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Facsimile Cover Sheet

TO: Clerk's Office FAX No. 508-325-5759
COMPANY: Nantucket District Court PHONE No. _____
LOCATION: Nantucket, MA PAGES: 14 including cover sheet

FROM: Juliane Balliro DID No. 617.217.4713
RETURN TO: Anna Mitsiaris FAX No. 617.217.4749
DATE/TIME: December 27, 2018 at 1:53 PM FILE No. _____

COMMENTS: December 31, 2018 9:45 AM

Original to follow via Federal Express.

Attn: Barbara

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December 27, 2018

VIA FAX (508) 325-5759 AND FEDERAL EXPRESS

Criminal Clerk's Office
Nantucket District Court
Town and County Building
16 Broad Street
P.O. Box 1800
Nantucket, MA 02554

Re: Commonwealth vs. Kevin S. Fowler
Docket No. 1888CR000598

Dear Sir/Madam:

Enclosed for filing please find the following documents regarding the above-referenced matter:

1. Motion for Admission Pro Hac Vice of Alan Jackson, Esquire; and
2. Motion to Excuse Defendant's Presence at Arraignment.

Kindly note that the Arraignment of this matter is scheduled for January 7, 2019. Thank you.

Very truly yours,

A handwritten signature in cursive script that reads 'Juliane Balliro'.
Juliane Balliro

JB:adm
Enclosures

cc: Michael K. Giardino, Assistant District Attorney
Alan Jackson, Esq.

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss

DISTRICT COURT DEPARTMENT
DOCKET NO. 1888CR000598

THE COMMONWEALTH OF
MASSACHUSETTS

vs.

KEVIN S. FOWLER

MOTION FOR ADMISSION PRO HAC VICE OF ALAN JACKSON, ESQUIRE

Juliane Balliro—of the law firm of Nelson Mullins Riley & Scarborough LLP (“Nelson Mullins”) and a member in good standing of the Massachusetts Bar—hereby moves this Court for the admission *pro hac vice* of Alan Jackson, Esquire, as co-counsel for the above-captioned matter on the following grounds:

1. Mr. Jackson is an attorney at the law firm of Werksman Jackson & Quinn LLP, 888 West Sixth Street, Fourth Floor, Los Angeles, CA 90017. His telephone number is: 213-688-0460. Mr. Jackson’s email address is ajackson@werksmanjackson.com. Mr. Jackson is admitted to practice law in the State of California and his membership is in good-standing.
2. Alan Jackson and I have been designated as counsel by Kevin S. Fowler in the above-captioned matter.
3. Good cause exists in granting this Motion because Attorney Jackson has specialized skill and knowledge in handling criminal disputes including disputes involving the allegations that are at issue here.

4. Based on the foregoing, as counsel for Kevin S. Fowler, the undersigned respectfully requests that Alan Jackson, Esquire be admitted *pro hac vice* so that he can participate in all proceedings related to this matter.
5. Attached as Exhibit "A" is the Affidavit of Alan Jackson, Esquire in support of the Motion for Admission *Pro Hac Vice*.
6. Should this Court grant this Motion, Attorney Balliro will act as co-counsel during the pendency of this matter.

WHEREFORE, for good cause shown, Juliane Balliro, Esquire, respectfully requests that this Court grant the Motion for Admission *Pro Hac Vice* of Alan Jackson, Esquire.

For The Defendant:

By: Juliane Balliro
Juliane Balliro, Esq. (BBO #028010)
juliane.balliro@nelsonmullins.com
Nelson Mullins Riley & Scarborough LLP
One Post Office Square, 30th Floor
Boston, MA 02109
P. (617) 217-4700
F. (617) 217-4710

Dated: December 27, 2018

ORDER

The above and foregoing motion is hereby GRANTED/DENIED

By:
Dated:

CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2018, a true copy of this document was served upon the attorney of record for each other party by email and first class mail as follows:

Michael K. Giardino, Assistant District Attorney
Cape and Islands District Attorney's Office
3231 Main Street
P.O. Box 455
Barnstable, MA 02630



Juliane Balliro

EXHIBIT A

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss

DISTRICT COURT DEPARTMENT
DOCKET NO. 1888CR000598

THE COMMONWEALTH OF
MASSACHUSETTS

vs.

KEVIN S. FOWLER

AFFIDAVIT OF ALAN JACKSON, ESQUIRE, IN
SUPPORT OF PRO HAC VICE ADMISSION

I, Alan Jackson, Esquire, under oath do depose and state as follows:

1. I am an attorney with the firm of Werksman Jackson & Quinn LLP. My current office address is 888 West Sixth Street, Fourth Floor, Los Angeles, CA 90017. My telephone number is (213) 688-0460. My email address is ajackson@werksmanjackson.com.
2. I hereby apply for admission to appear before this court in the matter of Commonwealth v. Kevin Spacey Fowler.
3. I am admitted to practice in the State of California.
4. I am currently in good standing in the above-mentioned court, and I have never been subject to discipline in the court to which I am admitted. I have not been denied admission to, been disciplined by, resigned from, surrendered a license to practice before, or withdrawn an application for admission to practice while facing a disciplinary complaint before this Court or any other Court.
5. I have fully reviewed and am familiar with the Massachusetts Rules of Criminal Procedure, the rules and standing orders applicable to the District Courts and the Massachusetts Rules of Professional Conduct.

6. I designate Juliane Balliro, Esquire as agent for service of process. My role in the above-mentioned litigation will be to appear as counsel for Kevin S. Fowler in all proceedings before this Court.

I declare under penalty of perjury under the laws of the Commonwealth of Massachusetts that the foregoing is true and correct.

Executed on December 27, 2018, in Los Angeles, California.



Alan Jackson

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss

DISTRICT COURT DEPARTMENT
DOCKET NO. 1888CR000598

_____)
COMMONWEALTH)
)
vs.)
)
KEVIN S. FOWLER)
_____)

MOTION TO EXCUSE DEFENDANT'S
PRESENCE AT ARRAIGNMENT

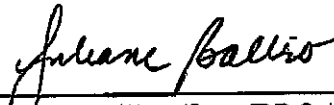
The Defendant, Kevin S. Fowler, in the above entitled matter hereby moves, through counsel, that his physical presence at the arraignment scheduled for January 7, 2019, be excused.

In support of the within motion, the Defendant, through counsel states as follows:

1. Following the decision to issue the complaint, the issuing Clerk inquired of the parties whether the Defendant wished to waive his appearance at the arraignment.
2. As it appeared that counsel for both the Commonwealth and the Defendant agreed that a waiver was appropriate, the parties chose the January 7, 2019 arraignment date without regard to the defendant's schedule or the schedule of defendant's co-counsel.
3. *Rule 18 of the Massachusetts Rules of Criminal Procedure* speaks to a Defendant's right to be present at all critical stages of the proceeding but does not mandate the Defendant's presence at arraignment. The applicable rules do not deprive this Court of the discretion to excuse the Defendant's presence at arraignment nor do they deprive a Defendant who desires to waive his appearance at arraignment of the opportunity to seek the leave of court to do so.

4. This matter has already generated extraordinary interest from national and local print and television media outlets. The Defendant's attendance at the arraignment will only serve to heighten prejudicial media interest in the case and will increase the risk of contamination of the pool of jurors available for the trial.
5. The defendant submits the Affidavit attached as Exhibit "A" in support of the within motion.

Respectfully submitted,



Juliane Balliro, Esq. (BBO #028010)

juliane.balliro@nelsonmullins.com

Nelson Mullins Riley & Scarborough LLP

One Post Office Square, 30th Floor

Boston, MA 02109

P. (617) 217-4700

F. (617) 217-4710

Dated: December 27, 2018

CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2018, a true copy of this document was served upon the attorney of record for each other party by email and first class mail as follows:

Michael K. Giardino, Assistant District Attorney
Cape and Islands District Attorney's Office
3231 Main Street
P.O. Box 455
Barnstable, MA 02630



Juliane Balliro

EXHIBIT A

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss

DISTRICT COURT DEPARTMENT
DOCKET NO. 1888CR000598

THE COMMONWEALTH OF
MASSACHUSETTS

vs.

KEVIN S. FOWLER

AFFIDAVIT OF KEVIN S. FOWLER IN SUPPORT OF
MOTION TO WAIVE PRESENCE AT ARRAIGNMENT

I, Kevin S. Fowler, hereby swear and aver as follows:

1. I am the Defendant in the above referenced matter.
2. I am currently represented by privately retained counsel, Juliane Balliro, Esquire.
3. I am also requesting that Alan Jackson, Esquire be admitted to this Court, Pro Hac Vice so that he may also represent me in connection with this matter.
4. I understand and acknowledge that I have a right to be physically present for my arraignment on January 7, 2019.
5. I would like to waive my right to be physically present at my arraignment.
6. I am requesting that this court excuse my physical presence at the arraignment as I reside out-of-state and believe that my presence will amplify the negative publicity already generated in connection with this case.
7. I understand and acknowledge that I have a right to have the charge pending against me be read in open court and I hereby waive the reading of the charge.

8. I understand that at arraignment the Court would advise me of any rights I may have under G.L.c. 111E, § 10; G.L.c. 123, § 15; or G.L.c. 221 § 91B. I hereby waive the reading of those rights.
9. I am over the age of 22 and I have not been offered mediation.
10. I wish to enter a plea of not guilty.
11. I will abide by all orders of the Court during the period of my pre-trial release, including any orders that I physically appear.
12. I understand that if I fail to appear and answer to the charges pending against me without sufficient excuse, I can be subject to a fine or imprisonment or both under G.L.c. 276, § 82A.

SIGNED AND SWORN TO under the pains and penalties of perjury this ____ day of
December, 2018.


Kevin S. Fowler