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October 17, 2024

VIA EMAIL

Robert Cosgrove
Special Assistant District Attorney
Norfolk County District Attorney's Office
45 Shawmut Road
Canton, Massachusetts 02021

RE: *Commonwealth v. Aidan Kearney*
DOCKET NOS. 2382CR00313 & 2482CR00043

Dear Mr. Cosgrove:

We are scheduled to appear in the Norfolk County Superior Court on December 2, 2024 to address issues related to the Commonwealth's search of Aidan Kearney's cellular phones. To date, the defense has not been provided with *any* data or extraction reports from Mr. Kearney's devices, which have remained in the Commonwealth's possession since the Massachusetts State Police ("MSP") seized them on October 11, 2023.

For approximately one year, the Commonwealth has claimed or implied that Mr. Kearney's cellular phones have not been searched. These representations are patently false. Norfolk County District Attorney Michael Morrissey and Special Assistant District Attorney Kenneth Mello have known since October 2023 that MSP Detective-Lieutenant ("DL") Brian Tully searched Mr. Kearney's cellular phones, and that the MSP extracted at least one of them prior to October 31, 2023.

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We recently came into possession of several pages from a Cellebrite extraction report of Mr. Kearney's cellular phone¹ (exhibit A) and proof that it was searched by DL Tully in October 2023 during an investigation orchestrated by DA Morrissey into alleged witness intimidation of Chris Albert and Jennifer McCabe by a Stoughton court clerk and Mr. Kearney. It is outrageous that the defense obtained evidence in your actual possession related to alleged intimidation of named witnesses in the indictments against Mr. Kearney from a third party rather than from the Commonwealth, who was obligated to disclose this evidence to the defense several months ago but instead has repeatedly denied its existence.

DA Morrissey launched the investigation which relied upon the MSP's search of Mr. Kearney's cellular phones on September 29, 2023 (exhibit B). This was *after* he engaged Mr. Mello to handle any investigations involving Mr. Kearney due to a conflict that arose after Mr. Kearney's dogged reporting exposed information that persuaded a large segment of the public that the Norfolk County DA's Office and MSP framed Karen Read for the murder of John O'Keefe, which almost overnight created the worldwide "Free Karen Read" movement.²

¹ The Cellebrite report identifies the "owner" of the extracted Apple device as "Clarence Woods Emerson," which is a pseudonym used by Mr. Kearney on Facebook.

² Despite similar, if not worse, conflicts with Mr. Kearney, the Norfolk County MSP homicide unit has not recused itself. DL Tully is leading an investigation in which his two direct subordinates, Trooper Michael Proctor and Sergeant Yuriy Bukhenik are alleged victims of Mr. Kearney. DL Tully and Trooper Proctor are presently under MSP internal affairs investigation (and Sergeant Bukhenik already has been disciplined) for their inappropriate conduct in the Read case, which bolsters the credibility of Mr. Kearney's reporting on the Read case. This obvious conflict, combined with the Norfolk County MSP homicide unit's exploitation of the Massachusetts witness intimidation statute by utilizing it in favor of witnesses who

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Lest there be any doubt that Mr. Mello didn't know in October 2023 that Mr. Kearney's phones were searched and at least one extracted, his failed attempt to indict Karen Read and Mr. Kearney for conspiracy to commit witness intimidation shortly before Ms. Read's trial, in which Mr. Mello elicited testimony from DL Tully that he searched Mr. Kearney's cellular phones in October 2023, settles that question. *See* testimony of DL Tully, pp. 27-29.

We are deeply troubled by Mr. Mello's misleading representations, which have left the court and defense with the false impression that Mr. Kearney's devices have not been searched.³ Put simply, it is undeniable that the Commonwealth has failed to disclose any evidence from Mr. Kearney's devices despite Mr. Mello's, DL Tully's and DA Morrissey's knowledge for more than one year that such evidence has been in the Commonwealth's possession and that at least one of Mr. Kearney's cellular phones had been extracted.

despise Mr. Kearney and refusing to employ it against those who are aligned with Mr. Kearney and/or are critical of the Read case, exposes the unit's animus towards Mr. Kearney and creates the appearance of an improper motive for investigating him. As DA Morrissey recognized in recusing his office, public confidence in the MSP and the Norfolk County criminal justice system—which currently is dreadful in large part due to the MSP Norfolk County homicide unit's conduct in Mr. Kearney's cases, the Read case (including Trooper Proctor's suspension without pay for his shocking and disgraceful treatment of Ms. Read), and the flawed Sandra Birchmore investigation—compels that the Norfolk MSP homicide unit be replaced with unbiased investigators from another county. *See* <https://www.bostonglobe.com/2024/10/15/metro/karen-read-sandra-birchmore-michael-morrissey-norfolk-da/?event=event12>.

³ To be clear, we do not believe that Mr. Cosgrove has deliberately made inaccurate representations to the court and/or defense. Rather it appears that DA Morrissey, Mr. Mello and DL Tully have failed to inform him about the true circumstances surrounding the searches and extraction of Mr. Kearney's cellular phones.

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DA Morrissey's Fall 2023 Investigation of Mr. Kearney

Mr. Mello has certified that his services as a special assistant district attorney incurred as of September 20, 2023 (exhibit C). DA Morrissey officially authorized Mr. Mello's engagement on September 26, 2023 (exhibit D). Thus, DA Morrissey agreed and understood prior to September 29, 2023, that Mr. Mello was the proper official to handle investigations related to Mr. Kearney's alleged intimidation of witnesses in the Read case.

On September 28, 2023, Chris Albert (a witness in the Read case and an alleged victim in the 2023 indictment) sought, but was denied, a protective order against Mr. Kearney before Judge Daniel O'Malley of the Stoughton District Court. This application was heard and decided in a courtroom open to the public. Later that day, Mr. Kearney published a blog about this matter. That evening, Jennifer McCabe (another witness in the Read case and an alleged victim in the 2023 indictment) complained in a text message to an unnamed individual:

I know it's late—but I am horrified that Chris didn't get it—and I am even more disgusted that for the second time someone from the court leaked it right away to tb⁴

(exhibit B). Ms. McCabe's message was forwarded to DA Morrissey, who included it in an email he sent the following day to Stacey Fortes (Chief Justice of the District Court), Thomas Ambrosino (Massachusetts Trial Court Administrator), Philip McCue (Deputy Court Administrator);

⁴ On May 30, 2023, Ms. McCabe unsuccessfully sought a protective order against Mr. Kearney in the Stoughton District Court. This application also was decided in a courtroom open to the public.

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Judge O'Malley (First Justice of the Stoughton District Court) and Lynn Beland (Norfolk County First Assistant District Attorney). *Id.*

DA Morrissey used a *personal* email account⁵ to communicate with numerous high-ranking court officials (including the judge who denied Mr. Albert's application for a protective order) about official business he described as a matter of "grave concern": someone in the Stoughton District Court shared an affidavit that was prepared by "a witness in the Commonwealth v. Reed [sic] murder case" with Mr. Kearney.

Without elaboration, DA Morrissey named court employee Michelle Littlefield as the "leading" suspect.⁶ He expressed concern that the Read case witnesses had lost faith "in the courts" and that the

actions erode the trust and integrity between the courts and the public and the relationship with the District Attorney's Office. We are extremely concerned that the improperly disseminated court material unsolicited to a third-party, which is continuing to cause harm and damage to a witnesses [sic] in an ongoing homicide prosecution must be a violation of court policies or a potential violations of law. We also understand that Aiden [sic] Kearney had also immediately requested

⁵ Email addresses used by employees of the Norfolk DA's Office end in "@mass.gov." The email address used by DA Morrissey for his September 29, 2023 message ended in "@icloud.com," which is associated with an individual's personal Apple account.

⁶ *That same day*, Katherine Peter, an MSP source against Mr. Kearney, see October 8 letter, pp. 3-12, tweeted that Mr. Kearney would be arrested on October 10, 2023 (he was arrested on October 11). In an October 3, 2023 Facebook post, Ms. Peter publicly identified Ms. Littlefield as the target of the unpublicized investigation, posted her picture, and announced that Ms. Littlefield had been suspended as part of the investigation (exhibit E).

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copies of the FTR record that was made on 9/28/23.
Again there is no way that he would have or should
have known that a hearing took place

(exhibit B). DA Morrissey concluded by demanding that these matters be
“resolved immediately” and that he would “await your advice.”

After Mr. Kearney’s October 11, 2023 arrest,⁷ his cellular phones
were seized and maintained by DL Tully. At approximately 9:15 a.m., the
MSP obtained Mr. Kearney’s passcode and gained access to them. Within
one hour, Ms. Peter sent a childish and harassing direct message on
Twitter/X to one of Ms. Read’s attorneys:

we know you’re involved in Aidan Kearney’s little
witness harassment game and your texts with
him⁸ have already been making the rounds.
Buckle up, buttercup :)⁹

(exhibit F).

On October 31, 2023, Stoughton District Court Clerk Lauren
Greene presented Ms. Littlefield with “evidence” gathered during the

⁷ Transmissions from 7:53 a.m. on the day of Mr. Kearney’s arrest confirm that MSP
officials assigned to arrest Mr. Kearney (including DL Tully) “heard from KP, it was
the same thing yesterday. Two older kids getting on around the same time, but it was
8:30.” Mr. Kearney was arrested at 8:34 a.m., one minute after his children boarded
a school bus. Remarkably, it appears that Ms. Peter participated in the MSP’s
apprehension of Mr. Kearney by surveilling him at their behest.

⁸ DL Tully has testified that he viewed text messages between Mr. Kearney and Ms.
Read’s attorneys on Mr. Kearney’s cellular phone in October 2023. *See* March 27,
2024 transcript, p. 28.

⁹ Ms. Peter’s baseless implication that Ms. Read’s attorney engaged in witness
intimidation is another example of her pattern of engaging in violations of M.G.L.
268 § 13(b)(C). *See* October 8 letter, pp. 4-5.

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investigation demanded by DA Morrissey. These materials included copies of DA Morrissey's September 29, 2023 email and several pages from a *Cellebrite extraction report from one of the cellular phones seized from Mr. Kearney on October 11, 2023* (exhibit A).¹⁰

Mr. Mello's Misleading Assertions About Mr. Kearney's Devices

On October 19, 2023, Mr. Mello emailed co-counsel Timothy Bradl that he did not know "how far" the MSP had progressed in any review of Mr. Kearney's devices. A few hours later, after speaking with DL Tully, Mr. Mello updated Mr. Bradl:

[DL Tully] is the only individual in possession of the electronics seized, and I can confirm that he will cease any further searches until this matter can be addressed by the court. You have my word on this as an officer of the court.

From October 20 to November 8, 2023, Mr. Bradl asked Mr. Mello three times if Mr. Kearney's phones had been imaged, which would have made it unnecessary for the Commonwealth to maintain possession of them. Mr. Mello tellingly ignored these inquiries. On November 16, 2023, Mr. Mello reassured Mr. Bradl that Mr. Kearney's devices had not been searched:

I gave you my representation that we would not examine the contents of the electronic devices without sufficient prior notice to you. Please know that we obtained search warrants this morning for

¹⁰ The pages of the extraction report provided to Ms. Littlefield omitted a May 30, 2023 message in which Mr. Kearney was told that a local reporter observed the proceedings where Ms. McCabe was denied a protective order against Mr. Kearney.

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the contents of said devices.¹¹ I have asked [DL] Tully, and he has agreed, to refrain from executing said warrants...Your client's devices will not be examined prior to the court's ruling on your motions...

On November 28, 2023, at a hearing in the Stoughton District Court,¹² Mr. Mello couldn't have been any clearer in representing that Mr. Kearney's devices had not been searched:

the state police and the investigators have not perused the material. It is in pristine form located on the defendant's devices.

The court then asked Mr. Bradl if he had been "advised by the government that they hadn't started the search, that there's been no search done?" Mr. Bradl indicated that it was his understanding that ***no search*** had occurred. Instead of clarifying the obvious misimpression that the court and Mr. Bradl believed Mr. Kearney's devices had not been searched, Mr. Mello merely replied:

we would not investigate, we would honor our commitment to further not investigate until this matter is determined by the Superior Court.

Mr. Mello further stated that if he provided the devices to the defense, Mr. Kearney might delete data and thereby impair the integrity of a later extraction. In other words, Mr. Mello gave the court and defense

¹¹ The defense has not been provided with these warrants or underlying affidavits. We demand immediate production of these documents.

¹² Video of this proceeding is available at <https://reflect-cctv-vod.cablecast.tv/CablecastPublicSite/show/2724?site=2>.

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the clear impression that Mr. Kearney's phones had not been searched or imaged for extraction when he knew the exact opposite was true. *See* exhibit A; testimony of DL Tully, March 27, 2024, p. 28.

It strains credulity that Mr. Mello, who frequently discussed the investigation with DL Tully in October 2023 didn't know on November 28, 2023, that DL Tully had, in fact, searched Mr. Kearney's devices, and that at least one phone had been previously extracted.¹³ Mr. Mello's misleading representations and failure to disclose evidence he was obligated to provide to the defense several months ago, likely violate Rules 3.3(a)(1) and 3.4(a) and (d) of the Massachusetts Rules of Professional Conduct.

*

*

*

For more than one year, the Commonwealth has steadfastly refused to return Mr. Kearney's devices. Even worse, you haven't disclosed to the defense any evidence contained therein. Instead, the Commonwealth has repeatedly maintained that Mr. Kearney's devices have not been searched.

The Commonwealth's obfuscation has harmed Mr. Kearney professionally and it has prejudiced him as a criminal defendant. He is entitled to data on his phones that is necessary for him to continue his journalism and he has an absolute right to review evidence to which he is legally entitled.¹⁴ Given irrefutable proof that Mr. Mello and DL Tully

¹³ Mr. Mello's dubious representations are another topic that we intend to examine him and DL Tully under oath in support of our pending motion to disqualify Mr. Mello under Rule 3.7(a) of the Massachusetts Rule of Criminal Procedure.

¹⁴ On April 23, 2024, Mr. Mello was ordered to disclose by May 8, 2024, any evidence in his possession that was subject to automatic disclosure under Rule 14. *See* <https://reflect-cctv-vod.cablecast.tv/CablecastPublicSite/show/3002?site=6>.

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(and almost certainly DA Morrissey) have known that Mr. Kearney's devices were searched and at least one extracted in October 2023, the Commonwealth's failure to disclose any evidence recovered from Mr. Kearney's devices and any extraction reports from his cellular phones is indefensible, a clear violation of his due process rights to access material evidence and to fully prepare a defense.

The defense believes that Mr. Kearney is being prosecuted to stifle his First Amendment rights to report and opine publicly—and loudly—about alleged corruption and misconduct in the Read case by the Commonwealth, MSP, and civilians who are now witnesses against him. We further allege that the MSP wanted to seize Mr. Kearney's cellular phones to improperly access his sources of knowledge about the Read case and to review any information he possessed regarding a federal investigation into their conduct during the Read investigation and prosecution.

Accordingly, pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), *Graham v. District Attorney for Hampden District*, 493 Mass. 348 (2024), and Rule 14, we demand any information and evidence in your possession, custody or control regarding the seizure, search and extraction of Mr. Kearney's devices, including, but not limited to

true, accurate and complete copies of any data searched and/or observed, any extraction reports, search warrants, affidavits in support of search warrants, when the devices were searched and extracted, by whom, any reports, email, documentation, in any form, describing the contents, searches or extractions of the devices, or communications between and among, or to or from, DA Morrissey, Mr. Mello, DL Tully, anyone

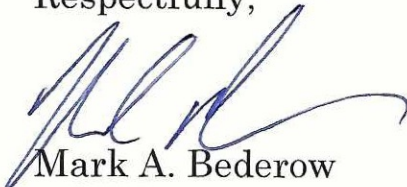
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associated with Norfolk DA's Office or MSP, any of the individuals referenced in DA Morrissey's September 29, 2023 email, Ms. Littlefield, Ms. Greene, any other employees of the Stoughton District Court, Jennifer McCabe, Chris Albert and Ms. Peter.

We look forward to your prompt disclosure of the requested evidence and any other required *Brady* and *Giglio* disclosures that result from your discussions with DA Morrissey, Mr. Mello, DL Tully or any other appropriate individuals regarding the issues we have raised about Mr. Kearney's cellular phones.

Respectfully,

A handwritten signature in blue ink, appearing to be 'M. A. Bederow', written over the printed name.

Mark A. Bederow

cc: Clerk, Norfolk County Superior Court
Aidan Kearney

EXHIBIT A



Extraction Report - Apple iOS Full File system

Participants



590938750
Scott Rodriguez



100008198773399
Clarence Woods Emerson (owner)

Conversation - Instant Messages (20)

From: System Message (System Message)

You can now message and call each other and see info like Active Status and when you've read messages.

Status: Sent

5/30/2023 7:40:11 PM (UTC-4)

Source Info
00008110-000250C0E9801E_files_full.zip/private/var/mobile/Containers/Shared/AppGroup/87CE3D87-9E63-40D8-EBF4-94DA2258F715/Library/Application Support/lightspeed-userDatabases/100008198773399.db: 0x6E9D0F0 (Table: messages, Size: 113070080 bytes)

From: 590938750 Scott Rodriguez

Yeah

5/30/2023 7:41:58 PM (UTC-4)

Source Info
00008110-000250C0E9801E_files_full.zip/private/var/mobile/Containers/Shared/AppGroup/87CE3D87-9E63-40D8-EBF4-94DA2258F715/Library/Application Support/lightspeed-userDatabases/100008198773399.db: 0x6E8EF3 (Table: messages, Size: 113070080 bytes)

From: 590938750 Scott Rodriguez

Did u get a copy of the affidavit?

5/31/2023 1:04:02 PM (UTC-4)

Source Info
00008110-000250C0E9801E_files_full.zip/private/var/mobile/Containers/Shared/AppGroup/87CE3D87-9E63-40D8-EBF4-94DA2258F715/Library/Application Support/lightspeed-userDatabases/100008198773399.db: 0x6E8EF94 (Table: messages, Size: 113070080 bytes)

From: 50939750 Scott Rodriguez

Attachments



File name: image-20230828-102858
File size: 113070080 bytes (107.6 MB)
File type: image/jpeg
File hash: 000250EC0EF98D1E_files_full.zip/private/var/mobile/Containers/SharedAppGroup/87CE3D87-BE63-40D8-BBF4-94DA3258F715/Library/Application Support/lightspeed-user/Databases/100008198773399.db 0x03F8300 (Table messages_attachments Size 113070080 bytes)



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8/1/2023 3:08:28 PM(UTC-4)

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From: 10008198773399 Clarence Woods Emerson

Oh wow, how'd you get this

Status: Sent

Platform: iPhone

8/2/2023 9:39:40 AM(UTC-4)

Source Info
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From: 50939750 Scott Rodriguez

I believe the proper term is "sources". Lol. I have some friends that work over there that are turtle nders

8/2/2023 9:51:31 AM(UTC-4)

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113070080 bytes)
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From: 590938750 Scott Rodriguez

This was Denied

9/28/2023 3:36:52 PM (UTC-4)

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00008110-
000250EC0EF9801E_files_full.zip/private/var/mobile/Containers/Shared/AppGroup/87CE3D8
7-BE63-400B-BBF4-64DA2258F715/Library/Application Support/HighSpeed-
user/Databases/100008198773399.db: 0x5F96AC (Table messages: Size 113070080
bytes)

From: 100008198773399 Clarence Woods Emerson

gtfo!

Status: Sent

Platform: iPhone

9/28/2023 4:14:26 PM (UTC-4)

Source Info
00008110-
000250EC0EF9801E_files_full.zip/private/var/mobile/Containers/Shared/AppGroup/87CE3D8
7-BE63-400B-BBF4-64DA2258F715/Library/Application Support/HighSpeed-
user/Databases/100008198773399.db: 0x5F9756 (Table messages: Size 113070080
bytes)

From: 100008198773399 Clarence Woods Emerson

how'd you find out?

Status: Sent

Platform: iPhone

9/28/2023 4:14:29 PM (UTC-4)

Source Info
00008110-
000250EC0EF9801E_files_full.zip/private/var/mobile/Containers/Shared/AppGroup/87CE3D8
7-BE63-400B-BBF4-64DA2258F715/Library/Application Support/HighSpeed-
user/Databases/100008198773399.db: 0x5F97FB (Table messages: Size 113070080
bytes)

From: 590938750 Scott Rodriguez

Have a friend in Sloughton court

9/28/2023 4:14:49 PM (UTC-4)

Source Info
00008110-
000250EC0EF9801E_files_full.zip/private/var/mobile/Containers/Shared/AppGroup/87CE3D8
7-BE63-400B-BBF4-64DA2258F715/Library/Application Support/HighSpeed-
user/Databases/100008198773399.db: 0x5F98AA (Table messages: Size 113070080
bytes)

From: 100008198773399 Clarence Woods Emerson

only this is gold

Status: Sent

Platform: iPhone

9/28/2023 4:17:59 PM (UTC-4)

Source Info
00008110-
000250EC0EF9801E_files_full.zip/private/var/mobile/Containers/Shared/AppGroup/87CE3D8
7-BE63-400B-BBF4-64DA2258F715/Library/Application Support/HighSpeed-
user/Databases/100008198773399.db: 0x5F9960 (Table messages: Size 113070080
bytes)


```
Source Info
00006110-
000250E0CEF9801E_files_full.zip/private/var/mobile/Containers/Shared/AppGroup/87CE3D0
7-BE63-40D8-86F4-64DA2258F715/Library/Application Support/lightspeed-
user/Databases/100008198773399.db 0x03F8A14 (Table messages Size 113070080
bytes)
```

Attachments



Source Info
00006110-
000250E0E0F9801E_files\iui.zip\private\mobile\Containers\Shared\AppGroup\87CE3D0
7-BE03-400B-B6F4-94DA5250F715\Library\Application Support\lightspeed-
user\Databases\100008198773399.db: 0x63F8ABA (Table messages_attachments Size
113070060 bytes)

Attachments



```
Source Info
00000110
000250CE6F6801E files full zip private\vermont\Containers\Shared\AppGroup@7CE3D8
7 0003-40C6-BB4 54CA2256F715Library-Application Support\lightspeed-
userDatabases\10000019677399 do 0x03F85E (Take messages attachments. Size
113070080 bytes)
```

I know a tough ask and if I wasn't worried for my friend I wouldn't even ask but could that be added to credit Masscourts instead of Stoughton

Source Info
0000110-000250EC0B1B01E_11ea_full.zip/private/var/mobile/Containers/Shared/AppGroup/87CE3D67-BE63-40D8-BBF4-94DA225BF715/Library/Application Support/HighSpeedUserDatabases/10000019877339.db OABFBBF6 (Table messages Size 113070060 bytes)

From: 100008198773399 Clarence Woods Emerson

It's not on masscourts

Status: Sent

Platform: Mobile

9/28/2023 11:57:47 PM(UTC-4)

Source Info

00008110-000250EC0EF9801E_files_full.zip/private/var/mobile/Containers/Shared/AppGroup/87CE3D87-BE63-40D8-BBF4-64DA2258F715/Library/Application Support/lightspeed-userDatabases/100008198773399.db: 0x63F9D2A (Table messages: Size 113070080 bytes)

From: 100008198773399 Clarence Woods Emerson

Attachments



Size:

File name: image-737077104898362

Path: /private/var/mobile/Containers/Shared/AppGroup/87CE3D87-BE63-40D8-BBF4-64DA2258F715/Library/Application Support/lightspeed-userDatabases/100008198773399.db: 0x63F9D0F (Table messages: attachments: Size 113070080 bytes)

0x63F9D0F (Table messages: attachments: Size 113070080 bytes)

File name: image-737077104898362

Path: /private/var/mobile/Containers/Shared/AppGroup/87CE3D87-BE63-40D8-BBF4-64DA2258F715/Library/Application Support/lightspeed-userDatabases/100008198773399.db: 0x63F9D0F (Table messages: attachments: Size 113070080 bytes)

0x63F9D0F (Table messages: attachments: Size 113070080 bytes)

File name: image-737077104898362

(Empty File)

Status: Sent

Platform: Mobile

10/3/2023 1:33:25 PM(UTC-4)

Source Info

00008110-000250EC0EF9801E_files_full.zip/private/var/mobile/Containers/Shared/AppGroup/87CE3D87-BE63-40D8-BBF4-64DA2258F715/Library/Application Support/lightspeed-userDatabases/100008198773399.db: 0x63F9D0F (Table messages: attachments: Size 113070080 bytes)

From: 100008198773399 Clarence Woods Emerson

that's not her is it

Status: Sent

Platform: Mobile

10/3/2023 1:33:39 PM(UTC-4)

Source Info

00008110-000250EC0EF9801E_files_full.zip/private/var/mobile/Containers/Shared/AppGroup/87CE3D87-BE63-40D8-BBF4-64DA2258F715/Library/Application Support/lightspeed-userDatabases/100008198773399.db: 0x63F9E7C (Table messages: Size 113070080 bytes)

EXHIBIT B

From: Michael Morrissey <[REDACTED]@icloud.com>
Sent: Friday, September 29, 2023 1:53 PM
To: Stacey Fortes <[REDACTED]@jud.state.ma.us>
Cc: Thomas G Ambrosino <[REDACTED]@jud.state.ma.us>; Philip J McCue
<[REDACTED]@jud.state.ma.us>; Daniel W O'Malley <[REDACTED]@jud.state.ma.us>; Lynn Beland
<lynn.beland@mass.gov>
Subject: Stoughton District Court issue

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Judge Fortes,

I am writing to express my grave concern with actions taken by an individual employed at the Stoughton District in regard to an affidavit that was shared with a blogger writing about an ongoing 2nd degree murder case. On 9/28/23 a witness in the Commonwealth v. Reed murder case, filed a request for an application for harassment prevention order, which was heard before Judge O'Malley. The application and affidavit were processed in the civil clerk department of Stoughton District Court and presented to the judge, which, after hearing was denied.

We were informed by the witness and others that shortly after the hearing that Aidan Kearney, a.k.a. Turtleboy was provided with a copy of the entire affidavit. There is no way that he would've been aware of the proceeding without an insider working in the Courthouse. The leading individual who presents as a possible leak is Michelle Littlefield.

I know it's late - but I am horrified that Chris didn't get it- and I am even more disgusted that for the second time someone from the court leaked it right away to tb

Then, because the people who work in Stoughton District Court like me more than him, they sent this humiliating after David to me so we could shame him some more. We have put in a request for the court audio, and hopefully with a little luck we'll have it for the Live Show on Sunday.

The above comments from a previous witness who also received the same treatment with their application for an HPO is attached. Also, the comments from Clarence Woods Emerson (aka

Turtleboy)are attached. It's clear from the postings that Stoughton Court is directly involved in this dissemination of information affecting our murder prosecution.

From the comments from one of the witnesses, you can see that they have completely lost all confidence in the Courts of the Commonwealth. I have to agree that the actions erode the trust and integrity between the courts and the public and the relationship with the District Attorney's Office. We are extremely concerned that the improperly disseminated court material unsolicited to a third-party, which is continuing to cause harm and damage to a witnesses in an ongoing homicide prosecution must be a violation of court policies or a potential violation of law. We also understand that Aiden Kearney had also immediately requested copies of the FTR record that was made on 9/28/23. Again there is no way that he would have or should have known that hearing took place.

There are a number of concerns that we have about the possibility of having file on going motions or other requests for warrants before this court that will affect the orderly and fair administration of Justice. These actions are completely unacceptable and must be resolved immediately. I understand that you have to do an investigation and that may take time but you also have to provide us with some evidence and assurance that you have taken action so we can safely continue to use the clerks office of the Stoughton District Court. We have a number of delicate matters before them on a day-to-day basis. I await your advice.

Michael W. Morrissey
District Attorney

EXHIBIT C

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the Office of the Comptroller (CTR), the Executive Office for Administration and Finance (ANF), and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. The Commonwealth deems void any changes made on or by attachment (in the form of addendum, engagement letters, contract forms or invoice terms) to the terms in this published form or to the Standard Contract Form Instructions, Contractor Certifications and Commonwealth Terms and Conditions which are incorporated by reference herein. Additional non-conflicting terms may be added by Attachment. Contractors are required to access published forms at CTR Forms: <https://www.mass.gov/lists/ctr-forms>. Forms are also posted at OSD Forms: <https://www.mass.gov/lists/osd-forms>.

CONTRACTOR LEGAL NAME: Kenneth S. Mello, Mello Law Offices (and d/b/a):		COMMONWEALTH DEPARTMENT NAME: Norfolk District Attorney's Office MMARS Department Code: NFK	
Legal Address: (W-9, W-4): [REDACTED]		Business Mailing Address: 45 Shawmut Road, 2nd Floor, Canton, MA 02021	
Contract Manager:	Phone: 508-[REDACTED]	Contract Manager: Kathleen Barnett	
E-Mail: [REDACTED]@msn.com	Fax:	Approved: K. Barnett Date:	Approp:
Contractor Vendor Code: [REDACTED]		Sub: Obj:	Phone: 781-830-4800 Fax: 781-830-4801
Vendor Code Address ID (e.g. "AD001"): AD001 (Note: The Address ID must be set up for EFT payments.)		MMARS Doc ID(s):	
		RFR/Procurement or Other ID Number:	
<input checked="" type="checkbox"/> NEW CONTRACT PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> Department Procurement (Includes all Grants - 815 CMR 2.00) (Solicitation Notice or RFR, and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope and budget)		<input type="checkbox"/> CONTRACT AMENDMENT Enter Current Contract End Date <u>Prior</u> to Amendment: ____ Enter Amendment Amount: \$ ____ (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of amendment changes.) <input type="checkbox"/> Amendment to Date, Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language/justification and updated scope and budget)	
The Standard Contract Form Instructions, Contractor Certifications and the following Commonwealth Terms and Conditions document is incorporated by reference into this Contract and are legally binding: (Check ONE option): <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> Rate Contract. (No Maximum Obligation) Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> Maximum Obligation Contract. Enter total maximum obligation for total duration of this contract (or <u>new</u> total if Contract is being amended): \$ <u>80,000.00</u>			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ____ % PPD; Payment issued within 15 days ____ % PPD; Payment issued within 20 days ____ % PPD; Payment issued within 30 days ____ % PPD. If PPD percentages are left blank, identify reason: <input checked="" type="checkbox"/> agree to standard 45 day cycle <input type="checkbox"/> statutory/legal or Ready Payments (M.G.L. c. 29, § 23A); <input type="checkbox"/> only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) Special Assistant District Attorney Services with the Norfolk District Attorney's Office. Rates: Mello \$400 Per Hour Please see the Attachment "A" to this contract specifying invoicing instructions.			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input type="checkbox"/> 1. may be incurred as of the Effective Date (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the Effective Date. <input type="checkbox"/> 2. may be incurred as of _____, 20____, a date <u>LATER</u> than the Effective Date below and <u>no</u> obligations have been incurred <u>prior</u> to the Effective Date. <input checked="" type="checkbox"/> 3. were incurred as of <u>September 20, 2023</u> a date <u>PRIOR</u> to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of <u>June 30, 2024</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, this Standard Contract Form, the Standard Contract Form Instructions, Contractor Certifications, the applicable Commonwealth Terms and Conditions, the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: [Signature] DATE: 11/20/23 (Signature and Date Must Be Handwritten At Time of Signature) Print Name: Kenneth S. Mello Print Title: Attorney		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: [Signature] DATE: 11/27/23 (Signature and Date Must Be Handwritten At Time of Signature) Print Name: Margaret R. S. Krippendorf Print Title: First Assistant District Attorney	

EXHIBIT D

Hunt, Brandon (NFK)

From: Krippendorf, Margaret (NFK)
Sent: Wednesday, September 27, 2023 8:35 AM
To: Leahy, Debra (NFK)
Subject: RE: Special Assistant District Attorney

Thank you!

From: Leahy, Debra (NFK) <debra.leahy@mass.gov>
Sent: Tuesday, September 26, 2023 5:03 PM
To: Krippendorf, Margaret (NFK) <Margaret.Krippendorf@mass.gov>
Subject: FW: Special Assistant District Attorney

FYI.
We will be preparing an electronic contract for below....still a few days out, but wanted you to be aware.
Thanks, Deb

From: Beland, Lynn (NFK) <lynn.beland@mass.gov>
Sent: Tuesday, September 26, 2023 4:48 PM
To: Leahy, Debra (NFK) <debra.leahy@mass.gov>
Cc: Regan, Kathryn (NFK) <Kathryn.Regan@mass.gov>; Barnett, Kathleen (NFK) <kathleen.barnett@mass.gov>
Subject: Re: Special Assistant District Attorney

Approved

Get [Outlook for iOS](#)

From: Leahy, Debra (NFK) <debra.leahy@mass.gov>
Sent: Tuesday, September 26, 2023 4:07:12 PM
To: Beland, Lynn (NFK) <lynn.beland@mass.gov>
Cc: Regan, Kathryn (NFK) <Kathryn.Regan@mass.gov>; Barnett, Kathleen (NFK) <kathleen.barnett@mass.gov>
Subject: Special Assistant District Attorney

Hi Lynn:
Regarding the meeting with you and the District Attorney today, our office is going to be hiring Attorney Kenneth S. Mello as a Special Assistant District Attorney for the Norfolk District Attorney's Office.
His rate is \$400 per hour. I will put the maximum obligation amount at \$30,000 (please let me know if you think this amount should be adjusted). Also note we can adjust or increase moving forward as well.

Please approve so I can prepare the electronic contract to email to Attorney Mello.

Thank you.
Deb Leahy

~~~~~  
*Debra M. Leahy, Fiscal Affairs  
Norfolk District Attorneys Office  
45 Shawmut Road, 2<sup>nd</sup> Floor  
Canton, MA 02021*



## EXHIBIT E



**Masshole Report**

2m · 🌐

...



This lovely lady is Michelle Littlefield. If you're down at Stoughton District court, you can rest easy, your personal information is safe for the time being, as she was perp-walked out today and put on suspension pending an internal investigation. What is it that Karen's Karens like to say? "You work for me"? Well, Michelle, you fucking scumbag, YOU work for US. And your decision to share sensitive information ENTRUSTED to you through the court to further harass and stalk a civilian really caught up quick. Trust and believe, it's gonna follow you around, too. You will be getting more attention soon, as will our new friend Jannell. I hope both your careers were worth it.





## EXHIBIT F

11:17

5G+ 90%



**Masshole Mafia** 

**Wednesday, October 11**

We know you're involved  
in Aidan Kearney's little  
witness harassment  
game and your texts with  
him have already been  
making the rounds.  
Buckle up, buttercup :)

10:16 AM

