

APPLICATION FOR SEARCH WARRANT

G.L. c. 276 §§ 1-7

TRIAL COURT OF MASSACHUSETTS



Superior

COURT DEPARTMENT

Norfolk

DIVISION

NAME OF APPLICANT

Brian Tully

POSITION OF APPLICANT

Detective Lieutenant

SEARCH WARRANT DOCKET NUMBER

I, the undersigned **APPLICANT**, being duly sworn, depose and say that:

1. I have the following information based upon the attached affidavit(s), consisting of a total of 31 Pages,
Which is (are) incorporated herein by reference.

2. Based upon this information, there is **PROBABLE CAUSE** to believe that the property described below:

- ☐ Has been stolen, embezzled, or obtained by false pretenses.
- ☒ Is intended for use or has been used as the means of committing a crime.
- ☐ Has been concealed to prevent a crime from being discovered.
- ☐ Is unlawfully possessed or concealed for an unlawful purpose.
- ☒ Is evidence of a crime or is evidence of criminal activity.
- ☐ Other (specify) _____

3. I am seeking the issuance of a warrant to search for the following property (*describe the property to be searched for as particular as possible*):

See Addendum A

4. Based upon this information, there is also probable cause to believe that the property may be found (*check as many as apply*):

☒ At (*identify the exact location or description of the place(s) to be searched*):

Any mobile device reasonably used by Aidan Kearney to illegally intercept oral communications, conspire, disseminate the illegally obtained communication, and intimidate witnesses of the murder of John O'Keefe

Which is occupied by and/or in the possession of: Aidan Kearney (DOB 12/26/81)

☒ On the person or in the possession of (*identify any specific person(s) to be searched*):

Aidan Kearney (DOB 12/26/81)

☒ On any person present who may be found to have such property in his or her possession or under his or her control or to whom such Property may have been delivered.

THEREFORE, I respectfully request that the court issue a Warrant and order of seizure, authorizing the search of the above described place(s) and Person(s), if any, to be searched, and directing that such property or evidence or any part thereof, if found, be seized and brought before the court, Together with such other and further relief that the court may deem proper.

I ☒ have previously submitted the same application.

I ☐ have not previously submitted the same application.

PRINTED NAME OF APPLICANT

Brian Tully

SIGNED UNDER THE PENALTIES OF PERJURY

Signature of Applicant

SWORN AND SUBSCRIBED TO BEFORE

X

Signature of Justice, Clerk-Magistrate or Assistant Clerk

10/6/23
DATE

ADDENDUM A

- A. Data evidencing ownership, custody or control electronic evidence items including activation date, email accounts, billing records, social media account information, calendars, alerts, reminders, notes, text messages, and pictures or videos from April 1, 2023 through and including October 5, 2023
- B. Any video that appears to have been recorded inside Norfolk Superior Court on July 25, 2023
- C. Evidence of dissemination of illegally obtained oral communication, which was obtained July 25, 2023
- D. Communication between Aidan Kearney and any witness or family members of a witness involved in murder of John O'Keefe, to include but not limited to Matthew McCabe, Jennifer McCabe, Brian Albert, Christopher Albert, Colin Albert, Juliana Albert, Michael Proctor, and Elizabeth Proctor from April 18, 2023 to October 5, 2023
- E. Pictures or videos depicting evidence of Intimidation of a Witness of any witness or family members of a witness involved in murder of John O'Keefe, to include but not limited to Matthew McCabe, Jennifer McCabe, Brian Albert, Christopher Albert, Colin Albert, Juliana Albert, Michael Proctor, and Elizabeth Proctor from April 18, 2023 to October 5, 2023
- F. Data evidencing dissemination of data depicting evidence of Intimidation of a Witness of any witness or family members of a witness involved in murder of John O'Keefe, to include but not limited to Matthew McCabe, Jennifer McCabe, Brian Albert, Christopher Albert, Colin Albert, Juliana Albert, Michael Proctor, and Elizabeth Proctor from April 18, 2023 to October 5, 2023
- G. Data associated with the Twitter account "@DoctorTurtleboy" on July 25, 2023
- H. Data evidencing communication with Jannell Webb on Facebook Messenger involving improperly disseminated CJIS information on September 25, 2023

SEARCH WARRANT

G.L. c. 276 §§ 1-7

TRIAL COURT OF MASSACHUSETTS

Superior

COURT DEPARTMENT

Norfolk

DIVISION

SEARCH WARRANT DOCKET NUMBER 2555 SW 0071

TO THE SHERIFFS OF OUR SEVERAL COUNTIES OR THEIR DEPUTIES, ANY STATE POLICE OFFICER, OR ANY CONSTABLE OR POLICE OFFICER OF ANY CITY OR TOWN, WITHIN OUR COMMONWEALTH:

Proof by affidavit, which is hereby incorporated by reference, has been made this day and I find that there is **PROBABLE CAUSE** to believe that the property described below:

- ☐ Has been stolen, embezzled, or obtained by false pretences.
- ☒ Is intended for use or has been used as the means of committing a crime.
- ☐ Has been concealed to prevent a crime from being discovered.
- ☐ Is unlawfully possessed or concealed for an unlawful purpose.
- ☒ Is evidence of a crime or is evidence of criminal activity.
- ☐ Other (specify) _____

YOU ARE THEREFORE COMMANDED within a reasonable time and in no event later than seven days from the issuance of this search warrant to search for the following property:

See Addendum A

☒ At:

Any mobile device reasonably used by Aidan Kearney to illegally intercept oral communications, conspire, disseminate the illegally obtained communication, and intimidate witnesses of the murder of John O'Keefe

Which is occupied by and/or in the possession of: Aidan Kearney (DOB 12/26/81)

☒ On the person or in the possession of:

Aidan Kearney (DOB 12/26/81)

You ☐ are ☒ are not also authorized to conduct the search at any time during the night.

You ☐ are ☒ are not also authorized to enter the premises without announcement.

You ☒ are ☐ are not also commanded to search any person present who may be found to have such property in his or her possession or under his or her control or to whom such property may have been delivered.

YOU ARE FURTHER COMMANDED if you find such property or any part thereof, to bring it, and when appropriate, the persons in whose possession it is found before the

Norfolk

Division of the

Superior

Court Department.

Date Issued

10/6/23

Signature of Justice, Clerk, Magistrate or Assistant Clerk

☒

Printed name of Justice, Clerk, Magistrate or Assistant Clerk

First or Administrative Justice

WITNESS: Hon. Heidi E. Brieger

Daniel J. O'Shea

ADDENDUM A

- A. Data evidencing ownership, custody or control electronic evidence items including activation date, email accounts, billing records, social media account information, calendars, alerts, reminders, notes, text messages, and pictures or videos from April 1, 2023 through and including October 5, 2023
- B. Any video that appears to have been recorded inside Norfolk Superior Court on July 25, 2023
- C. Evidence of dissemination of illegally obtained oral communication, which was obtained July 25, 2023
- D. Communication between Aidan Kearney and any witness or family members of a witness involved in murder of John O'Keefe, to include but not limited to Matthew McCabe, Jennifer McCabe, Brian Albert, Christopher Albert, Colin Albert, Juliana Albert, Michael Proctor, and Elizabeth Proctor from April 18, 2023 to October 5, 2023
- E. Pictures or videos depicting evidence of Intimidation of a Witness of any witness or family members of a witness involved in murder of John O'Keefe, to include but not limited to Matthew McCabe, Jennifer McCabe, Brian Albert, Christopher Albert, Colin Albert, Juliana Albert, Michael Proctor, and Elizabeth Proctor from April 18, 2023 to October 5, 2023
- F. Data evidencing dissemination of data depicting evidence of Intimidation of a Witness of any witness or family members of a witness involved in murder of John O'Keefe, to include but not limited to Matthew McCabe, Jennifer McCabe, Brian Albert, Christopher Albert, Colin Albert, Juliana Albert, Michael Proctor, and Elizabeth Proctor from April 18, 2023 to October 5, 2023
- G. Data associated with the Twitter account "@DoctorTurtleboy" on July 25, 2023
- H. Data evidencing communication with Jannell Webb on Facebook Messenger involving improperly disseminated CJIS information on September 25, 2023

I, Brian P. Tully, being duly sworn, depose and state that the following is true to the best of my knowledge:

1. I, Detective Lieutenant Brian Tully #3520, am a Massachusetts State Police Officer and have been a police officer since 2006. In July 2012, I was assigned to the Norfolk State Police Detective Unit, where I have investigated and processed serious and violent crimes, including murder, suicides, sudden, suspicious, and unattended deaths, along with drug investigations. In 2019, I was promoted to the rank of Sergeant and supervised homicide and violent crime investigations. In November 2021, I was promoted to the rank of Detective Lieutenant and appointed Unit Commander of the Norfolk State Police Detective Unit (SPDU). I have participated in the execution of search warrants from which various types of evidence have been seized. I am trained in criminal investigation including, specifically homicides/death investigations and crime scene investigation. I have received specialized training and experience in the collection of physical evidence, crime scene processing and the investigations of such cases. I have received specialized training to obtain and analyze cellular telephone data and call detail records in support of criminal investigations. I have testified as an expert witness regarding cell phone technology, cell phone forensics, and their use in criminal investigations. In one such case, Commonwealth v Wilkerson (SJC-12124), the Massachusetts Supreme Judicial Court stated I testified to my “extensive training in applying CSLI records to criminal investigations”. I have been an instructor for the Municipal Police Training Council on the topics of homicide investigations and criminal law. I have organized and hosted homicide conferences in Massachusetts and around the country. I have a Master of Arts degree in Criminology from the University of Massachusetts – Lowell and a Bachelor of Arts degree in Criminal Justice/Political Science from Stonehill College. In addition to my assignment in the Division of Investigative Services, I have been assigned to the Division of Field Services working in Troop C (Central Massachusetts) and Troop H (Metro Boston).
2. Based upon information contained in the numbered paragraphs below which are the product of my own investigation and my discussions with Massachusetts State Troopers involved in the investigation, I submit that I have probable cause to believe that evidence of a violation of Massachusetts General Laws, Chapter 272, Section 99 (C)(1) (Illegal Interception of Oral Communications), a violation of Massachusetts General Laws, Chapter 272, Section 99 (C)(3) (Disclosure of Illegally Intercepted Communications), a violation of Massachusetts General Laws, Chapter 268, Section 13B (Witness Interference), a violation of Massachusetts General Laws, Chapter 274 Section 7 (Conspiracy), and a violation of Massachusetts General Laws, Chapter 268, Section 13A (Picketing Witness) will be found cell phones and/or mobile digital devices capable of communication used by Aidan Kearney.

Intimidation of a Witness – Violation of MGL Chapter 268 Section 13B

Picketing Witness – Violation of MGL Chapter 268 Section 13A

3. On the morning of January 29, 2022, John O'Keefe was found unresponsive on the front lawn of 34 Fairview Road, Canton, MA. He was transported to Good Samaritan Hospital where he was pronounced deceased. The Office of the Chief Medical Examiner determined the cause of death to be blunt force to the head and hypothermia. Evidence was presented to the Norfolk Grand Jury that indicated the night of January 28, 2022, Read and O'Keefe were at two Canton restaurants, C.F. McCarthy's and the Waterfall, where they met friends. After the Waterfall closed at shortly after midnight, Read and O'Keefe were invited to 34 Fairview Road, Canton. Witnesses stated Read and O'Keefe did not enter 34 Fairview Road. The Norfolk Grand Jury indicted Karen Read on 2nd Degree Murder, Motor Vehicle Manslaughter While OUI, and Leaving the Scene of a Motor Vehicle Crash Causing Death. The indictment alleges Read struck O'Keefe with her motor vehicle and left the scene. The case is currently pending in Norfolk Superior Court (2282CR00117).
4. The lead investigator for the above investigation is Trooper Michael Proctor of the Massachusetts State Police, assigned to the Norfolk State Police Detective Unit. Tpr. Proctor testified before the Grand Jury and continues to conduct investigative work on the case. Michael Proctor is married to Elizabeth Proctor. Elizabeth is not a witness to the investigation, but a family member as mentioned in MGL 268-13B.
5. During the investigation into O'Keefe's death, witnesses were identified, interviewed, and testified before the Grand Jury. These civilian witnesses were present with O'Keefe and Read in the hours leading up to O'Keefe's death and his discovery on January 29, 2022. The witnesses include:
 - a. Matthew McCabe: interviewed by investigators. Matthew was with O'Keefe and Read at the Waterfall Restaurant before O'Keefe's death, observed an SUV (believed to be Read's) in front of 34 Fairview Road, and testified at the Grand Jury.
 - b. Jennifer McCabe: interviewed by investigators. Jennifer was with O'Keefe and Read at the Waterfall Restaurant before O'Keefe's death, observed an SUV (believed to be Read's) in front of 34 Fairview Road, was with Read when O'Keefe was found unresponsive, and testified at the Grand Jury.
 - c. Brian Albert interviewed by investigators. Brian was with O'Keefe and Read at the Waterfall Restaurant, homeowner of 34 Fairview Road, and testified at the Grand Jury.
 - d. Julie Albert (wife of Chris): interviewed by investigators. Julie was with O'Keefe and Read at the Waterfall Restaurant before O'Keefe's death and testified at the Grand Jury.

- e. Chris Albert (husband of Julie): first interviewed by investigators on February 10, 2022. Chris was with O'Keefe and Read at the Waterfall Restaurant before O'Keefe's death and testified at the Grand Jury.
 - f. Colin Albert: interviewed by investigators, son of Chris and Julie Albert.
 - g. Juliana Nagel: interviewed by investigators. Juliana was present at 34 Fairview Road when people were arriving from the Waterfall Restaurant and observed an SUV (believed to be Read's) parked in front of 34 Fairview Road.
6. In an April 2023 motion filed by Read's defense attorneys, "DEFENDANT'S MOTION FOR ORDER PURSUANT TO MASS. R. CRIM. P. 17 DIRECTED TO BRIAN ALBERT, VERIZON, AND AT&T", alleged police misconduct and a conspiracy among the civilian witnesses to frame Read for the death of O'Keefe. The motion calls Brian Albert a "suspect" and Jennifer McCabe a "conspirator" who "took calculated steps to purge her phone of this inculpatory" evidence.
 7. A local blogger, Aidan Kearney, has adopted defense's claims. Kearney runs a series of websites and social media accounts under the name "Turtleboy". The social media accounts include "TB Daily News" (X "formerly Twitter" – 33,800 followers), "Aidan Kearney - @DoctorTurtleboy" (X – formerly Twitter" – 44,800 followers), "Turtleboy" (Facebook – 27,000 followers), and "Turtleboy Live" (YouTube – 41,000 subscribers). Kearney refers to his followers as "Turtle riders".
 8. Beginning on April 18, 2023, Kearney began posting articles to his website and social media accounts where he adopted the defense allegations as true and makes personal attacks on the civilian witnesses, members of their family, and their friends. Kearney authors and publishes a blog on the website "tbdailynews.com". The website has a series of articles entitled "Canton Cover-Up". As of September 28, 2023, at least 164 articles have been posted to the website under this category regarding Karen Read.
 9. Kearney posts weekly videos to YouTube where he has discussed Karen Read and made statements regarding witnesses. Below are a small selection of verbal statements made by Kearney in these videos that have been published to followers and are publicly available for viewing without being a subscriber or follower and have been archived by investigators:
 - Episode 594: Turtleboy Returns to Canton (video posted shortly after Kearney visited homes of witnesses)
 - "This is not my last trip to Canton" "I will be back" (57 minute mark)
 - "I'll be back", "Get used to this", "**These people think that I'm fucking around, you haven't seen the last of me**", "Get used to it, get used to it." (1:19 mark)
 - Episode 598: *Breaking* Karen Read Defense Files Motion to Recuse
 - "This guy [Chris Albert] has his head on the swivel, looking for Turtle Riders", "I got bad news for you Chris, I got really bad news for you",

"They are literally everywhere", "You guys should just stop going out in public", **"It's only going to get worse from here."** "I know where y'all were today, you were in Agawam, weren't you?" "You guys were at some sort of little league thing in Agawam." "Alberts, McCabes, all you people were there. Just know that there will be no... **Life as normal is over.** Life as normal, you had normal for a while there, from January 29th, to about April 2023. You guys literally got away with murder." (8 minute mark)

- [While discussing video of Chris Albert being confronted outside of a Canton restaurant] "We [Kearney and his audience] are getting to them [Chris Albert and other witnesses]...When you act this way.....That's like a green light for me, time to hit the gas." (19 minute mark)
- **"I got pictures of you.** You can't leave the fucken country. Turtle Riders we're gonna find you, they're gonna find you. You can't hide anymore, your private life is officially over, over. You leave your house, you're gonna have your picture taken, so you need to get used to the new normal, your new normal.", "Turtle Riders are gonna take pictures of you and they're gonna send it to me, you're famous", **"We need to accelerate it"**, "They [woman who recorded video of Chris Albert confrontation] are doing a fantastic job with this."

- Episode 604: Colin Albert Drops out of School, Brian Higgins Flipping? Is the End Near?

- **"I said from the beginning, I don't want this to go to trial"** (17 minute mark)

10. Since April 2023, Kearney traveled to Canton on several occasions. On one occasion, Kearney went to D&E Pizza, 618 Washington Street, Canton, which is owned by Chris Albert. Chris Albert and his wife, Juliana Albert, were with John O'Keefe and Karen Read prior to the homicide. Chris has been interviewed by investigators. During the visit to D&E Pizza, Kearney confronted Chris. Kearney later stated on a video posted on YouTube for his followers to confront Chris Albert, order food from D&E Pizza with the intent of not paying for the food, and harass. Chris Albert stated he has had a vast increase in the number of telephone orders not picked up or paid for since Kearney made those statements on the YouTube video.
11. In July 2023, Kearney posted a blog on his website regarding Chris Albert. The blog contains a video where Chris was confronted by a follower of Kearney's outside a Canton restaurant (also referenced above in video "Episode 598: *Breaking* Karen Read Defense Files Motion to Recuse"). In the blog post, Kearney writes,
"let's keep this up. I was so proud to see turtle riders unafraid, confronting evil like this in the flesh. The fact that he's still going to places like the Waterfall [Canton restaurant] is because he feels comfortable doing so. But murderers, and those who cover for them, do

not deserve to live a comfortable life while Karen Read suffers and fights for justice for John O'Keefe."

12. On June 13, 2023, Kearney broadcasted a live YouTube video (Ep #590), which is currently posted on his YouTube¹ page. During the broadcast, Kearney displayed call detail records of Jennifer McCabe from the day O'Keefe was killed, which included phone numbers and names associated with the phone number. These records had previously been attached to a defense motion filed in Commonwealth v Read. Kearney called Juliana Albert, Chris Albert's wife, and left a voice mail message. Juliana stated a person claiming to be Kearney called from phone number 413-262-6909. Kearney left the following voicemail:

Hi, Julie, this is award-winning journalist Aidan Kearney calling from Turtle Boy Daily News. Just calling to ask you a few questions, that's all. At the board selectman meeting a few weeks ago, you looked great and extremely happy in the front row and extremely comfortable that you wanted to be there. So I just want to ask you just a couple of questions, I'm reading a police report right now from February 10, 2022, which Michael Proctor says he interviewed you and introduced himself for the first time, which confuses me a little bit because it seems that your family has known him for quite some time. I was wondering how your son Colin, who was at 34 Fairview Road the night that John O'Keefe was murdered, ended up in a wedding party with Trooper Proctor and Trooper Proctor's sister before he was actually a trooper, and I wanted to know who did you guys meet, and did you guys just forget about each other over time that you had to be reintroduced again. But what I'd really like to know is if you were in the Canton High School Class of 1994. How the hell did Jenn McCabe win best-looking, were they using Dominion voting machines? How did that happen, and how does that hurt your self-esteem to know that you were in the same graduating class as Jennifer McCabe, and she got best-looking? How does that, how do you cope with that? Do you need therapy, that has to hurt your feelings, right, because that would just devastate me if I lost a horse face. So give me a call back when you got this, and we'll talk soon. Bye!

13. Chris Albert stated he received a phone call from the phone number 413-262-6909 on June 19, 2023. Albert did not answer the call. The following voicemail was left:

Yes, Chicken Parm Charlie. This is award winning journalist Aidan Kearney calling you back. You messaged me on the night of April 17 when I first wrote the story about your son being involved in the death of John

¹ YouTube is a free video sharing website that allows users to upload and view online videos. Users can create and upload to share with others.

O'Keefe. You said it was unfortunate that I was going to write about that. I have not heard back from you yet, so I'm still following up on that. I'd also like to know about a report that I'm reading right now in which Trooper Proctor claims that he was formally introduced to you on February 10, 2022. I'm a little confused by that because we have pictures of your family with Trooper Proctor dating back as far as I believe 2011 if not further, so did you guys both have amnesia that day that you needed to be formally introduced. Do you often need to be introduced to the people that you have known for a long time? Do you live perpetually in Groundhog Day? I know this was right around Groundhog Day when this happened, so maybe it just kept replaying, and you got to do it all over again the next day. I don't know. I'd like to learn more about this, so if you get back to me, that'd be great, and also, I'll take two blackened chicken parms, extra mozzarella, and we'll see you soon. All right.

14. On July 26, 2023, Sgt. Yuri Bukhenik of the Massachusetts State Police Norfolk SPDU interviewed Colin Albert regarding harassment he has received from Kearney and his followers. Colin Albert is the son Chris and Juliana Albert and was 17 years of age on the day O'Keefe was killed. On April 17, 2023, Kearney posted on Twitter a statement alleging Colin Albert is responsible for the murder of John O'Keefe, specifically stating Colin and O'Keefe were in a fist fight at 34 Fairview Road. Since that post, Kearney authored several additional posts about Colin, his alleged propensity for violence, and personal information including where Colin will be attending college. Since that time, Colin has been the target of harassment and intimidation on social media. Employees of his college, Bridgewater State University, have received emails from people who copied Kearney's false allegations.
15. On July 8, 2023, Kearney broadcast a live YouTube video (Ep #596). During the broadcast, Kearney stated he has Colin Albert's cell phone number. He stated he is going to call it and "hopes the fucker answers". In the video, Kearney places the call via a cell phone while utilizing the speaker. The phone calls goes to voicemail. The greeting of the voicemail states the phone number of the person Kearney is calling, Colin Albert, which is broadcasted on the YouTube video. Kearney leaves the following voicemail. Colin stated the phone call came from phone number 413-262-6909:

Yo, Colin, it's Turtleboy from them advantage boys. Bang, bang, bang, bang. Yo, we'll fuck any of you dogs up. Yo, you challenged my boys, them advantage boys, to a fight, dog, and we about that life, son. We about that like, and we from Sharon, son. Yo, y'all Canton bitches ain't hot, yo. Us Sharon bitches are advantage boys. Nobody be fucking with us and shit, dog. Yo, call me back. No, but seriously, it's Aidan Kearney from Turtleboy. I just want to know were you the one who killed John O'Keefe or was that your Uncle Brian. Who hit him first? Who hit with the back of the head with the thing? Are you worried that you're going to go to jail for the rest of your life

and that you won't be able to play football at Bridgewater State next year? I'd love to have a conversation with you. Your dad kicked me out of your pizza shack, and I didn't get to eat his mediocre chicken parm, so I just wanted to know if you could talk to me about that, and maybe you and I could go for a ride. We could find them advantage boys, bang, bang. I don't know, so give me a call when you get this. Bye.

16. Colin stated to Sgt. Bukhenik that the intimidation he has received from Kearney has made him sad, scared, and paranoid. He fears physical harm from strangers. Colin attended Bridgewater State University where he was a member of the football team. Colin was enrolled to return in the fall of 2023. Due to the past harassment and the threat of future harassment, Colin choose to withdraw from the university football team.
17. On September 24, 2023, Kearney broadcast a live YouTube video ("Ep 616"). At the 2 hour 31 minute mark, Kearney is talking about an interaction he had with Jillian Daniels, Colin's aunt. While describing their interaction, Kearney stated, "I'm trying to put her like godson, backslash nephew, in jail. And, you know, kind of like, **destroy their life.**"
18. Kearney has targeted Jennifer and Matthew McCabe with many harassing and intimidating statements and acts. The McCabes were with O'Keefe and Read in the hours leading up to O'Keefe's death and were present at 34 Fairview Road, Canton. Read's defense attorneys have alleged the McCabes have lied to investigators and have conspired with other witnesses to frame Read for the murder. Kearney has confronted and harassed the McCabes as a result.
19. On June 6, 2023, the McCabes traveled from their residence in Canton to Billerica, MA to attend a sporting event where their children were participating. Kearney learned the McCabes would be in Billerica. Kearney, whose MA driver's license has an address of 111 Mason Road, Holden, MA, traveled to Billerica, confronted the McCabes and posted videos of the interaction online. Kearney would later write a blog post about the interaction where he stated, "**Jen and Matt McCabe do not deserve to live a normal life** and pretend that they weren't involved in murdering a Boston Police Officer²." While the McCabes were seated in the stands, Kearney approached Jennifer McCabe and asked her repeated questions about the alleged conspiracy. On a subsequent YouTube video, Kearney bragged about the confrontation: "I went to her kid's lacrosse game and made a scene there and got kicked out...because I kept calling her a copkiller" (Riss Flex – "ELITE MA CORRUPTION ft. TURTLEBOY! – 1:01 mark).
20. On June 26, 2023, Kearney traveled to the home of Matthew and Jennifer McCabe at 12 Country Lane, Canton. Kearney video recorded his arrival at the residence and later

² John O'Keefe was employed as a Boston Police Officer at the time of his death.

discussed the trip to the residence in a YouTube video ("Ep #594 – Turtleboy Returns to Canton"). In the YouTube video, Kearney stated when he arrived, he noticed the front door to the residence was open. He stated, "Well that [the open door] will makes this easier, she can't close on me." Kearney played the video he recorded at the residence on the YouTube video. Kearney rang the doorbell and video recorded the interior of the residence through a glass storm door. A person is seen inside the home on Kearney's video, which Kearney stated is Jennifer McCabe. Kearney was videotaping into the home for approximately one minute.

21. Sgt. Bukhenik interviewed Jennifer McCabe on July 24, 2023 regarding the harassment and intimidation. Jennifer became upset and stated she is concerned for her safety and wellbeing of her juvenile children. She stated her children are upset, embarrassed, and angry at the false accusations Kearney has been broadcasting. She stated, "The children are afraid to be at their own home." Jen later told Sgt. Bukhenik that Kearney repeatedly keeps showing the pictures of Tpr. Proctor at a cookout and misidentifies children in the photo as her children. She stated Kearney has shown one of her children at her first communion and family photos. Jennifer stated her 15 year old daughter is being recognized and photographed in public, which terrifies her daughter.
22. On September 20, 2023, Kearney broadcast a live YouTube video (Ep #615). During the video, Kearney repeatedly stated that Jen McCabe killed John O'Keefe. At the 1:54 mark in the video, Kearney stated, "I am saying this as a matter of fact, that Jen McCabe participated in killing and planning to kill and cover up the murder of John O'Keefe. I am saying that. That is not my opinion." Later in the video, Kearney displayed a sign on the lawn of Jennifer McCabe's sister in Canton and states:

"You killed John O'Keefe, you worthless piles of shit, and I'm gonna find you motherfucker. I'm gonna find you. Just know that. You wanna fucking dance? We can fucking dance. I didn't know who you were before this....I thought you were Jen's lesbian sister or some shit. I didn't know shit about you. Now we know all about your son Tommy. Tommy's the lacrosse coach I believe at Canton High School, right? Yeah, whoa. We can talk about Tommy too. We can pay Tommy a visit too. We're gonna go after...you're gonna get the whole fucking deal now. All of it. Allie McCabe, she can get it too. They can all get it. We have left the second generation out of this for a bit but that's over. Except for Brian Albert Jr because he looks functionally retarded. But besides him, the rest of them, they are all gonna it. They're all gonna get it...Caitlin Albert, we've got some questions for you. Show up at another Bridgewater State football game, I dare you. Daddy's coming to town. These people make me sick."
23. On June 13, 2023, Kearney broadcast a live YouTube video (Ep #590), which is currently posted on his YouTube page. During the broadcast, Kearney displayed phone records of Jennifer McCabe from the day O'Keefe was killed. The records displayed names next to

the phone number, which appears to be the user of the other phone number. These records had previously been an attachment to an unredacted defense motion filed in Commonwealth v Read. During the video broadcast, Kearney cold calls the phone numbers without names associated. In this process, Kearney called a work cell phone of Tpr. Proctor. Tpr. Proctor stated the phone number that made the call was 413-262-6909. Kearney left the following voicemail:

Hi Trooper Proctor. This is award winning journalist, Aiden Kearney, calling. I'm calling to talk to you. I do have some questions about you. I have a lot of questions, actually. For starters, why didn't you tell me, one, before doing the investigation that you were good friends with the Albert Family? Why did you, in your report, say that you were introduced to Chris Albert on February 10 when you have known him for more than a decade prior to that? Why did you lie about what time you towed Karen Read's car? Why did you intentionally misspell the names of several key witnesses in your report, and you know, I'm just wondering about all of those things, and maybe you and I can meet up for coffee. Boy, do I have a lot of questions for you. When you were inside Fairview Road that night, or that morning rather, why did you stay there for four and a half hours, and what did you guys talk about and do, and why were you descending stairs with John O'Keefe's phone in your pocket? So, give me a call back, man. We feel like you and I have a lot of catching up to do. I talk about you a lot. I feel like I know you pretty well at this point. I know which year you graduated from the academy. I know you were out in West Brookfield for a while. I know some people that you know, so give me a call back when you get this. Now that I have your number, and everybody watching also has your phone number, which again is 781-364-0165, so I'd like to know. She called you again, you called her at 12:49. We're going to get to that, so now that I have your number, I'm going to plug you in, and we'll talk soon. Bye.

24. As a result of the cell phone number being broadcasted, Tpr. Proctor began to receive random and harassing text messages and voicemails. In the 12 hours following Kearney's calls, Tpr. Proctor received approximately a dozen text messages, phone calls, and voicemails. The content of the calls and messages pertained Tpr. Proctor's alleged involvement in the conspiracy and called for his termination. Tpr. Proctor had to change his work cell phone number to avoid the constant unwanted calls and messages.
25. Michael Proctor is married to Elizabeth Proctor. Beginning in April 2023, Kearney wrote blog posts about Elizabeth Proctor. On May 9, 2023, Kearney authored a post about Elizabeth. A video is attached to the post. The video depicts a cellphone screen of an Apple iPhone. The user of the cell phone dials the cell phone number of Elizabeth which is displayed on the screen. Kearney further writes,

“I can think of two people who deserve to lose their jobs over this [alleged conspiracy against Read] though – Michael Proctor and Elizabeth Proctor. These two lowlifes think they are untouchable. They’re nothing but bullies who terrorized people for years, but now they’ve met their match.”

26. In the post, Kearney states Elizabeth works as a Human Resources Manager at Instron and posts the main phone number for the company. The post then states, “But you’re probably not going to reach anyone that way, so feel free to leave a review on their wide open Facebook page or their Twitter account.”
27. On May 10, 2023, Kearney broadcast a live YouTube video (Ep #580), which is currently posted on his YouTube page. During broadcast, Kearney talks about Elizabeth. He stated he was going to call her. He repeated her cell phone number on the broadcast as he was entering the number into a cell phone. Using the speaker phone option on a cell phone, Kearney broadcasted the phone call. The phone call went to voicemail. Elizabeth stated the phone call came from 413-262-6909. Kearney left the following message:

Hi, Elizabeth. This is Aidan Kearney calling you back from Turtleboy. We briefly spoke yesterday on the phone. I introduced myself to you, and then you hung up on me, or maybe it was a bad connection, but I just wanted to see how your day at work went today, if it went well. I noticed that your employer took down their social media pages within minutes of the blog I published about your recent behavior, and I just wanted to see what, is it awkward, were you afraid to go in? Just tell me about your day and why because that's the part I don't understand is that you seem to be okay with calling other peoples' work places and interfering with their ability to make a living for themselves, but when it happens to you, maybe it's not as fun, maybe it's not as fun. Do you like that? That's what I want to know. Did you like that? Because you've been doing that to a lot of other people, and do you think it's fair that it happened to you, dear? Do you regret it? Do you regret it? And what's your scumbag husband up to right now? Are you going to visit him in prison? Do you think they'll have conjugal visits? Give me a call back when you get this, and we can chat some more. Bye girl.

28. Following the phone call, Kearney accessed the social media accounts of Instron and laughed as he stated the pages were taken down and stated, “the Turtleboy effect, oh god.” Both Michael and Elizabeth Proctor stated they have felt harassed by the acts of Kearney.
29. On the previously mentioned September 20, 2023 YouTube video (Ep #615), Kearney displayed a photograph he obtained depicting Brian and Nicole Albert at a Bridgewater State University football game. He described the photograph as the “most satisfying photos I’ve ever seen”. The photograph depicts Brian and Julie Albert hiding their face while a group in front of them in the stands takes a

photograph. Kearney later stated, "This is how they live now, like rats... This ends when they go to prison."

30. On September 13, 2023, Kearney posted a blog entitled "Canton Cover-Up Part 142: Free Karen Read Billboard Goes Up On Route 1 Outside Gillette Stadium In Foxborough, Two More To Follow" on his website. The topic of the blog post was about a billboard that read "Free Karen Read" with a picture of Karen Read. Kearney praised the organizers of the billboard. In the post, Kearney wrote:

"Thank you to everyone who donated as well. Although millions of people know about the injustice that is happening in Norfolk County, I would bet that over half the population of Norfolk County has never heard of Karen Read before. That will change because of this 3-pronged billboard blitz. It's really important for people in Norfolk County to know about this story because that is where the jury pool would be chosen from."
[emphasis added]

"Rolling Road Rally"

31. Kearney organized and publicized a "Rolling Road Rally" where protesters would travel to the homes of witnesses involved in Commonwealth v Read. On Saturday, July 22, 2023, at approximately 1200 hours, Kearney departed Shaw's, 134 Nahatan Street, Norwood, accompanied by a number of motor vehicles. Kearney began a YouTube Live video. YouTube Live allows users to broadcast live videos on the YouTube platform which can be later saved and distributed on a user's account. At the beginning of the video, Kearney is operating a motor vehicle and stated "at least 100, 200 people" are in the caravan of vehicles. He further stated he did not broadcast the locations of the protests prior to the departure of the rolling rally. He stated the address of the first location, 909 Washington Street, Norwood, MA, which is the residence of Brian Albert. Brian Albert was with John O'Keefe in hours before he was killed and O'Keefe was found unresponsive on the front lawn of Brian Albert's previous residence at 34 Fairview Road, Canton.
32. During the video, Kearney stated the purpose of the rally is to protest a murder cover-up and framing of an innocent woman. He stated some witnesses will be in jail within a year and brags about being able to locate the witnesses wherever they travel. During the duration of the rally, he thanked the other members of rally for attending.
33. The residence at 909 Washington Street, Norwood is the primary residence of Brian, Nicole (his wife) and their three children. The Alberts were aware of the rally and had vacated their home to avoid harassment. At approximately 1218 hours, Kearney arrived at Brian Albert's residence. The residence is an apartment-style building. Kearney gathered the protesters adjacent to the building. When he arrived at the residence, he used a megaphone, which allowed the amplification of his voice. Kearney described the

Alberts as “murders” who are hiding. Kearney used the megaphone to make claims that Albert was involved in the murder of John O’Keefe. Kearney spent approximately 5 minutes outside of Albert’s residence. At the conclusion of the speech, he informed the crowd the next location will be the home of Trooper Michael Proctor, 6 Wentworth Road, Canton, MA.

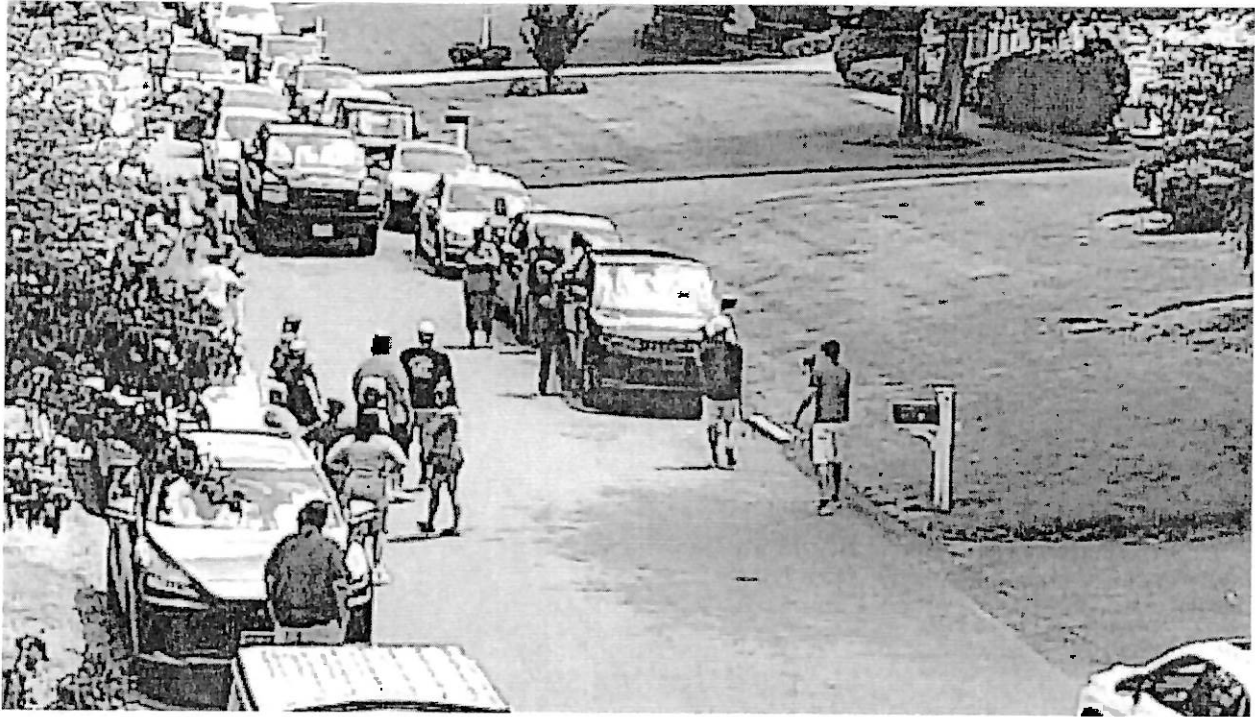
34. In the days leading up to July 22, cameras were placed outside of several of the locations where the protest was scheduled to occur. Below is a still photo of the video from July 22 at 1222 hours in front of 909 Washington Street, Norwood:



35. Michael and Elizabeth Proctor live at 6 Wentworth Road with their two young children. Michael and Elizabeth Proctor were not working on this Saturday. The Proctors purposely vacated their home and made plans in order to avoid the protest. When Kearney arrived at 6 Wentworth Road, Kearney continued to use the megaphone and stated Tpr. Proctor has “framed” Karen Read and stated personal information about Tpr. Proctor’s family. Kearney described Tpr. Proctor as “the most pivotal” in the “cover-up”. While in front of the Tpr. Proctor’s residence, Kearney described how Tpr. Proctor allegedly participated in framing Karen Read for the purpose of covering for other police officers, planted evidence, and called him a “disgrace”. During the speech, Kearney continually pointed to the residence. While in front of the home, members of the protest walked on the lawn of Proctor’s residence and spit on his driveway. Kearney’s recorded statements at this location were approximately 7 minutes long. Shortly after the speech, Kearney admitted that he did not attempt to obtain a permit authorizing his protest or blocking streets. At the conclusion of the speech, Kearney stated the next location will be the home of Matthew and Jennifer McCabe, 12 Country Lane, Canton, MA. Shortly after entering his vehicle, Kearney stated the purpose of the protest is to “get justice for John O’Keefe and justice for Karen Read that is what we are here to do”. Below is a still photo of the video from July 22 at 1245 hours in front of 6 Wentworth Road:



36. Matthew and Jennifer McCabe live at 12 Country Lane, Canton with their four children. Both Matthew and Jennifer were with O'Keefe in the hours leading up to his homicide, received a phone call from Read in the early morning hours of January 29, and Jennifer was with Read when O'Keefe was found unresponsive. During the rally, Matthew, Jennifer, and two of their children were home. Prior to the rally, Kearney posted pictures of the McCabes on vacation and made statements that he [Kearney] can find the McCabes wherever they travel. When Kearney arrived at 12 Country Lane, Kearney exited his vehicle and walked to a camera attached to a mailbox of the residence. He stated he knows where she currently is located and stated "no justice, no peace". Kearney stated that the residences of the home is the McCabe family. Kearney made statements that Jennifer McCabe is going to jail and "she doesn't give a shit about her kids...her kids need to see their mom in jail because the cycle will repeat itself". Kearney then spent several minutes claiming how Jennifer McCabe participated in murder by failing to save John O'Keefe's life, manufactured evidence in the form of a phone call to O'Keefe, made allegations of Jennifer McCabe's actions after the murder, lied to Karen Read, and mislead investigators. Kearney used the bullhorn to state, "I want all Jen McCabe's neighbors to know, in case they don't already know, the people that live right here at 12, they are cop-killers...These are cop-killers that live here." He further states, "They [the McCabes] will try to live like nothing happened but we are not going to let them do that because you do not get to kill police officers and fathers and get away with it." Kearney then stated the protest is going to 78 Highland Street. Kearney spent approximately eight minutes in front of the McCabe's residence.



37. Juliana Nagel, age 25, lives at 78 Highland Street, Canton with her two parents and two siblings. Juliana was home with her mother at the time of the protest. Juliana, and her brother Ryan Nagel, were present at 34 Fairview Road and had been interviewed by investigators. When Kearney arrived at 78 Highland Street, he identified the residence as the home of Juliana Nagel. Kearney made a statement to get the attention of the neighbors of Highland Street. He described how O'Keefe was beaten to death at a house where Juliana Nagel was present. He stated, "at any point, Julie Nagel, you can come out, at any point Julie, nothing is stopping you from telling the truth... You know what happened that night." He continued to state, "You can't get away with it anymore. Too many people know...you are going down with them. Nothing is stopping you from coming forward and telling the police what happened." Kearney claims Nagel lied to investigators about her observations the night O'Keefe was killed and is "complicit in the cover-up of the murder." Kearney stated, "You might as well tell the truth, and let the world know what happened. Neighbors, maybe you guys can help us pressure them into this. Julie Nagel was involved, was at the murder of a Boston Police Officer. She knows what happened and she is actively involved in the cover-up. She should not be able to walk around town like none of this happened while an innocent woman named Karen Read...suffers the consequences of her silence and her complicity. The truth will set you free." Kearney is in front of the residence for approximately ten minutes. At the conclusion of the speech, he stated the next location is home of Canton Police Department Deputy Chief Thomas Keleher. While traveling to the next location, Kearney stated "Julie Nagel's house was a good one. They were home."

38. Canton Police Deputy Chief Thomas Keleher lives at 31 Fairview Road, Canton with his wife and three children. The Kelehers were aware of the potential protest and vacated

their home in order to avoid harassment. Members of the Canton Police responded to the original 911 call reporting O'Keefe's discovery and have testified in the Grand Jury regarding this case. When Kearney arrived at 31 Fairview Road, he identified the home as the residence of Deputy Chief Thomas Keleher. He stated "Tom Keleher knows what happened. He's not stupid... He's seen what happen. He knows the exact time John O'Keefe's body was taken." Kearney then described how allegedly O'Keefe's dead body was brought by a vehicle and thrown onto the front lawn of 34 Fairview Road. Kearney pointed the camera at Keleher's home and stated, "We know that guy who lives in that house is part of the cover-up too. He's a police officer, people trust him in this community. If you're a neighbor here, please know that his guy is covering up for a cop-killer... Your neighbor Tom Keleher is complicit in the death and murder of John O'Keefe. He is complicit in framing of an innocent woman who did nothing wrong by the name of Karen Read. And we are here to let you know that... Tom Keleher is your problem... we are not going to let him [Keleher] get away with it." He was in front of the residence for approximately ten minutes. Kearney stated the next protest location would be the Canton Police Department.



39. During the drive to the police station, Kearney stated the family members of John O'Keefe should believe Karen Read is not responsible for the death and "how much slack are we supposed to give you [John O'Keefe's family]...the time period for the grief, whatever, that we are giving you, like we are not going after you because of the grief, that

is expired. It's expired because you're trying to send an innocent woman to jail for the rest of her life...I don't feel bad for you anymore." Kearney later remarked he was planning on protesting outside the home of former Canton Police Chief Kenneth Berkowitz, but was unsure if he had moved from a specific address he stated. Kearney stated "I don't want to take the chance that he doesn't live there anymore. I don't want to bother innocent people."

40. While in front of the Canton Police station, Kearney addressed Jennifer McCabe by name and stated "look at all the support for Karen Read and John O'Keefe. Everybody here knows what you did...literally everyone who comes by knows what you did Jennifer McCabe and Brian Albert. They know, they know. We are not putting up with it." Near the end of the video, Kearney stated "it is time to arrest the people who killed him [O'Keefe]" and "we are just getting started".

41. During a recorded interview on the YouTube account "Riss Flex" dated August 20, 2023, Kearney made comments about his influence on the jury pool:

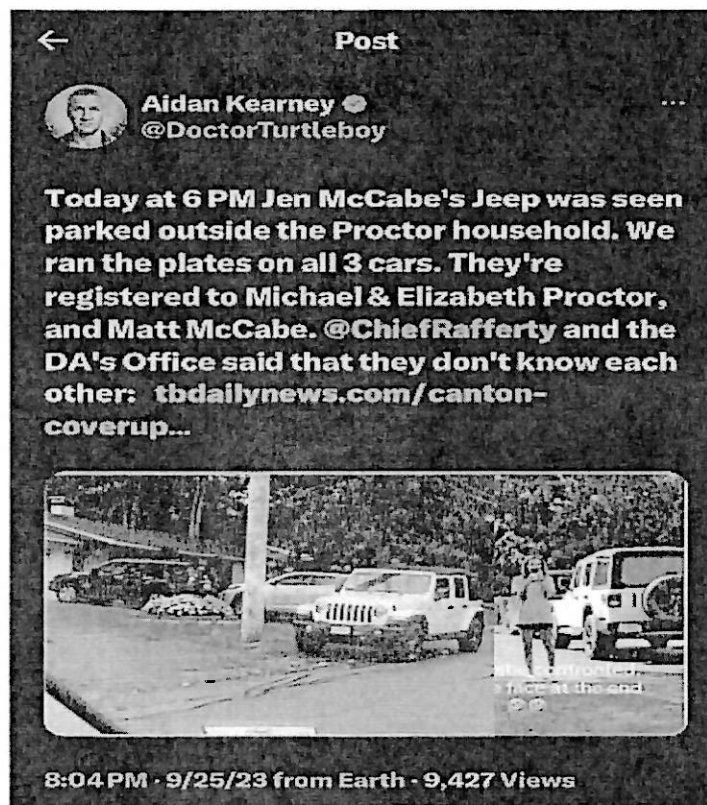
"I want the world to know what happened here. They want the story to be silent, nobody knows about it. They want to be able to find a jury pool that has never heard of any of this shit before so they can manipulate them the same way they have manipulated everyone else and I'm not allowing them to do that. Happy to do it." (ELITE MA CORRUPTION ft. TURTLEBOY! – 1:04 mark)

Conspiracy (to Commit Intimidation of a Witness) – Violation of MGL Chapter 274 Section 1

Intimidation of a Witness – Violation of MGL Chapter 268 Section 13B

42. On Monday, September 25, 2023 at 6:26 PM, a Facebook account believed to be used by Kearney ("Clarence Woods Emerson") posted the following message, "Anyone in Canton wanna take a couple pictures for me? DM me please!". At 6:53 PM, the Facebook post was edited with the phrase "Update – all set thanks!"

43. On September 25, 2023 at 8:04 PM, an X account (formerly Twitter) associated with Kearney posted this message and photograph. The photograph depicts the front of 6 Wentworth Road, Canton, home of Michael and Elizabeth Proctor. The white Jeep Wrangler in the photograph belongs to Jennifer McCabe:



44. The following day, Kearney broadcast a YouTube video (“Ep 617”). At the 19 minute mark, Kearney stated he “ran the plates” of the vehicles depicted in the photograph. Kearney showed photographs of three vehicles parked at the address. He showed photographs of each vehicle and stated the registered owners of the vehicles by name: Michael Proctor and Elizabeth Proctor. The term “ran” in regards to a motor vehicle registration is commonly used in law enforcement. The term means the information was queried through law enforcement databases for the purpose of obtaining information. Kearney used the information in a blog post entitled “Canton Coverup Part 161: Jen McCabe Was Seen At The Proctors House at 6 PM Tonight Despite Allegedly Not Knowing Them Personally”.
45. Information maintained by the Massachusetts Registry of Motor Vehicles is accessible to law enforcement through the Criminal Justice Information Service (CJIS). Authorized individuals have personalized access to the CJIS logins and accounts. Recertification standards, which include lessons and tests, continuously assert that CJIS users are trained to the standards and do not disseminate protected private information unless for a legitimate law enforcement purpose, as described in Massachusetts Code of Massachusetts Regulation 803 CMR 7.09.
46. On Tuesday, September 26, 2023, Lt. John Fanning of the Massachusetts State Police conducted a CJIS audit to determine if any CJIS user queried the following Massachusetts registrations: H500 (Matt MacCabe’s vehicle, Jenn’s husband), 80D (Michael Proctor’s vehicle), and 774TF7 (Elizabeth Proctor’s vehicle). That audit produced results indicating that all three vehicles were queried by Jannell Webb’s CJIS

account at 6:22:19 PM, 7:05:43 PM and 7:10:44PM respectively. Jannell Webb is employed as a civilian dispatcher with the Avon Police Department.

47. On Wednesday, September 27, 2023, Lt. Fanning and Sgt. Yuri Bukhenik interviewed Webb at the Avon Police Department. Webb stated she has been employed as a dispatcher at Avon PD for three years. She working on Monday, September 25 from 4 PM to midnight. Webb stated she communicates on Facebook Messenger with the account Clarence Woods Emerson, which she believes is used by Kearney. She stated she has sent Kearney information prior to September 25 and has seen the same information used by Kearney on his blog.
48. Webb provided her cell phone to investigators. Investigators observed communication between Webb and Clarence Woods Emerson on Facebook Messenger on the cell phone. On September 25 at 6:18 PM, Webb sends the message "What you got?? I'm here til 8am." Clarence responds with "Sorry, H500" (the registration of McCabe's Jeep). After several messages back and forth, Webb sends the message "Matt mccabe", to which Clarence responds "Got em!!" and "It's parked at Michael proctors house as we speak" and "Thanks this is huge". Webb responds with the message "Again please keep me private. I don't anticipate fucking up in life and I never want the wrath of YOU". At 7 PM, Clarence sends the message "Of course. Any chance you could run two more". Webb replied "Sure". Clarence sent pictures of two vehicles parked in the driveway of 6 Wentworth Road. Webb sent Clarence "80d is proctor". Clarence asks, "774 TF7. Is that Lizzy?" to which Webb replies "Yup lezzy" (Elizabeth Proctor).
49. Webb stated she has read Turtleboy blog posts in the past and had been following his media regarding Karen Read closely. A check of Webb's Facebook account information publicly available revealed she is friends with Clarence Woods Emerson. Webb has numerous posts and comments on content on Facebook supporting Karen Read's innocence and copying Kearney's claims of police cover up.
50. Based upon the foregoing facts, there is probable cause to believe that Aidan Kearney (DOB 12/26/1981) committed a violation of Massachusetts General Laws, Chapter 268, Section 13B (Witness Interference: Matthew McCabe, Jennifer McCabe, Brian Albert, Christopher Albert, Colin Albert, Juliana Albert, Juliana Nagel, Michael Proctor, and Elizabeth Proctor) which reads,
"Whoever willfully, either directly or indirectly: (i) threatens, attempts or causes physical, emotional or economic injury or property damage to; (ii) conveys a gift, offer or promise of anything of value to; or (iii) misleads, intimidates or harasses another person who is a:
(A) witness or potential witness;

(B) person who is or was aware of information, records, documents or objects that relate to a violation of a criminal law or a violation of conditions of probation, parole, bail or other court order;

(C) judge, juror, grand juror, attorney, victim witness advocate, police officer, correction officer, federal agent, investigator, clerk, court officer, court reporter, court interpreter, probation officer or parole officer;

(D) person who is or was attending or a person who had made known an intention to attend a proceeding described in this section; or

(E) family member of a person described in this section,

with the intent to or with reckless disregard for the fact that it may;

(1) impede, obstruct, delay, prevent or otherwise interfere with: a criminal investigation at any stage, a grand jury proceeding, a dangerousness hearing, a motion hearing, a trial or other criminal proceeding of any type or a parole hearing, parole violation proceeding or probation violation proceeding; or an administrative hearing or a probate or family court proceeding, juvenile proceeding, housing proceeding, land proceeding, clerk's hearing, court-ordered mediation or any other civil proceeding of any type; or

(2) punish, harm or otherwise retaliate against any such person described in this section for such person or such person's family member's participation in any of the proceedings described in this section, shall be punished by imprisonment in the state prison for not more than 10 years or by imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not less than \$1,000 or more than \$5,000 or by both such fine and imprisonment. If the proceeding in which the misconduct is directed at is the investigation or prosecution of a crime punishable by life imprisonment or the parole of a person convicted of a crime punishable by life imprisonment, such person shall be punished by imprisonment in the state prison for not more than 20 years or by imprisonment in the house of corrections for not more than 2 1/2 years or by a fine of not more than \$10,000 or by both such fine and imprisonment."

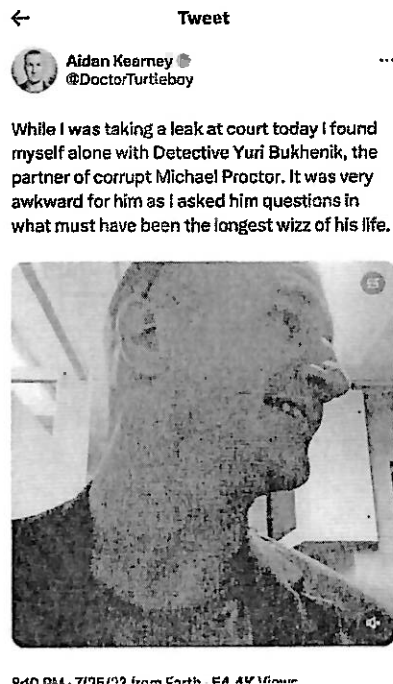
51. Based upon the foregoing facts, there is probable cause to believe that Aidan Kearney (DOB 12/26/1981) committed a violation of Massachusetts General Laws, Chapter 274, Section 7 (Conspiracy to Commit Intimidation of a Witness) by entering into an agreement with Jannell Webb to obtain sensitive information to be used in blog posts and videos intended to harass, intimidate, and cause emotional harm.
52. Evidence of such crimes will be found on mobile electronic devices used by Kearney to communicate, harass, intimidate, and receive information.

Violation of MGL Chapter 272 Section 99 Subsection C 1 and 2 – Interception and Dissemination of Oral Communications

53. On Tuesday, July 25, 2023, the case of Commonwealth v Karen Read was called in Norfolk Superior Court for oral arguments on motions that had been previously filed. The entrance of the Norfolk Superior courthouse contains a sign that states, “USE OF ANY CAMERA IS PROHIBITED INSIDE A COURTHOUSE”.
54. The sign cites Massachusetts Supreme Judicial Court Rule 1:19 which, in part, states:
- 1. Covert photography, recording or transmission prohibited:*
- No person shall take any photographs, or make any recording or transmission by electronic means, in any courtroom, hearing room, office, chambers or lobby of a judge or magistrate without prior authorization from the judge or magistrate then having immediate supervision over such place.”*
55. Additional signs in the hallways of the courthouse state no video or audio recording are allowed in the courthouse without prior approval. A check of the Massachusetts Supreme Judicial Court website “[Registered news media under SJC Rule 1:19](#)” revealed Aidan Kearney and “Turtleboy” are not registered news media with the Supreme Judicial Court Public Information Office.
56. In addition to SJC Rule 1:19, on June 15, 2021 Chief Justice of the Trial Court Paula M. Carey issued “Trial Court Administrative Order 21-1: Order Concerning Trial Court Policy on Possession & Use of Cell Phones & Personal Electronic Devices” which states:
- “No cell phone, PED [personal electronic device] or camera may be used to take photographs or video in the courtroom, or anywhere else inside a courthouse, with the following exceptions: (1) news media in accordance with Supreme Judicial Court Rule 1:19: Electronic Access to Courts; or (2) photographing or recording of court documents with permission of judge, clerk, register, chief probation officer, or their designee.”
57. On the morning of July 25, 2023, Kearney posted a blog on his website stating he will be live streaming from a protest in front of the courthouse. The post goes on to state, “I don’t get much service in the courtroom and YouTube can sometimes be screwy.” Kearney was seated in the public gallery prior to the start of the hearing. Prior to the hearing and with Kearney present, announcements were made by several Court Officers reminding members of the public that recording inside the courthouse is prohibited.
58. I attended the hearing with Lt. John Fanning and Sgt. Yuri Bukhenik of the Massachusetts State Police Norfolk SPDU. We were not in uniform and dressed in a suit

and tie. We were not present as witnesses for the motion. During the hearing, the Court took a 15-minute recess. During the break, Sergeant Yuri Bukhenik left the courtroom to travel to a basement men's restroom. I observed Kearney leave the courtroom behind Sgt. Bukhenik.

59. The basement men's room in the Norfolk Superior Courthouse is a small bathroom with three stalls and three urinals. No barriers separate the urinals. The bathroom is not a "public space". Sgt. Bukhenik stated when he was in the basement men's restroom using a urinal, Kearney entered the restroom, stood next to him at an adjacent urinal, and began to ask him a series of questions regarding the alleged police misconduct. Sgt. Bukhenik did not answer any of the questions and left the restroom a short time later.
60. On the same date at 8:10 PM, Kearney posted a video on his Twitter account "@DoctorTurtleboy" capturing a portion of the interaction between Kearney and Sgt. Bukhenik. The 12 second video appears to be from a cellphone held in front of Kearney's body at approximately chest height, possibly placed on a urinal in the restroom. I recognize the room to be the basement men's room of the courthouse and Kearney's clothing matches what I observed him wearing at the courthouse. The frame of the video only shows Kearney with the wall and ceiling behind him. In the video, Kearney states, "So you think Michael Proctor planted that evidence, seriously. Just me and you in here, come on." Below is the X (a.k.a Twitter) post with video attached:

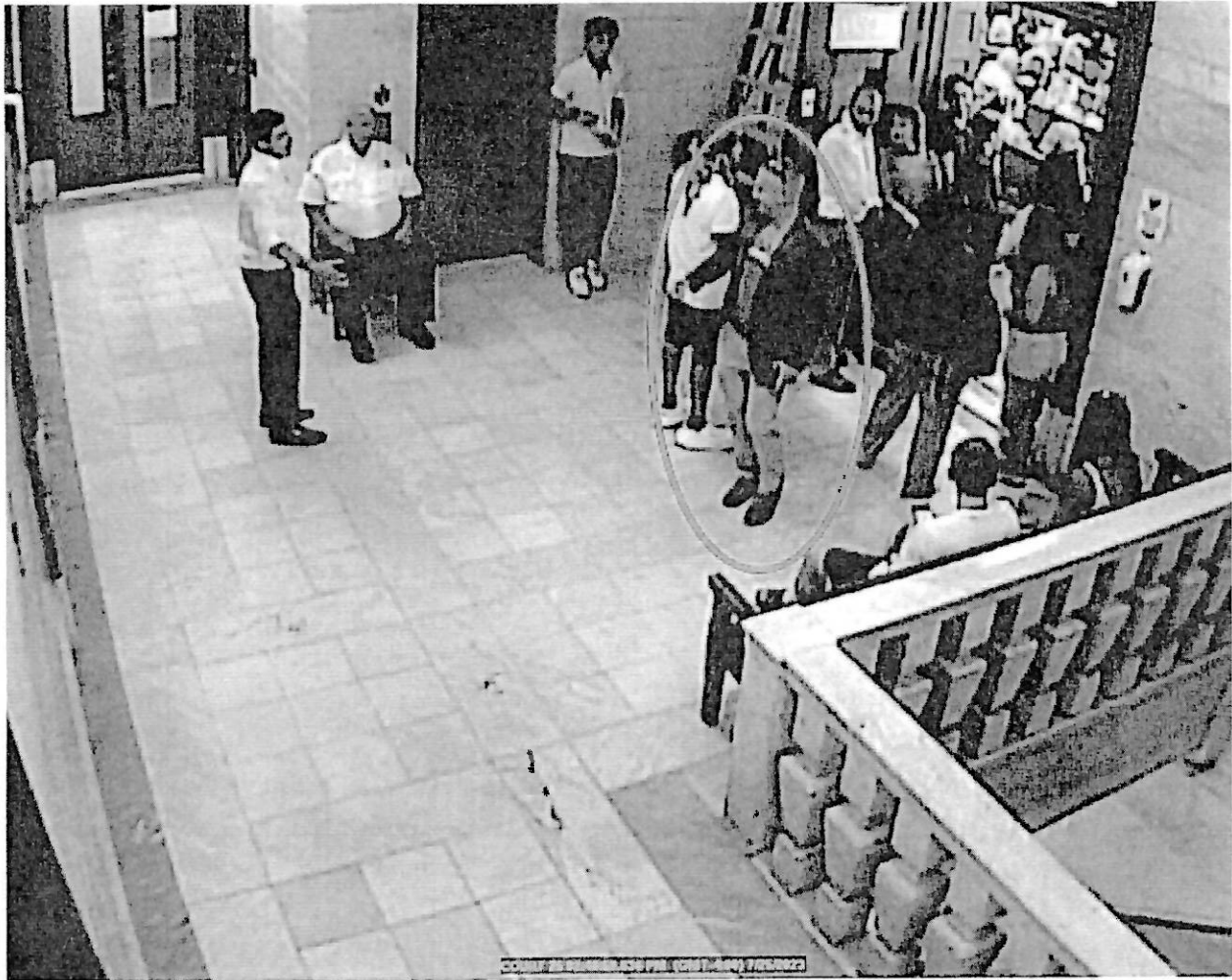


61. Sgt. Bukhenik stated Kearney did not advise him Kearney was recording the interaction and Sgt. Bukhenik was not aware Kearney was manipulating his cellphone. Sgt. Bukhenik was not acting in an official capacity while in the men's room.
62. In previous posts and YouTube videos, Kearney can be seen calling people on the telephone while on speaker phone and the audio was recorded. In those telephone calls, Kearney advised the other parties of the conversation that the interaction was being recorded. This advisement was given in a video posted on Kearney's YouTube page on July 18 entitled "Norfolk Superior court gives me the runaround".
63. A request was made to the Massachusetts Trial Court Security Department for video footage inside the Norfolk Superior Courthouse. On July 31, 2023, the video was provided to investigators. Below are still photographs taken from the video:

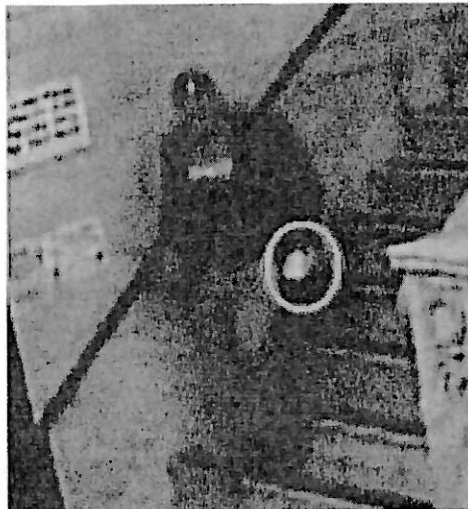
Sgt. Bukhenik exiting the Main Session at 2:48:56 PM:



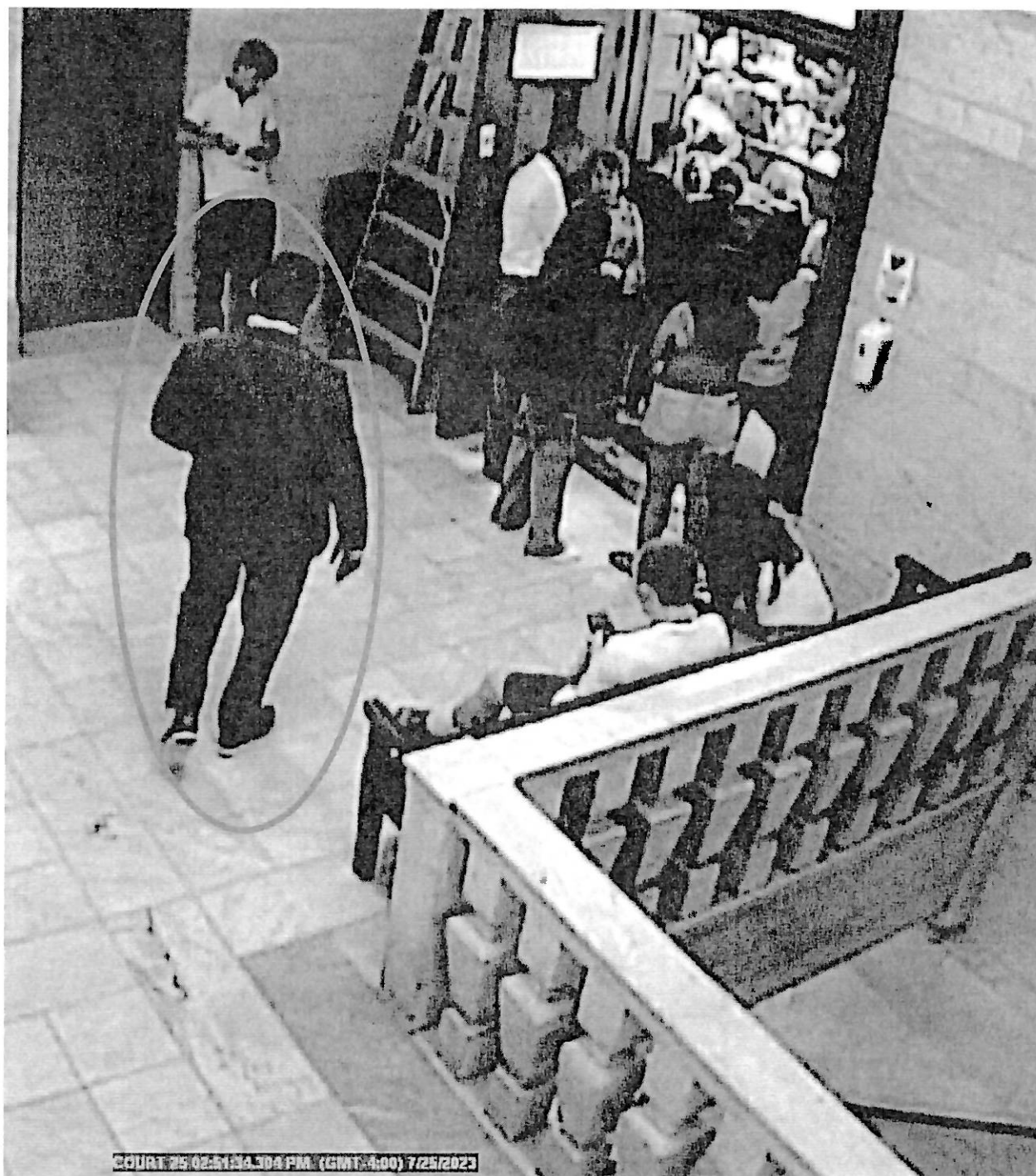
Kearney exiting the Main Session at 2:48:59 PM:



64. As Kearney was walking down the stairs from the second floor to the first floor, a cell phone with an illuminated screen is observed in Kearney's left hand, which he keeps in his hands as he enters the stairway to the basement:



Sgt. Bukhenik returning to the Main Session at 2:51:34 PM:



Kearney returning to the Main Session at 2:52:11 PM:



65. Based upon the foregoing facts, there is probable cause to believe that Aidan Kearney (DOB 12/26/1981) committed a violation of Massachusetts General Laws, Chapter 272, Section 99 (C)(1) (Illegal Interception of Oral Communications) which states in part³, “willfully commits an interception, attempts to commit an interception, or procures any other person to commit an interception or to attempt to commit an interception of any wire or oral communication shall be fined not more than ten thousand dollars, or

³ Unless allowed for by law. Alleged conduct is not allowed by MGL 272-99.

imprisoned in the state prison for not more than five years, or imprisoned in a jail or house of correction for not more than two and one half years, or both so fined and given one such imprisonment.”

66. Additionally, based upon the foregoing facts, there is probable cause to believe that Aidan Kearney (DOB 12/26/1981) committed a violation of Massachusetts General Laws, Chapter 272, Section 99 (C)(3) (Disclosure of Illegally Intercepted Communications) which states⁴,

“a. willfully discloses or attempts to disclose to any person the contents of any wire or oral communication, knowing that the information was obtained through interception; or

b. willfully uses or attempts to use the contents of any wire or oral communication, knowing that the information was obtained through interception, shall be guilty of a misdemeanor punishable by imprisonment in a jail or a house of correction for not more than two years or by a fine of not more than five thousand dollars or both.”

67. Digital forensics is a branch of forensic science encompassing the recovery, preservation, investigation, examination, and analysis of material found on digital devices. Digital forensic software allows forensic examiners to extract data from digital devices and parse it into a readable format. The majority of software programs do not allow for date/time/content restrictions and require the acquisition and extraction of all data from a digital device. Because of these software limitations, I request permission to seize all data of mobile devices seized and search only the data authorized by this warrant.

68. Based upon my training and experience I know from my training and experience that today’s cell phones are capable of conducting internet searches, storing large amounts of data, and connecting to external devices via USB (universal serial bus) cable and Bluetooth wireless. Bluetooth is a wireless connection over a short distance that allows the exchange of information. Wireless devices such as a security camera can connect to smart phones via wireless and Bluetooth signals. In addition to making traditional telephone calls, cellphones have the capability of accessing the internet over a cellular data connection which would allow you to communicate, upload, and download files while moving from one location to another.

69. In order to coordinate the “rolling road rally”, Kearney needed to communicate the location and times for people to meet in order to picket. Additionally, Kearney received privileged information from Webb by a messaging application commonly used on mobile phones. Kearney lives in the town of Holden which is a 56 mile drive to the town of Canton. Kearney has been able to obtain information from the town of Canton and persons living in the town of Canton quickly. I know that people who commit criminal

⁴ Unless allowed for by law. Alleged conduct is not allowed by MGL 272-99.

offenses together often communicate prior to or following that crime. Additionally, those who commit criminal offenses often communicate with their victim(s) prior to or following the crime. I know that it is common for people to communicate via text messaging, multimedia messaging (MMS), phone calls and emails. Those co-conspirators may have contact with one another, or with their victim, via cellular phone.

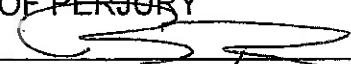

70. I know from my training and experience that commonly used digital devices, including smartphones, are portable devices. These mobile devices can be moved from one Wi-Fi connection to another with ease in conjunction with a cellular connection with a cellular provider. Often people transport these portable devices from location to location.
71. I know from training and experience that cell phones used to access the Internet usually contain account names, files, logs, or file remnants which would tend to show ownership and use of the computer as well as ownership and use of internet service accounts used for the internet access. I know from my training and experience that Apple devices that are signed in under the same Apple ID will share information such as internet searches across those devices signed in through Apple's iCloud services. This service allows you to sync and access your data from any of your devices wherever you are.
72. I know from my training and experience that technology has advanced. The mobile cellular telephone is not just a device where one communicates audibly with another individual; but rather it is a computer with telephonic capabilities. An example of this is the Apple iPhone. The Apple iPhone is a line of cell phones that have internet and multimedia functions integrated with them. These devices are designed and marketed by Apple Inc. An Apple iPhone mobile device functions as phone, video camera, camera phone with text messaging and visual voicemail, a portable media player, video conferencing, GPS, digital audio and visual recording capabilities, and internet browser, email client, and Wi-Fi connectivity.
73. I know, based on my training and experience that electronic devices such as smartphones are used to access the internet and a search of the device may reveal log files or file remnants concerning communications, use of the internet service accounts such as X (a.k.a. Twitter), Facebook, and other social media platforms as well as internet access to various websites. I submit that it is reasonable to believe that these devices were accessed to communicate with others before, during and after the commission of the crime.
74. Consequently, there is probable cause to believe that the historical GPS data associated with the cellphone will contain recorded evidence of the physical location of the associated mobile device, whenever the device is moving or stationary. Information and evidence of the associated device and travels should contribute to identifying the locations from which the device departed, the locations, where the associated device traveled to and the time the associated device remained at different coordinates.

75. A thorough inspection of various applications on the cell phone will provide information regarding the care, custody, and control of the phone at a certain date/time. Email and social media log-ins are two examples of such information.
76. I know, based upon my training and experience, as well as consultation with investigators specifically trained in the forensic examination of cellular telephones and other digital/electronic storage devices, that cellular telephones store information. This information can include, but is not limited to, the telephone number assigned to the phone, a list of recent telephone numbers dialed, a list of telephone numbers for calls received, a list of contacts and information relative to text messages sent and received. I also know that such information can be retrieved by a trained examiner utilizing forensic tools to extract the data from the cellular device. In light of the aforementioned, I know that subscriber information may be obtained from the cellular phone company once the telephone numbers of the cell phone is ascertained. The subscriber information for these cell phone(s) will be material evidence that will aid in positively identifying the known and unknown associates in the commission of this crime. Hence, obtaining access to these cell phones, tablet and laptop computers and the information described above would materially aid the present investigation.
77. Based on all the above, there is probable cause to believe the data held within cellphone(s) used by Aidan Kearney will contain evidence of illegally intercepted oral communication, illegally disseminated oral communication, witness intimidation, conspiracy, and picketing a witness. That cellphone data has been used as means of committing a crime and is evidence of criminal activity.
78. During the recorded YouTube videos, Kearney is seen using a mobile telephone, most likely an Apple iPhone, to make the harassing phone calls. As stated above, the victims of the harassment reported they received the call from a phone number with a 413 area code. Kearney often makes references to his recording of telephone calls in his videos and acknowledges MGL Chapter 272 Section 99 requires two party consent in Massachusetts. Kearney has also stated on recorded videos that he possesses at least one additional cellphone with a Rhode Island area code, 401, for the purposes of recording individuals without consent since, as Kearney incorrect states, he is allowed to record one party since Rhode Island law allows it.
79. I respectfully request authority to seize any mobile device reasonably used by Kearney to commit these crimes. Following seizure of devices, I respectfully request authority to search for the following information:
- A. Data evidencing ownership, custody or control electronic evidence items including activation date, email accounts, billing records, social media account information,

calendars, alerts, reminders, notes, text messages, and pictures or videos from April 1, 2023 through and including October 5, 2023

- B. Any video that appears to have been recorded inside Norfolk Superior Court on July 25, 2023
- C. Evidence of dissemination of illegally obtained oral communication, which was obtained July 25, 2023
- D. Communication between Aidan Kearney and any witness or family members of a witness involved in murder of John O'Keefe, to include but not limited to Matthew McCabe, Jennifer McCabe, Brian Albert, Christopher Albert, Colin Albert, Juliana Albert, Michael Proctor, and Elizabeth Proctor from April 18, 2023 to October 5, 2023
- E. Pictures or videos depicting evidence of Intimidation of a Witness of any witness or family members of a witness involved in murder of John O'Keefe, to include but not limited to Matthew McCabe, Jennifer McCabe, Brian Albert, Christopher Albert, Colin Albert, Juliana Albert, Michael Proctor, and Elizabeth Proctor from April 18, 2023 to October 5, 2023
- F. Data evidencing dissemination of data depicting evidence of Intimidation of a Witness of any witness or family members of a witness involved in murder of John O'Keefe, to include but not limited to Matthew McCabe, Jennifer McCabe, Brian Albert, Christopher Albert, Colin Albert, Juliana Albert, Michael Proctor, and Elizabeth Proctor from April 18, 2023 to October 5, 2023
- G. Data associated with the Twitter account "@DoctorTurtleboy" on July 25, 2023
- H. Data evidencing communication with Jannell Webb on Facebook Messenger involving improperly disseminated CJIS information on September 25, 2023

A similar Search Warrant application was submitted to Norfolk Superior Court on August 14, 2023 and granted. The Search Warrant was not executed in the 7 days as allowed by MGL 276.

PRINTED NAME OF AFFIANT <u>Detective Lieutenant Brian Tully</u>	SIGNED UNDER THE PENALTIES OF PERJURY  Signature of Affiant
SWORN AND SUBSCRIBED TO BEFORE  Signature of Justice, Clerk-Magistrate or Assistant Clerk	<u>10/6/23</u> Date