



CRIME

# 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*

By **Abby Patkin**

updated on July 8, 2024 | 1:35 PM

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.

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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."

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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

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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



Amendments seek to mitigate the risk of prosecutorial overreach and misconduct, including the pursuit of 'pretended offenses' and 'arbitrary convictions.'" *Id.* (quoting *The Federalist* No. 83, p. 499 (C. Rossiter ed. 1961)). "Prominent among the reasons colonists cited in the Declaration of Independence for their break with Great Britain was the fact Parliament and the Crown had 'depriv[ed] [them] in many cases, of the benefits of Trial by Jury.'" *Id.* at \*5 (citation omitted). "After securing their independence, the founding generation sought to ensure what happened before would not happen again. As John Adams put it, the founders saw representative government and trial by jury as 'the heart and lungs' of liberty." *Id.* (citation omitted).

It follows that a jury acquittal is entitled to the utmost respect in our criminal justice system. "The Double Jeopardy Clause provides that no person shall 'be subject for the same offence to be twice put in jeopardy of life or limb.'" *Blueford v. Arkansas*, 566 U.S. 599, 605, (2012) (quoting U.S. Const., Amdt. 5). "The Clause guarantees that the State shall not be permitted to make repeated attempts to convict the accused, thereby subjecting h[er] to embarrassment, expense and ordeal and compelling h[er] to live in a continuing state of anxiety

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## Alan Jackson's affidavit:

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT  
NO. 2282-CR-00117

COMMONWEALTH OF  
MASSACHUSETTS,  
Plaintiff

v.

KAREN READ,  
Defendant

FILED  
JUL 8 AM 9:05  
NORFOLK COUNTY

AFFIDAVIT OF ALAN J. JACKSON IN SUPPORT OF  
DEFENDANT'S MOTION TO DISMISS

I, Alan Jackson, declare:

1. I am a partner at the Los Angeles law firm of Werksman Jackson & Quinn LLP, and I have been licensed to practice law since 1994. I am counsel for Karen Read (Docket No. 2282CR0117), appearing on her behalf in the Commonwealth of Massachusetts *pro hac vice*.
2. On Tuesday, July 2, 2024, I was contacted by "Juror A" (true name and identity withheld to maintain anonymity). Based on my conversation with Juror A and that juror's description of who he/she is, where he/she was seated, and certain identifying information (name / occupation) disclosed



[Alan Jackson Affidavit - Ju...](#) by [Abby Patkin](#)

**David Yannetti's affidavit:**



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COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT  
NO. 2282-CR-00117

COMMONWEALTH OF  
MASSACHUSETTS,  
Plaintiff

V.

KAREN READ,  
Defendant

FILED  
JAN 29 2022  
CLERK OF THE COURT  
NORFOLK COUNTY

AFFIDAVIT OF DAVID R. YANNETTI IN SUPPORT OF  
DEFENDANT'S MOTION TO DISMISS

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

1. I am an attorney licensed in Massachusetts since December 20, 1989. My main office address is 44 School Street, Suite 1000A, Boston, MA 02108. On January 29, 2022, I was retained to represent the defendant, Karen Read, regarding the above captioned matter.
2. On July 3, 2024, I received communications from two different individuals (hereinafter, "Informant B" and "Informant C") who had received information from two distinct jurors (hereinafter "Juror B" and "Juror C") both of whom were part of the deliberating jury in this case.
3. To my knowledge, Informant B and Informant C do not know each other.
4. On July 3, 2024, Informant B sent me a screenshot he/she had received from someone (hereinafter, "Intermediary B") of text messages that Intermediary B

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**David Yannetti Affidavit - ...** by **Abby Patkin**

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