

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JASON GRANT, ALLISON TAGGART, LISA  
PETERSON, and SAMANTHA LYONS,

Plaintiffs,

v.

TRIAL COURT OF THE COMMONWEALTH  
OF MASSACHUSETTS, BEVERLY J.  
CANNONE, in her official capacity as Justice of  
the Superior Court, GEOFFREY NOBLE, as  
Superintendent of the Massachusetts State Police;  
MICHAEL d’ENTREMONT, in his official  
capacity as Chief of the Police Department of the  
Town of Dedham, Massachusetts, and  
MICHAEL W. MORRISSEY, in his official  
capacity as the Norfolk County District Attorney,

Defendants.

Civil Action No. \_\_\_\_\_

**VERIFIED COMPLAINT**

The Karen Read trial has drawn significant public attention. Plaintiffs are members of the public wish to publicly express themselves near, *but not on*, the grounds of, the courthouse where the second Karen Read trial is taking place. Their primary concern is that they wish to criticize Judge Cannone. They have been doing so since November 2024, without incident. They have been doing so peacefully. They have been doing so while Judge Cannone presides over cases in the Dedham Courthouse, and neither the Sixth Amendment nor the First Amendment have felt the slightest chafe. However, Judge Cannone has found her pretext to shut down protests against her – an ignoble request from the Commonwealth that an ill-defined “buffer zone” be declared on the streets, public walkways, public library, and private properties surrounding the Dedham Courthouse. Judge Cannone joyfully entered the order, *ex parte*, enjoining Plaintiffs (and everyone else), who are not subject to her jurisdiction, from speaking on private property and on traditional

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public fora. It is a lawless, *ultra vires* act, that violates the constitutional guarantees of free speech and due process. Cannone has issued this order primarily to quash criticism directed at her, as this the only protests that have been documented have been the Plaintiffs in this case, who have quietly held signs criticizing Cannone. To remedy this constitutional wrong, the Plaintiffs Jason Grant, Allison Taggart, Lisa Peterson, and Samatha Lyons bring this Civil Action against Defendants TRIAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS, BEVERLY J. CANNONE, in her official capacity as Justice of the Superior Court, GEOFFREY NOBLE, as Superintendent of the Massachusetts State Police; MICHAEL d'ENTREMONT, in his official capacity as Chief of the Police Department of the Town of Dedham, Massachusetts, and MICHAEL W. MORRISSEY, in his official capacity as the Norfolk County District Attorney. Plaintiffs bring a claim under 42 U.S.C. § 1983 for Defendants' violation of their First and Fourteenth Amendment rights, and allege as follows:

**THE PARTIES**

1. Plaintiff Jason Grant is a natural person who resides in the Commonwealth of Massachusetts.
2. Plaintiff Allison Taggart is a natural person who resides in the Commonwealth of Massachusetts.
3. Plaintiff Samatha Lyons is a natural person who resides in the Commonwealth of Massachusetts.
4. Plaintiff Lisa Peterson is a natural person who resides in the Commonwealth of Massachusetts.
5. Defendant Trial Court of the Commonwealth of Massachusetts is a judicial entity organized under Mass. Gen. Laws. ch. 211B, § 1.

6. Defendant Beverly J. Cannone is a Justice of the Norfolk County Superior Court and, at all relevant times, worked in Dedham, Massachusetts.

7. Defendant Michael W. Morrissey is the Norfolk County, Massachusetts, District Attorney and, at all relevant times, worked in Norfolk County, Massachusetts.

8. Defendant Michael d'Entremont is the Chief of the Police Department of the Town of Dedham, Massachusetts, and, at all relevant times, worked in Dedham, Massachusetts.

9. Defendant Geoffrey Nobel is the Superintendent of the Massachusetts State Police and, at all relevant times, worked in the Commonwealth of Massachusetts.

#### **JURISDICTION AND VENUE**

10. This Court has subject matter jurisdiction over this civil action per 28 U.S.C. § 1331 as this is a civil action arising under 42 U.S.C. § 1983 and the First and Fourteenth Amendments to the U.S. Constitution.

11. This Court has personal jurisdiction over all defendants as they are all citizens or organs of the Commonwealth of Massachusetts, and the defendants committed the acts complained of within the said Commonwealth.

12. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1) & (2) as all defendants reside in this District and all events giving rise to the claim occurred in this District.

#### **FACTUAL BACKGROUND**

13. On or about January 29, 2022, John O'Keefe, a Boston Police Officer, died.

14. On or about June 9, 2022, a true bill was returned in the Trial Court of the Commonwealth of Massachusetts, Superior Court Department, Norfolk County, indicting Karen Read and charging her with a) second degree murder of O'Keefe per G.L. c. 265, § 1; b) killing

O’Keefe with her motor vehicle while intoxicated per G.L. c. 265, § 13 ½; and c) a hit-and-run death of O’Keefe under. G.L. c. 90, § 24,(2)(a ½)(2).

15. Defendant Cannone is the presiding judge in the Read prosecution, in the case styled *Commonwealth v. Read*, Case No. 2282CR00017, in the Trial Court of the Commonwealth of Massachusetts, Superior Court Department, Norfolk County (hereinafter “*Read Case*”).

16. The Norfolk County District Attorney’s office, led by Michael W. Morrissey, is prosecuting the *Read Case* on behalf of the Commonwealth.

17. A trial in the *Read Case* was held in 2024, which resulted in a mistrial after the jury failed to reach a unanimous decision (hereinafter “first trial”).

18. A second trial in the *Read Case* began on April 1, 2025 (hereinafter “second trial”).

19. Prior to the first trial, the Commonwealth filed a motion to *inter alia* create a “buffer zone” beyond the grounds of the Norfolk Superior Courthouse, to prohibit any individual from demonstrating in any manner about Read, law enforcement, the DA, potential witnesses, and evidence within 500 feet of the court complex during the trial.

20. Massachusetts citizens Tracey Anne Spicuzza, Lorena Jenkinson, Dana Stewart Leonard, and Paul Cristoforo thereupon moved to intervene for the limited purpose of opposing the Commonwealth’s buffer-zone motion.

21. The motion to intervene was denied by Justice Cannone who declared that the citizens had no right to intervene, even though the order would directly affect them.

22. Judge Cannone then issued an order granting the Commonwealth’s motion, asserting that the Commonwealth’s perceived inconveniences overcame everyone else’s First Amendment rights, without regard for any differentiation between members of the public, and expressly ordered that “no individual may demonstrate in any manner, including carrying signs or

placards, within 200 feet of the courthouse complex during trial of this case, unless otherwise ordered by this Court. This complex includes the Norfolk Superior courthouse building and the parking area behind the Norfolk County Registry of Deeds building. Individuals are also prohibited from using audio enhancing devices while protesting.” See **Exhibit A**.

23. Speech that does not qualify as a “demonstrate[on]” was not restricted. Thus, a nearby café could advertise breakfast using a bullhorn and parade its menu on picket signs and placards; Celtics and Bruins fans could similarly honor their teams by hooting/hollering and carrying placards. And in fact, commercial speech was permitted within the zone.

24. In advance of the second trial, the Commonwealth again moved for a buffer zone, but with a larger area (again, encompassing private property and traditional public fora, including public sidewalks and other areas). The Commonwealth also sought specific instructions to request police to use force to quash any dissent or protest. See **Exhibit B**.

25. Without an opportunity for affected persons to intervene or be heard, Judge Cannone issued an Order on March 25, 2025, granting the Commonwealth’s motion, asserting that the basis for the first motion warranted a *larger* buffer zone for the second trial, and expressly ordered that “no individual may demonstrate in any manner, including carrying signs or placards, within 200 feet of the courthouse complex during trial of this case, unless otherwise ordered by this Court. This complex includes the Norfolk Superior courthouse building and the parking area behind the Norfolk County Registry of Deeds building. The buffer zone shall further be extended to include the area bounded by Bates Court, Bullard Street, Ames Street, and Court Street. Individuals are also prohibited from using audio enhancing devices while protesting.” See **Exhibit C** (hereinafter “Second Prior Restraint Order”).

26. For the past several months, Plaintiffs have been engaged in peaceful demonstrations, with no adverse incidents.

27. Such demonstrations took place in the location that is within the buffer zone of the Second Prior Restraint Order.

28. For example, Plaintiff Jason Grant peacefully demonstrated on the sidewalk next to the courthouse holding signs reading “Judge Bev is Conflicted” and “Bev’s Court is a Clownshow” regarding and with images of D.A. Morrissey and Judge Cannone:



29. Such demonstrations were specifically about Judge Cannone and occurred during trials presided over by Judge Cannone.

30. There were no disturbances, incidents, nor interference with any of the trials taking place, but Judge Cannone was apparently embarrassed and annoyed by people protesting against her. Nevertheless, nobody’s rights were impeded upon, and not one complaint was received that the plaintiffs are aware of.

31. Plaintiffs wish to continue to demonstrate, including criticizing Judge Cannone, off the grounds of the said courthouse complex but within the buffer zone during the second trial.

32. Plaintiffs reasonably fear that Judge Cannone will attempt to hold them in contempt if they engage in such demonstration or will otherwise attempt another unconstitutional act to suppress those who would criticize her publicly.

33. Plaintiffs reasonably fear that the Norfolk County District Attorney's office, under the control and direction of Defendant Morrissey, will seek their prosecution for violation of the Order if they engage in such demonstration.

34. As Dedham Police officers took action to enforce the buffer zone order during the first trial, Plaintiffs reasonably fear that the Dedham Police Department, under the control and direction of Defendant d'Entremont, will arrest them for violation of the Second Prior Restraint Order if they engage in such demonstration.

35. As Massachusetts State Police officers took action to enforce the buffer zone order during the first trial, Plaintiffs reasonably fear that the Massachusetts State Police, under the control and direction of Defendant Noble, will arrest them for violation of the Second Prior Restraint Order if they engage in such demonstration.

**CAUSE OF ACTION**

**Count I**

**Violation of the First Amendment to the United States Constitution  
Declaratory Judgment & Injunctive Relief  
(42 U.S.C. 1983 – First Amendment)**

36. Plaintiffs hereby repeat and reallege each and every allegation in the preceding paragraphs as if set forth fully herein.

37. The Second Prior Restraint Order is facially unconstitutional. It is a content-based regulation of protected speech in a public forum that cannot withstand strict scrutiny. While the Supreme Court has upheld a statute relating to picketing or parading near courthouses, it has not

approved of a 200 foot buffer with an additional larger, ill-defined area. Contrast *Cox v. Louisiana*, 379 U.S. 559 (1965). It is overinclusive—it includes speech in private businesses and homes and in traditional public fora. And, it is underinclusive, as it does not regulate other forms of speech directed at potential jurors (the ostensible “fair trial” reason given).

38. The Second Prior Restraint Order purports to address noise and to minimize prospective jurors’ exposure to viewpoints about the Read case, but it is targeted solely to speech in the ambit of the Read case when Judge Cannone and the Superior Court routinely conduct jury trials without such restrictions.

39. Judge Cannone could have taken measures to reduce jurors’ exposure to noise and public speech without imposing content-based restrictions.

40. The Second Prior Restraint Order is unconstitutionally vague. Plaintiffs cannot ascertain where they may not demonstrate as the purported bounds are not bounds at all. Plaintiffs cannot ascertain exactly what speech is prohibited—it is unclear if they can wave political signs that say “Vote Against DA Morrissey” or “Judge Cannone is Corrupt.”

41. The Second Prior Restraint Order is an unconstitutional prior restraint on speech.

42. The Second Prior Restraint Order is unconstitutional as applied. Defendants have been purposely targeting people, like Plaintiffs, who dislike Judge Cannone, and there is nothing that suggests they would threaten anyone siding with the prosecution or supporting Judge Cannone.

43. Plaintiffs have been injured, or reasonably fear imminent injury, by these constitutional violations, and Plaintiffs are entitled to relief.



44. Therefore, Plaintiffs are entitled to a declaration that the Second Prior Restraint Order is unconstitutional and they are entitled to an injunction against all Defendants prohibiting enforcement of the Second Prior Restraint Order.

**Count II**  
**Violation of the Fourteenth Amendment to the United States Constitution**  
**(42 U.S.C. 1983 – Procedural Due Process)**

45. Plaintiffs hereby repeat and reallege each and every allegation in the preceding paragraphs as if set forth fully herein.

46. Defendants' conduct of issuing and enforcing the Second Prior Restraint Order is unconstitutional and violates Plaintiffs' rights to due process of law under the Fourteenth Amendment.

47. Prior to being deprived of their rights to speak freely and to assemble, Plaintiffs were entitled to due process.

48. There was no hearing, no opportunity to be heard, nor was there any due process whatsoever. There was merely an arbitrary and capricious action designed to harm Plaintiffs and others, issued by one person on account of anticipated First Amendment protected activity.

49. Judge Cannone's Second Prior Restraint Order was issued in the absence of statutory authority or inherent authority over persons not brought within her jurisdiction through process.

50. Judge Cannone's Second Prior Restraint Order was a usurpation of legislative and regulatory functions, not a judicial act.

51. Judge Cannone has no authority over what non-parties to a proceeding may do off of courthouse property, let alone on private property or traditional public fora.

52. The Massachusetts Constitution does not empower Superior Court Justices with explicit or inherent authority to regulate private property or traditional public fora in the way they might regulate courthouse property.

53. No Massachusetts statute empowers Superior Court Justices with explicit or inherent authority to regulate private property or traditional public fora in the way they might regulate courthouse property.

54. No ordinance of the Town of Dedham empowers Superior Court Justices with explicit or inherent authority to regulate private property or traditional public fora in they way they might regulate courthouse property.

55. Plaintiffs have been injured, or reasonably fear imminent injury, by these constitutional violations, and Plaintiffs are entitled to relief.

56. Therefore, Plaintiffs are entitled to a declaration that the Second Prior Restraint Order is unconstitutional and they are entitled to an injunction on the Second Prior Restraint Order's enforcement.

**DEMAND FOR TRIAL BY JURY**

Plaintiffs hereby demand a trial by jury on each claim asserted or hereafter asserted in the Complaint, and on each defense asserted or hereafter asserted by the Defendants.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff asks this Court:

A. A declaration that the Second Prior Restraint Order is unconstitutional under the First and Fourteenth Amendments of the United States Constitution.

B. A declaration that enforcing the Second Prior Restraint Order is unconstitutional under the First and Fourteenth Amendments of the United States Constitution.

C. A preliminary and permanent injunction enjoining each Defendant from interfering with Plaintiff's right to lawfully engage in constitutionally protected expression and activity within Dedham, Massachusetts.

D. To award Plaintiffs their reasonable attorneys' fees, costs, and expenses pursuant to 42 U.S.C. § 1988 and any other applicable law; and

E. To award such other relief as this Honorable Court may deem just and proper.

Dated: April 1, 2025.

Respectfully Submitted,

/s/ Marc J. Randazza

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*Attorneys for Plaintiffs.*

**VERIFICATION OF COMPLAINT**

I, Jason Grant, am a Plaintiff in the above-captioned matter. I have reviewed the foregoing allegations in this Verified Complaint, and I hereby declare under penalty of perjury that the foregoing allegations are true and correct to the best of my knowledge and understanding.

Dated: 4-1-2025

By:   
Jason Grant

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**VERIFICATION OF COMPLAINT**

I, Allison Taggart, am a Plaintiff in the above-captioned matter. I have reviewed the foregoing allegations in this Verified Complaint, and I hereby declare under penalty of perjury that the foregoing allegations are true and correct to the best of my knowledge and understanding.

Dated: 4-1-25

By:   
Allison Taggart

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VERIFICATION OF COMPLAINT

I, Samantha Lyons, am a Plaintiff in the above-captioned matter. I have reviewed the foregoing allegations in this Verified Complaint, and I hereby declare under penalty of perjury that the foregoing allegations are true and correct to the best of my knowledge and understanding.

Dated: 4-1-25

By: Samantha Lyons  
Samantha Lyons

RANDAZZA | LEGAL GROU

**VERIFICATION OF COMPLAINT**

I, Lisa Peterson, am a Plaintiff in the above-captioned matter. I have reviewed the foregoing allegations in this Verified Complaint, and I hereby declare under penalty of perjury that the foregoing allegations are true and correct to the best of my knowledge and understanding.

Dated: 4-1-2025

By: Lisa Peterson  
Lisa Peterson

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jason Grant, Allison Taggart, Lisa Peterson, and Samantha Lyons

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Randazza Legal Group, PLLC
30 Western Ave., Gloucester MA, 01930 (888) 887-1776

DEFENDANTS

Trial Court of the Commonwealth of Massachusetts, et al.

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes like 110 Insurance, 310 Airplane, 365 Personal Injury, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. 1983 - First and Fourteenth Amendments
Brief description of cause:
Violation of the First and Fourteenth Amendments - Declaratory and Injunctive Relief

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE April 1, 2025 SIGNATURE OF ATTORNEY OF RECORD /s/ Marc J. Randazza

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE



# **Exhibit A**

April 4, 2024, Buffer Zone Order  
*Commonwealth v. Read*

274

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

SUPERIOR COURT  
CRIMINAL ACTION  
22-00117

COMMONWEALTH

vs.

KAREN READ

**MEMORANDUM OF DECISION AND ORDER ON  
COMMONWEALTH'S MOTION FOR BUFFER ZONE SURROUNDING NORFOLK  
SUPERIOR COURT AND REQUEST FOR ORDER PROHIBITING SIGNS OR  
CLOTHING IN FAVOR OF EITHER PARTY OR LAW ENFORCEMENT**

The Commonwealth seeks an Order from this Court (1) establishing a buffer zone around the Norfolk Superior Courthouse in Dedham during the trial of the defendant, in which demonstrations related to the case would be prohibited, and (2) prohibiting any individual from wearing any clothing or insignia related to the case in the courthouse during trial. While the Court recognizes and appreciates the constitutional right of the people to peacefully protest under the First Amendment to the United States Constitution,<sup>1</sup> the defendant has the right to a fair trial by an impartial jury under the Sixth Amendment to the United States Constitution. See U.S. Const. amend. VI (“the accused shall enjoy the right to a speedy and public trial, by an impartial jury”); *Skilling v. United States*, 561 U.S. 358, 377 (2010). “This right, ensuring the defendant ‘a fair trial,’ has also been characterized as ‘a basic requirement of due process.’” *In re Tsarnaev*, 780 F.3d 14, 18 (1st Cir. 2015), quoting *Skilling*, 561 U.S. at 378.

To ensure the defendant’s right to a fair trial, the Court may restrict protected speech so long as the restrictions do not “burden substantially more speech than is necessary to further the

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<sup>1</sup> This court acknowledges the helpful *amicus curiae* memorandum submitted by the American Civil Liberties Union of Massachusetts, Inc.

government's legitimate interests." *Ward v. Rock Against Racism*, 491 U.S. 781, 799 (1989). In this case, it is well documented that protestors have shouted at witnesses and confronted family members of the victim. Individuals have also taken to displaying materials which may or may not be introduced into evidence during trial, and airing their opinions as to the guilt or innocence of the defendant on their clothing or on signage. Witness intimidation has also been a prevalent issue in this case. Given these past actions, the Court concludes there is a substantial risk that the defendant's right to a fair trial will be jeopardized if prospective jurors are exposed to the protests and messages displayed on signs or otherwise, particularly before this Court has had an opportunity to instruct the jurors about their obligations with regard to remaining fair and unbiased. The risk extends during trial where jurors and witnesses would have no choice but to be exposed daily to the messages and viewpoints of the protestors when entering and leaving the courthouse or sitting in the courtroom.

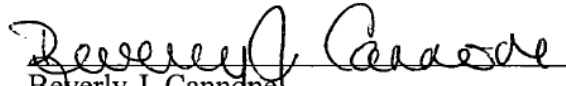
The defendant here is entitled to a fair trial with an impartial jury, free from outside influence, focused solely on the evidence presented in the courtroom during trial and the applicable law. To protect this right, this Court must reduce the risk of exposing witnesses or jurors in this case to such outside influences.

### **ORDER**

It is, hereby, **ORDERED** that no individual may demonstrate in any manner, including carrying signs or placards, within 200 feet of the courthouse complex during trial of this case, unless otherwise ordered by this Court. This complex includes the Norfolk Superior courthouse building and the parking area behind the Norfolk County Registry of Deeds building. Individuals are also prohibited from using audio enhancing devices while protesting.

It is further **ORDERED** that no individuals will be permitted to wear or exhibit any buttons, photographs, clothing, or insignia, relating to the case pending against the defendant or relating to any trial participant, in the courthouse during the trial. Law enforcement officers who are testifying or are members of the audience are also prohibited from wearing their department issued uniforms or any police emblems in the courthouse.

Date: April 4, 2024

  
Beverly J. Cannone  
Justice of the Superior Court

# **Exhibit B**

March 17, 2025, Commonwealth's  
Motion for Buffer Zone  
*Commonwealth v. Read*

611

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET NO. 2282-CR-0117

COMMONWEALTH

v.

KAREN READ

RECEIVED  
APR 17 2 12 PM '25  
CLERK OF COURT  
NORFOLK COUNTY

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**COMMONWEALTH'S MOTION FOR BUFFER ZONE AND ORDER PROHIBITING  
SIGNS OR CLOTHING IN FAVOR OF EITHER PARTY OR LAW ENFORCEMENT**

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During the defendant's first trial, the Court established a buffer zone in which demonstrations were prohibited within 200 feet of the courthouse complex. The Commonwealth requests that this buffer zone be re-established for the defendant's upcoming retrial, but with two important modifications. First, on the western side of the courthouse facing Court Street, the extent of the buffer zone was inadequate to prevent such demonstrations from jeopardizing the integrity and fairness of the proceedings; the demonstrations could be heard inside the courthouse, including by the jurors during their deliberations. To prevent this from reoccurring, the Commonwealth requests that the buffer zone be extended to include the area encompassed within Bates Court, Bullard Street, Ames Street, and Court Street. Second, the Commonwealth requests that the Court's buffer zone order expressly include a mechanism for its enforcement. Where a person is believed to have violated the buffer zone provision, and has refused requests to comply, law enforcement personnel should be authorized to use reasonable physical force and to arrest that person to ensure compliance.

Additionally, the Commonwealth requests that the Court again order that individuals are not permitted to wear or exhibit any buttons, photographs, clothing, or insignia, relating to the case or to any trial participant, in the courthouse during the retrial.

### **Background**

On March 26, 2024, the Commonwealth moved for an order barring demonstrations within a buffer zone of 500 feet around the courthouse complex, and prohibiting certain items from being worn or displayed inside the courthouse, during the defendant's first trial. (Dkt. 254). A group of individuals moved to intervene in the case to oppose the Commonwealth's request. (Dkt. 265). The American Civil Liberties Union of Massachusetts, Inc. ("ACLU") sought leave to file an "*amicus curiae* memorandum," essentially in opposition to the request. (Dkts. 266, 267). The defendant took no position on the matter.

Following a hearing on April 4, 2024, the Court denied the motion to intervene, granted the ACLU leave to submit its memorandum (which the Court noted it had read), and ordered that:

"no individual may demonstrate in any manner, including carrying signs or placards, within 200 feet of the courthouse complex during trial of this case, unless otherwise ordered by this Court. This complex includes the Norfolk Superior courthouse building and the parking area behind the Norfolk County Registry of Deeds building. Individuals are also prohibited from using audio enhancing devices while protesting"

and

"no individuals will be permitted to wear or exhibit any buttons, photographs, clothing, or insignia, relating to the case pending against the defendant or relating to any trial participant, in the courthouse during the trial. Law enforcement officers who are testifying or are members of the audience are also prohibited from wearing their department issued uniforms or any police emblems in the courthouse."

(Dkt. 274) (the "buffer zone order," copy attached as Exhibit A).

The would-be intervenors filed a petition for extraordinary relief pursuant to G.L. c. 211, § 3, in the Supreme Judicial Court for Suffolk County, challenging both the denial of intervention and the buffer zone order (case no. SJ-2024-0122). Soon thereafter, a second petition under G.L. c. 211, § 3, was filed by an association of individuals who wished to demonstrate in the buffer

zone during the trial and two members of the association (case no. SJ-2024-0123). The Commonwealth opposed the petitions, and the defendant again took no position.

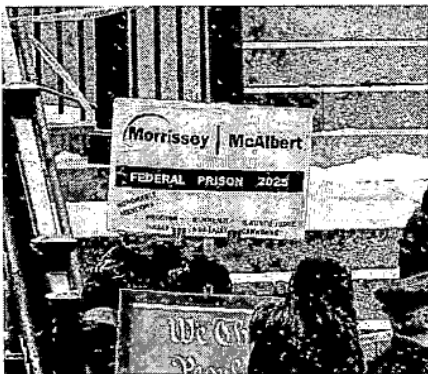
On April 12, 2024, a single justice of the Supreme Judicial Court denied the petitions. See memorandum of decision and judgment, copy attached as Exhibit B. The single justice held that the denial of the motion to intervene was “an ordinary procedural ruling” not requiring the Court’s extraordinary intervention and therefore denied any relief from that ruling. The single justice also determined, on the merits, that the buffer zone order passed constitutional muster and did not violate the petitioners’ First Amendment rights. Specifically, the establishment of the buffer zone was a content-neutral and reasonable time-place-manner restriction on speech that was narrowly tailored to serve a significant governmental interest and that left open ample alternative channels for communication of information.

The petitioners appealed the single justice’s judgment to the full Supreme Judicial Court (case no. SJC-13589). The Commonwealth filed a response; the defendant further declined to take a position. On April 26, 2024, the full Court issued an order affirming the judgment, and on May 2, 2024, it issued an opinion stating the reasons for that order. See Spicuzza v. Commonwealth, 494 Mass. 1005 (2024). The Court held that the single justice did not commit an error of law or abuse his discretion in determining that the denial of the motion to intervene was not a matter warranting the Court’s exercise of its extraordinary power of general superintendence. See id. at 1007. As to the petitioners’ constitutional arguments, the full Court similarly concluded that the restriction created by the buffer zone was content neutral and not a prior restraint on speech, it was narrowly tailored to serve a significant governmental interest, and it left open ample alternative means of communication. See id. at 1007-1008.



### Discussion

The factual circumstances and concerns that necessitated the creation of the buffer zone last time are no less present or compelling today. This case continues to garner significant public interest and media attention, locally and nationally, and is the subject of commentary on various social media platforms. The proceedings are still attended by groups of individuals demonstrating in front of the courthouse, displaying references to materials that may or may not be introduced in evidence at retrial, and airing their opinions as to the trial judge, prosecutors, witnesses, and the guilt or innocence of the defendant on their clothing or on signage. Shown below, for example, are photographs of demonstrators who appeared (despite the inclement weather) at the hearing on February 6, 2025:



In addition, and as the Court found when it issued the buffer zone order, protesters have shouted at witnesses and have confronted family members of the victim. Witness intimidation also remains a prevalent issue in this case, with additional criminal charges having been filed earlier this month. See Commonwealth v. Aidan Kearney, Stoughton Dist. Ct. No. 2555-CR-225. See also Affidavit of Juror Doe (Dkt. 380) (describing efforts by individuals to intimidate, harass, and “dox” jurors following declaration of mistrial). The re-establishment of a buffer zone is therefore necessary to help ensure that both parties receive a fair retrial, free from outside influences. See Spicuzza, 494 Mass. at 1009, citing Commonwealth v. Underwood, 358 Mass. 506, 511 (1970) (noting the Commonwealth too has the right to, and an interest in the defendant receiving, a fair trial, and the buffer zone order also supported that right).

During the first trial, the 200-foot extent of the buffer zone was adequate to prevent any demonstrations occurring on the southern, eastern, and northern sides of the courthouse complex from interfering with the proceedings inside the courthouse. See Affidavit of Massachusetts State Police Sergeant Michael W. Hardman (“Aff.”), filed herewith, at ¶ 3. On the western side of the complex, however, it proved to be inadequate. On that side there are larger, open spaces that extend beyond 200 feet from the courthouse—in particular, the paved and grassy areas along High Street between Bullard Street and Ames and Court Streets. These areas are shown in the Google Maps screenshot below, along with a red line superimposed to indicate the extent of the 200-foot buffer zone on that side of the complex:



(Aff., ¶ 4). Groups of demonstrators gathered in these areas, presumably with the property owners' permission, and engaged in coordinated shouting and chanting aimed directly at the courthouse. (Aff., ¶ 5). Even when standing just outside the buffer zone, these demonstrators could be heard inside the courthouse, including during deliberations. See Aff., ¶ 5; Affidavit of Juror Doe at ¶ 10 (“During jury deliberations we could hear protesters outside screaming and yelling.”).

As another consequence of the 200-foot extent of the buffer zone, individuals positioned in these areas were close enough to Court and Ames Streets to encourage passenger and commercial vehicles traveling on those streets to honk their horns as a form of demonstration. (Aff., ¶ 6). This happened repeatedly, and the honking—especially from the air horns of the

commercial vehicles—could easily be heard inside the courthouse. (Aff., ¶ 6).<sup>1</sup> In connection with the first trial, the Massachusetts State Police issued more than two dozen citations for horn violations and other motor vehicle offenses. (Aff., ¶ 6).

To maintain the integrity of the retrial proceedings, and to prevent witnesses and prospective or seated jurors from being subjected to these demonstrations, the Commonwealth requests that the buffer zone on the western side of the courthouse complex be extended to include the area encompassed within Bates Court, Bullard Street, Ames Street, and Court Street. The extended buffer zone would range from approximately 300 feet between the northern ends of the complex and Bullard Street to roughly 400 feet between the complex and Bullard Street along High Street. (Aff., ¶ 7). This would bring within the buffer zone those areas where demonstrations undermined the buffer zone's very purposes, while at the same time ensuring that demonstrators are not moved any farther away from the courthouse complex than is necessary to prevent those same issues from recurring. It is narrowly tailored to address the specific problems that were encountered from experience at the first trial, and it will still leave open ample alternative channels of communication and outlets for demonstrations.

The Commonwealth also requests that the order re-establishing a buffer zone expressly state that a violation of any of the provisions of the order may constitute contempt of court and that law enforcement officers are authorized to enforce compliance with the order by using reasonable physical force and arresting any person who officers reasonably believe to be in violation of the order and who has refused to follow officers' prior verbal requests to comply. Officers will continue to seek compliance in the first instance through verbal requests and the use

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<sup>1</sup> This continues to be a demonstration tactic, as shown in the above photograph of the individual at the February 6 hearing who is holding up a sign that says, "Honk for Justice." Frequent honking has occurred at nearly every hearing held in this case over the past several months and has been clearly audible in the upstairs courtrooms.

of de-escalation techniques to the maximum extent possible. (Aff., ¶ 8). But where an individual refuses to comply, officers need to be able to use reasonable physical force and to make an arrest to ensure compliance with the order and to avoid jeopardizing their own safety and that of the public. (Aff., ¶ 8). The order itself may provide that authorization. See Commonwealth v. Williams, 439 Mass. 678, 686 (2003), citing Commonwealth v. Garner, 423 Mass. 735, 745-746 (1996) (courts may authorize law enforcement personnel to use reasonable force to carry out lawful orders, and courts are not constitutionally required “to prescribe with exactitude the particular degree of force to be used” in carrying out orders).

For these reasons, the Commonwealth respectfully requests that the Court allow this motion and issue an order with the following (or substantially similar) terms:

- The Court hereby establishes a “buffer zone” around the courthouse complex during retrial of this case. This complex includes the Norfolk Superior courthouse building and the parking area behind the Norfolk County Registry of Deeds building. The buffer zone extends 200 feet from the courthouse complex and further includes the area encompassed within Bates Court, Bullard Street, Ames Street, and Court Street. No individual may demonstrate in any manner, including carrying signs or placards, within the buffer zone, unless otherwise ordered by this Court. Individuals are also prohibited from using audio enhancing devices while demonstrating.
- No individual will be permitted to wear or exhibit any buttons, photographs, clothing, or insignia, relating to the case pending against the defendant or relating to any trial participant, in the courthouse during the retrial. Law enforcement officers who are testifying or are members of the audience are also prohibited from wearing their department issued uniforms or any police emblems in the courthouse.
- A violation of any provision of this Order may constitute contempt of court. Court officers may eject or exclude entry to any person believed to have violated the provision against wearing or exhibiting certain clothing or items in the courthouse. Any person believed to have violated the buffer zone provision of this Order, and who has refused a prior verbal request by law enforcement personnel to comply with that provision, may be subject to arrest. Law enforcement personnel may use reasonable physical force where necessary to compel such person’s compliance with that provision.

Respectfully submitted  
for the Commonwealth,

*/s/ Hank Brennan*

Hank Brennan  
Specially Appointed Assistant District Attorney

*/s/ Adam C. Lally*

Adam C. Lally  
Assistant District Attorney

*/s/ Laura A. McLaughlin*

Laura A. McLaughlin  
Assistant District Attorney

Dated: March 17, 2025

**Certificate of Service**

I hereby certify that a copy of the foregoing was served on counsel for the defendant via email on March 17, 2025.

*/s/ Hank Brennan*

Hank Brennan  
Specially Appointed Assistant District Attorney

# **Exhibit C**

March 25, 2025, Second  
Prior Restraint Order  
*Commonwealth v. Read*

630

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

SUPERIOR COURT  
CRIMINAL ACTION  
22-00117

COMMONWEALTH

vs.

KAREN READ

**MEMORANDUM OF DECISION AND ORDER ON  
COMMONWEALTH'S MOTION FOR BUFFER ZONE AND ORDER PROHIBITING  
SIGNS OR CLOTHING IN FAVOR OF EITHER PARTY OR LAW ENFORCEMENT**

Prior to the defendant's first trial, on April 4, 2024, this Court issued an order establishing a buffer zone around the Norfolk Superior Courthouse prohibiting any individual from demonstrating in any manner within 200 feet of the courthouse complex and from wearing any clothing or insignia related to the case in the courthouse during trial. The Commonwealth now moves for the Court to reestablish the buffer zone for the defendant's upcoming second trial and modify the previous order by extending it to include area encompassed within Bates Court, Bullard Street, Ames Street, and Court Street.<sup>1</sup>

To ensure the defendant's right to a fair trial, the Court may restrict protected speech so long as the restrictions do not "burden substantially more speech than is necessary to further the government's legitimate interests." *Ward v. Rock Against Racism*, 491 U.S. 781, 799 (1989). For the same reasons that compelled the Court to establish a buffer zone for the first trial, it is necessary to establish a buffer zone for the second trial to ensure the defendant's right to a fair trial.

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<sup>1</sup> During argument on the motion, the Commonwealth withdrew its request for a second modification to the April 4, 2024 Order.



The case continues to garner significant public interest. When the matter is in court, individuals line the sidewalks outside the courthouse, loudly chanting and voicing their opinions about witnesses, attorneys, and the strength of the Commonwealth's case. They display matters which may be in evidence during trial or share their viewpoints as to the guilt or innocence of the defendant on their clothing or on signage. If prospective jurors are exposed to the protestors and messages displayed on signs or otherwise, particularly before this Court has had an opportunity to instruct the jurors about their obligations with regard to remaining fair and unbiased, there is a substantial risk that the defendant's right to a fair trial will be jeopardized. The risk extends during trial where jurors and witnesses would have no choice but to be exposed daily to the messages and viewpoints of the protestors when entering and leaving the courthouse or sitting in the courtroom or jury room.

Additionally, the Court concludes that modification to the April 4, 2024 Order is necessary. Despite the 200-foot buffer zone around the courthouse complex during the first trial, on the western side of the courthouse complex where there is a large open space running along High Street between Bullard Street and Ames Street, the collective voices of groups of demonstrators gathering outside the buffer zone could be clearly heard inside the courthouse. See Affidavit of Massachusetts State Police Sergeant Michael W. Hardman at par. 5. Vehicles honking their horns in response to signs and gestures from these demonstrators could also be heard frequently during the first trial. See *id.* at par. 6. Indeed, after trial, a deliberating juror reported that during deliberations, the jurors could hear protestors outside screaming and yelling. See Affidavit of Juror Doe at par. 10.<sup>2</sup> To ensure a fair trial with an impartial jury, extending the

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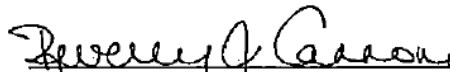
<sup>2</sup> The Court also recognizes the list of concerns sent to the Court by the "Karen Read Trial Prepare Together Group"—a group of local business owners and organizations that experienced issues with protestors during the first trial.

buffer zone is necessary to prevent jurors from outside influence and to prevent interruptions and distractions during trial.

It is, therefore, **ORDERED** that no individual may demonstrate in any manner, including carrying signs or placards, within 200 feet of the courthouse complex during trial of this case, unless otherwise ordered by this Court. This complex includes the Norfolk Superior courthouse building and the parking area behind the Norfolk County Registry of Deeds building. The buffer zone shall further be extended to include the area bounded by Bates Court, Bullard Street, Ames Street, and Court Street. Individuals are also prohibited from using audio enhancing devices while protesting.

It is further **ORDERED** that no individuals will be permitted to wear any buttons, photographs, clothing, or insignia, relating to the case pending against the defendant or relating to any trial participant, in the courthouse during the trial. Law enforcement officers who are testifying or are members of the audience are also prohibited from wearing their department issued uniforms or any police emblems in the courthouse.

Date: March 25, 2025

  
Beverly J. Cannon  
Justice of the Superior Court