

**Law Office of Mark A. Bederow, P.C.**

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October 8, 2024

**VIA EMAIL**

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

RE: *Commonwealth v. Aidan Kearney*  
DOCKET NOS. 2382CR00313, 2482CR00043 & 2454CR000255

Dear Messrs. Cosgrove and Mello:

On October 1, 2024, Mr. Cosgrove provided the defense with a recording of Katherine Peter's February 26, 2024 call to the Dedham police about an alleged incident that occurred outside the Norfolk County Superior Court, where a large crowd had gathered for a hearing in the Karen Read case. Ms. Peter told the police that Aidan Kearney was violating a restraining order by being within 100 yards of Lindsey Gaetani as he stood outside the Norfolk County Superior Court while Ms. Gaetani was inside the courthouse. Considering this recording and irrefutable evidence that Ms. Peter was (or is) a "source" for the Massachusetts State Police's ("MSP") investigation into Mr. Kearney, we anticipate that she will be a witness at Mr. Kearney's upcoming trials.

In view of Ms. Peter's status as an MSP source, any communications and evidence in her possession regarding the

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investigation and prosecution of Mr. Kearney is deemed to be within your possession, custody, and control. *See Commonwealth v. Pope*, 489 Mass. 790, 798-99 (2022) (prosecution's disclosure obligation extends to anyone who has "participated in the investigation or evaluation of the case and who either regularly report or with reference to the particular case have reported" to the prosecution). Accordingly, pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), *Graham v. District Attorney for Hampden District*, 493 Mass. 348 (2024) and Rule 14 of the Massachusetts Rules of Criminal Procedure, we demand disclosure of

(a) any evidence that Ms. Peter acted as an informant or agent of the MSP or Norfolk County District Attorney's Office or special assistant district attorneys prosecuting Mr. Kearney ("the Commonwealth"), including but not limited to, whether she is "registered" as an informant, whether she is active or was deactivated, names of any MSP "handler(s)," when she became a source, when she started assisting the MSP and/or the Commonwealth with respect to Mr. Kearney, and any benefits, promises, rewards, leniency in her own criminal matters, or inducements she sought, received or expects in connection with her cooperation against Mr. Kearney,

(b) all evidence and information, in whatever form, Ms. Peter furnished to the Commonwealth and/or MSP involving the investigation or prosecution of Mr. Kearney,



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(c) any records of Ms. Peter's communications, including but not limited to, email, calls, text messages, instant messages, Instagram direct messages, Discord messages, Facebook messages, Twitter/X messages, or any other third part messaging applications related to her contacts and interactions with Mr. Kearney, Ms. Gaetani, Leigha Genduso, the Commonwealth, MSP or any other law enforcement agency regarding Mr. Kearney between October 1, 2023 and the present, and,

(d) any documentation or memorialization of statements made by Ms. Peter to the Commonwealth, MSP, or any other law enforcement agency regarding Mr. Kearney and/or Ms. Gaetani in any form, including but not limited to, written reports, notes, email, text messages, audio or video recordings.

*Ms. Peter's Role As a Source for the MSP and the Commonwealth*

Ms. Peter and Mr. Kearney are former colleagues who have publicly feuded for years. Motivated by hatred for Mr. Kearney, Ms. Peter aligned herself with Ms. Gaetani and others who dislike Mr. Kearney's reporting (including members of the Albert and McCabe families, some of whom are named in the first indictment against Mr. Kearney). These alliances have enabled her to exploit the criminal justice system in furtherance of her effort to ruin Mr. Kearney. Ms. Peter's dedication to this task was so thorough that the MSP and Commonwealth utilized her services to assist them in their investigation and prosecution of Mr. Kearney. Ms. Peter,

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who had no direct involvement in these matters and is not an alleged victim, was provided Mr. Mello's and MSP Detective-Lieutenant ("DL") Tully's private cell phone numbers. Thus, Ms. Peter had the ability to call and text both on their private devices.

As a valued "source" of information against Mr. Kearney, Ms. Peter has presented the MSP with video evidence, scoured Mr. Kearney's online presence, and reported things to the MSP that they "can't find or document," including a 30-second clip of a video that Ms. Peter sent to DL Tully, which the Commonwealth used to secure Mr. Kearney's indictment for wiretapping. *See* grand jury transcript of MSP Lieutenant John Fanning, February 22, 2024, pp. 7-10.

On February 26, 2024, several hours after Ms. Peter called the police to help orchestrate Mr. Kearney's prosecution for allegedly violating a restraining order, she left Mr. Kearney two crude, harassing, and in part, threatening, voice mails. In the first message, Ms. Peter gloated about her value as a source to the Commonwealth:

Hey faggot, it's Kate. Kate Peter. You know, Krusty Panties. You know every time you get a blocked number it's not Lindsey or LG or anyone else. It's me. *And I just want to let you know that when you go back to jail, I had absolutely everything to fucking do with it* because you are a dumb motherfucker...I am going to get the best of you. You are a bad person and everybody's going to see it. Have a nice day. By the way, Karen Read wants nothing to do with you. Go fuck yourself. Bitch. I meant it.



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In the second harassing and threatening message, Ms. Peter demonstrated her familiarity with (and incorrect understanding of) the Massachusetts witness intimidation statute:

...I am not afraid of you, I never witness intimidated you. You are not a witness in any case.<sup>1</sup> You are just a small dickd fucking faggot who likes to prey on women. Call me back motherfucker. Let's talk about it. Let's talk about Leigha and Lindsey. Let's talk about what you did to Jen McCabe and Colin Albert, a 19-year-old juvenile...How is your wife doing by the way? How are your abused and neglected children doing by

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<sup>1</sup> Ms. Peter assuredly knew that as a criminal defendant, Mr. Kearney qualified as a protected "potential witness" and someone "aware of information, records or documents or objects" related to a violation of criminal law under M.G.L. 268 § 13B(b). Her brazen statement that Mr. Kearney was "not a witness" and belief that she had *carte blanche* to unload a barrage of crude, harassing and threatening statements to a possible witness without violating the witness intimidation statute, evinces her knowledge of the significance of having Ms. Gaetani classified as a "witness" by Mr. Mello. See September 12, 2024 letter ("Sept. 12 letter"), pp. 5-7, 12-13. Ms. Peter, whose calls to Mr. Kearney were designed solely to harass and humiliate, remains uncharged for her clear violations of M.G.L. 268 § 13(B) on February 26, 2024 (her conduct is within the statute of limitations) while Mr. Kearney, a practicing journalist whose reports on the Karen Read case exposed possible corruption and an alleged cover-up involving several of the MSP and civilian witnesses against him, is under indictment for making phone calls, expressing his opinion, reporting, and encouraging further discussion on a controversial and high-profile criminal case of public concern.

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the way? Call me back you fucking faggot. I'll drive over to your parents' house right now. Fuck you.<sup>2</sup>

On March 11, 2024, Ms. Peter again took credit for her substantial contributions to the Commonwealth and MSP, boasting under oath that Mr. Kearney

is angry and upset with me because I have been cooperating with the prosecution and giving them information on him....he can blame me for all of his problems because I am furnishing information

Audio transcript of *Kearney v. Peter*, Leominster District Court, Docket No. 2461RO0081.

On September 5, 2024, testifying in a West Roxbury matter in which she was accused of witness intimidation and violation of a restraining order, Ms. Peter described herself as a "potential witness in Mr. Kearney's criminal cases." She swore under oath that when she saw her accuser on October 11, 2023 in the Stoughton District Court (where Mr. Kearney was being arraigned) she was there to meet Mr. Mello, even though she wasn't named as an alleged victim in that or any other case.<sup>3</sup>

Ms. Peter's working relationship with the MSP and Commonwealth is so strong that the Norfolk County DA's Office has recused itself from two witness intimidation prosecutions currently pending against her in

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<sup>2</sup> Minutes later, Ms. Peter sent Mr. Kearney the following message on Discord: "Aidan you dickless faggot answer your phone."

<sup>3</sup> We intend to examine Ms. Peter and Mr. Mello under oath about the purpose of this meeting and the substance of their conversation at the January 10, 2025 evidentiary hearing on our motion to disqualify Mr. Mello under Rule 3.7 of the Massachusetts Rules of Professional Conduct.



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Norfolk County. Indeed, Ms. Peter admitted as much to Ms. Gaetani, who documented this fact in a text message she sent to Ms. Peter on December 12, 2023:

[Mr. Kearney] thinks your case is being moved because HE is the conflict of interest! He has no idea it's because YOU are working with the police lol (emphasis in original).

It goes without saying that any evidence within your possession, custody or control related to Ms. Peter's relationship with the Commonwealth and MSP, including her possible motive to favor the prosecution over Mr. Kearney must be disclosed under *Brady* and its progeny.<sup>4</sup> See *Banks v. Dretke*, 540 U.S. 668, 693 (2004); *Commonwealth v. Barry*, 481 Mass. 388, 410-11 (2019).

*Ms. Peter's Direct Role in the Prosecutions Against Mr. Kearney*

As explained, *supra*, p. 6, Ms. Peter has described herself as a "potential witness" against Mr. Kearney. It made little sense for Mr.

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<sup>4</sup> Notwithstanding the Norfolk County DA's Office's recusal on Ms. Peter's criminal matters, that office inexplicably represented the Commonwealth at her most recent arraignment for witness intimidation on October 1, 2024. That appearance afforded the Commonwealth with a strong basis to seek revocation of her bail, which would have been an expected motion from a disinterested prosecutor given that Ms. Peter has **four pending witness intimidation cases**. However, on information and belief, the Norfolk County DA's Office didn't notify the court about Ms. Peter's special relationship with the Commonwealth and MSP. Consequently, the court likely was kept ignorant about their special relationship and wasn't presented with an application to revoke Ms. Peter's bail. In these circumstances, there is at least an appearance of preferential treatment provided to Ms. Peter by the Norfolk County DA's Office due to her cooperation against Mr. Kearney.

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Mello to meet with Ms. Peter on the day of Mr. Kearney's arraignment for charges that didn't involve her unless, just as Ms. Peter and Lieutenant Fanning testified, she was a valuable source for the Commonwealth and MSP in their investigation of Mr. Kearney.

Ms. Peter's involvement in the cases involving Ms. Gaetani is more apparent. Evidence from the extraction report of Ms. Gaetani's cellular phone demonstrates that Ms. Peter advised Ms. Gaetani throughout the process that resulted in Ms. Gaetani accusing Mr. Kearney of crimes. For example, in early December 2023, Ms. Peter leveraged her special relationship with the Commonwealth and MSP and urged Ms. Gaetani to speak with Mr. Mello. On the morning of December 11, 2023, just hours before Ms. Gaetani and Leigha Genduso workshopped making Ms. Gaetani a "witness" against Mr. Kearney so Ms. Gaetani could "play him at his own game" and have him jailed, *see* Sept. 12 letter, pp. 5-6, Ms. Peter encouraged Ms. Gaetani to speak directly—and secretly—with Mr. Mello. Ms. Peter's reasoning was to prevent the existence and substance of the conversation from being discovered by Mr. Kearney or others who might later seek access to public records:

Ms. Peter (10:54:05): I'm going to work on getting you some legal protection here

Ms. Gaetani (10:57:02): how?

Ms. Peter (10:58:36): I'm gonna call Mello in a bit when shit calms down here. Feel out the situation...You have some information that would certainly be an incentive for the powers that be to protect you. Don't tell anyone we've talked please



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Ms. Peter (10:58:56): I've got his cell #, it can't be FOIA'd his line is obviously not recorded lol

Ms. Peter (11:17:10): I know you were asking for Tully's # yesterday...but it's actually better to go straight to Mello at this point

Ms. Peter (12:30:40): Honestly they take more info than they give lol common misconception that I get my info from the DA or MSP, I don't generally speaking. I just have a really good relationship with the O'keefes, Alberts, Mccabes and several local journalists<sup>5</sup> working on this thing...

Ms. Peter (3:44:32): Ok so I did talk to Mello, "off the record" with some specifics.<sup>6</sup>

Ms. Peter then provided Ms. Gaetani with Mr. Mello's private cellular phone number. See Sept. 12 letter, pp. 4-7, 12. Left unanswered is what Ms. Peter and Mr. Mello discussed during any "off the record" conversations and what Ms. Gaetani and Mr. Mello discussed in conversations that Ms. Peter suggested should be held in a manner designed to avoid possible disclosure. Similarly, as illustrated by their

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<sup>5</sup> That evening, Ms. Peter enticed Ms. Gaetani to speak with a journalist preparing an "expose" on Mr. Kearney. After impressing Ms. Gaetani by describing her direct relationship with the reporter (including that she had dinner with reporter), Ms. Peter urged Ms. Gaetani to share her "invaluable perspective" with the reporter. The next day, Ms. Gaetani, who had not yet spoken to Mr. Mello, replied "Omg really? I'll gladly talk with [the reporter]."

<sup>6</sup> On December 28, 2023, Mr. Mello told the *Fall River Reporter* that Ms. Gaetani "recently" became a witness after "we received some communication from her." See exhibit A to Sept 12, letter, p. 3.

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text exchange from the evening of December 13, 2023,<sup>7</sup> the defense is entitled to know what “advice” Ms. Peter provided Ms. Gaetani, who was concerned about her own criminal exposure, shortly before she spoke to the MSP for the first time:

Ms. Gaetani (9:25:59): I’m worried now

Ms. Peter (9:27:52): worried about?

Ms. Peter (9:35:08): Ugh now I’m worried

Ms. Gaetani (9:36:32): No just worried for Jane.<sup>8</sup>  
Was that considered WI?? I can’t even remember  
now what the tweets said that he was mentioned  
in

Ms. Peter (9:38:05): Ah. She said nothing that any  
reasonable person could reach and say is WI...

Ms. Gaetani (9:41:38): Hm ok. Well I’m going to be  
calling you before my meeting tomorrow anyway  
with more questions about this. I feel like that’s

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<sup>7</sup> Once again, based on the substance of Ms. Gaetani’s responses, it appears that some of Ms. Peter’s responses are not included in the extraction report of Ms. Gateani’s phone.

<sup>8</sup> As you are aware, Ms. Gaetani lied to Ms. Peter (among others) about the identity of “Jane.” *Ms. Gaetani is “Jane.”* She created that fake Twitter persona on her cell phone in October 2023 to anonymously communicate with people who disliked Mr. Kearney and to release harmful information about him. See Sept. 12 letter, p. 7, n. 6. The above texts suggest that Ms. Gaetani was concerned that if she spoke to the MSP and gave them her cellular phone, they would discover that she was “Jane” and that she “violated” the same witness intimidation statute that she, Ms. Peter and Ms. Genduso sought to exploit as the basis for Mr. Kearney’s arrest and incarceration.



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something he would try to do and wasn't even thinking of that.

Ms. Peter also was the driving force for Mr. Kearney's arrest for his alleged violation of a restraining order on February 26, 2024. Mr. Kearney, who had been released from jail on February 23, 2024,<sup>9</sup> announced the following evening on his "Turtleboy Live" show that he would be attending the February 26 Karen Read hearing. A review of the communications between Ms. Gaetani and Ms. Peter demonstrates that they regularly watched and discussed Mr. Kearney's live shows.

Several weeks earlier, in January 2024, Ms. Peter told Ms. Gaetani that Paul O'Keefe, the brother of Boston police officer John O'Keefe wanted to meet her. Ms. Gaetani excitedly responded, "Paul O'Keefe wants to talk to ME?" (emphasis in original). In April 2024, Ms. Gaetani, who had not attended any other Read proceedings, testified that she went to the February 26, 2024 appearance at the personal invitation of Paul O'Keefe.

Mr. O'Keefe's communications with Mr. Kearney contradict Ms. Gaetani. In July 2024, Mr. O'Keefe denied inviting Ms. Gaetani to court. He told Mr. Kearney there was a "miscommunication," but Ms. Gaetani didn't "lie" because she "thought" Mr. O'Keefe invited her.

Mr. O'Keefe's explanation suggests that Ms. Peter told Ms. Gaetani that Mr. O'Keefe wanted her to appear in court to entice Ms. Gaetani—who had an open restraining order against Mr. Kearney—to attend. Ms. Peter's communications with Ms. Gaetani and Mr. O'Keefe will shed light on this question. In any event, it appears that Ms. Peter coordinated Ms.

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<sup>9</sup> Mr. Kearney had his bail revoked after his arrest for the events of December 23, 2023.

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Gaetani's presence at the February 26, 2024 appearance to make sure Mr. Kearney would not be able to attend and to increase the likelihood that Mr. Kearney would be arrested if he went to the courthouse.

Ms. Peter accomplished her goals. Mr. Kearney was required to leave the courtroom after Ms. Gaetani arrived with her restraining order in hand. He went outside and began a livestream to explain the situation to his interested viewers. Ms. Peter—*who wasn't even there*—immediately called the police (while Ms. Gaetani was still in the courtroom) to report that Mr. Kearney

was just removed from the courtroom. He's in violation of a restraining order. He refuses to leave the courthouse steps.<sup>10</sup> He's within 100 yards of this victim and he is currently screeching how she is there. He's definitely in violation of the restraining order. You might want to get someone down there.

*Ms. Peter's Communications Are Discoverable And Favorable*

Communications and statements of Ms. Peter are discoverable under *Brady*, *Giglio* and Rule 14 irrespective of whether you intend to call her as a prosecution witness. The Commonwealth is in possession, custody and control of the requested evidence, see *Pope*, 489 Mass. at 798-

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<sup>10</sup> On March 14, 2024, Mr. Mello attempted to use this incident as a basis to revoke Mr. Kearney's bail. After an evidentiary hearing at which the Dedham police officers who interacted with Mr. Kearney and Ms. Gaetani on February 26, 2024 testified, the Court refused to detain Mr. Kearney. On April 26, 2024, after an evidentiary hearing at which Ms. Gaetani testified about her version of what occurred on February 26, the court *lessened* the conditions of the restraining order against Mr. Kearney.



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99, which on information and belief, tends to support the defense position that Ms. Peter's animus towards Mr. Kearney led her to (a) gather evidence against Mr. Kearney at the behest of the Commonwealth and MSP and then provide it to them, (b) orchestrate Mr. Kearney's arrests by using her special relationship with the Commonwealth and MSP, and (c) befriend Ms. Gaetani for the purpose of cajoling her to accuse Mr. Kearney of criminal conduct.

The last message from Ms. Peter that appears on the extraction report from Ms. Gaetani's cellular phone was sent on December 14, 2023 at 1:16 am. It is hard to accept as coincidence that Ms. Peter's communications seemingly cease shortly after Ms. Gaetani's texts to Ms. Peter about her interactions with Mr. Mello and DL Tully, and Jennifer McCabe's feedback on Ms. Gaetani's meeting with DL Tully:

*December 14, 2023*

3:10:46 p.m.: hey they just left...

3:45:09 p.m.: eh depends on your definition of good.  
Sorry I know the anticipation is killing you

3:48:42 p.m.: yea no bueno on that front

3:51:48 p.m.: I know Mello told me yesterday not to worry about anything. But I was told something entirely different today. I'll explain when I call

4:24 p.m.: Ms. Gaetani calls Ms. Peter. They speak on the phone for two hours and thirty-two minutes

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*December 15, 2023*

8:37:05 a.m.: what did Jen [McCabe] and everyone think of my meeting yesterday...?

8:43:53 a.m.: omg really?!?!

8:44:11 a.m.: Comment about anything specific?

8:44:22 a.m.: or just in general about Karen's case?

10:12:45 a.m.: shit lol. Is Tully gunna get mad that I told people that?

10:12:57 a.m.: Yea good point!

10:13:28 a.m.: oh ok

1:44:06 p.m.: ah would he even buy that? What did tully say is next steps? Did he talk to Mello yet?

4:22 p.m.: Ms. Gaetani posts on Facebook: BIG news coming soon!! Stay tuned! (emphasis in original).

As inconceivable as it seems, according to the extraction report of Ms. Gaetani's phone, Ms. Peter ***did not respond to any of Ms. Gaetani's messages cited above*** even though some clearly are responsive to Ms. Peter. It is particularly concerning that the messages "missing" from an extraction report prepared by the MSP are messages from their own "source" containing information from and about Ms. Gaetani, Mr. Mello, DL Tully and Ms. McCabe.



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Finally, it should be noted that Ms. Peter has displayed some of her messages with Ms. Gaetani that do not appear on the extraction report from Ms. Gateani's phone on her own live shows. On October 3, 2024, Ms. Peter posted some of the "missing" messages on her Twitter/X account. In other words, Ms. Peter has access to the text messages we are missing.

Accordingly, because Ms. Peter, a "source" closely associated with the MSP and Commonwealth, possesses the requested evidence, which is relevant, favorable to the defense, and within your possession, custody and control, such evidence, in any form, should be promptly disclosed to the defense.

Given the December 17, 2024 trial date on the District Court matter, we would appreciate a prompt response so we may pursue other remedies before trial in the event you cannot or will not disclose evidence pursuant to this demand.

Respectfully,

A handwritten signature in blue ink, appearing to be 'M. A. Bederow', with a long horizontal flourish extending to the right.

Mark A. Bederow

cc: Clerk, Norfolk County Superior Court  
Clerk, Dedham District Court  
Aidan Kearney