

Turtleboy lawyer, special prosecutor spar over request to monitor attorney-client calls

By [Travis Andersen](#) and [John R. Ellement](#) Globe Staff, Updated January 26, 2024, 2 hours ago



Aidan Kearney appears in court via video link. NORFOLK SUPERIOR COURT

A lawyer for Aidan Kearney, the blogger known as “Turtleboy,” and a special prosecutor sparred Friday over [the prosecutor’s request for a third party to monitor conversations](#) between defense counsel and Kearney as he remains jailed while facing charges of allegedly intimidating witnesses in [the Karen Read case](#) and assaulting a former girlfriend.

Judge Debra A. Squires-Lee did not rule on the request from special prosecutor Kenneth S. Mello during a hearing in Norfolk Superior Court, instead taking the matter under advisement. It wasn't immediately clear when she would rule.

Mello reiterated during the hearing what he alleged in a legal motion Wednesday, when he wrote that Kearney's lawyer, Timothy J. Bradl, had misrepresented to jail officials that a woman named Jennifer Altman was an attorney on the defense team, which resulted in her phone number being placed on the attorney-client privilege list, allowing her to have unmonitored conversations with Kearney in violation of jail rules.

Bradl said he inadvertently identified Altman as a lawyer.

Mello asserted that Kearney was able to continue harassing Read witnesses as a result of Altman being identified as an attorney.

"He's behind bars, your honor, and he's just as active as he was when he was in public," Mello said, adding that the government doesn't "concur" with Bradl's assertion that he inadvertently identified Altman as a lawyer.

Mello said the government is "concerned that if attorney communications with the defendant were unmonitored, Mr. Bradl could use those communications as an opportunity for third parties to be involved and simply engage in the same types of unmonitored conversations that the jail rules are intended to prohibit."

Squires-Lee asked Mello "under what authority do you make that request" for her to issue an order to have someone monitor Kearney's calls with Bradl, "or is this entirely an unprecedented request?"

Mello replied that the request was without precedent.

It's also shocking, Bradl told the court.

“There’s nothing here but an honest mistake,” he said of his initial description of Altman as a lawyer. “The idea that I’m doing something wrong is just so completely offensive to me, I can’t even fathom.”

Legal experts on Friday blasted Mello’s efforts to have Kearney’s calls with Bradl monitored.

“Such a request is not only extraordinary but unwarranted,” said Martin G. Weinberg, a prominent criminal defense attorney in Boston, in an email message. “Mr. Kearney’s Sixth Amendment rights depend on the confidentiality of his communications with his counsel. How else can a criminal defense attorney prepare a defense for a client who is incarcerated?”

Kearney, 42, of Holden, has pleaded not guilty to intimidating witnesses in the murder case against Read, a Mansfield woman accused in the death of her boyfriend in January 2022.

Read has pleaded not guilty to second-degree murder and other counts for allegedly backing her SUV into her boyfriend, Boston police Officer John O’Keefe, and leaving him for dead in Canton during a blizzard in January 2022.

Read’s lawyers assert O’Keefe was instead beaten to death inside the Canton home of another Boston police officer, whose dog injured O’Keefe during the altercation, and that his body was planted on the lawn outside in an effort to frame Read.

Prosecutors have dismissed the assertion as baseless, but Kearney, a popular blogger, has championed Read’s claims of a frameup on social media. He’s [currently being held](#) without bail in a separate case alleging domestic assault of his former girlfriend.

Weinberg said Friday that it would be impossible for Bradl to represent his client with a third party listening in on their conversations.

“Mr Bradl simply cannot provide his client with effective representation with a monitor being metaphorically present each time he and his client plan for the future trial,” Weinberg said Friday.

The Kearney case, Weinberg continued, “has enough serious First Amendment issues without adding what I consider to be a very significant Sixth Amendment issue to the mix.”

Neema Rahmani, a former federal prosecutor who also served as enforcement director of the Los Angeles City Ethics Commission, said Friday that Mello’s request is unlike anything he’s encountered previously.

“It’s one thing to seize past communications and to have the judge or a third party like a referee or a special master to review them for evidence of a crime, but monitoring future communications between a criminal defendant and their lawyer goes to the heart of the attorney-client privilege and likely violates the Sixth Amendment right to counsel,” Rahmani said in an email.

Mello in his Wednesday motion had said Bradl left a voicemail with a jail official on Dec. 28 indicating that Altman was “an attorney” on the defense team, and he provided her number to be added to the list of privileged legal calls.

Altman, Mello wrote, is not an attorney and is instead “widely known” to be a “follower and minion” of Kearney, administrating “one or more” of his social media pages.

Bradl said in court papers Friday that he didn’t know about Altman’s involvement in Kearney’s online writings and added during the hearing that he had never met Altman at the time he gave her name to the jail.

Altman and Kearney had more than 60 unmonitored jail calls in violation of the rules, Mello wrote, giving “the Defendant the means to communicate with his followers” and to continue harassing Read witnesses.

Bradl countered that Altman has informed him that she and Kearney spoke only three times, not more than 60 times as stated by Mello.

“To reiterate, at the time I thought two of the new personnel were paralegals and that Ms. Altman was an attorney but I was mistaken,” he wrote in his filing Friday.

The next hearing in Kearney’s case is scheduled for Feb. 16.

Material from prior Globe stories was used in this report.

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