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COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT  
NO. 2282-CR-00117

COMMONWEALTH OF  
MASSACHUSETTS,  
Plaintiff

v.

KAREN READ,  
Defendant

DEFENDANT'S MOTION TO AMEND VERDICT SLIP

Now comes the defendant, Karen Read ("Ms. Read"), to request that the court modify its jury verdict slip from its current form. Ms. Read submits that the proposed amended verdict slip improves clarity for the jury in understanding its task and reporting its verdict. The current verdict slip, particularly the slip for Count Two, risk confusing the jury and thus causing errors.

ARGUMENT

Respectfully, the present verdict slip is unclear and otherwise confusing. This lack of clarity and resultant risk of confusion and error can easily be minimized by tailoring and clarifying the verdict slip to better aid the jury in memorializing its verdict. Indeed, there is no compelling reason not to do so.

Specifically, Ms. Read proposes that the court use the verdict slip attached as Exhibit A, which presents formatting changes, not substantive changes, to the court's verdict slip. That the jury has started deliberation does not preclude amendment. See Commonwealth v. Licciardi, 387 Mass. 670, 674 (1982) (affirming verdict slip revision during jury deliberations). Indeed, the court amended the jury verdict slip in Ms. Read's first trial while the jury was deliberating.

After review - the motion is denied. The verdict slip is consistent with Massachusetts law and is to be viewed in conjunction with the jury instructions. A copy of the jury instructions was sent into the jury with the verdict slip on 6/16/25. Beverly A. Adams 6/16/25

A verdict slip is a tool designed to aid the jury—“a recognized means of reducing errors in the rendering and announcing of verdicts.” Commonwealth v. Powers, 21 Mass. App. Ct. 570, 571 (1986) (cleaned up). “It is well established that verdict slips are of no binding legal significance.” Id.; accord Read v. Commonwealth, 495 Mass. 312, 330 (2025) (“[A] verdict, as a matter of law, requires a public announcement in open court. No verdict exists if none was announced.”). Because verdict slips are tools to aid the jury, their primary goal, in addition to ensuring a defendant’s rights, should be clarity for the jury in both understanding its charge and reporting its verdict. See, e.g., Commonwealth v. Clark, 56 Mass. App. Ct. 1106 (2002) (“crucially” finding that “the verdict slips only served to confuse the jury”).

The current jury verdict slip has the real potential to confuse the jury and cause errors, particularly with respect to Count Two—manslaughter while operating a motor vehicle under the influence of liquor—and its lesser included charges. The form does not explain the process the jury should follow while completing it. Although the court instructed the jury that the form should be completed from top down, the form itself does not provide instructions to stop after the jury has selected a given box.

Moreover, the form presents the jury with only a single “not guilty” option (applicable to Count Two in its entirety) juxtaposed with four “guilty” options (one for each charge). This imbalanced presentation visually favors the guilty options and risks creating bias towards a guilty verdict in degradation of Ms. Read’s rights, in addition to creating the risks of confusion and errors.

In furtherance of the salutary goals of maximizing clarity and avoiding error, Ms. Read proposes the verdict slip attached as Exhibit A. The proposed verdict slip has several benefits. First, the form includes clear step-by-step instructions explaining to the jury whether they should


stop or continue based on their findings for a given charge. Although Massachusetts law does not dictate how or in what order a jury must deliberate, the jury must return a verdict of the highest crime that has been proven beyond a reasonable doubt. Commonwealth v. Roth, 437 Mass. 777, 794 n.14 (2002). The proposed verdict slip's clear instructions aid the jury in complying with that mandate.

Additionally, the proposed verdict slip makes clear the jury's choice between guilty or not guilty for each separate charge, instead of presenting only a single not guilty option encompassing each and every charge that is part of Count Two. This balanced presentation gives equal weight to both possible outcomes for each charge and avoids any implicit bias towards a guilty verdict. Providing the jury with a clear choice between guilty or not guilty for each charge while following step-by-step instructions also minimizes the risk of confusion for the jury. It is beyond cavil that the proposed verdict slip is clearer than the current jury verdict slip.

### **CONCLUSION**

Ms. Read respectfully requests that the court now substitute the attached verdict slip for the court's existing verdict slip for use in this case.

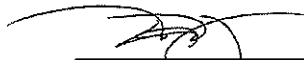
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Dated: June 16, 2025

**CERTIFICATE OF SERVICE**

I, Attorney Elizabeth Little, do hereby certify that I served "Defendant's Motion to Amend Verdict Slip" upon the Commonwealth by emailing a copy on June 16, 2025 to Norfolk County Assistant District Attorney Adam Lally at adam.lally@mass.gov.

June 16, 2025

Date



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