

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT
NORFOLK SUPERIOR COURT
DOCKET NO. 2282CR00117

COMMONWEALTH

v.

KAREN READ

COMMONWEALTH'S MOTION FOR RECORDS: WFXT-TV Boston 25

Now comes the Commonwealth and respectfully requests this Honorable Court, pursuant to Mass. R. Crim. P. 17 and Commonwealth v. Lampron, 441 Mass. 265 (2004), issue a court order to:

Keeper of Records
WFXT-TV Boston 25
25 Fox Drive
Dedham, MA 02026-2563

Ordering the Keepers of the Records of WFXT-TV Boston 25 to produce to the Criminal Clerk's Office of Norfolk Superior Court all written or recorded statements of William Read, Janet Read, and Nathan Read including all video recordings, and any interview notes or memorialized statements made or adopted by William Read, Janet Read, or Nathan Read.

In support of its motion, the Commonwealth states the following:

1. On June 9, 2022, the defendant was indicted by a Norfolk grand jury for second degree murder, in violation of G. L. c. 265, §1; manslaughter while operating under the influence, in violation of G. L. c. 265, §13 ½; and leaving the scene of personal injury/death in violation, of G. L. c. 90, §24 (2)(a ½)(2).

2. On August 7, 2023, Boston 25 News aired a five minute and 40 second segment entitled “Parents of Karen Read, woman charged in Boston officer’s death: ‘My daughter will be free’”, which featured reporter Ted Daniel interviewing the defendant’s parents, William Read and Janet Read, and the defendant’s brother, Nathan Read.
3. The defendant’s father, William Read claimed that an unnamed, unidentified, and uncertain culprit somehow caused John O’Keefe’s injuries. William Read sponsored the baseless claim that “John O’Keefe entered that house [34 Fairview Road, Canton, MA], was sucker punched, a fight ensued, and he [John O’Keefe] was overwhelmed.”
4. The unaired statements made by the Reads are relevant and material to put the relevant aired statements, some which will be introduced at trial, in context. Further, the absence of details provided in the unaired footage is fertile grounds for examination of witnesses at trial.
5. Importantly, in the aired segment Ted Daniels asks William Read “During your first discussion with Karen did she believe she may have hit John?” William Read responded “No. No. She felt she struck something – she said Dad I think I struck something. I said what do you mean? Right. This was in the hospital, right. She says I remember, all right, backing up and hitting something.”
1. The defendant’s first discussion with William Read was not when she was in the hospital, rather, the first conversation occurred before the defendant was transported from the crime scene.¹ William Read and the defendant conducted their first call at 6:32:15 a.m. which lasted 3 minutes and 51 seconds. Medical records note that Karen Read was

¹ The defendant’s phone records detail her outgoing unanswered phone calls to her mother’s phone at 1:14:19 a.m., 4:38:25 a.m., and 4:42:22 a.m. All three unanswered calls occurred before the defendant left John O’Keefe’s and before John O’Keefe was found.

admitted to the hospital at 7:26:00a.m. An ambulance report notes that first responders were dispatched to the scene of the crime to attend to Karen Read at 7:21:51 a.m.

2. Statements made by the defendant to William Read regarding the timing of the damage to her taillight is extremely relevant and material evidence that will be introduced at trial. The defendant's admission of being involved in a collision directly relate to the Commonwealth's theory at trial. Additionally, the footage will help demonstrate whether there are any clarifying statements relative to William Read's "first discussion" with Karen Read and her statements about hitting "something."
3. William Read and Nathan Read are expected witnesses at trial.
4. The defendant's second trial is scheduled to begin on January 27, 2025.

Discussion

Under Massachusetts law, it is well settled that "[n]ews reporters do not have a constitutionally based testimonial privilege that other citizens do not have." See Matter of John Doe Grand Jury Investigation, 410 Mass. 596, 598 (1991). In Massachusetts there is no qualified journalist privilege that protects against disclosure of confidential and non-confidential press materials. Even if such privilege did exist, parties seeking disclosure of non-confidential materials are entitled to seek discovery from a media entity if they can show "that the materials at issue are of likely relevance to a significant issue in the case and are not reasonably obtainable from other available sources." Gonzales v. Nat'l Broad.Co., 194 F.3d 29, 36 (2d. Cir. 1999) (NBC ordered to provide complete and unedited footage from motor vehicle stop where it would assist the trier of fact in assessing whether in a civil rights claim, police had probable cause to stop vehicle and to determine whether police had engaged in pattern or practice of stopping vehicles based on race).

The records are not otherwise procurable reasonably in advance of trial as they are not held in the care, custody, or control of the Commonwealth or the defendant, and the entity will not produce the records without a court order. The Commonwealth cannot properly prepare for trial without such production and inspection in advance of trial, and the failure to obtain such inspection may tend unreasonably to delay the trial. The Commonwealth expects to introduce the records at trial as evidence of the charges against the defendant.

Furthermore, the defendant is entitled to review these records, in their entirety, prior to trial.

The recorded statements, occurring approximately eight months before the first trial, are probative to establish the witnesses best memory of the events, best memory of the defendant's statements and occurred without the outside influence of time or trial testimonies.

An affidavit in support of this motion is attached. For the above-stated reasons, this motion should be allowed.

Respectfully Submitted
For the Commonwealth,

MICHAEL W. MORRISSEY
DISTRICT ATTORNEY

By: /s/ Hank Brennan

Date: 10/18/2024

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