

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT
NORFOLK SUPERIOR COURT
DOCKET NO. 2282CR0117

COMMONWEALTH

v.

KAREN READ

5/6/25
Allowed
unless, good
150 (Cannon)
at JMD

**COMMONWEALTH'S MOTION PROHIBIT REFERENCE TO UNRELATED DEATH
INVESTIGATION**

The Commonwealth moves to prohibit disclosure or reference to any investigations conducted by the Canton Police Department, Canton Fire Department, Massachusetts State Police, Norfolk District Attorney's Office, U.S. Attorney's Office and/or Federal Bureau of Investigations related to the death of Ms. Sandra Birchmore. The circumstances surrounding the February 2021 death of Ms. Birchmore are not related or material to the death of John O'Keefe.

Evidence is relevant if it has a "rational tendency to prove an issue in the case." Commonwealth v. Fayerweather, 406 Mass. 78, 83 (1989). Evidence that is not relevant is not admissible. Green v. Richmond, 369 Mass. 47, 59 (1975). Therefore, the concept of relevancy has two components: (1) evidence must have a tendency to prove or disprove a fact, and (2) the fact must be a material issue in the case. See Brodin & Avery, Handbook of Massachusetts Evidence (8th ed. 2007) § 4.1.1. Questioning an officer's involvement in an unrelated death investigation particularly one remote in time and circumstance, is irrelevant, would have no tendency to prove any material issue in this case, is speculative, and would confuse the jury. The United States Attorney's Office has a pending prosecution related to the death of Sandra Birchmore. See United States District Court of Massachusetts Docket No. 24CR10259.

Testimony about this unrelated death investigation would result in a trial within a trial, with much of the information being inadmissible, confidential, or offered without a proper foundation.

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

May 5, 2025

/s/ Laura A. McLaughlin
Laura McLaughlin
Assistant District Attorney

/s/ Caleb Schillinger
Caleb Schillinger
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