

July 12, 2025

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 & 2582CR00088

Dear Mr. Cosgrove:

I write to bring to your attention several concerns we have with the July 7, 2025 discovery production with the hope that you will resolve them prior to our August 13, 2025 appearance.

What previously appeared obvious is now undeniable: the investigations that led to Aidan Kearney's indictments were essentially outsourced by the Commonwealth to Katherine Peter—a private citizen, who, motivated by her obsessive hatred for Mr. Kearney, inserted herself into this matter, and whose checkered past includes filing forged legal documents to gain an advantage in a petty dispute with him. Kenneth Mello and the Massachusetts State Police (MSP) ignored numerous red flags that every seasoned prosecutor and experienced detective should have recognized: an uninvolved civilian facing her own criminal charges, with personal animus against the target of an investigation and a history of forgery, pestered authorities by inserting herself into an official

Robert Cosgrove
July 12, 2025
Page 2

investigation by providing “edited” materials without a sufficient chain of custody or demonstrating the reliability of the evidence. They similarly ignored overwhelming evidence that Ms. Peter, assisted [REDACTED], was the architect of a plan to make [REDACTED] a “witness,” which she knew would lead Mr. Mello to charge Mr. Kearney with witness intimidation. *See* demand letters, September 12, 2024, pp. 4-8, 12-14; October 8, 2024, pp. 3-14.

Rather than vet Ms. Peter’s dubious credibility and tread cautiously, Mr. Mello and the MSP consciously ignored Ms. Peter’s clear motive to falsely accuse Mr. Kearney and her demonstrated history of doctoring evidence to harm him. It goes without saying that all materials and information in the Commonwealth’s possession, custody and control regarding the prosecution’s relationship with Ms. Peter, including evidence she provided to the Commonwealth in its investigations of Mr. Kearney, is critical to his defense and must be disclosed 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, as amended, effective March 1, 2025.

The July 7, 2025 Production Was Inadequate

Our recognition of the obvious discovery issues associated with the Commonwealth’s substantial reliance on Ms. Peter resulted in four defense demands for discoverable and exculpatory materials related to Ms. Peter beginning on October 8, 2024. Until July 7, 2025, each of these specific and detailed demands was met with a shrug of the shoulders and complete silence from the Commonwealth, as was a May 1, 2025 court order compelling disclosure of any Peter-related discoverable materials to the defense by May 21, 2025.

Robert Cosgrove
July 12, 2025
Page 3

We now know that most of the discoverable and specifically demanded information has been in the actual possession of both special prosecutors since at least December 16, 2024, when Mr. Mello emailed evidence of Ms. Peter's communications with himself and Lt. Brian Tully to you. Inexplicably, this critical evidence remained undisclosed for almost seven months, even as demand after demand for it was made and the Court ordered its disclosure months ago. If this wasn't bad enough, on July 7, 2025, the Court and defense were led to believe that the July 7, 2025 production contained more than 5,000 pages of discovery and included "all" of the Peter materials we have sought for almost one year. As it turns out, what we were told on July 7, 2025 was inaccurate.

What was represented to the Court and defense as 4,727 pages of "relevant material" from Lt. Tully's cellular phone, in fact, contained ***more than 4,000 blank pages***. Another few hundred pages of purportedly "relevant materials" were entirely redacted without explanation. Accordingly, we demand an immediate production of the entirety of the "relevant materials" from Lt. Tully's cellular phone prior to August 13, 2025.

Ms. Peter's Relevance to the Investigation Against Mr. Kearney

The materials disclosed on July 7, 2025 demonstrate that in October 2023, Ms. Peter began to communicate regularly with Mr. Mello, Lt. Tully, and Sgt. Yuri Bukhenik. She gave Mr. Mello and the MSP information and numerous edited audio and video materials without providing a chain of custody or proof of its reliability. It appears that Mr. Mello simply accepted Ms. Peter's assistance and presented her unvetted evidence to the grand jury that indicted Mr. Kearney in December 2023.

Two days before Mr. Mello commenced grand jury proceedings against Mr. Kearney in November 2023, Ms. Peter provided Mr. Mello

Robert Cosgrove
July 12, 2025
Page 4

with [REDACTED]
[REDACTED] With this shocking level of access to, and influence on, Mr. Mello, it is not surprising that Ms. Peter later bragged to [REDACTED] about [REDACTED], which included [REDACTED] and at least one [REDACTED] conversation with [REDACTED] about possible charges against Mr. Kearney. See October 8, 2024 demand letter, pp. 8-9.

Evidence of Possible Leniency and Consideration

During the period in which Ms. Peter provided substantial assistance to the prosecution, she was a defendant in at least two criminal cases, one of which remained under the jurisdiction of the Norfolk DA for approximately one month. On November 16, 2022, Ms. Peter was charged with violating a protective order in Suffolk County. That matter remained open until it resolved favorably for Ms. Peter on October 26, 2023. On November 21, 2023, Ms. Peter was charged in the Stoughton District Court with violating another protective order related to the same victim. This case remained under the jurisdiction of the Norfolk DA until December 12, 2023, when it was determined that a special prosecutor was required due to the conflict of interest presented by Ms. Peter's prosecution by the same office to which she was providing assistance against Mr. Kearney. Indeed, on the same day the Norfolk DA recused itself from Ms. Peter's Stoughton matter, [REDACTED] joked to Ms. Peter that Mr. Kearney [REDACTED]

[REDACTED] See October 8 letter demand, pp. 6-7. The Stoughton case remained open until it too was favorably resolved for Ms. Peter on April 17, 2025.

Robert Cosgrove
July 12, 2025
Page 5

Ms. Peter's communications with Mr. Mello, Lt. Tully and Sgt. Bukhenik reveal that she actively communicated with Norfolk DA prosecutors and investigators at the same time she was facing at least two criminal charges and during the time she was being prosecuted by the Norfolk DA. It is inconceivable that Mr. Mello and the MSP detectives were unaware of Ms. Peter's criminal history and the ethical and legal issues attendant to their regular communications with a criminal defendant represented by counsel. *See* Mass R. Prof C. 4.2. Nevertheless, Ms. Peter did communicate regularly with the authorities, and she and her boyfriend¹ did receive favorable treatment in their criminal cases. Accordingly, we again demand all information which tends to show that Ms. Peter sought, expected and/or received leniency and consideration in exchange for her assistance against Mr. Kearney, including but not limited to, any documentation or record of communications with Ms. Peter or her attorneys with the Commonwealth about Ms. Peter's and/or her boyfriend's criminal cases.

Ms. Peter's Falsification of Evidence to Harm Mr. Kearney

The Commonwealth has not provided us with documents, videos, recordings, files and other information that Ms. Peter provided to Mr. Mello and the MSP. Her emails with Mr. Mello and Lt. Tully reveal that she repeatedly [REDACTED] that Mr. Mello later used to seek Mr. Kearney's indictment for wiretapping Ms. Gaetani. Ms. Peter failed to demonstrate the reliability of [REDACTED]

¹ In March 2023, Ms. Peter's boyfriend was charged with assaulting Mr. Kearney in Boston. In November 2023, a Suffolk County judge ordered the Norfolk DA to provide access to Mr. Kearney's devices, which at that time were in the possession of the Norfolk DA after Mr. Kearney's October 2023 arrest. The Norfolk DA refused to comply with this judicial order, which resulted in the criminal charges against Ms. Peter's boyfriend being dismissed.

██████████ or reveal an adequate chain of custody to confirm its authenticity. Obtaining exact and accurate copies of evidence that Ms. Peter provided to the Commonwealth is particularly important given her penchant to falsify evidence to harm Mr. Kearney.

In March 2020, Ms. Peter and Mr. Kearney were embroiled in a YouTube copyright dispute over ownership of online content. As part of this minor spat, Ms. Peter e-filed YouTube (in California) a document which she represented was a federal copyright civil complaint she filed on March 24, 2020 in the District of Massachusetts against Mr. Kearney in the nonexistent “case” of *Katherine Peter v. Aidan Kearney, Worcester Digital Marketing, LLC* (exhibit A). Ms. Peter electronically signed the “filed complaint.” After Ms. Peter transmitted the document from Massachusetts to California, YouTube ruled in her favor and struck Mr. Kearney’s content (exhibit B).

Ms. Peter’s “complaint” was, in fact, a forgery, and her “lawsuit” fabricated out of whole cloth. She located an authentic copyright claim filed in the District of Massachusetts in 2013 (exhibit C), and then brazenly changed the caption and other information in the authentic document so that her forged document appeared to be an actual civil complaint she filed against Mr. Kearney.² She signed the falsified complaint, represented it to be a true and accurate civil complaint, and transmitted it in interstate commerce in furtherance of her fraudulent and criminal scheme to intentionally mislead YouTube into ruling in her favor, which, based upon her forged documents, they did.

² Ms. Peter, obviously ignorant to the federal court filing system while she committed her crime, failed to change the index number when she forged the civil complaint. Thus, her ostensible complaint of March 24, 2020 contained the 2013 index number from the legitimate complaint that she falsely represented was her own.

A few years later, Ms. Peter admitted during an online interview that she submitted the forged complaint with the intent to defraud YouTube because of her hatred for Mr. Kearney. See https://www.youtube.com/watch?v=QCpaIYA_20w&t=242s at 30:25 and 1:00:00-1:01:30. She rationalized her crime and defended her credibility by reasoning that she was now trustworthy because she admitted to committing fraud. Notably, given the six-year statute of limitation, Ms. Peter remains subject to prosecution for forgery in Massachusetts until March 24, 2026 for her criminal conduct. See M.G.L.A. 267, §§ 1, 5; M.G.L.A. 277, § 63; *see also*, California Penal Code § 470(c); 18 U.S.C. § 505.

The ease with which Ms. Peter was willing to forge and falsify documents to injure Mr. Kearney is significant here for two reasons. First, Ms. Peter's personal bias against Mr. Kearney³ and her pattern of fraudulent and criminal activity makes Mr. Mello's willingness to delegate investigative work to her and then rely on her "evidence" an additional basis to warrant his removal from the prosecution team because these circumstances increase the likelihood that he will be a defense witness. Second, Ms. Peter's bizarre role as the primary source of the evidence against Mr. Kearney, notwithstanding her history of documenting evidence to further her own interests, is further complicated by the Commonwealth's failure to provide the defense with discoverable evidence related to Ms. Peter that unquestionably has been in the Commonwealth's possession, custody and control for years.

Undisclosed Evidence Provided to the Commonwealth by Ms. Peter

A survey of the communications between and among Ms. Peter, Mr. Mello, Lt. Tully, Lt. Fanning and Sgt. Bukhenik demonstrates that the

³ A detailed description of Ms. Peter's personal bias toward Mr. Kearney is contained in our October 8, 2024 demand letter, pp. 3-15.

Robert Cosgrove
July 12, 2025
Page 8

prosecution has not disclosed a plethora of materials and information in its possession, custody and control, including those described below.

On October 3, 2023 (days before Mr. Kearney's arrest), Lt. Tully emailed Lt. Fanning, Sergeant Bukhenik and former Trooper Michael Proctor that [REDACTED]

[REDACTED] Demand is made for the immediate production of all [REDACTED] regarding Ms. Peter, as well as [REDACTED]

[REDACTED] and any other materials or information referenced in the October 3, 2023 email chain between Lt. Tully, Lt. Fanning, Sgt. Bukhenik and Mr. Proctor.

On October 25, 2023, Ms. Peter emailed Lt. Tully that she and her "team" (whatever that means) [REDACTED]

[REDACTED] Demand is made for a production of the exact [REDACTED] and [REDACTED] Ms. Peter provided to Lt. Tully on October 25, 2023.

On November 1, 2023, Ms. Peter emailed Lt. Tully [REDACTED]
[REDACTED] Demand is made for a copy of each version of this [REDACTED] file and any [REDACTED] made by Ms. Peter as described in her November 1, 2023 email to Lt. Tully.

On November 17, 2023, Ms. Peter emailed Lt. Tully [REDACTED]
[REDACTED] Demand is made for the [REDACTED] provided by Ms. Peter to Lt. Tully on November 17, 2023.

Robert Cosgrove
July 12, 2025
Page 9

On November 26, 2023 (two days before Mr. Mello commenced grand jury proceedings against Mr. Kearney), Ms. Peter emailed Mr. Mello. [REDACTED]

[REDACTED] On information and belief, Mr. Mello used this [REDACTED] during the grand jury presentation. Demand is made for a copy of these [REDACTED], any [REDACTED], and any records of phone, text, email or other communication between Ms. Peter and Mr. Mello, all information regarding how any [REDACTED] were [REDACTED], when they were [REDACTED], by whom they were [REDACTED], and all documentation or information regarding Mr. Mello's reliance on Ms. Peter as a source of information as described in their November 26, 2023 correspondence.

On December 20, 2023, Ms. Peter emailed Mr. Mello and Lt. Tully about [REDACTED]

[REDACTED] Demand is made for all items provided by Ms. Peter to Mr. Mello and Lt. Tully on December 20, 2023, including any information given to Ms. Peter by [REDACTED]

On December 28, 2023, Ms. Peter emailed Mr. Mello and Lt. Tully [REDACTED]

Robert Cosgrove
July 12, 2025
Page 10

[REDACTED]

Demand is made for any notes or documentation regarding the “conversation” between Ms. Peter, Mr. Mello and Lt. Tully on December 27, 2023, the [REDACTED] she received from [REDACTED] and any information provided to the Commonwealth by [REDACTED] regarding any [REDACTED] and any other information referenced in the December 28, 2023 emails from Ms. Peter to Mr. Mello and Lt. Tully.

On January 3, 2024, Ms. Peter emailed Mr. Mello, [REDACTED]

[REDACTED]

[REDACTED] Demand is made for the names of the 27 people referenced by Ms. Peter and any information they provided and for a copy of the [REDACTED] [REDACTED] provided by Ms. Peter to Mr. Mello on January 3, 2024.

On January 3, 2024, Ms. Peter emailed Mr. Mello and Lt. Tully [REDACTED]

[REDACTED]

[REDACTED] Demand is made for the [REDACTED] any notes, affidavits or other information related to a possible search of [REDACTED], and the folder and previous [REDACTED] referenced in Ms. Peter’s January 3, 2024 email to Mr. Mello and Lt. Tully.

On January 25, 2024, Ms. Peter emailed Mr. Mello and Lt. Tully [REDACTED]

[REDACTED]

Robert Cosgrove
July 12, 2025
Page 11

██████████ Demand is made for a copy of the ██████████ file Ms. Peter emailed to Mr. Mello and Lt. Tully on January 25, 2024.

On January 25, 2024, Ms. Peter forwarded to Mr. Mello what on information belief was ██████████

██████████ Demand is made for any recordings of ██████████ from November 1 and 17, 2023, that Ms. Peter provided to Mr. Mello, as well as any communications or information between Ms. Peter and ██████████ about these meetings and/or recordings.

On February 21, 2024, Sgt. Bukhenik emailed Lt. Tully that Ms. Peter ██████████

Demand is made for a copy of all text messages between Ms. Peter and Sgt. Bukhenik and/or other members of the MSP, and a copy of the documents referenced in Ms. Peter's February 21, 2024 email to Lt. Tully.

On February 23, 2024, Sgt. Bukhenik emailed Lt. Tully about another text he received from Ms. Peter, ██████████

██████████ Demand is made for the text message and information described in Sgt. Bukhenik's February 23, 2024 email to Lt. Tully.

On September 25, 2024, Lt. Tully was emailed a summary of a complaint ██████████

Robert Cosgrove
July 12, 2025
Page 12

[REDACTED]

Demand is made for all information referenced in the September 25, 2024 email to Lt. Tully, including a copy of the complaint Ms. Peter filed with [REDACTED], any police reports, photographs, proof that [REDACTED], evidence of any other allegations described in the September 22, 2024 complaint Ms. Peter made to [REDACTED] on [REDACTED] behalf, all communications between Ms. Peter and [REDACTED] related to the complaint, including whether Ms. Peter filed the complaint on [REDACTED] behalf or with her knowledge, and any evidence that Ms. Peter was compensated or provided anything in return for assisting [REDACTED] in filing the complaint with [REDACTED] or for any other purpose.

On October 10, 2024, Ms. Gaetani emailed Lt. Tully, [REDACTED]
[REDACTED] Demand is made for any proof of the claims made by Ms. Gaetani in her October 10, 2024, including copies of any alleged harassment that was posted online.

* * *

It is obvious that the Commonwealth relied on Ms. Peter to build its cases against Mr. Kearney at a time that Ms. Peter was a criminal defendant. Remarkably, the Commonwealth farmed out the investigation

Robert Cosgrove
July 12, 2025
Page 13

to Ms. Peter despite her well-known hatred for Mr. Kearney, which is so intense that she foolishly filed forged federal court documents to gain an advantage over him in a civil matter. It is also clear that Mr. Mello's relationship with Ms. Peter, as evidenced by his own communications with her, his reliance on her unvetted "evidence," as well as Ms. Peter's claims about her private access to him and his willingness to engage in [REDACTED] conversations with her about Mr. Kearney further warrants his immediate removal from the prosecution team because he is a material fact witness. *See* Mass R. Prof. C. 3.7; September 12, 2024 letter demand, pp. 12-14.

For these reasons, we request a prompt response to the above-cited issues and we demand full compliance with Rule 14(a)(2) and (b)(2)(A), which requires you, at a minimum, to inform the prosecution team⁴ about their possible possession of discoverable evidence and if any exists, to collect and then disclose any such evidence irrespective of whether you credit it.

Respectfully,

Mark A. Bederow

cc: Timothy Bradl
Kenneth Mello
Clerk of Court, Norfolk Superior Court
Aidan Kearney

⁴ The individuals, include but are not limited to: Mr. Mello, Mr. Lally, Laura McLaughlin, Hank Brennan, Lt. Fanning, Lt. Tully, Sgt Bukhenik, Mr. Proctor, Steven Nelson, and any other victim witness advocates. *See* Rule 14(a)(1).