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COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS. CLERK OF THE COURTS  
NORFOLK COUNTY

SUPERIOR COURT DEPARTMENT  
NO. 2282-CR-00117

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

**DEFENDANT’S REPLY TO COMMONWEALTH’S RESPONSE TO “DEFENDANT’S RENEWED MOTION TO COMPEL DISCOVERY AND ACCESS TO EVIDENCE”**

Defendant Karen Read (“Ms. Read”, or “the Defendant”) files this Reply to the “Commonwealth’s Response to Defendant’s Renewed Motion to Compel Discovery and Access to Evidence.” In spite of the fact that this case was filed 21 months ago, and the Commonwealth, through its representative Norfolk County Assistant District Attorney Adam Lally, promised this Court that lab testing of the physical evidence would be completed months ago, Ms. Read continues to be denied access to the most basic and critical evidence obtained in connection with this case. The Commonwealth cannot sidestep its obligation to permit the defense to inspect and independently test the physical items of evidence in a timely manner in this case, simply because the Commonwealth may have complied with *some* of its other discovery obligations.<sup>1</sup>

**A. Defendant’s Request #s 1, 2, and 3 for Access to and Independent Testing of Physical Evidence that Has Been in the Commonwealth’s Possession Since January 2022**

As set forth in Defendant’s Renewed Motion to Compel Discovery and Access to Evidence, Ms. Read has repeatedly requested yet been denied access to (and/or the ability to test) the following items of evidence:

<sup>1</sup> Ms. Read’s Reply is limited to addressing the outstanding items of discovery, which continue to be withheld by the Commonwealth.

1. Request that Expert Be Permitted to Independently Test 42 Samples, which were purportedly taken from John O'Keefe's Clothing and Person;
2. Request that defense be permitted to inspect and independently test the 7 items of evidence, which purport to be items of John O'Keefe's clothing; and
3. Request that the defense be permitted to inspect the 13 items of evidence, each of which contain a varying number of taillight pieces and/or taillight housing recovered by law enforcement.<sup>2</sup>

To date, nearly two years after the inception of this case, despite repeated requests by the defense, Ms. Read has been denied the ability to inspect, access, and/or independently test any of these critical items of evidence. ADA Lally's Opposition to this request focuses entirely on the purported policies and procedures of the Massachusetts State Police Lab, rather than the mandatory discovery provisions set forth in Rule 14. The Commonwealth's discovery obligations are not governed by lab policies and protocols. The Commonwealth's discovery obligations are governed by the U.S. Constitution, the Massachusetts Declaration of Rights, and the Massachusetts Rule of Criminal Procedure 14, which clearly states: "**The prosecution shall disclose to the defense, and permit the defense to discover, inspect and copy, each of the following items and information at or prior to the pretrial conference**, provided it is relevant to the case and is in the possession, custody or control of the prosecutor, persons under the prosecutor's direction and control, or persons who have participated in investigating or evaluating the case and either regularly report to the prosecutor's office or have done so in the case: . . . **(vii) Material and relevant . . . tangible objects.**" Rule 14, subd. (a)(1)(A)(vii). We are *long* past the first pretrial conference in this case, at which the Commonwealth's mandatory obligation to comply with this rule became ripe. The purported internal policies of a crime lab do not trump Ms. Read's constitutional and statutory right to obtain evidence in advance of trial and prepare her defense. The MSP lab protocols are of no legal moment. ADA Lally spends an inordinate amount of time discussing what the lab has done to test and retest certain items of evidence. The Commonwealth does not get to hold hostage every single item of evidence merely

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<sup>2</sup> These items of evidence are set forth more fully in Defendant's Renewed Motion to Compel Discovery and Access to Evidence.

because the Commonwealth may have acted dilatory in testing a select few items of evidence that have been in state custody for 21 months.

Notably, in the Commonwealth's Opposition, ADA Lally asserts that the defense can't have access to *any* of the above 62 items of evidence because the following 6 items of evidence are undergoing further testing:

1. *Comparative testing for "Items 7-18.18 (Debris from orange t-shirt and gray long sleeve shirt) and Item 3-1 (passenger side taillight)."*

2. *DNA testing in reference to Items 7-3.1 (Sample from right instep of sneaker), 7-17.3 (Sample from Stain B on top front left of orange t-shirt), 8-2 (Right hand fingernail clippings), and 8-3 (left hand fingernail clippings).*

(Opp. at pp. 14-15.) First, with regard to the comparative testing for Items 7-18.18 (debris from orange t-shirt and gray long sleeve shirt) and Item 3-1 (passenger side taillight), this comparative testing will either establish that the apparent plastic is consistent with or inconsistent with the passenger side taillight. Either way, the result will not necessitate any further comparative testing—because that will already have been done. Second, the Commonwealth asserts that they are conducting DNA testing on O'Keefe's shoe, his left fingernail clipping, his right hand fingernail clipping, and a stain from his shirt. This testing will only produce results having evidentiary value if the DNA profiles obtained from these items of evidence are compared to (and match) the individuals who were in the Albert residence that night, namely Brian Albert, Brian Higgins, Colin Albert, Jennifer McCabe, Matthew McCabe, Caitlin Albert, Brian Albert, Jr., Sarah Levinson, and/or Julie Nagel. None of those DNA profiles are in evidence (yet). **Thus, there is no harm in allowing the defense access to and independent testing of any of the remaining 56 items of evidence.** The Commonwealth has sat on this evidence for 21 months. Ms. Read respectfully requests that this Court order the Commonwealth to make available the remaining 56 items of evidence for inspection and/or independent testing *immediately* and set a deadline to complete the testing with regard to the remaining items of evidence as statutorily required by Rule 14.

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**B. Defense Request # 4: Request for Defense Expert Access to Lexus Infotainment and Telematics Center, EDR, Lexus Safety System, and Airbag Control Module for Independent Analysis**

As set forth in Defendant's Motion to Compel, Ms. Read has repeatedly requested that her expert be permitted to access the Lexus Infotainment and Telematics System, the EDR, Lexus Safety System, and the Airbag Control Module in order to conduct an independent analysis. On August 23, 2023, Defense Attorney Little emailed ADA Lally to request that Ms. Read's expert meet State Trooper Paul on September 5, 2023, to conduct an independent analysis of the Lexus Infotainment and Telematics Systems (which were seized pursuant to a search warrant). Ms. Read further requested that the Commonwealth produce, in advance of that meeting, a report by Trooper Guarino summarizing his data acquisition and analysis, photographs of the steps he used to conduct his data acquisition, photographs documenting the removal of the nav unit, and photographs of the Infotainment and Telematics Systems. Ms. Read's reconstruction expert is located out-of-state and requires this basic information in order to know what she needs to bring with her in order to properly analyze the evidence. Thereafter, on August 28, 2023, Attorney Lally informed defense counsel that we cannot inspect, access, or otherwise test the Infotainment and/or Telematics system because "the infotainment system is hooked up to BERLA with no way to extract information at this time" and "the telematics system has no recoverable data." In response to Attorney Little's request, on September 12, 2023, ADA Lally emailed Attorney Little informing her that additional information regarding the infotainment and telematics would be produced to the defense such that our expert can prepare a proposed protocol for examination of this evidence. As soon as the defense is in receipt of the requested information, our expert will prepare a proposed protocol for the examination of the evidence, and will file it with the Court.

**C. Defense Request #5 - Request for OCME's Original Death Certificate**

Although the Commonwealth has failed to comply with this request, Ms. Read will seek to obtain this information independently from the City of Brockton.

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**D. Defense request for all handwritten notes of law enforcement made in connection with this case, including witness interview notes, notes regarding the recovery of evidence, and other investigative notes.**

On August 25, 2023, the defense sent an email to Attorney Lally requesting, *inter alia*, “all handwritten notes of law enforcement made in connection with this case, including witness interview notes, notes regarding the recovery of evidence, and other investigative notes.” (Exhibit A, August 25, 2023, Email Correspondence.) These notes were ordered preserved in Stoughton District Court on February 2, 2022. (Exhibit A.) This evidence is clearly relevant because law enforcement has made it a habit to wait to draft reports in this case until weeks or sometimes months after conducting interviews in connection with this case. These notes constitute “statements of persons the party intends to call as witnesses,” which are subject to the mandatory discovery provisions set forth in Rule 14, subd. (a)(1)(A)(vii). Any destruction of those notes after allegedly being incorporated into police reports would violate Exhibit A. To date, no records responsive to this request have been produced.

**E. Defense request for all reports, photographs, handwritten notes, and mapping documenting the recovery of taillight pieces from 34 Fairview Road.**

On August 25, 2023, Attorney Little emailed ADA Lally requesting “reports, photographs, handwritten notes, and mapping documenting the recovery of taillight pieces from 34 Fairview Road.” (Exhibit A.) Notably on July 25, 2023, the Commonwealth finally produced photographs and reports regarding the items of physical evidence that had allegedly been recovered from the Albert residence in January and February 2022. Photographs of the bags containing items of evidence, which were produced for the first time on July 25, 2023, establish that law enforcement (namely, Trooper Proctor) conducted **at least five undocumented searches of 34 Fairview Road, which supposedly resulted in the recovery of taillight pieces.** These searches were not referenced or otherwise documented in any reports, memoranda, or notes produced by law enforcement to date. The only reason the defense is even aware of these additional searches is because bags containing the taillight pieces were marked with the dates on which the pieces were found, and then photographed by criminalists at the MSP Lab. The Commonwealth has not produced any documents that are responsive to this request. The requested information is subject to the mandatory discovery provisions outlined in Rule 14,

which requires the production of all “[m]aterial and relevant police reports” and “statements of persons the party intends to call as witnesses.” Rule 14, subd. (a)(1)(A)(vii).

**F. Defense request for the raw data associated with the SERT team’s mapping of items of evidence recovered from 34 Fairview.**

On August 25, 2023, Attorney Little emailed ADA Lally requesting “[t]he raw data associated with the SERT team's mapping of items of evidence recovered from 34 Fairview Road.” Law enforcement failed to take *any* establishing photographs sufficient to show where the items of evidence (namely the taillight pieces) were recovered from outside 34 Fairview Road.” (Exhibit A.) To date, the Commonwealth has produced a printout of a map, which purports to show the SERT team’s mapping of items of evidence. This printout, attached hereto as Exhibit B. is completely incomprehensible because the squares that are supposed to represent individual pieces of taillight are represented by icons that approximate the size of three large SUVs. As such, the defense is requesting the raw data associated with this mapping, such that the defense can identify the precise location that the taillight pieces were purportedly recovered in Brian Albert’s front lawn. The prosecution is required to produce this information, which constitutes “material and relevant police reports, photographs, tangible objects, all intended exhibits, reports of physical examinations of any person or of scientific tests or experiments” within the meaning of Rule 14, subd. (a)(1)(A)(vii).

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



---

Alan J. Jackson, Esq., *Pro Hac Vice*  
Elizabeth S. Little, Esq., *Pro Hac Vice*  
Werksman Jackson & Quinn LLP  
888 West Sixth Street, Fourth Floor  
Los Angeles, CA 90017  
T. (213) 688-0460

F. (213) 624-1942

*David Yannetti*

David R. Yannetti, Esq.

BBO #555713

Ian F. Henchy, Esq.

BBO #707284

44 School St.

Suite 1000A

Boston, MA 02108

(617) 338-6006

law@davidyannetti.com

September 13, 2023

### CERTIFICATE OF SERVICE

I, Attorney Elizabeth Little, do hereby certify that I served the “Defendant’s Reply to the Commonwealth’s Opposition to Defendant’s Renewed Motion to Compel Discovery and Access to Evidence” upon the Commonwealth by emailing a copy on September 13, 2023 to Norfolk County Assistant District Attorney Adam Lally at [adam.lally@mass.gov](mailto:adam.lally@mass.gov).

9/13/23

Date



Elizabeth S. Little, Esq., *Pro Hac Vice*

Werksman Jackson & Quinn LLP

888 West Sixth Street, Fourth Floor

Los Angeles, CA 90017

T. (213) 688-0460

# EXHIBIT A



## Elizabeth Little

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**From:** Elizabeth Little  
**Sent:** Friday, August 25, 2023 11:13 AM  
**To:** Lally, Adam (NFK)  
**Cc:** Alan Jackson; David Yannetti; Ian Henchy; McLaughlin, Laura (NFK)  
**Subject:** RE: Informal Request for Discovery / Request to View GJ Exhibits  
**Attachments:** Stoughton District Court Order Re Preservation of Handwritten Notes.png

Dear Mr. Lally,

In addition to the requests detailed in my August 23 email below, please accept this email as an informal request for the discovery of the following information:

- (1) All handwritten notes of law enforcement made in connection with this case, including witness interview notes, notes regarding the recovery of evidence, and other investigative notes. These notes were ordered preserved in Stoughton District Court on February 2, 2022 (see attached).
- (2) Reports, photographs, handwritten notes, and mapping documenting the recovery of taillight pieces from 34 Fairview Road. For at least 5 of the searches conducted at 34 Fairview Road we have no reports, memoranda, notes, or other information regarding the recovery of that evidence. The only reason we even know about these additional searches is because the dates of recovery are written on photographs of the bags containing the items of evidence.
- (3) The raw data associated with the SERT team's mapping of items of evidence recovered from 34 Fairview Road, such that we can determine the precise location of the items recovered.
- (4) Finally, this is a friendly reminder that you were going to obtain and produce all information, documents, or other evidence regarding any communications between John O'Keefe and the Canton Police Department and/or any other law enforcement agencies, including 9-1-1 calls, phone calls, email correspondence, and/or police reports. This includes communications between John O'Keefe and the detectives referenced by Chief Rafferty at the August 8, 2023, Canton Select Board Meeting, concerning "drug activity" in his neighborhood which she admits was "well-documented."

Please let us know whether you will produce the above by close of business on **Monday August 28, 2023**. Absent confirmation that your office will promptly comply with these requests, we will need to add the remaining items to our motion to compel such that they can be heard by the Court at the next hearing.

Thanks,  
Elizabeth

Elizabeth S. Little  
Werksman Jackson & Quinn LLP  
888 West Sixth Street, Fourth Floor  
Los Angeles, CA 90017  
Telephone: (213) 688-0460  
Facsimile: (213) 624-1942

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delivering this to the addressee, you are hereby notified that reading, using, copying, or distributing any part of this message is strictly prohibited. If you have received this electronic mail message in error, please contact us immediately and take the steps necessary to delete the message completely from your computer system. Thank you.

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**From:** Elizabeth Little

**Sent:** Wednesday, August 23, 2023 12:54 PM

**To:** Lally, Adam (NFK) <adam.lally@mass.gov>

**Cc:** Alan Jackson <ajackson@werksmanjackson.com>; David Yannetti <law@davidyannetti.com>; Ian Henchy <ian@davidyannetti.com>; McLaughlin, Laura (NFK) <laura.a.mclaughlin@mass.gov>

**Subject:** RE: Informal Request for Discovery / Request to View GJ Exhibits

Dear Mr. Lally:

1. Grand Jury Exhibits: We will plan to head to your office straight after the court appearance on September 15, 2023 to view the grand jury exhibits. Can we schedule that for 10:45 a.m.?
2. Access to and Inspection of Evidence: We will address this issue with the Court.
3. Lexus Infotainment System: Our expert would like to meet Trooper Paul on **September 5, 2023**, to conduct, at the very least, an independent analysis of the Lexus Infotainment and Telematics System and the Lexus Safety System, which were seized pursuant to a search warrant. There is no need for our expert to meet him at the vehicle site because, as you stated in your last email, everything of evidentiary value was already removed from the vehicle pursuant to a warrant. We also anxiously await the PDF of the raw data AND a copy of the raw data itself, which was obtained by Trooper Guarino from the Infotainment System. Please accept this as an informal request for discovery of any written reports produced by Trooper Guarino regarding his data acquisition and analysis, photographs of the steps he used to conduct his data acquisition, photographs documenting the removal of the nav unit, and photographs of the nav unit itself. Please also produce a report and photographs documenting all Electronic Control Units and/or other devices or modules removed from the vehicle, along with any printed circuit boards. Our expert will need to have this information ASAP so that she can determine what devices she needs to bring with her on September 5 to complete her analysis.
4. Original Death Certificate: On the Certificate of Vital Record that you provided in discovery it specifically states that the death Certificate was amended on April 19, 2022. We want to the original death certificate.

Thanks,  
Elizabeth

Elizabeth S. Little  
Werksman Jackson & Quinn LLP  
888 West Sixth Street, Fourth Floor  
Los Angeles, CA 90017  
Telephone: (213) 688-0460  
Facsimile: (213) 624-1942

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**From:** Lally, Adam (NFK) <[adam.lally@mass.gov](mailto:adam.lally@mass.gov)>  
**Sent:** Friday, August 18, 2023 2:38 PM  
**To:** Elizabeth Little <[elittle@werksmanjackson.com](mailto:elittle@werksmanjackson.com)>  
**Cc:** Alan Jackson <[ajackson@werksmanjackson.com](mailto:ajackson@werksmanjackson.com)>; David Yannetti <[law@davidyannetti.com](mailto:law@davidyannetti.com)>; Ian Henchy <[ian@davidyannetti.com](mailto:ian@davidyannetti.com)>; McLaughlin, Laura (NFK) <[laura.a.mclaughlin@mass.gov](mailto:laura.a.mclaughlin@mass.gov)>  
**Subject:** RE: Informal Request for Discovery / Request to View GJ Exhibits

Counsel: Viewing the Grand Jury exhibits can certainly be accomplished at my office following the next court hearing on the 15<sup>th</sup>, whatever time is convenient to counsel is fine with me.

Regarding the items laid out in your most recent motion to compel, please see below.

1. 2. & 3. – pertaining to items, samples, clothing, and taillight pieces and the taillight housing that are all still within the custody of the MSP Lab: I have spoken with the Lab several times on this issue. Pursuant to their protocols, no evidence will be released, and thus available for your independent analysis and/or testing, until ALL of their testing has been completed. Per their policies, in reference to this or any other case, they do not permit independent testing within their lab. Furthermore, an item’s evidentiary value/need for further testing may not be apparent until a forensic link is made or not made in some subsequent testing; i.e. there may be a need to go back to items that are believed to be done with based on some subsequent testing results. When they have completed their testing, the items will be picked up from the lab and you are free to arrange whatever date/time is convenient for counsel and any expert to view, analyze or swab from any items listed. In reference to any samples that remain un-tested/unused by the MSP Lab, upon completion of their testing, the lab can also coordinate to send said samples to the lab of your choosing for whatever testing you are seeking. As far as a time table for the completion of their testing, this is just my best guess: given the DNA testing that was performed with Mr. Lakin present in late July and the lab’s expected turn around for reports regarding that testing being around September 5<sup>th</sup>, and the subsequent exhaustive DNA testing performed with Mr. Lakin present on 8/01, with what I would anticipate would be a similar approximately six week turn around for those reports, I would then anticipate a time frame of late September/early October.
4. Defense expert access to Lexus infotainment and telematics center, EDR, LSS, and ACM: in speaking with Trooper Paul, whom was present with Mr. Yannetti’s expert Kerry Alvino, during a prior scheduled inspection of the vehicle in May, 2022, I believe Ms. Alvino has already imaged the ACM data directly from the vehicle.
  - a. Regardless, the infotainment was pulled from the vehicle pursuant to a SW, specifically the radio head unit where the information is stored, however, there is not currently a way to recover that information or any programs that can parse the data. Trooper Guarino was able to plug into the OBD port but the data was essentially in binary code with one’s and zero’s, when parsed through BERLA. The make and model is not currently supported by BERLA, and we are awaiting an update in the BERLA software, who in turn is awaiting an update from the manufacturer. Trooper Guarino put the binary code data into a PDF and he is getting me a copy of that, as well as the raw data, which I will then provide to you. I’ve also asked him to write up a further report regarding the same and will forward that to you as well.
  - b. – e. The remaining items are available to download from the vehicle. I can arrange for that to be accomplished with Trooper Paul present. The vehicle is currently at the MSP Foxboro barracks and Trooper Paul is available anytime after 9/02. Just let me know what works for your expert and I can arrange for that.
5. Copy of the OCME’s original death certificate: I’m still perplexed on this request and would ask for some further clarity. I’ve spoken with the OCME and neither of us have any idea what you mean. From the OCME file, previously provided in discovery, there are two death certificate attestations: one pending and one with the finalized cause and manner; and then you have the certified copy from the Registry of Vital Statistics. Death certificates are not done manually, but rather electronically. I simply have no idea what leads you to believe the death certificate was amended from some “original” copy, please advise.
6. Reports regarding Mr. O’Keefe’s clothing for submission to UC Davis: those were previously provided in discovery and re-sent as an email attachment on August 16<sup>th</sup>.

7. Request that any clothing samples submitted to UC Davis Lab for animal testing be run with K9 markers: That has been done per earlier email from today, 8/18.

8. Copy of email correspondence between Trooper Proctor and James Short, including attachment: Sent today as well accompanied by NOD XXI.

Thank you, Adam

---

**From:** Elizabeth Little <[elittle@werksmanjackson.com](mailto:elittle@werksmanjackson.com)>

**Sent:** Wednesday, August 16, 2023 3:41 PM

**To:** Lally, Adam (NFK) <[adam.lally@mass.gov](mailto:adam.lally@mass.gov)>

**Cc:** Alan Jackson <[ajackson@werksmanjackson.com](mailto:ajackson@werksmanjackson.com)>; David Yannetti <[law@davidyannetti.com](mailto:law@davidyannetti.com)>; Ian Henchy <[ian@davidyannetti.com](mailto:ian@davidyannetti.com)>; McLaughlin, Laura (NFK) <[laura.a.mclaughlin@mass.gov](mailto:laura.a.mclaughlin@mass.gov)>

**Subject:** RE: Informal Request for Discovery / Request to View GJ Exhibits

**CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.**

Hi Adam,

We want to view the exhibits that were presented to the grand jury (which should be identified by the numerical descriptions listed in the grand jury minutes), so that we can see exactly which exhibits / photos were presented to the grand jury. Given the high-profile nature of this case, I think it would make most sense to view those at your office after the hearing if possible so that we are not stuck in the courthouse after the proceedings. Appreciate you sending NOD XV – my apologies for any inconvenience.

Do you have any update on the outstanding items of discovery / inspection requests that were laid out in our motion to compel? We would really like to be able to at least begin our independent analysis of the evidence as soon as possible.

Thanks,  
Elizabeth

Elizabeth S. Little  
Werksman Jackson & Quinn LLP  
888 West Sixth Street, Fourth Floor  
Los Angeles, CA 90017  
Telephone: (213) 688-0460  
Facsimile: (213) 624-1942

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**From:** Lally, Adam (NFK) <[adam.lally@mass.gov](mailto:adam.lally@mass.gov)>

**Sent:** Wednesday, August 16, 2023 8:52 AM

**To:** Elizabeth Little <[elittle@werksmanjackson.com](mailto:elittle@werksmanjackson.com)>  
**Cc:** Alan Jackson <[ajackson@werksmanjackson.com](mailto:ajackson@werksmanjackson.com)>; David Yannetti <[law@davidyannetti.com](mailto:law@davidyannetti.com)>; Ian Henchy <[ian@davidyannetti.com](mailto:ian@davidyannetti.com)>; McLaughlin, Laura (NFK) <[laura.a.mclaughlin@mass.gov](mailto:laura.a.mclaughlin@mass.gov)>; Lally, Adam (NFK) <[adam.lally@mass.gov](mailto:adam.lally@mass.gov)>  
**Subject:** RE: Informal Request for Discovery / Request to View GJ Exhibits

Counsel:

First, that should not be a problem. For my clarity, you wish to view the Grand Jury Exhibits that have been provided in discovery? That can be arranged either at my office or the courthouse, whatever is more convenient for you all.

Second, I will make that request of Canton PD and forward you whatever I receive upon receipt.

Third, I have re-sent the email with the attached NOD XV and the associated report, that was initially sent on May 2, 2023, to you all, as requested. Thanks, Adam

---

**From:** Elizabeth Little <[elittle@werksmanjackson.com](mailto:elittle@werksmanjackson.com)>  
**Sent:** Monday, August 14, 2023 7:01 PM  
**To:** Lally, Adam (NFK) <[adam.lally@mass.gov](mailto:adam.lally@mass.gov)>  
**Cc:** Alan Jackson <[ajackson@werksmanjackson.com](mailto:ajackson@werksmanjackson.com)>; David Yannetti <[law@davidyannetti.com](mailto:law@davidyannetti.com)>; Ian Henchy <[ian@davidyannetti.com](mailto:ian@davidyannetti.com)>  
**Subject:** Informal Request for Discovery / Request to View GJ Exhibits

**CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.**

Dear Mr. Lally:

First, as you know, on October 5, 2022, the Court ordered that the defense be permitted to view the exhibits presented to the grand jury in this case by scheduling an appointment to view them at your office. **We would like to set up an appointment to view the GJ exhibits on September 15, 2023**, after our morning court appearance while we are in town. Can you please arrange for us to meet with someone at your office that day in order to view the exhibits? Anytime after our appearance will work.

Second, please accept this as an informal request for the discovery of all information, documents, or other evidence regarding any communications between John O'Keefe and the Canton Police Department, including 9-1-1 calls, phone calls, email correspondence, and/or police reports. This includes communications between John O'Keefe and the detectives referenced by Chief Rafferty at the August 8, 2023, Canton Select Board Meeting, concerning "drug activity" in his neighborhood which she admits was "well-documented."

Third, I recently noticed that we appear to be missing a "Notice of Discovery XV" and there is no corresponding link to the discovery document on the Court's website. Can you please confirm that you did not produce any documents in connection with a "Notice of Discovery XV." If I am missing these documents, or this encompasses other documents that were previously produced please advise.

Thanks,  
Elizabeth

Elizabeth S. Little  
Werksman Jackson & Quinn LLP  
888 West Sixth Street, Fourth Floor  
Los Angeles, CA 90017  
Telephone: (213) 688-0460  
Facsimile: (213) 624-1942

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COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

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

COMMONWEALTH OF  
MASSACHUSETTS,  
Plaintiff

V.

KAREN READ,  
Defendant

|                              |                 |
|------------------------------|-----------------|
| Date                         | <i>12/10/02</i> |
| <b>MOTION/ALLOWED/DENIED</b> |                 |
| _____                        |                 |
| _____                        |                 |
| _____                        |                 |
| _____                        |                 |
| Justice                      |                 |

**DEFENDANT'S EMERGENCY MOTION FOR  
PRESERVATION OF EVIDENCE**

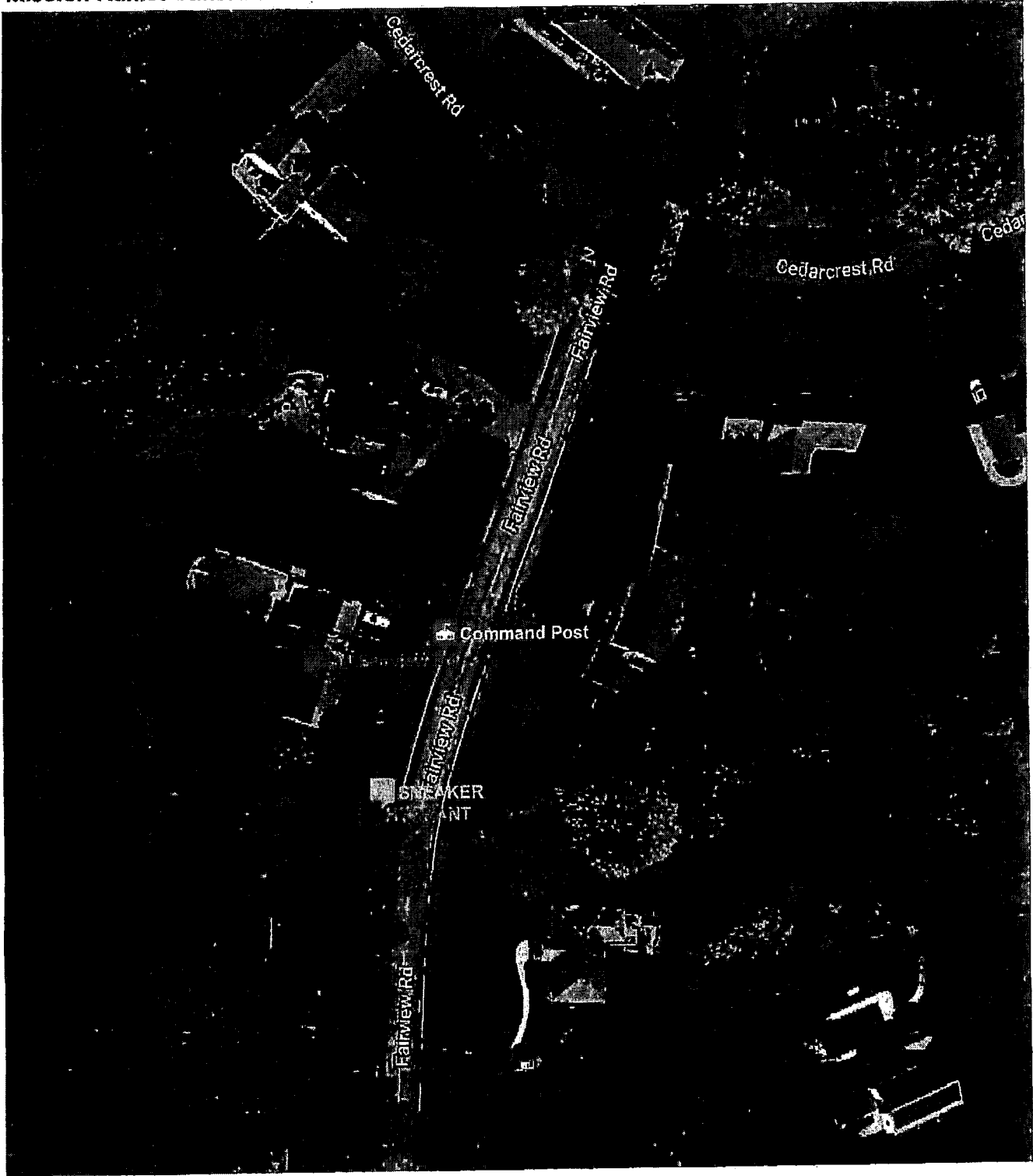
Now comes the defendant, Karen Read, and hereby moves this Honorable Court to order the Commonwealth to preserve the following evidence in connection with this matter:

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;

# EXHIBIT B



### Mission Name: Canton Evidence Search

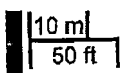
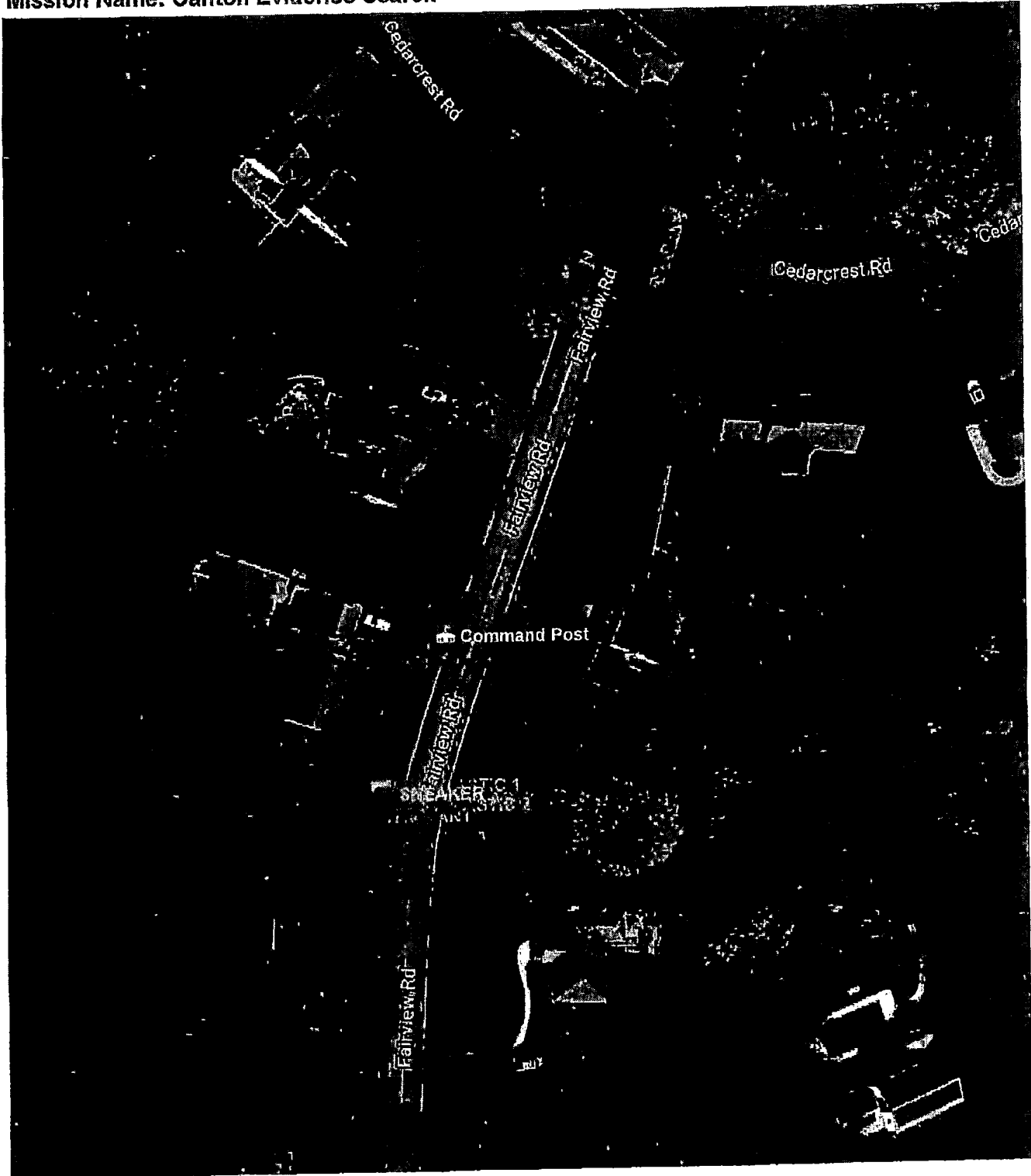


10 m  
50 ft

Google  
Mission Manager Inc.

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Map Datum: WGS84

### Mission Name: Canton Evidence Search



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Map Datum: WGS84