

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT
NO. 2282-CR-0117

COMMONWEALTH OF MASSACHUSETTS,)
Plaintiff)
V.)
KAREN READ,)
Defendant)

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 CLERK OF THE COURTS
 NORFOLK COUNTY

**DEFENDANT'S MOTION FOR DISCOVERY REGARDING THE
 CIRCUMSTANCES OF MASSACHUSETTS STATE TROOPER
 MICHAEL D. PROCTOR'S ASSIGNMENT TO THE
 INVESTIGATION OF THIS MATTER**

Now comes the defendant, Karen Read and respectfully moves this Honorable Court pursuant to Mass. R. Crim. P. 14 to order the Commonwealth to provide the following information to the defendant:

- (1) Which agency first notified the Massachusetts State Police about the investigation into the death of John O'Keefe;
- (2) Which representative and/or officer of that agency first notified the Massachusetts State Police about the investigation into the death of John O'Keefe;
- (3) Which representative and/or state trooper of the Massachusetts State Police first received that notice about the investigation into the death of John O'Keefe;
- (4) What date and time was that representative and/or state trooper of the Massachusetts State Police first informed about the investigation into the death of John O'Keefe;
- (5) In what manner was the Massachusetts State Police first informed of the investigation into the death of John O'Keefe (e.g., by telephone, by text message, by e-mail, etc.);
- (6) As of January 29, 2022, what procedure was in effect for the Massachusetts State Police to assign a state trooper to lead and/or participate in the investigation of a suspicious death;

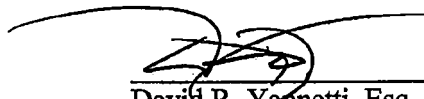
Com will provide written protocols/policies. If Δ is not satisfied that Com has responded pursuant to Mass R. Crim. P. 14, Δ is to file a motion & supporting affidavit for the discovery - not in the form of interrogatories
 B. Common 10/5/22

- (7) As of January 29, 2022, what written policies and/or procedures were in effect for the Massachusetts State Police pertaining to case assignments for investigations of suspicious deaths;
- (8) As of January 29, 2022, if no written policies and/or procedures were in effect pertaining to case assignments for investigations of suspicious deaths, what unwritten policies and procedures were in effect to ensure that no state trooper would be assigned to an investigation regarding which he or she has a conflict of interest;
- (9) Which representative(s) of the Massachusetts State Police was/were in charge of assigning a state trooper to lead and/or participate in the investigation into the death of John O'Keefe;
- (10) Which representative of the Massachusetts State Police assigned When Massachusetts State Police Trooper Michael D. Proctor to lead or participate in the investigation of this matter;
- (11) What date and time was Massachusetts State Police Trooper Michael D. Proctor assigned to participate in the investigation into the death of John O'Keefe;
- (12) In what manner was Massachusetts State Police Trooper Michael D. Proctor first informed that he was assigned to participate in the investigation into the death of John O'Keefe (e.g., by telephone, by text message, by e-mail, etc.);
- (13) When Massachusetts State Police Trooper Michael D. Proctor was assigned to participate in the investigation into the death of John O'Keefe, did Trooper Proctor notify anyone within his department and/or anyone else participating in the investigation that Trooper Proctor has personal relationships with at least some of the witnesses in this matter, including the owner of the home on whose property the body of John O'Keefe was found;
- (14) If the answer to question (13) above is "yes," whom did Massachusetts State Police Trooper Michael D. Proctor inform of his personal relationships with the witnesses in this matter?
- (15) What date(s) and time(s) did Massachusetts State Police Trooper Michael D. Proctor inform anyone within his department, or anyone else participating in this investigation, of his personal relationships with the witnesses in this matter;

(16) In what manner did Massachusetts State Police Trooper Michael D. Proctor inform anyone within his department, or anyone else participating in this investigation of his personal relationships with the witnesses in this matter (e.g., by telephone, by text message, by e-mail, etc.);

As grounds therefore, the defendant states that Trooper Michael D. Proctor had – and continues to have – a clear conflict of interest as an investigator of this matter. The defendant specifically relies on the “Statement of Facts” contained in the previously filed, “Defendant’s Amended Motion to Compel Modification of Google Preservation Requests and for Production of Geofence Data,” as well as the exhibits supporting that motion. In short, when assigned to this investigation, Trooper Proctor had apparently undisclosed personal relationships with at least some of the witnesses and suspects in this matter, including the owner of the home on whose property the body of John O’Keefe was found. Mass. R. Crim. P. 14(a)(2) provides that “[t]he defendant may move . . . for discovery of other material and relevant evidence not required by subdivision (a)(1).” The defendant further relies on the attached affidavit of counsel which is incorporated herein by reference.

Respectfully Submitted,
For the Defendant,
Karen Read
By her attorney,



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September 15, 2022