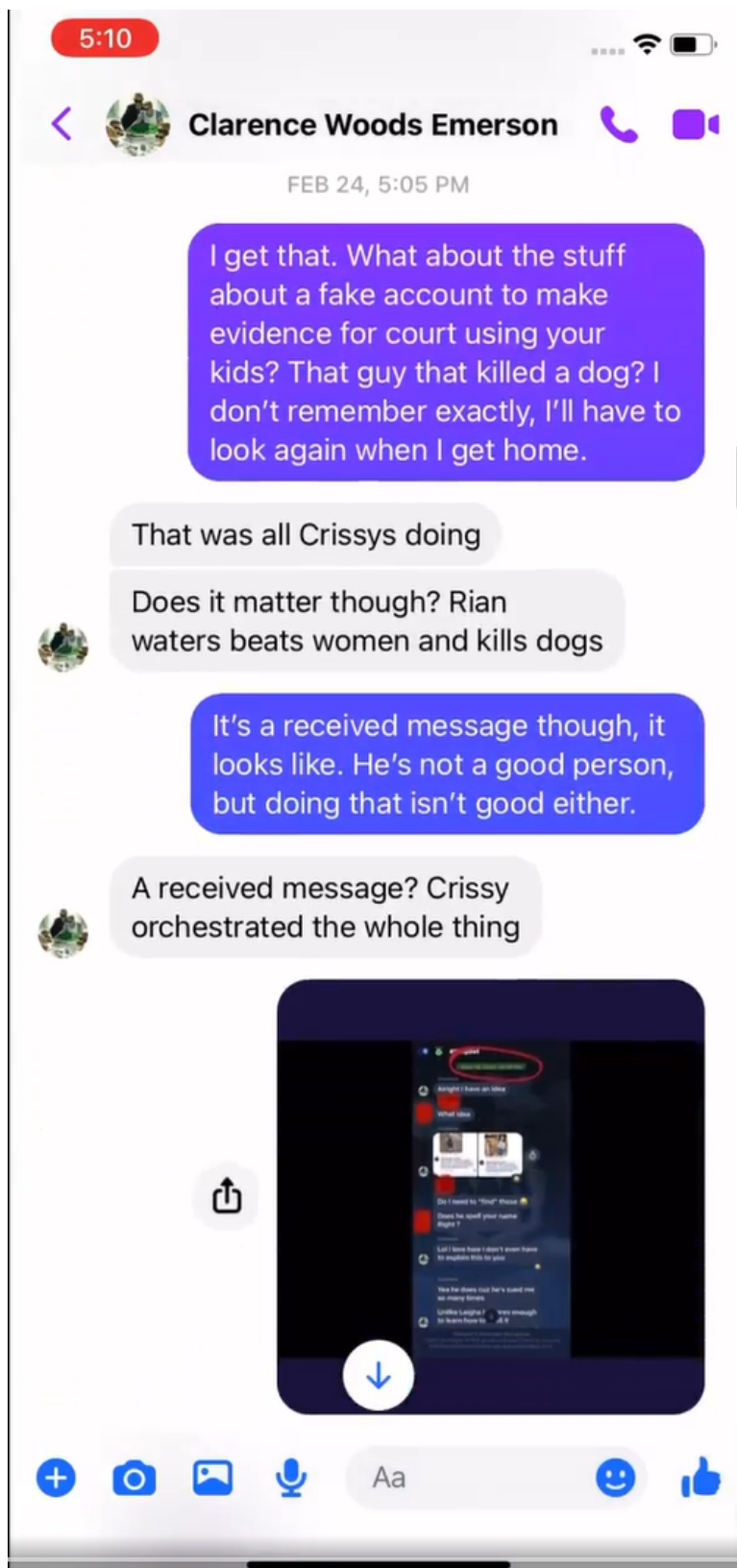
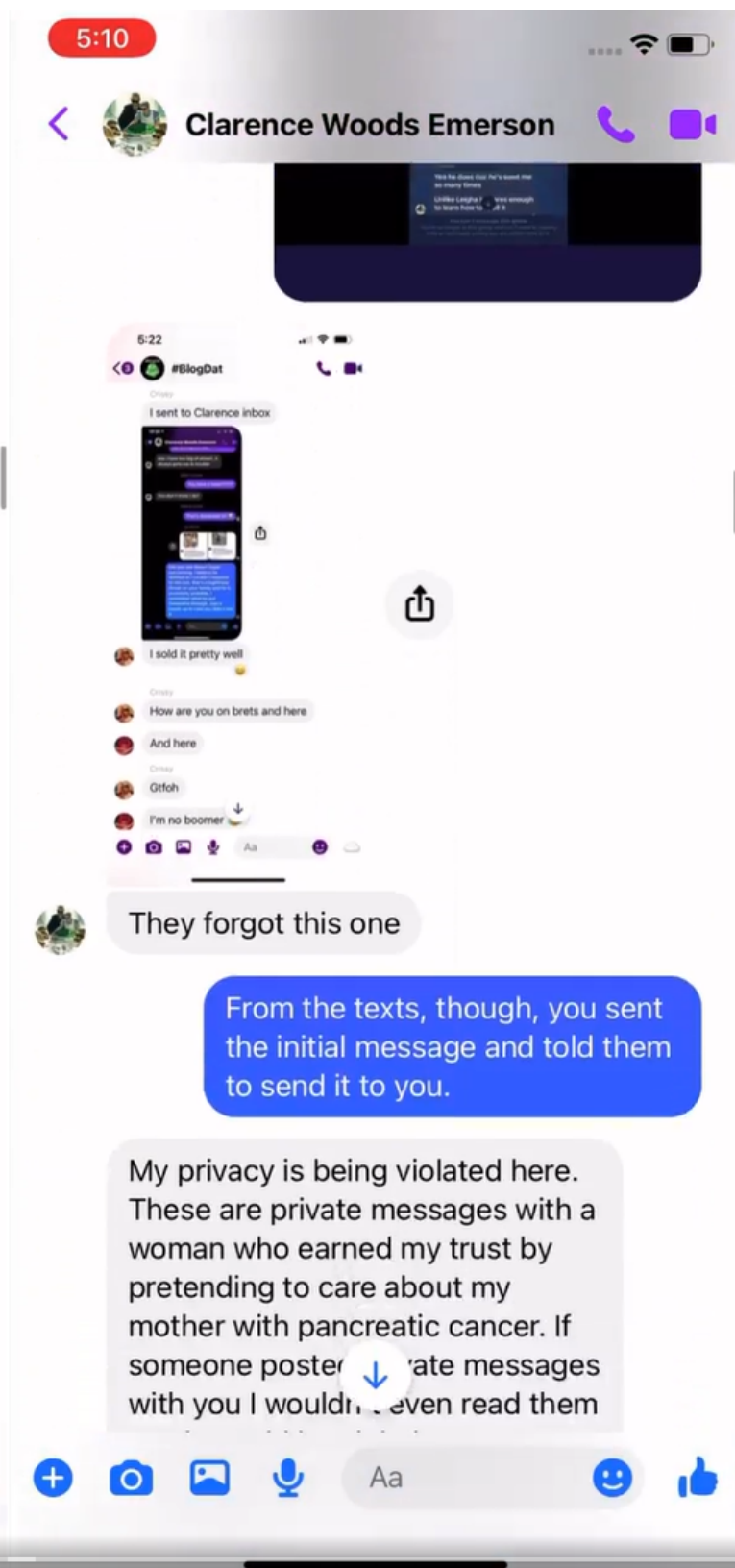


Exhibit D 01



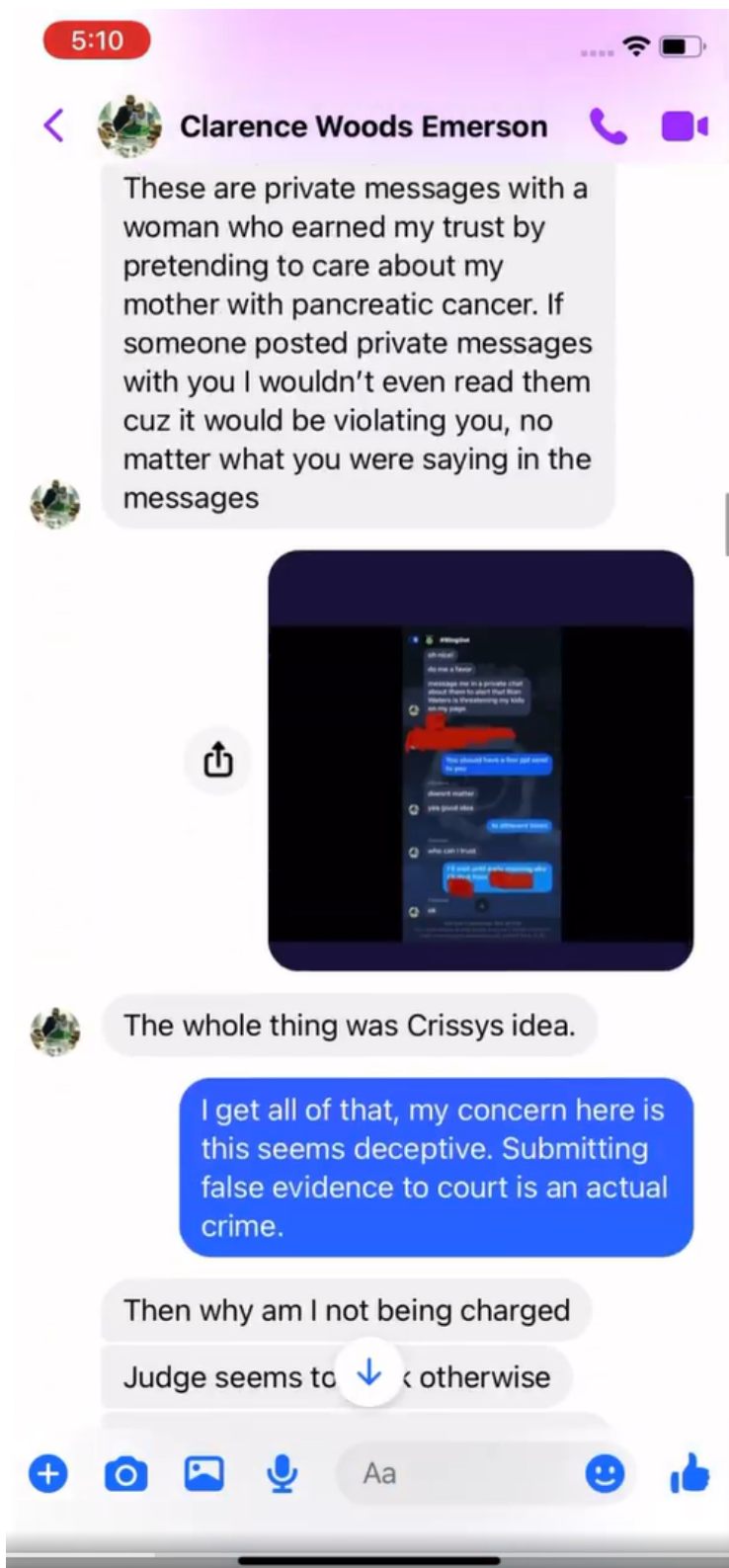


Exhibit D 03



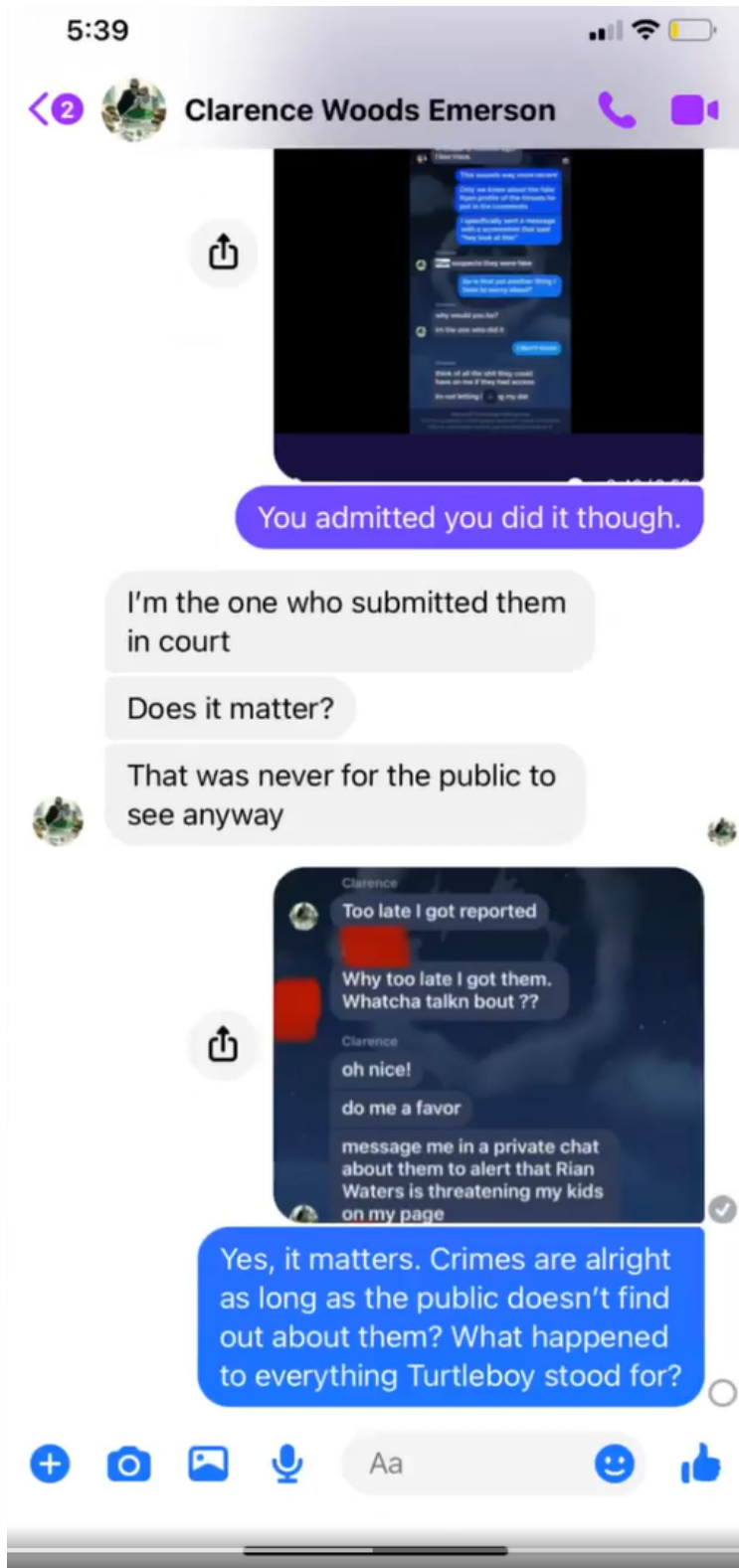
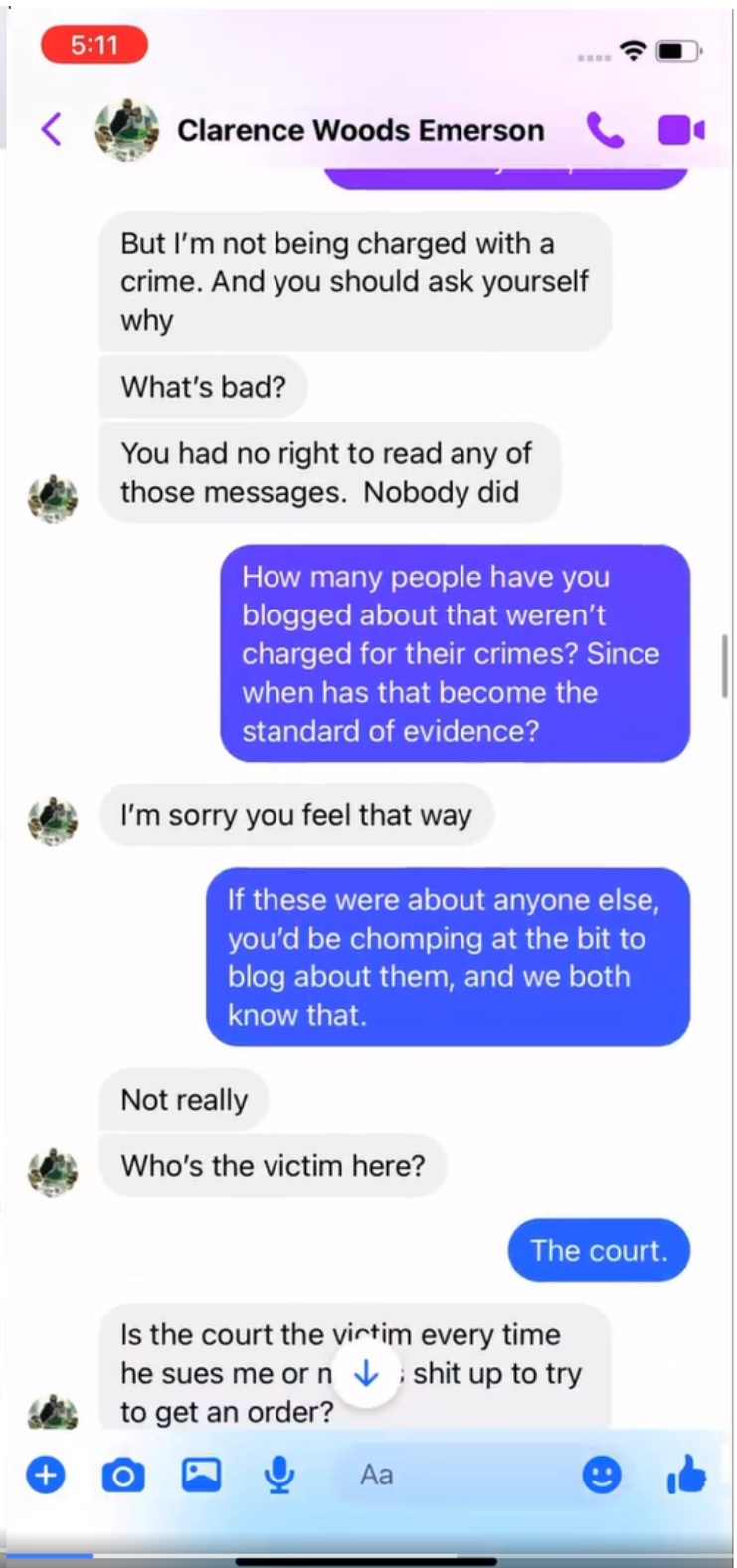
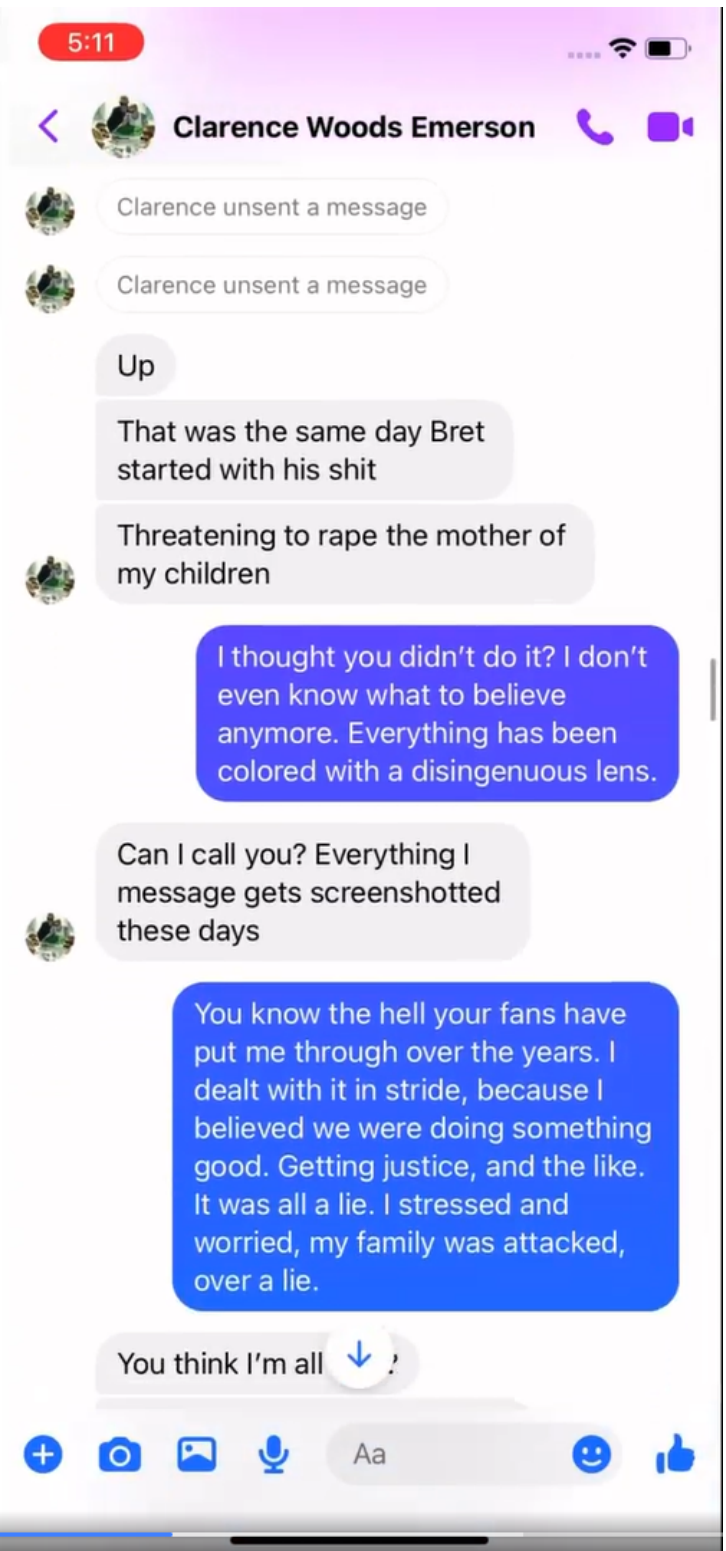
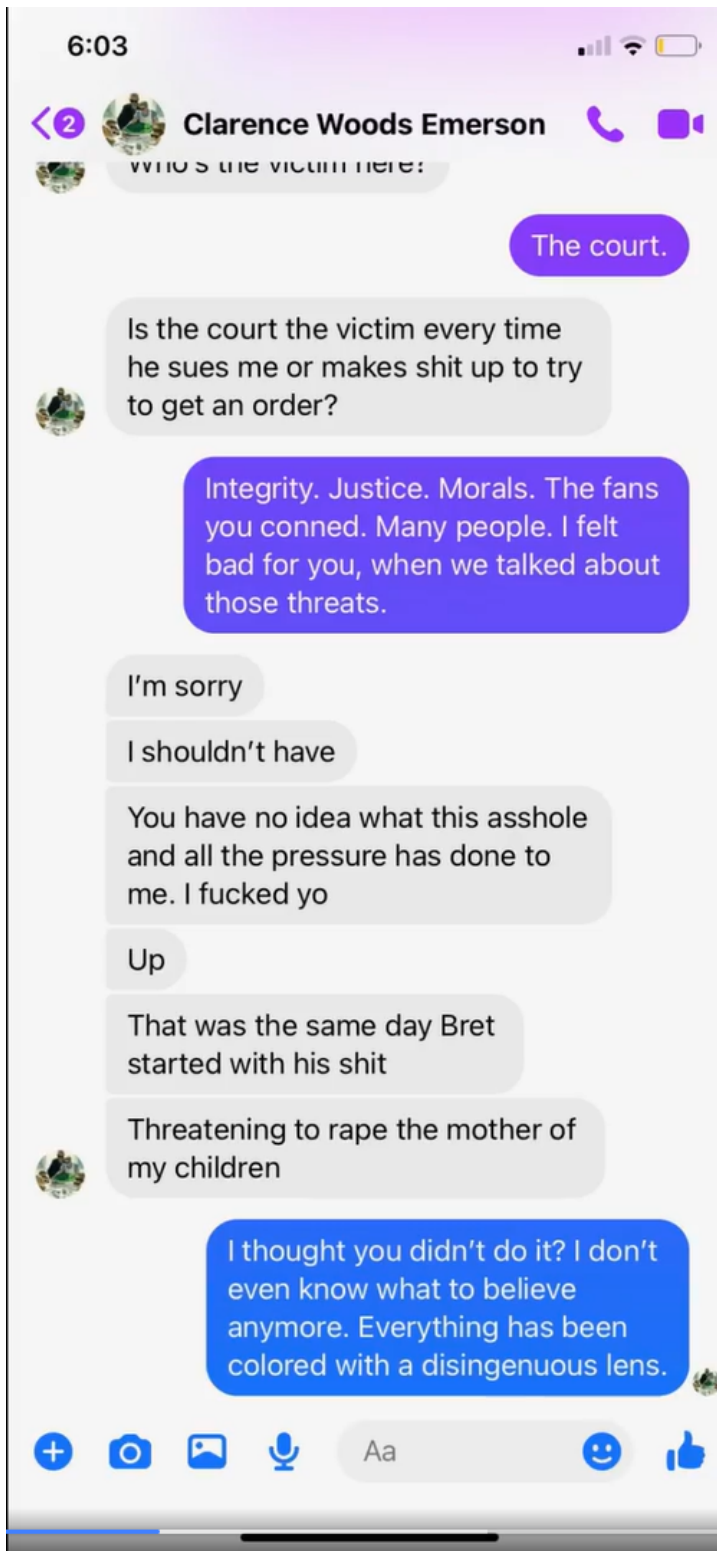


Exhibit D 05





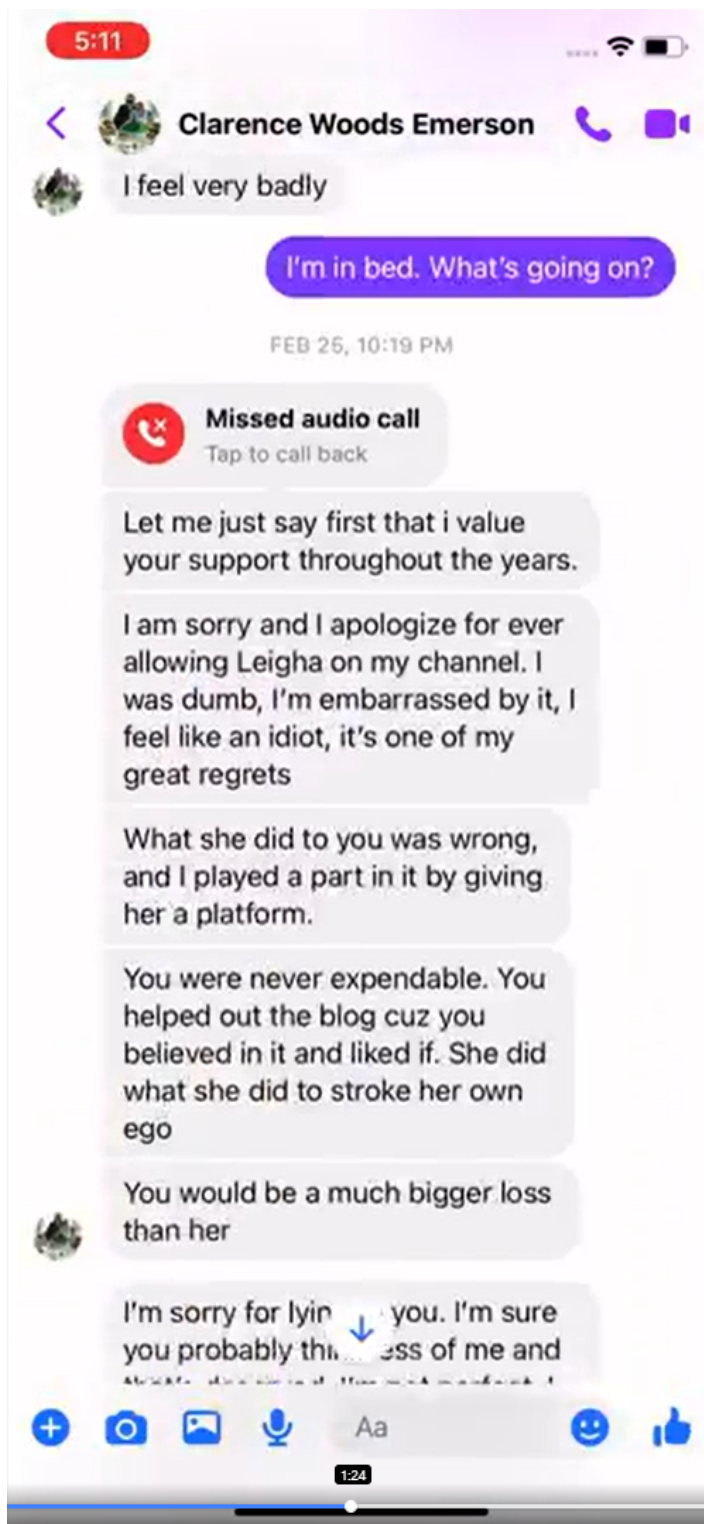


Exhibit D 09

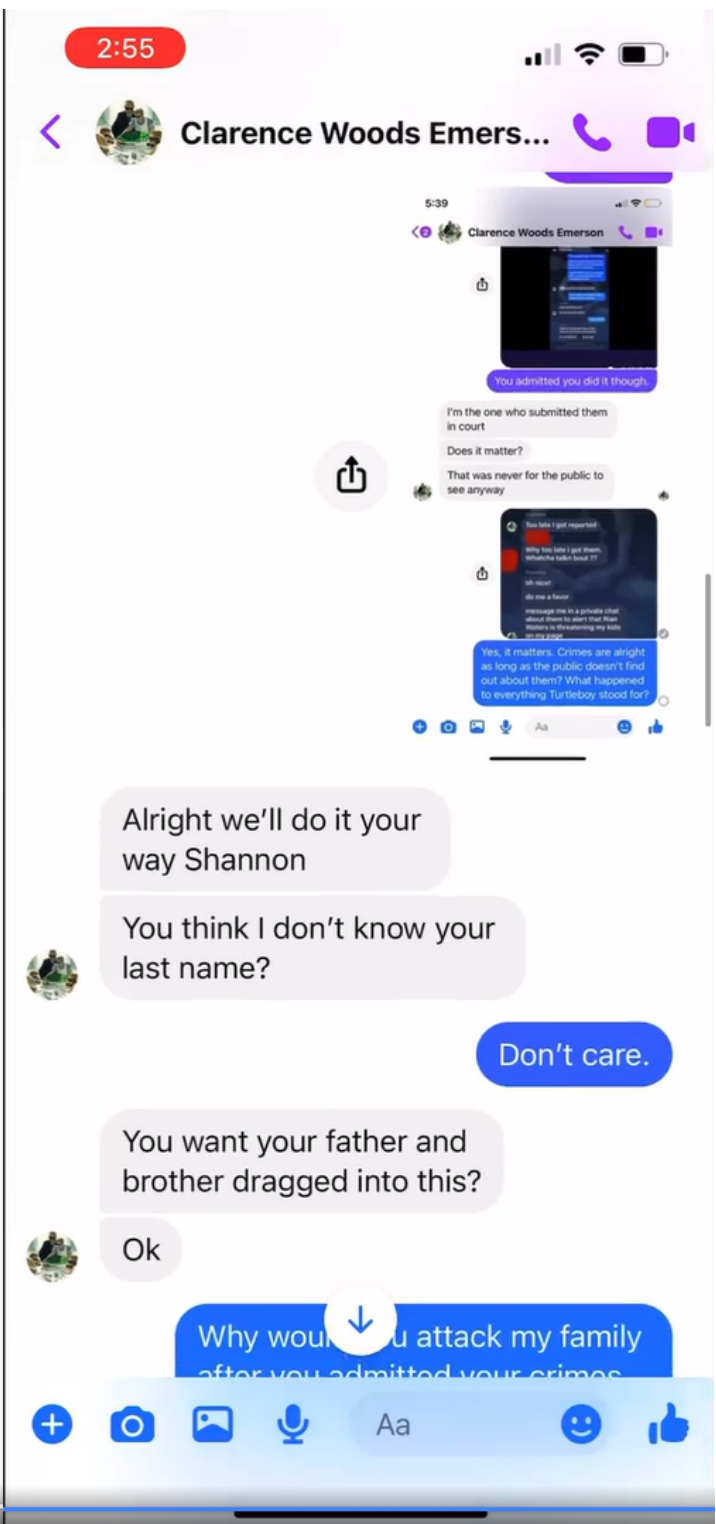
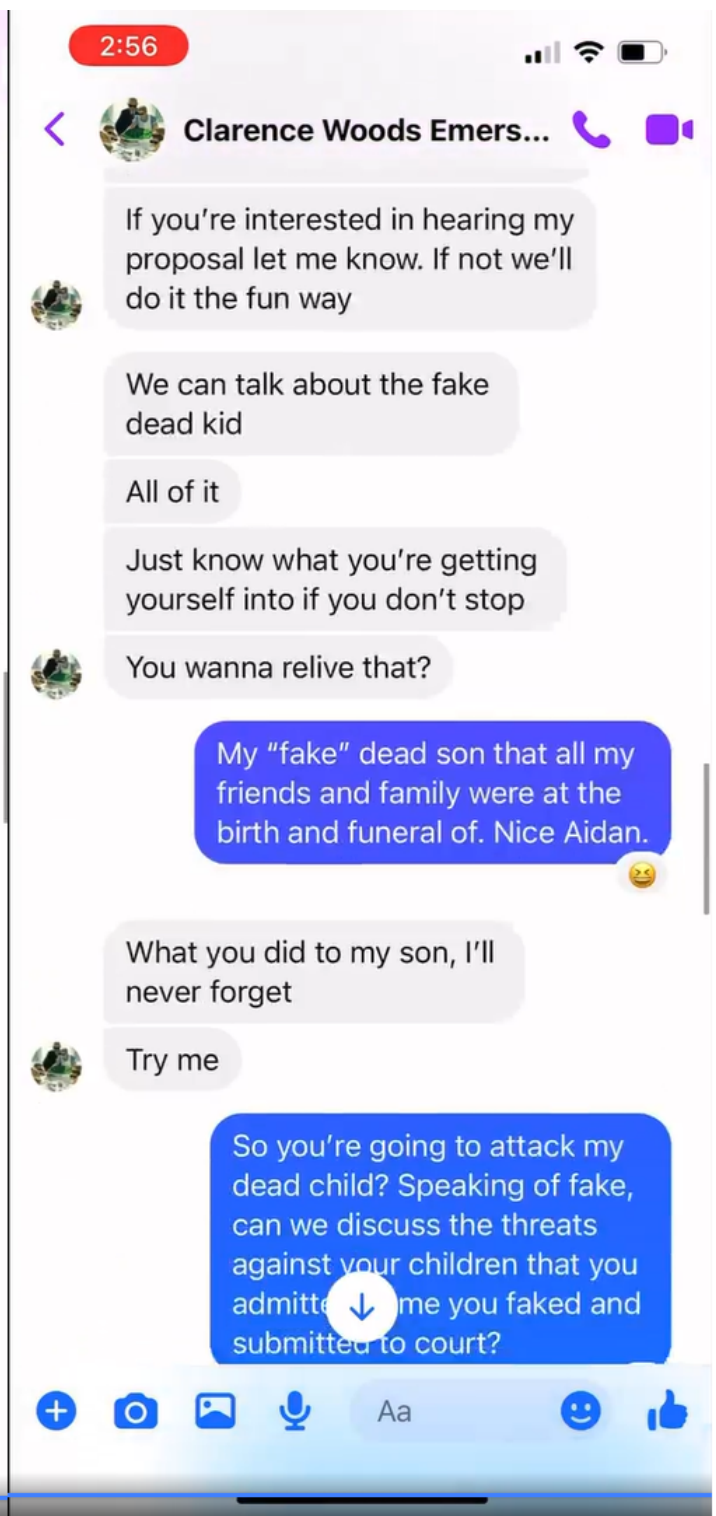


Exhibit D 10



Exhibit D 11



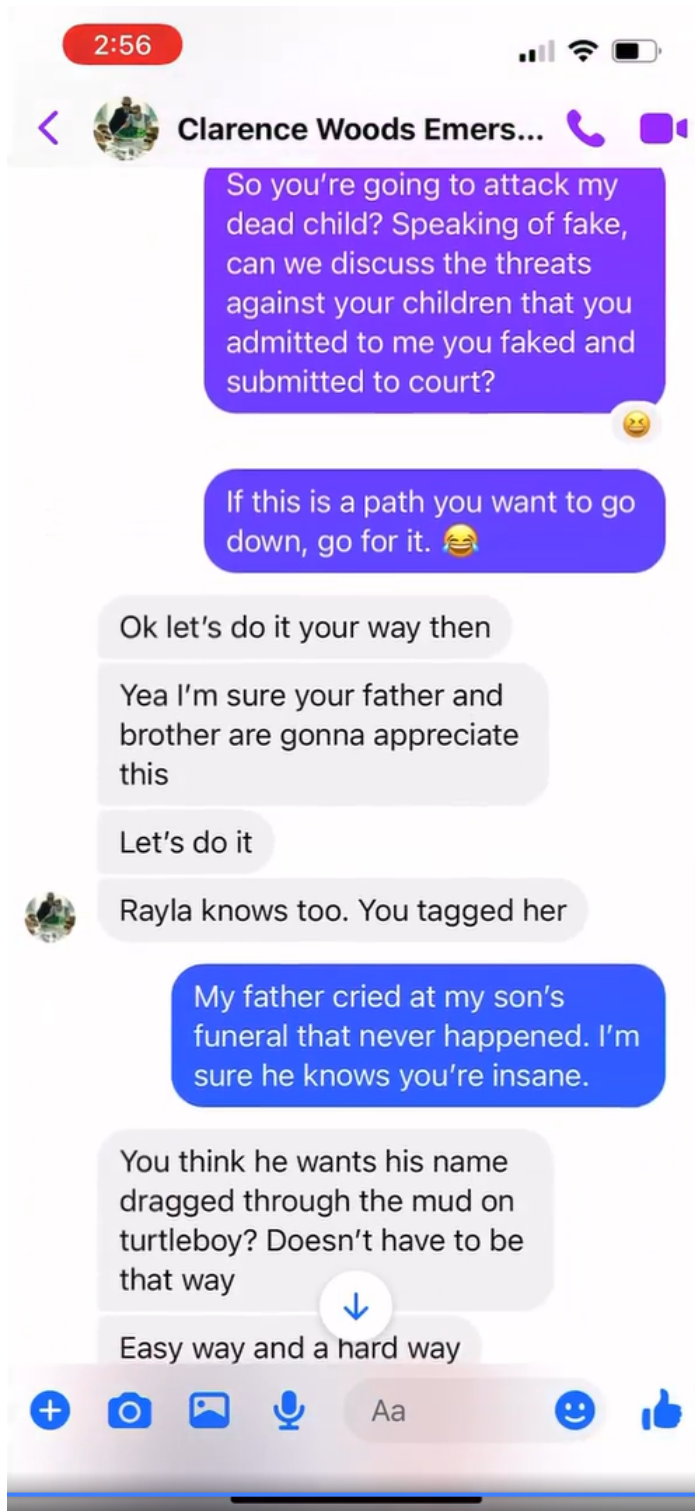


Exhibit D 13

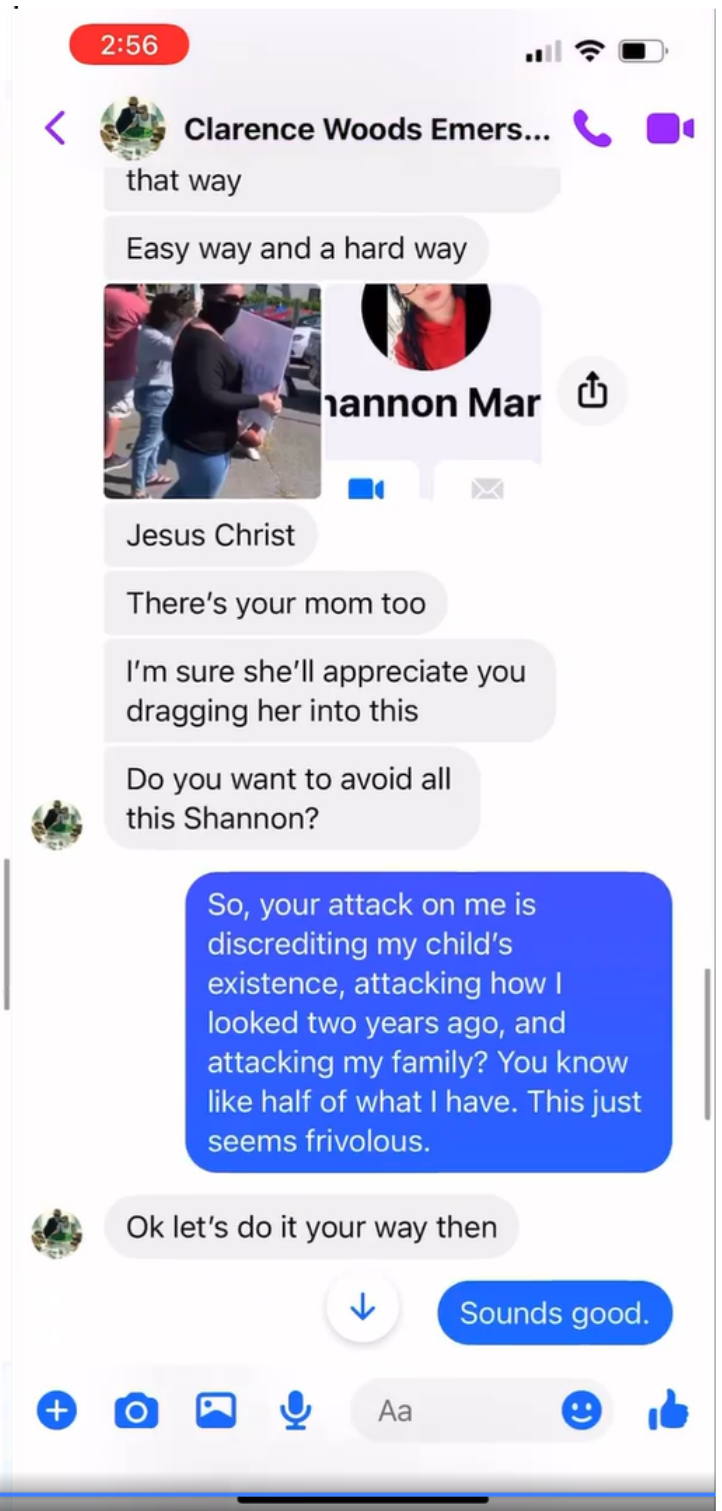




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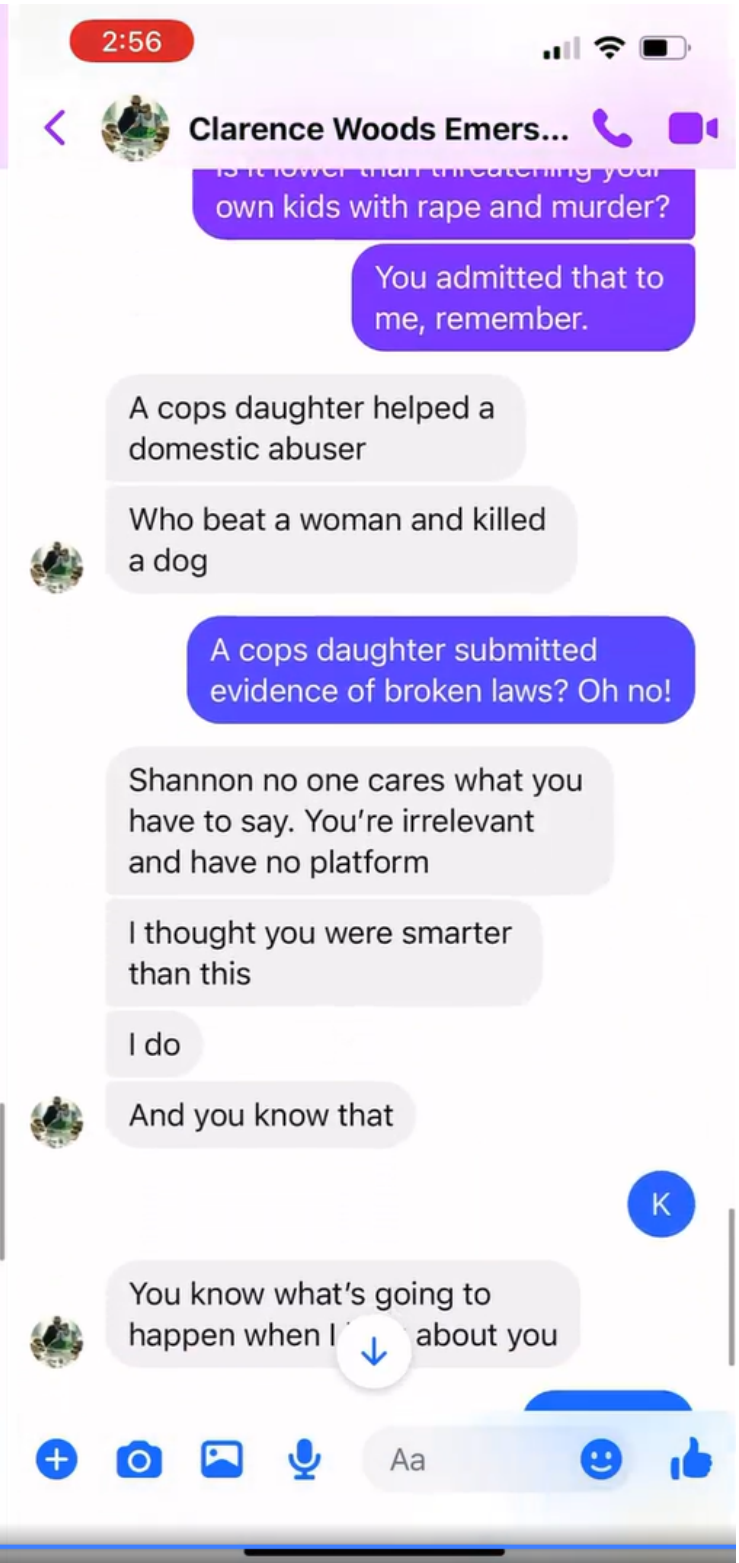


EXHIBIT E

10:13



Search



Rian Waters updated his cover photo.



19m ·



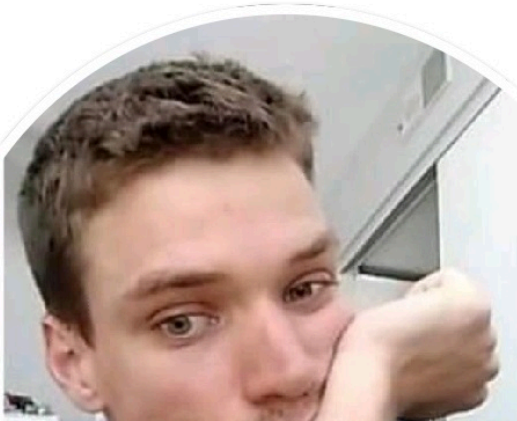
Share



Rian Waters updated his profile picture.



24m ·



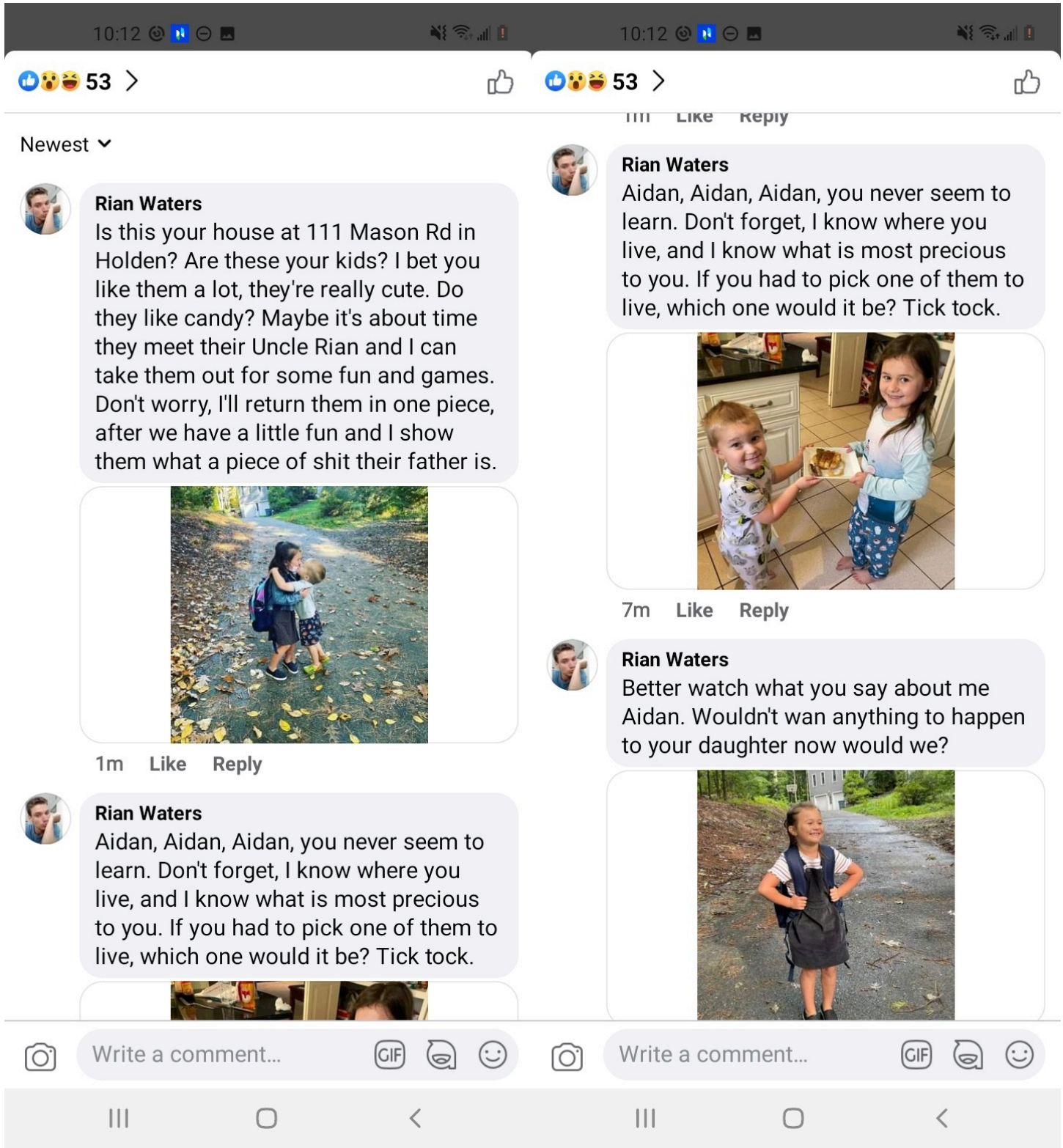
Screenshot_20211119-221350_Facebook Properties



General Security Details Previous Versions

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Title	
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Width	720 pixels
Height	1560 pixels
Horizontal resolution	96 dpi
Vertical resolution	96 dpi

[Remove Properties and Personal Information](#)



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.



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.



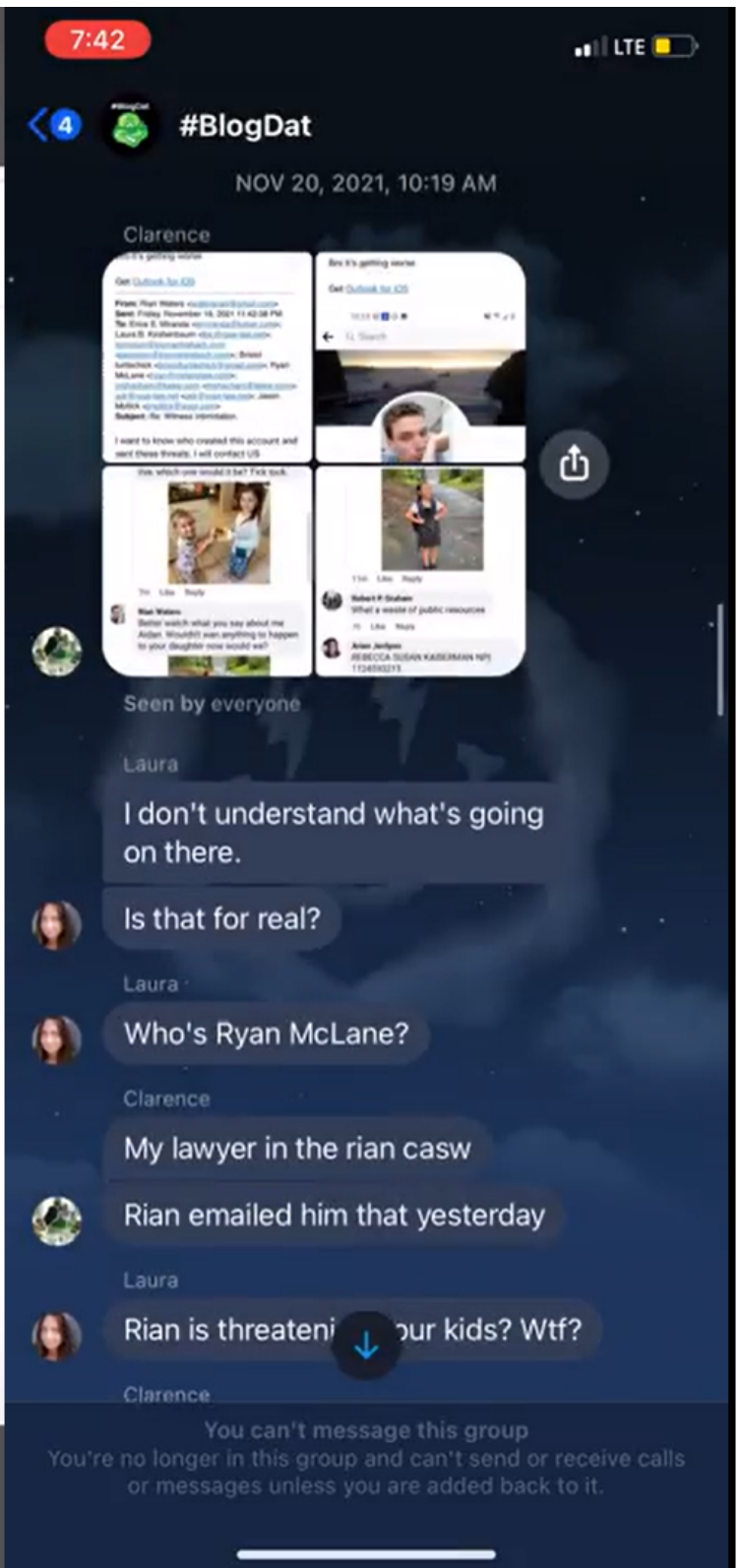
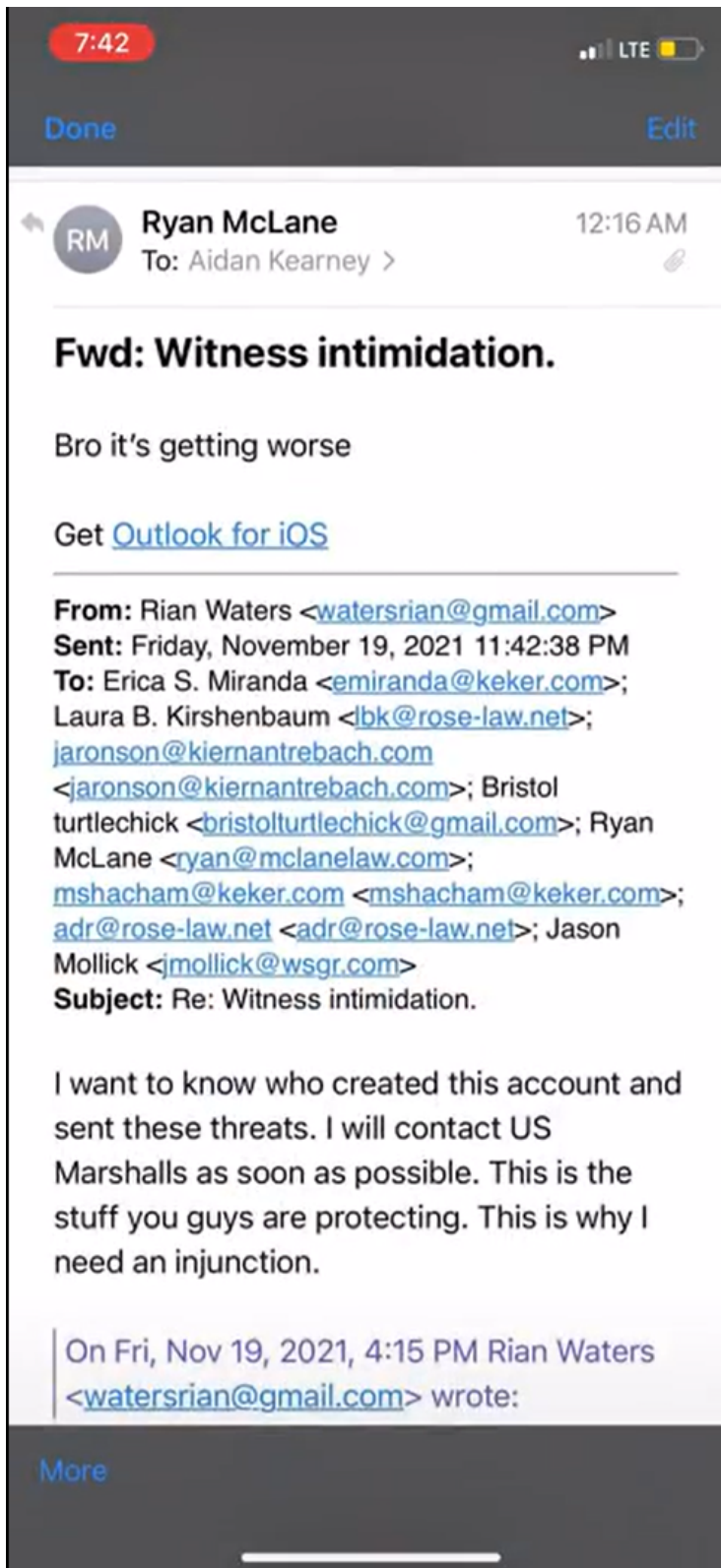
7m Like Reply

Rian Waters

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



EXHIBIT F



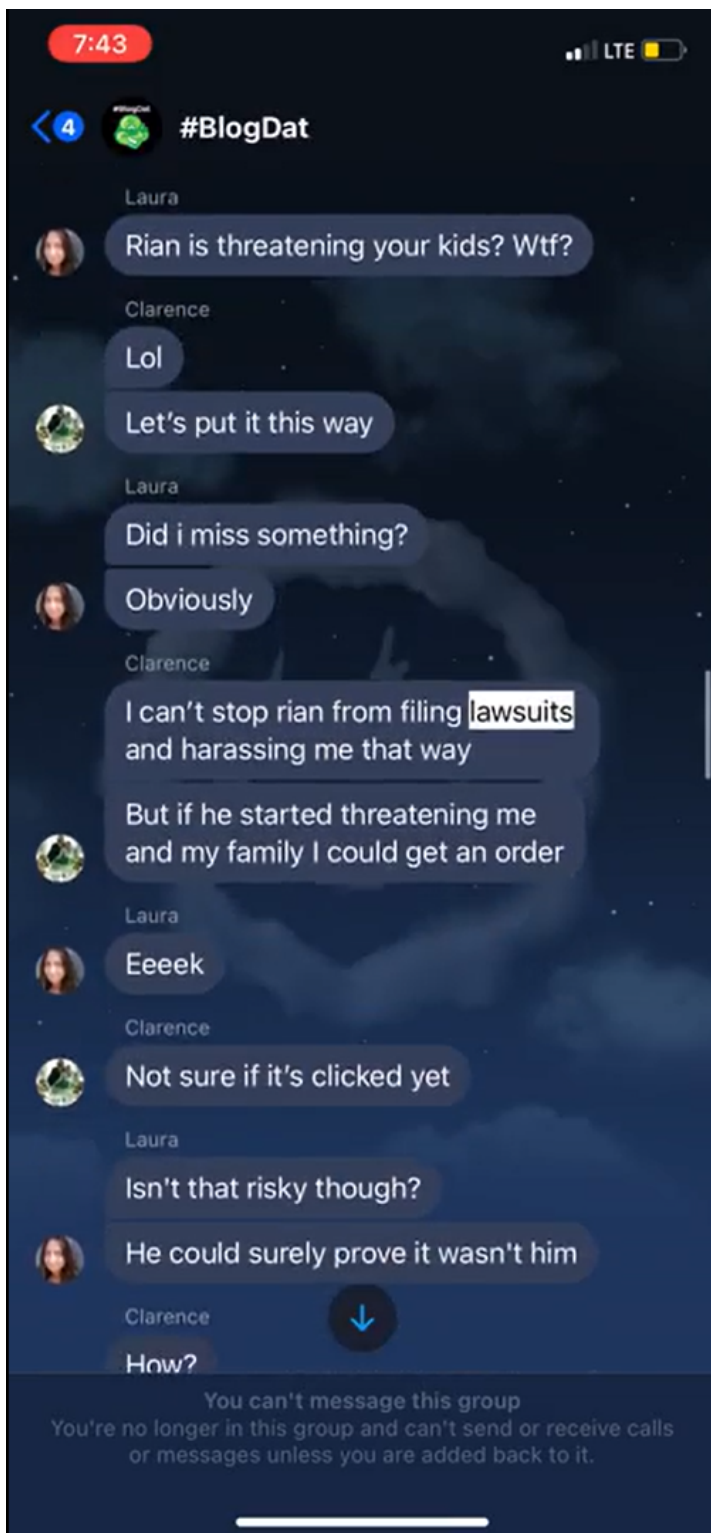
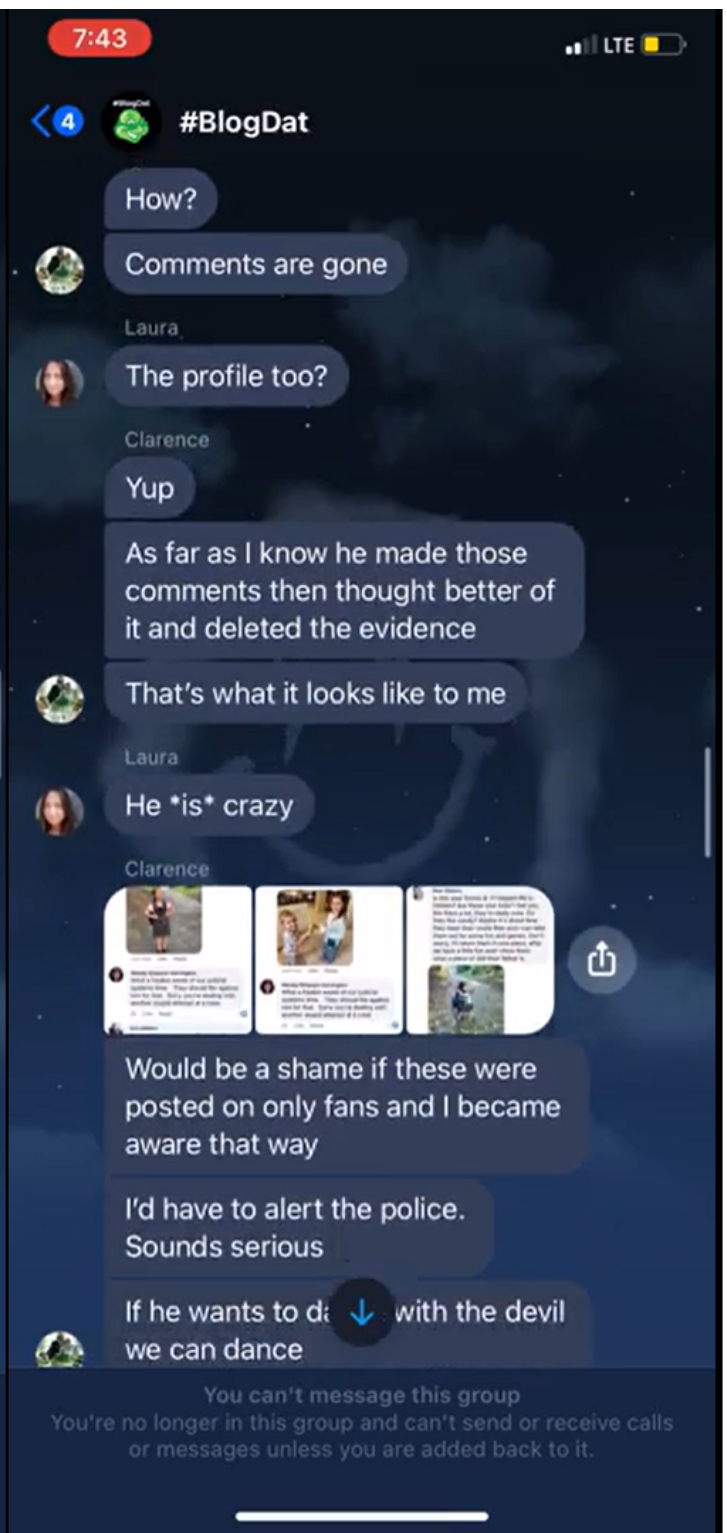


EXHIBIT F 03



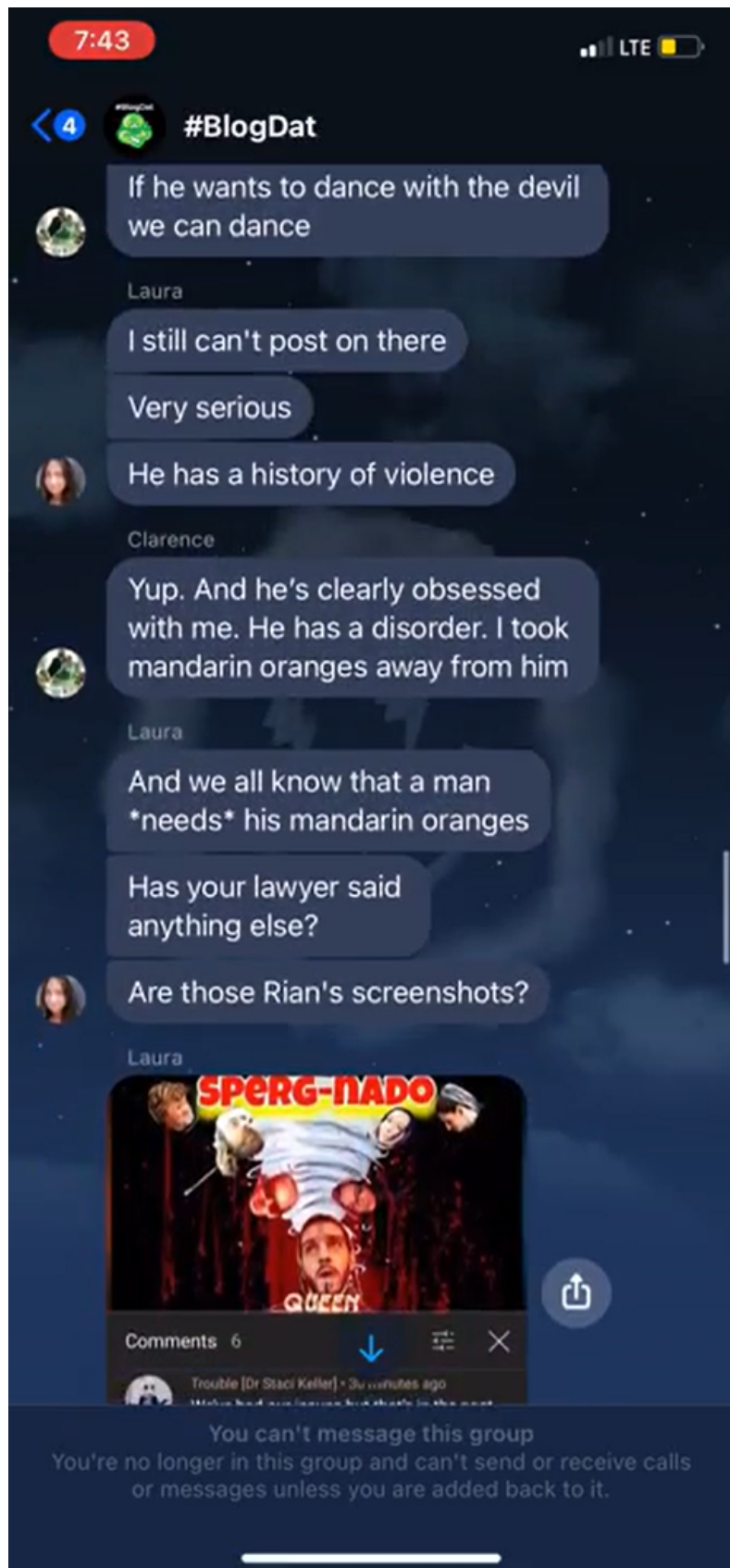


EXHIBIT F 05

EXHIBIT G

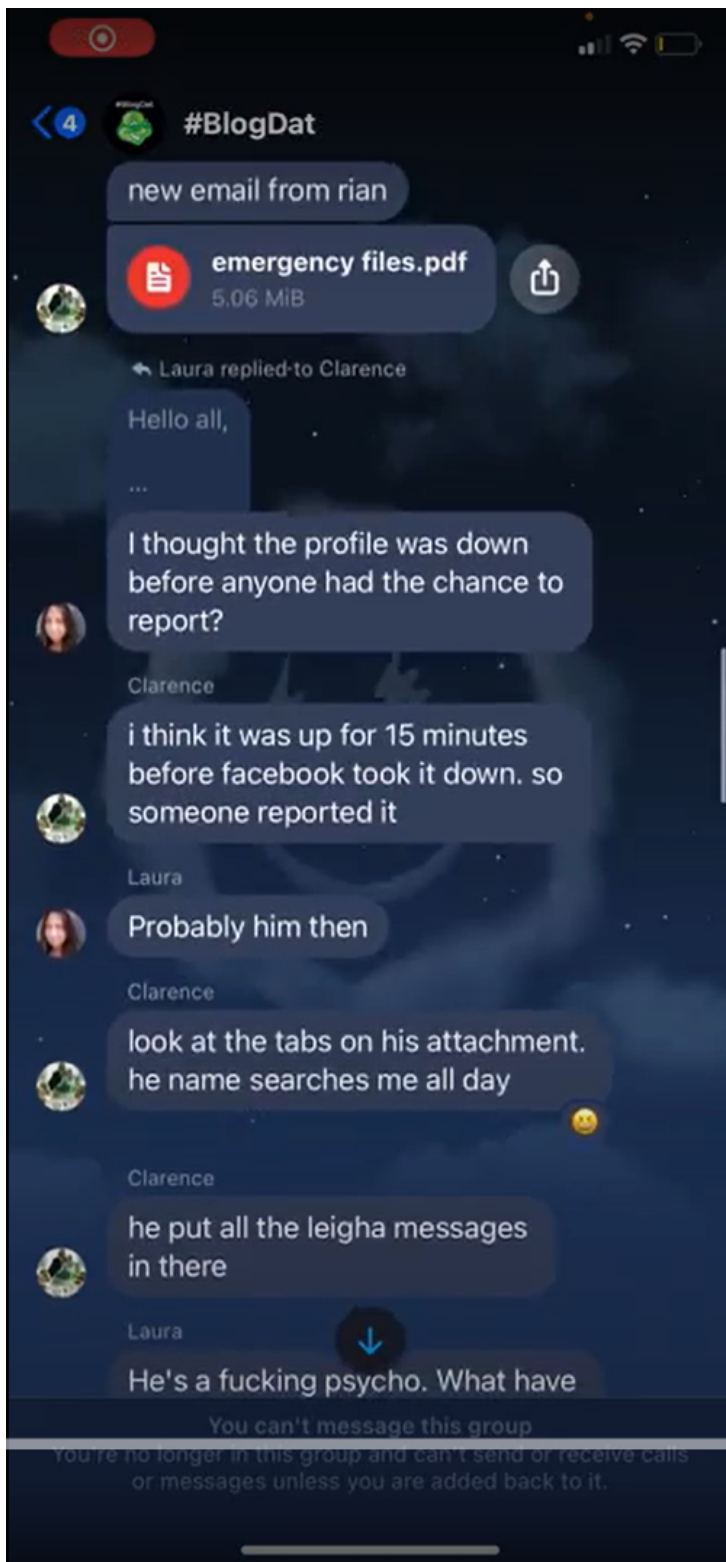


Exhibit G 01

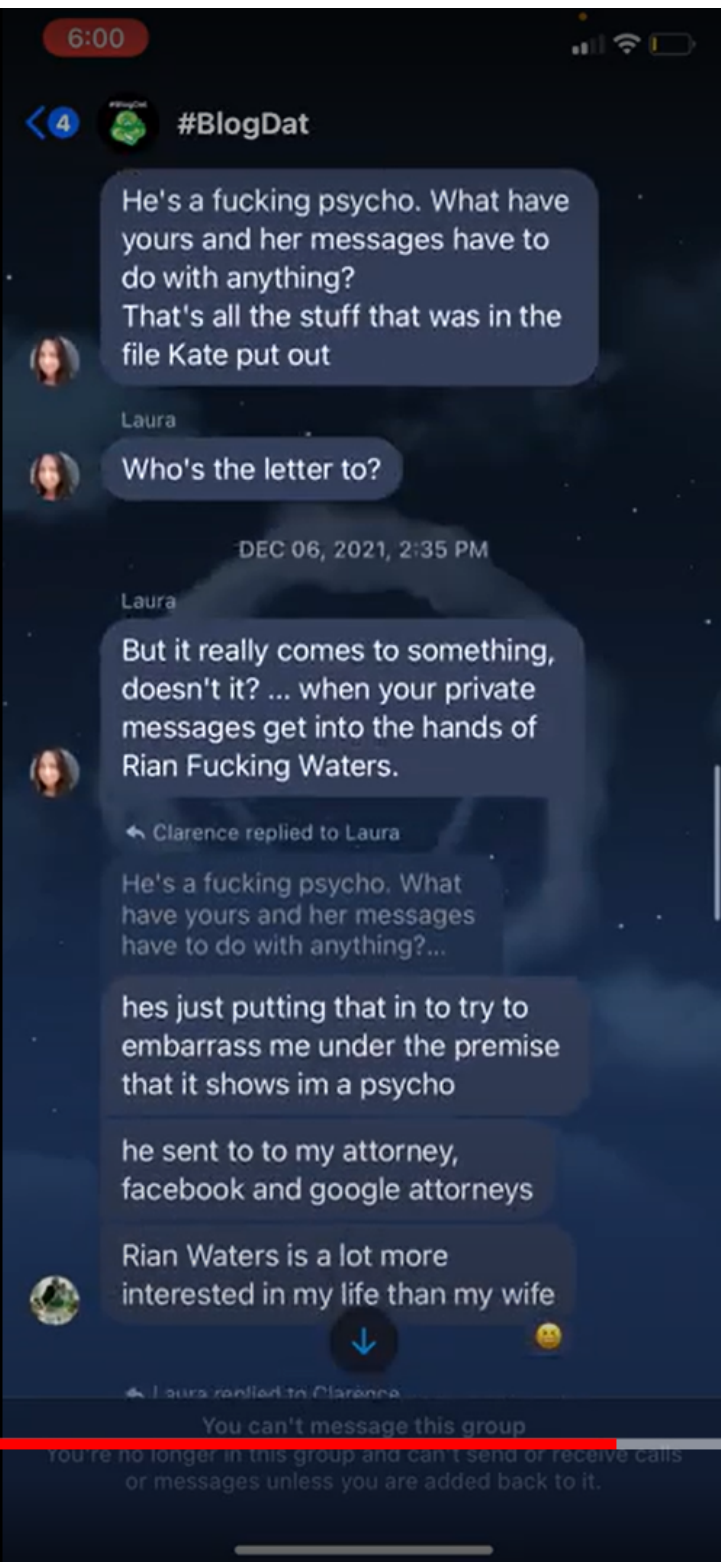


EXHIBIT H



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

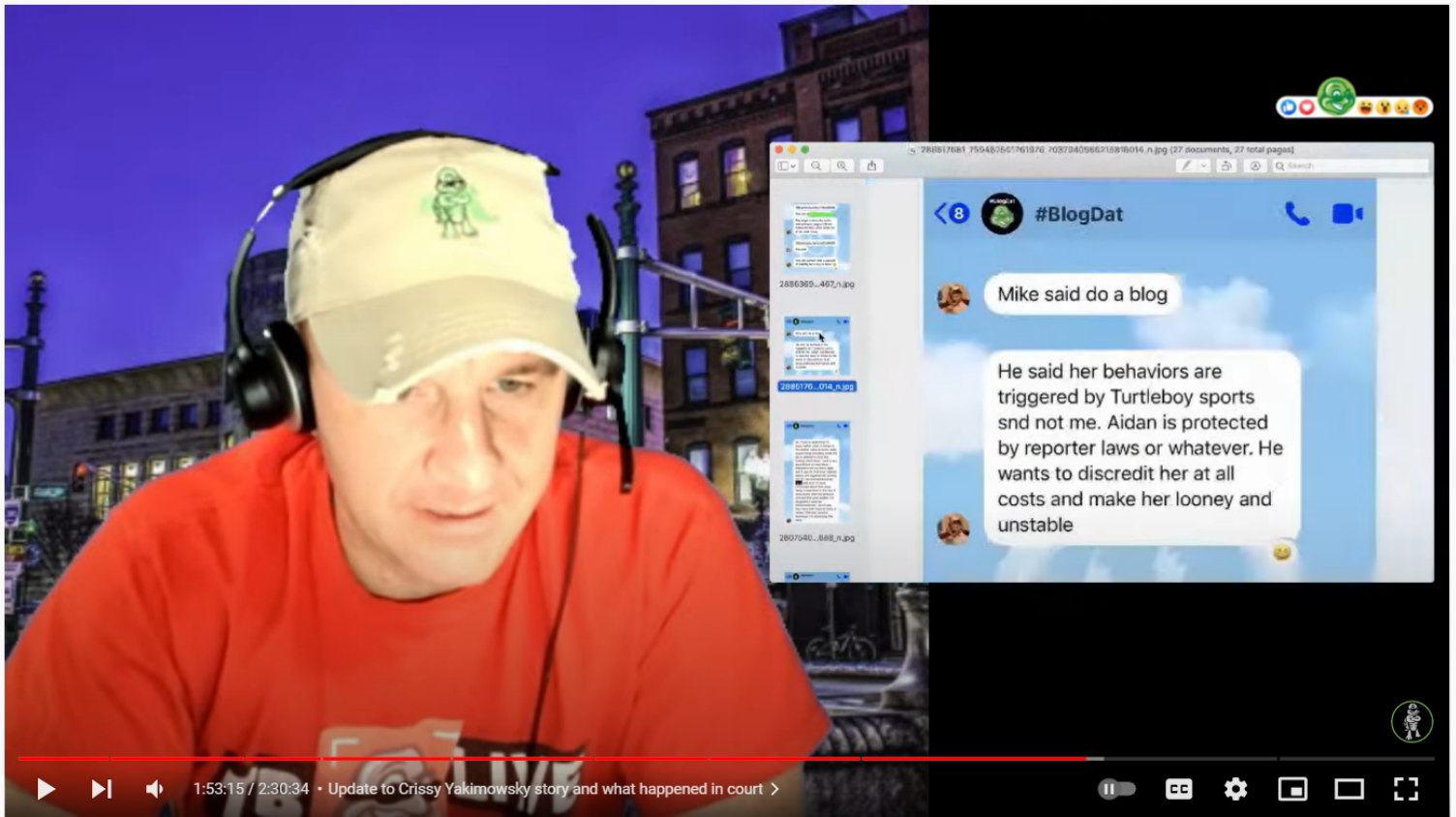
1 Share

👍 Like

💬 Comment

➦ Share

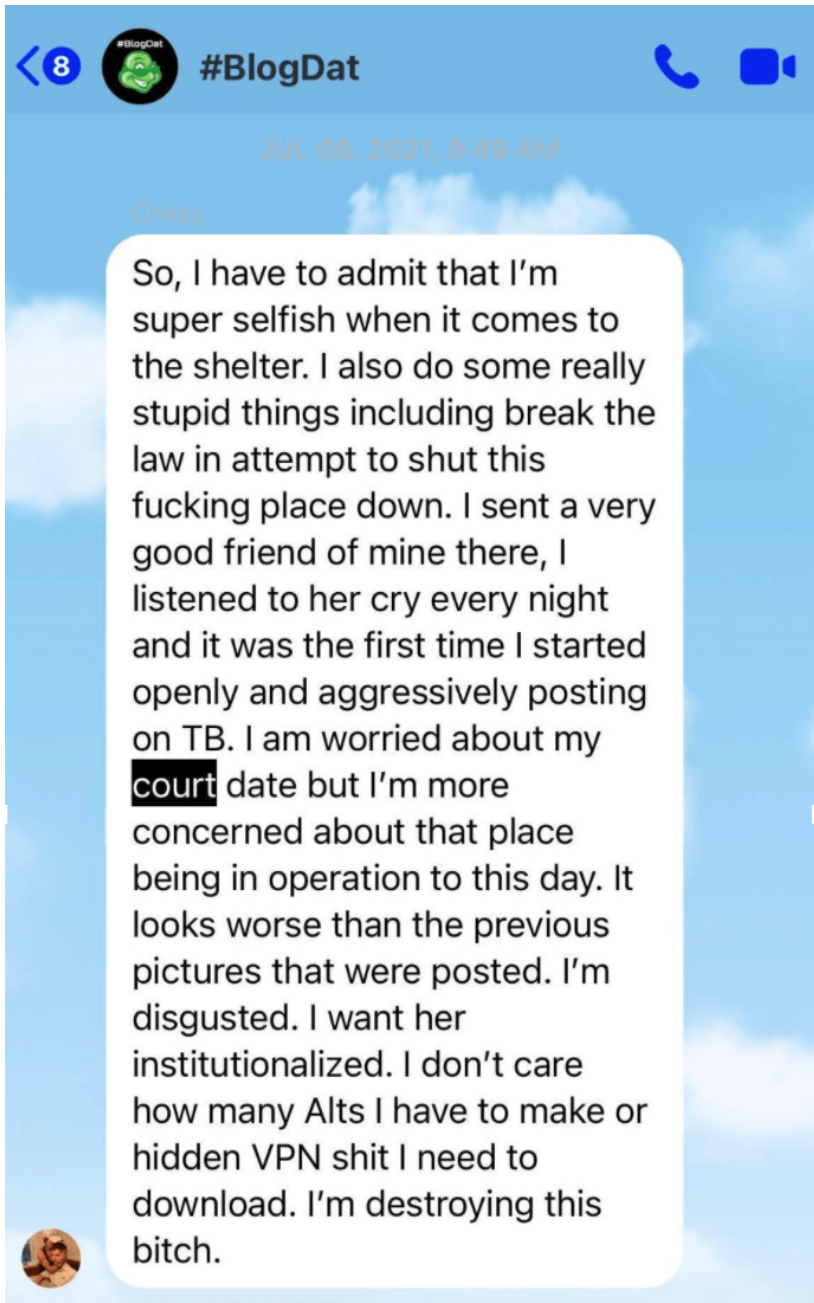
EXHIBIT I



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 ...



 11



Crissy >

Hey I know you're upset but this is gonna go away soon

Do you want me to write about it?

I really pray and hope to God you're right. I just want this to go away. I'm so emotional over it. It's been two years!

Yes, after I get what's in the "discovery"

I know the feeling. I'm in lawsuits that have dragged on for years

1 Reply

It's the worst

What if you made a post that said does anyone have any new information on the shelter in Milford and write a blog completely unrelated to me? I honestly have no idea anymore. I just know lynda has pictures and a lot to say about her stay

 11



Crissy >

I want the Haddassah story before my court date you're making me sad

What days court

I'm going to beat you

5 days!

I'll get it done. I don't know if it's going to be any you see you in court though

Promise

It will be. You are what triggers her, not me. She's going to lose her shit and keep mentioning the blog and the blog, has nothing to do with me.

Wed, Aug 4, 10:09 AM

Is court Monday

Would it be better if I dropped it the day before?

EXHIBIT J

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

SUPERIOR COURT 18-344

***SUBPOENA - SUBPOENA DUCES TECUM**

HAMPDEN COUNTY
SUPERIOR COURT
FILED

TO Aidan Kearney

JUN 27 2022

111 Mason Rd,
Jefferson, MA.
01522

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

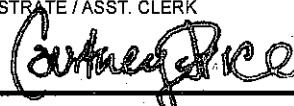
Gregory Carr
Deputy Sheriff

2022 JUN 27 P 2:00

CLERKS OFFICE
SUPERIOR COURT
HAMPDEN 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 		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 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