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COMMONWEALTH OF MASSACHUSETTS

CLERK OF THE COURTS

NORFOLK, SS. K COUNTY

SUPERIOR COURT DEPARTMENT
NO. 2282-CR-00117

| | |
|-----------------|---|
| _____ |) |
| COMMONWEALTH OF |) |
| MASSACHUSETTS, |) |
| Plaintiff |) |
| |) |
| v. |) |
| |) |
| KAREN READ, |) |
| Defendant |) |
| _____ |) |

**EXHIBIT LIST IN SUPPORT OF DEFENDANT’S RENEWED MOTION TO COMPEL
DISCOVERY**

1. “Defendant’s Motion to Inspect John O’Keefe’s Clothing”, dated August 11, 2022
2. “Motion for Inspection, Access, and Independent Forensic Testing of John O’Keefe’s Clothing”, dated February 1, 2023
3. “Motion for Inspection, Access, and Independent Testing of Pieces of Tail Light Seized by the Commonwealth” dated February 1, 2023
4. “Defendant’s Motion to Inspect Tail Light and Housing”, allowed on August 12, 2022
5. “Defendant’s Emergency Motion for Preservation of Evidence”, dated February 2, 2022
6. “Defendant’ Motion for Preservation of Samples for Independent Forensic Testing”, dated September 15, 2022

EXHIBIT 1

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

RECEIVED & FILED

SUPERIOR COURT
NO. 2282-CR-0117

2022 AUG 12 PM 1:15

CLERK OF THE COURTS
NORFOLK COUNTY

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

DEFENDANT'S MOTION TO INSPECT JOHN O'KEEFE'S CLOTHING

Now comes the defendant, Karen Read, and respectfully moves this Honorable Court to allow her attorney, investigator and/or retained forensic expert to inspect and photograph all clothing of John O'Keefe, seized by the police in connection with this matter.

As grounds therefor, the defendant states that this Honorable Court may order such inspection pursuant to Mass.R.Crim.P. 14(a)(2).

Wherefore, the defendant requests that this motion be allowed.

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



David R. Yannetti
44 School Street, Suite 1000A
Boston, MA 02108
(617) 338-6006
BBO#555713

Dated: August 11, 2022

*8/12/22 returned after items
gave back from the lab. [Signature]*

EXHIBIT 2

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT
NO. 2282-CR-0117

COMMONWEALTH OF
MASSACHUSETTS,
Plaintiff

V.

KAREN READ,
Defendant

**MOTION FOR INSPECTION, ACCESS AND INDEPENDENT
FORENSIC TESTING OF JOHN O'KEEFE'S CLOTHING**

Now comes the defendant, Karen Read ("Ms. Read", or "the Defendant"), and respectfully moves this Honorable Court pursuant to Mass. R. Crim. P. 14, to compel the Commonwealth to allow, forthwith, counsel and/or forensic experts for the Defendant to inspect and perform independent forensic testing upon the clothing worn by John O'Keefe at the time of his death.


As grounds therefore, the Defendant states the following:

1. On May 27, 2022, the undersigned counsel e-mailed Norfolk County Assistant District Attorney Adam Lally of the desire of the defense to inspect John O'Keefe's clothing and requested a date and time to accomplish that. See Yannetti E-mail, dated May 27, 2022, attached hereto as **Exhibit 1**;
2. August 12, 2022, this Court, Krupp, J., presiding, ordered the Commonwealth to allow the Defendant's, "attorney, investigator and/or retained forensic expert to inspect and photograph all clothing of John O'Keefe, seized by the police in connection with this matter. See, "Defendant's Motion to Inspect John O'Keefe's Clothing," dated August 11, 2022, attached hereto as **Exhibit 2**;

3. On December 16, 2022, the undersigned counsel again e-mailed ADA Lally to request an inspection of John O'Keefe's clothing. See Yannetti E-mail, dated December 16, 2022, 2022, attached hereto as **Exhibit 3**;
4. On January 5, 2023, the entire defense team participated in a Zoom videoconference with ADA Lally, informing him of the discovery material that was still outstanding, including the fact that the defense still needed to inspect John O'Keefe's clothing. During that meeting, ADA Lally informed counsel during that meeting that he would let us know by January 16, 2023 when the defense could inspect the clothing;
5. On January 5, 2023, Attorney Elizabeth Little e-mailed ADA Lally to confirm that he would be contacting the crime lab so that he could let us know by January 16, 2023 as to when the defense could inspect the clothing. See Little E-mail, dated January 5, 2023, attached hereto as **Exhibit 4**;
6. On January 16, 2023 – and to date – the Defendant has yet to receive an answer from the Commonwealth as to when the defense team can inspect, photograph and perform forensic testing on John O'Keefe's clothing.

The Defendant further relies on the attached "Affidavit of Counsel" in support of this motion. Wherefore, the Defendant request that this motion be allowed, and further, that a deadline for a response is set within one week.

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



David R. Yannetti, Esq.
Yannetti Criminal Defense Law Firm
44 School Street
Suite 1000A
Boston, MA 02108
(617) 338-6006
BBO #555713
law@davidyannetti.com

Dated: February 1, 2023

EXHIBIT 3

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT
NO. 2282-CR-0117

COMMONWEALTH OF
MASSACHUSETTS,
Plaintiff

v.

KAREN READ,
Defendant

**MOTION FOR INSPECTION, ACCESS AND INDEPENDENT TESTING OF
PIECES OF TAIL LIGHT SEIZED BY THE COMMONWEALTH**

Now comes the defendant, Karen Read ("Ms. Read", or "the Defendant"), and respectfully moves this Honorable Court pursuant to Mass. R. Crim. P. 14, to compel the Commonwealth to allow, forthwith, counsel and/or forensic experts for the Defendant to inspect and perform independent forensic testing upon the pieces of tail light (from the Defendant's vehicle) seized by the Commonwealth.

As grounds therefore, the Defendant states the following:


1. On August 12, 2022, this Court, Krupp, J., presiding, ordered the Commonwealth to allow the Defendant's "attorney, investigator and/or retained forensic expert to inspect and photograph pieces of the tail light of the defendant's Lexus, seized by the police in connection with this matter." See "Defendant's Motion to Inspect Tail Light and Housing," attached hereto as Exhibit 1.
2. On May 27, 2022, the undersigned counsel e-mailed Norfolk County Assistant District Attorney Adam Lally to notify the Commonwealth that when the Defendant's forensic accident reconstructionist, Kerry Alvino, examined the Lexus in question, all pieces of the tail light and the tail light housing had been removed from the vehicle. Ms. Alvino was therefore prevented from inspecting the tail light pieces and housing. See Yannetti E-mail, dated May 27, 2022, attached hereto as Exhibit 2.

3. On December 16, 2022, the undersigned counsel e-mailed ADA Lally to again request an inspection of the pieces of tail light, as ordered by this Court on August 12, 2022. See Yannetti E-mail, dated December 16, 2022, attached hereto as **Exhibit 3**.
4. On January 5, 2023, the entire defense team participated in a Zoom videoconference with ADA Lally, informing him of the discovery material that was still outstanding, including the fact that the defense still needed to inspect the pieces of tail light.
5. On January 5, 2023, Attorney Elizabeth Little e-mailed ADA Lally to confirm that he would be contacting the crime lab so that he could let us know by January 16, 2023 as to when the defense could inspect the pieces of tail light. See Little E-mail, dated January 5, 2023, attached hereto as **Exhibit 4**.
6. On January 16, 2023 – and to date – the Defendant has yet to receive an answer from the Commonwealth as to when the defense team can inspect, photograph and perform forensic testing on the seized pieces of tail light.

The Defendant further relies on the attached, “Affidavit of Counsel” in support of this motion.

Wherefore, the Defendant request that this motion be allowed, and further, that a deadline for a response is set within one week.

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



David R. Yannetti, Esq.
Yannetti Criminal Defense Law Firm
44 School Street
Suite 1000A
Boston, MA 02108
(617) 338-6006
BBO #555713
law@davidyannetti.com

Dated: February 1, 2023

EXHIBIT 4

COMMONWEALTH OF MASSACHUSETTS

15

NORFOLK, SS.

SUPERIOR COURT
NO. 2282-CR-0117

COMMONWEALTH OF
MASSACHUSETTS,
Plaintiff

V.

KAREN READ,
Defendant


DEFENDANT'S MOTION TO INSPECT TAIL LIGHT AND HOUSING

Now comes the defendant, Karen Read, and respectfully moves this Honorable Court to allow her attorney, investigator and/or retained forensic expert to inspect and photograph all pieces of the tail light of the defendant's Lexus, seized by the police in connection with this matter.

As grounds therefor, the defendant states that this Honorable Court may order such inspection pursuant to Mass.R.Crim.P. 14(a)(2). The defendant further states that when her forensic expert inspected the Lexus in question, all pieces of the tail light and the housing of the tail light had been removed prior to inspection.

Wherefore, the defendant requests that this motion be allowed.

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


David R. Vannetti
44 School Street, Suite 1000A
Boston, MA 02108
(617) 338-6006
BBO#555713

Dated: August 11, 2022

8/12/22 allowed after items are back from the lab. per [signature]

EXHIBIT 5

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

DISTRICT COURT DEPARTMENT
STOUGHTON DIVISION
NO. 2255-CR-60

COMMONWEALTH OF MASSACHUSETTS,
Plaintiff

V.

KAREN READ,
Defendant

| | |
|-----------------------|--------|
| Date | 2/2/22 |
| MOTION/ALLOWED/DENIED | |
| [Signature] | |
| Justice | |

DEFENDANT'S EMERGENCY MOTION FOR PRESERVATION OF EVIDENCE

Now comes the defendant, Karen Read, and hereby moves this Honorable Court to order the Commonwealth to preserve the following evidence in connection with this matter:

1. All notes of any law enforcement official, police officer and/or state trooper of any and all witness interviews, including any notes of anything the defendant is alleged to have said. The defendant is specifically requesting this Court to order that such notes are not to be destroyed upon the completion of police reports;
2. All notes any law enforcement official, police officer and/or state trooper regarding this investigation. The defendant is specifically requesting this Court to order that such notes are not to be destroyed upon the completion of police reports;

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FEB. 2 2022

CLERK MAGISTRATE

3. All turret tapes from any local police department and the Massachusetts State Police regarding this matter, from the first time the police were contacted to the arrest of the defendant;
4. All 911 recordings regarding this matter;
5. All trace evidence, including but not limited to fingerprints, DNA evidence, blood, saliva and any other bodily fluids. The defendant is specifically moving this Court to order that no exhaustive testing should be performed on any evidence in connection with this case without the Commonwealth giving prior notice to the defendant and allowing the defendant to object;
6. All physical evidence, including anything present on or near the decedent at the time his body was discovered, anything found at the alleged crime scene.

As grounds therefore, the Defendant states that said notes may contain exculpatory evidence to which the Defendant would be entitled. *See* Mass. R. Crim. Proc. 14(a)(1)(C). *See also* Brady v. Maryland, 373 U.S. 83 (1963). The defendant also states that without an order of preservation at this early juncture, the Commonwealth would be held to a lesser standard of preservation, prejudicing the defendant. *See* Commonwealth v. O'Neal, 93 Mass. App. Ct. 189 (2018), Commonwealth v. Heath, 89 Mass. App. Ct. 328 (2016), Commonwealth v. Williams, 455 Mass. 706 (2010), Commonwealth v. Sasville, 35 Mass. Ct. 15 (1993).

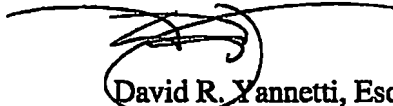
Wherefore, the Defendant respectfully requests that this Honorable Court allow this emergency motion for preservation of evidence.

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STOUGHTON DISTRICT COURT

FEB 2 2022

CLERK MAGISTRATE

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



David R. Yannetti, Esq.
Yannetti Criminal Defense Law Firm
44 School Street
Suite 1000A
Boston, MA 02108
(617) 338-6006
BBO #555713

Dated: February 2, 2022

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STOUGHTON DISTRICT COURT
FEB 2 2022
CLERK MAGISTRATE

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

DISTRICT COURT DEPARTMENT
STOUGHTON DIVISION
NO. 2255-CR-

| | | |
|-----------------|----------------|---|
| _____ | |) |
| COMMONWEALTH OF | MASSACHUSETTS, |) |
| Plaintiff | |) |
| V. | |) |
| KAREN READ, | |) |
| Defendant | |) |
| _____ | |) |

AFFIDAVIT OF COUNSEL IN SUPPORT OF
DEFENDANT'S EMERGENCY MOTION FOR
PRESERVATION OF EVIDENCE

I, David R. Yannetti, do hereby depose and state that the following is true to the best of my knowledge information and belief:

1. I am an attorney licensed to practice in Massachusetts since December 20, 1989. My office address is 44 School Street, Suite 1000A, Boston, MA 02108. On January 29, 2022, I was retained to represent the defendant, Karen Read, regarding the above-captioned matter.
2. The requests for preservation of evidence made within this motion are reasonable and would prevent the destruction of potentially exculpatory evidence.
3. I believe that it is in the interests of justice for this court to allow this motion.

So sworn under the pains and penalties of perjury this 2nd day of February, 2022,




David R. Yannetti

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STOUGHTON DISTRICT COURT
FEB 2 2022
CLERK MAGISTRATE

CERTIFICATE OF SERVICE

I, Attorney David R. Yannetti, do hereby certify that today I served the attached
"Defendant's Emergency Motion for Preservation of Evidence" upon the Commonwealth
by handing a copy this date to a Norfolk County Assistant District Attorney in the
Stoughton District Court.



David R. Yannetti, Esq.

2/2/22

Date

EXHIBIT 6

25

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT
NO. 2282-CR-00117

| | |
|---|---|
| COMMONWEALTH OF MASSACHUSETTS, Plaintiff |) |
| |) |
| v. |) |
| KAREN READ, Defendant |) |

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CLERK OF THE COURTS
NORFOLK COUNTY

**DEFENDANT'S MOTION FOR PRESERVATION OF
SAMPLES FOR INDEPENDENT FORENSIC TESTING**

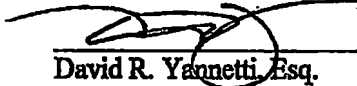
Now comes the Defendant, Karen Read ("Ms. Read" or "the Defendant), and respectfully moves this Honorable Court to order the Commonwealth and its agents — including the Massachusetts State Police Crime Laboratory and the Office of the Chief Medical Examiner of Massachusetts — to preserve (for independent forensic testing by defense experts) all samples of trace evidence and any other samples seized in conjunction with this matter. The Defendant specifically requests that any samples collected from the wounds on the decedent's arms (including any DNA evidence, along with any other samples of any sort) be preserved for independent forensic testing by defense experts.

As grounds therefore, the Defendant states that "the Commonwealth . . . must preserve [exculpatory] evidence for the defendant to inspect, examine or perform tests on, if [s]he so chooses." Commonwealth v. Sasville, 35 Mass. App. Ct. 15, 19 (1993), quoting Commonwealth v. Neal, 392 Mass. 1, 10-12 (1984). See also Commonwealth v. Gliniewicz, 398 Mass. 744, 746-749 (1986).

Wherefore, the Defendant respectfully requests that this Honorable Court allow this motion for preservation of samples.

*9/22/12 - Attached without
affidavit. [Signature]*

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



David R. Yannetti Esq.
Yannetti Criminal Defense Law Firm
44 School Street
Suite 1000A
Boston, MA 02108
(617) 338-6006
BBO #555713
law@davidyannetti.com

September 15, 2022

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT
NO. 2282-CR-00117

COMMONWEALTH OF
MASSACHUSETTS,
Plaintiff

V.

KAREN READ,
Defendant

**AFFIDAVIT OF COUNSEL IN SUPPORT OF DEFENDANT'S MOTION FOR
PRESERVATION OF SAMPLES FOR INDEPENDENT FORENSIC TESTING**

I, David R. Yannetti, do hereby depose and state that the following is true to the best of my knowledge, information, and belief:

1. I am an attorney licensed to practice in Massachusetts since December 20, 1989. My office address is 44 School St., Suite 1000A, Boston, MA 02108. I represent Karen Read in connection with the above-captioned matter.
2. The request for preservation of evidence made within this motion is reasonable and would prevent the destruction of potentially exculpatory evidence.
3. I believe that it is in the interests of justice for the Court to allow this motion.

So sworn under the pains and penalties of perjury this 15th day of September, 2022.



David R. Yannetti

CERTIFICATE OF SERVICE

I, Attorney David R. Yannetti, do hereby certify that today I served the attached
"Defendant's Motion for Preservation of Samples for Independent Forensic Testing"
upon the Commonwealth by sending a copy via e-mail this date to Norfolk County
Assistant District Attorney Adam Lally at adam.lally@state.ma.us.



David R. Yannetti, Esq.

9/15/22

Date