

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JASON GRANT, ALLISON TAGGART, LISA  
PETERSON, and SAMANTHA LYONS,

Plaintiffs,

v.

TRIAL COURT OF THE COMMONWEALTH  
OF MASSACHUSETTS, BEVERLY J.  
CANNONE, in her official capacity as Justice of  
the Superior Court, GEOFFREY NOBLE, as  
Superintendent of the Massachusetts State Police;  
MICHAEL d'ENTREMONT, in his official  
capacity as Chief of the Police Department of the  
Town of Dedham, Massachusetts, and  
MICHAEL W. MORRISSEY, in his official  
capacity as the Norfolk County District Attorney,

Defendants.

Civil Action No. 1:25-cv-10770-MJJ

**PLAINTIFFS' SUPPLEMENTAL BRIEF**  
**IN SUPPORT OF PRELIMINARY INJUNCTION**

By happenstance, the Karen Read trial is ongoing. If this were the George Zimmerman/Trayvon Martin case, it would have been over.<sup>1</sup> Same, too, with the Derek Chauvin/George Floyd trial.<sup>2</sup> The only reason the government has not managed to cleverly moot this case is because the Karen Read trial is so long. This is not how the rule of law works.

The Commonwealth's tactics in this case are aimed at protecting the government's actions from any meaningful review at all – compounding their lack of respect for due process. This case has the opportunity to stand for a reaffirmation of the First and Fourteenth Amendments, or it will stand for something much more sinister. If the government gets its way, as it has so far, this case

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<sup>1</sup> 19 calendar days from opening statements to verdict.

<sup>2</sup> 22 calendar days from opening statements to verdict.

will be *the* exemplar to use when the government wants to ensure that violations of the First and Fourteenth Amendments are unreviewable: Set up a buffer zone (with no power to do so) in a proceeding in which those affected have no opportunity to be heard, then just get things done before constitutional relief can be obtained. Plaintiffs need this Court to send a clear message that what Judge Cannone and the police did (and continue to do) is improper, else this case will find itself in law school textbooks and CLE materials for the lesson that *rights don't matter*. Or, instead, it can be studied to show that the federal judiciary is here to protect our rights from incursion. That the Constitution limits government abuse, and it is not something the government uses as its playmate in a game of “hide and seek.” That is what it has done so far, and it is time for it to at long last... *stop*. An injunction must issue.

### 1.0 How We Got Here

Plaintiffs’ motion for preliminary injunction is pending. (ECF No. 2). Although the Court previously denied it (ECF No. 38), the First Circuit vacated that Order. (ECF Nos. 51 & 52). Specifically, the First Circuit said:

The [Buffer Zone] Order, by contrast, seems to lack a *mens rea* requirement -- i.e., it likely applies equally to speech directed toward random passersby and speech directed toward trial participants. And Plaintiffs do not appear to ask us to allow them to engage in the latter type of speech: At oral argument, they indicated that they seek only to engage in quiet, offsite demonstrations on public property, in areas and at times that do not interfere with trial participants' entrance into and exit from the Courthouse, that do not interfere with the administration of justice, and that will not influence any trial participants in the discharge of their duties.

These fresh clarifications bring into focus Plaintiffs' argument that *Cox's* tailoring holding should not control this case. With Plaintiffs' position now clarified, we think it prudent to vacate (but not reverse) the district court's denial of a preliminary injunction and remand this case for further proceedings to determine how the Order has been interpreted and applied and whether the lack of a *mens rea* requirement renders the Order insufficiently tailored. *Cf. Welch v. Shultz*, 482 F.2d 780, 783, 157 U.S. App. D.C. 191 (D.C. Cir. 1973) (per curiam) (remanding a case for “definition and examination afresh on an up-to-date factual record”).

*Grant v. Trial Court*, No. 25-1380, 2025 U.S. App. LEXIS 11261, at \*9 (1st Cir. May 9, 2025). Rather than undertake a further proceeding for that determination, the Court stayed the matter to give Judge Cannone an opportunity to act. She refused the opportunity. So, another trip the First Circuit gave her 48 hours in which to do it. Instead of addressing the constitutional infirmities in her *ultra vires* actions, she made things *worse*.

On May 15, 2025, Judge Cannone issued a “Supplemental Order Regarding the Buffer Zone” (ECF No. 61-1). She refused to vacate the prior orders. The Supplemental Order, instead, did as follows:

- 1) Maintained in place prior orders *vis a vis* Courthouse property. (Plaintiffs bring no challenge to any exercise of authority on actual Courthouse property.)
- 2) Maintained in place prior orders as to pathways, including sidewalks and roads, through which trial participants enter and exit the courthouse. (To the extent it restricts speech on traditional public forums and is not merely about ensuring unimpeded access, Plaintiffs contest this provision, but would not have had this provision comported with *McCullen v. Coakley*, 573 U.S. 464 (2014) – and simply provided that trial participants could not be impeded nor interfered with by any demonstrators. That is all the Constitution allows.)
- 3) Prohibited noisy protests intended to interfere with the administration of justice or influence any judge, juror, witness, or court officer in the discharge of duties within the buffer zone. (If this were merely enforcement of existing noise ordinances or G.L. c. 268, §§ 13A & 13B, Plaintiffs would not contest it, but it does not appear the Massachusetts State Police are abiding it.)
- 4) Prohibited display of written or graphic materials intended to interfere with the administration of justice or influence any judge, juror, witness, or court officer in the

discharge of duties within the buffer zone. (This is simply G.L. c. 268, §§ 13A & 13B. If this were merely *enforcement* of G.L. c. 268, §§ 13A & 13B, Plaintiffs would not contest it, but it does not appear the Massachusetts State Police are abiding it.)

- 5) Established a post-deprivation procedure for “review” of restrictions of activity by law enforcement, which did not provide for immediate, only “expeditious” review. (Plaintiffs challenge this as it should be a pre-deprivation procedure and it is vague as to what, if any, relief can actually be granted. By pre-deprivation, Plaintiffs mean that the Police should not have *carte blanche* to harass and arrest, then the speakers must seek review. If the Police want to suppress speech, then *they* should have to run in to court and request a ruling that the speech is unlawful. That is how due process works.)

Judge Cannone’s order purports to, by the undersigned’s reading, to carve out “[q]uiet, offsite demonstrations on public property, in areas and at times that do not interfere with trial participants’ entrance into or exit from the Courthouse, and that do not interfere with the orderly administration of justice, and that are not intended to influence any trial participants in the discharge of their duties[.]” Of course, with this carve out, then what is the purpose of the rest of this “supplemental order” but to create confusion and to give unlimited license to the State Police to engage in draconian measures against citizens and journalists? If that was not the intent, it certainly was the effect – as the State Police have told all protesters, “nothing has changed.” See Exhibit A, Declaration of Jason Grant (“Grant Decl.”) at ¶ 8.

The Massachusetts State Police, under the direction of Defendant Noble, have been ignoring this carve out without consequence, acting as judge and executioner of any speech that offends the police.



## 1.1 Freedom of Speech is Still Shut Down

The Supplemental Order failed to restore constitutional order. On May 16, 2025, just the day after the Supplemental Order was issued, Massachusetts State Police threatened Plaintiff. Grant for this sign and barred him from protesting with it:



Jason Grant sought to stand across the street from the Norfolk Superior Courthouse holding an American flag and a Bible verse: 2 Corinthians 3:17 (“Now the Lord is the Spirit, and Where the Spirit of the Lord is, There is Freedom”). The Massachusetts State Police denied him access to a traditional public forum, applying the Court’s Buffer Zone Order to now prohibit purely patriotic and/or religious speech. *See* Grant Decl. at ¶¶ 4-5.

*Let that sink in...*

A citizen wanted to hold a ***Bible verse about freedom*** on a public sidewalk, and the Massachusetts State Police would not allow it. If the buffer zone prohibits this much speech, then the buffer zone is unconstitutional and must be struck down. If the buffer zone does not prohibit this, then the buffer zone is being applied unconstitutionally and the way the State Police are enforcing it must be enjoined. The absence of either form of relief is simply a declaration to the

world that the United States' Constitution nothing but meaningless words on paper, that have no effect if they cause the slightest discomfort to power.

As further proof that there is desperate need of a clear gavel bang that wakes the Constitution from its deep slumber here, we present the case of Erica Walsh. On May 19, 2025, Ms. Walsh was arrested for “trespassing” despite being on a public sidewalk, merely for wearing a sweatshirt that says, on the back, “Criminals Control Norfolk County.” **Exhibit B** (Video of Arrest); Grant Decl. at ¶ 6. Walsh was charged under a) G.L. c. 268, § 13A despite the shirt not being a picket nor was she parading; b) G.L. 266, § 120, for alleged trespass, despite public sidewalks not being within the statute’s purview; and c) G.L. 272, § 53, for allegedly disturbing the peace for simply wearing the sweatshirt. *Comm. v. Walsh*, Docket No. 2554CR000636 (Dedham Dist. Ct.) As she was thrown in a cage for wearing this shirt, while in Norfolk County, *res ipsa loquitur*. The Constitution *should* control instead.



The Commonwealth refuses to voluntarily dismiss the charges. The charges are pretextual and retaliatory; she had a lawful right to be present—it is solely based upon wearing the sweatshirt within the buffer zone. *See* **Exhibit C** (Incident Report).<sup>3</sup> As the Incident Report indicates, the State Police are ignoring the Supplemental Order’s purported limitations focusing only on demonstrations, even quiet ones, within the ambit of the Second Buffer Zone Order. *Id.* They

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<sup>3</sup> Trooper Welsh is projecting his imagination in its report. He claims that this incident was “planned” but the only purported evidence is that she wore her clothing in defiance of a prior unlawful order to remove it, and that others were present, which is not evidence of anything. Moreover, the Court can take judicial notice that, contrary to the falsehoods in the report, Ms. Walsh was never previously charged regarding her attire.

concocted the notion that she was intending to “picket in front of the courthouse” merely because she chose to defy the State Police’s unconstitutional warning. As the Court is aware, she was previously forced to walk through the buffer zone in a bra because she had been wearing it. (ECF No. 56-1). “Criminals Control Norfolk County” on a sweatshirt is not a picket, and it was away from the courthouse.<sup>4</sup> No known trial participants were present. She was arrested where she stood, allegedly trespassing (Grant Decl. at ¶ 7):



<sup>4</sup> The police report adds that she had a hat with “FKR” But, this was not directed to the trial participants and she was never actually warned about the hat. Moreover, “FKR” only means “Free Karen Read” to persons like Plaintiffs; no proper juror would have any idea what it meant. Moreover, no jurors were present and none could have seen the hat, nor the shirt, for that matter.

## 1.2 Freedom of the Press is Still Shut Down

The right to protest is not the only fundamental right that has fallen, and that is awaiting this Court's exercise of its proper, due, and just powers to protect. The freedom of the press is also begging for this Court to rescue it from the government's overbearing lockdown.

On May 19, 2025, Thomas Derosier was peacefully filming the exterior of the Norfolk Superior Courthouse from across Pearl Street:

See **Exhibit D** (Derosier Video).<sup>5</sup> One Massachusetts State Trooper said "ok" as to where Derosier was standing. Nevertheless, Massachusetts State Trooper Sgt. Michael Hardman suddenly snapped and assaulted Derosier.<sup>6</sup> He violently grabbed Derosier by the



arm, injuring him, and dragged him across High Street (now catty-corner from the courthouse). This injury required medical attention.



Hardman had neither lawful reason nor probable cause to attack Derosier. The Supplemental Order does not restrain Hardman and no other State Trooper interceded to tell Hardman he was out of line. In fact, all present Troopers assisted in the assault.

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<sup>5</sup> Excerpted from <https://www.youtube.com/live/2EiEQfGvMtl?si=lmtrWEyvlzUZkpDV>

<sup>6</sup> This is reminiscent of the facts in *Cox v. Louisiana* where the government gave a protester permission to protest in a buffer zone (that had a *mens rea*, and was imposed with proper powers, unlike the unconstitutional one here) and then arrested him for violating the zone.

### 1.3 State Court Review is Illusory

The Supplemental Order seems to try and short-cut these proceedings by providing post-deprivation review. While this is improper, and individual judges cannot simply invent new procedures, Mr. Grant and the plaintiffs in the two related cases played along. A hearing was held on May 20, 2025, before a Norfolk Superior Court judge. However, this “hearing” process had no clear mandates nor apparent power, and as of the time of this filing, there is no order that clarifies nor cleans up any of these problems.

### 2.0 The Ongoing Problems and What We Need

The purported review procedure is insufficient and the State Police, under Defendant Noble, has granted blanket authority to Sgt. Hardman to injure and arrest anyone he doesn’t like. This needs to be restrained. The buffer zone remains constitutionally deficient both on its face and as applied by the State Police. Mr. Grant and the other plaintiffs, based on the experiences of Grant, Derosier, and Walsh, remain chilled in their First Amendment expression<sup>7</sup>. This Court must issue a preliminary injunction enjoining the buffer zone’s existence and its enforcement.

The First Circuit noted that “the state court could, entirely of its own volition, further simplify any potential First Amendment issues by amending the Order to introduce a *mens rea* requirement as in *Cox* and Mass. Gen. Laws ch. 268, § 13A (2025) – *i.e.*, by limiting the Order to demonstrations directed toward interfering with the administration of justice or influencing trial participants.” 2025 U.S. App. LEXIS 11261, at \*10. Of course, this is nothing more than G.L. c. 268, §§ 13A & 13B – already existing law. Thus, simply *rescinding* the buffer zone was the *right thing to do*, since any speech that can be limited in the zone is already limited from North Adams to Provincetown – by G.L. c. 268, §§ 13A & 13B. And anything beyond that is Constitutionally

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<sup>7</sup> Of course, the rest of the public is chilled as well.



protected, and unnecessary to ban. So what is the purpose of the buffer zone? Nothing but to give license to the police to rough up journalists and citizens alike.

Nevertheless, this Court gave Judge Cannone more time than necessary to do *something* – and she only did so after the First Circuit told her she had received adequate grace already. Only then, she gave lip service to amending the order to introduce a *mens rea* requirement. But, Judge Cannone failed to limit her order to demonstrations directed to interference with the administration of justice or influencing trial participants, and **defiantly declared in that same order that her prior orders remained entirely in effect**. She claims that she changed nothing, and so do the State Police! Judge Cannone is not following the Constitution. And the State Police certainly have no intent in changing their ways on a mere suggestion. It will take an *order from a federal court*.

At least one of the following is true: a) the Buffer Zone Order, as supplemented, continues to empower the Massachusetts State Police, under the second clause (the pathways provision), to arrest demonstrators for their mere presence anywhere within the 200+ feet of the buffer zone on sidewalks a trial participant *might* use, in violation of *McCullen v. Coakley, supra* (holding even a 35 foot buffer zone unconstitutional); and/or b) Defendant Noble’s officers are acting lawlessly, in disregard of the carve out.

Plaintiffs are entitled to ***pre-deprivation review*** of infringements upon their First Amendment rights – not post deprivation criminal proceedings. Earlier this year, the First Circuit neatly laid out the issues regarding both pre- and post-deprivation review and the Supplemental Order fails both. As set forth in *3137, LLC v. Town of Harwich*:

Where state procedures -- though arguably imperfect -- provide a suitable form of **predeprivation** hearing coupled with the availability of meaningful judicial review, the fourteenth amendment guarantee of procedural due process is not embarrassed.” *Chongris*, 811 F.2d at 40 (citing *Creative Env'ts, Inc. v. Estabrook*, 680 F.2d 822, 829-30 (1st Cir. 1982)). As also relevant here, the *Parratt-Hudson* doctrine -- as developed in part in *Parratt v. Taylor*, 451 U.S. 527420 (1981) --

provides: “When a deprivation of a property interest is occasioned by random and unauthorized conduct by state officials, . . . the due process inquiry is limited to the issue of the adequacy of the postdeprivation remedies provided by the state.” *Hadfield v. McDonough*, 407 F.3d 11, 19 (1st Cir. 2005) (quoting *O’Neill v. Baker*, 210 F.3d 41, 42 (1st Cir. 2000)).

126 F.4th 1, 12 (1st Cir. 2025) (emphasis added). Here, there is no pre-deprivation procedure—Grant, Derosier, and Walsh all had their free speech and assembly rights infringed without a pre-deprivation hearing. As the Court will recall, Judge Cannone, inventing legislative authority over acres beyond the courthouse, and without personal jurisdiction over the individuals to be affected (and not even an opportunity to intervene), declared the buffer zone without notice to Plaintiffs or opportunity to be heard. *See* ECF No.3 at § 3.2.3, incorporated herein by reference. Plaintiffs had no pre-deprivation hearing then. And Plaintiffs will have no pre-deprivation hearing should Hardman or another state police officer under Defendant Noble’s control order them from the buffer zone, assault them, or arrest them for quiet, First Amendment-protected speech. The constitutionally permissible thing to do here is to presume that all speech is protected unless it falls into a narrowly pre-established category of prohibited speech. If the State Police want to stop someone from, perhaps carrying a Bible verse into the buffer zone, they should be required to seek pre-deprivation permission.

The post-deprivation remedy is inadequate—the “review” procedure in the Supplemental Order cannot turn back time. Jason Grant will never again be able to hold his sign where he was on May 15. Thomas Derosier will never again be able to film the events of May 19 he was barred from filming. Erica Walsh will never be able to wear her sweatshirt across from the courthouse for the rest of May 19. There is nothing post-deprivation review can do—that’s why the Supreme Court found that “The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976).

Even were the Court to overlook the fact that violations of First Amendment rights can never be undone, the so-called “review” is far from adequate. Immediately after Erica Walsh was arrested, undersigned counsel attempted to file a request for review, but non-parties cannot directly file to the *Read* case. Attorney Randazza went to the Norfolk Superior Court Clerk’s office and no judge was called for expeditious review that afternoon; the Court will note that Attorney Randazza participated in the remote conference on Monday May 19 from an empty courtroom within the Norfolk Superior Courthouse, where he waited for hours without any expeditious review. And the “review” came and went with no outcome.

It should be noted that, if Judge Cannone truly were concerned with potential noise and that was not just a pretext, she could have held the second *Read* trial in *that* courtroom or any courtroom other than the one it presently is in, where it is the only courtroom that is exposed to outside noise. She already moved the Karen Read trial from its original courtroom to a diminutive courtroom facing High Street. Why not move it to one of the empty courtrooms that only overlook alcoves that are entirely court property? She seems to have moved the trial to a courtroom that would be the most exposed to any noise, then slammed down her gavel on the skull of the First Amendment to purportedly avoid that foreseeable noise.

Narrow tailoring, thus, could have included relocation of the trial itself to available courtrooms more insulated from noise. Judge Cannone cannot point to a problem of her own making and then violate the constitution as a purported fix. Moreover, noise was not actually a problem during the first trial. One Juror testified to this (ECF No. 54-1), but Judge Cannone never entertained evidence that would undermine the narrative from Hardman and another unnamed juror that noise was a problem. (And even that juror did not say it interfered with deliberations or



influenced them.)<sup>8</sup> That is, narrow tailoring must be to the government interest, but the noise did not actually relate to the expressed government interest—a fair trial. Judge Cannone’s Supplemental Order either prohibits more than what the state and town deem lawful noise, and goes further than what G.L. c. 268, §§ 13A & 13B already prohibit, or her order is meaningless drivel. If it prohibits more, then it is not narrowly tailored—existing law is sufficient, as it was for the *Tsarnaev* trial. If it prohibits no more, then the State Police must be restrained in their overzealous enforcement.

Similarly, if the prohibition on written and graphic materials prohibits more than what G.L. c. 268, §§ 13A & 13B already prohibit, such as Bible verses (Grant) and speech decrying government corruption (Walsh), then Judge Cannone failed in her narrow tailoring. And if it prohibits no more than what existing law does, then Defendant Noble must be forced to obey the law and respect the constitutional rights of citizens.

The carve out fails to serve its purported purpose. Noble authorized Hardman (whose own declaration was used by Judge Cannone to reinstitute and expand the buffer zone) to set up a dictatorship in the buffer zone. Hardman is the one who assaulted Derosier. Hardman arrested Walsh. Hardman caused another citizen to be cited a month prior for a motor vehicle violation, despite having initially only been given a warning, because the citizen then said “Fuck the Police.”<sup>9</sup>

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<sup>8</sup> “I heard noise from outside while in the jury room on less than a handful of occasions and never heard any noise inside the courtroom. The noise was no more disruptive than normal traffic passing by or first responders who were forced to use more sirens than usual while serving the citizens of Dedham as they passed through traffic caused by State Police vehicles around the perimeter of the courthouse. I could not make out any words, only cheers similar to what you would hear at a sporting event” ECF No. 54-1 at 24 ¶ 6.

<sup>9</sup> See [https://x.com/massaccountabi1/status/1907901401591853141?s=46&t=s6n\\_yqPcH1CbLiDEdVIYSQ](https://x.com/massaccountabi1/status/1907901401591853141?s=46&t=s6n_yqPcH1CbLiDEdVIYSQ)

Hardman is the one who assaulted Bao Nguyen for doing nothing more than filming in a public place.<sup>10</sup>

If anything, Defendant Noble must be enjoined to restrain Hardman’s lawlessness and personal vendettas that chill Plaintiffs’ speech, because Hardman *seems* to be using the buffer zone as his own personal zone to act out every unconstitutional fantasy he has. However, this cannot all be blamed on Hardman – Noble certainly has endorsed his actions, as no matter how many lawsuits are filed over Hardman’s actions, Noble seems to have no concerns at all. But at the very least, relieving Hardman from this particular duty just might calm things down.

### **3.0 Injunctive Relief to be Issued**

The Supplemental Order has done nothing to restrain the unfettered latitude Judge Cannone gave the Massachusetts State Police in the Second Buffer Zone Order. The First Circuit and this Court allowed Judge Cannone to rein them in and narrowly tailor her order. She refused. The time for waiting is over. The whole country is watching this trial and, now, what *this* Court is doing. This Court can either restore the Constitution in Dedham or provide a blueprint for suppressing criticism of the government. Whichever the outcome, it will be a national civics lesson at a time when the United States is crying out for someone to restore the rule of law. Can we simply see our freedoms from afar, but once we approach them closely enough to reach for them and use them, they turn to sand? This Court has the privilege and honor of proclaiming that the vision of a free people is not merely a mirage. Or this Court can play the part of letting us all drink sand to quench our thirst for Liberty.

Just as Paine’s “*Common Sense*” and Hamilton’s “*A Farmer Refuted*” were read aloud in public spaces in the cradle of liberty, so, too, must peaceful assembly and demonstration, with

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<sup>10</sup> See <https://x.com/MassAccountabi1/status/1915083208447946789>

messages that criticize the government be allowed. Plaintiffs are likely to succeed on the merits, they are facing irreparable harm, and the equities and public interest favor Plaintiffs' First Amendment rights.

In light of the foregoing, Plaintiffs respectfully request this Honorable Court enter an order granting their motion for preliminary injunction (ECF No. 2) and enjoining the Second Buffer Zone Order, and the enforcement thereof, in its entirety. It was entered with no power to do so, and the government has never provided a shred of authority to support that assertion of power. It was entered without due process, and post-deprivation illusory proceedings have not cured that problem. There are existing laws that stand in the way of any evil that the buffer zone could charitably be seen as combating. *See, e.g.*, G.L. c. 268, §§ 13A & 13B and 310 CMR 7.10. The only thing that the buffer zone does is give the police the wide latitude to act like thugs and to crack down on anti-government speech.

If this Court will not strike down the zone in its entirety, it should at the very least enjoin Defendant Noble, directing him to reassign Hardman, and limit the remaining State and local police to enforcement of the Buffer Zone order to be coextensive with G.L. c. 268, §§ 13A & 13B, and any other law they would have ordinarily enforced prior to the *Read* case. Further, should any officer see a reason to seek to suppress any speech within the zone, absent an obviously exigent circumstance (like threats of violence) they should be the ones required to seek approval from a court, not the other way around.

Dated: May 20, 2025.

Respectfully Submitted,

/s/ Marc J. Randazza

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 20, 2025, the foregoing document was served on all parties or their counsel of record through the CM/ECF system.

/s/ Marc J. Randazza  
Marc J. Randazza

**RANDAZZA** | LEGAL GROUP

# **Exhibit A**

Declaration of Jason Walsh

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

JASON GRANT, ALLISON TAGGART, LISA  
PETERSON, and SAMANTHA LYONS,

Plaintiffs,

v.

TRIAL COURT OF THE COMMONWEALTH  
OF MASSACHUSETTS, BEVERLY J.  
CANNONE, in her official capacity as Justice of  
the Superior Court, GEOFFREY NOBLE, as  
Superintendent of the Massachusetts State Police;  
MICHAEL d'ENTREMONT, in his official  
capacity as Chief of the Police Department of the  
Town of Dedham, Massachusetts, and  
MICHAEL W. MORRISSEY, in his official  
capacity as the Norfolk County District Attorney,

Defendants.

Civil Action No. 1:25-cv-10770-MJJ

**DECLARATION OF JASON GRANT**

I, Jason Grant, hereby declare:

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 in the above-captioned matter.

3. I make this Declaration in support of Plaintiffs' Supplemental Brief in Support of Preliminary Injunction.

4. On May 16, 2025, I sought to stand across the street from the Norfolk Superior Courthouse holding an American flag and a Bible verse: 2 Corinthians 3:17 ("Now the Lord is the Spirit, and Where the Spirit of the Lord is, There is Freedom"). I was threatened by the Massachusetts State Police and was barred from protesting with my sign.

5. Below is a true and correct photograph of me holding the sign on May 16, 2025.



6. **Exhibit B**, is a true and correct video of the arrest of Erica Walsh. I am the person who filmed that video.

7. Below is a true and correct still image from the video I took of Erica Walsh being arrested on May 19, 2025.






8. After the Supplemental Order Regarding the Buffer Zone issued, the Massachusetts State Police told me “nothing has changed” in regards to the buffer zone.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Dated: 05 / 20 / 2025

By:   
Jason Grant

# **Exhibit B**

Video Exhibit  
Erica Walsh Arrest Video

**\*To be filed conventionally  
with the Clerk's Office.**

# **Exhibit C**

Incident Report  
Erica Walsh Arrest



**On-View Arrest**  
**Massachusetts State Police**

450 WORCESTER RD  
FRAMINGHAM, MA 01702  
(508) 820-2250

**CASE # 2025-HTrp-5260**

Invest Officer: Tpr Ryan Welsh ID# MSP5015  
Ryan.P.Welsh@pol.state.ma.us

Court: Dedham District Court

Agency: H CAT

Activity Date/Time 05/19/2025 1338 Incident Class: Field Interview or Observation

Location: 650 High St, DEDHAM, MA 02026

**Last: WALSH**

**First: ERICA**

Middle:

DOB:

Age:

SSN:

License #:

Lic. State:

SID:

PCF:

Address:

City/Town:

State:

Zip Code:

Phone #:

Occupation:

Race:

Sex:

Height:

Weight:

Hair Color:

Eye Color:

Marital Stat:

Spouse:

Father:

Mother:

Dependents:

Birth Place:



**OBTN: TSI5202500043**

Booked @ H-2 State Police Framingham

Custody Status: Bail Set

Booking Officer: Tpr Ryan Welsh ID# MSP5015

Courtesy Booking: No

Courtesy Booking Station: N/A

Photo Officer: Tpr Ryan Welsh ID# MSP5015

Desk Officer: Tpr Scott Lucas ID# MSP4553

Fingerprinted: Yes

Print Officer: Tpr Ryan Welsh ID# MSP5015

Subject Video Taped: Yes

PREA Screening & Education: Yes

Miranda Warnings Given: Yes

Language Rights: Yes

Translation By: N/A

Primary Caretaker of Child? No

Injuries: No

Suicidal? No

Phone Used: Yes

Number Called: [REDACTED]

Call Permitted By: Tpr Ryan Welsh ID# MSP5015

Detox Notified: No

M/W: No

Medications: None.

ICE Detainer?: No

Held on Detainer?: No

*[Signature]*  
Tpr Ryan Welsh ID# MSP5015

Status: Approved  
Approved by: Sergeant Michael Hardman ID# msp3121

Supervisor

Arrest Narrative:

2025-HTrp-5260

By T



Commonwealth of Massachusetts  
Probation Department  
Court Activity Record Information

5/20/2025 7:36:10AM

Page 1 of 1

Walsh, Erica

Conversion, XX CONV

## CARI

05/02/2024

CA

DKT#: 2411CR001234B

DT: 05/02/2024 Tewksbury PD CRT: LOWELL DISTRICT (11)

OFFENSE: THREATENING (THREAT) COMM CRIME - A&amp;B

DISPOSITION: PTCOR-A C 11/12/24 DISM

STATUS: CLOSED

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Records Include: PCF = 5651032, Case Number = , Docket Report Group = ALL, Docket Code = ALL, Include Linked Charges = True,  
Include Linked Cases = True, Include Rapsheet = False, Include DV Linked Images = False, Include Sealed Records = False.



Arrest Narrative:

2025-HTp-5260

By Tpr Ryan P Welsh ID# MSP5015

Body worn camera (BWC) and/ or cruiser mounted camera (CMC) video images were captured during this incident. The Department of State Police policy recognizes that body worn camera and cruiser mounted cameras, by virtue of their placement on a member's uniform and cruiser, do not capture all visual and auditory observations made by a member on scene. This report is a summary of the events and not intended to capture every detail. Please refer to BWC/ CMC for further information.

On April 01, 2025, the second trial of Commonwealth v. Karen Read began in Norfolk Superior Court. Judge Beverly Cannone, the presiding judge in Commonwealth v. Karen Read, implemented a "buffer zone" around the Norfolk Superior Courthouse. This "buffer zone" prohibits demonstrating around the Norfolk Superior Courthouse during the trial and states in part, "no individual may demonstrate in any manner, including carrying signs or placards, within 200 feet of the courthouse complex during trial of this case..."

On May 19, 2025, at approximately 1338 hours, Trooper Ryan Welsh #5015, Sergeant Michael Hardman #3121 (Supervisor: Mass State Police Troop H Community Action Team), Trooper Anthony Nunziato #4576, Trooper Michael Clifford #4457 and Trooper Jeffrey Lang #4339 and was assigned to courthouse security at Norfolk Superior Court in Dedham for the Commonwealth V. READ Trial. While on post in front of the Registry of Deeds (649 High Street, Dedham), all Troopers observed a known protestor/demonstrator, identified as WALSH, Erica [REDACTED] walking by wearing a black sweatshirt with the words "Criminals Control Norfolk County" inside the Buffer Zone. Additionally, WALSH was wearing a hat labeled "FKR" an acronym standing for "Free Karen Read". WALSH has been addressed, warned and criminally charged three separate times in the past for wearing clothing items that directly involve the Comm. V Read Trial, which directly violates Judge Cannone's order. WALSH has also been informed that if she continues to violate the court order, she will be subject to arrest. The Massachusetts State Police has attempted to educate, warn, and enforce the Court Order without arresting WALSH to no avail. WALSH shows no regard for the Buffer Zone or the courtesy that the State Police has given her regarding her several court order violations. Troopers have even had discussions with known associates of WALSH that also are present during the day to try and curve WALSH's behavior. A good majority of the protestors at the Read Trial are cooperative and have good relations with the Troopers assigned to courthouse security. WALSH is an outlier that refuses to comply.

WALSH purposely walked directly next to the day shift State Police Community Action Team's (CAT) cruisers at 649 High Street, Dedham and sat on the cement slab that separates the front lawn of the Registry of Deeds and the sidewalk, directly in front of Norfolk Superior Court. WALSH had a camera crew with her while she made the walk, clearly displaying that this was a planned protest encounter. WALSH approached this location with the intent to picket in front of the courthouse and be placed under arrest by the Massachusetts State Police. WALSH purposely wore these items in the Buffer Zone and had the intent to obstruct or impede the administration of justice and with the intent to influence the Judge, jury, witnesses or court officers. WALSH sat on the slab with her camera crew of approximately 6 individuals and a gentleman in a blue suit (later found out to be her hired attorney at the time of arrest, Marco Randazza), for approximately 5 minutes. WALSH's camera crew was videotaping her, Norfolk Superior Court and all of our State Police Cruisers. While WALSH was sitting on the slab, Sergeant Hardman was in contact with Lisa Beatty who is the Assistant District Attorney for Norfolk County. Sergeant Hardman advised Lisa that this was a planned protest. Lisa stated the best course of action is to have a conversation and explain to WALSH That she needs to comply with the Court Order regarding the Buffer Zone, or she will be subject to arrest.

WALSH eventually got up and walked southbound on the sidewalk of High Street. WALSH, her attorney and her camera crew were met by Sergeant Hardman and I, Trooper Ryan Welsh. Sergeant Hardman told WALSH that she had been notified and warned that she cannot wear that sweatshirt inside the Buffer Zone multiple times. Sergeant Hardman also explained that she has been criminally summonsed for this in the past. Sergeant Hardman asked WALSH if she wanted to talk to the Judge, take the sweatshirt off or be subject to arrest. WALSH's attorney, Randazza stated she does not answer questions at this time. Sergeant Hardman stated to WALSH "You are under arrest". WALSH tensed up and pulls her arm away from Sergeant Hardman. Sergeant Hardman stated to stop resisting and placed WALSH in handcuffs. WALSH was escorted to the Mass State Police transport van #2960 and placed in the rear of the van. WALSH's belongings were given to Randazza at her request and transported to State Police Framingham. WALSH was relatively calm during the initial arrest, however during the transport she began swearing at me, kicking the backseat, and crying. While at State Police

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WALSH  
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Framingham, WALSH was booked, fingerprinted, and photographed. WALSH was read her Miranda Rights open entry into the booking room where she subsequently signed and understood what was read to her. At the time of this writing, WALSH is being held at State Police Framingham pending contact of Bail Clerk Eric Guzzi. During booking WALSH continued to have change in behavior. WALSH would cry, get frustrated, and then get angry. WALSH continued to have mood swings throughout the booking process.

WALSH is being charged with the following out of Dedham District Court:

1. TRESPASS CH. 266 SECTION 120
1. COURT/JUDGE/JUROR, PICKETING CH. 268 SECTION 13A

**A history of WALSH at Commonwealth V Read:** WALSH is a frequent protestor/ demonstrator that partakes in daily demonstrations at the edge of the Buffer Zone. WALSH believes that Karen READ was framed. WALSH was an attendee at the first READ trial, which took place between April 16, 2024, through July 01, 2024. WALSH continues to attend almost every hearing and trial date regarding Karen READ and Aidan KEARNEY (Turtleboy). KEARNEY was charged criminally for intimidating witnesses several times involving the READ case.

WALSH usually congregates with other protesters at the edge of the Buffer zone on High Street in front of the Dedham Post Office. There are several signs posted around the Buffer Zone that state "Entering the Buffer Zone". There are two signs posted on light poles at eye level in the area of the Post Office. There are also "Entering the Buffer Zone" signs affixed on all of the main streets at the edges of the Buffer Zone. WALSH had to walk by these signs to approach the location she was encountered. As stated, WALSH is a frequent in the area and is aware of the court order regarding the Buffer Zone. Where WALSH was observed picketing, is a highly trafficked area of pedestrians, prosecutors, jurors, witnesses, court personnel and the victim's family. Potential jurors for the Superior Court exit from the Registry of Deeds and cross the street to the Superior Court. Witnesses from this case enter and exit through the front of Norfolk Superior Court front doors. Parties involved in the Read Trial will often stand at the entrance on breaks for fresh air and/or a cigarette. WALSH's sweatshirt had the potential to be seen from the Superior Court windows and front entrance.

WALSH has pictures with Karen READ available on her social media (Facebook and Instagram). WALSH approached the READ family as they exit the courthouse and embraced them with hugs. WALSH has even entered the courthouse with the READ family during the trial to sit with the family (05/06/2025). WALSH was identified and warned for violations of the court order on April 30, 2025, at approximately 0916 hours regarding Buffer Zone violations by Trooper Nunziato #4576 and Trooper Freedman #4712. WALSH was observed walking through the Buffer Zone with a "Free Karen Read" sweatshirt. WALSH was warned and asked to cover up the sweatshirt until she exited the Buffer Zone. Approximately 20 minutes after being warned, WALSH then walked through the Buffer Zone again, wearing the same sweatshirt, partially covered and carrying a "Free Turtleboy" sign affixed to a wooden pole (25-178284). Again, on April 30th WALSH returned to the Buffer Zone wearing a "Free Turtleboy Shirt" for the Aidan KEARNEY Hearing, standing in front of the Norfolk Superior Court steps awaiting to enter the courthouse. The READ Trial was on a lunch break and returned while WALSH was waiting in line. WALSH was eventually criminally charged for the violations and for wearing the exact "Criminals Control Norfolk County" sweatshirt on 05/02/2025 in front of the Registry of Deeds (Case #2025-SERT-35/21).

On May 12, 2025, at approximately 1100 hours, WALSH was again observed wearing the "Criminals Control Norfolk County" sweatshirt through the Buffer Zone (Case # 2025-112-251/6). Trooper Jonathan Freedman #4712 approached WALSH and addressed the sweatshirt. Trooper Freedman explained to WALSH that she had been spoken to previously for wearing the exact sweatshirt through the Buffer Zone in the past. WALSH became confrontational stating that it did not have Karen Read on it. WALSH then became very upset and offered herself up for arrest. Troopers did not place her into custody but rather told her she must leave the Buffer Zone and that she will be criminally summonsed for trespassing again for violating the court order.

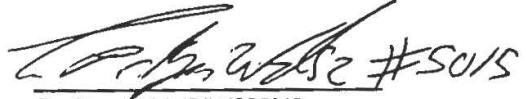
WALSH has stated multiple times that this sweatshirt does not involve the Karen Read case, but a different one. However, attached is a photo that was posted from Aiden Kearney (AKA TurtleBoy Twitter Handle @doctorturtleboy) on May 12, 2025 at 1147 hours directly next to the Buffer Zone. This photograph shows that this sweatshirt is directly related to the Buffer Zone and the Com. V. Read Trial. Norfolk County is directly involved as the Commonwealth in the Com V. Read Trial.

WALSH was identified on May 16th, 2025 by Sergeant Hardman (Case #25-203188) at approximately 1050 hours wearing a black t-shirt that stated, "Mass State Police, Biggest Gang In Town".

WALSH was identified by myself earlier today, May 19, 2025 at approximately 1114 hours (Case #25-207753) wearing the same sweatshirt WALSH has been warned about and criminally summonsed three times prior to this arrest and has been mentioned in this report in paragraph 3. WALSH walked into the Buffer Zone and waited to see our reaction. Once WALSH got a reaction from us, she hastily walked out of the Buffer Zone, appearing to play a game of cat and mouse. While WALSH has been

warned more than multiple times and criminally charged, WALSH has always been welcomed to walk, stand and be in the area if she is adhering to the Buffer Zone despite her attitude with the State Police and her lack of abiding by Judge Cannone's Order. WALSH has always been welcomed to protest her beliefs as long as she is in compliance with the court order despite her several pending charges.

Attached to this report are pictures of the Buffer Zone signs, The Court Order, The amendment to the Court Order, the picture posted by Turtleboy of the "Criminals Control Norfolk County" sweatshirt that WALSH is wearing next to the Buffer Zone sign, and the picture of the "Criminals Control Norfolk County" sweatshirt that WALSH wore today.

A handwritten signature in black ink, appearing to read "Tpr Ryan Welsh #5015", written over a horizontal line.

Tpr Ryan Welsh ID# MSP5015

Tpr Ryan Welsh ID# MSP5015



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**COMMONWEALTH OF MASSACHUSETTS**

**NORFOLK, ss.**

**SUPERIOR COURT  
CRIMINAL ACTION  
22-00117**

**COMMONWEALTH**

**vs.**

**KAREN READ**

**SUPPLEMENTAL ORDER REGARDING THE BUFFER ZONE**

The court is in receipt of the decision of the United States Court of Appeals for the First Circuit in *Grant v. Trial Ct. of Commonwealth of Massachusetts*, No. 25-1380 (1st Cir. May 9, 2025) (hereinafter “The Decision”). To simplify any potential First Amendment issues related to the Buffer Zone restrictions implemented by prior orders, this court, guided by the Court of Appeal’s suggestion set out on page 12 of The Decision, issues the following supplemental order regarding the Buffer Zone:

First, for all the reasons cited in support of prior orders and based upon the parameters of the dispute as narrowed and described in the Decision, all orders of this court remain in place insofar as they apply to Courthouse property.

Second, prior orders remain in place as applied to pathways – including public sidewalks and roads – through which and at which times trial participants enter and exit the Courthouse.

Third, noisy protests, including those using amplified sound, honking horns or loud screaming and yelling that are intended to interfere with the administration of justice or are intended to influence any judge, juror, witness, or court officer in the discharge of his or her duties are prohibited within the buffer zone.

Fourth, the display of written or graphic materials that are intended to interfere with the administration of justice or are intended to influence any judge, juror, witness, or court officer in the discharge of their duties are prohibited within the buffer zone.

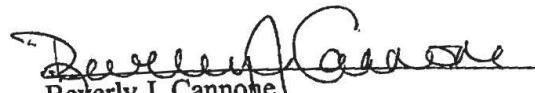
Fifth, any person whose activity has been restricted by an officer enforcing this order may request review by a judge of the Superior Court, which request shall be heard as expeditiously as possible.

Quiet, offsite demonstrations on public property, in areas and at times that do not interfere with trial participants’ entrance into or exit from the Courthouse, and that do not interfere with the orderly administration of justice, and that are not intended to influence any trial

participants in the discharge of their duties are specifically outside the scope of the Buffer Zone restrictions.

**SO ORDERED**

Date: May 15, 2025

  
Beyerly J. Cannone  
Justice of the Superior Court

**TRESPASS**

G.L.c. 266, § 120

**The defendant is charged with trespass.**

**In order to prove the defendant guilty of trespass, the Commonwealth must prove two things beyond a reasonable doubt:**

***First:* That, without right, the defendant entered or remained (in a dwelling house) (in a building) (on a boat) (on improved or enclosed land) of another; and**

***Second:* That the defendant was forbidden to enter or to remain there by the person in lawful control of the premises, either directly or by means of a posted notice.**

*Commonwealth v. Richardson*, 313 Mass. 632, 637 (1943) (the two forbidden acts are phrased disjunctively); *Commonwealth v. Einarson*, 6 Mass. App. Ct. 835, 835 (1978) (municipal ordinance or regulation forbidding trespass after dark must be introduced in evidence).

**The first requirement is satisfied by proof that the defendant either entered on the premises without permission, or failed to leave after being requested to do so.**

**A. If there was a posted notice.**

**To satisfy the second element, the Commonwealth is not required to prove that the defendant actually saw a notice forbidding trespassing. The**

**Commonwealth is only required to prove that there was a reasonably distinct notice forbidding trespass, and that it was posted in a reasonably suitable place so that a reasonably careful trespasser would see it.**

*Fitzgerald v. Lewis*, 164 Mass. 495, 500 (1895) (notice need not be signed or indicate the basis of its authority).

**B. If there was no posted notice. To satisfy the second element by**

**proving that the owner “directly” forbade entry to the defendant, the law does not require a person having control of unposted premises to be on the premises at all times of the day or night to personally warn off intruders. Such a person may also bar entry by securing the premises with secure fences or walls and with locked gates or doors, and this is considered to be “directly” forbidding entry to the premises.**

*Commonwealth v. A Juvenile (No. 1)*, 6 Mass. App. Ct. 106, 108 (1978).

#### NOTES:

1. **“Another’s” property.** Evidence supporting an inference that the property did not belong to the defendant is sufficient to establish that the property belonged to another. *Commonwealth v. Averill*, 12 Mass. App. Ct. 260, 263 (1981).

2. **Without right.** “A belief on the part of the person entering upon land not in his control that the land is his” is still an entry without right. *Fitzgerald v. Lewis*, 164 Mass. 495, 501 (1895).

3. **External deck, porch, steps.** An external deck or porch, or steps leading to the front door, are properly regarded as part of a building for purposes of the trespass statute. *Commonwealth v. Wolf*, 34

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Mass. App. Ct. 949, 949 (1993).

4. **Holdover tenants.** A trespass charge may not be brought against holdover tenants; instead the owner must resort to civil proceedings. G.L. c. 266, § 120. As to foreclosing a mortgagee's rights, see *Attorney General v. Dime Savings Bank of New York, FSB*, 413 Mass. 284, 287-91 (1992).

5. **Implied license.** Under some circumstances, a person may be privileged to enter onto another's property to determine whether the person in control wishes to deal with him, and for passage off upon receiving a negative answer. See *Commonwealth v. Hood*, 389 Mass. 581, 589-590 (1983); *Commonwealth v. Krasner*, 360 Mass. 848, 848 (1971) (such implied license may extend to some parts of property but not others); *Richardson*, 313 Mass. at 639-40.

6. **Not lesser included offense of breaking and entering.** Trespass is not a lesser included offense of breaking and entering. *Commonwealth v. Vinnicombe*, 28 Mass. App. Ct. 934, 935 (1990).

7. **Public property.** General Laws c. 266, § 120 may be applied to state or municipal property as well as to privately-owned property. *Commonwealth v. Egleson*, 355 Mass. 259, 262 (1969). The model instruction may be adapted for a complaint brought under G.L. c. 266, § 123 (trespass on certain public property).

8. **Necessity defense.** In determining whether a defendant has satisfied the foundational requirements to claim necessity (see Instruction 9.240), the requirement that a defendant must present enough evidence to demonstrate at least a reasonable doubt that there were no effective legal alternatives available does not require a defendant "to rebut every alternative that is conceivable; rather, a defendant is required to rebut alternatives that likely would have been considered by a reasonable person in a similar situation." *Commonwealth v. Magadini*, 474 Mass. 593, 601 (2016) (defendant's testimony that he had been denied entry to the local homeless shelter, that he was unable to rent an apartment despite repeated attempts, and that he had no place else to stay was sufficient for the issue to go to the jury; whether it is an effective legal alternative for a homeless person to seek shelter outside of his or her home town is a question of fact for the jury to decide).

9. **Related statutes.** See G.L. c. 266, §§ 121 (trespass with firearms), 121A (trespass with vehicle); 120A (owner of trespassing parked vehicle is prima facie the trespasser), 120D (disposal of trespassing parked vehicle). See also G.L. c. 266, §§ 120B (abutter's privilege), 120C (surveyor's privilege).

**Title I**

CRIMES AND PUNISHMENTS

**Chapter 268**

CRIMES AGAINST PUBLIC JUSTICE

**Section 13A**

PICKETING COURT, JUDGE, JUROR, WITNESS OR COURT  
OFFICER

Section 13A. Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, 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 judge, juror, witness, or court officer, shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than one year, or both.

Nothing in this section shall interfere with or prevent the exercise by any court of the commonwealth of its power to punish for contempt.

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

SUPERIOR COURT  
CRIMINAL ACTION  
22-00117

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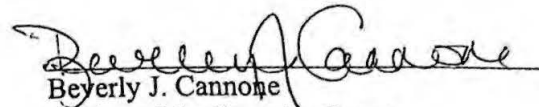
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participants in the discharge of their duties are specifically outside the scope of the Buffer Zone restrictions.

**SO ORDERED**

Date: May 15, 2025

  
Beverly J. Cannone  
Justice of the Superior Court



# **Exhibit D**

Video Exhibit  
Derosier Video

**\*To be filed conventionally  
with the Clerk's Office.**