

Judge will implement 200-foot buffer zone around courthouse during Karen Read trial

By Travis Andersen Globe Staff, Updated April 4, 2024, 6:08 p.m.

The judge presiding over the murder case against Karen Read said Thursday that she'll implement a 200-foot buffer zone keeping demonstrators a distance from the courthouse when the trial starts on April 16, but that a government request to keep protesters at least 500 feet away is "far too excessive."

Judge Beverly J. Cannone said during a hearing in Norfolk Superior Court that it's "undisputed" that citizens have a First Amendment right to protest.

"But the bedrock principle of the trial court is assuring a defendant ... a right to a fair trial," Cannone said. "Which includes a right to a fair and impartial jury, which by definition is a jury free from any outside influence."

In balancing those concerns, Cannone continued, she's determined that "an external buffer zone is appropriate and that we do need prudent regulation on in-court expression. But the 500 feet is far too excessive."

Such orders are not without precedent in high-profile cases.

In Norfolk County, buffer zones were implemented for both trials related to the "Puppy Doe" animal abuse case, the second of which resulted in Radoslaw Artur Czerkawski being convicted in 2018 of 12 counts of animal cruelty for heinously torturing a dog in a case that garnered international headlines.

And a lawyer for Emanuel Lopes, who was convicted in February at his second trial of murdering Weymouth police Sergeant Michael Chesna and Vera Adams, 77, in 2018, had sought a buffer zone prior to the first trial keeping demonstrators from within 500 feet of the courthouse, records show. The first trial ended in a hung jury.

Prosecutors had filed a motion seeking the 500-foot buffer and a ban on wearing clothing decorated with Read-related slogans in the courthouse to shield jurors from improper outside influence. The case has drawn national headlines and prompted scores of Read's supporters to demonstrate outside during her hearings, hoisting signs emblazoned with messages such as "Free Karen Read," and "FRAMED."

In Bristol County, the judge presiding over the first murder trial of former New England Patriot Aaron Hernandez in 2014 issued an order barring anyone wearing team-themed clothing from entering the courthouse at trial, to "ensure the safety and well-being of all trial participants ... and the dignity" of the legal proceedings.

Assistant District Attorney Adam Lally, in arguing for the buffer zone Thursday, said similar zones have been established for prior cases in Norfolk County.

"Protesting is going to happen, that's fine," Lally said. "It's just where it happens, and how it impacts the jury in this case, is what the Commonwealth has concerns about. ... Essentially what this motion is asking, or seeking to protect, is the freedom of the jurors who are called upon to execute their civic duty unfettered from extraneous influence. We're not asking the court to restrict the media or anyone's access to the media."

Tanis M. Yannetti, a lawyer for Read, said the defense took no formal position on the buffer zone.

"Please note that we do not control these protesters," Yannetti told the court. "This has been an organic movement that arose because ordinary citizens were made aware of the case and apparently agree with us that the prosecution of Karen Read is unjust. Speaking out against injustice is a fundamental American right. My client is appreciative of the

support she has received and continues to receive but we in no way dictate or instruct anyone to do anything.”

Besides, the defense doesn't need any outside noise to secure an acquittal, Yannetti continued.

“Our intent is and always has been that we are going to win this case inside the courtroom,” Yannetti said. “Your honor, that is what we're going to do.”

Martin G. Weinberg, a prominent criminal defense lawyer in Boston, said in a statement that the court has “an absolute right” to shield a jury from outside influence.

“Far more often this benefits accused defendants given that the public fury is more often directed against charged and unpopular defendants than against prosecutors for bringing unwarranted accusations,” Weinberg said. “Judge Cannone has wide discretion to guarantee that the upcoming trial is free of outside influence whether from media or demonstrations and that the jury determines Ms. Read's guilt or innocence solely on the basis of the evidence presented in the courtroom and not from the demonstrators on the streets of Dedham.”

Read has pleaded not guilty to charges of second-degree murder, manslaughter while operating under the influence, and leaving the scene of an accident causing personal injury or death.

Prosecutors allege that she backed her SUV into Boston police Officer John O'Keefe in the predawn hours of Jan. 29, 2022, on Fairview Road after a night of heavy drinking and bar hopping. Read allegedly returned to scene around 6 a.m. with two other women and found O'Keefe's snow-covered body, later telling a first responder, “I hit him. I hit him. I hit him,” according to legal filings.

In addition, prosecutors say Read's rear taillight was damaged in the crash, and that O'Keefe's DNA was present “on the broken taillight and on microscopic pieces of red and

clear apparent plastic located in” his clothing.

In previous court filings, prosecutors have said DNA testing was also being conducted on a human hair recovered from the rear quarter panel of Read’s SUV. Asked Thursday about the status of that testing, Lally said the lab doing the work has indicated a report would likely be available “some time after” April 16.

The judge wasn’t pleased.

“The trial starts a week from Tuesday,” Cannone said. “I would entertain a motion to exclude the DNA.”

“Understood,” Lally replied.

Read’s lawyers insist she’s being framed. They assert that she dropped O’Keefe off and that he entered a home on Fairview Road, owned at the time by a fellow Boston officer who was hosting a gathering. They say O’Keefe was beaten inside the home before his body was planted outside.

Material from prior Globe stories was used in this report.

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