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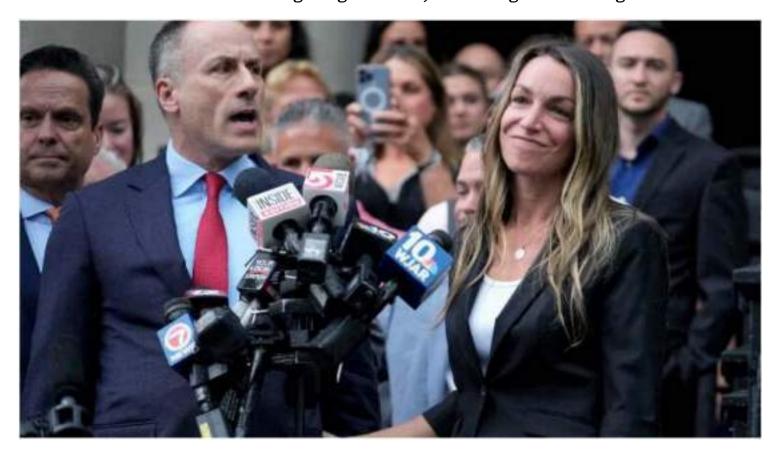
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Karen Read's lawyers say jury was a unanimous 'not guilty' on murder charge

Read's attorneys have filed a new motion asking Judge Beverly Cannone to dismiss two of the three charges against her, including second-degree murder.



Karen Read smiles as defense attorney David Yannetti speaks to reporters in front of Norfolk Superior Court after the judge declared a mistrial, Monday, July 1, 2024, in Dedham, Mass. Steven Senne / AP











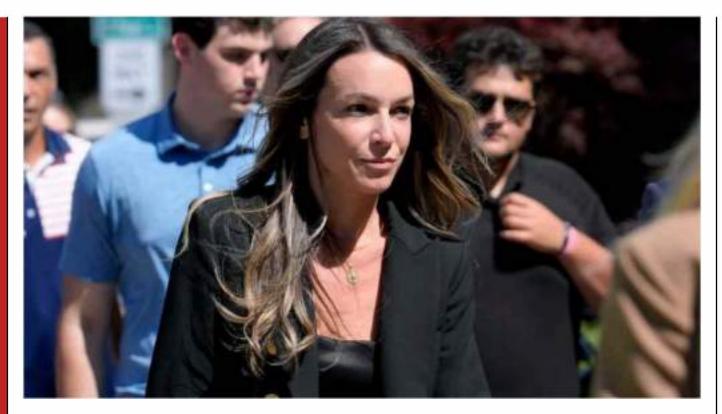
Lawyers for **Karen Read** are asking the judge to dismiss two of the three charges against her, alleging the deadlocked jury had, in fact, unanimously decided to acquit her of second-degree murder and leaving the scene of a fatal accident.

Read's contentious case **resulted in a mistrial** last week, after jurors said they were "starkly divided" on the evidence following several days of deliberations.

The 44-year-old is accused of drunkenly and intentionally backing her SUV into Boston Police Officer John O'Keefe — her boyfriend of two years — after a night out with friends in January 2022. Prosecutors allege Read left O'Keefe to die in the snow outside a fellow Boston officer's home in Canton, but Read's lawyers say she was framed in a vast coverup.



MORE ON KAREN READ:



What are legal experts predicting for Karen Read's retrial?

Judge declares mistrial in Karen Read murder trial

Michael Proctor has been reassigned in wake of the Karen Read trial. What comes next is still unclear.

Read faces three charges: Second-degree murder, manslaughter while operating a motor vehicle under the influence, and leaving the scene of a fatal accident. The murder charge is the most severe, carrying a possible life sentence if Read is convicted.

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In a new motion filed Monday, Read's lawyers say they've received unsolicited information from three of the 12 deliberating jurors "indicating in no uncertain terms that the jury had a firm 12-0 agreement that Ms. Read was not guilty of two of the three charges against her, including the charge of murder in the second degree." The jurors in question are identified in court documents as "Juror A," "Juror B," and "Juror C."

According to Read's lawyers, Juror A approached defense attorney Alan Jackson the day after Judge Beverly Cannone declared a mistrial in the case. The juror allegedly told Jackson the second-degree murder charge was "off the table" and that the jury had also come to a unanimous conclusion that Read was not guilty of leaving the scene of a fatal accident.

The next day, defense attorney David Yannetti allegedly heard similar accounts from individuals who claimed to have information from two other jurors. In an affidavit accompanying the defense motion, Yannetti said he received a screenshot of text messages between Juror B and one of these informants.

According to the affidavit, Juror B had written, "It was not guilty on second degree. And split in half for the second charge" of OUI manslaughter. Juror B also reportedly opined that prosecutors didn't prove their case, adding, "No one thought she hit him on purpose."

Yannetti said he heard from another informant who relayed information Juror C had allegedly told a mutual friend. Per that thirdhand information, jurors were evenly split at first over the OUI manslaughter charge and ended in a deadlock of "4no8yes," according to the affidavit.



Judge Beverly Cannone looks over a verdict slip on June 26 after lawyers for Karen Read requested modifications. – *Greg Derr/The Patriot Ledger via AP, Pool*

The jury's unanimous conclusion on the first and third counts constitutes an acquittal and precludes the Norfolk County District Attorney's Office from re-prosecuting Read on those charges, the defense argued. Prosecutors previously said they intend to retry the case.

"The Norfolk DA's Office is examining the motion in anticipation of filing a response. We look forward to picking a new trial date on July 22," a spokesperson said in a statement.

In an affidavit accompanying Monday's motion, Jackson asserted that Read and her lawyers did not consent to Cannone's mistrial declaration. The court did not ask the jury foreperson whether jurors were able to reach a verdict on any of the counts, and the defense was "denied the opportunity" to request that Cannone do so, Jackson wrote.

"Had the Court so inquired, it appears clear that NOT GUILTY verdicts would have been recorded for Count 1 and Count 3," Jackson argued. "Ms. Read was denied her right to receive those verdicts in her favor."

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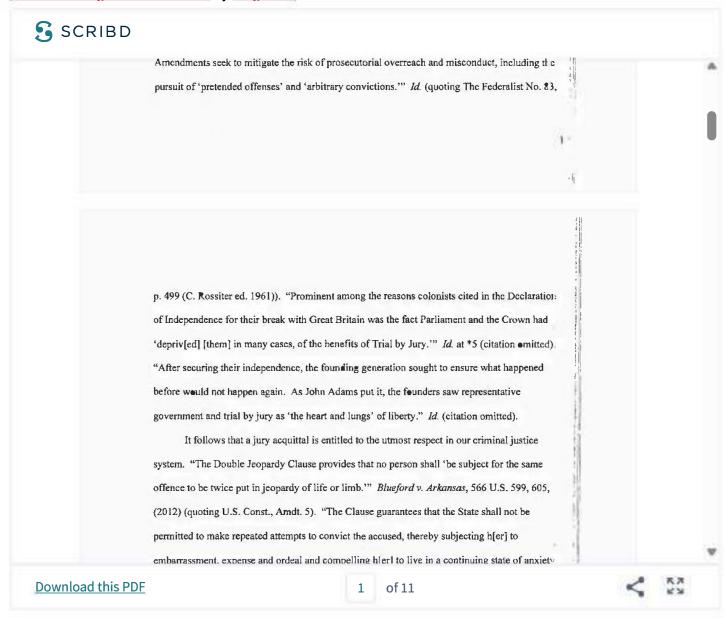
Joining Jackson and Yannetti in their motion to dismiss is Martin G. Weinberg, a prominent Boston-based defense attorney who has done extensive work in the appellate process. Weinberg is joining Read's team "for the limited purpose" of representing her on Monday's motion, according to a court filing.

"Today's motion to dismiss raises important federal and state constitutional issues involving Ms Read's Fifth, Sixth, and Fourteenth Amendment rights to the finality of a jury's unanimous decision on the murder and leaving the scene charges and to the full protections of the Double Jeopardy Clause that we contend bars a re-prosecution on these two charges," Weinberg said in a statement.

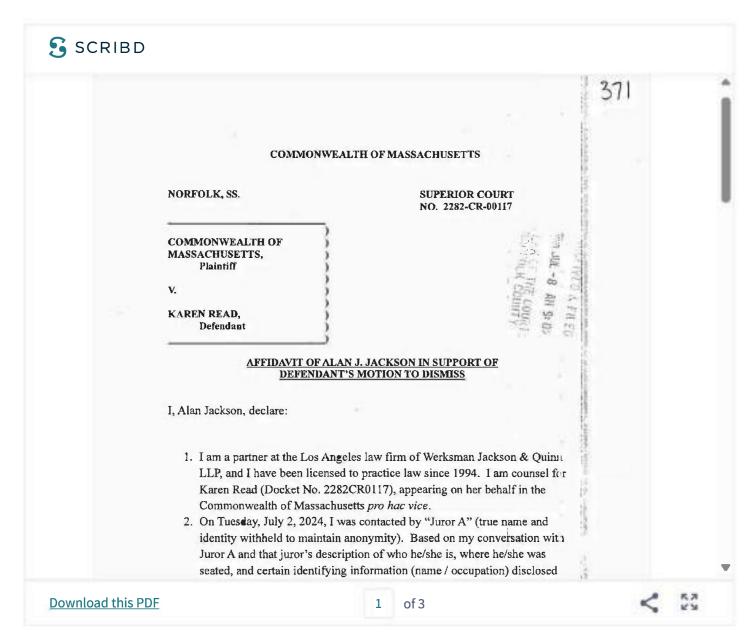
Susan Zalkind contributed reporting to this story.

Monday's motion to dismiss:

Karen Read - July 8 Motion to Dismiss by Abby Patkin on Scribd

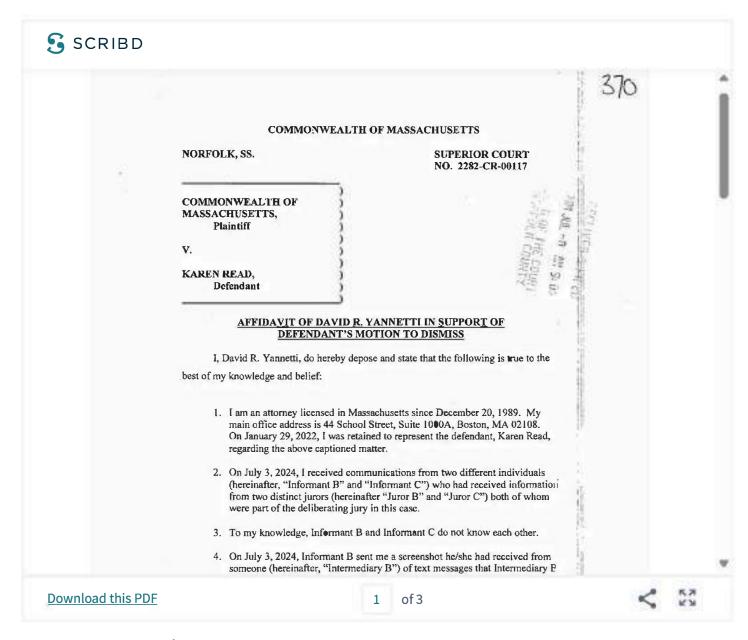


Alan Jackson's affidavit:



Alan Jackson Affidavit - Ju... by Abby Patkin

David Yannetti's affidavit:



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