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Defense pushes for charges to be dismissed in Karen Read case

Karen Read listens to her attorney, Martin Weinberg, who was making motions to dismiss two charges against her, at Norfolk Superior Court in Dedham, Mass., Friday, Aug. 9, 2024. (Greg Dery/The Patriot Ledger via AP, Pool)

by: MICHAEL CASEY, Associated Press

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DEDHAM, Mass. (AP) — A defense attorney for Karen Read implored the court Friday to consider new evidence that several jurors acquitted her on two charges and not force her to be re-prosecuted on them in connection with the death of her Boston police officer boyfriend.

Read is accused of ramming into John O'Keefe with her SUV and leaving him for dead in a snowstorm in January 2022. Her two-month trial ended last month when jurors declared they were hopelessly deadlocked and a judge declared a mistrial on the fifth day of deliberations.

"We have evidence here that the jury acquitted Ms. Read," defense lawyer Marty Weinberg told the court. "What could be more central to the core values of our criminal justice system than to make a judicial determination with a respected and experienced Superior Court judge whether that is so or not and, if it's so, stop her re-prosecution?"

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A new trial is set to begin Jan. 27.

In several motions since the mistrial, the defense contends four jurors have said the jury unanimously reached a not guilty verdict on second-degree murder and leaving the scene of a deadly accident and were deadlocked on the remaining manslaughter charge. Trying her again on those two charges would be unconstitutional double jeopardy, they said.

They also reported that one juror told them “no one thought she hit him on purpose or even thought she hit him on purpose.”

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Weinberg requested that Judge Beverly Cannone consider a range of options to prove the jury acquitted Read on the two charges.

She could poll the jury, Weinberg said, on whether they reached a verdict on the three counts or bring in the four jurors to be questioned anonymously. If she didn't want to accept the defense declarations, he added, she could authorize the defense lawyers to ask the jurors “whether or not they would execute an affidavit that could be two sentences — we reached a final decision unanimously to acquit Ms. Read on counts 1 and 3.”

“Your honor has a lot of discretion in terms of how to get to the bottom line, which is what is the truth here,” Weinberg said.

Prosecutors have described the defense's request to drop charges of second-degree murder and leaving the scene of a deadly accident as an “unsubstantiated but sensational post-trial claim” based on “hearsay, conjecture and legally inappropriate reliance as to the substance of jury deliberations.”

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"There was no verdict slip that was returned stating anything in this case," Lally said. "The two charges that the defendant now complains of dealt with a simple choice. There was a box for guilty and a box for not guilty. Neither was checked. Neither was returned to the court at any point in time. There is no verdict in this case."

Cannone said she would take the matter under advisement.

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Read, a former adjunct professor at Bentley College, had been out drinking with O'Keefe, a 16-year member of the Boston police who was found outside the Canton, Massachusetts, home of another police officer. An autopsy found O'Keefe died of hypothermia and blunt force trauma.

The defense argued O'Keefe was killed inside the home after Read dropped him off and that those involved chose to frame her because she was a "convenient outsider."

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