

# The Boston Globe

TUESDAY, JANUARY 3, 2023

## News

### Court dispute roils Aaron Hernandez's estate

Ex-fiancée seeks to oust trustee; he says she misused funds for couple's daughter

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The fight started in September when Shayanna Jenkins-Hernandez said she couldn't afford the \$10,697 bill for her daughter's dance lessons.

So the former fiancée of disgraced New England Patriots star Aaron Hernandez asked a court-appointed trustee to pay the bill from a trust fund that had been set up for their daughter, Avielle, after Hernandez committed suicide while in prison for murder in 2017.

But the trustee, attorney David Schwartz, said no. By his calculations, Jenkins-Hernandez already was receiving a separate source of funds outside the trust — \$150,000 a year or more from Hernandez's NFL pension and Social Security that was supposed to pay for the 10-year-old's daily expenses. He couldn't imagine why she needed more.

Then Schwartz reviewed how Jenkins-Hernandez had been spending the money: \$36,858 on clothing, including maternity wear; \$39,347 on home goods; \$25,577 shopping online; \$11,792 in "self care," including gym fees and visits to hair and nail salons.

"There is reason to question whether the expenditures were for Avielle's benefit," said attorney Robert O'Regan, who is representing Schwartz in the court dispute. "To be fair, this little girl should have a decent life with what her father left for her. No one would complain if there were reasonable expenses. We're talking about over the top or otherwise unrelated expenses to Avielle."

Now Schwartz and Jenkins-Hernandez are locked in a battle over who controls the money that remained after the death of Hernandez, who hanged himself in prison after being convicted of murdering Odin Lloyd, the boyfriend of Jenkins-Hernandez's sister. Just a few days before his death, Hernandez had been acquitted of a separate double murder in the South End.

When Schwartz declined to pay Avielle's dancing bill, Jenkins-Hernandez promptly asked a Bristol County probate judge to remove him as trustee, arguing he was potentially

forcing the child to give up her favorite extracurricular activity. Jenkins-Hernandez, who gave birth to a second daughter by another man in 2018, insists she hasn't improperly spent money and the money from the trust fund should be available when she needs it.

"Since Aaron's death, my sole focus has been on raising and providing as stable a life for my children as possible," wrote Jenkins-Hernandez in an e-mail to the Globe. "All monies I have spent have been with this singular focus in mind, and this will continue to be my focus going forward."

Her lawyer, Stephen Withers, called the controversy "much ado about nothing. What Shayanna has done is focus on her children ... Any allegation or insinuation that she's spending money inappropriately or for any other purpose is absolutely false."

But Schwartz in court papers said Jenkins-Hernandez appears to have broken the rules and he has asked that she be removed as Avielle's conservator, a court-appointment that allowed her to set up the trust fund Schwartz now administers. If she loses that role, a new conservator would receive Hernandez's pension and Social Security checks and decide how the money should be spent.

The downfall of Aaron Hernandez was one of the most shocking in American sports history, as the Patriots' star tight end was revealed to be a brutal killer, exposing an ugly underside of the NFL. The Boston Globe Spotlight Team found that Hernandez had long been prone to wild mood swings and sudden violence — after death, his brain showed signs of chronic traumatic encephalopathy, or CTE, which can be caused by repeated blows to the head — but the warning signs were overlooked as long as he was catching touchdown passes.

Jenkins-Hernandez, who started dating Hernandez when both were in high school in New Britain, Conn., testified as a prosecution witness during his murder trial but has insisted her fiancé was innocent. She told jurors that the day after the killing of Lloyd, she removed a box from the couple's

7,100-squarefoot North Attleborough home at Hernandez's direction and discarded it. Authorities believed the box contained the murder weapon, which was never found.

After his death, Jenkins-Hernandez took her fiancé's name and unsuccessfully sued the NFL over his diagnosis of CTE.

Nothing could bring back the high-flying NFL lifestyle she once knew — at one point, according to court documents, her daughter Avielle was receiving public assistance. And, because Jenkins-Hernandez and Hernandez were never married and he died without a will, any assets would go to Avielle, his sole heir, not to her. Jenkins-Hernandez does not have a job either, according to her attorney.

Even so, the settlement of Hernandez's estate, including the sale of their North Attleborough mansion, brought Jenkins-Hernandez some financial stability. The trust administered by Schwartz paid for her current Rhode Island home and all related expenses, as well as Avielle's school tuition. Separately, Jenkins-Hernandez directly receives Hernandez's pension and Social Security payments, although Schwartz said those funds, too, are supposed to be spent exclusively for the benefit of her daughter.

As the conservator for her daughter, Jenkins-Hernandez was supposed to file annual disclosures for the last several years as to how she was spending the money, but in court papers Schwartz said she only recently began submitting them.

Schwartz was shocked by what he saw on the expenditure forms: tens of thousands of dollars in what he called "questionable" expenses, such as \$4,800 in charges at Harrods department store, that seemed to benefit her more than her daughter. She made \$29,650 in ATM withdrawals and paid \$13,778 in bank charges — mostly overdraft fees.

"There is every reason to question whether and how (Jenkins-Hernandez) is applying the significant resources that should be available to pay for Avielle's daily needs, including dance lessons, especially since all of her basic housing security and edu-

cational expenses are paid from the trust,” wrote O’Regan, a partner in the law firm Burns & Levinson, in a filing submitted on Schwartz’s behalf.

Schwartz was particularly concerned that Jenkins-Hernandez reported spending \$39,655 on education including \$3,720 for Bay Path University, a private university in Western Massachusetts.

“Avielle is not in college,” wrote O’Regan, and her school bills are already paid for from the trust.

Jenkins-Hernandez also spent \$12,830 on something called “Ask My Accountant.” Neither Jenkins-Hernandez nor her lawyer would explain what that is or discuss any other specific expenditures.

“I filed the accountings on her behalf and feel comfortable they were appropriate,” Withers said. “Questions can be easily answered. Everything she has done has been wholly appropriate and I look forward to this matter being beneficially resolved and this

distraction put behind her.”

“Our focus is making sure Avielle has the best life she can and that’s what Shayanna is focused on,” he said.

O’Regan does not question Jenkins-Hernandez’s devotion to Avielle, but wonders if she felt entitled to Hernandez’s money.

“We are dealing with human behavior here,” O’Regan told the Globe. “If you’re someone like Shayanna — someone in this situation with Aaron, who was an NFL superstar for a championship football team who dies and leaves a child, you might think you get to spend this money any way you want. Nobody told her she can’t or she’s not listening.”

The motions from both sides are pending, and Schwartz has requested the case be transferred to a special court that deals with complex disputes like this.

A hearing on Jenkins-Hernandez’s motion to force Schwartz to pay for the dance lessons was supposed to be heard last month but was canceled. According to Withers,

Jenkins-Hernandez was able to make other arrangements to pay for Avielle’s dance lessons.

Going forward, O’Regan argues, Jenkins-Hernandez should no longer be entrusted with funds for her daughter, who is eligible to receive the trust funds when she turns 25. Currently, the fund contains around \$700,000.

“I believe that (Jenkins-Hernandez) has been co-mingling the child’s funds with her own,” wrote O’Regan in a court filing. “I believe that Ms. Jenkins-Hernandez’s ongoing conflict, her almost five-year-long record of excessive expenditures, continuous violation of this court’s decree ... and her failure to file an inventory and up to date accounts all indicate that despite what might be her best intentions, Ms. Jenkins-Hernandez is not effectively performing her duties as conservator.”

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