

No. 23-2062

In the
UNITED STATES COURT OF APPEALS
for the
FIRST CIRCUIT

MEREDITH O'NEIL; JESSICA SVEDINE; DEANNA CORBY; ROBERTO SILVA,

Plaintiffs-Appellants,

JENNA ROCCO; NICK ROCCO,

Plaintiffs,

v.

CANTON POLICE DEPARTMENT; TOWN OF CANTON MASSACHUSETTS;
HELENA RAFFERTY, as Chief of the Canton Police Department and in her
personal capacity; ROBERT ZEPF; MICHAEL CHIN; ANTHONY
PASCARELLI; JOSEPH SILVASY,

Defendants-Appellees.

*On Appeal from the United States District Court
for the District of Massachusetts
No. 1:23-cv-12685-DJC
The Honorable Denise J. Casper*

PLAINTIFFS-APPELLANTS' SUPPLEMENTAL BRIEF

MARC J. RANDAZZA
JAY M. WOLMAN
RANDAZZA LEGAL GROUP, PLLC
30 Western Avenue
Gloucester, MA 01930
Tel: (888) 887-1776
ecf@randazza.com

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PLAINTIFFS-APPELLANTS' SUPPLEMENTAL BRIEF

This appeal remains justiciable. It is an issue raised by Appellees in a footnote and it is without basis. That said, as this Court requested supplemental briefing regarding “whether this case has now been mooted by the occurrence of events since this appeal has been filed” (Order of Aug. 7, 2024), Appellants would highlight that the need for a preliminary injunction is ever more pressing than it has been.

1.0 Matter Developments

As the Court is aware, Plaintiffs-Appellants Meredith O’Neil, Jessica Svedine, Deanna Corby, and Roberto Silva¹ believe that Karen Read, a member of their local community, is being framed for the murder of her boyfriend, Boston Police Officer John O’Keefe. Verified Complaint AA003 at ¶ 1. The prosecution is pending in the Norfolk County Superior Court, styled *Commonwealth v. Karen Read*, Docket No. 2282CR0117.

To protest perjury in Read’s prosecution, Appellants and other members of the public gathered on Sunday, November 5, 2023, across the street from Chris Albert’s business, D&E Pizza. AA007 at ¶ 29. At that protest, Appellants held signs that had inoffensive slogans like “Free Karen Reed” and “Justice.” *Id.* at ¶ 30. Appellees Officers Robert Zepf, Michael Chin, and Anthony Pascarelli, and Sgt.

¹ As originally filed, Jenna Rocco and Nick Rocco were plaintiffs, but they voluntarily dismissed their claim and their appeal.

Joseph Silvasy, members of the Canton Police Department, drove by the protest several times, attempting to intimidate the protesters into leaving. *Id.* at ¶ 31. These Appellees are supervised by Appellee Rafferty and necessarily act at her direction. AA008 at ¶ 33. When Appellees' intimidation tactic proved unsuccessful, Officers Robert Zepf, Michael Chin, and Anthony Pascarelli, and Sgt. Joseph Silvasy stopped and informed the protesters that they were not permitted to protest there, because if the protest could be seen by Chris Albert, they would deem it to be "witness intimidation" and Appellants would be arrested.² *Id.* at ¶ 34. The officers specifically handed Appellants a copy of Mass. Gen. Laws, ch. 268, § 13A, the statute under which they threatened Appellants. *Id.* at ¶ 35.

Following the denial of injunctive relief below, Appellees made good on their threats and charged some of the Appellants with violation of the Massachusetts witness intimidation statutes, Mass. Gen. Laws, ch. 268, §§ 13A & 13B. *Canton Police Dept. v. Corby*, Docket No. 2355AC001047 (Stoughton Dist. Ct.); *Canton Police Dept. v. O'Neil*, Docket No. 2355AC001043 (Stoughton Dist. Ct.); *Canton Police Dept. v. Silva*, Docket No. 2355AC001044 (Stoughton Dist. Ct.). On August 2, 2024, these charges were dismissed for lack of probable cause. See **Exhibit 1**,

² As set forth in the Incident Report, it was because the protest was "in this close of a proximity (across the street, within eyesight, approximately 50-60 feet away) was a violation of the statute." See O'Neil Decl. at ¶¶ 8-9; **Exhibit 7**.

Declaration of Meredith O’Neil (“O’Neil Decl.”) at ¶¶ 6-7; **Exhibit 2**; **Exhibit 3**, Declaration of Deanna Corby (“Corby Decl.”) at ¶¶ 6-8; **Exhibit 4**; **Exhibit 5**, Declaration of Roberto Silva (“Silva Decl.”) at ¶¶ 6-8; and **Exhibit 6**.

In the intervening months, the trial of Karen Read was held. *See* **Exhibit 8**. However, a mistrial occurred, and a second trial is set for January 27, 2025.³ *Id.* Although a motion to dismiss is pending on Double Jeopardy grounds, it is only as to Counts 1 & 3 against Read. *See* **Exhibit 9**. Thus, even if the motion is allowed, trial will proceed on Count 2—the manslaughter charge—which necessarily requires the jury to find that Read caused the death of O’Keefe with her vehicle, rather than some other person.

Plaintiffs-Appellants intend to continue protesting what they believe to be the framing of Karen Read. *See* O’Neil Decl. at ¶ 3; Corby Decl. at ¶ 3; Silva Decl. at ¶ 3; and **Exhibit 10**, Declaration of Jessica Svedine (“Svedine Decl.”) at ¶ 3. However, they remain fearful of doing so where they have already been wrongly charged merely because their protest, at the busiest intersection in Canton, across from where Read and O’Keefe met up that fateful night, could be seen by a single witness. *See* O’Neil Decl. at ¶ 4; Corby Decl. at ¶ 4; Svedine Decl. at ¶ 4; Silva

³ *See, e.g.*, Flint McColgan, “*MISTRIAL: Karen Read jurors could not reach a verdict*,” BOSTON HERALD (Jul. 1, 2024) available at <<https://www.bostonherald.com/2024/07/01/karen-read-murder-trial-jury-starts-5th-day-of-deliberations/>>.

Decl. at ¶ 4; *see also* **Exhibit 7** (observing that the basis for the charges was that the protest might happen to be seen by Chris Albert, a witness, because his business was, coincidentally, next to where Read and O’Keefe met up). Their fear is heightened because, unless Defendants-Appellees are instructed and enjoined from attempting to apply Sections 13A and 13B against them, they will once again have to face the prospect of bogus charges.

2.0 The Matter Remains Justiciable

Neither the case nor the instant appeal seeking reversal of the denial of a preliminary injunction are moot.⁴ The denial remains ripe for review.

At the outset, to the extent there may be any question as to whether the case before the District Court is moot, it is not. In their Verified Complaint, Plaintiffs-Appellants seek an award of money damages for violation of their constitutional rights. AA010 & AA013. When a “plaintiff seeks alternative redress (such as money damages) in addition to injunctive relief, the occurrence of the watershed event may not render the controversy moot.” *Me. Sch. Admin. Dist. No. 35 v. R.*, 321 F.3d 9, 17 (1st Cir. 2003). Thus, even were the Court to determine that the claims for declaratory and injunctive relief were moot on account of the

⁴ It is unclear from the Court’s order whether the Court’s use of “case” means this appeal or the entire case before the District Court. Out of an abundance of caution, both are addressed.

developments in the *Read* case, the claim for money damages for the violation of rights a court has already determined was without probable cause remains.

However, the claims for declaratory and injunctive relief, including the request for a preliminary injunction, are not moot. In their principal brief (p. 15, n.11), as cited by the Court, Appellees solely argue that the requested preliminary injunction “is now moot as the anticipated date of Appellants’ planned protest has long past and Chris Albert has already testified.” When a defendant asserts mootness, “it bears the heavy burden of persuading the court that there is no longer a live controversy.” *Friends of the Earth, Inc. v. Laidlaw Envtl. Services (TOC) Inc.*, 528 U.S. 167, 189 (2000); *Conservation Law Found. v. Evans*, 360 F.3d 21, 24 (1st Cir. 2004) (finding that the party invoking the doctrine of mootness has the burden of establishing mootness). A claim is not moot unless it is “absolutely clear that the allegedly wrongful behavior could not reasonably be expected to recur.” *United States v. Concentrated Phosphate Export Ass’n*, 393 U.S. 199, 203 (1968).

Appellees do not admit Appellants had the right to protest. They were told their protests would violate (albeit without probable cause) Section 13A. “When an individual is subject to such a threat, an actual arrest, prosecution, or other enforcement action is not a prerequisite to challenging the law.” *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 158 (2014) (first citing *Steffel v. Thompson*, 415 U.S. 452, 459 (1974); and then citing *MedImmune, Inc. v. Genentech, Inc.*, 549 U.S. 118,

128–29 (2007)). The law does not “require a plaintiff to expose himself to liability before bringing suit to challenge the basis for the threat.” *MedImmune*, 549 U.S. at 129. Failure to disavow future prosecution is fatal to a claim of mootness. *See N.H. Lottery Comm’n v. Rosen*, 986 F.3d 38, 54 (1st Cir. 2021). There are no assurances that, the next time Appellees protest at that same corner, in the same manner, one or more of the appellees will not again make a threat of prosecution in derogation of the First Amendment.

Appellants’ motion sought injunctive relief to permit “peaceful protest” on November 12, 2023, “and thereafter” to “avoid the threat of arrest[.]” AA035. The precise terms of the proposed order (AA052) sought to enjoin Appellees “from enforcing Mass. Gen. Laws, ch. 268, §§ 13A & 13B, to the extent it would interfere with Plaintiffs’ demonstrations regarding the Karen Read prosecution based solely on Plaintiffs’ otherwise lawful speech so long as Plaintiffs do not engage in the blocking, impeding, inhibiting, or in any other manner obstructing or interfering with access to, ingress into and egress from any building or parking lot of the business they plan to protest.” Although the initial trial has ended, the prosecution has not. Appellees intend to protest once an injunction enters. *See* O’Neil Decl. at ¶ 5; Corby Decl. at ¶ 5; Svedine Decl. at ¶ 5; Silva Decl. at ¶ 5. And, there is nothing to suggest Chris Albert would not, once more, be a witness for the retrial. Suppressing the protests is part of the prosecution’s strategy—as set forth in the Incident Report,

Appellees were dispatched on the direction of the Norfolk County District Attorney's Office Special Prosecutor (prosecuting Read). *See Exhibit 7*. The purpose of the demonstrations remains a live issue. Similarly, neither Section 13A nor Section 13B are restricted to a pre-verdict timeframe—Appellants risk arrest for lifetime of Mr. Albert and every other witness who may pass by.

As Appellants observed in their Reply Brief at 11-12, “[s]imply stated, a case is moot when the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.” *D.H.L. Assocs., Inc. v. O’Gorman*, 199 F.3d 50, 54 (1st Cir. 1999) (quoting *Powell v. McCormack*, 395 U.S. 486, 496 (1969)) (internal quotation marks omitted). “Another way of putting this is that a case is moot when the court cannot give any ‘effectual relief’ to the potentially prevailing party.” *Horizon Bank & Trust Co. v. Massachusetts*, 391 F.3d 48, 53 (1st Cir. 2004) (citing *Church of Scientology of Cal. v. United States*, 506 U.S. 9, 12 (1992)). The relief sought—enjoining enforcement of Sections 13A and 13B as against Appellants’ specific protests—enforcement that has been deemed to be without probable cause—would be effectual relief.

In its order, the Court requested the parties address relevant caselaw, including *Renne v. Geary*, 501 U.S. 312 (1991), *Susan B. Anthony List v. Driehaus*, 573 U.S. 149 (2014), *D.H.L. Assocs., Inc. v. O’Gorman*, 199 F.3d 50 (1st Cir. 1999), and

Horizon Bank & Trust Co. v. Massachusetts, 391 F.3d 48 (1st Cir. 2004). These cases all support Appellants and dictate that the matter is justiciable.

In *Renne*, the Supreme Court determined that a declaration of a statute's invalidity might not redress the injury claimed by the plaintiff-voters. 501 U.S. at 319. Here, a declaration of unconstitutionality and injunction of Sections 13A and 13B, as-applied, would enable Appellants to resume their protest activities at the intersection. The *Renne* Court also determined injunctive relief was not ripe because there was no record of an actual or imminent application of the statute. *Id.* at 320-22. In contrast, the Read prosecution is ongoing, and Appellees have not withdrawn their position that engaging in the same protest as planned would not (again) result in charges for violation of the statutes. Thus, *Renne* does not support Appellees.

Susan B. Anthony List fully supports Appellants. Like the petitioners in that matter, Appellants have suffered an Article III injury in fact. They have pleaded the specific statements they would make—the course of conduct arguably affected with a constitutional interest. *Compare Susan B. Anthony List*, 573 U.S. at 161. Their future conduct is arguably proscribed—Defendants-Appellees, at the behest of the Special Prosecutor, have already determined it is. *Compare id.* at 162. And, the threat of future enforcement is substantial, as “past enforcement against the same conduct is good evidence that the threat of enforcement is not chimerical.” *Id.* at

164 (quotation marks and citation omitted). Thus, *Susan B. Anthony List* supports Appellants.

Similarly, the case is ripe as “prospective enforcement of an ordinance has been found sufficient to generate a live case.” *D.H.L. Assocs.*, 199 F.3d at 54. Here, Appellants, were they to undertake the same speech, are likely to again face charges under Sections 13A & 13B. And, unlike with respect to the superseded ordinances in *D.H.L. Assocs.*, this case and this appeal are not moot because a) the statutes have been enforced against Appellants, and b) they have not been repealed. 199 F.3d at 55. Thus, *D.H.L. Assocs.* supports a finding of justiciability.

In *Horizon Bank & Trust Co.*, the appeal was deemed moot because the Commonwealth had no remaining legally cognizable interest in the funds at issue. 391 F.3d at 53-54. Here, Appellants have a cognizable interest in preventing enforcement of the statutes against their speech. Although, as noted in *Horizon*, “a case not moot at the outset can become moot because of a change in the fact situation underlying the dispute, making relief now pointless” (*id.* at 53), such is not the case here. Although Albert has testified, relief is not pointless because Albert will likely testify again. And, as noted above, there is no statutory cutoff time. Once a witness, always a witness. If Read is convicted on retrial, ongoing protests against wrongful imprisonment would still be in view of Albert or any other witness driving by. Thus, the requested relief is not moot.

3.0 Conclusion

In light of the foregoing, the Court should determine that the underlying action and this appeal are not moot. Appellants remain under a real threat of an unlawful enforcement of Sections 13A and 13B, without probable cause, were they to resume their planned protests. The order denying the preliminary injunction should, therefore, be reversed.

Date: August 21, 2024.

Respectfully submitted,

RANDAZZA LEGAL GROUP, PLLC

/s/ Marc J. Randazza

Marc J. Randazza (Bar No. 90629)

Jay M. Wolman (Bar No. 1135959)

30 Western Avenue

Gloucester, MA 01930

Tel: (888) 887-1776

ecf@randazza.com

Attorneys for Appellants.

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(a)(7)(C), I certify that:

This brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B)(i) because this brief contains 2,290 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f).

This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionately spaced typeface using Microsoft Word Times New Roman 14-point font.

Date: August 21, 2024.

RANDAZZA LEGAL GROUP, PLLC

/s/ Marc J. Randazza

Marc J. Randazza

CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2024, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the First Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

Dated: August 21, 2024.

RANDAZZA LEGAL GROUP, PLLC

/s/ Marc J. Randazza
Marc J. Randazza

Exhibit 1

Declaration of Meredith O'Neil

No. 23-2062

In the
UNITED STATES COURT OF APPEALS
for the
FIRST CIRCUIT

MEREDITH O'NEIL; JESSICA SVEDINE; DEANNA CORBY; ROBERTO SILVA,

Plaintiffs-Appellants,

JENNA ROCCO; NICK ROCCO,

Plaintiffs,

v.

CANTON POLICE DEPARTMENT; TOWN OF CANTON MASSACHUSETTS;
HELENA RAFFERTY, as Chief of the Canton Police Department and in her
personal capacity; ROBERT ZEPF; MICHAEL CHIN; ANTHONY
PASCARELLI; JOSEPH SILVASY,

Defendants-Appellees.

*On Appeal from the United States District Court
for the District of Massachusetts
No. 1:23-cv-12685-DJC
The Honorable Denise J. Casper*

DECLARATION OF MEREDITH O'NEIL

I, Meredith O’Neil, being duly sworn, depose and state the following under penalty of perjury:

1. I am over 18 years of age and have never been convicted of a crime involving fraud or dishonesty. I have knowledge of the facts set forth herein, and if called as a witness, could and would testify thereto.

2. I am a Plaintiff-Appellant in the above-captioned proceeding. I make this declaration in support of Plaintiffs-Appellants Supplemental Brief.

3. I intend to continue protesting for my belief that Karen Read is being framed.

4. I remain fearful of protesting because I was wrongly charged for my protest being seen by a single witness.

5. Once an injunction enters, I intend to protest.

6. On August 2, 2024, the Commonwealth’s complaint against me was denied by the Stoughton District Court, as no probable cause was found.

7. A true and correct copy of the Notice denying the complaint is filed herewith as **Exhibit 2**.

8. During Plaintiffs-Appellants protest, Officers Robert Zepf, Michael Chin, Anthony Pascarelli, and Sgt. Joseph Silvasy stopped and informed us that we were not permitted to protest where we were, because if the protest could be seen by Chris Albert, the police would deem it “witness intimidation” and we would be

arrested. Per the Canton Police Department Incident Report, it was because the protest was “in this close of a proximity (across the street, within eyesight, approximately 50-60 feet away) was a violation of the statute.”

9. A true and correct copy of the Incident Report is filed herewith as **Exhibit 7.**

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

Dated: 8/14/2024

Meredith O'Neil
Meredith O'Neil

Exhibit 2

Notice of Dismissal
Commonwealth v. O'Neil



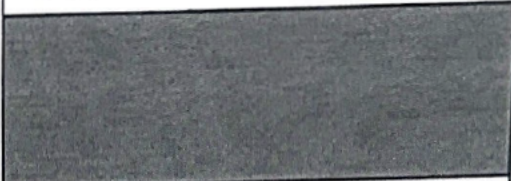
NOTICE TO THE PARTIES DEFENDANT COPY		DOCKET NUMBER 2355AC001043-	Trial Court of Massachusetts District Court Department 
CASE NAME Commonwealth vs Meredith A Oneil		COURT NAME & ADDRESS Stoughton District Court 1288 Central Street Stoughton, MA 02072 (781)344-2131	
NAME & ADDRESS OF DEFENDANT Meredith A Oneil 		POLICE DEPARTMENT OF OFFENSE Canton PD 	
NAME & ADDRESS OF DEFENSE ATTORNEY			
TO THE PARTIES IN THIS MATTER: On August 2 2024, complaint denied, No Probable Cause Found. (E. Donovan, CM)			
If court records indicate that the defendant is represented by an attorney, this notice is being sent to that attorney, who is responsible for notifying the defendant of the information in this notice. If court records do not indicate that the defendant is represented by a particular attorney, this notice is being sent directly to the defendant.			
DATE ISSUED		CLERK-MAGISTRATE Lauren Greene	

Exhibit 3

Declaration of Deanna Corby

No. 23-2062

In the
UNITED STATES COURT OF APPEALS
for the
FIRST CIRCUIT

MEREDITH O'NEIL; JESSICA SVEDINE; DEANNA CORBY; ROBERTO SILVA,

Plaintiffs-Appellants,

JENNA ROCCO; NICK ROCCO,

Plaintiffs,

v.

CANTON POLICE DEPARTMENT; TOWN OF CANTON MASSACHUSETTS;
HELENA RAFFERTY, as Chief of the Canton Police Department and in her
personal capacity; ROBERT ZEPF; MICHAEL CHIN; ANTHONY
PASCARELLI; JOSEPH SILVASY,

Defendants-Appellees.

*On Appeal from the United States District Court
for the District of Massachusetts
No. 1:23-cv-12685-DJC
The Honorable Denise J. Casper*

DECLARATION OF DEANNA CORBY

I, Deanna Corby, being duly sworn, depose and state the following under penalty of perjury:

1. I am over 18 years of age and have never been convicted of a crime involving fraud or dishonesty. I have knowledge of the facts set forth herein, and if called as a witness, could and would testify thereto.

2. I am a Plaintiff-Appellant in the above-captioned proceeding. I make this declaration in support of Plaintiffs-Appellants Supplemental Brief.

3. I intend to continue protesting for my belief that Karen Read is being framed.

4. I remain fearful of protesting because I was wrongly charged for my protest being seen by a single witness.

5. Once an injunction enters, I intend to protest.

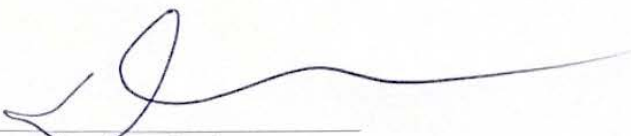
6. On November 22, 2024, The Canton Police Department filed an Application for Criminal Complaint against me in the Stoughton District Court (the "Complaint").

7. On August 2, 2024, the Commonwealth's complaint against me was denied by the Stoughton District Court (the "Notice"), as no probable cause was found.

8. A true and correct copy of the Complaint and the Notice denying the complaint is filed herewith as **Exhibit 4**.

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

Dated: 8/14/24



Deanna Corby

Exhibit 4

Criminal Complaint and
Notice of Dismissal
Commonwealth v. Corby

APPLICATION FOR CRIMINAL COMPLAINT

APPLICATION NO (COURT USE ONLY)

23/AC/001047

PAGE

1 of 1

Trial Court of Massachusetts District Court Department



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

- ONLY MISDEMEANOR(S), I request a hearing WITHOUT NOTICE because of an imminent threat of
 - BODILY INJURY COMMISSION OF A CRIME FLIGHT WITH NOTICE to accused
- ONE OR MORE FELONIES, I request a hearing WITHOUT NOTICE WITH NOTICE to accused
- WARRANT is requested because prosecutor represents that accused may not appear unless arrested

Stoughton District Court
1288 CENTRAL ST
STOUGHTON, MA 02072

ARREST STATUS OF ACCUSED
 HAS HAS NOT been arrested

INFORMATION ABOUT ACCUSED

NAME (FIRST MI LAST) AND ADDRESS

DEANNA CORBY

BIRTH DATE [REDACTED] SOCIAL SECURITY NUMBER [REDACTED]

PCF NO [REDACTED] MARITAL STATUS

DRIVERS LICENSE NO [REDACTED] STATE MA

GENDER F HEIGHT WEIGHT EYES

HAIR RACE W COMPLEXION SCARS/MARKS/TATTOOS INTERPRETER NEEDED (language) BIRTH STATE OR COUNTRY DAY PHONE

EMPLOYER/SCHOOL MOTHER'S MAIDEN NAME (FIRST MI LAST) FATHER'S NAME (FIRST MI LAST)

CASE INFORMATION

COMPLAINANT NAME (FIRST MI LAST) Robert Zepf COMPLAINT TYPE POLICE CITIZEN OTHER PD CAN

ADDRESS Canton Police Department
1492 Washington St
Canton, MA 02021
PLACE OF OFFENSE Canton, MA
INCIDENT REPORT NO 23-303-AR
OBTN
CITATION NO(S)

OFFENSE CODE 268/13A DESCRIPTION COURT/JUDGE/JUROR, PICKETING OFFENSE DATE 11/05/2023

VARIABLES (e.g. victim name, controlled substance, type and value of property, other variable information, see Complaint Language Manual)
VICTIM(S): CHRISTOPHER MALBERT,

OFFENSE CODE 268/13B/A DESCRIPTION WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE OFFENSE DATE 11/05/2023

VARIABLES
VICTIM(S): ROBERT G ZEPF;

OFFENSE CODE DESCRIPTION OFFENSE DATE

VARIABLES

REMARKS SID# COMPLAINTANT'S SIGNATURE X Edward R [Signature] DATE FILED 11/13/23

COURT USE ONLY A HEARING UPON THIS COMPLAINT APPLICATION WILL BE HELD AT THE ABOVE COURT ADDRESS ON DATE 1-4-24 TIME OF HEARING 11 AM COURT USE ONLY

PROCESSING OF NON-ARREST APPLICATION (COURT USE ONLY)

DATE 11-22-24 NOTICE SENT OF CLERK'S HEARING SCHEDULED ON 1-4-24 11 AM CLERK/JUDGE [Signature]
NOTICE SENT OF JUDGE'S HEARING SCHEDULED ON
HEARING CONTINUED TO
APPLICATION DECIDED WITHOUT NOTICE TO ACCUSED BECAUSE
 IMMINENT THREAT OF BODILY INJURY CRIME FLIGHT BY ACCUSED
 FELONY CHARGED AND POLICE DO NOT REQUEST NOTICE
 FELONY CHARGED BY CIVILIAN, NO NOTICE AT CLERK'S DISCRETION

DATE 8/2/24 COMPLAINT TO ISSUE PROBABLE CAUSE FOUND FOR ABOVE OFFENSE(S) NO(S) 1 2 3 BASED ON FACTS SET FORTH IN ATTACHED STATEMENT(S) TESTIMONY RECORDED TAPE NO START NO END NO WARRANT SUMMONS TO ISSUE ARRAIGNMENT DATE COMPLAINT DENIED NO PROBABLE CAUSE FOUND REQUEST OF COMPLAINANT FAILURE TO PROSECUTE AGREEMENT OF BOTH PARTIES OTHER COMMENT Based on hearing + review no




NOTICE TO THE PARTIES DEFENDANT COPY		DOCKET NUMBER 2355AC001047-	Trial Court of Massachusetts District Court Department 
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NAME & ADDRESS OF DEFENDANT Deanna M Corby 		POLICE DEPARTMENT OF OFFENSE Canton PD 	
NAME & ADDRESS OF DEFENSE ATTORNEY			
TO THE PARTIES IN THIS MATTER: On August 2 2024, complaint denied, No Probable Cause Found. (E. Donovan, CM)			
If court records indicate that the defendant is represented by an attorney, this notice is being sent to that attorney, who is responsible for notifying the defendant of the information in this notice. If court records do not indicate that the defendant is represented by a particular attorney, this notice is being sent directly to the defendant.			
DATE ISSUED		CLERK-MAGISTRATE Lauren Greene	

Exhibit 5

Declaration of Roberto Silva

No. 23-2062

In the
UNITED STATES COURT OF APPEALS
for the
FIRST CIRCUIT

MEREDITH O'NEIL; JESSICA SVEDINE; DEANNA CORBY; ROBERTO SILVA,

Plaintiffs-Appellants,

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CANTON POLICE DEPARTMENT; TOWN OF CANTON MASSACHUSETTS;
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PASCARELLI; JOSEPH SILVASY,

Defendants-Appellees.

*On Appeal from the United States District Court
for the District of Massachusetts
No. 1:23-cv-12685-DJC
The Honorable Denise J. Casper*

DECLARATION OF ROBERTO SILVA

I, Roberto Silva, being duly sworn, depose and state the following under penalty of perjury:

1. I am over 18 years of age and have never been convicted of a crime involving fraud or dishonesty. I have knowledge of the facts set forth herein, and if called as a witness, could and would testify thereto.

2. I am a Plaintiff-Appellant in the above-captioned proceeding. I make this declaration in support of Plaintiffs-Appellants Supplemental Brief.

3. I intend to continue protesting for my belief that Karen Read is being framed.

4. I remain fearful of protesting because I was wrongly charged for my protest being seen by a single witness.

5. Once an injunction enters, I intend to protest.

6. On November 22, 2024, The Canton Police Department filed an Application for Criminal Complaint against me in the Stoughton District Court (the "Complaint").

7. On August 2, 2024, the Commonwealth's complaint against me was denied by the Stoughton District Court (the "Notice"), as no probable cause was found.

8. A true and correct copy of the Complaint and the Notice denying the complaint is filed herewith as **Exhibit 6**.

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

Dated: 8/21/24



Roberto Silva

Exhibit 6

Criminal Complaint and
Notice of Dismissal
Commonwealth v. Silva

APPLICATION FOR CRIMINAL COMPLAINT

APPLICATION NO. (COURT USE ONLY)

PAGE

1 of 1

Trial Court of Massachusetts District Court Department



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

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

Stoughton District Court
1288 CENTRAL ST
STOUGHTON, MA. 02072

2355AC1044

ARREST STATUS OF ACCUSED

HAS HAS NOT been arrested

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

NAME (FIRST MI LAST) AND ADDRESS

INFORMATION ABOUT ACCUSED

ROBERTO SILVA

BIRTH DATE SOCIAL SECURITY NUMBER

PCF NO. MARITAL STATUS

DRIVERS LICENSE NO. STATE MA

GENDER M HEIGHT WEIGHT EYES

AIR RACE W COMPLEXION SCARS/MARKS/TATTOOS INTERPRETER NEEDED (language) BIRTH STATE OR COUNTRY DAY PHONE

EMPLOYER/SCHOOL MOTHER'S MAIDEN NAME (FIRST MI LAST) FATHER'S NAME (FIRST MI LAST)

COMPLAINANT NAME (FIRST MI LAST)

CASE INFORMATION

ADDRESS Robert Zepf COMPLAINT TYPE POLICE CITIZEN OTHER PD CAN

Canton Police Department
1492 Washington St
Canton, MA. 02021

PLACE OF OFFENSE Canton, MA

INCIDENT REPORT NO. 23-310-AR OBTN

CITATION NO(S)

OFFENSE CODE	DESCRIPTION	COURT/JUDGE/JUROR, PICKETING	OFFENSE DATE
268/13A			11/05/2023

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

OFFENSE CODE	DESCRIPTION	OFFENSE DATE
268/13B/A	WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE	11/05/2023

VICTIM(S): ROBERT G ZEPF;

OFFENSE CODE	DESCRIPTION	OFFENSE DATE

REMARKS D# COMPLAINTANT'S SIGNATURE X Edward R. J. DATE FILED 11/13/23

COURT USE ONLY A HEARING UPON THIS COMPLAINT APPLICATION WILL BE HELD AT THE ABOVE COURT ADDRESS ON 10-18-24 DATE OF HEARING AT 10:00 TIME OF HEARING COURT USE ONLY

PROCESSING OF NON-ARREST APPLICATION (COURT USE ONLY)

DATE	CLERK/JUDGE
11-22-24	(Signature)

NOTICE SENT OF CLERK'S HEARING SCHEDULED ON: 1-18-24 10:00
NOTICE SENT OF JUDGE'S HEARING SCHEDULED ON:
HEARING CONTINUED TO:

- APPLICATION DECIDED WITHOUT NOTICE TO ACCUSED BECAUSE:
- IMMINENT THREAT OF BODILY INJURY CRIME FLIGHT BY ACCUSED
 - FELONY CHARGED AND POLICE DO NOT REQUEST NOTICE
 - FELONY CHARGED BY CIVILIAN; NO NOTICE AT CLERK'S DISCRETION

COMPLAINT TO ISSUE **COMPLAINT DENIED** **CLERK/JUDGE**

- PROBABLE CAUSE FOUND FOR ABOVE OFFENSE(S) NO(S). 1, 2, 3. BASED ON
- FACTS SET FORTH IN ATTACHED STATEMENT(S)
- TESTIMONY RECORDED: TAPE NO. _____ START NO. _____ END NO. _____
- WARRANT SUMMONS TO ISSUE

- NO PROBABLE CAUSE FOUND
- REQUEST OF COMPLAINANT
- FAILURE TO PROSECUTE
- AGREEMENT OF BOTH PARTIES
- OTHER:

Eric Demand

COMMENT Based on hearing + review - no



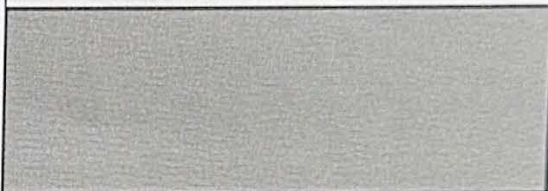
NOTICE TO THE PARTIES DEFENDANT COPY		DOCKET NUMBER 2355AC001044-	Trial Court of Massachusetts District Court Department 
CASE NAME Commonwealth vs Roberto Silva		COURT NAME & ADDRESS Stoughton District Court 1288 Central Street Stoughton, MA 02072 (781)344-2131	
NAME & ADDRESS OF DEFENDANT Roberto Silva 		POLICE DEPARTMENT OF OFFENSE Canton PD 	
NAME & ADDRESS OF DEFENSE ATTORNEY			
TO THE PARTIES IN THIS MATTER: On August 2 2024, complaint denied, No Probable Cause Found. (E. Donovan, CM)			
If court records indicate that the defendant is represented by an attorney, this notice is being sent to that attorney, who is responsible for notifying the defendant of the information in this notice. If court records do not indicate that the defendant is represented by a particular attorney, this notice is being sent directly to the defendant.			
DATE ISSUED	CLERK-MAGISTRATE Lauren Greene		

Exhibit 7

Incident Report Canton Police Department

Canton Police Department
NARRATIVE FOR PATROLMAN ROBERT ZEPF

Ref: 23-304-AR

- 1.) On November 5, 2023 I, Officer Zepf, was dispatched along with Sgt. Silvasy, Officer Pascarelli, and Officer Chin to the vicinity of D&E Pizza for a report of picketers gathering across the street. This information was called into Canton Police by the Norfolk County District Attorney's Office Special Prosecutor. Through consultation with members of Canton Police and others it was determined that the protestors may be in violation of MGL 268 13A which states: Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing a witness in the discharge of his duty, pickets or parades in or near a building housing a court of the Commonwealth, or in or near a building or residence occupied or used by such witness, shall be punished by a fine or imprisonment for not more than one year, or both. MGL 268 13A was photo-copied and brought to distribute to those picketing on scene.
- 2.) When we arrived Officer Chin was audio and video recording the encounter with his cruiser laptop. I introduced myself and informed those present that we were video and audio recording the encounter. I advised those present that they were in violation of MGL 268 13A (Picketing Court, Judge, Juror, Witness, or Court Officer) because of their proximity to D&E restaurant, which is owned and operated by ALBERT, Christopher. ALBERT was present on this day, at the restaurant, while the protestors were picketing in front of the restaurant. ALBERT is currently a victim/witness in an ongoing court case out of Stoughton District Court involving Aiden Kearney, also known as "Turtleboy".
- 3.) I distributed the information we had prepared and was met with skepticism and disbelief of the law and their behavior pertaining to thee law. I advised them that being in this close of a proximity (across the street, within eyesight, approximately 50-60 feet away) was a violation of the statute. I asked for names of those present, no one complied. I was met with disdain and contempt, many present stated they didn't need to give their name and refused to give their names. The crowd refused to leave when instructed to do so. They continued to argue over the language of the statute and how it pertained to the current situation. There were several signs being held, stating "free Karen Read", "free turtleboy" and "Colin was in the house".
- 4.) Officer Chin continued to record the event and captured all vehicles present in the Walgreens lot in an attempt to ascertain the identities of those present in the future. Officer Pascarelli also spoke with the victim, Chris Albert, and will be filing a supplemental narrative.
- 5.) This matter continues to be investigated by the Canton Police.
- 6.) Officer Pascarelli was able to identify Bradford(Michael D.), Corby (Deanna M.), O'Neil (Meredith A.), Rocco (Nicholas), and Rocco (Jenna) , Silva (Roberto), Enos (Jessica A.). I was able to identify Braley (Robin) and Braley (Keith) from prior calls with Canton Police. Duggan (Timothy M. Jr.) was identified with help from the Canton Police tip line.
- 7.) This matter will be sent to Stoughton District Court and all offenders named will be charged with MGL 268 13A (Picketing a Court, Judge, Juror, Witness, or Court Officer).

Canton Police Department

Page: 1

SUPPLEMENTAL NARRATIVE FOR PATROLMAN ANTHONY S PASCARELLI

Ref: 23-304-AR

1. This is a supplemental report. On Sunday, November 5, 2023, I was assigned the East sector for the 7:45am – 3:45pm patrol shift in fully marked cruiser CAN686. At approximately 1:30pm, I was dispatched to the area of Washington St by Bolivar St for a report of picketers in violation of Massachusetts General Laws: Chapter 268 Section 13A.
2. Upon my arrival with Sergeant Silvasy, Officer Zepf, and Officer Chin, we were met with approximately 10 people holding signage on the sidewalk directly across the street from D & E Pizza & Subs located at 618 Washington St Canton, MA owned by ALBERT, Chris. Officer Chin video/ audio recorded the interaction using CAN686's cruiser mounted laptop unit. My WatchGuard microphone was activated during the encounter. The signage that individuals were holding referenced an ongoing criminal investigation involving defendant Karen Read. Several paper copies of Massachusetts General Laws: Chapter 268 Section 13A were handed out to some of the individuals involved. The picketers were explained that they could not be in view of D & E Pizza & Subs, as Chris Albert was inside, who is a named witness in an open case involving Aidan Kearney a/k/a Turtle Boy, while picketing. ALBERT has also testified in front of a grand jury and is a named witness in an open case involving defendant Karen Read.
3. Officers asked the individuals involved in the picketing for their names due to the offense but they refused to give that information. After we cleared the scene, Officer Chin and I, who were both in fully marked cruiser CAN686, ran license plates of vehicles in the area including in the nearby parking lot of restaurant Waterfall Bar and Grill as well as some vehicles on Washington St that were in the area. Officer Chin was able to video record (using cruiser CAN686's cruiser mounted laptop unit) license plates of vehicles parked in the nearby parking lot of Walgreens which were subsequently ran and used to determine the identities of the individuals involved by comparing driver's license photographs to the video footage of the incident taken by Officer Chin. This was done in an attempt to identify the individuals involved in order to assist the investigation so that criminal charges could be filed because those involved refused to provide officers with their identifying information for violating Massachusetts General Laws: Chapter 268 Section 13A. Officer Chin downloaded the video footage he took using cruiser CAN686's cruiser mounted laptop unit to a USB drive and gave it to Lieutenant Lank who entered it in as evidence for this case.
4. At time 1348hrs I ran 3 license plates that were parked near each other in the far rear side of the Waterfall Bar and Grill parking lot. These plates were MA REG: [REDACTED] (owner: ROCCO, Nicholas), MA REG: [REDACTED] (owner: CORBY, Deanna), MA REG: [REDACTED] (owner: ONEIL, Meredith). At time 1447hrs I ran the license plate of MA REG: [REDACTED] (owner: BRADFORD, Michael) due to it being video recorded in the parking lot of Walgreens during the time of the picketing. BRADFORD could be seen in the video that Officer Chin took wearing a sweatshirt with a picture of Officer John O'Keefe, blue jeans, black hat, and holding a sign that stated "Free Karen Read." ROCCO, Nicholas is identified in the video that Officer Chin took as wearing a dark colored sweatshirt that states 'FREE KAREN READ' as well as grey sweat pants and a dark colored hat with dark colored facial hair holding a sign that says 'FREE TURTLEBOY.' BRALEY, Robin can also be seen in the video that Officer Chin took wearing a light colored blue-ish sweatshirt that states 'FREE KAREN READ' as well as dark colored pants, red-ish hair, sunglasses, while holding a sign that says, 'FREE KAREN READ.' CORBY, Deanna can also be seen in the video that Officer Chin took wearing a Red Sox baseball hat, lighter colored blue/grey-ish

Canton Police Department

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SUPPLEMENTAL NARRATIVE FOR PATROLMAN ANTHONY S PASCARELLI

Ref: 23-304-AR

sweatshirt stating, 'FREE KAREN READ' dark colored pants, purse, holding a sign that states, 'FREE KAREN READ.' Also in the video that Officer Chin took, BRALEY, Keith can be seen wearing a maroon colored sweatshirt that states, 'FREE TURTLEBOY,' blue jeans, a silver watch on his left wrist, grey goatee facial hair, and a bald head. He was holding a sign that stated, 'FREE KAREN READ.'

5. I spoke with ALBERT, Chris inside of the restaurant. He informed me that several individuals were out on the sidewalk in front of the restaurant near the entrance while holding signs and chanting. When ALBERT opened the door, he stated that he could hear them screaming. He then stated that an individual put the sign onto the window of his restaurant that said, "Colin Albert was inside the house." ALBERT stated the individual was approximately 20 years old with light blonde hair and ALBERT was able to videotape him. He was later identified as DUGGAN, Timothy by police. 'Colin Albert' is the son of ALBERT, Chris. There are some citizens that believe that Colin Albert had an involvement in the death of John O'Keefe.
6. ALBERT mentioned another individual he knew of who was holding a sign by the name of 'Jenna Rocco.' He states that she 'runs everything for 'Turtle Boy' A/K/A Aidan Kearney. ALBERT stated that he told her that she cannot do that because he is a named witness. ALBERT also mentioned a blonde female that came close to the window and kept saying that Colin was in the house and called ALBERT a murderer. He stated this individual had black glasses, a green jacket, and a sign that said 'Colin Albert was in the house.' She was later identified as ONEIL, Meredith. In the video that Officer Chin took, ONEIL can be seen matching the above description stated by ALBERT. She can also be seen holding a sign that states, 'COLIN ALBERT WAS INSIDE THE HOUSE' followed by an image of Colin Albert.
7. ALBERT sent video footage and photographs to my police department email address. The video, taken by ALBERT, depicts the female identified as ROCCO, Jenna wearing a 'FREE KAREN READ' blue sweatshirt, jeans, and boots while holding a sign that states "FREE KAREN READ." It also depicts DUGGAN as an approximately 20-year-old male with light blonde hair wearing a dark colored sweatshirt stating 'JACKSON/YANNETTI 2024', grey sweat pants, and sandals holding a sign that reads on the back, "guess what?" and on the front states, "Colin Albert was inside the house" followed by a picture of Colin Albert. These individuals were holding the signs outside of the restaurant and then turn to confront ALBERT. DUGGAN then states to ALBERT, "take a picture it will last longer, bud." Then ALBERT states, "protesting in front of a witness, huh?" Then DUGGAN states, "ya." ALBERT claims to police, "I felt anxious, nervous thought it was going to ruin my business for the day. Fearful that they all might try to enter my store then what would I do. It was unsettling to be honest." ROCCO, Jenna and DUGGAN, Timothy could be seen matching this description in the video that Officer Chin took. We cleared the area and I proceeded to keep watch of them from a distance as they continued to picket in the same area. My WatchGuard cruiser camera was activated. It depicts picketers completely leaving the area at approximately 1437hrs when I cleared via radio transmission. These individuals were also seen posing for a group picture on Turtle Boy's official website in a blog titled: "Canton Cover-Up Part 204: Canton Police Threaten To Arrest Peaceful Protesters From Being In "Eyeshot" Of D&E Pizza Because Chris Albert Was Witness To A "Criminal Crime." The photograph of this group photo is uploaded to the report.
8. In the video that Officer Chin took using CAN 686's cruiser mounted laptop unit, ENOS, Jessica (previous name of SVEDINE, Jessica) could be seen holding what appeared to be a stack of business cards that stated "FREE

Canton Police Department

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SUPPLEMENTAL NARRATIVE FOR PATROLMAN ANTHONY S PASCARELLI
Ref: 23-304-AR

KAREN READ." She offered me one by holding the stack out and stating, "would you like one?" at time stamp 1 minute and 6 seconds. After, ENOS did in fact hand one to a pedestrian. This could be seen on the video recording that Officer Chin took on scene. ENOS was wearing a black Nike brand sweatshirt and blue jeans holding a sign that said 'justice'. SILVA, Roberto can also be seen in the video that Officer Chin took wearing an orange shirt that states "FREE KAREN READ" and wore a black hat and dark colored pants. He held a sign that stated, "have you all found that ford edge yet or nah? #FreeKarenRead." He was identified by a public tip to police. I queried SILVA, Roberto in CJIS and identified him based on his driver's license photo as well as his most recent firearms license photo which was issued on 07/25/23.

9. I transferred the two photographs and one video that ALBERT emailed to my town email address onto a thumb drive and entered it in as evidence. It was placed into evidence locker #10. Driver's license photographs of those involved, as well as SILVA'S firearms photo, and the group photograph depicting the suspects (except SILVA) are attached to this report as evidence. Still shots from the video are also uploaded to the report.
10. Several individuals picketing could be seen in the video that Officer Chin recorded holding their cellphones as if they were video recording while they were in the commission of committing the crime of Massachusetts General Laws: Chapter 268 Section 13A during the time that officers were on scene. These individuals include ONEIL, Meredith; DUGGAN, Timothy; ROCCO, Nicholas; ROCCO, Jenna; and SILVA, Roberto. BRADFORD, Michael could also be seen on this same video apparently taking a photograph with a cellphone while officers were on scene.
11. It is believed that the protest escalated to Massachusetts General Laws: Chapter 268 Section 13A: 'picketing court, judge, juror, witness, or court officer' when the individuals involved in the public display were in view of witness ALBERT, Chris while he was inside of his business/ building of D & E Pizza & Subs. It is believed to be more probable than not that the individuals involved in the picketing specifically chose this location because they specifically intended to target/influence said witness ALBERT, Chris by being visible from the business while ALBERT occupied the business/building. Based on the statements that ALBERT made to police regarding the incident, it is more probable than not that this incident had an influence on him.
12. It is also believed to be more probable than not that the picketers intended to impede, obstruct, and delay this criminal investigation by not identifying themselves when requested by law enforcement on-scene, causing officers to have to resort to other means of identifying them in order to file criminal charges, which is a violation of Massachusetts General Laws: Chapter 268 Section 13B.

Exhibit 8

Docket Sheet

Commonwealth v. Read

2282CR00117 Commonwealth vs. Read, Karen

- Case Type: Indictment
- Case Status: Open
- File Date: 06/09/2022
- DCM Track: C - Most Complex
- Initiating Action: MURDER c265 §1
- Status Date: 06/10/2022
- Case Judge:
- Next Event: 01/14/2025

- All Information
- Party
- Charge
- Event
- Tickler
- Docket
- Disposition

Party Information

Norfolk County District Attorney

- Prosecutor

Alias

Party Attorney

- Attorney
- Lally, Esq., Adam C
- Bar Code
- 664079
- Address
- Norfolk County District Attorney's Office
- 45 Shawmut Rd
- Canton, MA 02021
- Phone Number
- (781)830-4800
- Attorney
- McLaughlin, Esq., Laura A
- Bar Code
- 684295
- Address
- Norfolk District Attorney's Office
- 45 Shawmut Rd
- Canton, MA 02021
- Phone Number
- (781)830-4800

[More Party Information](#)

Read, Karen

- Defendant

Alias

Party Attorney

- Attorney
- Henchy, Esq., Ian F
- Bar Code
- 707284
- Address
- Yannetti Law Firm
- 44 School St 1000A
- Boston, MA 02108
- Phone Number
- (857)600-1956
- Attorney
- Jackson, Alan
- Bar Code
- PHV173647CA
- Address
- Phone Number
- Attorney
- Little, Elizabeth S
- Bar Code

- PHV307944CA
- Address
- Phone Number
- Attorney
- Weinberg, Esq., Martin G
- Bar Code
- 519480
- Address
- Martin G Weinberg P.C.
- 20 Park Plaza
- Suite 1000
- Boston, MA 02116
- Phone Number
- (617)227-3700
- Attorney
- Yannetti, Esq., David R
- Bar Code
- 555713
- Address
- Yannetti Criminal Defense Law Firm
- 44 School St
- Suite 1000A
- Boston, MA 02108
- Phone Number
- (617)338-6006
- Attorney
- Yannetti, Esq., Tanis M
- Bar Code
- 568090
- Address
- Yannetti Criminal Defense
- 44 School St Suite 1000A
- Boston, MA 02108
- Phone Number
- (617)338-6006

[More Party Information](#)

Movants, Multiple

- Defendant

Alias

Party Attorney

- Attorney
- Randazza, Esq., Marc J
- Bar Code
- 651477
- Address
- Randazza Legal Group, PLLC
- 30 Western Ave
- Gloucester, MA 01930
- Phone Number
- (888)887-1776

[More Party Information](#)

Albert, Brian

- Other interested party

Alias

Party Attorney

- Attorney
- Henning, Esq., Gregory D
- Bar Code
- 663189
- Address
- Henning Strategies
- 141 Tremont St
- Suite 300
- Boston, MA 02111
- Phone Number
- (617)299-6534

[More Party Information](#)

McCabe, Jennifer

- Other interested party

Alias

Party Attorney

- Attorney
- Reddington, Esq., Kevin Joseph
- Bar Code
- 414160
- Address
- Attorney Kevin Reddington

1342 Belmont St
 Suite 203
 Brockton, MA 02301

- Phone Number
 (508)583-4280

[More Party Information](#)

Proctor, Elizabeth
 - Other interested party

Alias

Party Attorney

- Attorney
- Kettlewell, Esq., William Andrew
- Bar Code
- 682929
- Address
- Silva Kettlewell and Pignatelli LLP
- 10 High St
- Suite 505
- Boston, MA 02110
- Phone Number
- (617)351-9094

[More Party Information](#)

Bukhenik, Yuri
 - Other interested party

Alias

Party Attorney

- Attorney
- Lundgren, Esq., Gretchen
- Bar Code
- 644742
- Address
- Mission Advisory Legal Group
- 1834 Centre St
- Unit 451
- Boston, MA 02132
- Phone Number
- (617)302-6720

[More Party Information](#)

Proctor, Michael
 - Other interested party

Alias

Party Attorney

- Attorney
- DiStefano, Esq., Michael Romeo
- Bar Code
- 675615
- Address
- Todd and Weld LLP
- One Federal St 27th Floor
- Boston, MA 02110
- Phone Number
- (617)720-2626
- Attorney
- Lundgren, Esq., Gretchen
- Bar Code
- 644742
- Address
- Mission Advisory Legal Group
- 1834 Centre St
- Unit 451
- Boston, MA 02132
- Phone Number
- (617)302-6720

[More Party Information](#)

Metro Corp, Dbal Boston Magazine
 - Other interested party

Alias

Party Attorney

- Attorney
- Bertsche, Esq., Robert A
- Bar Code
- 554333
- Address
- Klaris Law PLLC
- 6 Liberty Square 2752
- 2752
- Boston, MA 02109

- Phone Number
- (857)303-6938

[More Party Information](#)

Voss, Gretchen
- Other interested party

Alias

Party Attorney

- Attorney
- Bertsche, Esq., Robert A
- Bar Code
- 554333
- Address
- Klaris Law PLLC
- 6 Liberty Square 2752
- 2752
- Boston, MA 02109
- Phone Number
- (857)303-6938

[More Party Information](#)

Albert, Kevin
- Other interested party

Alias

Party Attorney

- Attorney
- Pasciucco, Esq., Peter
- Bar Code
- 679371
- Address
- Anderson, Goldman, Tobin and Pasciucco, LLP
- 50 Redfield St
- Suite 201
- Dorchester, MA 02122
- Phone Number
- (617)265-3900

[More Party Information](#)

American Civil Liberties Union of MA
- Other interested party

Alias

Party Attorney

- Attorney
- Bourquin, Esq., Ruth A
- Bar Code
- 552985
- Address
- American Civil Liberties Union Foundation of Massa
- One Center Plaza
- Suite 850
- Boston, MA 02108
- Phone Number
- (617)482-3170

[More Party Information](#)

Boston Globe Media Partners
- Other interested party

Alias

Party Attorney

- Attorney
- Albano, Esq., Jonathan M
- Bar Code
- 013850
- Address
- Morgan, Lewis and Bockius LLP
- 1 Federal St
- Boston, MA 02110
- Phone Number
- (617)951-8360

[More Party Information](#)

Boston Globe Media Partners
- Other interested party

Alias

Party Attorney

- Attorney
- Thomas, Esq., Samuel D
- Bar Code
- 707801
- Address
- Morgan Lewis and Bockius LLP

One Federal St
 Floor 14 Office 19
 Boston, MA 02110

- Phone Number
 (774)263-0309

[More Party Information](#)

Party Charge Information

- Read, Karen**
 - Defendant

- Charge # 1:**
 265/1-0 - Felony MURDER c265 §1

- Original Charge
- 265/1-0 MURDER c265 §1 (Felony)
- Indicted Charge
- Amended Charge

- Read, Karen**
 - Defendant

- Charge # 2:**
 265/1312-0 - Felony MANSLAUGHTER WHILE OUI c265 §13½

- Original Charge
- 265/1312-0 MANSLAUGHTER WHILE OUI c265 §13½ (Felony)
- Indicted Charge
- Amended Charge

- Read, Karen**
 - Defendant

- Charge # 3:**
 90/24/B-0 - Felony LEAVE SCENE OF PERSONAL INJURY & DEATH c90 §24(2)(a½)(2)

- Original Charge
- 90/24/B-0 LEAVE SCENE OF PERSONAL INJURY & DEATH c90 §24(2)(a½) (2) (Felony)
- Indicted Charge
- Amended Charge

Events

Date	Session	Location	Type	Event Judge	Result
06/10/2022 11:00 AM	Criminal 1		Arraignment		Held as Scheduled
08/12/2022 02:00 PM	Criminal 1		Pre-Trial Conference	Krupp, Hon. Peter B	Held as Scheduled
09/22/2022 02:00 PM	Criminal 1		Pre-Trial Conference	Krupp, Hon. Peter B	Held as Scheduled
10/03/2022 02:00 PM	Criminal 1		Motion Hearing		Held as Scheduled
11/21/2022 02:00 PM	Criminal 1		Hearing RE: Discovery Motion(s)	Cannone, Hon. Beverly J	Held as Scheduled
02/03/2023 02:00 PM	Criminal 1		Conference to Review Status		Rescheduled
02/08/2023 02:00 PM	Criminal 1		Conference to Review Status	Cannone, Hon. Beverly J	Held as Scheduled
05/03/2023 02:00 PM	Criminal 1		Motion Hearing	Cannone, Hon. Beverly J	Held as Scheduled
05/24/2023 10:00 AM	Criminal 1		Motion Hearing	Cannone, Hon. Beverly J	Held as Scheduled
05/25/2023 09:30 AM	Criminal 1		Motion Hearing	Cannone, Hon. Beverly J	Canceled
07/25/2023 02:00 PM	Criminal 1		Pre-Trial Hearing	O'Shea, Hon. Daniel J.	Held as Scheduled

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
09/15/2023 09:00 AM	Criminal 1		Motion Hearing	O'Shea, Hon. Daniel J.	Held as Scheduled
09/15/2023 02:00 PM	Criminal 1		Conference to Review Status	O'Shea, Hon. Daniel J.	Rescheduled
01/05/2024 09:00 AM	Criminal 1		Motion Hearing	Cannone, Hon. Beverly J	Held as Scheduled
01/18/2024 03:00 PM	Criminal 1	DED-2nd FL, CR Main (SC)	Motion Hearing	Cannone, Hon. Beverly J	Held as Scheduled
02/15/2024 02:00 PM	Criminal 1	DED-2nd FL, CR Main (SC)	Motion Hearing	Cannone, Hon. Beverly J	Held as Scheduled
02/26/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Final Pre-Trial Conference	Cannone, Hon. Beverly J	Rescheduled
02/26/2024 02:00 PM	Criminal 1	DED-2nd FL, CR Main (SC)	Motion Hearing	Cannone, Hon. Beverly J	Held as Scheduled
03/12/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Rescheduled
03/12/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Motion Hearing	Cannone, Hon. Beverly J	Held as Scheduled
03/20/2024 02:00 PM	Criminal 1	DED-2nd FL, CR Main (SC)	Motion Hearing	Cannone, Hon. Beverly J	Held as Scheduled
03/26/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Motion Hearing	Cannone, Hon. Beverly J	Held as Scheduled
03/28/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Motion Hearing	Cannone, Hon. Beverly J	Rescheduled
04/04/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Motion Hearing	Cannone, Hon. Beverly J	Held as Scheduled
04/09/2024 02:00 PM	Criminal 1	DED-2nd FL, CR Main (SC)	Motion Hearing	Cannone, Hon. Beverly J	Held as Scheduled
04/12/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Final Pre-Trial Conference	Cannone, Hon. Beverly J	Held as Scheduled
04/16/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
04/17/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
04/18/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
04/22/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
04/23/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Not Held
04/24/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
04/25/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
04/29/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
04/30/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
05/02/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
05/03/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
05/06/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
05/07/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
05/08/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled





<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
05/09/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
05/10/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
05/13/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
05/14/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
05/15/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
05/16/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
05/17/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
05/21/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
05/22/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
05/23/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Not Held
05/24/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
05/28/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
06/03/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
06/05/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
06/06/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
06/10/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
06/12/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
06/13/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
06/14/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
06/17/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
06/18/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
06/20/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
06/21/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
06/24/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
06/25/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
06/26/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
06/27/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
06/28/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
07/01/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial		Held as Scheduled

Date	Session	Location	Type	Event Judge	Result
07/02/2024 09:00 AM	Criminal 1	DED-2nd FL, CR Main (SC)	Jury Trial		Canceled
07/22/2024 02:00 PM	Civil C	DED-2nd FL, CR 20 (SC)	Trial Assignment Conference	Cannone, Hon. Beverly J	Held as Scheduled
08/09/2024 02:00 PM	Civil C	DED-2nd FL, CR 20 (SC)	Non-Evidentiary Hearing to Dismiss	Cannone, Hon. Beverly J	Held as Scheduled
01/14/2025 02:00 PM	Criminal 1		Final Pre-Trial Conference		
01/27/2025 09:00 AM	Criminal 1		Jury Trial		


Ticklers



































Tickler	Start Date	Due Date	Days Due	Completed Date
Pre-Trial Hearing	06/09/2022	12/06/2022	180	07/25/2023
Final Pre-Trial Conference	06/09/2022	05/19/2023	344	04/12/2024
Case Disposition	06/09/2022	06/02/2023	358	





Docket Information

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
06/09/2022	Case assigned to: DCM Track C - Most Complex was added on 06/09/2022		
06/09/2022	Indictment(s) returned	1	 
06/09/2022	Issued: Straight Warrant issued on 06/09/2022 for Read, Karen		Image
06/09/2022	Attorney appearance On this date David R Yannetti, Esq. added as Private Counsel for Defendant Karen Read		
06/10/2022	Recalled: Straight Warrant cancelled on 06/10/2022 for Read, Karen		
06/10/2022	Event Result:: Arraignment scheduled on: 06/10/2022 11:00 AM Has been: Held as Scheduled Hon. Beverly J Cannone, Presiding		
06/10/2022	Defendant arraigned before Court. Judge: Cannone, Hon. Beverly J		
06/10/2022	Defendant waives reading of indictment Judge: Cannone, Hon. Beverly J		
06/10/2022	Plea of not guilty entered on all charges. Judge: Cannone, Hon. Beverly J		
06/10/2022	Bail set at \$1,000,000.00 Surety, \$100,000.00 Cash. Conditions: 1) stay away/no contact with victim O'Keefe's family and their residences 2) no operation of any motor vehicle		
06/10/2022	Bail warnings read Judge: Cannone, Hon. Beverly J		
06/10/2022	Issued on this date: Mittimus in Lieu of Bail Sent On: 06/10/2022 11:50:54	2	
06/10/2022	Order for the transmittal of Bail sent to the clerk of the Stoughton District Court.	3	
06/10/2022	The following form was generated: Order for Transmittal of Bail Sent On: 06/10/2022 12:02:57		
06/13/2022	Commonwealth 's Statement of the Case	5	 

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/13/2022	Commonwealth 's Notice of Discovery I	6	 
06/13/2022	Commonwealth 's Motion for Protective Order Regarding Discovery of Digital Video Recordings of Sain Interview	7	  Image
06/13/2022	Finding and Order on Bail: SEE Findings (Cannone, RAJ) dated 06/10/2022 Judge: Cannone, Hon. Beverly J	8	  Image
06/23/2022	Financial Note: RETURN OF ASSIGNMENT OF BAIL re: surety William J. Read in the amount of \$50,000.00 dated 6/23/2022 (Check #8528)		
07/28/2022	General correspondence regarding Media Request from Court TV	10	 
08/12/2022	Defendant 's EMERGENCY Motion to Compel Production of Requests for Preservation of Google Geofence Data and Confirmation from Google that Geofence Data Will Be Preserved with Exhibits - ALLOWED without objection. (Krupp, J.) dated 08/12/2022	11	  Image
08/12/2022	Affidavit of Counsel in Support of Defendant's Emergency Motion with Certificate of Service	12	 
08/12/2022	Defendant 's Motion to Compel Production of Materials Listed in "Commonwealth's Notice of Discovery I" - No action taken in light of the Commonwealth's response. (Krupp, J.) dated 08/12/2022	13	  Image
08/12/2022	Affidavit of Counsel in Support of Motion to Compel with Certificate of Service	14	 
08/12/2022	Defendant 's Motion to Inspect Tail Light and Housing - ALLOWED after items are back from the lab. (Krupp, J.) dated 08/12/22	15	  Image
08/12/2022	Affidavit of Counsel in Support of Motion to Inspect Tail Light and Housing with Certificate of Service	16	 
08/12/2022	Defendant 's Motion to Inspect John O'Keefe's Clothing - ALLOWED after items are back from the lab. (Krupp, J.) dated 08/12/22	17	  Image
08/12/2022	Affidavit of Counsel in Support of Defendant's Motion to Inspect Clothing with Certificate of Service	18	  Image
08/12/2022	Event Result:: Pre-Trial Conference scheduled on: 08/12/2022 02:00 PM Has been: Held as Scheduled Hon. Peter B Krupp, Presiding		
08/18/2022	Commonwealth 's Notice of Discovery II (rec'd 08/12/2022)	19	 
08/29/2022	Commonwealth 's Notice of Discovery III (rec'd 08/17/2022)	20	  Image
08/31/2022	Attorney appearance On this date Ian F Henchy, Esq. added for Defendant Karen Read		
09/08/2022	General correspondence regarding Request from Bruce Conover, Court TV, to Cover the Hearing	21	 
09/19/2022	Defendant 's Motion to Compel Discovery with Certificate of Service (rec'd 9/16/2022) -- ALLOWED as to #'s 1, 2, 3, 4, 5, 12 as amended, 13, & 15, - #11, Counsel may view original exhibits through arrangements with ADA - DENIED without prejudice as to #'s 5, 6, 7, 8, 9, 10 & 14 (Cannone, RAJ) dated 10/5/22) (copies sent -cm)	22	  Image
09/19/2022	Defendant 's Motion for Discovery Regarding the Circumstances of Massachusetts State Trooper Michael D. Procter's Assignment to the Investigation of this Matter (rec'd 9/16/2022) - Commonwealth will provide written protocols/policies. If defendant is not satisfied that Commonwealth has responded pursuant to Mass. R. Crim. P. 14, defendant is to file a motion and supporting affidavit for the discovery - not in the form of interrogatories. (Cannone, RAJ.) dated 10/5/2022 copies sent -cm	23	  Image
09/19/2022	Affidavit of Counsel in Support with Certificate of Service (rec'd 9/16/2022)	24	 
09/19/2022	Defendant 's Motion for Preservation of Samples for Independent Forensic Testing with Affidavit in Support and with Certificate of Service (rec'd 9/16/2022) - ALLOWED without opposition. (Krupp, J.) dated 09/22/2022	25	  Image
09/19/2022	Defendant 's Motion to Renew Motions Previously Filed in Stoughton District Court with Affidavit and with Certificate of Service (rec'd 9/16/2022) - DENIED (Cannone, RAJ) dated 10/3/22 - copies sent -cm	26	  Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
09/19/2022	Defendant 's Motion for Order Pursuant to Mass. R. Crim. P. 17 directed to Brian Albert, Julie Albert, Colin Albert Brian Higgins and the Commonwealth and Memorandum in Support Thereof with Affidavit with Certificate of Service (rec'd 9/16/2022) (with Exhibits not Scanned) - DENIED. The defendant has not met her burden under Mass. R. Crim. P. 17 Lampron. The Court is not satisfied that the requested phones contain information that is evidentiary and relevant nor is the Court satisfied that the application is made in good faith and is not intended as a general fishing expedition. (Cannone, RAJ) dated 10/5/22 - copies sent-cm	27	  Image
09/19/2022	Defendant 's Amended Motion to Compel Modification of Google Preservation Requests and for Production of Geofence Data and Memorandum in Support Thereof with Affidavit and with Certificate of Service (rec'd 9/16/2022) - Exhibits not scanned - After hearing, no action taken at this time. (Cannone, RAJ) dated 10/5/22	28	  Image
09/21/2022	Defendant 's Motion for Admission Pro Hac Vice of Alan Jackson and Elizabeth Little with Certificate of Service and Exhibits - ALLOWED (Krupp, J.) dated 09/22/2022	29	  Image
09/22/2022	Event Result:: Pre-Trial Conference scheduled on: 09/22/2022 02:00 PM Has been: Held as Scheduled Hon. Peter B Krupp, Presiding		
09/27/2022	Attorney appearance On this date Alan Jackson added as Pro Hac Vice (SJC 3:15) for Defendant Karen Read (SEE Page #29)		
09/27/2022	Attorney appearance On this date Elizabeth S Little added as Pro Hac Vice (SJC 3:15) for Defendant Karen Read (SEE Page #29)		
09/27/2022	ORDER: RE: Preservation of Cellular Telephones (Krupp, J.) dated 9/23/2022 SEE Order	30	  Image
10/03/2022	Event Result:: Motion Hearing scheduled on: 10/03/2022 02:00 PM Has been: Held as Scheduled Hon. Beverly J Cannone, Presiding		
10/14/2022	Commonwealth 's Notice of Discovery IV	31	  Image
11/01/2022	Commonwealth 's Notice of Discovery V	32	  Image
11/18/2022	Norfolk County District Attorney's Memorandum in opposition to Defendant's Motion Pursuant to Rule 17 of Criminal Procedure	33	  Image
11/18/2022	Defendant 's Proposed Memorandum of Decision and Order on Defendant's Rule 17 Motion with Certificate of Service	34	 Image
11/21/2022	Event Result:: Hearing RE: Discovery Motion(s) scheduled on: 11/21/2022 02:00 PM Has been: Held as Scheduled Hon. Beverly J Cannone, Presiding		
11/21/2022	Commonwealth 's Notice of Discovery VI	35	  Image
12/19/2022	Event Result:: Conference to Review Status scheduled on: 02/08/2023 02:00 PM Has been: Rescheduled For the following reason: Request of Defendant Hon. Beverly J Cannone, Presiding		Image
12/19/2022	Defendant 's Assented to Motion to Advance and Continue with Affidavit and Certificate of Service -* ALLOWED in so much as the Status Conference is Continued to 02/28 23 at 2PM (Kirkpalani, J.) dated 12/19/2022	34.1	  Image
01/23/2023	Commonwealth 's Notice of Discovery VII	36	  Image
01/23/2023	Commonwealth 's Notice of Discovery VIII	37	  Image
02/02/2023	Defendant 's Motion for production of original photographs complete with Metadata - filed 2/2/23	38	  Image
02/02/2023	Affidavit of David R. Yannetti in support of motion for production of original photographs complete with Metadata - filed 2/2/2023	39	  Image
02/02/2023	Affidavit of Richard Green in support of motion for production of original photographs complete with Metadata - filed 2/2/23	40	  Image
02/02/2023	Defendant 's Motion for production of search warrant and missing ring video recordings from One Meadow Avenue in Canton, MA - filed 2/2/23	41	  Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
02/02/2023	Affidavit of David R. Yannetti in support of motion for production of search warrant and missing ring video recordings from One Meadows Avenue Canton, MA - filed 2/2/23	42	  Image
02/02/2023	Defendant 's Motion for production of Greykey supplemental filed - filed 2/2/23	43	  Image
02/02/2023	Affidavit of Richard Green in support of motion for production of Greykey supplemental files - filed 2/2/23	44	  Image
02/02/2023	Defendant 's Certificate of service - filed 2/2/23	45	  Image
02/02/2023	Defendant 's Motion for inspection, access and independent forensic testing of John O'Keefe's clothing - filed 2/2/23	46	  Image
02/02/2023	Affidavit of David R. Yannetti in support of motion for inspection, access and independent forensic testing of John O'Keefe's clothing filed 2/2/23	47	  Image
02/02/2023	Defendant 's Certificate of service - filed 2/2/23	48	  Image
02/02/2023	Defendant 's Motion for inspection, access and independent testing of pieces of tail light seized by the Commonwealth - filed 2/2/23	49	  Image
02/02/2023	Affidavit of David R. Yannetti in support of motion for inspection, access and independent testing of pieces or tail light seized by the Commonwealth filed 2/2/23	50	  Image
02/02/2023	Defendant 's Motion to compel production on previously ordered discovery filed 2/2/23 - No Action Taken (Cannone, RAJ) dated 02/8/2023	51	  Image
02/02/2023	Affidavit of David R. Yannetti in support of motion to compel production of previously ordered discovery filed 2/2/23	52	  Image
02/02/2023	Defendant 's Motion for order pursuant to Mass.R.Crim.P.17 directed to Canton Animal Control and the Canton Clerk's Office - filed 2/2/23 IMPOUNDED	53	
02/02/2023	Affidavit of Elizabeth S. Little in support of motion for order pursuant to Mass.R.Crim.P.17 directed to Canton Animal Control and the Canton Town Clerk - IMPOUNDED filed 2/2/23	54	
02/02/2023	Affidavit of Forensic Pathologist Frank Sheridan, M.D.in support of motion for order pursuant to Mass.R.Crim.P.17directed to Canton Animal Control and the Canton Clerk's Office - filed 2/2/23 IMPOUNDED	55	
02/02/2023	Defendant 's Motion to modify conditions of release - filed 2/2/23 IMPOUNDED	56	
02/02/2023	Affidavit of counsel in support of Defendant's motion to modify pretrial conditions of release and certificate of service - filed 2/2/23 IMPOUNDED	57	
02/08/2023	Event Result:: Conference to Review Status scheduled on: 02/08/2023 02:00 PM Has been: Held as Scheduled Hon. Beverly J Cannone, Presiding		
02/08/2023	Bail warnings read Judge: Cannone, Hon. Beverly J		
02/08/2023	Bail set at \$800,000.00 Surety, \$80,000.00 Cash. \$20,000 cash of posted bail may be returned to Surety		
02/09/2023	Commonwealth 's Notice of Discovery IX	58	  Image
02/09/2023	Financial Note: RETURN OR ASSIGNMENT OF BAIL re: surety William J. Read in the amount of \$20,000.00 dated 2/9/2023 (Check #8888)		
02/22/2023	Commonwealth 's Notice of Discovery X	59	  Image
03/21/2023	Commonwealth 's Notice of Discovery XI	60	  Image
03/24/2023	Commonwealth 's Notice of Discovery XII	61	  Image
03/27/2023	Commonwealth 's Proposed Procedure RE: Communications Stored on Cell Phone for Examination of iPhone Pursuant to a Search Warrant Issued on February 2, 2022 ALLOWED WITHOUT OBJECTION (CANNONE,J) ATT.J.MCDERMOTT,AC (5/3/23)	62	  Image
04/12/2023	Commonwealth 's Notice of Discovery XIII	63	  Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
04/12/2023	Defendant 's Motion For Order Pursuant to Mass. R. Crim. P. 17 Directed to Brian Albert, Verizon and AT&T	64	  Image
04/12/2023	Affidavit of Alan J. Jackson, Esq. in support of Motion For Order Pursuant to Mass. R. Crim. P. 17 Directed to Brian Albert, Verizon and AT&T	65	  Image
04/12/2023	Affidavit of Richard Green in support of Defendant's Motion For Order Pursuant to Mass. R. Crim. P. 17 Directed to Brian Albert, Verizon and AT&T	66	  Image
04/26/2023	Defendant 's Renewed Motion to Compel Discovery - See Rulings on Paper #131 (Cannone, RAJ) dated 09/15/2023	67	  Image
04/26/2023	Affidavit of David R. Yannetti in Support of Defendant's Renewed Motion to Compel Discovery with Certificate of Service	68	  Image
04/26/2023	List of exhibits #1 - #6 in Support of Defendant's Renewed Motion to Compel Discovery	69	  Image
05/02/2023	Norfolk County District Attorney's Memorandum in opposition to Defendant's Motion Pursuant to Rule 17 of Criminal Procedure - Directed to Brian Albert, Verizon, and AT&T	70	  Image
05/02/2023	Norfolk County District Attorney's Memorandum in opposition to Defendant's Motion Pursuant to Rule 17 of Criminal Procedure - Production of Records from Canton Animal Control and the Canton Clerk's Office	71	  Image
05/03/2023	Attorney appearance On this date Gregory D Henning, Esq. added as Private Counsel for Other interested party Brian Albert	72	  Image
05/03/2023	Opposition to Defendant's Rule 17 Motion for Cellular Devices and Records filed by Brian Albert Applies To: Henning, Esq., Gregory D (Attorney) on behalf of Albert, Brian (Other interested party)	73	  Image
05/03/2023	Affidavit of Support of Brian Albert's Opposition to Rule 17 Motion Applies To: Henning, Esq., Gregory D (Attorney) on behalf of Albert, Brian (Other interested party)	74	  Image
05/03/2023	Gregory D Henning, Esq.'s Motion for Copies of Grand Jury Minutes of Brian and Nicole Albert Applies To: Henning, Esq., Gregory D (Attorney) on behalf of Albert, Brian (Other interested party)	75	  Image
05/03/2023	Affidavit of Support of Motion for Copies of Grand Jury Minutes of Brian and Nicole Albert Applies To: Henning, Esq., Gregory D (Attorney) on behalf of Albert, Brian (Other interested party)	76	  Image
05/03/2023	Event Result:: Motion Hearing scheduled on: 05/03/2023 02:00 PM Has been: Held as Scheduled Hon. Beverly J Cannone, Presiding		
05/04/2023	Endorsement on Motion for copies of Grand Jury Mintues of Brian and Nicole Albert, (#75.0): ALLOWED dated 5/3/23. Copies mailed Judge: Cannone, Hon. Beverly J		  Image
05/04/2023	Commonwealth 's Notice of Discovery XV - filed 5/3/23	77	  Image
05/11/2023	Commonwealth 's Notice of Discovery XVI - filed 5/10/23	78	  Image
05/19/2023	MEMORANDUM & ORDER: on Defendant's Motion for an Order Pursuant to Mass. R. Crim. P. 17 Directed to Canton Animal Control and the Canton Clerk's Office. ALLOWED. (Cannone, RAJ) dated 05/19/2023 Judge: Cannone, Hon. Beverly J (copies sent to all attorneys)	79	  Image
05/19/2023	ORDER: for Production of Records from Canton Animal Control and the Canton Clerk's Office (dated 05/19/2023)	80	  Image
05/19/2023	The following form was generated: A Clerk's Notice was generated and sent to: Defendant, Attorney: David R Yannetti, Esq. Yannetti Criminal Defense Law Firm 44 School St Suite 1000A, Boston, MA 02108 Defendant, Attorney: Alan Jackson 888 W. 6th Street 4th Floor, Los Angeles, CA 90017 Defendant, Attorney: Ian F Henchy, Esq. Yannetti Law Firm 44 School St 1000A, Boston, MA 02108 Prosecutor, Attorney: Adam C Lally, Esq. Norfolk County District Attorney's Office 45 Shawmut Rd,		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Canton, MA 02021 Other interested party, Attorney: Gregory D Henning, Esq. Henning Strategies 141 Tremont St Suite 300, Boston, MA 02111		
05/22/2023	Gregory D Henning, Esq.'s Motion to Quash the Subpoena of Defendant Karen Read Applies To: Albert, Brian (Other interested party)	81	  Image
05/22/2023	Affidavit of Gregory Henning in Opposition to Rule 17 Motion with Exhibit A Applies To: Albert, Brian (Other interested party)	82	  Image
05/22/2023	Opposition to to Defendant's Request for Evidentiary Hearing on Mass. R. Crim. P. 17 with Exhibit A filed by Norfolk County District Attorney	83	  Image
05/22/2023	Attorney appearance On this date Kevin Joseph Reddington, Esq. added as Private Counsel for Other interested party Jennifer McCabe		
05/22/2023	Kevin Joseph Reddington, Esq.'s Motion to Quash Subpoena	84	  Image
05/22/2023	Jennifer McCabe's Memorandum in support of Motion to Quash Subpoena Served on Jennifer McCabe, Government Witness	85	  Image
05/23/2023	Other Records All Records Relating to Any Animals Registered to Brian Albert received from Canton Town Hall - IMPOUNDED	86	
05/23/2023	Commonwealth 's Notice of Discovery XIV - 5/3/23	76.1	  Image
05/24/2023	Opposition to to Jennifer McCabe's Motion to Quash Subpoena filed by Karen Readwith Certificate of Service	87	  Image
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05/24/2023	Opposition to Commonwealth's Opposition to Defendant's Request for Evidentiary Hearing on Mass. R. Crim. P. 17 filed by Karen Read	89	  Image
05/24/2023	Event Result:: Motion Hearing scheduled on: 05/24/2023 10:00 AM Has been: Held as Scheduled Hon. Beverly J Cannone, Presiding		
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06/09/2023	Commonwealth 's Motion to Prohibit Prejudicial Extrajudicial Statements of Counsel in Compliance with Massachusetts Rules of Professional Conduct 3.6(a) with Exhibits	93	  Image
06/09/2023	Commonwealth 's Motion to Inspect and Copy Impounded Records from the Town of Canton	94	  Image
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06/13/2023	Commonwealth 's Notice of Discovery XVIII	96	  Image
06/20/2023	MEMORANDUM & ORDER: on Defendant's motion for order pursuant to MASS.R.CRIM.P.17 directed to Brian Albert, Verizon, and AT&T. (Cannone, RAJ) DENIED see memorandum and order. ns Judge: Cannone, Hon. Beverly J	97	  Image
06/21/2023	Opposition to to Motion to Inspect and Copy Impounded Records from the Town of Canton with Certificate of Service (rec'd 06/20/2023) filed by Karen ReadALLOWED, only as far as allowing for inspection and copying of the records. The remainder of the Motion is reserved for hearing on 7/25. (Cannone,J) 7/18/23	98	  Image
06/21/2023	Affidavit of Counsel in Support of Defendant's Opposition to Motion to Inspect and Copy Impounded Records from the Town of Canton (rec'd 6/20/2023)	99	  Image


























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07/18/2023	Opposition to Commonwealth's "Motion to Prohibit Prejudicial Extrajudicial Statements of Counsel in Compliance with Massachusetts Rules of Professional Conduct 3.6(a) with Certificate of Service filed by Karen Read	103	
07/18/2023	Affidavit of Counsel in Support of Opposition to Commonwealth's "Motion to Prohibit Prejudicial Extrajudicial Statements of Counsel	104	
07/19/2023	Commonwealth 's Notice of Discovery XIX	105	  Image
07/20/2023	Defendant 's EX PARTE Confidential Privilege Log Regarding Data Obtained From Ms. Read's Cell Phone for the Court's In Camera Review - The Court does not need to review the content of the messages referenced by counsel for the defendant. Axiom ID #104589, #122346. This Court orders that the additional referenced text messages, which contain Attorney-Client privileged information, be redacted by the appointed forensic examiner prior to the information being produced to the Commonwealth. Further, this Court orders the Digital Evidence Laboratory to provide the Commonwealth with the redacted extraction report of the defendant's cellphone forthwith (Cannone, RAJ) dated 07/25/2023	106	 Image
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07/25/2023	Event Result:: Pre-Trial Hearing scheduled on: 07/25/2023 02:00 PM Has been: Held as Scheduled Comments: FTR Hon. Beverly J Cannone, Presiding		
07/25/2023	MEMORANDUM & ORDER: on Defendant's Motion for Recusal and Disqualification of Justice Beverly Cannone - - ORDER : Motion for recusal and disqualification is DENIED. (Cannone, RAJ) dated 7/25/2023 - SEE Memorandum of this Date Judge: Cannone, Hon. Beverly J	110	  Image
07/31/2023	MEMORANDUM & ORDER: on Commonwealth's Motion to Prohibit Prejudicial Extrajudicial Statements of Counsel in Compliance with Massachusetts Rules of Professional Conduct 3.6(a) - It is ORDERED that the Commonwealth's Motion is DENIED without prejudice. (Cannone, RAJ) dated 7/31/2023 - SEE Memorandum (copies sent to all counsel -cm) Judge: Cannone, Hon. Beverly J	111	  Image
08/11/2023	Commonwealth 's Notice of Discovery XX	112	  Image
08/14/2023	Defendant 's Renewed Motion to Compel Discovery and Access to Evidence with Certificate of Service and Exhibits A-C	113	  Image
08/14/2023	Affidavit of David Yannetti in Support of Defendant's Renewed Motion to Compel Discovery	114	  Image
08/17/2023	Event Result:: Conference to Review Status scheduled on: 09/15/2023 02:00 PM Has been: Rescheduled For the following reason: By Court prior to date Hon. Beverly J Cannone, Presiding		 Image
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09/01/2023	Defendant 's Motion for Order Pursuant to Mass.R.Crim. P.17 directed to the Canton Department of Public Works and the Canton Town Clerk and Certificate of Service - ** ALLOWED - no objection. (Cannone, RAJ) dated 09/15/2023 filed 9/1/23	116	  Image

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09/01/2023	Affidavit of Private Investigator Paul Mackowski in support of Motion for Order Pursuant to Mass.R.Crim.P.17 directed to the Canton Department of Public Works and the Canton Town Clerk filed 9/1/23	117	  Image
09/01/2023	Affidavit of Alan J. Jackson in support of Motion for Order pursuant to Mass.R.Crim. P.17 directed to the Canton Department of Public Works and the Canton Town Clerk filed 9/1/23	118	  Image
09/01/2023	Commonwealth 's Motion for Records: ABC News and Affidavit in support of Commonwealth's Motion for Records with Exhibits - * DENIED without prejudice. (Cannone, RAJ.) filed 9/1/23	119	  Image
09/01/2023	Commonwealth 's Response to "Defendant's Renewed Motion to Compel Discovery and Access to Evidence" filed 9/1/23	120	  Image
09/01/2023	Commonwealth 's Motion for Records - ALARM.COM and Affidavit in support of Commonwealth's Motion for Records - ALLOWED with out objection. (Cannone, RAJ) dated 09/15/2023 filed 9/1/23	121	  Image
09/01/2023	Commonwealth 's Motion for Records NBCU News Group Legal and Affidavit in support of Commonwealth's Motion for Records with exhibits filed 9/1/23 - *DENIED without Prejudice, SEE Decision and Order. (Cannone, RAJ) dated 10/11/2023	122	  Image
09/07/2023	Defendant 's Motion to modify conditions of release - filed 9/7/23	123	  Image
09/07/2023	Affidavit of counsel in support of Defendant's motion to modify conditions of release and certificate of service filed 9/7/23	124	  Image
09/07/2023	Defendant 's Motion for Order Pursuant to Mass. R. Crim. P. 17 Directed to Google, LLC. with Certificate of Service **** ALLOWED (Cannone, RAJ) dated 09/15/2023	125	  Image
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09/08/2023	Commonwealth 's Notice of Discovery XXII	127	  Image
09/08/2023	Commonwealth 's Notice of Discovery XXIII	128	  Image
09/08/2023	Commonwealth 's Notice of Discovery XXIV	129	  Image
09/08/2023	Defendant 's Supplemental Affidavit of Alan J. Jackson in Support of Motion for Order Pursuant to Mass. R. Crim. P. 17 Directed to the Canton Department of Public Works ant the Canton Town Clerk with Certificate of Service and Exhibit A	130	  Image
09/13/2023	Defendant 's Reply to Commonwealth's Response to "Defendant's Renewed Motion to Compel Discovery and Access to Evidence" with Exhibit A & B - -*** SEE All Endorsements on Scanned Motion (Cannone, RAJ) dated 9/15/2023	131	  Image
09/14/2023	Commonwealth 's Proposed Order for "Defendant's Motion for Order Pursuant to Mass. R. Crim. P. 17 Directed to Google, LLC"	132	
09/14/2023	Commonwealth 's Motion to Impound the Commonwealth's Attachments in Support of "Commonwealth's Motion for Order for Exhaustive DNA Testing - Item #: 3-6.1" - ***** Attachments Exhibits A & B to be Impounded until completion of the case. (Cannone, RAJ) dated 09/15/2023	133	  Image
09/14/2023	Commonwealth 's Motion for Order for Exhaustive DNA Testing - Item #: 3-6.1	134	  Image
09/15/2023	Event Result:: Motion Hearing scheduled on: 09/15/2023 09:00 AM Has been: Held as Scheduled Hon. Daniel J. O'Shea, Presiding		Image
09/19/2023	ORDER for Other Records for William Read from Alarm.com (SEE Order dated 09/15/23)	135	
09/20/2023	Scheduled: Event: Jury Trial Date: 03/12/2024 Time: 09:00 AM Result: Rescheduled		
09/21/2023	General correspondence regarding Letter from Morgan Lewis, Attorney Jonathan M. Albano, representing American Broadcasting Companies, Inc. and NBCUniversal Media, LLC	136	
09/21/2023	Affidavit of Forensic Expert Samuel "Skip" Palenik in Support of Defendant' Request for Non-Destructive Examination of Evidence Item 3-6 (Suspected "Hair") - Declaration of Samuel Palenik	137	  Image
09/22/2023	Notice of docket entry received from Supreme Judicial Court RE: No. SJ-2023-0343	138	  Image






<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	<p>You are hereby notified that on September 15, 2023, the following was entered on the docket of the above-referenced case:</p> <p>MOTION for Pro Hac Vice Admission of Alan Jackson and Elizabeth Little in the Supreme Judicial Court with Certificate of Service and attachments filed by Attorney David Yannetti. (9/22/23: "Per the within, MOTION for Pro Hac Vice Admission is ALLOWED without hearing." (Kafker, J.))</p>		
09/22/2023	<p>Notice of docket entry received from Supreme Judicial Court RE: No. SJ-2023-0343</p> <p>You are hereby notified that on September 18, 2023, the following was entered on the docket of the above-referenced case:</p> <p>Brian Albert's MOTION to Intervene with Certificate of Service, filed by Attorney Gregory Henning. (9/22/23: "Per the within, MOTION to Intervene is ALLOWED without hearing." (Kafker, J.))</p>	139	  Image
09/22/2023	<p>General correspondence regarding Letter from David Yannetti withdrawing the motion for bail-reduction - SEE Correspondence</p>	140	  Image
09/25/2023	<p>Notice of docket entry received from Supreme Judicial Court RE: No. SJ-2023-0343</p> <p>You are hereby notified that on September 21, 2023, the following was entered on the docket of the above-referenced case:</p> <p>Petitioner/Defendant Karen Read's MOTION For Leave to File Reply Brief and to Enlarge Time For Filing with Affidavit of Counsel in Support and Certificate of Service, filed by Attorney Ian F. Henchy. (9/25/2023: "Per the within, MOTION is ALLOWED without hearing." (Kafker, J.))</p>	141	  Image
09/27/2023	<p>Commonwealth 's Motion to Compel Defendant to Preserve all Evidence Including Video Footage from 345 Country Hill Drive, Dighton, MA and Commonwealth's Request for Court Ordered Production (rec'd 9/15/2023) ** ALLOWED - (Cannone, RAJ) dated 09/15/2023</p>	142	  Image
09/27/2023	<p>ORDER: for Defendant's Motion for Order Pursuant to Mass. R. Crim. P. 17 Directed to Google, LLC (dated 09/27/2023)</p>	143	  Image
09/27/2023	<p>Defendant 's EX PARTE Affidavit</p>	144	
09/27/2023	<p>ORDER: for Production of Records from Canton Department of Public Works (Cannone, RAJ)</p>	145	  Image
09/28/2023	<p>ORDER: Modified Scheduling Order (Cannone, RAJ) dated 9/27/23</p>	146	  Image
09/29/2023	<p>Defendant 's Post-Hearing Motion to Amend Proposed Order Regarding Defendant's Motion for Order Pursuant to Mass. R. Crim. P. 17 Directed to Google, LLC.</p>	147	  Image
09/29/2023	<p>Affidavit of Counsel in Support of Post-Hearing Motion to Amend Proposed Order Regarding Defendant's Motion for Order Pursuant to Mass. R. Crim. P. 17 Directed to Google, LLC.</p>	148	  Image
09/29/2023	<p>ORDER for Business Records for GPS data associated with all snowplows deployed by the Canton Department of Public Works (DPW) from Canton Town Clerk (Cannone, RAJ) dated 9/27/2023 - SEE ORDER</p>	149	  Image
10/02/2023	<p>Commonwealth 's Notice of Discovery XXV - filed 10/2/23</p>	150	  Image
10/10/2023	<p>Business Records received from Town of Canton Department of Public Works (CD) --Rule 17 (a)(2) - Non Privileged Records: Not for Public Inspection</p>	151	
10/12/2023	<p>MEMORANDUM & ORDER:</p> <p>on Commonwealth's Motion for Records (Paper #119 & #126) - ORDER: The Commonwealth's Motion for Records is DENIED without PREJUDICE. The Commonwealth must comply with the Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings. (Cannone, RAJ) dated 10/11/2023</p> <p>Judge: Cannone, Hon. Beverly J</p>	152	  Image
10/26/2023	<p>Commonwealth 's Notice of Discovery XXVI</p>	153	  Image
10/30/2023	<p>Commonwealth 's Notice of Discovery XXVII</p>	154	  Image
10/30/2023	<p>Commonwealth 's Motion to Impound Commonwealth's Exhibit A in Support of " Commonwealth's Motion for Protective Order Pertaining to DNA Profiles of Investigating Law Enforcement Officers"</p>	155	  Image
10/30/2023	<p>Commonwealth 's Motion for Protective Order Pertaining to DNA Profiles of Investigating Law Enforcement Officers with Exhibits A & B</p>	156	













<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
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11/07/2023	Commonwealth 's Notice of Discovery XXVII	158	  Image
11/07/2023	Commonwealth 's Notice of Discovery XXVIII	159	  Image
11/09/2023	Other 's Correspondence received from Google - RE: Nest Labs Inc. - Google can NOT comply with the Order - SEE Correspondence (rec'd 10/11/23)	160	  Image
11/10/2023	ORDER: In order for Nest Labs, Inc. c/o Google LLC to comply with the order to produce records, the order must be clarified. At a minimum, Google needs the Nest Cam serial number, or the email address associated with the Nest Cam device to identify the Nest Cam account. Parties are ordered to produce information to the Court within 7 days of this order. (Cannone, RAJ) dated 11/10/2023 - (SEE Order) (copies sent to all parties -cm)	161	  Image
11/14/2023	Commonwealth 's Notice of Discovery XXIV	162	 
11/15/2023	Notice of docket entry received from Supreme Judicial Court RE: No. SJ-2023-0343 "You are hereby notified that on November 15, 2023, the following was entered on the docket of the above-referenced case: JUDGMENT: as on file. (Kafker, J.)"	163	  Image
11/16/2023	ORDER: and Decision on Commonwealth's Motion for Exhaustive DNA Testing-Item #: 3-6.1 and Defendant 's Request for Non Destructive Examination of Item 3-6 - SEE ORDER - (Cannone, RAJ) dated 11/14/2023 (copies sent to all parties -cm)	164	  Image
11/16/2023	Pre-trial conference report filed	165	 
11/16/2023	Defendant 's Motion for Order Pursuant to Mass. R. Crim. P. 17 Directed to Jennifer McCabe, Trooper Michael Proctor, and Elizabeth Proctor with Certificate of Service	166	  Image
11/16/2023	Affidavit of Alan J. Jackson in support of Motion for Order Pursuant to Mass. R. Crim. P. 17 with Exhibits	167	  Image
11/16/2023	ORDER: to Verizon for cell phone records to be produced no later than December 15, 2023 - SEE ORDER (Cannone, RAJ)	168	  Image
11/17/2023	Gregory D Henning, Esq.'s Motion to Seal Third Party Response to Court Order of November 10, 2023 - *** ALLOWED (Cannone, RAJ) dated 11/16/2023	169	  Image
11/17/2023	Gregory D Henning, Esq.'s Third-Party Response to the Court Order of November 10, 2023 - ** SEALED 11/17/2023 - (Cannone, RAJ)	170	
11/17/2023	Affidavit of Support of Third-Party Motion to Seal Response to November 10, 2023 Court Order (Sealed Pending Review) Applies To: Henning, Esq., Gregory D (Attorney) on behalf of Albert, Brian (Other interested party)	171	
11/17/2023	Affidavit of Support of Third-Party Motion to Seal Response to November 10, 2023 Court Order (Sealed Pending Review) Applies To: Albert, Brian (Other interested party)	172	
11/30/2023	Commonwealth 's Motion for Order Permitting Destructive Testing of Defendant's Lexus' Telematics Systems with Exhibit A	173	  Image
12/04/2023	Commonwealth 's Motion to Compel Defendant to Timely Provide and Opposition and Proposed Order to the "Commonwealth's Motion for Protective Order Pertaining to DNA profiles of Investigating Law Enforcement Officers"	174	
12/04/2023	Commonwealth 's Notice of Discovery Pursuant to Mass. R. Crim. P. 14(A)(!)(E)(i)	175	
12/15/2023	Attorney appearance On this date William Andrew Kettlewell, Esq. added as Private Counsel for Other interested party Elizabeth Proctor	175.1	  Image
12/26/2023	Kevin Joseph Reddington, Esq.'s Motion to continue January 5, 2024 hearing dated 12/26/23	176	  Image
12/28/2023	Witness 's Motion to join in third party's opposition to Rule 17 motion to subpoena records of third party, Proctor filed 12/28/23 - * ALLOWED (Cannone, RAJ) dated 12/28/23	177	  Image







<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
12/28/2023	Endorsement on Motion to continue, (#176.0): DENIED ZOOM link to be sent to Counsel. (Cannone, RAJ) ns (ZOOM info emailed to Atty Reddington)		  Image
12/28/2023	Opposition to to Defendant's Rule 17 motion to subpoena records of third party, Elizabeth Proctor. filed by Elizabeth Proctor	178	  Image
12/28/2023	Affidavit of of Counsel in support of Opposition to Defendant's Rule 17 motion to subpoena records of third party, Elizabeth Proctor	179	  Image
12/28/2023	Endorsement on Motion to join in third party's opposition to Rule 17 motion to subpoena records of third party, Proctor, (#177.0): ALLOWED (Cannone,RAJ) ns		  Image
01/02/2024	Defendant 's Karen Read's opposition to motion for protective order pertaining to "Commonwealth's notice of discovery pursuant to Mass.R.Crim.P.14(A)(1)(E)(I)" with associated six attachments and certificate of service - filed 1/2/24	180	  Image
01/02/2024	Defendant 's Karen Read's opposition to motion for protective order pertaining to DNA profiles of investigating law enforcement officers and certificate of service - filed 1/2/2024	181	  Image
01/04/2024	Commonwealth 's Motion for Records	182	  Image
01/04/2024	Affidavit of in Support of Commonwealth's Motion for Records with Exhibit	183	  Image
01/04/2024	Commonwealth 's Motion for Protective Order Pertaining to "Commonwealth's Notice of Discovery Pursuant to Mass. R. Crim. P. 14 (A)(1)(E)(i)" with Associated Six Attachments	184	  Image
01/04/2024	Commonwealth 's Response to " Defendant's Motion for Order Pursuant to Mass. R. Crim. P. 17 Directed to Jennifer McCabe, Trooper Michael Proctor, and Elizabeth Proctor"	185	  Image
01/04/2024	Commonwealth 's Motion to Impound "Commonwealth's Supplemental Notice of Discovery Pursuant to Mass. R. Crim. P. 14(A)(1)(E)(i)" with Associated Two Attachments	186	  Image
01/04/2024	Commonwealth 's Commonwealth's Supplemental Notice of Discovery Pursuant to Mass. R. Crim. P. 14(A)(1)(E)(i)	187	
01/05/2024	Commonwealth 's Notice of Discovery XXX	188	
01/05/2024	ORDER: for " Defendant's Motion for Order Pursuant to Mass. R. Crim. P. 17 Directed to Google, LLC" (Cannone, RAJ) dated 01/05/24 - (REDACTED) (original is IMPOUNDED) This Order has been satisfied by Google's correspondence dated 2/28/2024.	189	  Image
01/05/2024	Attorney appearance On this date Gretchen Lundgren, Esq. added as Private Counsel for Other interested party Yuri Bukhenik Applies To: Bukhenik, Yuri (Other interested party); Lundgren, Esq., Gretchen (Attorney) on behalf of Bukhenik, Yuri (Other interested party) Applies To: Bukhenik, Yuri (Other interested party); Proctor, Michael (Other interested party); Lundgren, Esq., Gretchen (Attorney) on behalf of Bukhenik, Yuri, Proctor, Michael (Other interested party)	189.1	
01/05/2024	Attorney appearance On this date Gretchen Lundgren, Esq. added as Private Counsel for Other interested party Michael Proctor		
01/05/2024	Event Result:: Motion Hearing scheduled on: 01/05/2024 09:00 AM Has been: Held as Scheduled Hon. Beverly J Cannone, Presiding		
01/05/2024	Defendant 's Motion for Sanctions and for Disqualification of the Norfolk County District Attorney and Memorandum in Support thereof with Affidavit of Counsel	190	  Image
01/05/2024	MEMORANDUM & ORDER: of Decision on Defendant's Motion for Order Pursuant to Mass. R. Crim. P. 17 Directed to Jennifer McCabe, Trooper Michael Proctor, and Elizabeth Proctor - SEE Memorandum and Order - (Cannone, RAJ) dated 01/05/2024 (parties notified -cm) Judge: Cannone, Hon. Beverly J	191	  Image
01/05/2024	ORDER: On Commonwealth's Motion for Protective Order Pertaining to DNA Profiles of Investigating Law Enforcement Officers dated 1/5/24	192	  Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
01/08/2024	ORDER: of Impoundment. The Court finds good cause to impound the Defendants' Motion for Sanctions and for disqualification of the Norfolk County District Attorney and memorandum in support thereof (paper #190). The order of impoundment shall be in effect until after the motion hearing scheduled on January 18, 2024	193	  Image
01/08/2024	Clarification / Correction of the docket: RE: P#190 Should read: Defendant's Motion for Sanctions and for Disqualification of the Norfolk County District Attorney and Memorandum in support thereof - IMPOUNDED		
01/08/2024	Defendant 's Notice filing of Impounded Information (Grand Jury Mintues) - filed 1/8/24	194	  Image
01/08/2024	Defendant 's Motion to Impound Defendant's Motion to Dismiss Indictments and Memorandum in support thereof; and Grand Jury Mintues and Exhibits lodged in support of Defendant's Motion to Dismiss Indictments filed 1/8/24	195	  Image
01/08/2024	Affidavit of Alan J. Jackson in support of Defendant's Motion to Impound Defendant's Motion to Dismiss and supporting exhibits and certificate of service filed 1/8/24	196	  Image
01/08/2024	Docket Note: Letter from MASS LIVE to take photographs and use a an audio recorder during the motions of Karen Read in Norfolk Superior Court, January 5, 2024. (ALLOWED J. Beverly Cannone 01/05/2024)	197	
01/10/2024	General correspondence regarding Notification of hearing via Zoom on January 18, 2024 at 3PM from David R. Yannetti sent to United States Attorney, Joshua Levy.	198	  Image
01/10/2024	Defendant 's Motion to Dismiss Indictments and Memorandum in Support Thereof - IMPOUNDED	199	
01/10/2024	Affidavit of Alan J. Jackson in Support of Defendant's Motion to Dismiss Indictments - IMPOUNDED	200	
01/10/2024	Defendant 's Notice of Grand Jury Minutes and Exhibits Lodged in Support of Defendant's Motion to Dismiss Indictments with Thumb Drive - IMPOUNDED	201	
01/12/2024	General correspondence regarding Notice from Joshua S. Levy, Acting United States Attorney RE: "Commonwealth's Notice of Discovery Pursuant to Mass. R. Crim. P. 14 (A)(1)(E)(i)	202	  Image
01/18/2024	Opposition to to Commonwealth's Motion for records, and Motion for Protective Order (LIMITED) with Exhibit A filed by Non-Parties Boston Magazine and Gretchen Voss	203	  Image
01/18/2024	Other 's Memorandum of Non-Parties Boston Magazine and Gretchen Voss in Limited Opposition to Commonwealth's Motion for Records, and In Support of Motion for Protective Order	204	  Image
01/18/2024	Affidavit of Chris Vogel	205	  Image
01/18/2024	Affidavit of Gretchen Voss	206	  Image
01/18/2024	Event Result:: Motion Hearing scheduled on: 01/18/2024 03:00 PM Has been: Held as Scheduled Hon. Beverly J Cannone, Presiding		Image
01/18/2024	Attorney appearance On this date Robert A Bertsche, Esq. added for Other interested party DbA/ Boston Magazine Metro Corp		
01/18/2024	Attorney appearance On this date Robert A Bertsche, Esq. added for Other interested party Gretchen Voss		
01/19/2024	Commonwealth 's Motion to Withdraw "Protective Order Pertaining to Commonwealth's Notice of Discovery Pursuant to mass. R. Crim. P. 14(A)(1)(E)(i) with Associated Attachments" ALLOWED 1/22/24 (Cannone,J) att.J.McDermott,ac	207	  Image
01/22/2024	Commonwealth 's Notice of Discovery XXXI	208	
01/23/2024	MEMORANDUM & ORDER: on Commonwealth's Motion for Records - ORDER: The Commonwealth's Motion for Records is ALLOWED as to the portions of the audio recordings of the June 30, 2023 and July 13, 2023 interviews that were "on the record." The Motion is DENIED without Prejudice as to the portions of the June 30, 2023 and July 13, 2023 interviews that were "off the record" and as to Gretchen Voss's handwritten notes of the July 7, 2023 interview. (Cannone, RAJ) dated 01/23/2024 Judge: Cannone, Hon. Beverly J	209	  Image
01/25/2024	Cell Phone Records received from Verizon Rec'd 1/19/24 INSPECTION BY ATTORNEYS ONLY	210	
02/09/2024	Defendant, Commonwealth 's Joint Motion of the Parties to Continue Motion-Hearing Date, Cancel Final Pre-trial Conference Date and Convert Trial Date to Motion-Hearing Date	211	  Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
02/09/2024	Affidavit of Counsel in Support of Joint Motion of the Parties to Continue Motion-Hearing Date, Cancel Final Pre-Trial Conference Date and Convert Trial Date to Motion-Hearing Date with Exhibits	212	  Image
02/15/2024	Kevin Joseph Reddington, Esq.'s Submission of a Thumb Drive of all Pertinent Records and Communications Taken Off of Ms. McCabe's Phone - IMPOUNDED	213	  Image
02/15/2024	Event Result:: Motion Hearing scheduled on: 02/15/2024 02:00 PM Has been: Held as Scheduled Hon. Beverly J Cannone, Presiding		
02/16/2024	Opposition to "Defendant's Motion for Sanctions and for Disqualification of the Norfolk County District Attorney" with Exhibits A - T filed by Norfolk County District Attorney	214	  Image
02/21/2024	Event Result:: Final Pre-Trial Conference scheduled on: 02/26/2024 09:00 AM Has been: Rescheduled For the following reason: By Court prior to date Hon. Beverly J Cannone, Presiding		
02/21/2024	General correspondence regarding Thumb drive of Proctor / McCabe calls and emails (only for inspection by attorneys of record) - IMPOUNDED	215	
02/21/2024	Opposition to "Defendant's Motion to Dismiss Indictments and Memorandum in Support Thereof" filed by Norfolk County District Attorney	216	  Image
02/23/2024	Cell Phone Records received from Verizon (Attorney's of Record Only) - IMPOUNDED	217	
02/23/2024	Defendant 's Motion to Impound Defendant's Motion to Continue the Hearing on Defendant's Motion to Dismiss Indictments with Certificate of Service	218	
02/23/2024	Affidavit of Counsel in Support of Motion to Impound Defendant's Motion to Continue the Hearing on Defendant's Motion to Dismiss Indictments	219	
02/23/2024	Defendant 's Motion to Continue the hearing on Defendant's Motion to Dismiss Indictments with Certificate of Service	220	
02/23/2024	Affidavit of Counsel in Support of Defendant's Motion to Continue the Hearing on Defendant's Motion to Dismiss Indictments	221	
02/23/2024	Commonwealth 's Notice of Discovery XXXII - filed 2/23/24	222	  Image
02/26/2024	Event Result:: Motion Hearing scheduled on: 02/26/2024 02:00 PM Has been: Held as Scheduled Hon. Beverly J Cannone, Presiding		
02/27/2024	Event Result:: Jury Trial scheduled on: 03/12/2024 09:00 AM Has been: Rescheduled For the following reason: Court Order Hon. Beverly J Cannone, Presiding		
02/27/2024	Scheduled: Event: Jury Trial Date: 04/16/2024 Time: 09:00 AM Result: Held as Scheduled		
03/05/2024	Defendant 's Motion to Impound Defendant's Motion to Continue the Pretrial Hearing Dates, Briefing Schedule, and Jury Trial Dates with Affidavit and Attachments	223	
03/05/2024	Defendant 's Motion to Continue the Pretrial Hearing Dates, Briefing Schedule, and Jury Trial Dates with Certificate of Service and Affidavits from Attorney Jackson and Attorney Yannetti - **** IMPOUNDED, per request of Defense	224	
03/05/2024	ORDER: Modified Scheduling Order in Response to Defendant's Motion to Continue the Pretrial Hearing Dates, Briefing Schedule, and Jury Trial Dates - SEE ORDER (Cannone, RAJ) dated 03/05/2024 (copies sent to all counsel -cm)	225	  Image
03/06/2024	Commonwealth 's Motion for Protective Order - * So Ordered (Cannone, RAJ) 03/06/2024 - IMPOUNDED	226	
03/07/2024	Defendant 's Motion to Impound Supplemental Memorandum of Points and Authorities in Support of Defendant's Motion to Dismiss Indictments with Affidavit - **ALLOWED (Cannone, RAJ) dated 03/07/2024 - IMPOUNDED	227	
03/07/2024	Defendant 's Supplemental Memorandum of Points and Authorities in Support of Defendant's Motion to Dismiss Indictments with Affidavit of Counsel - IMPOUNDED	228	
03/11/2024	Commonwealth 's Notice of Discovery XXXIII - filed 3/11/24	229	  Image
03/11/2024	Docket Note: Correspondence from Google - IMPOUNDED	230	





















<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
03/11/2024	Commonwealth 's Motion to Impound Commonwealth's Supplemental Opposition to Defendant's Motion to Dismiss Indictments and Defendant's Motions for Sanctions and Disqualification of The Norfolk District Attorney's Office Allowed (Cannone, RAJ) dated 3/11/24 (Exhibits in Vault)	231	
03/11/2024	Commonwealth 's Supplemental Opposition to Defendant's Motion to Dismiss Indictments and Defendant's Motion for Sanctions and Disqualification of The Norfolk District Attorney's Office - filed 3/11/24 IMPOUNDED	232	
03/12/2024	Event Result:: Motion Hearing scheduled on: 03/28/2024 09:00 AM Has been: Rescheduled For the following reason: Other event activity needed Hon. Beverly J Cannone, Presiding		
03/12/2024	Event Result:: Final Pre-Trial Conference scheduled on: 04/12/2024 09:00 AM Has been: Rescheduled For the following reason: By Court prior to date Hon. Beverly J Cannone, Presiding		
03/12/2024	Event Result:: Motion Hearing scheduled on: 03/12/2024 09:00 AM Has been: Held as Scheduled Hon. Beverly J Cannone, Presiding		
03/12/2024	Other Records received from Boston Magazine Received 3/12/24 IMPOUNDED	233	
03/13/2024	ORDER: And Decision Re: Service of Motions for Records Pursuant to Mass. R. Crim .P 17 dated 3/13/24 Judge: Cannone, Hon. Beverly J	234	  Image
03/13/2024	Defendant 's Motion to Impound Defendant's Motion for Order Pursuant to Mass. R. Crim. P. 17 Directed to Kevin Albert, Brian Higgins and Brian Albert with Affidavit	235	
03/13/2024	Defendant 's Motion for Order Pursuant to Mass. R. Crim. P. 17 Directed to Kevin Albert, Brian Higgins and Brian Albert with Affidavit and Certificate of Service	236	
03/13/2024	Defendant 's Motion to Impound " Defendant's Motion for Order Pursuant to Mass. R. Crim. P. 17 Directed to Brian Albert, Kenneth Berkowitz, Brian Higgins, Verizon, Sprint, and NEXTGEN/METROPCS" with Affidavit and Certificate of Service	237	
03/13/2024	Defendant 's Motion for Order Pursuant to Mass. R. Crim. P. 17 Directed to Brian Albert, Kenneth Berkowitz, Brian Higgins, Verizon, Sprint, and NEXTGEN/METROPCS" with Affidavit and Certificate of Service	238	
03/13/2024	Defendant 's Motion to Impound Clarification/Correction Docket should read "Motion to Impound" per J.McDermott 3/14/2024	239	
03/15/2024	Attorney appearance On this date Tanis M Yannetti, Esq. added as Private Counsel for Defendant Karen Read	240	  Image
03/18/2024	Defendant 's Motion for Admission Pro Hac Vice of Alan Jackson and Elizabeth Little filed 3/15/24	241	  Image
03/19/2024	Defendant 's Motion for Order and Order are IMPOUNDED Judge: Cannone, Hon. Beverly J	242	
03/20/2024	Attorney appearance On this date Michael Romeo DiStefano, Esq. added for Other interested party Michael Proctor	243	  Image
03/20/2024	Other 's , Michael Proctor, Response to Defendant's Motion for Order Pursuant to Mass. R. Crim. P. 17 Directed to Massachusetts State Police, Internal Affairs Section	244	  Image
03/20/2024	Event Result:: Motion Hearing scheduled on: 03/20/2024 02:00 PM Has been: Held as Scheduled Hon. Beverly J Cannone, Presiding		
03/21/2024	Commonwealth 's Motion for Reciprocal Discovery and Notice of Any Experts	245	 
03/21/2024	ORDER for Other Records for from Massachusetts State Police - IMPOUNDED	246	Image
03/21/2024	ORDER for Cell Phone Records for from Verizon - IMPOUNDED	247	
03/21/2024	ORDER for Cell Phone Records for from Sprint - IMPOUNDED - ** SEE Docket Entry of 4/25/24 (Summons returned as undeliverable as addressed)	248	
03/21/2024	ORDER for Cell Phone Records for from Nextel/Metro PCS - IMPOUNDED	249	
























<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
03/21/2024	Defendant 's Motion to Lodge Evidence of the Canton Police Department's Conflict of Interest with the Court with Exhibit A	250	  Image
03/25/2024	Attorney appearance On this date Peter Pasciucco, Esq. added for Other interested party Kevin Albert	251	  Image
03/25/2024	's Opposition of Kevin Albert to the Defendant's Rule 17 Motion For Records of Communications with Brian Higgins and Certificate of Service - filed 3/25/24	252	  Image
03/25/2024	Commonwealth 's Response to the Defendant's Motion to Compel Production of Notes, Reports, Memoranda and logs filed 3/25/24	253	  Image
03/26/2024	Commonwealth 's Motion for Buffer Zone Surrounding Norfolk Superior Court	254	  Image
03/26/2024	Event Result:: Motion Hearing scheduled on: 03/26/2024 09:00 AM Has been: Held as Scheduled Hon. Beverly J Cannone, Presiding		Image
03/26/2024	MEMORANDUM & ORDER: on Defendant's Motion to Dismiss - ** Defendant's Motion to Dismiss is DENIED. (Cannone, RAJ) dated 03/26/2024 Judge: Cannone, Hon. Beverly J	255	  Image
03/26/2024	Protective Order issued for defense counsel access to presumptively privileged records. (IMPOUNDED) Judge: Cannone, Hon. Beverly J Applies To: Henning, Esq., Gregory D (Attorney) on behalf of Albert, Brian (Other interested party)	256	
03/26/2024	Protective Order issued for defense counsel access to presumptively privileged records. (IMPOUNDED) Judge: Cannone, Hon. Beverly J Applies To: Henning, Esq., Gregory D (Attorney) on behalf of Albert, Brian (Other interested party); Pasciucco, Esq., Peter (Attorney) on behalf of Albert, Kevin (Other interested party)	257	
03/26/2024	Protective Order issued for defense counsel access to presumptively privileged records - applies to Kenneth H. Anderson, Esq. (IMPOUNDED) Judge: Cannone, Hon. Beverly J	258	
03/26/2024	Protective Order issued for defense counsel access to presumptively privileged records - applies to William H. Connolly, Esq. (IMPOUNDED) Judge: Cannone, Hon. Beverly J	259	
03/27/2024	Opposition to to Defendant's Rule 17 Motion by Third Party with Certificate of Service - IMPOUNDED filed by	260	
03/28/2024	ORDER: and Decision on Defendant's Motion to Compel Production of Notes, Reports, Memoranda and Logs - ** So ORDERED, (Cannone, RAJ) dated 03/28/2024	261	  Image
03/28/2024	MEMORANDUM & ORDER: and Decision on Defendant's Motion for Sanctions and for Disqualification of the Norfolk County District Attorney - * ORDER : The Defendant's Motion is DENIED. (Cannone, RAJ) dated 03/28/2024 (copies sent to all parties -cm) Judge: Cannone, Hon. Beverly J	262	  Image
03/29/2024	MEMORANDUM & ORDER: and Decision on Defendant's Motion for Order Pursuant to Mass. R. Crim. P. 17- ** ORDER: Defendant's Motion is DENIED. (Cannone, RAJ) dated 03/29/2024 (copy sent to all counsel -cm) Judge: Cannone, Hon. Beverly J	263	
04/03/2024	Attorney appearance On this date Marc J Randazza, Esq. added for Defendant Multiple Movants with Certificate of Service	264	  Image
04/03/2024	Marc J Randazza, Esq.'s Citizens' Motion to Intervene for the Limited Purpose of Upholding and Defending the First Amendment by Opposing the Commonwealth's Motion for a Buffer Zone and Restraining Signs or Clothing that Express a Viewpoint About the Trial - ** DENIED for reasons stated on	265	  Image









<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	the record. (Cannone, RAJ) dated 04/04/2024 (copy sent to counsel -cm)		
04/03/2024	Attorney appearance On this date Ruth A Bourquin, Esq. added for Other interested party American Civil Liberties Union of MA		
04/03/2024	Ruth A Bourquin, Esq.'s Motion of the Civil Liberties Union for Leave to File Amicus Curiae Memorandum with Regard to Norfolk District Attorney's Request for an Expansive Buffer Zone During Trial and Other Measures that Impact Free Expression - * ALLOWED (Cannone, RAJ) dated 04/04/2024	266	  Image
04/04/2024	Ruth A Bourquin, Esq.'s Amicus Curiae Memorandum of the American Civil Liberties Union of Massachusetts, INC. with Regard to Norfolk District Attorney's Request for an Expansive Buffer Zone During Trial and Other Measures that Impact Free Expression with Certificate of Service	267	  Image
04/04/2024	Attorney appearance On this date Jonathan M Albano, Esq. added for Other interested party Boston Globe Media Partners, LLC with Certificate of Service	268	
04/04/2024	Attorney appearance On this date Samuel D Thomas, Esq. added for Other interested party Boston Globe Media Partners, LLC. with Certificate of Service	269	  Image
04/04/2024	Other 's Motion to Terminate or Modify Impoundment Orders with Certificate of Service Applies To: Albano, Esq., Jonathan M (Attorney) on behalf of Boston Globe Media Partners (Other interested party)	270	  Image
04/04/2024	Boston Globe Media Partners's Memorandum in support of Motion of Boston Globe Media Partners, LLC to Terminate or Modify Impoundment Orders with Certificate of Service Applies To: Albano, Esq., Jonathan M (Attorney) on behalf of Boston Globe Media Partners (Other interested party)	271	  Image
04/04/2024	Other 's Declaration of John R. Ellement in Support of Motion of Boston Globe Media Partners, LLC Motion to Vacate Impoundment Order with Certificate of Service filed by Samuel D. Thomas Applies To: Albano, Esq., Jonathan M (Attorney) on behalf of Boston Globe Media Partners (Other interested party)	272	  Image
04/04/2024	Event Result:: Motion Hearing scheduled on: 04/04/2024 09:00 AM Has been: Held as Scheduled Hon. Beverly J Cannone, Presiding		
04/04/2024	Commonwealth 's Notice of Discovery XXXV	273	  Image
04/04/2024	MEMORANDUM & ORDER: on Commonwealth's Motion for Buffer Zone Surrounding Norfolk Superior Court and Request for Order Prohibiting Signs or Clothing in Favor of Either party or Law Enforcement - ORDER: It is Ordered that no individual may demonstrate in any manner, including carrying signs or placards, within 200 feet of the Courthouse Complex during trial unless otherwise Ordered by this Court. This complex includes the Norfolk Superior Courthouse building and the parking area behind the Norfolk County Registry of Deeds building. Individuals are also prohibited from using audio enhancing devices while protesting. It is further ORDERED that no individuals will be permitted to wear or exhibit any buttons, photographs, clothing, or insignia, relating to the case pending against the defendant or relating to any trial participant, in the Courthouse during the trial. Law enforcement officers who are testifying or are members of the audience are also prohibited from wearing their department issued uniforms or any police emblems in the Courthouse. (Cannone, RAJ) dated 04/04/2024 Judge: Cannone, Hon. Beverly J	274	  Image Image
04/05/2024	ORDER: This Court has received and reviewed Motion of Boston Globe Media Partners, LLC to Terminate of Modify Impoundment Orders. I intend to hold a hearing as soon as possible, preferably Tuesday April 9, 2024, at 2PM. As a preliminary matter, I Order the moving party to give notice and provide a copy of the motion to the United States Attorney's office because the motion implicates materials in which they have an interest. (Cannone, RAJ) dated 4/5/2024 (copies sent to all counsel -cm)	275	  Image
04/08/2024	ORDER: Regarding Media Protocol and Coverage dated 4/8/2024 Judge: Cannone, Hon. Beverly J	276	  Image
04/09/2024	Commonwealth 's Notice of Discovery XXXIV (rec'd 3/26/24)	277	  Image
04/09/2024	Jonathan M Albano, Esq.'s Motion of COX Media Group/WFXT-TV to Terminate or Modify Impoundment Orders with Certificate of Service	278	  Image Image







<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
04/09/2024	Other 's U.S. Department of Justice , Attorney Joshua S. Levy's, Letter Regarding the Motion of Boston Globe Medial Partners,LLC to Terminate or Modify Impoundment Orders	279	  Image
04/09/2024	Defendant 's Motion to Waive Defendant's Appearance - ** ALLOWED (Cannone, RAJ) dated 04/09/2024	280	  Image
04/09/2024	Affidavit of Counsel in Support of Motion to Waive Defendant's Appearance with Certificate of Service	281	  Image
04/09/2024	Event Result:: Motion Hearing scheduled on: 04/09/2024 02:00 PM Has been: Held as Scheduled Hon. Beverly J Cannone, Presiding		  Image
04/10/2024	Defendant 's Motion in limine to Exclude Irrelevant, Inadmissible, and Prejudicial Prior Bad Character and Propensity Evidence with Certificate of Service and Attachments (rec'd 4/9/24)	282	  Image
04/10/2024	Affidavit of Counsel in Support of Defendant's Motion in Limine to Exclude Irrelevant, Inadmissible and Prejudicial Prior Bad Character and Propensity Evidence (rec'd 4/9/24)	283	  Image
04/10/2024	Defendant 's Motion for Sanctions and Exclusion of Evidence Based on the Commonwealth's Failure to Timely Comply with Discovery Orders (rec'd 4/9/24) 4/25/24 WITHDRAWN	284	  Image
04/10/2024	Affidavit of Counsel in Support of Motion for Sanctions and Exclusion of Evidence Based on the Commonwealth's Failure to Timely Comply with Discovery Orders (rec'd 4/9/24)	285	  Image
04/10/2024	Defendant 's Motion for Attorney-Conducted Panel Voir Dire with Certificate of Service (rec'd 4/9/24) - **DENIED (Cannone, RAJ) dated 04/12/2024	286	  Image
04/10/2024	Defendant 's Motion in limine for View with Certificate of Service (rec'd 4/9/24) - ** Motion for View-ALLOWED; Parties are to Coordinate locations and route. The Court takes Under Advisement whether the Defendant is Permitted to be Present. (Cannone, RAJ) dated 04/12/2024	287	  Image
04/10/2024	Defendant 's Motion in limine to Exclude Irrelevant and Prejudicial Evidence Regarding Alleged Harassment and/or Intimidation of Witnesses with Certificate of Service (rec'd 4/9/24) - ** Both parties have agreed to not introduce the evidence in this Case in Chief. If anyone opens the door, this motion will be revisited. (Cannone, RAJ) dated 04/12/2024	288	  Image
04/10/2024	Defendant 's Motion in limine to Exclude Serum/Plasma Ethanol Concentration, Blood Ethanol Concentration Conversion, and Corresponding Retrograde Extrapolation Analysis with Certificate of Service (rec'd 4/9/24) - ** Under Advisement, Commonwealth will provide written Memorandum (Cannone, RAJ) dated 04/12/2024	289	  Image
04/10/2024	Marc J Randazza, Esq.'s and Movants Notice of Filing of Petition for Interlocutory Relief Pursuant to G.L. c.231, s118, First Par with Certificate of Service and Attachment	290	
04/10/2024	Commonwealth 's Motion in limine for Appointment of Court Stenographer, Ongoing Order to Impound All Sidebar Conferences, and Impoundment of Juror Names During Trial - *** ALLOWED by Agreement (Cannone, RAJ) 04/12/24	291	  Image
04/10/2024	Commonwealth 's Motion to Disable Ability of Observers on Remote Platforms from Being Heard in Courtroom and Commonwealth's Request for Notice Regarding Television Cameras ALLOWED,agreed. (Cannone,J) att.j.McDermott,ac	292	  Image
04/10/2024	Commonwealth 's Motion in limine for Sequestration Order and for Relief from that Order for Family Members of the Victim ALLOWED, INCLUDING THE DECEASED FATHER. (Cannone,J) att.J.McDermott,ac	293	  Image
04/10/2024	Commonwealth 's Motion in limine to Allow In-Court Identification ALLOWED,agreed. (Cannone,J) att.J.McDermott,ac 4/25/24	294	  Image
04/10/2024	Commonwealth 's Motion in limine to Admit Victim's Photograph ALLOWED. (Cannone,J) att.J.McDermott,ac	295	  Image
04/10/2024	Commonwealth 's Motion in limine to Admit Photographs of the Victim's Injuries as Observed by Medical Providers on January 29, 2022 and Photographs from the Autopsy	296	  Image
04/10/2024	Commonwealth 's Motion in limine to Preclude Reference to and Redact the Manner of Death Contained on the Victim's Death Certificate	297	  Image
04/10/2024	Commonwealth 's Motion in limine to Admit 911 Call - ** ALLOWED by Agreement (Cannone, RAJ)	298	  Image
04/10/2024	Commonwealth 's Motion in limine to Introduce Certified Records from the Registry of Motor Vehicles	299	  Image
04/10/2024	Commonwealth 's Motion in limine of Intent to Obtain Cori Records of Potential Jurors ALLOWED , After hearing. (Cannone,J) Att.J.McDermott,ac	300	  Image
04/10/2024	Commonwealth 's Motion in limine for View - ** See Decision on Paper #287 (Cannone, RAJ) dated 04/12/2024	301	  Image







Docket Date	Docket Text	File Ref Nbr.	Image Avail.
04/10/2024	Commonwealth 's Motion in limine Regarding the Use of Leading Questions RULING WITHHELD AT THIS TIME (Cannone,J) Att.J.McDermott	302	  Image
04/10/2024	Commonwealth 's Motion in limine to Admit Evidence that the Defendant was in Custody for a Period of Time After her Arrest Audio only. Commonwealth states event takes place at Milton State Police Barracks in Milton on 6/9/22 w/o objection (Cannone,J) att.J.McDermott,ac	303	  Image
04/10/2024	Commonwealth 's Motion in limine for Order Regarding Opening Statements and Notice of Any Visual Aids Defense Intends to Display to Jury During Opening Statement - ALLOWED,by agreement (Cannone,J) att.J.McDermott,ac (4/12/24)	304	  Image
04/10/2024	Commonwealth 's Motion in limine Regarding Visual Presentations to Display Evidence as "Chalks" - ALLOWED,agreed. (Cannone,J) att.J.McDermott,ac	305	  Image
04/10/2024	Commonwealth 's Motion in limine to Admit Expert Cellebrite Demonstration ALLOWED (Cannone,J) att.J.McDermott,ac	306	  Image
04/10/2024	Commonwealth 's Motion in limine to Admit Defendant's Out- of -Court Statements for Purposes of Medical Treatment and Certified Medical Records from Good Samaritan Hospital - *** Defendant has no objection to the admission of statements made for the purpose of medical treatments and medical records. The Court takes under advisement testimony regarding blood alcohol testing. (Cannone, RAJ) dated 04/12/2024	307	  Image
04/10/2024	Commonwealth 's Motion in limine to Admit Defendant's Out - of -Court Statements as Statements of a Party Opponent ALLOWED, Agreed. (Cannone,J) att.J.McDermott,ac (4/12/24)	308	  Image
04/10/2024	Commonwealth 's Motion in limine to Admit Recorded Statements of the Defendant Made to the Media ALLOWED. Agreed. (Cannone,J) att.J.McDermott,ac.	309	  Image
04/10/2024	Commonwealth 's Motion in limine to Introduce Evidence of Motive and Nature of Relationship - * Under Advisement (Cannone, RAJ) att J. McDermott dated 04/12/2024	310	  Image
04/10/2024	Commonwealth 's Motion in limine to Admit the Victim's Out of Court Statements Relating to his State of Mind ALLOWED (Cannone,J) att.J.McDermott,ac	311	  Image
04/10/2024	Commonwealth 's Motion in limine to Preclude Reference to any Alleged "Bad Character" and any Prior "Misconduct" of the Victim or any Witness - * ALLOWED (Cannone, RAJ) dated 04/12/2024	312	  Image
04/10/2024	Commonwealth 's Motion in limine to Exclude Character/Reputation Evidence of the Defendant - ** ALLOWED, Defendant can review (Cannone, RAJ) att J. McDermott -dated 04/12/2024	313	  Image
04/10/2024	Commonwealth 's Motion for Voir Dire of any Witness to be Asked for Opinion or Character of Defendant or any Witness - ** ALLOWED (Cannone, RAJ) dated 04/12/2024	314	  Image
04/10/2024	Commonwealth 's Motion in limine to Prohibit Defense Experts from Testifying Regarding Scientific Studies or Anecdotal Experiences and Request for Voir Dire of any Proposed Defense Experts - * No Action (Cannone, RAJ) dated 04/12/2024	315	  Image
04/10/2024	Commonwealth 's Motion in limine to Exclude Mention of Aidan Kearney A/K/A "Turtleboy" and his Pending Criminal Charges for Witness Intimidation	316	  Image
04/10/2024	Commonwealth 's Motion in limine to Prohibit Reference to Any Federal Investigations Conducted by the U.S. Attorney's Office and/or Federal Bureau of Investigations - ** ALLOWED (Cannone, RAJ) dated 04/12/2024	317	  Image
04/10/2024	Commonwealth 's Motion in limine to Prohibit Reference to Any Pending Internal Affairs Investigations or Unfounded Allegations of Misconduct - Under advisement. Defendant will file by 4/16/2024 Memorandum explaining how the proposed evidence complies with the holdings of Comm v McFarlane and Comm v Graham (Cannone, RAJ) 04/12/2024	318	  Image
04/10/2024	Commonwealth 's Motion in limine for Advances Notice if Defendant Intends to Cross-Examine any Witness about Alleged Bias and Request for Pre-Trial Ruling on Whether the Proposed Evidence Demonstrates a Plausible Showing of Alleged Bias - *No Action Taken. Commonwealth to file further clarification (Cannone, RAJ) dated 04/12/2024 -	319	  Image
04/10/2024	Commonwealth 's Motion in limine to Preclude the Defendant from raising a Third-Party Culprit Defense	320	  Image
04/10/2024	Commonwealth 's Motion in limine for Notice and Voir Dire of Bowden Defense ALLOWED (Cannone,J) att.J.McDermott,ac	321	  Image
04/10/2024	Commonwealth 's Motion for Attorney-Conducted and Individual Voir Dire of Potential Jurors and Proposed Jury Questionnaire - * The Court permits Attorney conducted Voir Dire. Individual voir dire will be done at sidebar and the parties are to amend the proposed supplemental questionnaire to comply with rulings made by the Court at sidebar. (Cannone, RAJ) dated 04/12/24)	322	  Image






Docket Date	Docket Text	File Ref Nbr.	Image Avail.
04/10/2024	ORDER: on Motion of Boston Globe Media Partners, LLC to Terminate or Modify Impoundment Orders. At the conclusion of the hearing, the motion was Allowed in Part - The Commonwealth has submitted to the Court redacted versions of the motion papers #199, #228 and #232 which are subject to that Order. (Cannone, RAJ) dated 4/10/2024 with Attachment of Exhibit A ** SEE ORDER *** Judge: Cannone, Hon. Beverly J	323	
04/10/2024	Other 's U.S. Department of Justice , Attorney Joshua S. Levy's, Letter Regarding the Motion of Boston Globe Medial Partners, LLC to Terminate or Modify Impoundment Orders (dated 4/10/2024)	324	  Image
04/11/2024	Notice of docket entry received from Appeals Court on April 9, 2024 the following entry was made: Petition pursuant to G.L. c. 231, s. 118 filed for Tracey Anne Spicuzza, Lorena Jenkinson, Dana Stewart Leonard and Paul Christoford by Attorney Marc J. Randazza.	325	  Image
04/11/2024	Notice of docket entry received from Appeals Court Please take note that, with respect to the Motion for stay under M.R.A.P.6(a) files for Tracey Spicuzza, Lorena Jenkinson, Dana Stewart Leonard and Paul Cristoford by Attorney Marc J. Randazza. (Pater #4), on April 10,2024, the following order was entered on the docket of the above-referenced case: RE#4: See order on paper #1.	326	  Image
04/11/2024	Notice of docket entry received from Appeals Court on April 10,2024 the following entry was made: ORDER (RE #1): The Petitioner seeks review of Orders (1) denying their motion to intervene for limited purposes; and (2) creating a buffer zone around the Courthouse, and limiting certain activities in the Courthouse, at an upcoming criminal trial.	327	  Image
04/11/2024	General correspondence regarding :Clerk is directed to return this document. This pleading does not comply with the Uniform Rules of Impoundment. The only alternative would be for the Court to accept it without Impoundment. I decline to do that. (Cannone, RAJ) dated 4/11/24		
04/12/2024	Event Result:: Final Pre-Trial Conference scheduled on: 04/12/2024 09:00 AM Has been: Held as Scheduled Hon. Beverly J Cannone, Presiding		
04/16/2024	Karen Read's Memorandum in support of Defendant's Opposition to the Commonwealth's Motion in Limine #28 with Certificate of Service	328	  Image
04/16/2024	Commonwealth 's Pre-Trial Memorandum with Attachment	329	  Image
04/16/2024	Commonwealth 's Notice of Discovery XXXVI (rec'd 04/12/24)	330	  Image
04/16/2024	Notice of docket entry received from Supreme Judicial Court Notice of record assembly.	331	  Image
04/16/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 04/17/2024 Time: 09:00 AM Result: Held as Scheduled		
04/16/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 04/18/2024 Time: 09:00 AM Result: Held as Scheduled		
04/16/2024	Event Result:: Jury Trial scheduled on: 04/16/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King,crt.rep. Hon. Beverly J Cannone, Presiding		
04/16/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 04/22/2024 Time: 09:00 AM Result: Held as Scheduled		
04/16/2024	Notice of docket entry received from Supreme Judicial Court Notice of record assembly to parties/counsel. (Petitioner's consolidated Notice of Appeal).	332	  Image
04/16/2024	Notice of docket entry received from Supreme Judicial Court Memorandum and Decision & Judgement: as on file. (Georges,J) Conclude that the buffer zone order is content-neutral and does not violate the First Amendment. The oetitions are denied. (dated 4/12/24)	333	  Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
04/17/2024	General correspondence regarding Supplemental Juror Questionnaire	334	 
04/17/2024	Notice of docket entry received from Supreme Judicial Court Notice of entry of Appeal No. SJC-13589.	335	  Image
04/17/2024	Event Result:: Jury Trial scheduled on: 04/17/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King,crt.rep. Hon. Beverly J Cannone, Presiding		 Image
04/17/2024	Notice of docket entry received from Supreme Judicial Court RE: SJC-13589	336	 
04/18/2024	Commonwealth 's Notice of Discovery XXXVII (rec'd 4/16/24)	337	 
04/18/2024	Commonwealth 's Notice of Discovery XXXVIII (rec'd 4/16/24)	338	 
04/18/2024	Commonwealth 's Motion in limine to Admit Results of Defendant's Blood Draw at Good Samaritan Hospital and Resulting Serum Conversion and Retrograde Extrapolation	339	  Image
04/18/2024	Event Result:: Jury Trial scheduled on: 04/18/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King,crt.rep. Hon. Beverly J Cannone, Presiding		
04/19/2024	Defendant 's Karen Read's Motion to Enforce Her Constitutional Right to Face-To-Face Confrontation with Certificate of Service - filed 4/19/24	340	  Image
04/19/2024	Affidavit of Counsel In Support of Defendant Karen Read's Motion to Enforce Her Constitutional Right to Face-to-Face Confrontation with Exhibits filed 4/19/24	341	  Image
04/19/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 04/23/2024 Time: 09:00 AM Result: Not Held		
04/19/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 04/24/2024 Time: 09:00 AM Result: Held as Scheduled		
04/19/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 04/25/2024 Time: 09:00 AM Result: Held as Scheduled		
04/19/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 04/29/2024 Time: 09:00 AM Result: Held as Scheduled		
04/19/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 04/30/2024 Time: 09:00 AM Result: Held as Scheduled		
04/19/2024	David R Yannetti, Esq.'s Supplemental Affidavit of Counsel in support of Defendant Karen Read's Motion to Enforce her Constitutional Right to Face-to-Face Confrontation. filed 4/19/24	342	  Image
04/19/2024	Defendant 's Karen Read's Motion to have Information Technology/Audio-Visual Assistant at Counsel Table and Certificate of Service - filed 4/19/24	343	  Image
04/19/2024	Affidavit of Counsel in support of Defendant Karen Read's Motion to have Information Technology/Audio-Visual Assistant at Counsel Table filed 4/19/24	344	  Image
04/22/2024	Event Result:: Jury Trial scheduled on: 04/22/2024 09:00 AM Has been: Held as Scheduled		








<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Comments: Nancy King, crt.rep. Hon. Beverly J Cannone, Presiding		
04/22/2024	Commonwealth 's Response to "Defendant Karen Read's Motion to Enforce her Constitutional Right to Face-to-Face Confrontation " filed 4/19/24	345	  Image
04/22/2024	Commonwealth 's Motion for Offer of Proof Prior to Defendant Calling or Summoning The Norfolk District Attorney and Victim Witness Advocate As Witnesses and Request for an Order that neither is subject to a Sequestration Order filed 4/19/24	346	  Image
04/23/2024	Event Result: Jury Trial scheduled on: 04/23/2024 09:00 AM Has been: Not Held For the following reason: Court Order Hon. Beverly J Cannone, Presiding		
04/24/2024	Commonwealth 's Notice of Discovery XL - dated 4/23/24	347	  Image
04/24/2024	Event Result: Jury Trial scheduled on: 04/24/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King, crt.rep. Hon. Beverly J Cannone, Presiding		
04/25/2024	Summons returned to court: UNSERVED (Return to Sender Not Deliverable as Addressed - Unable to Forward) Regarding the Order for Sprint Records -(SEE Pg # 248)	348	  Image
04/25/2024	Event Result: Jury Trial scheduled on: 04/25/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King, crt.rep. Hon. Beverly J Cannone, Presiding		
04/29/2024	Notice of docket entry received from Supreme Judicial Court RE: No. SJC-13589 "Please take note that the following entry was made on the docket of the above-referenced case: April 26, 2024 - ORDER: It is ORDERED that the single justice's judgment denying the petitions for relief pursuant to G. L. c. 211, s. 3 is affirmed. Opinion to follow. Dated: April 26, 2024"	349	  Image
04/29/2024	Event Result: Jury Trial scheduled on: 04/29/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King, crt.rep. Openings Hon. Beverly J Cannone, Presiding		
04/29/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 05/02/2024 Time: 09:00 AM Result: Held as Scheduled		
04/29/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 05/03/2024 Time: 09:00 AM Nancy King, crt.rep. Result: Held as Scheduled		
04/29/2024	Commonwealth 's Notice of Discovery XLI	350	
04/30/2024	Event Result: Jury Trial scheduled on: 04/30/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King, crt.rep. Hon. Beverly J Cannone, Presiding		
04/30/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 05/06/2024 Time: 09:00 AM Result: Held as Scheduled		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
05/01/2024	ORDER: Regarding Protocol, Public Attendance and Media Coverage of View (Cannone, RAJ) dated 05/01/24	351	 
05/02/2024	Notice of docket entry received from Supreme Judicial Court RE: No. SJC-13589 TRACEY ANNE SPICUZZA & others vs. COMMONWEALTH & another. FREEDOM TO PROTEST COALITION & others vs. COMMONWEALTH & another. NOTICE OF DECISION dated May 2, 2024	352	
05/02/2024	Event Result: Jury Trial scheduled on: 05/02/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King,crt.rep. Hon. Beverly J Cannone, Presiding		
05/03/2024	Event Result: Jury Trial scheduled on: 05/03/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King,crt.rep. Hon. Beverly J Cannone, Presiding		
05/06/2024	Event Result: Jury Trial scheduled on: 05/06/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King, crt.rep. Hon. Beverly J Cannone, Presiding		
05/06/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 05/07/2024 Time: 09:00 AM Result: Held as Scheduled		
05/06/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 05/08/2024 Time: 09:00 AM Result: Held as Scheduled		
05/06/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 05/09/2024 Time: 09:00 AM Result: Held as Scheduled		
05/06/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 05/10/2024 Time: 09:00 AM Result: Held as Scheduled		
05/06/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 05/13/2024 Time: 09:00 AM Result: Held as Scheduled		
05/07/2024	Event Result: Jury Trial scheduled on: 05/07/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King,crt.rep. Hon. Beverly J Cannone, Presiding		
05/08/2024	ORDER: Regarding Media Protocol and Coverage (Cannone, RAJ) Dated 5/7/24	353	 
05/08/2024	Event Result: Jury Trial scheduled on: 05/08/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King,crt.rep. Hon. Beverly J Cannone, Presiding		
05/09/2024	Event Result: Jury Trial scheduled on: 05/09/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King,crt.rep UNTIL 12:30 PM. ftr BECOMES OFFICIAL. Hon. Beverly J Cannone, Presiding		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
05/10/2024	Event Result: Jury Trial scheduled on: 05/10/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King, crt.rep. Hon. Beverly J Cannone, Presiding		
05/10/2024	Commonwealth 's Notice of Discovery XLII	354	 
05/10/2024	Commonwealth 's Motion to Exclude an Individual Charged with Witness Intimidation in Connection with this Case from the Courtroom During the Testimony of Certain Witnesses - *** ALLOWED as stated in open Court. (Cannone, RAJ) dated 05/10/2024	355	  Image Image
05/10/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 05/14/2024 Time: 09:00 AM Result: Held as Scheduled		
05/13/2024	Event Result: Jury Trial scheduled on: 05/13/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King, crt.rep. Hon. Beverly J Cannone, Presiding		
05/13/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 05/15/2024 Time: 09:00 AM Result: Held as Scheduled		
05/13/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 05/16/2024 Time: 09:00 AM Result: Held as Scheduled		
05/14/2024	Event Result: Jury Trial scheduled on: 05/14/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King, crt.rep. Hon. Beverly J Cannone, Presiding		
05/14/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 05/17/2024 Time: 09:00 AM Result: Held as Scheduled		
05/14/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 05/21/2024 Time: 09:00 AM Result: Held as Scheduled		
05/14/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 05/22/2024 Time: 09:00 AM Result: Held as Scheduled		
05/14/2024	ORDER: (REVISED) - on Commonwealth's Motion to Exclude an Individual Charged with Witness Intimidation in Connection with this Case from the Courtroom During the Testimony of Certain Witnesses (Cannone, RAJ) dated 05/14/2024 (copies sent to all parties - cm)	356	  Image
05/15/2024	Event Result: Jury Trial scheduled on: 05/15/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King, crt.rep. Hon. Beverly J Cannone, Presiding		
05/16/2024	Event Result: Jury Trial scheduled on: 05/16/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King, crt.rep. Hon. Beverly J Cannone, Presiding		
05/16/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Date: 05/23/2024 Time: 09:00 AM Result: Not Held		
05/17/2024	Commonwealth 's Notice of Discovery XLIII. (rec'd 5/16/24)	357	 
05/17/2024	Event Result: Jury Trial scheduled on: 05/17/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King, crt.rep. Hon. Beverly J Cannone, Presiding		
05/21/2024	Event Result: Jury Trial scheduled on: 05/21/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King, crt.rep. Hon. Beverly J Cannone, Presiding		
05/22/2024	Event Result: Jury Trial scheduled on: 05/22/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King, crt.rep. Hon. Beverly J Cannone, Presiding		
05/22/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 05/24/2024 Time: 09:00 AM Result: Held as Scheduled		
05/22/2024	Event Result: Jury Trial scheduled on: 05/23/2024 09:00 AM Has been: Not Held For the following reason: Court Order Hon. Beverly J Cannone, Presiding		
05/22/2024	Commonwealth 's Notice of Discovery XLIV	358	 
05/24/2024	Event Result: Jury Trial scheduled on: 05/24/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King, crt.rep. Hon. Beverly J Cannone, Presiding		
05/24/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 05/28/2024 Time: 09:00 AM Result: Held as Scheduled		
05/24/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 06/03/2024 Time: 09:00 AM Result: Held as Scheduled		
05/28/2024	Event Result: Jury Trial scheduled on: 05/28/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King, crt.rep. Hon. Beverly J Cannone, Presiding		
05/28/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 06/04/2024 Time: 09:00 AM		
05/28/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 06/05/2024 Time: 09:00 AM Result: Held as Scheduled		
05/28/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 06/06/2024 Time: 09:00 AM Result: Held as Scheduled		
06/03/2024	Cell Phone Records received from Verizon (SEE page #247) - IMPOUNDED	359	

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/03/2024	Event Result: Jury Trial scheduled on: 06/03/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King, crt.rep. Hon. Beverly J Cannone, Presiding		
06/05/2024	Event Result: Jury Trial scheduled on: 06/05/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King, crt.rep. Hon. Beverly J Cannone, Presiding		
06/05/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 06/10/2024 Time: 09:00 AM Result: Held as Scheduled		
06/05/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 06/12/2024 Time: 09:00 AM Result: Held as Scheduled		
06/05/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 06/13/2024 Time: 09:00 AM Result: Held as Scheduled		
06/05/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 06/14/2024 Time: 09:00 AM Result: Held as Scheduled		
06/05/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 06/17/2024 Time: 09:00 AM Result: Held as Scheduled		
06/05/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 06/18/2024 Time: 09:00 AM Result: Held as Scheduled		
06/05/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 06/24/2024 Time: 09:00 AM Result: Held as Scheduled		
06/06/2024	Commonwealth 's Renewed Motion for Reciprocal Discovery and Motion to Exclude Defendant's Expert Dr. Marie Russell	360	 
06/06/2024	Event Result: Jury Trial scheduled on: 06/06/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King, crt. rep. Hon. Beverly J Cannone, Presiding		
06/10/2024	Event Result: Jury Trial scheduled on: 06/10/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King, crt.rep. Hon. Beverly J Cannone, Presiding		
06/10/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 06/21/2024 Time: 09:00 AM Result: Held as Scheduled		
06/12/2024	Defendant 's Additional Discovery with Regard to Dr. Russell	361	 
06/12/2024	Event Result: Jury Trial scheduled on: 06/12/2024 09:00 AM Has been: Held as Scheduled		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Comments: Nancy King, crt.rep. Hon. Beverly J Cannone, Presiding		
06/13/2024	Event Result: Jury Trial scheduled on: 06/13/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King, crt.rep. Hon. Beverly J Cannone, Presiding		
06/14/2024	Event Result: Jury Trial scheduled on: 06/14/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King Crt.Rep. Hon. Beverly J Cannone, Presiding		
06/14/2024	Commonwealth 's Notice of Discovery XLV	362	 
06/14/2024	Commonwealth 's Request for Jury Instructions	363	 
06/17/2024	Event Result: Jury Trial scheduled on: 06/17/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King, crt.rep. Hon. Beverly J Cannone, Presiding		
06/18/2024	Event Result: Jury Trial scheduled on: 06/18/2024 09:00 AM Has been: Held as Scheduled Comments: Voir Dire; No Jury Nancy King, crt.rep. Hon. Beverly J Cannone, Presiding		
06/20/2024	Comes into court. Trial continues before Cannone, RAJ. with jury of fifteen members. Event Result: Jury Trial scheduled on: 06/20/2024 09:00 AM Has been: Held as Scheduled in Courtroom 25. Hon. Beverly J Cannone, Presiding Applies To: Read, Karen (Defendant); Yannetti, Esq., David R (Attorney) on behalf of Read, Karen (Defendant); Lally, Esq., Adam C (Attorney) on behalf of Norfolk County District Attorney (Prosecutor); McLaughlin, Esq., Laura A (Attorney) on behalf of Norfolk County District Attorney (Prosecutor); Jackson, Alan (Attorney) on behalf of Read, Karen (Defendant); Little, Elizabeth S (Attorney) on behalf of Read, Karen (Defendant); Event Judge: Cannone, Hon. Beverly J. - N. King, CR - Attest: Margaret H. Sanel, AC.		
06/21/2024	Event Result: Jury Trial scheduled on: 06/21/2024 09:00 AM Has been: Held as Scheduled Comments: Nancy King, crt. Rep. Hon. Beverly J Cannone, Presiding		
06/21/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 06/26/2024 Time: 09:00 AM Result: Held as Scheduled		
06/21/2024	Scheduled: Judge: Cannone, Hon. Beverly J Event: Jury Trial Date: 06/25/2024 Time: 09:00 AM Result: Held as Scheduled		
06/21/2024	Defendant 's Motion for Required Finding of Not Guilty DENIED (Cannone,) att. J.McDermott,ac	364	
06/21/2024	Commonwealth 's Notice of Discovery XLVI	365	 

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<<< 1 2 >>>

Case Disposition

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Active	06/10/2022	

Disposition

Date

Case Judge

Exhibit 9

Motion to Dismiss
Commonwealth v. Read

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT
NO. 2282-CR-00117

COMMONWEALTH OF
MASSACHUSETTS,
Plaintiff

V.

KAREN READ,
Defendant

RECEIVED & FILED
7/21/24 JUL - 8 AM 9:01
CLERK OF THE COURT
NORFOLK COUNTY

DEFENDANT KAREN READ'S MOTION TO DISMISS

Now comes the Defendant Karen Read, by and through undersigned counsel, and heret y moves this Honorable Court, pursuant to the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and Article 12 of the Massachusetts Declaration of Rights, to dismiss Counts 1 and 3 currently pending against her on the grounds that the jury reached a unanimous decision to acquit her on those charges and, alternatively, because there was no manifest necessity supporting the declaration of a mistrial with respect to the charges on which the jury had agreed that Ms. Read was not guilty and that therefore a retrial on such counts would violate the Double Jeopardy protections of both federal and state constitutions.

The ancient right to a jury trial is no mere “procedural formalit[y] but [rather a] fundamental reservation[] of power to the American people.” *Erlinger v. United States*, No. 23-370, 2024 WL 3074427, at *6 (June 21, 2024) (citation omitted). “By requiring the Executive Branch to prove its charges to a unanimous jury beyond a reasonable doubt, the Fifth and Sixth Amendments seek to mitigate the risk of prosecutorial overreach and misconduct, including the pursuit of ‘pretended offenses’ and ‘arbitrary convictions.’” *Id.* (quoting *The Federalist* No. 83,

p. 499 (C. Rossiter ed. 1961)). “Prominent among the reasons colonists cited in the Declaration of Independence for their break with Great Britain was the fact Parliament and the Crown had ‘depriv[ed] [them] in many cases, of the benefits of Trial by Jury.’” *Id.* at *5 (citation omitted). “After securing their independence, the founding generation sought to ensure what happened before would not happen again. As John Adams put it, the founders saw representative government and trial by jury as ‘the heart and lungs’ of liberty.” *Id.* (citation omitted).

It follows that a jury acquittal is entitled to the utmost respect in our criminal justice system. “The Double Jeopardy Clause provides that no person shall ‘be subject for the same offence to be twice put in jeopardy of life or limb.’” *Blueford v. Arkansas*, 566 U.S. 599, 605, (2012) (quoting U.S. Const., Amdt. 5). “The Clause guarantees that the State shall not be permitted to make repeated attempts to convict the accused, thereby subjecting h[er] to embarrassment, expense and ordeal and compelling h[er] to live in a continuing state of anxiety and insecurity, as well as enhancing the possibility that even though innocent [s]he may be found guilty.” *Id.* (citation omitted). “Perhaps the most fundamental rule in the history of double jeopardy jurisprudence has been that [a] verdict of acquittal . . . could not be reviewed, on error or otherwise, without putting [a defendant] twice in jeopardy, and thereby violating the Constitution.” *Commonwealth v. Taylor*, 486 Mass. 469, 481 (2020) (quoting *United States v. Martin Linen Supply Co.*, 430 U.S. 564, 571 (1977)).

Here, the very day after a mistrial was declared, undersigned counsel began receiving unsolicited communications from three of the twelve deliberating jurors indicating in no uncertain terms that the jury had a firm 12-0 agreement that Ms. Read was not guilty of two of the three charges against her, including the charge of murder in the second degree. Given the central importance that acquittals have held in our criminal justice system for hundreds of years,

the defense respectfully submits that the jury's unanimous agreement precludes re-prosecution of Ms. Read on Counts 1 and 3 and mandates dismissal of those charges. Alternatively, to the extent the Court believes further factual development is required, the defense respectfully requests that a post-verdict inquiry be held on the issue and that the Court authorize defense counsel to seek additional proof from the jurors regarding their having unanimously acquitted the defendant of two of the three charges against her prior to indicating to the Court that they could not reach a verdict on the third charge alone.

I. BACKGROUND

On June 9, 2022, Ms. Read was charged via three separate indictments with murder in violation of M.G.L. ch. 265, § 1 (Count 1); vehicular manslaughter in violation of M.G.L. ch. 265, § 13½ (Count 2); and leaving the scene of personal injury or death in violation of M.G.L. ch. 90, § 24(2)(a½)(2). A jury trial began on April 16, 2024. On June 25, 2024, the jury began deliberations.

On July 1, 2024, when the jury presented a note to the Court, all counsel were ordered to the courtroom. *See* Alan J. Jackson Affidavit ¶ 7. The note was not presented to counsel for review. *See id.* Rather, the Court indicated that the jury was at an impasse. *See id.* Once the jury was seated, the Court then read the jury note verbatim in open court and, without providing any opportunity for defense counsel to be heard, the Court declared a mistrial and excused the jury. *See id.* ¶ 8.¹ In short, neither defense counsel nor the defendant consented to the mistrial

¹ While the jurors' note as read by this Honorable Court indicated the impasse was on "charges," it did not say whether the "charges" were those within Count 2 *i.e.* the multiple ways to find guilt on Count 2 or extended to other Counts. The affidavits attached herein indicate the former not the latter.

and the Court never ascertained from the jury whether its deadlock was in relation to one, two, or all of the charges in the indictments.

The following day, on July 2, 2024, Attorney Jackson was contacted by a juror in this matter (“Juror A”) who stated that s/he “wish[ed] to inform [him] of the true *results*” of the jury’s deliberations. *Id.* ¶ 4. According to Juror A, “the jury unanimously agreed that Karen Read is NOT GUILTY of Count 1 (second degree murder). Juror A was emphatic that Count 1 (second degree murder) was ‘off the table,’ and that all 12 of the jurors were in agreement that she was NOT GUILTY of such crime.” *Id.* ¶ 5. “[T]he jury also unanimously agreed that Karen Read is NOT GUILTY of Count 3 (leaving the scene with injury/death).” *Id.* ¶ 6.

Another day later, on July 3, 2024, Attorney Yannetti was contacted by “two different individuals (hereinafter, ‘Informant B’ and ‘Informant C’) who had received information from two distinct jurors (hereinafter ‘Juror B’ and ‘Juror C’) both of whom were part of the deliberating jury in this case.” David R. Yannetti Affidavit ¶ 2. Informant B sent Attorney Yannetti “a screenshot he/she had received from someone (hereinafter, ‘Intermediary B’) of text messages that Intermediary B had received from Juror B. In that screenshot, Juror B texted the following to Intermediary B: ‘It was not guilty on second degree. And split in half for the second charge. . . . I thought the prosecution didn’t prove the case. No one thought she hit him on purpose or even thought she hit him on purpose [sic].’” *Id.* ¶ 4. Informant C had been in contact with another individual (“Intermediary C”) who is a co-worker and friend of Juror C and joined a Zoom meeting during which Juror C discussed the trial. Informant C sent Attorney Yannetti the below screenshots of his/her text messages with Intermediary C regarding what Juror C revealed in the Zoom meeting:

Intermediary C: “no consideration for murder 2. manslaughter

started polling at 6/6 then ended deadlock @ 4no8yes.”

.....

Informant C: “interesting. if it was no consideration for murder two, shouldn’t she have been acquitted on that count. and hung on the remaining chargers [sic] goes back to the jury verdict slip that was all confusing”

Intermediary C: “she should’ve been acquitted I agree. Yes, the remaining charges were what they were hung on. and that instruction paper was very confusing.”

Id. ¶ 10.

II. ARGUMENT

A. The Jury’s Unanimous Conclusion that Ms. Read Is Not Guilty on Counts 1 and 3 Constitutes an Acquittal and Precludes Re-Prosecution

“[W]hat constitutes an ‘acquittal’ is not to be controlled by” the form of the action in question. *Taylor*, 486 Mass. at 482 (quoting *Martinez v. Illinois*, 572 U.S. 833, 841-42 (2014)). “Rather, [the Court] must determine whether” the action “actually represents a resolution, correct or not, of some or all of the factual elements of the offense charged.” *Commonwealth v. Babb*, 389 Mass. 275, 281 (1983) (quoting *Martin Linen*, 430 U.S. at 571). The mere presence or absence of “checkmarks on a form” is not dispositive. *Taylor*, 486 Mass. at 482 (citation omitted).

Here, the attached affidavits by Attorneys Jackson and Yannetti reflect statements by three deliberating jurors that the jury had reached a final, unanimous conclusion that Ms. Read was not guilty on Counts 1 and 3. There was nothing tentative about the jurors’ statements. To the contrary, they were definitive in describing the result of the jury’s deliberations. See Alan J. Jackson Affidavit ¶ 5 (“Juror A was emphatic that Count 1 (second degree murder) was ‘off the

table,’ and that all 12 of the jurors were in agreement that she was NOT GUILTY of such crime.”); David R. Yannetti Affidavit ¶ 4 (reflecting text message from Juror B, “It was not guilty on second degree. . . . No one thought she hit him on purpose or even thought she hit him on purpose [sic]”); *Id.* ¶ 10 (reflecting Juror C’s statement, relayed by Intermediary C, that there was “no consideration for murder 2” and Ms. Read “should’ve been acquitted” on that count). To hold that this firm conclusion did not amount to an acquittal simply because it was not recorded in a verdict form would be to elevate form over substance in a manner prohibited by the foregoing United States Supreme Court and Supreme Judicial Court precedents.

The Supreme Court’s decision in *Blueford* is not to the contrary. There, a juror had reported during deliberations that the jury “was unanimous against” the charges of capital murder and first-degree murder but split on manslaughter. 566 U.S. at 603-04. The court sent the jury back to continue deliberations and, when the jury remained unable to reach a verdict, declared a mistrial. *See id.* at 604. The Supreme Court rejected the defendant’s argument that the Double Jeopardy Clause prohibited re-prosecution for capital and first-degree murder. In doing so, the Court relied heavily upon the lack of finality of the juror’s report. “[T]he jury’s deliberations had not yet concluded,” and it “went back to the jury room to deliberate further.” *Id.* at 606. Here, by contrast, the jurors’ statements reflect a final determination that persisted through the end of deliberations. Even assuming *arguendo*, and contrary to the foregoing, this Court finds that retrial would not be prohibited under *Blueford*, this Court can and should afford broader protection under Massachusetts state law. *See Commonwealth v. Tinsley*, 487 Mass. 380, 391 n.6 (2021) (“Unlike the United States Constitution, the Massachusetts Declaration of Rights does not include a double jeopardy clause, but our statutory and common law have long embraced the same principles and protections.” (citation omitted)).

B. Re-Prosecution Is Independently Barred Because There Was No Manifest Necessity to Declare a Mistrial on Counts on which the Jury Was Unanimously Agreed

“[T]he [d]ouble [j]eopardy [c]lause affords a criminal defendant a ‘valued right to have h[er] trial completed by a particular tribunal.’” *Taylor*, 486 Mass. at 483 (quoting *Oregon v. Kennedy*, 456 U.S. 667, 671-72 (1982)). “Thus, where a mistrial is entered ‘without the defendant’s request or consent,’ retrial is impermissible unless there was a manifest necessity for the mistrial.” *Id.* (quoting *United States v. Dinitz*, 424 U.S. 600, 606-07 (1976)). Here, Ms. Read did not consent to the declaration of a mistrial. *See* Alan J. Jackson Affidavit ¶ 9; *see also* *Commonwealth v. Edwards*, 491 Mass. 1, 13 (2022) (rejecting argument “that the defendant consented to the declaration of a mistrial because he did not object when the judge ordered the case dismissed”).

Absent the defendant’s consent, “State and Federal double jeopardy protections bar, ‘as a general rule,’ retrial of a defendant whose initial trial ends . . . without a conviction.” *Ray v. Commonwealth*, 463 Mass. 1, 3 (2012) (quoting *Arizona v. Washington*, 434 U.S. 497, 505 (1978)). This rule is rooted in “the importance to the defendant of being able, once and for all, to conclude h[er] confrontation with society through the verdict of a tribunal [s]he might believe to be favorably disposed to h[er] fate.” *Cruz v. Commonwealth*, 461 Mass. 664, 670 n.9 (2012) (quoting *United States v. Jorn*, 400 U.S. 470, 486 (1971) (plurality opinion)). Accordingly, the “heavy” burden of establishing “manifest necessity” to justify a mistrial is exclusively on the Commonwealth. *Washington*, 434 U.S. at 505. Before a court declares a mistrial for manifest necessity, “(1) counsel must [have been] given full opportunity to be heard and (2) the trial judge must [have given] careful consideration to alternatives to a mistrial.” *Ray*, 463 Mass. at 4 (citation omitted).

Here, the defense respectfully submits that the lack of opportunity to be heard is, alone, dispositive. Upon receiving a jury note, the Court declared a mistrial and excused the jury without consulting counsel. *See* Alan J. Jackson Affidavit ¶ 8. This action “was sudden, brief, and unexpected, neither preceded nor accompanied by discussion with counsel.” *Commonwealth v. Horrigan*, 41 Mass. App. Ct. 337, 341 (1996); *see also Picard v. Commonwealth*, 400 Mass. 115, 118-19 (1987) (finding no manifest necessity where “[n]o opportunity was given counsel to argue the propriety of the question or of the necessity of a mistrial”); *Commonwealth v. Steward*, 396 Mass. 76, 79 (1985) (finding no manifest necessity where “the trial judge . . . first ruled that he was going to declare a mistrial and then, almost as an afterthought, unenthusiastically asked whether counsel objected”).

The record is independently lacking on the second prong, as it reflects no “careful consideration” of “alternatives to a mistrial.” *Ray*, 463 Mass. at 4 (citation omitted). Here, there was one obvious alternative: to simply ask the jury to specify the charge(s) on which it was deadlocked. Had the Court done so, and the jury articulated its verdict consistent with the statements of Jurors A, B, and C, the Double Jeopardy implications would have been clear and decisive. “[I]ndeed, with virtual unanimity, the cases have applied collateral estoppel to bar the Government from relitigating a question of fact that was determined in defendant’s favor by a partial verdict.” *United States v. Mespouledé*, 597 F.2d 329, 336 (2d Cir. 1979); *see also Wallace v. Havener*, 552 F.2d 721, 724 (6th Cir. 1977) (“When the jury hands down a partial verdict, a final judgment is rendered on the counts upon which the jury has reached agreement.”).

The Supreme Judicial Court’s holding, in *Commonwealth v. Roth*, 437 Mass. 777 (2002), that courts should not request partial verdicts on lesser included offenses charged in a single count does not pertain here. As the *Roth* Court acknowledged, “[i]nquiry concerning partial

verdicts on lesser included offenses” *that have not been separately charged* “carries a significant potential for coercion.” *Id.* at 791; *see also Blueford*, 566 U.S. at 609 (declining to require court “to consider giving the jury new options for a verdict” in the form of partial verdicts on lesser included offenses where, “under Arkansas law, the jury’s options . . . were limited to two: either convict on one of the offenses, or acquit on all”).² Such inquiry, in effect, implies that the jury should consider conviction on the lesser count. No similar danger is present where, as here, the jury was asked to return three separate verdicts on three separate counts. *See Roth*, 437 Mass. at 793 n.13 (distinguishing situation “where a defendant has been charged in separate indictments or complaints, each with a separate verdict slip”). In this circumstance, where the jury reports a deadlock without specifying the count(s) on which it has reached an impasse, it is a straightforward (and, the defense contends, Constitutionally required) follow-up to ask whether the deadlock relates to some as opposed to all counts. Indeed, the Supreme Judicial Court has explicitly stated, “[w]here a complaint or indictment, in multiple counts, charges multiple crimes . . . a general verdict could be returned as to one of the counts, despite deadlock on the other counts.” *A Juvenile v. Commonwealth*, 392 Mass. 52, 55 n.1 (1984).

C. Alternatively, the Defense Is at Least Entitled to Conduct Post-Verdict Inquiry

Undersigned counsel did not initiate the communication with Jurors “A,” “B,” and “C,” which resulted in the disclosure of information that is memorialized in counsel’s affidavits that are appended to this motion. Should this Court find that further factual development is required, the defense respectfully requests that the Court conduct a *voir dire* of the jury and/or an evidentiary hearing to substantiate the existence of an acquittal. Should the Court seek the

² Massachusetts law, to the contrary, clearly permitted the jury to return a partial verdict on some, but not all, counts. *See Mass. R. Crim. P. 27(b)*.

affidavit of each juror (*i.e.*, jurors “A”, “B”, and “C” *supra*) the defendant asks for the Court to authorize undersigned counsel to initiate contact for the sole purpose of asking each juror whether the jury had unanimously agreed that the defendant was not guilty of Counts 1 and 3. The Supreme Judicial Court has held that, because of the importance of the issue, “juror bias is a legitimate subject for post-verdict inquiry.” *Commonwealth v. McCalop*, 485 Mass. 790, 798 (2020) (citation omitted). It is similarly “a fundamental tenet of our system of justice” that a defendant may not be retried for a crime on which she was previously acquitted by a jury, and the defense submits that post-verdict inquiry is equally warranted in the present context. *Id.* at 790. Just as the Court in *McCalop* approved questions as to the existence of racial bias, questions about a matter more attenuated from the content of deliberations – whether the jury had unanimously concluded that Ms. Read was not guilty of Counts 1 and 3 – do not invade the heartland of jury deliberations but preserve the defendant’s precious rights to the favorable outcome of a jury trial and to the protections of the Double Jeopardy Clause and its related state judicial protections.

III. CONCLUSION

For the foregoing reasons, Ms. Read respectfully requests that this Honorable Court issue an Order dismissing Counts 1 and 3.

Respectfully Submitted,
For the Defendant,
Karen Read
By her attorneys,

/s/ David R. Yannetti
David R. Yannetti, Esq.
BBO No. 555713
44 School St.
Suite 1000A
Boston, MA 02108

(617) 338-6006
law@davidyannetti.com

/s/ Alan J. Jackson

Alan J. Jackson, Esq. *Pro Hac Vice*
Elizabeth S. Little, Esq. *Pro Hac Vice*
Werksman Jackson & Quinn LLP
888 West Sixth Street, Fourth Floor
Los Angeles, CA 90017
T : (213) 688-0460
F: (213) 688-1942

/s/ Martin G. Weinberg

Martin G. Weinberg, Esq.
BBO No. 519480
20 Park Plaza, Suite 1000
Boston, MA 02116
(617) 227-3700
owlmgw@att.net

On Brief
Michael Pabian, Esq.
BBO No. 684589
20 Park Plaza, Suite 1000
Boston, MA 02116
(617) 227-3700
pabianlaw38@gmail.com

Dated: July 8, 2024

CERTIFICATE OF SERVICE

I, Martin G. Weinberg, do hereby certify that on this day, July 8, 2024, I have served a copy of this Motion and the attached affidavits on Assistant District Attorney Adam Lally via email.

/s/ Martin G. Weinberg

Martin G. Weinberg

Exhibit 10

Declaration of Jessica Svedine

No. 23-2062

In the
UNITED STATES COURT OF APPEALS
for the
FIRST CIRCUIT

MEREDITH O'NEIL; JESSICA SVEDINE; DEANNA CORBY; ROBERTO SILVA,

Plaintiffs-Appellants,

JENNA ROCCO; NICK ROCCO,

Plaintiffs,

v.

CANTON POLICE DEPARTMENT; TOWN OF CANTON MASSACHUSETTS;
HELENA RAFFERTY, as Chief of the Canton Police Department and in her
personal capacity; ROBERT ZEPF; MICHAEL CHIN; ANTHONY
PASCARELLI; JOSEPH SILVASY,

Defendants-Appellees.

*On Appeal from the United States District Court
for the District of Massachusetts
No. 1:23-cv-12685-DJC
The Honorable Denise J. Casper*

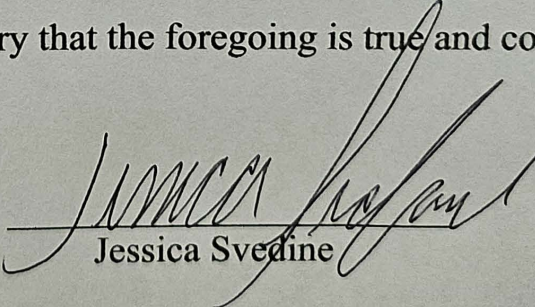
DECLARATION OF JESSICA SVEDINE

I, Jessica Svedine, being duly sworn, depose and state the following under penalty of perjury:

1. I am over 18 years of age and have never been convicted of a crime involving fraud or dishonesty. I have knowledge of the facts set forth herein, and if called as a witness, could and would testify thereto.
2. I am a Plaintiff-Appellant in the above-captioned proceeding. I make this declaration in support of Plaintiffs-Appellants Supplemental Brief.
3. I intend to continue protesting for my belief that Karen Read is being framed.
4. I remain fearful of protesting because of the threat of being wrongly charged for my protest being seen by a single witness.
5. Once an injunction enters, I intend to protest.

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

Dated: 08/14/24


Jessica Svedine