

Lawyers for Karen Read seek dismissal of two charges, say deadlocked jury took murder charge 'off the table'

By [Travis Andersen](#) Globe Staff, Updated July 8, 2024, 16 minutes ago



Karen Read smiles during a news conference in front of Norfolk Superior Court on July 1, 2024 after a judge declared a mistrial in the case. STEVEN SENNE/ASSOCIATED PRESS

[Lawyers for Karen Read](#) on Monday asked a judge to dismiss charges of second-degree murder and leaving the scene of personal injury and death against her, claiming that jurors unanimously determined she was not guilty of those crimes.

In an affidavit filed Monday in Norfolk Superior Court, Alan Jackson, a lawyer for Read, said he was contacted July 2 by a person identified as Juror A, who said the charge of second-degree murder was “off the table” during the panel’s deliberations.

[Judge Beverly J. Cannone](#) declared [a mistrial on July 1](#) after jurors said they couldn’t reach a unanimous verdict. Coming just a week later, the motion to dismiss marked a new chapter in a legal saga that has transfixed the region and provided a measure of insight into the jury’s views on eight weeks of testimony.

“Juror A told me that the result of the deliberations was that the jury unanimously agreed that Karen Read is NOT GUILTY of Count 1 (second degree murder),” Jackson wrote. “Juror A was emphatic that Count 1 (second degree murder) was ‘off the table,’ and that all 12 jurors were in agreement that she was NOT GUILTY of such crime.”

None of the jurors have yet spoken publicly, and Cannone on Monday ordered that the list of their names be impounded, according to legal filings.

The Norfolk district attorney, Michael W. Morrissey, said after the mistrial that prosecutors would seek to retry Read on all counts. On Monday, Morrissey’s spokesperson said prosecutors are “examining the motion in anticipation of filing a response. We look forward to picking a new trial date on July 22.”

[Read](#) pleaded not guilty to charges of second-degree murder, manslaughter while operating under the influence, and leaving the scene of personal injury and death.

“Juror A told me that shortly following that determination regarding Count 1, the jury also unanimously agreed that Karen Read is NOT GUILTY of Count 3 (leaving the scene with injury/death),” Jackson said.

Jackson said that when jurors informed Cannone on July 1 that they remained at an impasse, she declared a mistrial without asking the foreperson if they had reached unanimous agreement on any of the counts.

“Had the Court so inquired, it appears clear that NOT GUILTY verdicts would have been recorded for Count 1 and Count 3,” Jackson wrote. “Ms. Read was denied her right to receive those verdicts in her favor.”

Prosecutors allege that Read drunkenly and intentionally backed her Lexus SUV into her boyfriend, Boston police [Officer John O’Keefe](#), early on Jan. 29, 2022, after dropping him off outside a Canton home following a night of bar-hopping. She returned to the scene hours later and found O’Keefe’s snow-covered body on the front lawn, [repeatedly shouting “I hit him”](#) in the presence of first responders, [witnesses](#) testified [during the eight-week trial that transfixed the region.](#)

Attorneys for Read asserted that she was framed and that O’Keefe actually entered the Canton home, owned at the time by a fellow Boston officer who’d been out drinking with the couple and others, where he was fatally beaten in the basement before his body was planted on the lawn.

David Yannetti, another lawyer for Read, said in a separate affidavit that additional jurors provided insight on the manslaughter charge.

A person identified as Informant C, he wrote, sent him screen shots over the weekend of a text exchange that person had with an individual identified as Intermediary C. The intermediary had texted the informant what a juror had stated in a Zoom conversation, Yannetti wrote.

“Manslaughter started polling at 6/6 then ended deadlock at 4 no 8 yes,” one of the screen shots said, according to Yannetti’s affidavit.

A status conference in the high-profile case is slated for July 22.

Martin G. Weinberg, a prominent Boston defense attorney retained by Read’s team to help them litigate the motion to dismiss, said it “raises important federal and state constitutional issues involving Ms Read’s Fifth, Sixth, and Fourteenth Amendment rights

to the finality of a jury's unanimous decision on the murder and leaving the scene charges and to the full protections of the Double Jeopardy Clause that we contend bars a re-prosecution on these two charges,"

Neither Cannone nor prosecutors had responded in court to the defense dismissal motion as of Monday afternoon.

"In most jurisdictions, the unanimous agreement by the jurors would bar a retrial on any count that they unanimously acquitted her on," said Mark J. Geragos, a criminal attorney based in Los Angeles who's represented a host of celebrities.

"The only issue here is how to get [the] not guilty vote into the record, which is what the defense is attempting to do," Geragos said.

Separately Monday, State Police [announced that Trooper Michael Proctor](#), the lead investigator in the Read case, had been suspended without pay following a duty status hearing. Proctor had been relieved of duty last week just hours after Cannone declared a mistrial.

Proctor admitted at trial to [sending a number of crude and demeaning texts](#) about Read to coworkers and friends, which the defense seized on to bolster their contention that the probe was marred by corruption and that investigators immediately focused on Read as the culprit without considering other possibilities.

Proctor testified that his "juvenile" texts in no way affected the integrity of the investigation.

"Shame on you," Jackson said to him during a contentious cross-examination.

Governor Maura Healey also weighed in, telling reporters that what she'd heard regarding the texts was "terrible" and tarnished the integrity of law enforcement.

The texts from Proctor's personal cell phone came to light as part of [a federal grand jury that was convened](#) to investigate state law enforcement's handling of the Read case. Federal authorities turned over thousands of pages of documents to the lawyers on both sides; no one has been charged with any federal crimes in connection with the case and Acting US Attorney Joshua S. Levy hasn't commented publicly on the federal probe.

Material from prior Globe stories was used in this report, and John R. Ellement and Sean Cotter of the Globe Staff contributed.

Travis Andersen can be reached at travis.andersen@globe.com.

[Show 187 comments](#)