

# Federal probe of Karen Read murder case highly unusual, legal experts say

By Shelley Murphy Globe Staff, Updated April 9, 2024, 8:16 a.m.

A federal investigation into allegations of a police coverup involving the 2022 death of Boston police Officer John O’Keefe in Canton is highly unusual and will likely have an impact on the upcoming murder trial of his girlfriend, Karen Read, according to several legal experts.

Read’s case appears to mark the first time in recent memory the US attorney’s office in Massachusetts convened a grand jury to investigate the state’s handling of a murder prosecution while the trial is pending, according to several prominent criminal defense attorneys and former federal prosecutors.

“It’s highly unusual, but that doesn’t mean they don’t have the power and right to do it if they think there are federal crimes occurring,” said Brian T. Kelly, a former federal prosecutor who served as chief of the public corruption unit at the US attorney’s office in Boston.

The yearlong federal investigation into the state’s prosecution of Read has not led to any federal charges.

Now, the burden is on the Norfolk district attorney’s office to prove that Read, 44, of Mansfield, killed O’Keefe. Jury selection is scheduled to begin April 16, in Norfolk Superior Court in the case that has drawn national attention and made her a cause célèbre among supporters who believe she was framed.

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

Norfolk District Attorney Michael Morrissey wrote letters to the Justice Department last year raising concerns about “the unprecedented use of federal power to interfere with a state homicide investigation,” according to court filings.

The investigation presents Read’s attorney’s with an unusual advantage: They may use evidence that was gathered by federal prosecutors, and recently turned over in the state case, to attempt to challenge the credibility of some of the state’s key witnesses at trial.

It’s “very rare” and “very messy” to launch a federal investigation into the handling of an active state murder investigation, said Zachary Hafer, a former federal prosecutor who served as chief of the criminal division at the US attorney’s office in Boston.

“One of the reasons it’s so rare is all of the practical complications,” said Hafer, who is not involved in Read’s case, noting that federal and state prosecutors are compiling reports and taking statements from the same witnesses during their simultaneous investigations.

Shortly after midnight on Jan. 29, 2022, O’Keefe and Read were among a small group of friends invited back to the Canton home of Boston police Sergeant Detective Brian Albert after leaving a local bar, according to prosecutors. They allege that Read was intoxicated when she dropped O’Keefe off during a blinding snowstorm, then struck him with her SUV and left him to die in the bitter cold.

State prosecutors insist there is overwhelming evidence implicating Read, including O’Keefe’s DNA found on the broken taillight of her car.

The state medical examiner found that O’Keefe, 46, was likely incapacitated by severe head injuries, and hypothermia was a contributing factor to his death, according to court

filings.

Read's lawyers, David Yannetti and Alan Jackson, allege that O'Keefe was severely beaten inside the home, attacked by the family's German Shepherd, and dumped outside. They have accused police of a coverup and cited evidence that the state trooper assigned to the case has a personal relationship with the Albert family.

The US attorney's office and the FBI declined to comment on the federal investigation. However, it was disclosed during state court proceedings in Read's case that all of the people who were inside Albert's home around the time of O'Keefe's death were subpoenaed to testify before the federal grand jury last year.

A Karen Read supporter held a sign outside of Norfolk Superior Court following a motions hearing in March. JESSICA RINALDI/GLOBE STAFF

During a pretrial hearing last month, Yannetti said federal authorities hired crash reconstruction experts, who concluded that O'Keefe's injuries were "inconsistent" with being struck by a car.

But state authorities allege that O’Keefe suffered serious head injuries after being struck by Read. Norfolk Assistant District Attorney Adam Lally told the judge that documents provided by the US attorney’s office were “largely consistent” with the state’s theory of the case. He said all of the witnesses who were present at Albert’s house around the time of O’Keefe’s death testified before the federal grand jury that he never went inside and “there was no fight; there was no attack.”

The federal crash reconstruction report was among some 3,000 pages of documents, including grand jury statements by witnesses, that the US attorney’s office turned over to Read’s lawyers and state prosecutors in February. Those documents were impounded by Judge Beverly Cannone, who is presiding over Read’s case, and were not made public. But they may be used to question witnesses and challenge their accounts of what happened to O’Keefe.

The defense also may call the federal government’s crash reconstruction experts to the stand.

Tracy Miner, a longtime Boston criminal defense lawyer who has handled public corruption and murder cases, but has no involvement in Read’s case, said federal authorities have aggressively targeted local police for decades, ranging from public corruption cases in the 1980s to the more recent prosecutions of state troopers and police officers for collecting overtime pay for hours they didn’t work.

However, she said the federal probe of Read’s case is unusual because it’s happening simultaneously with her state prosecution for murder.

“I’m surprised they didn’t let it play out,” Miner said.

It’s unlikely the federal investigation will impede the murder prosecution, but “it certainly complicates it,” Miner said.

She said the federal investigation “absolutely” helps the defense in Read’s case because the prosecution’s key witnesses have previously testified before the federal grand jury and may be cross-examined about any contradictory statements.

“It’s very hard to be consistent so there are going to be inconsistencies in testimony between what they told police and what they told the feds,” Miner said.

Read’s attorneys also credited federal investigators with uncovering evidence that had been ignored by state prosecutors. Yannetti argued telephone records seized by federal authorities showed “suspicious contact” between Albert and another witness, Brian Higgins, shortly before O’Keefe’s body was discovered.

“Thank God another law enforcement agency stepped in and did what the DA should have done,” Yannetti said during a state court hearing last month.

But lawyers representing Higgins, Albert, and Albert’s wife and two children, told the judge that the US attorney’s office had authorized them to tell the court that their clients were not targets of the federal investigation.

**Longtime criminal defense attorney Martin Weinberg said every federal investigation doesn’t uncover evidence of wrongdoing. “It simply means [the US attorney] had some basis to begin an investigation that would substantially overlap with a traditional state murder case,” he said.**

**Now, Read’s fate will be left to a jury.**

**“At its roots it’s a classic murder case,” Weinberg said. “Can they prove what they charge? Is this woman innocent? And if guilty, is it voluntary murder?”**