

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

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March 21, 2025

VIA EMAIL

Michael Morrissey
Norfolk County District Attorney
45 Shawmut Road
Canton, Massachusetts 02021

RE: Referral for Criminal Investigation of Illegal Interception of Oral
Communications Under M.G.L. 272 § 99

Dear District Attorney Morrissey:

I write in response to Canton Chief of Police Helena Rafferty's letter to you, dated March 20, 2025, sent in response to my letter to her, dated March 10, 2025, requesting that the Canton Police Department ("CPD") investigate alleged violations of M.G.L. 272 §99 by Town Selectman Christopher Albert at D & E Pizza ("D & E"), which he owns and is located at 618 Washington Street in Canton.¹

Chief Rafferty, citing Mr. Albert's prominent political status and his "appointing authority" over her, concluded that the CPD has a possible conflict of interest which could lead to an appearance of impropriety if the CPD investigated whether Mr. Albert has engaged in

¹ Chief Rafferty described my request as limited to an investigation of events that occurred on March 4, 2025. To be clear, my request includes a "general" investigation into whether Mr. Albert *repeatedly* intercepted oral communications of *anyone, at any time*, without their actual knowledge, and whether he unlawfully possessed an intercepting device with the intent to do the same. See March 10 letter, pp. 1-2.

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criminal activity. Consequently, Chief Rafferty has referred the matter to you and requested that the Norfolk County District Attorney's Office ("the DA") either handle any investigation or refer it to another county prosecutor.

The DA has an actual conflict of interest which requires your referral of this investigation to another county. As an initial matter, the events of March 4, 2025 outside D & E led to the arrest of Aidan Kearney for alleged witness intimidation of Mr. Albert and his son Colin Albert ("Colin"). Your office's longstanding adversarial history with Mr. Kearney and close relationship and defense of Mr. Albert and Colin is well known. For example, on August 25, 2023, presumably at the request of Mr. Albert, his wife Julie,² and others, you took the virtually unprecedented step of making—and then widely disseminating to local and national broadcast and print media—a formal statement defending your ongoing murder prosecution against Karen Read. Among the reasons you made this ill-advised public statement was to (a) implicitly criticize Mr. Kearney and (b) vigorously vouch for the credibility of the Albert family and other witnesses against Ms. Read. On information and belief, acting at the specific request of Mr. Albert and/or his wife to Chief Rafferty, you allowed them—as prosecution witnesses—to edit the contents of your public statement *while you were literally filming it* by adopting their "note of concern" and then declaring "Colin Albert did not commit murder." See exhibit A.

On or before September 26, 2023, you agreed to recuse your office and engage Kenneth Mello to serve as a special prosecutor to investigate

² On August 25, 2023, your then press officer David Traub sent "Julie," who on information and belief is Julie Albert, an email in which Mr. Traub told "Julie" that Chief Rafferty "communicated your note of concern to us while we were actively filming the very statement you were suggesting." See exhibit A.

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whether Mr. Kearney intimidated Mr. Albert, Colin, and others.³ On September 29, 2023, you emailed numerous high-ranking court officials about your “grave concern” about Mr. Albert being intimidated by Mr. Kearney and demanded an investigation into that matter. *See* exhibit B to October 17, 2024 letter.

Mr. Albert and Colin remain named witnesses against Mr. Kearney in at least two prosecutions being handled by a special prosecutor. Moreover, they are prosecution witnesses against Ms. Read, whose trial begins in less than two weeks. Yesterday, Ms. Read’s counsel stated in open court that her defense intends to present evidence that Colin is a “third party culprit” who may be criminally responsible for John O’Keefe’s death.

The above-referenced facts lead to the inescapable conclusion that your office would be laboring under a flagrant conflict interest in any investigation of Mr. Albert. Indeed, it is hard to fathom how your office can investigate the alleged criminal activity of Mr. Albert fully aware that such an investigation may discredit him and his son at the same time their credibility is essential to both your prosecution of Ms. Read and the special prosecutor’s cases against Mr. Kearney.

In these circumstances, if your office investigated Mr. Albert and declined to prosecute, there is a substantial risk that a large segment of Canton residents, Norfolk County residents, and other members of the public would question whether such a decision was made in good faith or whether it was influenced by your office’s existing relationship with Mr. Albert and Colin, your antagonistic relationship with Mr. Kearney, and

³ *See* letter to Robert Cosgrove, dated October 17, 2024, pp. 4-7 and exhibits C and D to that letter.

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your obvious personal and professional interests in seeking Ms. Read's conviction.

Accordingly, I respectfully request that in your capacity as District Attorney, you recuse your office from this matter and refer any investigation into Mr. Albert's alleged violations of M.G.L. 272 §99 to another county prosecutor.

Respectfully,

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

Mark A. Bederow

cc: Timothy Bradl
Aidan Kearney
Chief Helena Rafferty

EXHIBIT A

Hunt, Brandon (NFK)

From: Julie [REDACTED] <[REDACTED]>
Sent: Friday, August 25, 2023 5:28 PM
To: Traub, David (NFK)
Subject: Re: Statement on Commonwealth v. Karen Read

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Ok. Thank you very much for getting back to me.
Julie [REDACTED]

Sent from my iPhone

On Aug 25, 2023, at 4:49 PM, Traub, David (NFK) <david.traub@mass.gov> wrote:

Good afternoon,

Chief Rafferty communicated your note of concern to us while we were actively filming the very statement you were suggesting.

Please be advised that this statement was also sent to Dateline at NBC, Nightline, and numerous other interested parties not visible in the distribution list below.

David

David Traub
Press Officer/Director of Communications
Office of Norfolk District Attorney Michael W. Morrissey
Cell Phone: [REDACTED]
FAX: 781-562-0822

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All defendants are presumed innocent until proven guilty beyond a reasonable doubt.