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## Karen Read's lawyers appeal murder charge to Massachusetts' highest court



Greg Derr/AP, Pool

Karen Read listens to her attorney, **Martin Weinberg**, who was making motions to dismiss two charges against her, at Norfolk Superior Court in Dedham last month. (Greg Derr/AP, Pool)

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UPDATED: September 11, 2024 at 7:32 p.m.

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[Karen Read's](#) attorneys have taken their argument to drop the murder charge against her to the state's highest court.

The appeal filed Wednesday to the Supreme Judicial Court is impounded, at least for the time being. Read's attorney **Martin Weinberg** filed the appeal and has been the lead counsel on petitions for [dropping](#) Read's charges of second-degree murder and leaving the scene of an accident resulting in death to be dropped.

Read's trial defense attorneys David Yannetti and Alan Jackson have supported the motion in affidavits stating that [a number of jurors](#) from the trial, which was [declared a mistrial](#) due to a hung jury, have since come forward to say the jury was unanimous in finding that [Read was not guilty](#) on those two charges.

They wrote that five jurors told them that the jury was only split on Count 2: manslaughter while operating a motor vehicle under the influence. The jurors said they just didn't know they could deliver a partial finding.

Read, 44, of Mansfield, [faced those charges](#) in [a nine-week trial](#) that ended in [mistrial on July 1](#), the fifth day of jury deliberations.

The charges stem from the death of Boston Police Officer John O'Keefe, Read's boyfriend of two years at the time of his death in the early morning of Jan. 29, 2022. Prosecutors say Read struck him with her SUV outside a Canton home and left his body on the lawn to freeze and die.

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“The defense respectfully renews its contention that the jury acquitted Ms. Read on Counts 1 and 3, or, alternatively, there was no manifest necessity for a mistrial as to those counts, and therefore the Double Jeopardy protections of the federal and state Constitutions require that those counts not be retried,” the defense wrote in a supplemental memo in July.

Assistant District Attorney Adam Lally, who along with Laura McLaughlin tried Read in Norfolk Superior Court, filed a response to the motion stating that Weinberg’s arguments [lack “merit or legal foundation.”](#)

The defense efforts to have those two charges dismissed in Read’s new trial scheduled for January failed at the Norfolk Superior Court level when Judge Beverly J. Cannone last month [denied the motion.](#)

“After careful consideration,” the judge wrote in her order, “this Court concludes that because the defendant was not acquitted of any charges and defense counsel consented to the court’s declaration of a mistrial, double jeopardy is not implicated by the retrial of the defendant.”

**Weinberg said then that the team would appeal Cannone’s decision.**

**“We respectfully but strongly disagree with the cornerstones of today’s rulings and intend a vigorous appeal to assert and uphold Ms. Read’s rights based on the Double Jeopardy Clause,” Weinberg said in a statement following the ruling.**



People gather outside Norfolk County Superior Court before the start of the dismissal hearing of Karen Read. (Libby O'Neill/Boston Herald)

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*Originally Published: September 11, 2024 at 5:57 p.m.*

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