COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

Norfolk, ss. No. SJC-13589

TRACEY ANNE SPICUZZA, LORENA JENKINSON, DANA STEWART LEONARD, PAUL CRISTOFORO, FREEDOM TO PROTEST COALITION, NICHOLAS ROCCO, AND JON SILVERIA,

Intervenors/Petitioners,

v.

COMMONWEALTH OF MASSACHUSETTS, KAREN READ, AND SUPERIOR COURT OF NORFOLK COUNTY,

Respondents.

On Appeal from Massachusetts Supreme Judicial Court Single Justice
No. SJ-2024-0122 & No. SJ-2024-0123

PETITIONERS' BRIEF

Marc J. Randazza, BBO# 651477
Jay M. Wolman, BBO# 666053
Randazza Legal Group, PLLC
30 Western Avenue
Gloucester, MA 01776
(978) 801-1776
ecf@randazza.com

Mark. Trammell
(*Pro Hac Vice* Forthcoming)
Center for American Liberty
1311 South Main Street, Suite 302
Mount Airy, MD 21771
Tel: (703) 687-6200
MTrammell@libertyCenter.org

TABLE OF CONTENTS

TABLE OF AUTHORITIES 3

STATEMENT OF ISSUES 8

STATEMENT OF THE CASE 8

STATEMENT OF THE FACTS 11

SUMMARY OF THE ARGUMENT 21

ARGUMENT 23

1.0 The Court Has No Authority Over Public Forums Outside the Courthouse 23

2.0 The Order is an Unconstitutional Content-Based Prior Restraint 28

2.1 The Order is an Unconstitutional Prior Restraint 29

2.2 The Order is an Unconstitutional Content-Based Restriction 33

3.0 The Single Justice Erred 37

4.0 The Right to Intervene 40

CONCLUSION 44

CERTIFICATE OF COMPLIANCE 46

CERTIFICATE OF SERVICE 47

ADDENDUM 48

TABLE OF AUTHORITIES

CASES

Alexander v. United States,
509 U.S. 544 (1993) 31

Armstrong v. Manzo,
380 U.S. 545, 85 S. Ct. 1187, 14 L. Ed. 2d 62 (1965)................... 44

Boston Herald v. Superior Court,
421 Mass. 502 (1995) 45

Canton Police Dept. v. Corby,
Docket No. 2355AC001047 (Stoughton Dist. Ct.)......................... 17

Canton Police Dept. v. O’Neil,
Docket No. 2355AC001043 (Stoughton Dist. Ct.)......................... 17

Care & Prot. Of Edith,
421 Mass. 703 N.E.2d 1174, 1176 (1996)...................................... 32

Carroll v. President & Comm’rs of Princess Anne,
393 U.S. 175 (1968) 43, 45

City of Austin v. Reagan Nat'l Advert. of Austin, LLC,
596 U.S. 61 (2022) 38

City of Ladue v. Gilleo,
512 U.S. 43 (1994) 41

Clementine Co., LLC v. Adams,
74 F.4th 77 (2d Cir. 2023) 38

Commonwealth v. Baran,
74 Mass. App. Ct. 256 (2009) 45

Commonwealth v. Barnes,
461 Mass. 644 (2012) 34

Commonwealth v. Clark,
432 Mass. 1 (2000) 34, 44

Commonwealth v. Conley,
34 Mass. App. Ct. 50, 606 N.E.2d 940 (1993) 27

Commonwealth v. Read,
Docket No. 2282CR0117 (Norfolk Super. Ct.) 13

Cox v. Louisiana,
379 U.S. 536 (1965) .... passim

Cutting v. Portland,
802 F. 3d 79 (1st Cir. 2015)... 34

Eisai, Inc. v. Hous. Appeals Comm.,
89 Mass. Ct. App. 604 (2016) 24, 43

Freedman v. Maryland,
380 U.S. 51 (1965) 32

Globe Newspaper Co. v. Superior Court,
457 U.S. 596 (1982) 44

Hague v. CIO,
307 U.S. 496 (1939) 41

Hodge v. Talkin,
799 F.3d 1145 (D.C. Cir. 2015)... 28

Lovell v. Griffin,
303 U.S. 444 (1938) 43

Madsen v. Women's Health Ctr., Inc.,
512 U.S. 753 (1994) 38, 39, 40

Matter of Angela,
445 Mass. 55, 833 N.E.2d 575 (2005)... 44

McCullen v. Coakley,
573 U.S. 464 (2014) 33, 39

NAACP v. Button,
371 U.S. 415 (1963) 36

NAACP v. Claiborne Hardware Co.,
458 U.S. 886 (1982) 36

Near v. Minnesota,
283 U.S. 697 (1931) 31

O'Neil v. Canton Police Dep't,
No. 23-cv-12685-DJC, 2023 U.S. Dist. LEXIS 202183
(D. Mass. Nov. 10, 2023) 17

Picard v. Magliano,
42 F.4th 89 (2d Cir. 2022) 34

Reed v. Gilbert,
576 U.S. 155 (2015) 36

Richmond Newspapers v. Virginia,
448 U.S. 555 (1980) 30, 40

Sable Communications of Cal., Inc. v. Federal Communications
Comm'n, 492 U.S. 115 (1989) 36

Se. Promotions, Ltd. v. Conrad,
420 U.S. 546 (1975) 31, 32

Shak v. Shak,
484 Mass. 658, 144 N.E.3d 274 (2020) 32

Sheck v. Baileyville School Committee,
530 F. Supp. 679 (D. Maine 1982) 43

Stephens Media, LLC v. Eighth Judicial Dist. Court,
125 Nev. 849, 221 P.3d 1240 (2009) 45

Time Warner Cable Inc. v. F.C.C.,
729 F.3d 137 (2d Cir. 2013) 38

United States v. Grace,
461 U.S. 171 (1983) 28

Verlo v. Martinez,
262 F. Supp. 3d 1113 (D. Colo. 2017) 28

Ward v. Rock Against Racism,
491 U.S. 781 (1989) 39

STATUTES

G.L. c. 211, § 3.. 11, 12, 28

G.L. c. 231, § 118.. 11

G.L. c. 268, § 13A.. passim

G.L. c. 268, § 13B.. passim

OTHER AUTHORITIES

Abby Patkin, "Norfolk DA Says he's 'Unconcerned' by Federal Interest in Karen Read Case," BOSTON.COM (Dec. 6, 2023) 15

Abby Patkin, "Turtleboy blogger encouraged 'minions' to intimidate witnesses in Karen Read case, prosecutor says," BOSTON.COM (Dec. 22, 2023)... 15

David R. Smith, "Karen Read murder trial: Protesters, pink show of support and jury selection," THE PATRIOT LEDGER (Apr. 16, 2024) 14

Douglas P. Woodlock, "The Art and Craft of Justice," (2002) 29

Emanuella Grinberg, "Judge refuses to step down in Karen Read's murder trial," COURT TV (Jul. 25, 2023)...................................... 14

Larry Neumeister, *et al.*, "Trump glowers and gestures in court, then leaves to campaign as sex abuse defamation trial opens," Associated Press (Jan. 16, 2024)... 37

Luis Fieldman, "As jurors are empaneled at Karen Read trial, her supporters gather – at a distance," MASSLIVE (Apr. 18, 2024) 14

Matt Schooley, "Who is Karen Read and Why are Some Calling to 'Free' Her?", WBZ News (Apr. 16, 2024) 13

Munashe Kwangwari, "Karen Read supporters protest outside Dedham courthouse," NBC BOSTON (Apr. 16, 2024) 14

CONSTITUTIONAL PROVISIONS

Mass. Constitution Pt. 1, Art. XXX 26

U.S. Const. amend. I .... passim

STATEMENT OF ISSUES

1. Does a trial court Judge have the power to create a Prior Restraint Zone outside the courthouse on public and private property?

2. If a trial court has that power, should it not exercise that power only after making findings of fact, based on admissible evidence, and applying those findings of fact to the analysis?

3. If any government authority creates a Prior Restraint Zone, should it do so with specificity and in a narrowly tailored manner?

4. What form should any restriction take in order to properly respect the First Amendment?

5. Should a Court permit intervention from non-parties in a criminal case, before making a decision that impacts their First Amendment rights?

STATEMENT OF THE CASE

In the Norfolk County Superior Court, the Norfolk County District Attorney (NCDA), for the Commonwealth, filed a motion seeking a 500-foot zone surrounding the Norfolk County Superior Court barring any and all demonstrations. RA 30.

Four of the Appellants[1] sought leave to intervene for the purpose of asserting their rights, which would have been adversely impacted by the Court's granting of the government's request, including their right to protest. RA 34. The Superior Court denied the motion to intervene, ruling that intervention is not permitted in criminal cases. RA 63.

The Superior Court granted the government's request for an exclusionary zone. RA 60. That Order did not address the source of the Superior Court's power to create the zone, nor did it address any narrow tailoring or make any findings of fact. The only tailoring that it engaged in was to trim the zone from the 500-foot request to 200 feet. RA 61.

The four individual Petitioners sought review before a Single Justice of the Appeals Court. RA 68. That Justice held that the appeal under G.L. c. 231, § 118 was improper. RA 121. Accordingly, those four Appellants sought direct review by a Single Justice of the Supreme Judicial Court under G.L. c. 211, § 3.

The Freedom to Protest Coalition, an unincorporated group of citizens who seek to protect the First Amendment, and who are adversely impacted by the Superior Court's order creating the zone,

[1] Those four Appellants were Tracey Anne Spicuzza, Lorena Jenkinson, Dana Stewart Leonard, and Paul Cristoforo.

organized and filed its own petition under G.L. c. 211, § 3, directly to the Single Justice of the SJC.

Both sets of Petitioners (in their petitions and in emergency motions to stay the lower court order) argued that the Superior Court lacked the power to create the zone in the first place; if it had the power to do so, it had not made evidence-based findings of fact to support it. The Petitioners also argued that the Superior Court had not engaged in sufficient narrow tailoring.

On April 12, 2024, the Single Justice denied both sets of petitions and motions, addressing only the issue of whether the zone was proper, and determining it was a reasonable content-neutral, time, place, and manner restriction on speech. RA 238; ADD 50. The Single Justice's ruling did not address the scope of the buffer zone, which forbids *all* demonstrations, regardless of whether they are related to the asserted reasons for establishing the zone, and has no temporal tailoring.

The Single Justice did not address the issue of the Superior Court's power to legislate a zone at all, nor did it address the fact-finding process, simply accepting as undisputed facts that the Superior

Court declared without anything in the record to support them.[2] The Single Justice also did not address the issue of a right to intervene, on the basis that expedited relief on that issue was not necessary.[3]

On April 12, 2024, all of those Petitioners (the Appellants here) combined their efforts and appealed to the full SJC. On April 19, 2024, the SJC ordered that Petitioners file their Brief by April 23, 2024, and that Respondents file their Brief by April 24, 2024.

STATEMENT OF THE FACTS

Commonwealth v. Read is a high-profile murder trial being held in Dedham. Thousands of people are following the case, and the weight of public opinion, at least among those who are vocal about the case, is highly critical of the government and in support of Karen Read.[4] Small

---

[2] In footnote 6 in the Single Justice's Order (RA 329), he erroneously noted that the Petitioners had not challenged the lower court's findings of fact. Given the expedited nature of the proceeding, errors were to be expected. However, the Appellants specifically dispute this finding by the Single Justice. RA 165-167.

[3] Appellants do not criticize that determination. However, the fact that there is no guidance from the SJC to its subordinate courts on intervention is an issue that is inevitable to be repeated yet will evade review. Accordingly, the full SJC should take this opportunity to give trial courts clear instructions on this issue.

[4] See, e.g., Matt Schooley, "Who is Karen Read and Why are Some Calling to 'Free' Her?", WBZ News (Apr. 16, 2024) available at https://www.cbsnews.com/boston/news/karen-read-trial-latest-details-john-okeefe (last accessed Apr. 22, 2024).

groups of protesters have fanned out across the Commonwealth, protesting in Karen Read's favor. See Luis Fieldman, "As jurors are empaneled at Karen Read trial, her supporters gather – at a distance," MASSLIVE (Apr. 18, 2024).[5] Handfuls of pro-Karen Read protesters have gathered in Dedham over the past few weeks, peacefully gathering on the sidewalks and the steps of the Norfolk County Registry of Deeds, across the street from the courthouse. See Emanuella Grinberg, "Judge refuses to step down in Karen Read's murder trial," COURT TV (Jul. 25, 2023);[6] Munashe Kwangwari, "Karen Read supporters protest outside Dedham courthouse," NBC BOSTON (Apr. 16, 2024);[7] David R. Smith, "Karen Read murder trial: Protesters, pink show of support and jury selection," THE PATRIOT LEDGER (Apr. 16, 2024).[8] Petitioners are not aware of a single pro-government protester, anywhere, at any time.

---

[5] Available at: https://www.masslive.com/news/2024/04/as-jurors-are-empaneled-at-karen-reads-trial-her-supporters-gather-at-a-distance.html (last accessed Apr. 21, 2024).
[6] Available at: https://www.courttv.com/news/judge-refuses-to-step-down-in-karen-reads-murder-trial/ (last accessed 23 Apr. 2024).
[7] Available at: https://www.nbcboston.com/news/canton-karen-read-case/karen-read-supporters-protest-outside-dedham-courthouse/3340477/ (last accessed Apr. 21, 2024).
[8] Available at: https://www.patriotledger.com/story/news/2024/04/16/karen-read-protesters-trial-begins-john-okeefe-braintree-ma-dedham-ma-canton-ma/73337252007/ (last accessed Apr. 21, 2024).

The Norfolk County District Attorney's office has been heavily criticized for its conduct in the Read case. See, e.g., Abby Patkin, "Norfolk DA Says he's 'Unconcerned' by Federal Interest in Karen Read Case," BOSTON.COM (Dec. 6, 2023).[9] Whether that criticism is deserved or not is irrelevant to the First Amendment issues. However, the District Attorney responded aggressively to this criticism. The DA took the position that if a protester *can be seen by a witness*, then they are violating the law.[10] The most vocal journalist covering the case, Aidan Kearney, has been charged with alleged witness intimidation. See Abby Patkin, "Turtleboy blogger encouraged 'minions' to intimidate witnesses in Karen Read case, prosecutor says," BOSTON.COM (Dec. 22, 2023).[11] And in this particular case, the NCDA sought a ban on all protests within 500 feet of the courthouse in Dedham, Massachusetts. RA 32.

---

[9] Available at https://www.boston.com/news/crime/2023/12/06/norfolk-district-attorney-morrissey-unconcerned-federal-interest-karen-read-case/ (last accessed Apr. 22, 2024).

[10] See Canton Police Department, Narr. for Patrolman Zepf at ¶ 1 & Supp. Narr. for Patrolman Pascarelli at ¶ 11 (Ref. 23-304-AR).

[11] Available at: https://www.boston.com/news/crime/2023/12/22/turtleboy-blogger-encouraged-minions-to-intimidate-witnesses-in-karen-read-case-prosecutor-says/ (last accessed Apr. 21, 2024).

The Commonwealth claimed that it needed this zone where all expressive activity would be suppressed because it said it could not get a fair trial without it. RA 30-32. In an apparent attempt to make the Prior Restraint Zone seem content and viewpoint-neutral, they sought a ban on all demonstrations – not just anti-government demonstrations. However, there have been no pro-government protesters. Accordingly, the ban sought was effectively a ban on one viewpoint. Nevertheless, the facial ban they sought (and the one ultimately granted) was, indeed, content-based despite the mischaracterization of it as content-neutral. Commercial speech is permitted in the zone,[12] but political speech is not. That distinction turns the hierarchy of expression upside down.

To justify the effort to end the anti-government protests, the DA claimed, without any attribution to established facts nor even admissible evidence, that there has been "witness intimidation" in this case. RA 30-32. The government indeed has *accused* nine people of witness intimidation, for standing on the busiest intersection in Canton, holding signs. See, e.g., Canton Police Dept. v. Corby, Docket No.

---

[12] See, e.g., https://youtu.be/_4mm1lWN1Hs?si=T5-evjvQh1nv1D8j at 1:16 (FedEx van & commercial signage). News media vans, emblazoned with familiar logos like the NBC Peacock, are ubiquitous within the zone.

2355AC001047 (Stoughton Dist. Ct.); Canton Police Dept. v. O'Neil, Docket No. 2355AC001043 (Stoughton Dist. Ct.). In those cases, the government took the position that since a potential witness hypothetically could have seen these signs, that equaled witness intimidation. However, not one person has been found to have intended to intimidate.

In short, there are anti-government protests and anti-government reporting. The government arrested an anti-government journalist. The government charged anti-government protesters with an unconstitutionally broad interpretation of the witness intimidation statutes.[13] Now, not content to chill speech with these tactics, the NCDA asked to create a zone where all non-commercial speech would be banned, and the Superior Court indulged that request without the authority to do so. Even if it had the authority, it wielded it improperly.

[13] It must be noted that some of those protesters sought relief from the District of Massachusetts, and the District of Massachusetts held otherwise. See O'Neil v. Canton Police Dep't, No. 23-cv-12685-DJC, 2023 U.S. Dist. LEXIS 202183 (D. Mass. Nov. 10, 2023). However, that decision is currently on appeal to the First Circuit. It is likely that the SJC will receive a referral from that Court to render its opinion on how to interpret G.L. c. 268, §§ 13A & 13B, and presumably this Court will not agree that the *mens rea* requirement in 13A and 13B is no longer required, and that the mere fact that a sign can be seen by a potential witness does not equal "intimidation."

The four protesters who initially sought to intervene specifically disclaimed any desire to intimidate any witnesses or jurors. Tracey Anne Spicuzza wishes to demonstrate that Nicola Sacco and Bartolomeo Vanzetti were wrongfully convicted in Dedham. It is her intent to hold a sign outside commemorating the injustice perpetrated upon them, with a statement that the Commonwealth of Massachusetts is not to be trusted. She wishes to do so outside the courthouse, because she is aware that the press will be there and the public will pass by, and, therefore, that is where her demonstration will be most meaningful. She has not settled on the exact content of her signs that she will hold each day, but she intends to commemorate the injustice done to Sacco and Vanzetti and to draw parallels that she sees in this prosecution. She wishes to communicate that everyone deserves a fair trial; Sacco and Vanzetti did not get one, but Karen Read should. RA 37.

Lorena Jenkinson and Dana Stewart Leonard wish for the public to focus on how this trial is conducted, ensuring that the public is focused on it and they pay attention to it, even if the public cannot attend the trial themselves. RA 37-38. They are aware that the press will be outside the courthouse, and they want the press to see what they have to say on their signs. Id.

Jenkinson also wishes to criticize the police and the prosecutors in this case by holding up signs in support of the "Canton 9," who were previously charged with witness intimidation for demonstrating about the Read case. In other words, a protester wishes to protest the fact that the government has intimidated other protesters. Id.

Paul Cristoforo wishes to demonstrate to call attention to his belief that the Commonwealth, the NCDA, and the Police are not to be trusted. He intends to hold up a sign that says "FREE TURTLEBOY" in support of a journalist, Aidan Kearney, who has been prosecuted for engaging in journalism pertaining to this case. He also intends to hold up signs that says, "FREE KAREN READ." RA 38.

Additionally, hundreds of other citizens wish to protest as well. Immediately after the four individuals were denied intervention, they formed the "Freedom to Protest Coalition." That group exists solely to exercise their rights in relation to this case, yet consists of a diverse group of more than 500 citizens who wish to protest on a variety of subjects. A current roster of the membership and the topics they wish to protest on is available at Exhibit 1 to this Brief. Many certainly wish to protest about this very case, and about their belief about Karen Read's innocence. However, others simply believe that with news

cameras surrounding the courthouse, it will be a good opportunity to seek attention for other causes, much like those who stand outside "Good Morning America" live broadcasts hold up signs for their causes, or others come to sporting events and hold up signs containing Bible passages. The views sought to be expressed are as diverse as "Black Lives Matter,"[14] the "Free Mom Hugs" organization,[15] disabled Americans,[16] against child sex trafficking,[17] for women's rights and equality,[18] in favor of LGBTQ rights,[19] or to make a religious statement.[20] However, one of the largest subgroups is the group of people who simply want to protest in favor of the First Amendment and against what has happened here. In an act of "First Amendment Meta" the Order deprives them of their First Amendment rights and they want to protest this deprivation. See Exhibit 1.

---

[14] Jessica Holton Callahan and Evelyn Stavro.
[15] Courtney Matos.
[16] Joanne McGue.
[17] Meredith O'Neil, Nick Rocco, Roberto Silva, Kaitlyn Buote, and Sasha Rose Hearn.
[18] Tina Shepard, Laurie Babcock, Carol Clough, Crystal Connolly, Kristin Craddock, Nichole Hoban, Kathleen McDonald, Nora O'Donovan, and Michelle Ormond.
[19] Megan Shippee.
[20] Steve Randle.

Rejecting input from intervenors, the Superior Court established a 200-foot zone where, *inter alia*, "no individual may demonstrate in any manner, including carrying signs or placards, within 200 feet of the courthouse complex during trial of this case, unless otherwise ordered by this Court."[21] RA 61. The Order applies to this zone morning, noon, and night. The Order applies to all "demonstrations" but does not apply to commercial speech.[22] The Superior Court failed to undertake the slightest analysis with respect to which evidence-based facts it relied on, nor did it engage in any narrow tailoring analysis. It simply drew a broad shape and said, in essence, "there can be no political speech in this zone." And while the zone is facially viewpoint neutral, it was created solely to exclude anti-government speech. After all, if there is only anti-government speech, and the government responds by seeking to ban all speech, it is clearly doing it to target anti-government speech. It is as if there were a synagogue that annoyed the government because of the religion being practiced inside, and the government simply

---

[21] The addition of "unless otherwise ordered by this Court" is difficult to understand, as the Superior Court refused to permit third parties to intervene. Why would the Superior Court issue a subsequent order?

[22] And as noted above, commercial speech has been permitted without any objection at all. Only political speech has been banned.

banned all houses of worship within a geographical zone which only contained that synagogue.

A pernicious element to this Order is that it is based on a fictitious narrative that even the government did not propose. The Order reads as if Karen Read asked for it. RA 61 (stating the buffer zone is justified because "[t]he defendant here is entitled to a fair trial with an impartial jury, free from outside influence, focused solely on the evidence presented in the courtroom during the trial and applicable law"). Meanwhile, Karen Read herself took no position on the government's request.[23] It would require significant suspension of disbelief to say that banning demonstrations *supporting* Karen Read *protects* Karen Read. Yet, here we are.

Compounding this lack of evidence of any possible harm to Read is the Single Justice's Order, which uncritically accepted the Superior Court's unsupported claim that witness intimidation has been a

---

[23] While we can only speculate on the Defendant's motivation, she has not once expressed displeasure with the protesters who show up to support her. Presumably, her counsel chose to take no position on the motion because they believed the Court would not do what it ultimately did, or they believed the optics of a Defendant fighting for protesters who supported her would negatively color the Judge's opinion of her. However, the trial court failed to appreciate that Read choosing to remain silent did not give the trial court license to use Karen Read as a straw man for censorship.

prevalent issue in this case and erroneously stated that Petitioners did not challenge these alleged factual findings. To the contrary, Petitioners have repeatedly pointed out that there is no record evidence of any alleged witness intimidation or jury tampering. RA 47-48.

SUMMARY OF THE ARGUMENT

The Superior Court imposed a Prior Restraint Zone that bans all demonstrations in an area 200 feet from the "courthouse complex" in Dedham, Massachusetts. This Prior Restraint Zone provides that "no individual may demonstrate in any manner, including carrying signs or placards, within 200 feet of the courthouse complex during trial of this case, unless otherwise ordered by this Court." RA 61.

The Prior Restraint Zone was created by a judge who lacked any power to do so, without any attempt to involve affected parties, and in derogation of affected parties' rights. Even if the power existed, the Court made no findings of fact and failed to narrowly tailor the Prior Restraint Zone in order to properly abide the First Amendment.

The Order does not define "courthouse complex," thus leaving that interpretation entirely up to the police. The police have, so far, interpreted it as 200 feet from the edge of the courthouse property, in

all directions. However, they have also interpreted it as prohibiting signs outside that zone, if they criticize the zone itself.

There are cases discussing legislative authority over such areas, such as Cox v. Louisiana, 379 U.S. 536 (1965). But, despite a good faith effort to find one, Petitioners are unable to find a single case where a court purported to command contempt authority over demonstrators outside the courthouse grounds. However, there are analogous cases to consider. When courts seek to close their own courtrooms, third parties (usually media entities) are nearly always permitted to intervene, because it is an affront to due process that a court can deprive citizens of their First Amendment rights without an opportunity to be heard. See Eisai, Inc. v. Hous. Appeals Comm., 89 Mass. Ct. App. 604, 607 (2016) ("non-parties may intervene where they would otherwise suffer 'a substantial injury to a direct and certain violation of' their rights").

Although Petitioners have differing reasons for wishing to protest, most of them wish to protest near the courthouse for one unifying reason—their protests relate to the Read case, and there is no other location where their protests are relevant aside from that courthouse. Members of the media, members of the government, and members of the public who have an interest in the Read case will all be

present at that courthouse, and protesting elsewhere will not have the same effect. Petitioners have no interest in influencing the judgment of the jury or the truthful testimony of witnesses. The Superior Court should have done the work of using a procedure that protects the First Amendment, while using a scalpel to mitigate any concerns. Instead, the Superior court simply wiped the entire right to protest off the table. Doing so, without narrow tailoring, and without considering the input of the public, was an error that this Court must correct.

ARGUMENT

1.0 The Court Has No Authority Over Public Forums Outside the Courthouse

In Cox v. Louisiana, 379 U.S. 559 (1956), the Supreme Court upheld an exclusionary zone outside courthouses. However, there are two key differences between the Superior Court's "Prior Restraint Zone" and the Louisiana zone in Cox. First, Louisiana created its zone *through the legislative* process, respecting separation of powers, with input from the affected public. The Norfolk County Superior Court created it by judicial fiat, where it did not even permit a dissenting voice

to be filed on the record, much less actually listen to any intervenor with a dissenting voice.[24]

A *legislature* may have the authority to create buffer zones around courthouses. The Superior Court does not:

> In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

Mass. Constitution Pt. 1, Art. XXX. The Superior Court intruded upon the province of the legislature in enacting its order.

In Cox, the statute prohibited demonstrating near a courthouse. However, the statute did not apply unless the protester had the *intent* of "interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty." Id. at 582 n.4. This is similar to G.L. c. 268 § 13A and § 13B, which occupies this legal territory in Massachusetts, and itself has a requisite *mens rea* of intent to "interfere,

---

[24] The Superior Court did note that it considered an amicus brief from the Massachusetts ACLU. However helpful that brief was, the Court completely ignored its advice, and an amicus brief cannot substitute for the voices of those who themselves are being silenced.

obstruct, or impede." Demonstrative activity can only be constitutionally restricted where this *mens rea* is present. Cox v. Louisiana, 379 U.S. at 582 n.4. However, the Superior Court here simply said that the First Amendment does not apply within 200 feet outside the courthouse, regardless of the intent or the effect of the demonstration. Contrast G.L. c. 268, §§ 13A & 13B.[25] The District Attorney does not have the power to enlist the judiciary to be its own unelected legislature, locking down protest just because the Court[26] or the government are uncomfortable with full-fledged First Amendment rights being exercised.

---

[25] The Commonwealth has interpreted these statutes broadly to mean that if any witness can even *see* a relevant sign, the speech can be restricted. The Court should take this opportunity to make it clear that the only reason that Sections 13A and 13B are constitutional are because of this *mens rea* requirement. Moreover, Section 13B is broadly overapplied here, as "[a] willful endeavor to influence a witness, by itself, is not a crime. Were it a crime, then a remark by a lawyer to a prospective witness to 'tell the truth' would violate the statute." Commonwealth v. Conley, 34 Mass. App. Ct. 50, 54, 606 N.E.2d 940, 943 (1993).

[26] The Superior Court judge has indeed been the target of criticism as well, with many protesters referring to her as "Auntie Bev." See Grinberg, *supra*, footnote 6. The undersigned does not endorse the negative viewpoints expressed toward Judge Cannone, but when a judge is the subject of criticism, then that judge issues an order barring criticism, there should be heightened sensitivity with regard to the constitutional rights affected by the Order. While the Judge certainly had purity of heart in issuing the Order, the appearance of impropriety is just as important as actual impropriety.

The judiciary has no power decree *anything* silencing non-parties outside of its courtroom absent a significant *mens rea* requirement, much less outside its courthouse, especially not to ban *all* demonstrations in public forums, with no input from those affected. In fact, no branch of government has that authority. In synthesizing Cox with United States v. Grace, 461 U.S. 171 (1983) (holding that there is a First Amendment right to protest on sidewalks outside the Supreme Court) and Hodge v. Talkin, 799 F.3d 1145 (D.C. Cir. 2015) (affirming restrictions on Supreme Court grounds), cert. denied, 136 S. Ct. 2009 (2016), it is apparent that governmental power, whether legislative, judicial, or executive, to restrict demonstrations *vis a vis* the courthouse extends only up to, but not including, the sidewalks, and extends no further, especially not into traditional public fora. See Verlo v. Martinez, 262 F. Supp. 3d 1113, 1145-46 (D. Colo. 2017) (interpreting Grace and Hodge). Accordingly, without even reaching the violence the Zone does to the First Amendment, this Court should use its power under G.L. c. 211, § 3 to rein in the Superior Court's misuse of power by acting as a rogue one person legislature, banning all opposition.

The Trial Court established a Prior Restraint Zone that bans *all demonstrations.* It does not limit itself to demonstrations by people

who seek to unduly influence witnesses or jurors. One cannot, for example, hold up a placard containing the text of the First Amendment, or any of the 39 other inscriptions appearing on tablets outside the Moakley Courthouse, that jurors and witnesses pass daily.[27] Does this Court wish to pronounce that, in Massachusetts, a trial court can ban even the holding of a sign containing the 45 words of the First Amendment or even the single word, "Justice?" The Spirit of Massachusetts should not be subject to such exorcism.

Even if some form of a zone restricting speech were appropriate, restricting all forms of political speech is overbroad and not tailored (let alone narrowly) to the particular needs of this circumstance, which has not been established. The government may not avoid narrow tailoring by simply saying "this is not a garment, it is a blanket." And then throw that blanket over the entirety of the First Amendment.

Inside a courtroom, the trial judge's powers are at their height.[28] Nevertheless, before a trial court can restrict First Amendment rights

---

[27] See Douglas P. Woodlock, "The Art and Craft of Justice," (2002), available at: https://www.mad.uscourts.gov/history/pdf/Inscriptions.brochure.2E.pdf.

[28] The Order also restricts speech inside the courtroom, and likely also goes too far. However, the Appellants do not challenge the Judge's authority to maintain order inside the courtroom.

even in its very realm, the Supreme Court requires that it make specific findings justifying closure. Richmond Newspapers v. Virginia, 448 U.S. 555, 558 (1980).

Here, the Superior Court failed to make *any* findings, let alone evidence-based ones. Yet, it created a restriction that reached beyond an order about the press, or inside the courtroom, but one that reaches outside the courtroom, through the hallways, out the front door, onto the sidewalks, the streets, and even on to private property.

Where the government seeks to shut down traditional public forums through legislative or executive power, the case law is rich with cases on point. Here, there are none. This may be because it has been starkly obvious that a judge lacks authority to issue such an order. The courtroom and courthouse are the court's domain. But, that is where the control ends. This appears to be a case of first impression, where a court has sought to graft tentacles onto its power, then extend them outside of its domain to ensnare all demonstrations on property it does not control; traditional public forums and even private property.

2.0 The Order is an Unconstitutional Content-Based Prior Restraint

The Order is a prior restraint. It does not warn protesters that if they violate some standard, such as that enumerated in Sections 13A or

13B they will be dealt with.[29] It simply bans all demonstration content, while permitting non-demonstration content. It does this in a traditional public forum – the sidewalks, streets, and front steps of a government building (the Courthouse and the Registry of Deeds). RA 61-62.

2.1 The Order is an Unconstitutional Prior Restraint

The order prohibits Petitioners from engaging in speech before it is uttered. That is a prior restraint – an "administrative" or "judicial order[]" that forbids protected speech in advance. Alexander v. United States, 509 U.S. 544, 550 (1993). Prior restraints are "the essence of censorship." Near v. Minnesota, 283 U.S. 697, 713 (1931). "[A] free society prefers to punish the few who abuse rights of speech *after* they break the law than to throttle them and all others beforehand." Se. Promotions, Ltd. v. Conrad, 420 U.S. 546, 559 (1975). "Our

---

[29] The government asked the Superior Court for an order posting the witness intimidation statute prominently outside. While this would seem to be a reasonable request, the Superior Court did not seem to approve of it. Meanwhile, making citizens aware of the law would not seem unreasonable – however the District Attorney in this case has, as noted above, interpreted the statute in an overly-broad manner, without regard to the intent element. Should this Court order that remedy, the posting of the statute, the Appellants would not object, but would invite the Court to remind the government that 13A and 13B have a requisite intent element, and are not simply applicable if any witness or juror can simply see a protest sign.

distaste for censorship – reflecting the natural distaste of a free people – is deep-written in our law." Id. at 553. As this Court has observed:

> A prior restraint "avoids constitutional infirmity only if it takes place under procedural safeguards designed to obviate the dangers of a censorship system." Southeastern Promotions, Ltd., 420 U.S. at 559, quoting Freedman v. Maryland, 380 U.S. 51, 58 (1965). To determine whether a prior restraint is warranted, the Supreme Court has looked to (a) "the nature and extent" of the speech in question, (b) "whether other measures would be likely to mitigate the effects of unrestrained" speech, and (c) "how effectively a restraining order would operate to prevent the threatened danger." Nebraska Press Ass'n, 427 U.S. at 562. "[T]he barriers to prior restraint remain high and the presumption against its use continues intact." Id. at 570.

Shak v. Shak, 484 Mass. 658, 662-63, 144 N.E.3d 274, 279 (2020).

"Any limitation on protected expression must be no greater than is necessary to protect the compelling interest that is asserted as a justification for the restraint." Care & Prot. Of Edith, 421 Mass. 703, 705, 659 N.E.2d 1174, 1176 (1996). The Superior Court used no procedural safeguards. It *forbade intervention* by those whose speech would be restrained.[30] It forbade all manner of political speech,

[30] Appellants do not purport to stand in for all other parties who might also wish to enjoy their First Amendment rights. Accordingly, even if the Court had permitted the four would-be intervenors to be heard, the Coalition would have had its own arguments, and other parties who were neither seeking intervention nor were members of the Coalition would have a right to notice and to be heard.

whether or not such speech might or was intended to influence jurors or witnesses. The Order clearly does not to apply to commercial advertising, but it applies to any political speech at all. The Court considered no other measures—such as instructions to the jury, sequestration, or shielding the jury from viewing any demonstrations—which are otherwise used to prevent improper influence over a juror. And, the Order does not even prevent the alleged danger—there is already significant news coverage that would otherwise influence jurors or witnesses. If the Court truly wished to do what the Order says it does, then the Court should perhaps have sought to gag the media from reporting negatively on Karen Read. This would have its own First Amendment problems, but at least it would be consistent with the stated intent of the Prior Restraint Zone. The Prior Restraint Zone does not seem to be even aimed in the right direction – it seems more created to shield the Judge and the government from having to see critics.

The Commonwealth did not meet its evidentiary burden of showing that the Prior Restraint Zone is sufficiently narrow as it submitted no evidence. See McCullen v. Coakley, 573 U.S. 464, 495 (2014) (government failed to provide sufficient evidence showing alternative measures were considered and rejected); see also Cutting v.

Portland, 802 F. 3d 79, 92 (1st Cir. 2015) (same). The Constitution applies equally to the judicial branch as it does to the executive and legislative branches, both of which routinely hear from witnesses on matters of great public debate, but are afforded no special treatment freeing them from hearing demonstrations against their anticipated testimony. There is no support in the record for why the judiciary, and this case in particular, require this particular blanket restraint, without even considering alternatives.

This Court has recognized that prior restraints are unconstitutional when they lack "detailed findings of fact" that are necessary to "demonstrate that no reasonable, less restrictive alternative to the order" protect the stated interests. Commonwealth v. Barnes, 461 Mass. 644, 657 (2012). This is a similar duty imposed on judges by the First Amendment when closing their courtrooms. See Commonwealth v. Clark, 432 Mass. 1, 8 (2000). In such a circumstance, "the findings must be particularized and supported by the record. Id. However, the Court did not even meet the burden required to exercise power inside the courtroom. Closing a zone 200 feet outside the courthouse should be an even greater burden. Compare Picard v. Magliano, 42 F.4th 89 (2d Cir. 2022) (finding New York content-neutral statutory buffer zone

unconstitutional when applied to the particular speech). There are no detailed findings here, and the fact that there have been past demonstrations in support of the defendant does not show that there are no reasonable, less restrictive alternatives. To the contrary, the proposed intervenors suggested alternatives, but the Superior Court refused to consider them. The Superior Court's Order is a prior restraint on protected expression, yet there is *nothing* in the record justifying it. The Superior Court did not overcome the presumption of unconstitutionality, let alone attempt to do so.

2.2 The Order is an Unconstitutional Content-Based Restriction

The government and the Superior Court may have thought they were being constitutionally creative to avoid content and viewpoint based strict scrutiny by textually squelching *all* viewpoints, they missed the mark. They limited only one kind of *content* (i.e. "demonstrations") while permitting others, such as advertisements and other commercial speech. News vans and delivery trucks can (and have been) be parked within the zone, emblazoned with their owners' logos and advertising. The law offices, churches, pilates studio, and coffee house within the zone have signage to attract customers. Residents whose houses are within the zone can post yard-sale notices and "home for sale" signs.

However, nobody can post a quote from Oliver Wendell Holmes without violating the Order. That is a content based restriction.

A regulation is content based, and thus subject to strict scrutiny, if it "singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter[.]" Reed v. Gilbert, 576 U.S. 155, 169 (2015). Strict scrutiny "requires the Government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest" (citation omitted). Id. at 171. While ensuring a fair trial is a compelling interest, the Order is not narrowly tailored.

In the context of strict scrutiny, a regulation is not narrowly tailored unless "it chooses the least restrictive means to further the articulated interest." Sable Communications of Cal., Inc. v. Federal Communications Comm'n, 492 U.S. 115, 126 (1989). Even when the enjoined First Amendment activity has been intertwined with actual violence, (and there has been none here, not even threats of violence) "precision of regulation is demanded." NAACP v. Claiborne Hardware Co., 458 U.S. 886, 916 (1982) (quoting NAACP v. Button, 371 U.S. 415, 438 (1963)). A 200-foot zone ending all political speech is not the least-restrictive means to ensure a fair trial. The Superior Court did not

articulate why such a broad zone, beyond the premises of the courthouse, was warranted. The court has functioned fine up to this point, with protesters shooed from the courthouse steps, but remaining on the sidewalks. If the Court is concerned about jurors, they can be sequestered or given instructions to ignore signs, just as they are instructed to ignore media or not talk to people about the case. As proposed by the putative intervenors, witnesses and jurors could be led into the courthouse through alternate avenues.[31] The restriction could be limited to courthouse premises and to speech directed to the facts the parties would seek to prove. But, for example, a sign that says "Justice" or "Vote for Biden/Trump/Kennedy/None of the Above" or "2 Corinthians 3:17" has nothing to do with ensuring a fair trial. Thus, the Order fails strict scrutiny.

---

[31] In the high-profile January 2024 trial of over claims of defamation involving former president Donald J. Trump, jurors were driven to and from the courthouse from an undisclosed location. See Larry Neumeister, *et al.*, "Trump glowers and gestures in court, then leaves to campaign as sex abuse defamation trial opens," Associated Press (Jan. 16, 2024), available at: https://apnews.com/article/trump-carroll-lawsuit-defamation-trial-5e536a371df5245b7bf390d1f864b5dc.
Narrow tailoring could be resolved by driving the jury into the courthouse—with blacked-out windows—rather than allow hundreds of citizens' voices to be censored. No alternative options were considered by the Superior Court, however.

Even under the erroneous analysis that the restriction is content neutral, the Order fails. While the language of the Order is not facially viewpoint based, the motivation behind it was clearly to exclude only one viewpoint. "If there is evidence that an impermissible purpose or justification underpins a facially content-neutral restriction, for instance, that restriction may be content based." City of Austin v. Reagan Nat'l Advert. of Austin, LLC, 596 U.S. 61 (2022). "The principal inquiry in determining whether a regulation is content-based or content-neutral 'is whether the government has adopted a regulation of speech because of agreement or disagreement with the message it conveys.'" Clementine Co., LLC v. Adams, 74 F.4th 77, 87 (2d Cir. 2023) (quoting Time Warner Cable Inc. v. F.C.C., 729 F.3d 137, 155 (2d Cir. 2013)). Here, the Superior Court made clear why it was imposing the restriction: people had been demonstrating in favor of Karen Read and criticizing the judge, and the government and the Court wanted that to end. Accordingly, strict scrutiny applies.

Nevertheless, even under intermediate scrutiny, the Order must fall. That standard requires that a regulation "burden no more speech than necessary to serve a significant government interest." Madsen v. Women's Health Ctr., Inc., 512 U.S. 753, 765 (1994); see also Ward v.

Rock Against Racism, 491 U.S. 781, 799 (1989). Narrow tailoring is still required. McCullen, 573 U.S. at 495. The Order burdens far more speech than necessary to ensure a fair trial, as noted above, and it is not tailored at all, much less narrowly. Thus, even under intermediate scrutiny, the Superior Court failed.

3.0 The Single Justice Erred

Petitioners appreciate the prompt ruling by the Single Justice of this Court due to the grave constitutional issues at stake. However, in denying the petitions, it was erroneous.

First, the restriction is a prior restraint on speech, though footnote 8 is to the contrary. In Madsen v. Women's Health Ctr., 512 U.S. 753, 763 n.2 (1994), citied by the Single Justice, the restriction of speech was not evaluated under the prior restraint rubric because it only involved a 36' zone and the injunction was not issued because of the expression of the content of speech. Additionally, the specific individuals were enjoined in Madsen due to past impeding of access, and the injunction broadly prohibited *them* from entering the zone, only incidentally burdening speech. Under that restriction, other individuals holding up other signs, who were not acting in concert with the protesters would not have been prohibited. Perhaps had the Court

ordered that anyone previously convicted of (or even credibly accused of) impeding access to the courthouse should be banished, the First Amendment issues would be far more muddy. But, this Order is not consistent in that way with Madsen. Madsen does not bless a complete extinguishment of the First Amendment in a Prior Restraint Zone.

Here, the zone here is eight times larger than in Madsen, and the Order was issued precisely because others have engaged in demonstrative support for Defendant, but also reaches beyond those others to encompass everyone. And, the Madsen court struck down a 300' foot prohibition on picketing precisely because it was too broad. Thus, Madsen is inapposite.

Second, as discussed above, the restriction is content based. Demonstrations are but one type of speech. Other forms of speech are permitted. In fact, journalists are permitted to hound witnesses and the defendant as they enter and leave the courthouse. How is that any better or less intrusive than a citizen holding a sign that says "JUSTICE" on it? The press has no greater rights than ordinary citizens, but they are given greater rights here. See Richmond Newspapers, 448 U.S. at n.12.

Third, as discussed above, the restriction is not narrowly tailored and the Single Justice did not weigh any alternate proposed tailoring.

Two hundred feet is excessive, and there is no record evidence that the Single Justice relied upon that would suggest any witness or juror would be intimidated by demonstrators. The restriction that has worked thus far, keeping protesters off the courthouse property, is tried and true. This Prior Restraint Zone is unprecedented and unnecessary.

Fourth, there are not ample alternative channels. Demonstrations outside the buffer zone or on the internet are no substitution for in-person, on-site demonstrations. See, e.g., City of Ladue v. Gilleo, 512 U.S. 43, 56-57 (1994) (location of speech carries its own message and alternative channels may not carry that message). The sidewalks and streets outside the courthouse are where the reporters report from, and it is where government officials making the decisions surrounding the prosecution must pass. "People assemble in public places not only to speak or to take action, but also to listen, observe, and learn; indeed, they may "[assemble] for any lawful purpose," Hague v. CIO, 307 U.S. 496, 519 (1939) (opinion of Stone, J.). It is where the public is paying attention. No one would say that such alternatives were sufficient for anti-abortion protestors or for protests outside the Israeli Embassy/Palestinian Mission, and the Dedham courthouse should not

be singled out for special treatment under the constitution. Thus, the Court should not defer to the Single Justice decision.

4.0 The Right to Intervene[32]

Intervenor-Petitioners sought to be heard in the Superior Court, prior to the imposition of the Prior Restraint Zone upon them. The Court denied intervention, stating that intervention is not permitted in criminal cases.[33] RA 256-257. This, alone, is enough to vacate the Order, as denying intervention poisoned the Order under controlling Supreme Court precedent.

It is true that there is no specific rule in Massachusetts permitting intervention in a criminal case when the Court seeks to take away third parties' First Amendment rights. The Superior Court interpreted this as a pronouncement that if there is no rule, there is no right. However,

---

[32] This argument is relevant only to Spicuzza, Jenkinson, Stewart Leonard, and Cristoforo, as they sought intervention below. However, while the Court can invalidate the order without passing on the right to intervene, it should nevertheless take the occasion to establish, formally, what would constitute due process-notice and an opportunity to be heard.

[33] The Single Justice denied this relief, as it did not meet the exigency required for extraordinary relief. Appellants agree, since they are now being heard. However, they do not wish to inadvertently waive this issue, and whether the SJC chooses to resolve this question now, or at a later date, it is an issue that requires a resolution. The SJC has the opportunity to do so in this case, and should do so.

this is Constitutionally wrong. In Carroll v. President & Comm'rs of Princess Anne, the Supreme Court clearly illuminated the obvious right. In that case, the government sought to ban a rally with a court order. The Supreme Court threw out the order because:

> because of a basic infirmity in the procedure by which it was obtained. It was issued ex parte, without notice to petitioners and without any effort, however informal, to invite or permit their participation in the proceedings. There is a place in our jurisprudence for ex parte issuance, without notice, of temporary restraining orders of short duration; but there is no place within the area of basic freedoms guaranteed by the First Amendment for such orders where no showing is made that it is impossible to serve or to notify the opposing parties *and to give them an opportunity to participate*.

393 U.S. 175, 180 (1968) (emphasis added); see also Eisai, Inc. v. Hous. Appeals Comm., 89 Mass. Ct. App. 604, 607 (2016) (non-parties may intervene in proceedings where they would otherwise suffer "a substantial injury to a direct and certain violation of" their rights.)

Here, the government sought the prior restraint without even *trying* to give any affected parties notice. "First Amendment free speech is a fundamental individual liberty which no state may withhold without due process." Sheck v. Baileyville School Committee, 530 F. Supp. 679, 690 (D. Maine 1982), citing Lovell v. Griffin, 303 U.S. 444 (1938). "The fundamental requirement of due process is notice and the

opportunity to be heard 'at a meaningful time and in a meaningful manner.'" Matter of Angela, 445 Mass. 55, 62, 833 N.E.2d 575 (2005), quoting Armstrong v. Manzo, 380 U.S. 545, 552, 85 S. Ct. 1187, 14 L. Ed. 2d 62 (1965). Some protesters learned of the Commonwealth's motion and sought to be heard. The Superior Court not only denied the request to participate, but did so in a hostile manner.[34]

Meanwhile, the Commonwealth's courts are no strangers to intervention when third party First Amendment rights are at stake. See, e.g., Commonwealth v. Clark, 432 Mass. 1, 7 (2000) (trial court allowed media to intervene to challenge courtroom closure). That the press has a right to be heard when a trial court exercises its power to exclude them is not controversial. A judge may not close *the courtroom* without making specific findings and allowing affected parties to be heard. Globe Newspaper Co. v. Superior Court, 457 U.S. 596, 609 n.25 (1982) ("for a case-by-case approach to be meaningful, representatives of the press and general public must be given an opportunity to be heard on the question of their exclusion") (internal citations omitted). And, this is not a special right reserved to the media. "The media have

[34] There is no rule allowing *amicus curiae* participation either, yet the Superior Court allowed such participation by the ACLU of Massachusetts.

neither a greater nor a lesser right to be present than any other member of the public." Boston Herald v. Superior Court, 421 Mass. 502, 505 (1995).[35] However, the Commonwealth's courts (and 200' beyond) seem to be wide open to the legacy media, but not to mere citizens. Interested persons, not merely the media, have the right to be heard. Compare Commonwealth v. Baran, 74 Mass. App. Ct. 256, 295-296 (2009). Accordingly, if the media has a First Amendment right to intervene when they are excluded from the courtroom, protesters should have the right to intervene if a judge decides to restrict the First Amendment in public forums outside the courthouse. "Certainly, the failure to invite participation of the party seeking to exercise First Amendment rights reduces the possibility of a narrowly drawn order, and substantially imperils the protection which the Amendment seeks to assure." Carroll, 393 U.S. at 183-184. Thus, the motion to intervene should have been allowed, and failing to allow it, itself, is an independent basis to vacate the Order.

---

[35] Other states observe that member of the press or the public may move to intervene in a criminal case to oppose closure. See Stephens Media, LLC v. Eighth Judicial Dist. Court, 125 Nev. 849, 860, 221 P.3d 1240, 1248 (2009) (holding "the public and the press have the right to seek limited intervention in a criminal case to advance or argue constitutional claims concerning access to court proceedings").

CONCLUSION

The Supreme Judicial Court should reverse the decision of the Single Justice and vacate the Order establishing the Prior Restraint Zone. It should use this opportunity to instruct the trial courts that citizens who will be affected by an order have a right to be heard, prior to the entry of that order. Further, the establishment of a Prior Restraint Zone is unnecessary, as G.L. c. 268, §§ 13A & 13B (when properly interpreted) leave ample room for the First Amendment, but address any concerns that could be imagined. If this Court believes that prophylactic measures must be taken to ensure the integrity of the trial, it should instruct the Superior Court as to how to do that without stifling the First Amendment.

Respectfully submitted,

TRACEY ANNE SPICUZZA,
LORENA JENKINSON, DANA
STEWART LEONARD, AND PAUL
CRISTOFORO, FREEDOM TO
PROTEST COALITION, NICHOLAS
ROCCO, AND JON SILVERIA,

By their attorneys,

/s/ Marc J. Randazza

Marc J. Randazza, BBO# 651477
Jay M. Wolman, BBO# 666053
Randazza Legal Group, PLLC
30 Western Avenue

Gloucester, MA 01776
(978) 801-1776
ecf@randazza.com

Mark. Trammell
(*Pro Hac Vice* Forthcoming)
Center for American Liberty
1311 South Main Street, Suite 302
Mount Airy, MD 21771
Tel: (703) 687-6200
MTrammell@libertyCenter.org

Date: April 23, 2024

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 16(k) of the
Massachusetts Rules of Appellate Procedure

I, Marc J. Randazza, hereby certify that the foregoing brief complies with the rules of court that pertain to the filing of briefs, including, but not limited to:

Mass. R. A. P. 16 (a)(13) (addendum);
Mass. R. A. P. 16 (e) (references to the record);
Mass. R. A. P. 18 (appendix to the briefs);
Mass. R. A. P. 20 (form and length of briefs,
appendices, and other documents); and
Mass. R. A. P. 21 (redaction).

I further certify that the foregoing brief complies with the applicable length limitation in Mass. R. A. P. 20 because it is produced in the proportional font Times New Roman at size 14, and contains 8,121 words, total non-excluded words as counted using the word count feature of Microsoft Word.

/s/ Marc J. Randazza
Marc J. Randazza

CERTIFICATE OF SERVICE

Pursuant to Mass.R.A.P. 13(d), I hereby certify, under the penalties of perjury, that on April 23, 2024, I have made service of this Brief and Appendix upon the attorney of record for each party, or if the party has no attorney then I made service directly to the self-represented party, by the Electronic Filing System on:

Michael W. Morrissey, District Attorney
Adam C. Lally, Assistant District Attorney
Norfolk District Attorney's Office
45 Shawmut Road
Canton, MA 02021

Counsel for Commonwealth

Alan J. Jackson
Elizabeth S. Little
Werksman Jackson & Quinn LLP
888 West Sixth Street, Fourth Floor
Los Angeles, CA 90017

David R. Yannetti
Yannetti Criminal Defense Law Firm
44 School Street, Suite 1000A
Boston, MA 02108

Counsel for Karen Read

/s/ Marc J. Randazza
Marc J. Randazza

<u>ADDENDUM</u>

Addendum Table of Contents

Consolidated Memorandum of Decision and Judgment………. 50

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. SJ-2024-0122
No. SJ-2024-0123

NORFOLK SUPERIOR COURT
No. 2282CR0117

TRACEY ANN SPICUZZA & others[1]

vs.

COMMONWEALTH & another.[2]

FREEDOM TO PROTEST COALITION & others[3]

vs.

COMMONWEALTH & another.[4]

MEMORANDUM OF DECISION AND JUDGMENT

I have before me two petitions pursuant to G. L. c. 211, § 3, seeking relief from an order of a Superior Court judge (Cannone, J.) establishing a buffer zone in which demonstrations are prohibited within 200 feet of the Norfolk County courthouse

[1] Lorena Jenkinson, Dana Stewart Leonard, and Paul Cristoforo.

[2] Karen Read.

[3] Nicholas Rocco and Jon Silveria.

[4] Karen Read.

complex during a particular criminal trial.[5] As to one of the petitions, the petitioners also challenge an order denying their motion to intervene for the limited purpose of opposing the Commonwealth's motion to establish the buffer zone. For the following reasons, the petitions are DENIED.

Background. The petitions arise from the prosecution of Karen Read (defendant), who has been charged with murder and other offenses. The case has attracted considerable public interest, including demonstrations in the vicinity of the courthouse. According to the trial judge's findings, "protestors have shouted at witnesses and confronted family members of the victim. Individuals have also taken to displaying materials which may or may not be introduced into evidence during trial, and airing their opinions as to the guilt or innocence of the defendant on their clothing or on signage. Witness intimidation has also been a prevalent issue in this case."[6] To prevent such demonstrations from jeopardizing the fairness of the trial proceedings, the Commonwealth moved for an order barring demonstrations within a buffer zone of 500 feet around the courthouse. A group of individuals wishing to

---

[5] In the same ruling, the trial judge also prohibited the wearing or exhibiting of certain items in the courthouse during the trial. Neither petition challenges this prohibition.

[6] The petitioners do not challenge these factual findings.

demonstrate outside the courthouse during the trial moved to intervene for the limited purpose of opposing the Commonwealth's motion. The trial judge denied the motion to intervene. As to the Commonwealth's motion, the trial judge ordered "that no individual may demonstrate in any manner, including carrying signs or placards, within 200 feet of the courthouse complex during trial of this case, unless otherwise ordered by this Court. . .Individuals are also prohibited from using audio enhancing devices while protesting" (buffer zone order). The would-be interveners filed a G. L. c. 211, § 3, petition challenging both the denial of intervention and the buffer zone order. Shortly thereafter, a second G. L. c. 211, § 3, petition was filed by an association of individuals who wish to demonstrate in the buffer zone during the trial and two members of the association.

Discussion. "[A] party seeking extraordinary relief [under G. L. c. 211, § 3, must demonstrate both '"error that cannot be remedied under the ordinary review process" and a "substantial claim of violation of [his] substantive rights."'" Ardanaeh v. Commonwealth, 492 Mass. 1019, 1020 (2023), quoting Care & Protection of Zita, 455 Mass. 272, 277-278 (2009). See Planned Parenthood League of Mass., Inc. v. Operation Rescue, 406 Mass. 701, 706 (1990). "A single justice faced with a G. L. c. 211, § 3, petition [must perform] a two-step inquiry," first

assessing whether this court can properly become involved in the matter and second evaluating the merits of the petition. Commonwealth v. Fontanez, 482 Mass. 22, 24 (2019).

The denial of the motion to intervene does not pass the first step of the inquiry. In my judgment, the decision whether to allow third parties to intervene in a criminal case is an ordinary procedural ruling that does not "present[] the type of exceptional matter that requires the court's extraordinary intervention." Id. at 25. Relief from that ruling is therefore denied.

The buffer zone order, in contrast, does pass the first step. The defendant's prosecution has attracted extraordinary public interest, and the creation of buffer zone around a courthouse is itself highly unusual. Moreover, where the buffer zone order was issued less than two weeks before trial, the ordinary appellate process is not adequate to remedy the harm, if any, to the petitioners' claimed First Amendment right to demonstrate near the courthouse during the trial.[7] The trial would be over before any appeal could be heard. Accordingly, I turn to the merits of the buffer zone order.

---

[7] On a related point, although I do not disturb the denial of the motion to intervene, I find that the petitioners have standing to challenge the buffer zone order pursuant to G. L. c. 211, § 3, where they allege that the buffer zone order infringes their First Amendment rights.

By creating an area where the petitioners may not demonstrate during the trial, the buffer zone order does impose some restrictions on the petitioners' speech.[8] However, not every government action that restricts speech violates the First Amendment. In particular, "even in a public forum the government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions 'are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.'" Ward v. Rock Against Racism, 491 U.S. 781, 791 (1989), quoting Clark v. Community for Creative Non-Violence, 468 U.S. 288, 293 (1984). The buffer zone order passes muster under these standards.

[8] Contrary to the petitioners' argument, however, the buffer zone order is not a prior restraint on speech. See Madsen v. Women's Health Center, Inc., 512 U.S. 753, 763 n.2 (1994) (injunction creating buffer zone around abortion clinic did not constitute prior restraint: "petitioners are not prevented from expressing their message in any one of several different ways; they are simply prohibited from expressing it within the 36-foot buffer zone"). Similarly, the petitioners' reliance on cases concerning courtroom closure is misplaced. No one is prevented from entering or remaining in the buffer zone, much less the courtroom; only demonstrations are prohibited in the buffer zone.

First, the buffer zone order is content neutral. The "principal inquiry in determining content neutrality is whether the government has adopted a regulation of speech 'without reference to the content of the regulated speech.'" Madsen v. Women's Health Center, Inc., 512 U.S. 753, 763 (1994), quoting Ward, supra. The buffer zone order prohibits all demonstrations within the buffer zone without respect to their content. Moreover, even if the "petitioners all share the same viewpoint regarding" the defendant's trial, this "does not in itself demonstrate that some invidious content- or viewpoint-based purpose motivated the issuance of the order." Madsen, supra.

Second, the buffer zone order is narrowly tailored to serve a significant government interest, namely, the integrity and fairness of the defendant's trial.[9] Demonstrations near the courthouse threaten this interest by exposing witnesses and jurors to intimidation and harassment, undermining their ability

[9] Indeed, if I were to apply strict scrutiny to the buffer zone order, I would find that the government has a compelling interest in preserving the integrity and fairness of the trial. Cf. Lyons v. Secretary of the Commonwealth, 490 Mass. 560, 587 (2022), quoting Burson v. Freeman, 504 U.S. 191, 199 (1992) (upholding buffer zone prohibiting electioneering near polling places: "each State 'indisputably has a compelling interest in preserving the integrity of its election processes'"). Surely, jurors selected to determine the defendant's guilt or innocence, no less than voters, "are entitled to peace while they undertake this most 'weighty civic act.'" Lyons, supra at 591.

to testify or to serve without fear of reprisal.[10] In addition, demonstrations may expose jurors to extraneous material beyond the evidence presented at trial, improperly influencing their decision. As to narrow tailoring, the First Amendment does not require that a content-neutral time, place, or manner regulation "be the least restrictive or least intrusive means" of serving the government's interest. Ward, supra at 798. Rather, in the case of an injunction, the question is "whether the challenged provisions . . . burden no more speech than necessary to serve a significant government interest." Madsen, supra at 765. In considering this question, I give deference to the trial judge's "familiarity with the facts and background of the dispute," id. at 770, as well as her knowledge of the physical layout of the courthouse complex and its environs. The buffer zone order only minimally burdens the petitioners' speech. It merely moves demonstrations 200 feet from the courthouse, a modest distance that can be traversed in less than a minute. Cf. Lyons v. Secretary of the Commonwealth, 490 Mass. 560, 589 (2022) (upholding content-based ban on electioneering within 150 of

[10] And it is not only the witnesses and jurors in the defendant's case who might face harassment and intimidation if they must pass a gauntlet of demonstrators on their way into or out of the courthouse. Many people might come to the courthouse for reasons having nothing to do with the defendant's case, such as attorneys, parties, witnesses, and jurors involved in other matters, as well as court personnel.

polling places). Indeed, recognizing the need to balance the right to demonstrate against the defendant's right to a fair trial, the judge thoughtfully rejected the much broader 500-foot buffer zone proposed by the Commonwealth. I find that the 200-foot buffer zone burdens no more speech than necessary to protect the integrity and fairness of the defendant's trial.

Third, the buffer zone order leaves the petitioners with ample alternative channels for expressing their views. They remain entitled to demonstrate outside the buffer zone. The buffer zone order also contains no restriction whatsoever on other channels of communication, such as private conversations, letters to the editor, and social media, by which they may express their views about the defendant's case.

I conclude that the buffer zone order is content-neutral and does not violate the First Amendment. The petitions are denied.

/s/Serge Georges, Jr.
____
Serge Georges, Jr.
Associate Justice

Entered: April 12, 2024

Exhibit 1

Freedom to Protest Coalition
Members & Reasons for Protesting

Freedom to Protest Coalition

Member	Reason for Protesting
Abele, Paula	Protesting in favor of Karen Read
Alavarez, Gerri	Protesting for John O'Keefe
Alexander, David	Protesting his right to protest corruption on public property
Alexopoulos, Vivian	Protesting for Karen
Alicea, Jasmine	Protesting her local church
Allard, Lauren	Protesting MSP
Alvarado, Bernice	Protesting for freedom of speech
Amerault, Chris	Protesting for 1A
Anderson, Kristin	Protesting for Karen
Anderson, Courtney	Protesting for freedom of speech
Andrade, Cindy	Protesting for 1A
Antonio, Scott	Protesting for Karen Read
Apicella, Erika	Protesting corruption
Ardagna, Eileen	Protesting for 1A
Arnold, Paige	Protesting to protest
Arundale, Suzanne	Protesting antisemitism
Athy, Denise	Protesting for 1A
Auerswald, Sarah	Protesting the governor for not stepping in
Avallone, Kate	Protesting Michael Morrissey
Babcock, Laurie	Protesting for equality for women
Baccari, Christine	Protesting the injustice of Karen Read
Baker, Michael	Protesting the whole Karen Read case
Baracewicz, Alyssa	Protesting 1A
Bardsley, Brian	Protesting for his first amendment rights
Barron, Luke	Protesting for 1A as a Veteran
Barry, Alynn	Protesting the lack of school funding and misuse of funds in education
Beatty, Christine	Protesting in support of Karen Read
Belanger, Jennifer	Protesting freedom of speech
Benway, Katie	Protesting for Karen

Berry, Melissa	Protesting for Sandra Birchmore
Berthiaume, Leah	Protesting against injustice
Billmeier, Shelley	Protesting against any religion that tries to tell people what to think or feel
Bjurling, Dawn	Protesting to voice her opinions
Blair, Katie	Protesting the right to protest
Blanchette, Lisa	Protesting for border protection
Blevins, Christine	Protesting against minimum wage
Blinn, Kimberly	Protesting for Karen and John
Bogdanski, Jeannine	Protesting to protest
Boivin, Kristal	Protesting 1A rights
Boucher, Gary	Protesting for our freedom to do as we wish on public property
Boudreau, Eleanor	Protesting for human rights
Bovidgr, Amanda	Protesting for a bad investigation and the CW still moving forward
Bowler, Sara	Protesting for better use of tax money
Bowman, Kandice	Protesting freedom of speech
Bradley, Keith	Protesting to get justice for John O'Keefe
Braley, Robin	Protesting for the canton 9
Brassard, Nancy	Protesting for justice for John O'Keefe and 1A
Breton, Dawn	Protesting corruption
Brienza, Haracio	Protesting MA corruption
Brooks, Michael	Protesting corruption
Brooks, Michelle	Protesting freedom of expression
Brower, Theresa	Protesting for John O'Keefe
Brown, Emily	Protesting against the Judge's rulings in the Karen Read case
Brown, Shelley	Protesting for better school funding for children
Brown, Stephanie	Protesting for 1A
Brown, Marie	Protesting police corruption
Buckley, Susan	Protesting to protect 1A
Budnick, Laurie	Protesting for freedom of speech
Bullis, Karen	Protesting for justice

Buote, Kaitlyn	Protesting against child sex trafficking
Burbank, Kristi	Protesting for 1A
Burke, Elizabeth	Protesting for rent control
Burns, Robyn	Protesting for Karen Read
Burton, Karen	Protesting 1A
Buttner, Pam	Protesting her right to express her opinions on the case
Byrne, Kelly	Protesting 1A
Byron, Dianne	Protesting for Karen
Cahill, Lori	Protesting her right to protest
Cahill, Marianne	Protesting not being able to protest
Cajuda, Leslie	Protesting for freedom of speech
Callahan, Barbara	Protesting 1A
Campbell, Katherine	Protesting for own personal beliefs
Canavan, Jacqui	Protesting so her rights stop being violated
Cannon, Jean	Protesting Norfolk County
Cannon Dadmun, Jill	Protesting for 1A
Carlson, April	Protesting to protect 1A
Carney, Jack	Protesting the Karen Read prosecution
Carr, Carla	Protesting for 1A
Carreiro, Nancy	Protesting the right to wear what she wants on public property
Carroll, Elizabeth	Protesting roe vs wade
Carroll, Deanna	Protesting for 1A
Carter, Kim	Protesting for freedom of speech
Caruso, Amanda	Protesting for 1A
Casatelli, James	Protesting against the erosion of our 1A
Chadwick, Dave	Protesting to protest
Chalifoux, Maureen	Protesting for 1A
Chapin, Suzanne	Protesting for Karen Read
Charrette, Lorraine	Protesting for 1A
Cherenson, Jamie	Protesting for 1A
Choi, Kathleen	Protesting for 1A
Cline, Robert	Protesting 1A
Clough, Carol	Protesting for women’s rights

Coady, Sheila	Protesting corruption
Coakley, Maureen	Protesting for 1A
Cochrane, Cecilia	Protesting the miscarriage of justice
Coffey, Tina	Protesting for 1A
Cohen, Elyse	Protesting 1A
Cohen, Jay	Protesting corrupt police
Colburn, Sean	Protesting government overreach
Colby, Kevin	Protesting against corruption in Norfolk County
Collins, Lori	Protesting for 1A
Collins, Darren	Protesting to protect MA commercial fishermen from strict regulations
Colon, Lauren	Protesting Maura Healy
Colubriale, Bonnie	Protesting for Karen
Compagnone, Jill	Protesting the Norfolk County
Compagone, Jill	Protesting abuse of power shown by DA and state police
Connell, Kris	Protesting for anyone she believes has been wronged
Connell, Michaela	Protesting government power
Connolly, Crystal	Protesting for women's rights
Corby, Deanna	Protesting for social change
Corcoran, Meagan	Protesting 1A
Cordeiro, Erica	Protesting for free speech
Coulson, Tara	Protesting for her rights her grandfather and father fought for
Courchene, Leah	Protesting for free speech
Cournoyer, Katie	Protesting the right to peacefully assemble
Coute, Christopher	Wants to know why the rights he fought for are being taken away. (retired msg U.S. Army)
Craddock, Kristin	Protesting for pro-choice / women's rights
Crombie, Nancy	Protesting for 1A
Crowley, Maureen	Protesting because she lives in the county and has the right to
Cullen, Stacy	Protesting Norfolk County
Curran, Kimberlee	Protesting for 1A

Curtin, Jo-Anne	Protesting freedom of speech
D'arcangelo, Lisa Ann	Protesting freedom of speech
Dagle, Lynda	Protesting 1A
Daley, Tim	Protesting buffer zone
Daley, Susan	Protesting for John O’Keefe
Daley, Gary	Protesting for 1A
Dattoli, Michael	Protesting against DA Michael Morrissey
Davis, Kathleen	Protesting for Karen Read
Davis, Karen	Protesting the right to protest
Dean, Brenda	Protesting for justice
Deangelis, Amy	Protesting the corruption of NCDOA
Decouto, James	Protesting for Karen
Deguilio, Nicole	Protesting for 1A
Delisle, Joshua	Protesting 1A
Dellaporta, Keith	Protesting government power
Deluca, Ruby	Protesting against election fraud
Demir, Sheri	Protesting 1A
Depina, Judith	Protesting for Karen Read
Depina, Patricia	Protesting for Karen Read
Derosier, Thomas	Protesting because he can’t carry his American flag
Desjean, David	Protesting 1A
Develis, Janet	Protesting to peacefully protest
Dever, Kelli	Protesting 1A
Devito, Maryann	Protesting freedom of speech
Devlin, Nancy	Protesting against corruption
Diaz, Erica	Protesting against her corrupt pastor
Dibona, Jeanne	Protesting for Karen Read and mass corruption
Dirienzo, Paula	Protesting freedom of speech
Dirksmeier, Teresa	Protesting because she can’t protest
Dodge, Kelley	Protesting the right to wear the clothes they want to
Dombroski, Bo	Protesting to protect 1A
Domingues, Vanessa	Protesting for 1A
Donnelly, Sheila	Protesting for Turtleboy
Donovan, Kelly	Protesting the right to assemble

Donovan, Lawrence	Protesting for freedom of speech
Donovan, Tim	Protesting for freedom of speech
Dooher, Joe	Protesting the miscarriage of justice
Driscoll, Pamela	Protesting because they won't allow her husband to wear his uniforms
Driscoll, Lenia	Protesting for 1A
Duckett, Ashley	Protesting for Turtleboy and Karen
Dugal, Seth	Protesting for 1A
Duggan, Timothy	Protesting against Joe Biden
Dunham, Mary	Protesting 1A
Eaton, Brandie	Protesting government power
Edge, Melissa	Protesting that she can’t protest
Egan, Colleen	Protesting for 1A
Eliopoulos, Annemarie	Protesting animal cruelty
Ellinwood, Kelly	Protesting her right to protest
Emerick, Tammy	Protesting freedom of speech
Emrich, Wendy	Protesting 1A
Erk, Liz	Protesting for LGBQ rights
Faciano, Jo Anne	Protesting 1A
Fahey, Lawrence	Protesting the Dedham town election
Fallon, Marcia	Protesting 1A
Fallon, Laura	Protesting for 1A
Fassio, Deana	Protesting for journalist protection
Fernald, Matthew	Protesting for 1A
Finch-Reid, Jessica	Protesting for Karen
Finch-Reid, Isabella	Protesting for justice for John O’Keefe
Finnegan, Lisa	Protesting for her rights
Fitzgerald, Angela	Protesting to protect 1A
Flaherty, Patricia	Protesting Judge Cannone
Flahery, Maryann	Protesting for 1A
Fletcher, Paula	Protesting for Karen Read
Flynn, Suzanne	Protesting for the rights of everyone
Fors, Meaghan	Protesting for freedom of the press
Forth, Caroline	Protesting against the Norfolk County DA

Foster, Catherine	Protesting to bring awareness of open meeting laws
Foti, Sandra	Protesting against buffer zone
Fountain, Kelly	Protesting that every case should be tried fairly
Francis, Michelle	Protesting to protect 1A
Francis, Melissa	Protesting 1A
Frazier Chiarelli, Diane	Protesting corruption
Fredericks, Suzan	Protesting to save our rights
Freedman, Lynne	Protesting against fossil fuel use on this planet
Fuller, Annmarie	Protesting for 1A
Gabriel, Kerri	Protesting for the right to fair trials
Gabriel, Jen	Protesting for Karen
Gadbois, Robyn	Protesting for 1A
Gaglio, Michael	Protesting for Karen
Gambino, Julie	Protesting Maura Healy
Geary, Michael John	Protesting 1A (Sergeant First Class retired. 13 yr in army 3 tours in Iraq)
George, Lori	Protesting the right to assemble
Gillis, Amanda	Protesting for injustice
Giroux, Donna	Protesting for Karen
Glynn Smith, Colleen	Protesting against windfarms hurting wildlife
Gobin, Jakki	Protesting for 1A
Golditch, Tanya	Protesting for her opinions to be heard
Goldstein, Brad	Protesting against animal cruelty
Gonzalez, Tia	Protesting the state power
Grabert, Tara-Jean	Protesting corruption
Grady, Erin	Protesting for Karen
Gray, Sara-Jane	Protesting against animal cruelty
Greene, Melissa	Protesting for justice
Greene, Justin	Protesting for John O'Keefe
Grogan, Karen	Protesting buffer zone
Grunzweig, Beth	Protesting against police brutality
Guntor, Paula	Protesting for Karen Read and mass corruption
Guthrie, Kendra	Protesting to protect the rights our soldiers fought for
Hafey, Heidi	Protesting the mishandling of the case

Hagemeister, Denise	Protesting for Karen Read
Haggerty, Jeanne	Protesting the buffer zone
Hall Donabed, Margaret	Protesting for the injustice the CW is doing to Karen
Hamilton, Daniel	Protesting for 1A
Hampton, Julie	Protesting freedom of speech
Hannon, Casey	Protesting to protect 1A
Hanrahan, Donna	Protesting for Karen
Hanson, Joan	Protesting for 1A
Harrington, Kerri	Protesting 1A
Hartfod, Jennifer	Protesting there right to protest
Harvey, Paul	Protesting in favor of Karen Read
Healy, Meg	Protesting against war
Hearn, Sasha Rose	Protesting against sex trafficking
Hedges, Janis	Protesting to peacefully protest
Hedges, Rebecca	Protesting 1A
Heleotis, Christine	Protesting for her 4 grandchildren's future
Hickey, Susan	Protesting freedom of speech
Hileman, Amanda	Protesting for the right of freedom of expression
Hill, Beth	Protesting that journalism is not a crime
Hill, Mary	Protesting for 1A
Hoban, Nichole	Protesting for women's rights
Holbrook, Krystal	Protesting the right to protest
Holton Callahan, Jessica	Protesting against BLM and CRT
Houlden, Rachel	Protesting to protect what our soldiers fought for
Hrycay, Erin	Protesting for 1A
Huber, Amy	Protesting the facts of the case
Ingram, Carol	Believer in the constitution and wants her rights respected and protected
James, Tiffany	Protesting 1A
Jenkinson, Robert	Protesting for Karen
Johnson, Laura	Protesting for better public safety
Jones, Robert	Protesting government power
Jordan, Nancy	Protesting for canton 9
Joseph, Katelyn	Protesting for Karen and 1A

Joseph, Andrew	Protesting for 1A
Joy, Andrea	Protesting the right to protest
Joy, Lisa	Protesting 1A
Justice, Allison	Protesting because she wants to wear the clothes she wants to
Kain, Britney	Protesting for 1A
Kearney, Aidan	Protesting for a candidate to run against DA Morrisey
Kelley, Maureen	Protesting for 1A
Kelliher, Neil	Protesting that 1A is being violated
Kelly, Kristen	Protesting the right to protest
Kelly, Carol	Protesting the Canton PD
Kelly, Patrice	Protesting the right to protest
Keough, Eileen	Protesting the buffer zone
Keough, Rich	Protesting for freedom of speech
Kiely, Jeanne	Protesting got Karen Read
Kirkwood, Karen	Protesting the commonwealth
Kotouch, Alan	Protesting for Karen
Kurker, Lynn	Protesting the violation of 1A
Ladetto, Danielle	Protesting to get justice for John O'Keefe
Lafleur, Chris	Protesting for freedom of speech (Air Force veteran)
Lavallee, Amy	Protesting her rights that are being violated
Lawless, Cathy	Protesting in favor of constitutional rights
Leahy, Christina	Protesting her rights to protest
Leary, Stephanie	Protesting 1A for all American citizens
Lee Yurewicz, Tracy	Protesting in favor of Karen Read
Lenker, David	Protesting for 1A
Leonard, Elizabeth	Protesting for 1A
Leroy, Deborah	Protesting for the Canton 9
Letourneau, Danita	Protesting for 1A
Levesque, Aimee	Protesting for free speech
Lewis, Barbara	Protesting to protect 1A
Liebro, Shannan	Protesting the inability to peacefully protest
Lindskog, Sharon	Protesting for Karen
Lipchik, John	Protesting Judge Cannone

Lis, Gregory	Protesting against animal cruelty
Litchfield, Kevin	Protesting for 1A
Lloyd, Jodi	Protesting the dangers of OUI
Logan, Danielle	Protesting that she can’t protest
Long, Candice	Protesting for America
Lorusso, Gina	Protesting against animal cruelty
Lowe, Jackie	Protesting to protest
Lynch, Paul	Protesting 1A
Lynch, Donna	Protesting to protect 1A
Lyne, Kelly	Protesting 1A
Lyons, Bridget	Protesting that she can't protest
Macleod, Carrie	Protesting for John O’Keefe
Macleod, Terry	Protesting to protest
Madden, Erika	Protesting for the rights for military veterans and the families of military vets
Madden, Stephen	Protesting for 1A
Maguire, Susan	Protesting for we the people
Mahoney, Brian	Protesting against the Canton Police
Malloy, Janice	Protesting for justice
Marani, Tracy	Protesting our right to protest
Martel, John	Protesting for constitutional rights (retired BPD)
Mason, Mary	Protesting for Karen Read
Mastrogianis, Tami	Protesting for Karen
Mastrogianis, John	Protesting for Karen
Matos, Courtney	Protesting the “free mom hugs” organization
Maxon, Curtis	Protesting for justice for John O’Keefe and 1A
Maxon, Donna	Protesting 1A
Mccabe, Marilyn	Protesting the injustice in Karen Read case
Mccloskey, Stacy	Protesting for Karen
Mccormack, Karen	Protesting against men playing in women’s sports
Mcdermott, Erin	Protesting the right to protest
Mcdermott, Erica	Protesting for John O’Keefe
Mcdermott, Stephanie	Protesting for 1A
Mcdonald, Kathy	Protesting for Karen’s freedom

Mcdonald, Kathleen	Protesting women's rights
Mcdonough, Christine	Protesting the buffer zone
Mcdonough, Kathleen	Protesting against corrupt cops
Mcgillis, Laura	Protesting for 1A
Mcglashing, Marsha	Protesting to wear the clothes she wants
Mcgovern, Denise	Protesting for 1A
Mcgue, Joanne	Protesting for disabled Americans
Mcguinness, Scott	Protesting the DA
Mcilwain, Susan	Protesting for 1A
Mckenna Dailey, Mary	Protesting her rights to peacefully protest
Mclaughlin, Patrick	Protesting bad police work
Mcleod, Ann	Protesting for 1A
Mcnally, Danielle	Protesting for Sandra Birchmore (case reopened by AG)
Mctighe, Melissa	Protesting corruption in Norfolk County
Medeiros, Patti	Protesting out right to freedom of speech
Mello, Kristi	Protesting 1A for all
Mello, Christine	Protesting freedom of speech
Meneses, Jenny	Protesting for 1A
Mercier, Kimberly	Protesting for justice
Michels-Montgomery, Lisa	Protesting for 1A
Middleton, Antonia	Protesting police corruption
Miranda, Claudio	Protesting for 1A
Monagle, John	Protesting for 1A
Monastery, Mary	Protesting NCDAO
Monette, Heather	Protesting for 1A (army combat veteran)
Monteiro, Michael	Protesting for 1A
Moraes, Heather	Protesting for 1A
Moruzzi, Kristie	Protesting to protest
Moshiek Breen, Cheryl	Protesting for Karen and so that her grandchildren can grow up trusting LEO
Muhilly, Jeremiah	Protesting for 1A
Mulkey, Amanda	Protesting for 1A and Karen Read

Mulligan, Kimberly	Protesting that she can’t wear the clothing she wants in public
Murphy, Lisa	Protesting the buffer zone
Murphy, Laurie	Protesting to protest
Nash, Cindy	Protesting for her rights her husband found for (37 year vet)
Nelson, Elizabeth	Protesting for freedom of speech
Nichols, Michael	Protesting for 1A
Nicosia, Jennifer	Protesting for 1A
Nims, Kerri	Protesting 1A
Norman, Bridget	Protesting for 1A
O'brien, Erin	Protesting freedom of speech
O'connor, Judy	Protesting for 1A
O'donnell, Elaine	Protesting 1A
O'hara, Jeanette	Protesting against corruption
O'hare, Doreen	Protesting for 1A
O'leary, Jaime	Protesting for 1A
O'leary Morlock, Catherine	Protesting the buffer zone
O'malley Sweeney, Janine	Protesting for Karen Read
O'neill, Chelsea	Protesting to protest
O’Neil, Meredith	Protesting against child sex trafficking
Obrien, Linda	Protesting Ma corruption
Odonovan, Nora	Protesting for women’s rights
Olney, Deeann	Protesting the injustice
Ormond, Michelle	Protesting for women’s rights
Osborne-Braga, Lindsay	Protesting against weaponization 13A and 13 B
Ouellette, Kathleen	Protesting for 1A
Ouellette, Tim	Protesting to protest
Palizzolo, Maryann	Protesting for 1A
Paquin, Denise	Protesting for justice for Sandra Birchmore
Parent, Suzanne	Protesting public corruption
Parker, Meloney	Protesting for Sandra Birchmore
Parker, Michael	Protesting for Karen
Parshley, Leslie	Protesting for climate change

Paschopoulos, Kelly	Protesting for Karen
Passaretti, Denise	Protesting because she can't protest
Passion, Elaina	Protesting corruption
Patti, Barbara	Protesting to protest
Pedchenko, Sheri	Protesting the injustice
Pejic, Nicole	Protesting for her right to be on a public sidewalk
Pender, Joan	Protesting for Karen Read
Perna, Maureen	Protesting to speak freely
Perry, Michelle	Protesting for freedom of speech
Pevarnek, Michelle	Protesting for 1A
Phillips, Jane	Protesting the buffer zone
Phillips, Pamela	Protesting for John O'Keefe
Pierce, Nicole	Protesting the buffer zone
Pilling, Heidi	Protesting clothing ban
Pinot-Fuller, Sharon	Protesting for 1A
Pleshaw, David	Protesting the Commonwealth for trying to silence American citizens
Plouffe Giove, Janet	Protesting 1A
Poaletta, Linda	Protesting to protect 1A
Poole, Kaitlyn	Protesting for 1A
Provost , Alan	Protesting corruption
Purdie, Ken	Protesting for 1A
Pyrcz, Lisa Marie	Protesting for 1A
Quatieri-Mejia, Joanna	Protesting for Karen Read
Rabb, Ed	Protesting for 1A
Rabb, Lauren	Protesting the CW
Rainsford, Mary	Protesting the MSP
Randle, Steve	Protesting criss (he always brings a giant cross)
Rea, Kaitlyn	Protesting the corruption
Reardon, Sherri	Protesting against light sentences to animal abusers
Rego, Tina	Protesting 1A
Reisner, Donald	Protesting Judge Beverly Cannone
Reisner, Laurie	Protesting corruption
Resendes, Jacquelyn	Protesting for freedom of speech

Robbins, Theresa	Protesting for 1A
Rocco, Nick	Protesting to stop child sex trafficking
Romano, Daniella	Protesting to protest
Ruble, Sue	Protesting to wear the clothes she wants
Ruocco, Stephanie	Protesting for Karen Read
Russo, Jessica	Protesting against corruption
Sacco, Lauren	Protesting against oppression
Saccone, Alison	Protesting against the NCDAO
Saia, Michael	Protesting against CW corruption
Salerno, Kate-Lynn	Protesting for the truth
Salerno, Theresa	Protesting 1A
Sampson, Leighann	Protesting government power
Samson, Maureen	Protesting for 1A
San Juan, Don	Protesting for 1A
Sanfilippo, Sara	Protesting detox places treating addicts like criminals
Santos, Matt	Protesting for 1A
Sawin, Laura	Protesting for Karen and John
Scanlan, Mark	Protesting for 1A
Seeley, Angela	Protesting for Karen Read
Semons, Melinda	Protesting 1A
Senhaji, Hollie	Protesting for 1A
Shanahan, Rick	Protesting freedom of speech
Shea, Nancy	Protesting for 1A
Shepard, Tina	Protesting for women's rights
Shields, Christine	Protesting to peacefully protest
Shippee, Megan	Protesting for LGBTQ rights
Siciliano, Cheryl	Protesting for 1A
Siegrist, Sandy	Protesting for Karen Read
Sigel, Hannah	Protesting because can't protest
Silva, Elizabeth	Protesting for 1A rights
Silva, Maryann	Protesting for Karen Read
Silva, Roberto	Protesting against child sex trafficking
Silveira, Jon	Protesting for Karen Read and mass corruption
Sinatra, Carolyn	Protesting for climate change

Skiest, Mark	Protesting the right to express his feelings
Sliver, Jenine	Protesting corruption of Leo
Smith, Kimberly	Protesting 1A
Smith, Nanette	Protesting to protest
Sowerbutts, Diane	Protesting for Karen Read
Spadafora, Kristen	Protesting for Karen Read
Speeckaert, Jason	Protesting for the soldiers who fought for our freedoms
Stanley, Christine	Protesting for 1A
Stavro, Evelyn	Protesting for BLM
Steven, Elizabeth	Protesting to wear the clothes she wants
Stoessel, John	Protesting for Karen
Stuart, Sean	Protesting for Karen Read
Sullivan, Kerin	Protesting for Karen Read
Sullivan, Jodi	Protesting freedom of speech
Surdam, Kristine	Protesting 1A
Sutherland, Shelly	Protesting 1A
Svedine, Jessica	Protesting for justice
Sweeney, Dennis	Protesting that Karen is innocent
Sweeney, Brenda	Protesting that Karen is innocent
Sweetman, Stephanie	Protesting for justice for Sandra Birchmore
Taggart, Allison	Protesting for Sandra Birchmore
Tallent, Barbara	Protesting that she can't protest
Tanguay, Jonathan	Protesting for corruption
Tardiff, Katie	Protesting 1A
Testa, Maria	Protesting for 1A
Theriault, Carrie	Protesting to protest
Tiomkin, Janine	Protesting for 1A
Tomasello, Vicky	Protesting the fact that she can't protest
Towle, Kori	Protesting to protest
Trevisone, Anne	Protesting for 1A
Tripp, Barbara	Protesting to protest
Trombi, Kellie	Protesting to peacefully protest
Valdez, Scott	Protesting for 1A

Vayo, Melissa	Protesting for our rights her grandfather fought for
Vayo, John	Protesting how our tax dollars are spent
Villalta, Cassandra	Protesting to protect 1A
Vincent, Chris	Protesting because he can't wear the clothing he wants
Violette, Tracy	Protesting to wear the clothes she wants
Violette, Janet	Protesting for protesting
Wahlberg, Jennifer	Protesting 1A
Walker, Tom	Protesting overreach of government
Wallace, Ed	Protesting the freedom to protest
Wallenstein, Diane	Protesting the miscarriage of justice
Wallis, Susan	Protesting the commonwealth
Walsh, Erica	Protesting for better care for veterans
Walsh, Brenda	Protesting the buffer zone
Walsh, Shannon	Protesting for 1A
Warchal, Dina Ann	Protesting 1A (sworn in Police Matron 15yrs for Norton police + Mansfield)
Warner, Tracy	Protesting 1A
Weaver, Jill	Protesting 1A
Weeks, Kimberly	Protesting a corrupt judge
Welch, Christine	Protesting 1A
Whalen, Lisa	Protesting for Karen Read
Whalen, Julie	Protesting 1A
Whalen, Janice	Protesting for 1A
Whitney, Ben	Protesting for 1A
Whittaker, Diane	Protesting for Karen
Wiederhold, Kerri	Protesting 1A rights
Wigandt, Christine	Protesting police corruption
Wise, Amanda	Protesting the 200ft buffer
Wollinger, Mary	Protesting for 1A
Wuestefeld, Jason	Protesting against open border
Zemla, Jeff	Protesting 1A