

BREAKING Dates set for Karen Read's retrial, hearing on dismissing 2 counts



Watch News 24/7

TRENDING 24/7 streaming news Biden drops out Trump shooting Karen Read trial Pa...

KAREN READ

Karen Read's lawyers keep up push for 2 charges to be dismissed

The defense says that they were not given the chance to be heard on a mistrial being declared, writing that Judge Beverly Cannone declared it without warning or soliciting objections

By **Asher Klein** and **Michael Rosenfield** • Published July 16, 2024 • Updated on July 16, 2024 at 7:57 pm

Attorneys for Karen Read are continuing to push for two of her charges to be dismissed.

The latest update in the [Karen Read](#) legal saga was filed Tuesday, with the woman's lawyers continuing to argue that [two of the three charges against her](#) in the death of her boyfriend, Boston Police Officer John O'Keefe, should be dismissed.

Before detailing the "several clear fallacies" in the prosecution's argument against dismissing the charges, Read lawyer Martin Weinberg noted in the Norfolk Superior Court filing that their opposition didn't dispute their claim that the jury was ready to unanimously find Read not guilty on the two charges in question.

STAY IN THE KNOW



[Watch NBC10 Boston](#) news for free, 24/7, wherever you are.



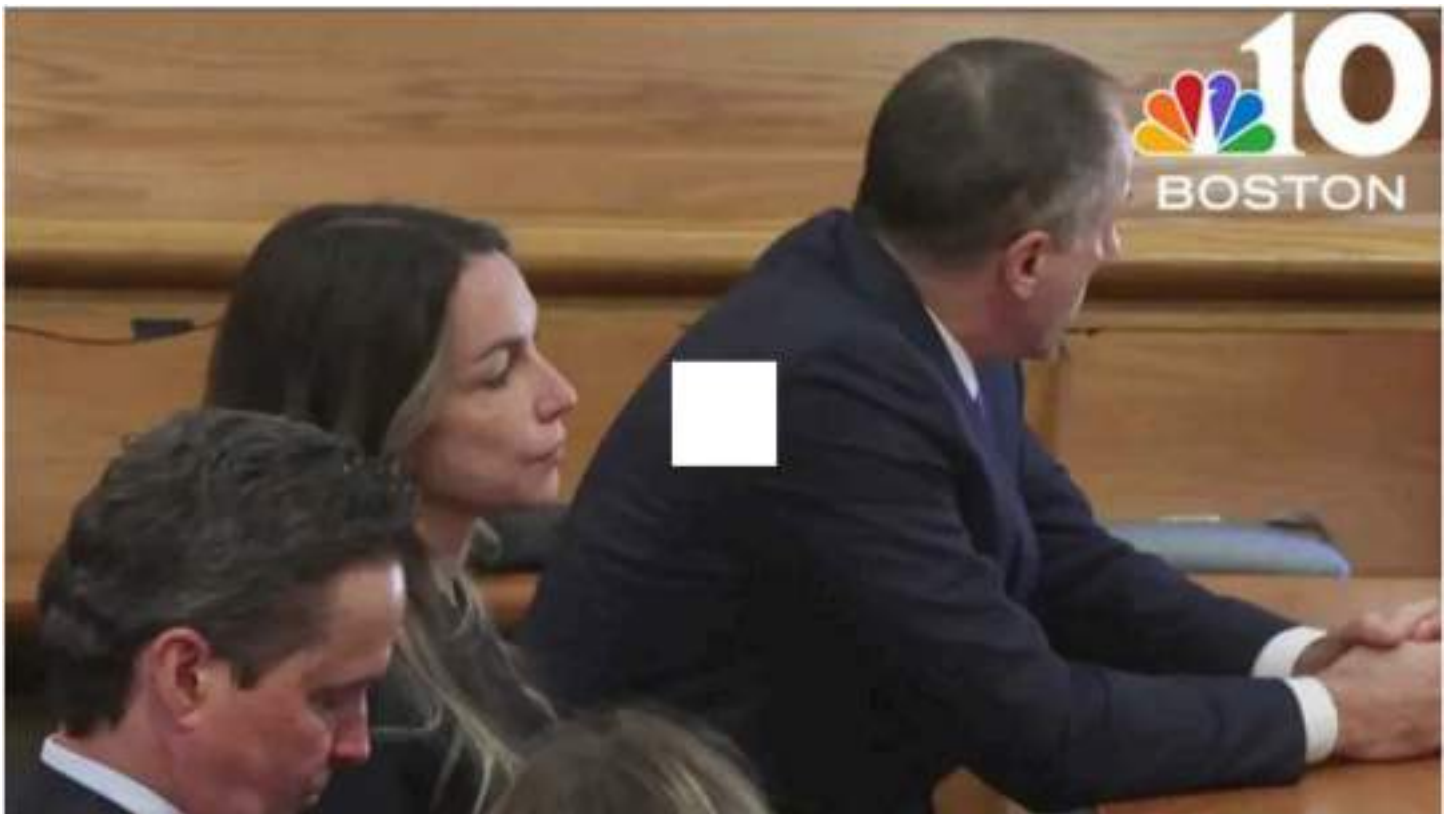
Get Boston local news, weather forecasts, lifestyle and entertainment stories to your inbox. [Sign up for NBC Boston's newsletters.](#)

It's not immediately clear when the dispute may be resolved. The sides are due for a hearing next week, when the date of Read's retrial is set.

The new dispute began last week, after [Judge Beverly Cannone declared a mistrial](#) in the case. Read's lawyers said the jury would have voted unanimously to find her not guilty on charges, including murder, citing the direct testimony of two jurors and what they'd heard from others on the thinking of two more jurors. They asked Cannone to dismiss both the charges, saying that re-trying her on them would amount to double jeopardy.

[The Norfolk District Attorney's Office opposed the motion](#), saying in a court filing Friday that the defense's argument was "premised upon hearsay, conjecture, and legally inappropriate reliance as to the substance of jury deliberations."

They also argued that "the jury's communications to the court explicitly indicated an impasse on all charges," and that Read's lawyers had the chance before the mistrial was declared to ask that Cannone inquire what charge or charges the jury was deadlocked on, but didn't take it.



The Norfolk District Attorney's Office opposes the defense's request to dismiss two of the three charges against Karen Read in the death of her boyfriend, saying in a court filing Friday it's "premised upon hearsay, conjecture, and legally inappropriate reliance as to the substance of jury deliberations." Follow NBC10 Boston on... Instagram: [instagram.com/nbc10boston](https://www.instagram.com/nbc10boston) TikTok: [tiktok.com/@nbc10boston](https://www.tiktok.com/@nbc10boston) Facebook: [facebook.com/NBC10Boston](https://www.facebook.com/NBC10Boston) X: twitter.com/NBC10Boston

In Tuesday's filing, the defense said that they were not given the chance to be heard on a mistrial being declared — Cannone declared it without warning or soliciting objections, Weinberg writes.

"The record reflects no discussion of any such alternatives, including, importantly, inquiry regarding whether the jury had reached an impasse on all, as contrasted to just some of the counts," he said.

[Read was charged](#) with murder in the second degree, manslaughter while operating a motor vehicle under the influence of liquor and leaving a scene of personal injury and death. She pleaded not guilty, and [a mistrial was declared](#) last week after a long trial that attracted international attention. Her team claims she was framed for the killing.

Legal expert Peter Elikann, a criminal defense attorney in Massachusetts, said last week that if the jury did reach a verdict on two of the charges, it was unknown why they didn't say so. He called the back-and-forth in legal filings "extremely unusual."

"It would be interesting, at some point, if we could find out what went wrong here, why the jury, if this is true, did not understand that they could have made individual decisions on the individual counts, and it was not all or nothing," Elikann said.

More Karen Read news



JUL 9

Why wasn't the jury polled in the Karen Read trial?



JUL 9

Why was Trooper Proctor suspended? A look back at his offensive texts about Karen Read



JUL 9

Canton police put Brian Albert's brother, Kevin Albert, on leave last month

This article tagged under:

[KAREN READ](#) • [MASSACHUSETTS](#) • [CANTON](#) • [JOHN O'KEEFE](#)