

SUPERIOR COURT
COUNTY OF NORFOLK

COMMONWEALTH OF MASSACHUSETTS

-against-

AIDAN KEARNEY,

Defendant.

SUPPLEMENTAL
AFFIDAVIT IN
SUPPORT OF
MOTION

Docket No.
2382CR00313

MARK A. BEDEROW, an attorney admitted to practice law in the Commonwealth of Massachusetts, *pro hac vice*, affirms under penalty of perjury, as follows:

1. This affidavit is intended to supplement my affidavit, dated September 17, 2025, and is submitted as additional factual support for the motions detailed in my prior affidavit.

2. On February 22, 2024, attorney Robert Novack, one of three special prosecutors assigned to the 2024 indictments against Aidan Kearney,¹ examined MSP Lieutenant (“Lt.”) John Fanning before the

¹ The 2024 indictments are in a state of flux. The Norfolk DA’s Office recused itself and to date, at great public expense, has engaged three special prosecutors to handle

grand jury regarding Aidan Kearney’s alleged illegal recording of Lindsey Gaetani.

3. The evidence against Mr. Kearney consisted of two contrasting audio recordings: (a) an approximately 15-minute recording Mr. Kearney posted on YouTube which included language indicating that the conversation was being recorded and (b) a 30-second clip from the same conversation which didn’t contain that language. February 22, 2024 transcript, pp. 4-5.

4. Lt. Fanning explained that Ms. Peter provided the 30-second, “audio clip” of the 15-minute recording directly to DL Tully. *Id.* at 7-10.

this matter. All three have been disqualified, sought to withdraw or been conflicted off the case. [Kenneth Mello was disqualified](#) after he made himself a material witness. [Mr. Novack successfully sought to be relieved](#) one day after defense filed motions detailing Mr. Mello’s egregious misconduct were filed and served. One week later, Mr. Cosgrove successfully sought to be relieved after alleged victim [Lindsey Gaetani sued him](#) and Massachusetts State Police (“MSP”) Detective Lieutenant (“DL”) Brian Tully. Ms. Gaetani also notified DA Michael Morrissey of [her intent to sue the DA](#) in connection with her allegations against Mr. Cosgrove and DL Tully. In light of these virtually unprecedented circumstances, the defense intends to file motions to disqualify (a) the DA from assigning another special prosecutor to the 2024 case because of its irreconcilable conflict with Ms. Gaetani, (b) Mr. Cosgrove from the instant indictments because of his irreconcilable conflict with Ms. Gaetani and because the defense will likely seek his testimony to impeach DL Tully’s statements to him regarding his review of materials sent to him by Katherine Peter, and (c) Mr. Cosgrove from an ongoing investigation of Karen Read and/or Mr. Kearney for alleged witness intimidation because of his irreconcilable conflict with Ms. Gaetani.

5. Although Mr. Kearney's recording was approximately 15 minutes long, the only "incriminating evidence" presented to the grand jury was contained exclusively within the 30-second clip Ms. Peter sent DL Tully. *Id.* at 10.

6. Lt. Fanning described Ms. Peter as someone who has "software that captures things [Mr. Kearney] posts" which she then sends to the MSP. *Id.* at 8.

7. The "due diligence" performed by the Commonwealth to determine the authenticity of the 30-second clip provided by Ms. Peter to DL Tully consisted of Ms. Gaetani's singular claim that Ms. Peter's clip was accurate. *See id.* at 9-10, 23-24.

8. Lt. Fanning confirmed that the edited clip Ms. Peter sent DL Tully was "not the first clip that we've been sent where someone captures something" that was on the internet and then removed. *Id.* at 8.

9. According to Lt. Fanning, Ms. Peter captured "other things" in the past that "she sent to us, that we can't find or document." *Id.* at 10.

10. When asked by a grand juror if Ms. Peter "worked for the MSP or something," Lt. Fanning responded no, while acknowledging "but yeah, she's provided information." *Id.*

11. On December 28, 2023 (almost two months prior to Lt. Fanning's sworn claim that Ms. Peter provided the 30-second clip to DL Tully), Ms. Peter emailed Mr. Mello and DL Tully, subject line "[REDACTED]", referencing their joint conversation from the previous day ([exhibit A](#)).

12. Ms. Peter sent Mr. Mello and DL Tully "[REDACTED]". She opined that [REDACTED].

13. Ms. Peter attached a [REDACTED], which, on information and belief, included the 30-second clip Mr. Novack introduced to the grand jury through Lt. Fanning on February 22, 2024.

14. Ms. Peter assured Mr. Mello and DL Tully that she would continue to [REDACTED].

15. Ms. Peter's December 28, 2023 email to Mr. Mello and DL Tully included [REDACTED] related to the alleged wiretapping violations.

22. On January 3, 2024, at 7:57 p.m., Mr. Mello emailed a copy of [REDACTED] to DL Tully and stated “[REDACTED]” ([exhibit G](#)).

23. On information and belief, the above-described facts and evidence establish that the 30-second clip provided by Ms. Peter was ***not*** publicly available on the internet at the time DL Tully reviewed it.

24. On information and belief, the only way DL Tully could have reviewed the 30-second edited clip was by viewing it through the link Ms. Peter provided him.

25. In addition to providing further proof that Ms. Peter supplied edited evidence to the Commonwealth while acting as its key source during the grand jury investigations into Mr. Kearney, the above-described evidence provides further reason to doubt the truthfulness of DL Tully’s claim to Mr. Cosgrove that he “never” accessed private links sent to him by Ms. Peter (see [Bederow affidavit](#), September 17, 2025, ¶¶ 297-98).

26. The above-described attachments, links and evidence Ms. Peter provided to Mr. Mello and/or DL Tully, all have been in the

Commonwealth's actual possession, custody and control since December 2023 and January 2024, but have not been provided to the defense.

27. At a minimum, the factual allegations included in this supplemental affidavit present additional material questions of fact that the Court must resolve at an evidentiary hearing before ruling on the pending defense motions.

By: /s/Mark A. Bederow

MARK A. BEDEROW

DATED: New York, New York
September 26, 2025

CERTIFICATE OF SERVICE

I, Mark A. Bederow, do hereby certify that I or Timothy J. Bradl have served counsel of record for the Commonwealth a copy of this Supplemental Affidavit in Support of Motion and its exhibits by hand and/or email and/or first-class mail, postage paid on the foregoing date.

/s/ Mark A. Bederow

Mark A. Bederow