

SUPERIOR COURT
COUNTY OF NORFOLK

COMMONWEALTH OF MASSACHUSETTS

-against-

AIDAN KEARNEY,

Defendant.

SUPPLEMENTAL
AFFIDAVIT IN
SUPPORT OF
MOTION TO
COMPEL

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 and motion to compel, dated October 24, 2025, and is submitted as additional factual support for the motion detailed in my prior affidavit.

2. Shortly after my October 24, 2025 affidavit and motion to compel was filed with the Court, Corri Hopkins, a North Carolina attorney, provided me with documents that she had recently received

from the Norfolk County DA's Office ("the DA") as part of a lawsuit she filed against the DA after it ignored her prior public records request.

3. The documents Ms. Hopkins provided to me consisted of four emails from Massachusetts State Police ("MSP") Sergeant ("Sgt") Yuriy Bukhenik to Detective Lieutenant ("DL") Brian Tully and former MSP trooper Michael Proctor. Two of the emails are dated July 28, 2023 and two are dated July 29, 2023.

4. The July 28, 2023 emails are titled "McCabe harassment" and contain two versions of attachments titled "McCabe_harassment.docx." The July 29, 2023 emails are titled "Albert's harassment" and contain two versions of attachments titled "Alberts_harassment.docx."

5. The defense does not have copies of the four attachments described above. I am informed by Ms. Hopkins that they were not included in the DA's production to her.

6. The subject matter of the four emails and attachments relates to the MSP investigation of Mr. Kearney. These documents are written statements of prosecution witnesses that are within the possession, custody and control of the Commonwealth. As such, they indisputably are

discoverable under [Rule 14](#) of the Massachusetts Rules of Criminal Procedure.

7. Notwithstanding numerous defense requests for discovery and a court order directing the Commonwealth to disclose “all automatic discovery under Rule 14” by May 8, 2024,¹ as of October 27, 2025, the above-described July 28 and 29, 2023 emails and attachments have not been provided by the prosecution to the defense.

8. On October 25, 2025, after my affidavit and motion to compel was filed, highly-regarded journalist Ted Daniel reported that in addition to possessing thousands of racist and possibly homophobic messages on his cellular phone, [Mr. Proctor also maintained \(and possibly shared\) “intimate images” of third parties and shared the name and/or confidential information about at least one alleged sexual assault victim.](#)

9. If Mr. Proctor revealed the name of a sexual assault victim and/or any confidential, non-public information about a sexual assault allegation to a third-party, in a manner that was not necessary to the performance of his duties, then he committed a crime punishable by up

¹ See [Affidavit of Mark A. Bederow](#), dated September 17, 2025, ¶¶ 270-73; [exhibits XX, CCC](#).

to 1 year in jail and by a fine of not more than \$1,000, or both under [M.G.L. c. 41, § 97D](#).

10. If the “intimate images” Mr. Proctor possessed and/or shared depicted Karen Read, then Mr. Proctor may be subject to prosecution for [perjury](#) given his sworn testimony at Ms. Read’s 2024 trial.²

11. It goes without saying that if Mr. Proctor engaged in a pattern of unprofessional conduct in multiple investigations to the extent that he may have even committed crimes by (a) gossiping with friends and/or family about confidential and sensitive police business (which served as one specification for his termination from MSP, see [Bederow Affidavit](#), October 24, 2025, ¶ 3), and (b) perjuring himself at Ms. Read’s trial about his disgraceful investigative conduct, **such evidence is favorable to Mr. Kearney’s defense** that the MSP investigation against him lacked integrity, was biased, and conducted in bad faith.

12. The Commonwealth’s justification for refusing to disclose to the defense information in its possession, custody or control that would

² Mr. Proctor testified that a text message he sent his MSP superiors indicating that he had not discovered any “nudes so far” on Ms. Read’s phone was “a joke.” June 10, 2024 transcript, p. 1-119, 1-130. He denied looking for “nudes” of Ms. Read. *Id.* at 1-121. Mr. Proctor was adamant that he doesn’t “look for naked photos in anyone’s phones.” *Id.* at 1-131.

substantially undermine Mr. Proctor's credibility is that he will not be called as a prosecution witness and he didn't participate in the investigation (see [Bederow Affidavit](#), October 24, 2025, ¶ 25).

13. In addition to the evidence referenced in my October 24, 2025 affidavit, ¶¶ 8-11, 14, 16-17, the July 28 and 29, 2023 emails (and presumably their attachments) demonstrate that Mr. Proctor was involved in the MSP investigation of Mr. Kearney.

14. On July 28, 2023, at 6:33 p.m., Sgt. Bukhenik provided DL Tully and Mr. Proctor with an investigative "report" detailing Mr. Kearney's alleged harassment of Jennifer McCabe ([exhibit D](#)). Notably, Sgt. Bukhenik specifically sought DL Tully's and Mr. Proctor's input if anything needed to be "fixed" in his report.

15. On July 28, 2023, at 6:50 p.m., Sgt. Bukhenik sent DL Tully and Mr. Proctor an updated and "more accurate" version of his report ([exhibit E](#)).

16. On July 29, 2023, at 6:18 p.m., Sgt. Bukhenik emailed DL Tully and Mr. Proctor an investigative report about Mr. Kearney's alleged harassment of the Alberts. Once again, Sgt. Bukhenik solicited

input from DL Tully and Mr. Proctor before he finalized his report ([exhibit F](#)).

17. On July 29, 2023, at 6:28 p.m., Sgt. Bukhenik provided DL Tully and Mr. Proctor with an updated report on the alleged harassment of the Alberts ([exhibit G](#)).

18. These communications and requests for Mr. Proctor's investigative input occurred approximately two weeks after Mr. Proctor emailed Sgt. Bukhenik, DL Tully, Lieutenant ("Lt") John Fanning and ADAM Lally, in which he disparaged Mr. Kearney and provided investigative information to the rest of the prosecution team (see [Bederow Affidavit](#), October 24, 2025, ¶ 9; [exhibit A](#)).

By: */s/Mark A. Bederow*

MARK A. BEDEROW

DATED: New York, New York
October 27, 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

EXHIBIT D

From: "Bukhenik, Yuriy (POL)" <yuriy.bukhenik@pol.state.ma.us>

To: "Tully, Brian (POL)" <brian.tully@pol.state.ma.us>

Cc: "Proctor, Michael D (POL)" <Michael.D.Proctor@pol.state.ma.us>

Subject: McCabe harassment

Date: Fri, 28 Jul 2023 18:33:05 +0000

Importance: Normal

Attachments: McCabe_harassment.docx

Please see attached report.

I'm sorry for the delay but the DA had me helping Traub with the responses to those media outlets. I will start work on the Alberts now. Let me know what if anything you want me to fix. Also, I left the case number out since we have not generated one yet. Let me know if you want me to do that or just wait for you to do it.

Sgt. Yuri Bukhenik #3543
Norfolk County State Police Detective Unit
Massachusetts State Police

The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney client or other applicable privileges, or may constitute non public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

EXHIBIT E

From: "Bukhenik, Yuriy (POL)" <yuriy.bukhenik@pol.state.ma.us>

To: "Tully, Brian (POL)" <brian.tully@pol.state.ma.us>

Cc: "Proctor, Michael D (POL)" <Michael.D.Proctor@pol.state.ma.us>

Subject: McCabe harassment

Date: Fri, 28 Jul 2023 18:50:10 +0000

Importance: Normal

Attachments: McCabe_harassment.docx

Please disregard last version. I had to add something. This is the more accurate one.

Sgt. Yuri Bukhenik #3543
Norfolk County State Police Detective Unit
Massachusetts State Police

The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney client or other applicable privileges, or may constitute non public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

EXHIBIT F

From: "Bukhenik, Yuriy (POL)" <yuriy.bukhenik@pol.state.ma.us>

To: "Tully, Brian (POL)" <brian.tully@pol.state.ma.us>

Cc: "Proctor, Michael D (POL)" <Michael.D.Proctor@pol.state.ma.us>

Subject: Albert's harassment

Date: Sat, 29 Jul 2023 18:18:29 +0000

Importance: Normal

Attachments: Alberts_harassment.docx

See attached. **Let me know if I missed something that needs to be added.** Printed documentation will be included.

Sgt. Yuri Bukhenik #3543
Norfolk County State Police Detective Unit
Massachusetts State Police

The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney client or other applicable privileges, or may constitute non public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

EXHIBIT G

From: "Bukhenik, Yuriy (POL)" <yuriy.bukhenik@pol.state.ma.us>

To: "Tully, Brian (POL)" <brian.tully@pol.state.ma.us>

Cc: "Proctor, Michael D (POL)" <Michael.D.Proctor@pol.state.ma.us>

Subject: Albert Harassment

Date: Sat, 29 Jul 2023 18:28:50 +0000

Importance: Normal

Attachments: Alberts_harassment.docx

Actually forgot to mention the live episodes, this is the updated version.

Sorry for keep doing this.

Sgt. Yuri Bukhenik #3543
Norfolk County State Police Detective Unit
Massachusetts State Police

The preceding email message (including any attachments) contains information that may be confidential, may be protected by the attorney client or other applicable privileges, or may constitute non public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.