

Karen Read Takes Double Jeopardy Appeal To Federal Court

By **Chris Villani**

Law360 (February 18, 2025, 1:50 PM EST) -- Karen Read, the Massachusetts woman who stands accused of killing her police officer boyfriend with her SUV, asked a federal court Tuesday to overrule the top state appellate court and hold that she cannot be retried on two charges she said jurors unanimously rejected.

Read is turning to the federal court after a unanimous opinion from the Massachusetts Supreme Judicial Court cleared the way for her retrial, which is slated to begin April 1.

Read's first highly publicized trial ended with a deadlocked jury, but the defense says as many as five jurors came forward after the fact to say they were only unable to reach a verdict on one of the three counts Read faced. The panel, according to at least four affidavits, voted to acquit Read on the top charge of second-degree murder and another charge of leaving the scene.

The defense argued in a petition for a writ of habeas corpus that the SJC was wrong to hold that double jeopardy did not apply in Read's case merely because the jury never went through the formality of announcing its decision on the two charges in open court.

"Under the SJC's reasoning, affidavits executed by all 12 jurors attesting to a final, unanimous decision to acquit would not be sufficient to mount a successful Double Jeopardy challenge," the petition states. "Surely, that cannot be the law. Indeed, it must not be the law."

The filing cited the numerous headlines the case has made and noted that none of the other deliberating jurors has come forward to contradict the affidavits of those who say the jury voted to acquit.

Read argued Tuesday that the SJC's reliance on the lack of a formal, announced verdict is rooted in reasoning that has been rejected by the U.S. Supreme Court in decisions spanning more than 100 years.

She said the trial judge, who first denied her double jeopardy argument, and the SJC have "erected an impenetrable procedural barrier to prevent Ms. Read from proving what is clearly true – that the jurors finally and unanimously agreed that Ms. Read did not commit the murder (nor a second charge of leaving the scene) for which she stands charged."

In its Feb. 11 opinion, the SJC held that the jurors returned three separate notes, each indicating that they had reached an impasse in their attempts to determine Read's guilt or innocence.

The court also found that returning a verdict in open court is more than a mere "formality," as suggested by Read, and is indeed the only thing that matters when assessing a double jeopardy claim.

But Read has argued that the trial judge had other alternatives before declaring a mistrial, including asking the jury whether it agreed on any of the three charges.

In her petition to the federal court, which will be heard by U.S. District Judge F. Dennis Saylor IV, Read said that, if the judge does not want to rule that a second trial would violate her constitutional rights, he should at least order that the original jury be brought back to inquire whether it had

reached a partial verdict.

With Read's second trial date fast approaching, Judge Saylor set a hearing on her federal court motion for March 5.

Read noted that in the death penalty case of the Boston Marathon bomber, the First Circuit held last year that the trial judge should, nine years after the trial, question jurors to see whether there was improper bias on the part of the jurors who sentenced the defendant to death.

"There is no apparent reason to artificially limit the availability of such constitutional inquiry, as the SJC did, to racial bias and extraneous influence," Read argued. "The defense acknowledges that there is little precedent involving situations factually similar to that at issue here. This case is unique."

An attorney for Read, Martin G. Weinberg of Martin Weinberg Law, told Law360 Tuesday that "Double Jeopardy and the historic respect for jury acquittals are at the heart of a citizen's protections under our constitutionally based criminal justice system."

"Today's federal petition seeking to preclude a state from re-prosecuting Ms. Read in the face of strong and uncontradicted evidence that a jury previously decided in her favor on two of three pending charges raises important and in some respects unique issues regarding the scope of those protections," Weinberg said.

A representative for the Norfolk County District Attorney, which is prosecuting the case, declined to comment.

In a trial that captured national attention and drew scores of Read supporters to the Dedham, Massachusetts, courthouse each day, prosecutors claimed that Read intentionally hit Boston police officer John O'Keefe with her SUV after a night of drinking and left him to die in the cold.

The defense contends that Read was framed. Her attorneys argued that O'Keefe was beaten by other police officers inside a Canton, Massachusetts, home before being dumped in the front yard.

Read is represented by Martin G. Weinberg of Martin G. Weinberg PC, David Yannetti of Yannetti Criminal Defense Law Firm, Michael Pabian of Michael Pabian Law and Alan Jackson of Werksman Jackson & Quinn LLP.

Counsel information for the commonwealth was not immediately available.

The case is Read v. Norfolk County Superior Court et al., case number 1:25-cv-10399, in U.S. District Court for the District of Massachusetts.

--Editing by Patrick Reagan.

Update: This article has been updated to indicate that a hearing date has been set.