

Lawyers for Karen Read argue for dismissal of two charges at hearing

By [Sean Cotter](#) and [Nick Stoico](#) Globe Staff, Updated August 9, 2024, 5:32 p.m.



Karen Read made an appearance at Norfolk Superior Court for a hearing to dismiss murder charges against her. She arrives for the hearing. JOHN TLUMACKI/GLOBE STAFF

DEDHAM — A Superior Court judge is weighing whether to dismiss two of the three charges against [Karen Read](#), who appeared in court Friday as her lawyers and the prosecution tangled over whether she [could be acquitted of murder](#) in the death of her boyfriend, Boston police Officer John O’Keefe.

The hour-long hearing in Norfolk Superior Court centered on a motion to dismiss filed by Read's defense team following [a mistrial](#) last month in the [high-profile murder case](#). In the time since the judge ruled the jury to be at an impasse on July 1, multiple jurors have come forward to say that during deliberations they actually had unanimously agreed Read was not guilty of the charges of second-degree murder and leaving the scene of an accident, and that they only remained deadlocked on a third charge of manslaughter by operating under the influence.

Though prosecutors have said they [plan to retry Read](#), defense lawyers argued that it would be unfair to charge her again with counts that jurors [had previously rejected](#). But prosecutors argued that jurors never officially returned a verdict, and so no decision was made.

Judge Beverly Cannone heard both arguments over the course of about an hour Friday, and said she would take the matter under advisement. She did not say when she would rule.

ADVERTISING

“This is double jeopardy,” argued Martin G. Weinberg, the longtime Boston-area appellate attorney who Read’s team brought on to handle these arguments.

“Don’t make Ms. Read the first person in the history of the Commonwealth to face re-prosecution for murder by the same prosecutor’s office that tried her once — and failed to persuade the jury that she was guilty.”

In the small, wood-paneled courtroom where Read stood trial for two months, Weinberg gave a sweeping argument that the court should, at least, make further inquiries of the jurors. He evoked freedom philosophies of the Founding Fathers and the late US Supreme Court Justice Ruth Bader Ginsburg, and cited rulings from the Boston Marathon bombing case and the 1961 US Supreme Court decision *Mapp v. Ohio*, which involved how evidence can be introduced at trial.

Assistant District Attorney Adam Lally pushed back, saying there is no requirement for the court to “poll” each juror on their position on the individual charges. He said the jury did not return a verdict and the defense “had more than an adequate opportunity to be heard and object to the declaration of a mistrial in this case.”

“The two charges that the defense now complains of dealt with a simple choice: There’s a box for guilty and a box for not guilty. Neither was checked, neither was returned to the court at any point in time,” Lally said. “There is no verdict in this case.”

Immediately after Cannone declared [a mistrial](#) in [the murder case](#) on July 1, Norfolk District Attorney Michael W. Morrissey said his office would retry Read. Cannone has set a new trial date for Jan. 27, though she has also said she expects appeals of whatever ruling she makes on the motion to dismiss.

Prosecutors say [Read](#), 44, of Mansfield, slammed her SUV into [O’Keefe](#) outside a Canton home early on Jan. 29, 2022, after a night of bar-hopping and heavy drinking. Read’s lawyers maintain she is being framed and that O’Keefe entered the home, owned at the time by a fellow Boston police officer, [where he was beaten](#) in the basement before his body was dumped on the front lawn.

Fueled by the dueling narratives and claims of corruption, the case devolved into a media frenzy. National news outlets ran pictures of Read in court, and crowds of her supporters — and some detractors — rallied outside the courthouse each day of the trial.



Karen Read made an appearance at Norfolk Superior Court for a hearing to dismiss murder charges against her. Karen Read supporters rallied on the steps of the Registry of Deeds across the street from the courthouse. JOHN TLUMACKI/GLOBE STAFF

In the latest twist, Read's defense team filed multiple sworn statements saying jurors had reached out to them to express concern about the mistrial, stating they actually wanted to acquit Read on certain charges.

They said they had also been confused about the manslaughter charge, which involved multiple layers: if the jury decided to acquit, they would have then also had to consider certain lesser charges that were listed on the verdict slip.

According to the most recent court filings, a juror called Read's lawyer David Yannetti on July 31 to confirm that the juror had been accurately quoted in previous court documents

and to reiterate that “the only charge on which the jury was deadlocked was indictment 2 (manslaughter).”

The juror told Yannetti, according to the filing, “No one thought that she hit him on purpose ... or even knew that she hit him.”

The juror, Read’s attorney’s wrote, “believes that other jurors have been reluctant to come forward because there is so much public and media attention focused on this case.”

By the time Read arrived at her hearing Friday, the crowds of supporters and opponents who have caused a media frenzy had swelled to the dozens outside.

Aidan Kearney, the blogger known as “Turtleboy” who champions Read’s cause, rallied pink-clad supporters through a bullhorn. A crowd of a couple dozen people advocating for Read’s guilt stood a few feet away, holding their own signs and chanting their desire to “lock her up.”

Emotions were running high by the time lead prosecutor Lally arrived to lusty boos from Read’s supporters.

Drivers honked their horns as they passed the crowd on High Street, some showing American flags through their sunroofs.

“If this lady goes to jail, this flag doesn’t mean anything,” said Joao Delgado, 63, a Canton resident and stone mason, as he held an American flag outside the courthouse.

“Nobody should be tried twice,” he said.

Tonya Alanez of the Globe staff and Globe correspondent Izzy Bryars contributed to this report.
