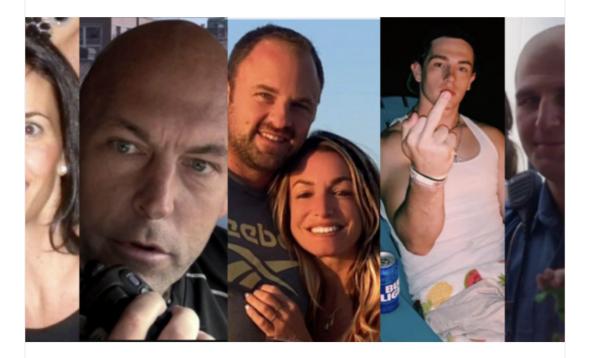
Corrupt State Trooper Helps Boston Cop Coverup Murder Of Fellow Officer, Frame Innocent Girlfriend

Aidan Kearney • 4 days ago ♦ 260,175 ■ 16 minutes read





Editor's Note: We will be discussing this wild story on the Live Show Tuesday night at 9:30 PM (after Celtics game). Click here to subscribe to our YouTube channel to watch.

On the morning of January 29, 2022, Boston Police Officer John O'Keefe was found dead outside of the Canton home of Boston Police Officer Brian Albert on 34 Fairview Road. O'Keefe's girlfriend Karen Read was charged with manslaughter, after reportedly backing over O'Keefe with her car after she

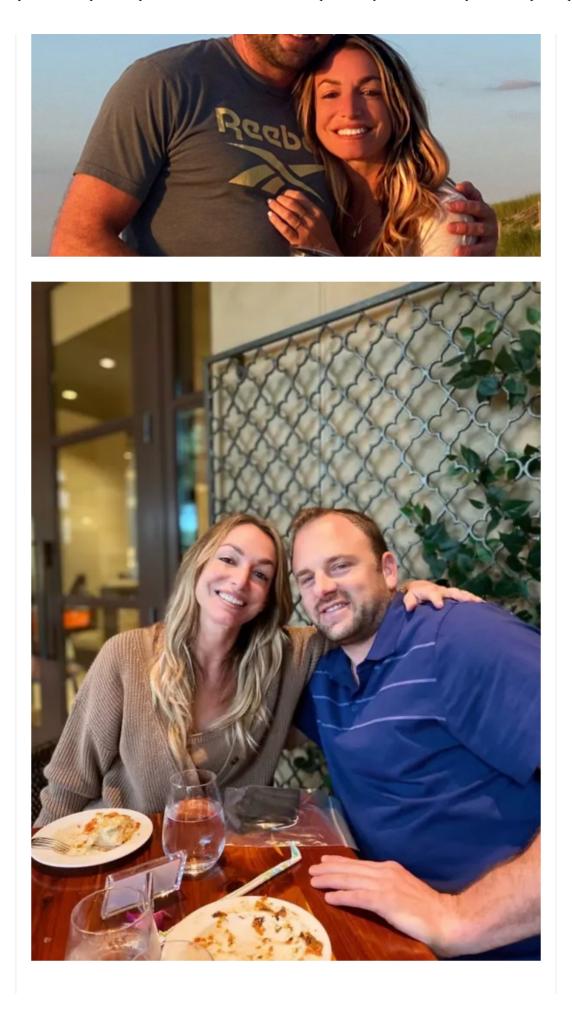
got into a fight with him and dropped him off at Albert's house after a night of drinking. She was castigated widely as a cop killing villain, set to face decades in prison. But as it would turn out at least a dozen people likely witnessed O'Keefe being violently beaten to death, before hatching an elaborate plot to frame Read for killing him. The coverup was aided and abetted by members of the Massachusetts State Police, Canton Police Department, and Norfolk County DA's Office. This is the story of one woman, alone, facing down some of the most powerful, well-protected people in the state who sought to destroy her life, and exonerate herself.



This is Karen Read and John O'Keefe.

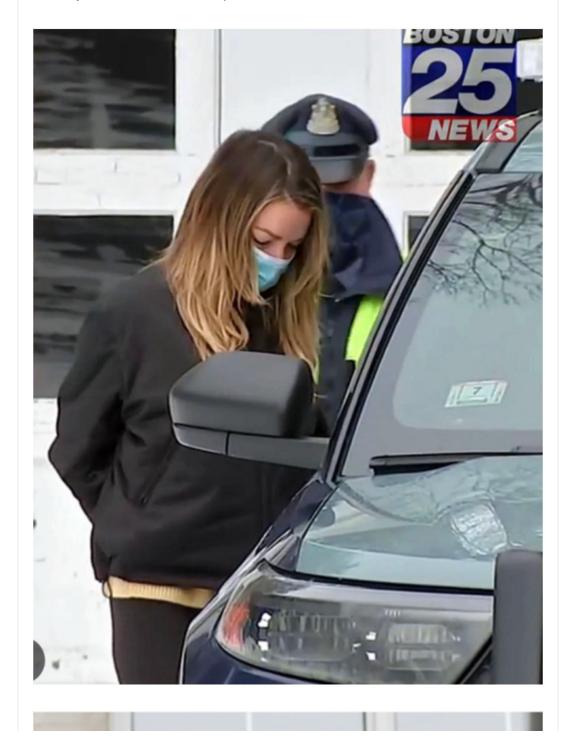


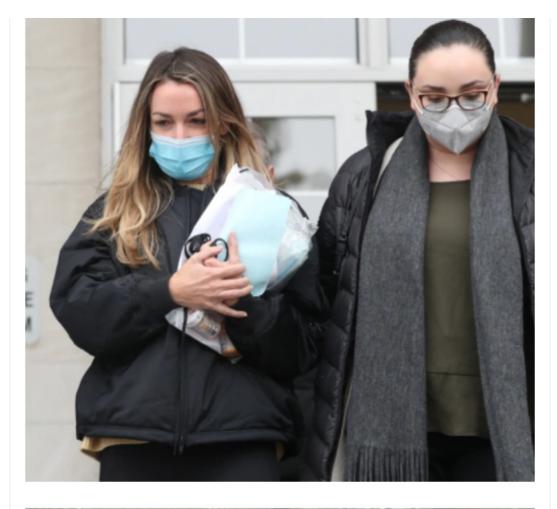




Karen is an intelligent, successful accountant and college professor with not even a hint of a criminal record. She had been dating O'Keefe for several years, and loved his niece and nephew (who he adopted) like family. She owned a house in Mansfield that she rented out, but lived with O'Keefe and his niece and nephew at his home on 1 Meadows Avenue in Canton. O'Keefe was a well liked 16 year veteran of the BPD.

On February 2 Read was charged with killing O'Keefe, and she may have actually believed she was responsible.



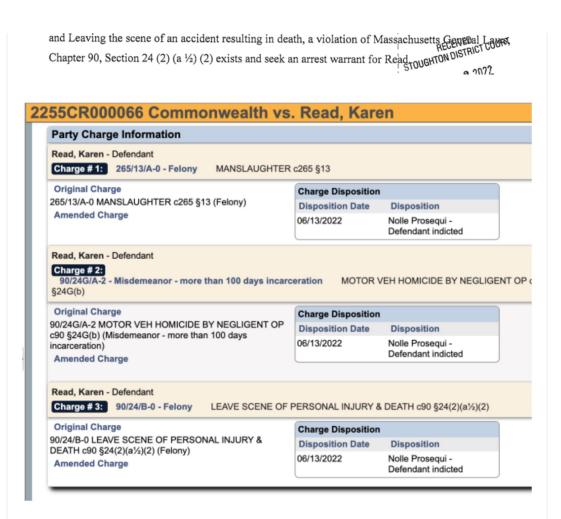






State Trooper Michael Proctor wrote the criminal complaint for her arrest, noting his 10 years of experience on the MSP Detective Unit at the Norfolk County DA's Office.

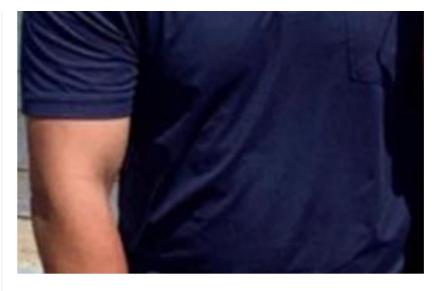
- 1. I, Trooper Michael Proctor (#3863) am a Massachusetts State Police Officer and have been a police officer since 2013. I am presently assigned to the State Police Detective Unit (SPDU) at the Norfolk County District Attorney's Office and have been so since September 2019. During that time, I have investigated and processed serious and violent crimes, including murder, suicides, sudden, suspicious, and unattended deaths, along with drug investigations. Through these investigations, I have participated in the execution of search warrants from which various types of evidence have been seized. I am trained in criminal investigation including, homicide/death investigations, crime scene investigation, collection of physical evidence, crime scene processing and the investigations of such cases. I have received specialized training to obtain and analyze cellular telephone data and call detail records in support of criminal investigations. I have a Bachelor of Arts degree in Criminal Justice from Anna Maria College. In addition to my assignment in the Division of Investigative Services, I have been assigned to the Division of Field Services working in Troop C (Central Massachusetts) and Troop H (Metro Boston).
- 2. Based upon information contained in the numbered paragraphs below which are the product of my own investigation and my discussions with Massachusetts State Troopers and Officers with the Canton Police Department involved in the investigation, I submit that I have probable cause for an arrest warrant to be issued for Karen Read (DOB:02/26/1980). I believe that evidence of the crime of Manslaughter, a violation of Massachusetts General Laws, Chapter 265, Section 13, Negligent Motor Vehicle Homicide, a violation of Massachusetts General Laws, Chapter 90, Section 24G (b)



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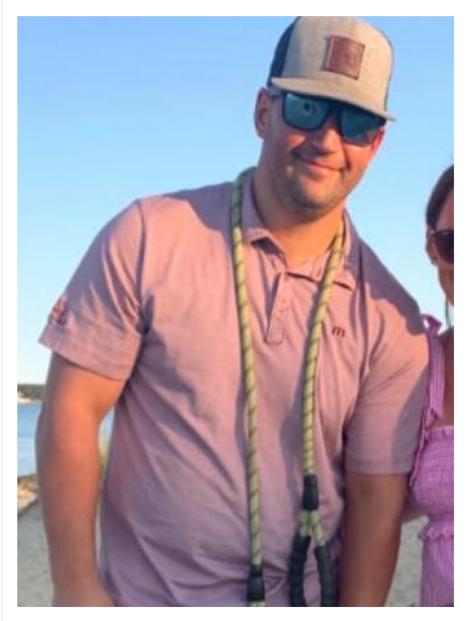


7 of 60 4/21/2023, 7:25 PM









The charging documents state that Canton Officers Saraf and Mullaney were dispatched at 6:04 AM on January 29 to 34 Fairview Road where they found 3 females – Karen Read, Jennifer McCabe, and Kerry Roberts – next to the body of O'Keefe. Read was performing CPR.

3. On January 29, 2022, at approximately 6:04AM Canton Police Department received a 911 cell the a woman reporting a male party, John O'Keefe found in the snow at 34 Fairview Road. At the time of the 911 call there was heavy snow and the temperature was in the teens. Officers Saraf and Mullaney, were dispatched to the scene along with Canton Fire and EMS. Officer Saraf arrived on

scene and observed three females waving at him. Looking at 34 Fairview from the roadway the three females were in the left corner of the property. Officer Saraf observed the victim lying on the ground as two of the females were performing CPR. The three females on scene were identified by

Canton PD as Karen Read, Jennifer McCabe and Kerry Roberts. Officer Saraf observed the victim to be cold to the touch, not breathing and returned to his cruiser to retrieve his AED device. At this time, Canton Fire and EMS arrived on scene and took over first aid. Paramedics transported O'Keefe to Good Samaritan Hospital in Brockton. O'Keefe was determined to be deceased several hours later by Dr. Justin Rice.

Jennifer McCabe is pictured in this photo on the right.



On the left is her sister Nicole Albert, the wife of well-connected Boston Police Sergeant Brian Albert. Albert is on the Fugitive Apprehension Team, is a trained MMA fighter, and was featured on the cop show Boston's Finest.







At 11:30 AM on January 29, Trooper Proctor interviewed Jennifer McCabe and her husband Matthew McCabe. They told him that they were out at the Waterfall Bar in Canton where Jennifer McCabe met up with her friend John O'Keefe and his girlfriend Karen Read, whom she did not know well. Jennifer told Trooper Proctor that she saw Read enter the bar carrying a vodka soda drink in a glass, which most bars would not allow. The three grown adults in their 40's left shortly after midnight to go to an after party at Brian Albert's house. According to Jennifer she got there first, and at 12:30 witnessed Karen Read drive up in her black Lexus SUV. Since O'Keefe only knew McCabe at this house he texted her to make sure she was there. Jennifer claimed that O'Keefe never entered the house, so she texted him "Hello?" at 12:45 AM, before witnessing Karen drive away in her black SUV.

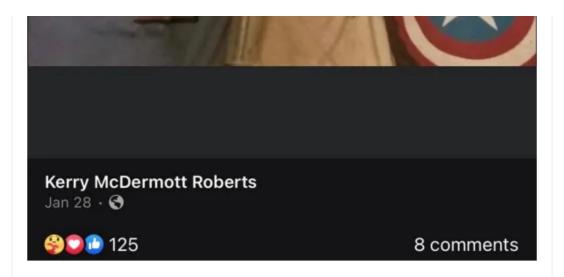
5. On January 29, 2022 at approximately 11:30AM, Sgt. Bukhenik and I requested to speak with Jennifer McCabe and her husband Matthew both agreed to speak with us. We first spoke with Jennifer who stated her and some friends were at the Waterfall Bar last night in Canton. Jennifer stated her and Matthew arrived at the Waterfall Bar at approximately 9:00PM. At approximately 11:00PM, John and Karen arrived at the Waterfall Bar together. John and Karen have been in a dating relationship for two years and Karen stays at John's house most nights. Jennifer observed Karen walk into the bar holding a glass cup from CF McCarthy's with a clear liquid inside what she believed to be a vodka soda drink. Jennifer observed John wearing a baseball hat, jeans and sneakers. John and Karen were at CF McCarthy's bar across the street before going to the Waterfall

Bar. Jennifer stated John and Karen appeared to be in a good mood and did not observe any arguing amongst the two. Jennifer described the atmosphere inside of the bar as friendly and there were no arguments amongst any patrons. As the bar began to close down everyone was invited back to 34 Fairview Road. Jennifer observed Karen and John leave Waterfall Bar together. As the group was exiting the bar John texted Jennifer "Where to" at 12:14AM. Jennifer replied with the address, 34 Fairview Road. At 12:18AM, John called Jennifer to ask where the house was located on Fairview Road. While inside the residence, Jennifer observed a black SUV arrive in front of 34 Fairview Road from the front door. Jennifer texted John at 12:31AM, "Hello" and at 12:40AM texted "Pull up behind me". Jennifer observed the black SUV move from the initial place the vehicle stopped on the street, near the driveway and then proceed to the left side of the property. At 12:45AM, Jennifer texted John "Hello" and then observed the black SUV drive away. Jennifer stated they discovered John in the area where she last observed the SUV, left side of property. At approximately 4:53AM, Jennifer received a phone call from Karen looking the state of the property. Karen was

She told Proctor that she assumed he and Read decided to go home.

Jennifer received a phone call from a distraught Karen at 4:53 AM, looking for O'Keefe. Jennifer, who for some reason was still up at 4:53 AM after a night of drinking, told Trooper Proctor that she offered to help Karen look for O'Keefe, along with O'Keefe's friend Kerry Roberts, who was not at the house that night.





Karen was hysterical and could not drive in her condition so Kerry drove both of them. Jennifer claims that during the ride Karen said "could I have hit him? Did I hit him?" She also told MSP that Karen's SUV had a cracked tail light. The two of them then jumped in Kerry Roberts' car and they drove back to 34 Fairview Road. When they got there Karen immediately noticed O'Keefe's body outside, but the other two did not.

distraught and drove over to Jennifer's house. Karen told Jennifer she last remembered seeing John at the Waterfall Bar. Jennifer informed Karen she observed John and her leave the bar together. Jennifer drove Karen's vehicle from her house back to John's because Karen was too hysterical to drive and had Kerry Roberts follow them. While driving to John's house Karen stated to Jennifer, "Could I have hit him", "Did I hit him". Jennifer stated Karen told her about a cracked tail light on her vehicle. Once they arrived at John's house, Karen had Jennifer look at the cracked tail light. Jennifer described the passenger side, right rear tail light as cracked. Jennifer and Karen entered Kerry's vehicle to look for John. Karen was seated in the back as Kerry drove and Jennifer was seated in the front passenger seat. Jennifer stated they turned onto Fairview Road from Chapman St, at the time it was snowing heavily creating poor visibility. Jennifer stated just prior to 34 Fairview Road there is a cluster of trees and immediately Karen stated she saw John. Jennifer and Kerry were not able to see John and initially confused by Karen's statement. Jennifer stated Kerry began wiping snow off of John as Karen laid on top of him for warmth and then began CPR.

This was part of the reason she was charged – Trooper Proctor believed that Karen knew exactly where the body would be because she knew that she ran him over and left him to die during the middle of a snowstorm.

O'Keefe's arm had six bloodied lacerations and his eyes were swollen shut and black and blue. His eyelid had a cut on it, and his clothes were covered in blood and vomit. A medical examiner said that he had two swollen black

eyes, a cut on the left side of his nose, a two inch laceration in the back of the head, and multiple skull fractures.

6. Sgt. Bukhenik and I arrived at Good Samaritan Hospital to view the victim. I observed approximately six bloodied lacerations varying in length on O'Keefe's right arm. The cuts extended from his forearm to bicep. Both of the victim's eyes were swollen shut and black and blue. I observed a cut to the right eyelid area of the victim. The victim's clothing, blue jeans, orange t-shirt, long sleeve shirt and boxer shorts were saturated and contained blood and vomit. I observed one black Nike sneaker with a white Nike logo on the side belonging to the victim. On January 31, 2022, Dr. Irini Scordi-Bellow from the Office of the Chief Medical Examiner in Mashpee conducted the autopsy of John O'Keefe. Dr. Scordi-Bellow advised of several abrasion to the right forearm, two swollen black eyes, a small cut above the right eye, cut to left side of nose, approximately two inch laceration to the back of the head and multiple skull fractures the resulted in bleeding. Dr. Scordi-Bellow advised the victim's pancreas was a dark red color of the co

There is no possible way he could have these kind of injuries from being backed into by his girlfriend's car, especially since the snow would've comforted his fall.

Kerry Roberts told Trooper Proctor that Karen Read was drunk and hysterical when she saw her at 5 AM, and stated that she was so drunk she didn't even remember going there. Kerry repeated the same story as Jennifer that Karen made statements suggesting that she may have accidentally hit him, or that he had gotten hit by a plow.

8. On January 29, 2022 at 5:25PM, Troopers Matthew Dunne and David Dicicco conducted the interview of Kerry Roberts. At approximately 5:00AM, Kerry received a phone call from Karen stating John did not come home, it was snowing and she was worried. Kerry met Karen at Jennifer McCabe's house and observed Karen to be hysterical. Kerry stated shelleved Karen was still intoxicated in the morning and told Kerry she did not remember last night. Karen stated "I was so drunk I don't even remember going to your sister's last night". Jennifer's sister lives at 34 Fairview Road. Kerry followed Karen's black Lexus SUV back to John's house. Kerry drove Jennifer and Karen to 34 Fairview to look for John. Kerry described the weather as white out conditions as they were driving around. As they arrived at 34 Fairview Road, Karen stated "There he is, I see him" from inside the vehicle. Kerry stated only Karen saw John as he was covered in snow and through white out conditions. Kerry stated after they exited the vehicle Karen stated "I see him". Kerry was still not able to see John at that point due to the weather conditions. Kerry observed John approximately twelve feet from the roadway, swollen right eye with a laceration above it and blood around the nose and mouth. Kerry stated they began CPR and called 911. On February 1, 2022, I, Trooper Proctor spoke with Kerry via phone. Kerry stated on January 29, 2022 at approximately 5:00AM she was contacted by Karen. Kerry answered the phone to hear Karen state account could dead. Kerry, Kerry, I wonder if he's dead. Its snowing, he got hit by a plow." dead. Kerry, Kerry, I wonder if he's dead. Its snowing, he got hit by a plow.". a 2022

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At 4:30 PM Trooper Proctor CLAIMED that he went to the home of Karen Read's parents in Dighton and CLAIMED to have observed Karen's SUV parked in the driveway with a shattered tail light. Proctor interviewed her and Karen denied bringing a drink into the Waterfall Bar. She said that she dropped O'Keefe off at the after party at 12:15, but since she didn't know anyone there very well, she was feeling sick, and she was a grown ass woman in her 40's who doesn't go to "after parties," she elected not to stay. She lived with O'Keefe less than three miles away, so getting home wouldn't be a problem for him. Proctor CLAIMED Karen told him that she never saw O'Keefe go inside the house and had no idea how she had a broken tail light. Both of these statements made her look guilty. When she found O'Keefe's body later his eyes were swollen and he was still bleeding from the nose and mouth.

- 9. On January 29, 2022 at approximately 4:30PM, Sgt. Bukhenik and I arrived at 345 County FMM Dr in Dighton, MA. The residence is the home of Karen Read's parents. Upon arrival, Sgt. Bukhenik and I observed a large black Lexus SUV, bearing Massachusetts registration: 3GC684. The vehicle is registered to Karen Read. The vehicle was parked outside in the driveway, in front of a garage door. We observed the rear right passenger side tail light to be shattered. A large red plastic piece was missing from the tail light. Sgt. Bukhenik and I were invited inside by the homeowners. Karen, was seated on a living room couch and agreed to speak with us. Karen stated she met the victim at CF McCarthy's bar in Canton at approximately 9:00PM on January 29, 2022. The victim was there with several friends prior to Karen's arrival. Karen stated the victim was consuming beer and she
- · was drinking vodka sodas. Karen described the glassware she was drinking out of as a vase style. Karen stated her and the victim left CF McCarthy's and went to Waterfall Bar. Karen stated she did not leave CF McCarthy's or enter the Waterfall Bar with a glass or drink. Karen and the victim were at the Waterfall for approximately one hour. During that time there were no altercations or arguments amongst anyone. When Karen and the victim left the Waterfall Bar they were invited to a house on Fairview Road. Karen stated she dropped the victim at the house on Fairview and went home since she was having stomach issues at the previous bar. Karen stated as she dropped the victim off she made a three point turn in the street and left. Karen did not see the victim enter the house. Karen told investigators she first observed the broken tail light in the morning and did not know how she broke it last night. While at the two bars, Karen stated she did not observe any injuries/cuts on the victims arms and the victim did not suffer any injuries/cuts while at the bars. When Karen discovered the victim in the morning she observed him lying face up, snow on his legs, eyes swollen and blood coming from his nose and mouth. Karen began providing mouth to mouth. Karen attempted to contact the victim throughout the night, calling and texting him numerous times with no response. Karen informed investigators her and the victim were in a verbal argument that morning over what Karen fed the victim's niece for breakfast.

Karen attempted to call and text O'Keefe multiple times after dropping him off. He would never not come home, knowing his niece and nephew needed him in the morning. Trooper Proctor asked her leading questions, designed to incriminate her, about whether or not she had ever been in an argument with O'Keefe. There isn't a couple on earth that hasn't been in a fight before, so Karen felt it was a normal response to tell Proctor that they had an argument over breakfast. This is why you should NEVER talk to police without a lawyer if you are a suspect in a crime. They are not there to be your friend, they are there to get you to say something that will lead to you being charged with a crime.

A Canton firefighter who responded to the scene of the crime told Proctor that Karen said to her friend, "I hit him," several times, further incriminating herself.

10. On January 30, 2022 at approximately 1:00PM, Sgt. Bukhenik and I interviewed Firefighter, Katie McLaughlin at the Canton Police Department. Katie was assigned to Station 1 on Saturday, January 29, 2022. Katie stated at approximately 5:00AM Canton Fire and EMS were dispatched to 34 Fairview Road for a male party discovered in the snow and unresponsive. Upon arrival, Katie observed the victim being worked on by Paramedics. Once inside the Ambulance, Katie observed the victim to have trauma to face and eye area and vomit in mouth. Katie observed the victim wearing jeans, socks and one black Nike sneaker. The victim's shirts were cut and chest exposed for chest compressions. Katie exited the Ambulance to speak with Karen as to the victim's identity and any medical history. Katie described Karen as a white female, approximately 5'5", thin, brown/blonde hair, brown eyes and early 40's in age. Karen provided the victim's name and date of birth. Katie asked Karen if she knew where the victim suffered the trauma to his face/exect that COUSTAND STATES and COUSTAND STATES are constanted to her friend and stated, "I hit him, I hit him

Proctor's report also states that two red pieces of a tail light were next to O'Keefe's body, which was the final piece of evidence needed to charge her with manslaughter.

13. On January 29, 2022 the Massachusetts Special Emergency Response Team (SERT) was activated to assist in searching for potential evidence outside of 34 Fairview Road. When looking at 34 Fairview Road from the street there is a fire hydrant on the far left of the property. Members from SERT located a black Nike sneaker with a white Nike logo along the side. The sneaker located by SERT matches the one sneaker the victim was wearing at the time he was transported by EMS to Good Samaritan Hospital. In the same area two red plastic pieces of a tail light were discovered, consistent to the missing pieces on Karen Read's black Lexus SUV. One piece of clear plastic piece

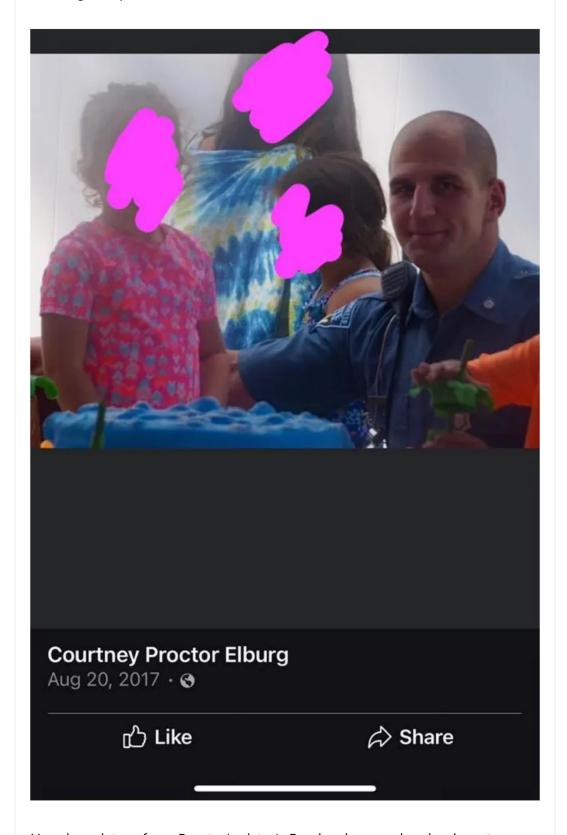
of a tail light was located in the same area, also consistent with the broken tail light AMCHINELLEXUSURY STOUGHTON DISTRICT COURTS.

Except in the original report it never stated what time the glass was found. This document above is a slightly altered second version of the report. In the original a picture from the crime scene does not show any fragments from a tail light.

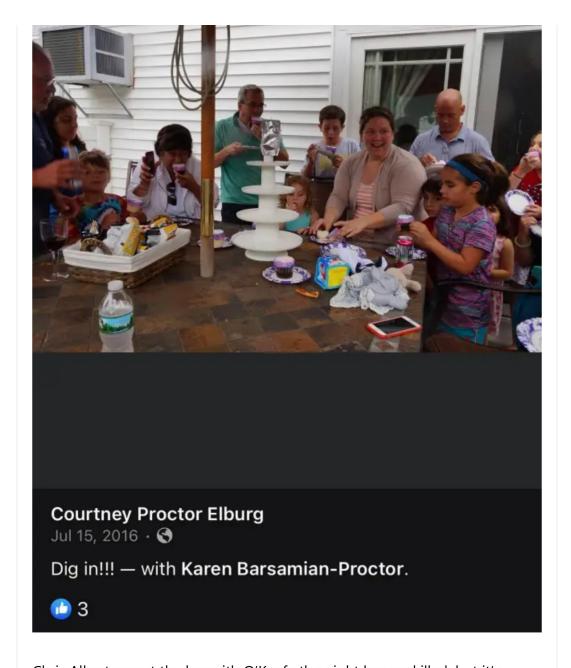


But Trooper Proctor never once mentioned that he was close personal friends with the McCabe and Albert family, which was a very prominent

name in Canton. Here is a picture from Proctor's sister's Facebook page showing Trooper Proctor with Jennifer McCabe's children.



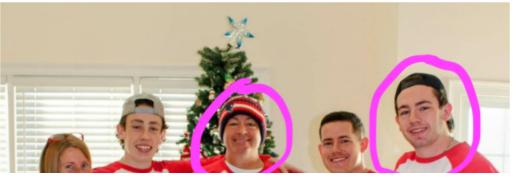
Here is a picture from Proctor's sister's Facebook page showing her at a family party with Chris Albert, the brother of Brian Albert, directly behind her.



Chris Albert was at the bar with O'Keefe the night he was killed, but it's unknown if he was inside his brother's house that night because Proctor has been deliberately preventing Google from sharing that information. Chris Albert lives at 7 Meadows Avenue in Canton, two doors down from O'Keefe who lives at 1 Meadows Ave. His son Colin Albert, who was an 18 year old senior at Canton High School at the time of the incident, is confirmed to have been in the house at 34 Fairview Avenue that night.









Colin was a star football player at CHS and notorious hothead. Two days after O'Keefe died the Canton High School Twitter account announced that he would be playing football at BSU next year.

https://twitter.com/BulldogCanton/status/1488162414369587205/photo/1



다 Colin Albert34 Retweeted



CantonBulldogFootball @BulldogCanton · Jan 31, 2022 #34 Colin Albert has decided to continue his playing career as a BSU Bear. Congrats Dog more big hits to come.





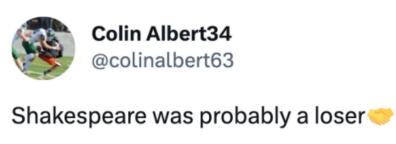




Colin is an out of control meathead who frequently was confrontational

towards his much older adult neighbor John O'Keefe. He is the prototypical jock who thinks Shakespeare was a huge loser, and infamously poses for pictures sticking up his middle finger while drinking Dylan Mulvaney-light.



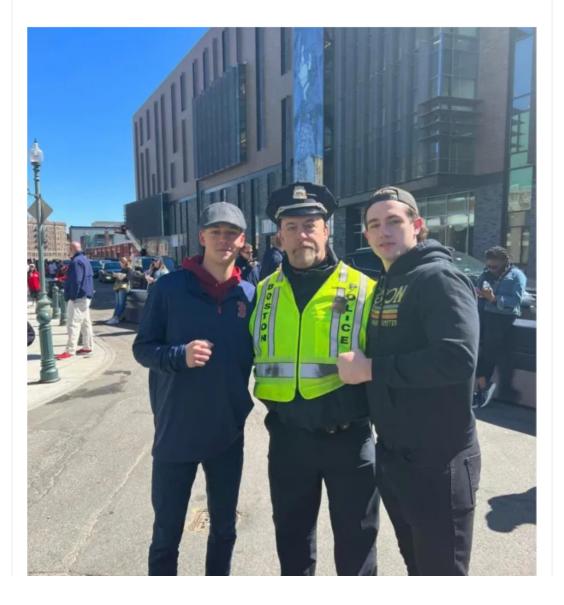


2:47 PM · Dec 12, 2021

1 Quote 13 Likes

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He has anger issues, and gets off on knowing that he comes from a well connected family in town. Colin's uncle Brian is a Boston Police Sergeant.





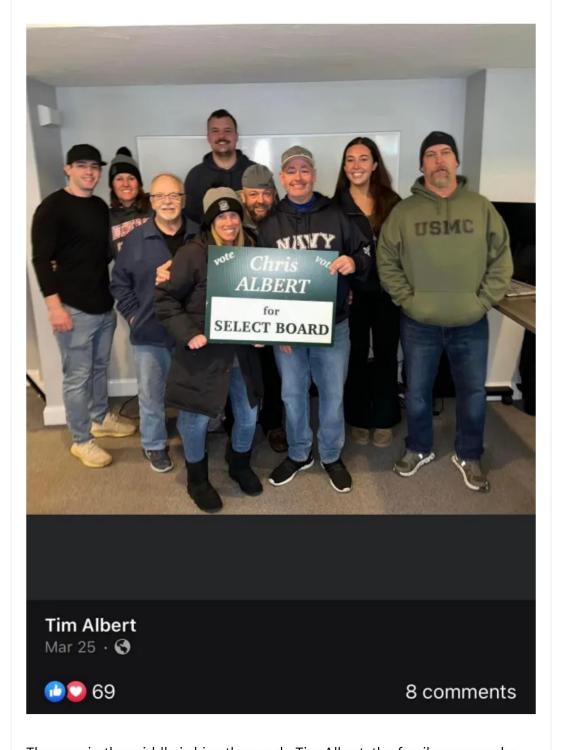
His Uncle Kevin Albert is a Canton Police Officer.





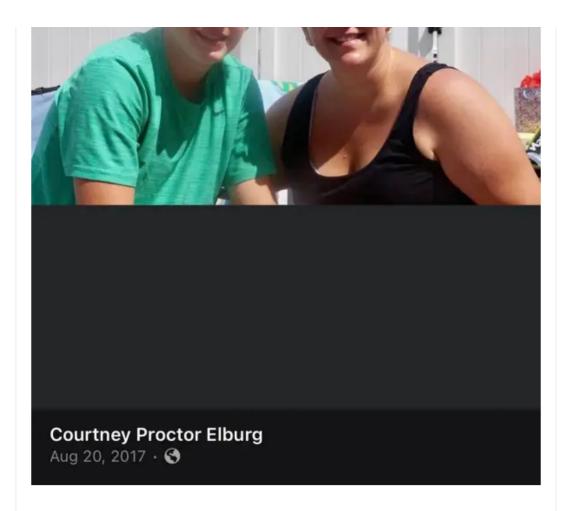


His father Chris was recently elected to the Board of Selectmen. Here he is on the left pictured with his father, and his uncle Brian on the far right.



The man in the middle is his other uncle Tim Albert, the family moron who takes pride in being from a well connected family despite providing nothing of value to contribute to the family's brand name.



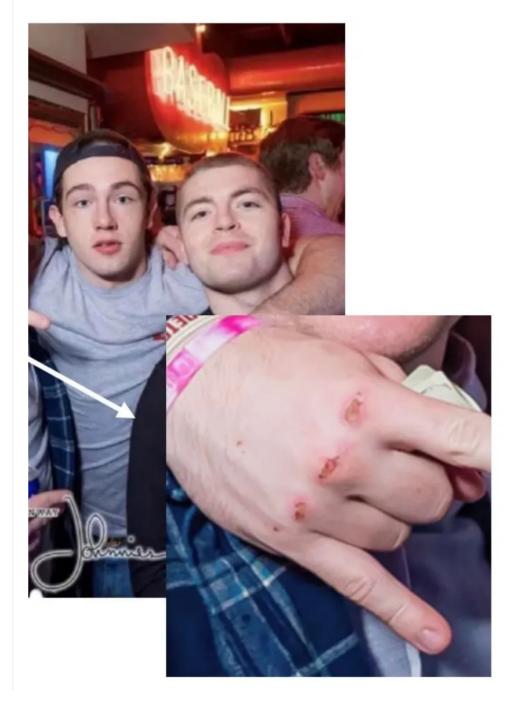


Here's a picture Proctor's sister posted on Facebook from her wedding in 2012, showing Trooper Proctor on the far left, and Colin Albert on the right.



Not once did it ever occur to Proctor to mention that he was a close friend to a well connected Canton family of cops and politicians, and was investigating the death of a Boston Police Officer at one of their homes. He was in possession of all evidence related to this crime, and decided who would and wouldn't be investigated.

Colin Albert likes to get in fights and boast about it. A picture he posted on VSCO shortly after the death of John O'Keefe shows his right knuckles covered in abrasions, indicating he had punched someone or something recently.



None of this has been made public and the Norfolk County DA's Office hasn't sent a mountain of exculpatory evidence to Karen Read's defense attorney until recently. This evidence proves beyond a shadow of a doubt that she had nothing to do with O'Keefe's death, but suggests that Colin Albert, Brian Albert, Brian Albert's German shepherd, Jennifer McCabe, and every other person in the house that night witnessed the murder of of John O'Keefe and conspired to frame Read for it after the fact.

Unfortunately for them Karen Read is an extremely intelligent and well-resourced woman who can afford world class legal representation. Her attorneys filed a motion demanding a forensic audit of Jennifer McCabe and Brian Albert's cellphones for all communications before and after O'Keefe's death.

<u>Information to Be Produced:</u>

- 1. The production of all cell phone(s) in the possession of and/or used by Brian Albert between January 28, 2022, and present, so that defense expert Richard Green may conduct a forensic examination of the respective cell phone(s) for the purpose of recovering incoming and outgoing text messages, voice calls, voicemails, emails, location data, web searches, photographs, and/or other communications sent and/or received by Brian Albert on any other messaging platforms between January 28, 2022, and February 5, 2022.
- 2. A copy of all information contained on any cloud-based accounts used to store the above-referenced information from Brian Albert's cell phone(s) between January 28, 2022, and February 5, 2022.
- Any access codes and/or passwords necessary to access and/or forensically download the cell phones and/or cloudbased information.

When they received the information last week they were shocked to discover that the Norfolk County DA's Office intentionally hid evidence showing that McCabe had searched "Hos (sic) long to die in cold" at 2:27 AM on the night O'Keefe died.

I. INTRODUCTION

"[H]o[w] long to die in cold." New revelations from Jennifer McCabe's cell phone must reverse the trajectory of this case. Evidence obtained from an analysis of the complete forensic image of Jennifer McCabe's cell phone—which the Massachusetts State Police and Norfolk County District Attorney's Office withheld from the defense for more than a year—exculpates Ms. Read and decisively implicates Jennifer McCabe and Brian Albert in the murder of John O'Keefe ("O'Keefe"). In spite of the fact that O'Keefe was found dead on the front lawn of Boston Police Officer Brian Albert, a highly trained boxer and fighter with deep familial and personal ties to the Canton Police Department and the Massachusetts State Police, law enforcement has utterly failed to treat Mr. Albert (and his family members who were present on the night in question) as suspects. Instead, law enforcement immediately arrested Ms. Read, based in no small part, on incriminating statements attributed to her by one of the actual conspirators in O'Keefe's murder, Brian Albert's sister-in-law, Jennifer McCabe.

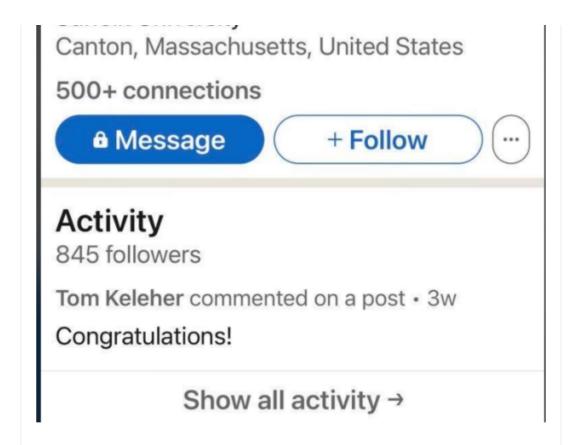
Brian Albert was never questioned at his house, only McCabe's house.

Canton Deputy Police Chief Tom Keleher lives across the street from Brian Albert on Fairview Road.



Tom Keleher · 3rd
Deputy Chief at Canton
Police Department

Canton police department -Suffolk University



POSSIBLE CURRENT RESIDENTS FOR 31 FAIRVIEW RD, CANTON, MA 02021-1733

Kerri Ann Keleher

Age: 52

First Seen: Aug 1, 2000 Last Seen: Apr 17, 2023



Thomas A Keleher

Age: 53

First Seen: Aug 31, 2007 Last Seen: Apr 17, 2023

VIEW REPORT ③

Keleher's Ring camera would've picked up video of O'Keefe's body that night.



However, he told police that conveniently did not capture anything of value. It was not subpoenaed.

Jennifer McCabe not only searched "how long to die in cold," she also deleted all communications from her phone between herself and Brian Albert.

An analysis of the *complete* forensic image of Jennifer McCabe's cell phone by Computer Forensics Expert Richard Green establishes that Ms. McCabe, the government's seminal witness, Googled, "hos [sic] long to die in cold" at 2:27 a.m. on January 29, 2022, exactly two hours after O'Keefe was last seen walking towards the Albert Residence by Ms. Read. (See Affidavit of Richard Green at ¶6, Exhibit USF-01.) How long to die in cold. Jennifer McCabe explicitly told law enforcement that she "did not think much" of O'Keefe's failure to enter the residence that night and assumed that O'Keefe and Ms. Read simply decided to go home. (Affidavit of Alan J. Jackson at ¶8; Exhibit E, 2/1/22 Interview of Jennifer McCabe, at p. 2.) Yet, three hours before Jennifer McCabe had any reason to suspect O'Keefe hadn't gone home with Ms. Read, three hours before she inserted herself into Ms. Read's search for O'Keefe and delayed her return to the Albert Residence, and three hours before her "discovery" of his lifeless body in the cold snow of her brother-in-law's front lawn, Ms. McCabe had only one thing on her mind: how long does it take to die in the cold. What's even more shocking, is that

the very next day, before turning her phone over to law enforcement, Ms. McCabe took calculated steps to purge her phone of this inculpatory search and, at the same time, attempted to delete her communications with Brian Albert and remove a screenshot of his contact information from her phone, which she had obviously shared with someone that morning. (See Affidavit of Richard Green at ¶8, 12, 14, Exhibits USF-01, USF-04, USF-07.) In light of this new information, the Norfolk County District Attorney's Office should immediately do what's right and file a nolle prosequi. Short of that just result, Ms. Read's constitutional right to defend herself against these false allegations demand that she be permitted to obtain the critical information that law enforcement failed to obtain and preserve from the outset, namely communications and location information associated with the actual perpetrators of this crime, Jennifer McCabe and Brian Albert. The requested information will undoubtedly further implicate Jennifer McCabe, Brian Albert (and others) in the murder of O'Keefe and the sinister coverup that resulted in these false charges being brought against Ms. Read.

If Jennifer McCabe didn't think it was unusual for John O'Keefe to leave like that then why did she stay up until 5 AM, awaiting Karen Read's phone call about O'Keefe being missing?

If Jennifer McCabe had nothing to hide then why was she destroying critical evidence?

Why was Jennifer McCabe more committed to protecting Brian Robert than her sister Nicole, who was married to Brian?

After O'Keefe got to Albert's home he began texting McCabe to make sure she was there, since she was the only person there he knew well. When he entered he was surprised to see 18 year old Colin Albert was there, who confronted him at some point and hit him. Our sources believe that Brian Albert joined in on the beating, alarming his loyal German shepherd, which immediately began to tear into O'Keefe's arm. Despite being their family dog Brian Albert got rid of her and never explained where the dog went.

2. O'Keefe was found unresponsive in the early morning hours of January 29, 2022, in the front yard of the home of Boston Police Officer Brian Albert. Contrary to the Commonwealth's theories, photographs of O'Keefe suggest that he was beaten severely and left for dead, having sustained blunt force injuries to both sides of his face as well as to the back of his head. (See Affidavit of Alan J. Jackson at ¶9, Exhibit F.) In addition to suffering numerous defensive wounds on his hands consistent with a brutal fight, O'Keefe also suffered a cluster of deep scratches and puncture wounds to his right upper arm and forearm. (See id.) These injuries to O'Keefe's right arm are consistent with bite marks and/or claw marks from an animal, more specifically a dog. As discussed more fully in Defendant's Motion for Order Pursuant to Mass.

R. Crim. P. 17 Directed to Canton Animal Control and the Canton Clerk's Office, which is incorporated herein by reference, circumstantial evidence *strongly* suggests Brian Albert's German Shepherd K-9 is responsible for the injuries to O'Keefe's arm. Four months after O'Keefe's death, Brian Albert went to great lengths to dispose of critical evidence by making sure "Chloe," his family dog of *seven years*, simply disappeared.

Definitely in the house that night were Brian Albert, Nicole Albert, Brian Albert Jr, Caitlin Albert, Jennifer and Matthew McCabe, two friends of Albert Jr named Julie Nagel and Sarah Levinson, and ATF agent Brian Higgins, who has an office inside the Canton Police Department. O'Keefe would make 12 at a minimum.

son, Brian Albert, Jr.'s, birthday. Although O'Keefe and Ms. Read were not well-acquainted with the Alberts, the invite was extended to them by O'Keefe's longtime friend, Jennifer McCabe. Shortly after midnight, the Alberts (Brian, Nicole, and Caitlin), the McCabes (Jennifer and Matthew), and Brian Higgins (close friend of Brian Albert and Federal agent with the Massachusetts Bureau of Alcohol, Tobacco, Firearms and Explosives, with an office inside the Canton Police Department), left the bar in their respective vehicles and drove to the Albert Residence for the after-party.

Here is Higgins pictured with O'Keefe.



This means that all of them witnessed the murder, or are aware of it, and have said nothing. Most of them were not questioned by Trooper Proctor.

One witness named Ryan Nagel went to the home to pick up his sister Julie, who ended up staying there. He was the only witness who had no familial ties to the Alberts, and thus no reason to frame Karen Read. He witnessed Read drop O'Keefe off and told police that he did not see any damage to her vehicle, hear any screams, or witness her operating the vehicle erratically. Nagel witnessed Karen Read alone in the SUV, which directly conflicts with Brian Albert and the McCabe's story that O'Keefe never entered the house.

Witnesses gave conflicting accounts regarding whether O'Keefe actually exited the 6. vehicle and made his way into the Albert Residence on January 29, 2022. Ryan Nagel, one of the only percipient witnesses present on the night in question who is not closely related to the Alberts, arrived at the Albert Residence just after O'Keefe and Ms. Read to pick up his sister, Julie Nagel. (Affidavit of Alan J. Jackson, ¶10, Exhibit G, at p. 2.) According to Mr. Nagel's interview with police, he recalled "seeing a set of headlights of a mid-size black SUV coming from the opposite direction [as he approached Fairview Road] and yielded to the vehicle allowing it to make a right hand turn onto Fairview as their F-150 then followed." (Ibid.) Ryan Nagel confirmed that "he did not observe any erratic operation by the SUV at any point while in his presence." (Ibid.) Both vehicles parked outside the Albert Residence. (Ibid.) He stated that he and his friends remained parked outside the driveway for approximately five minutes, at which point his sister came out of the Albert Residence and told him she was going to spend the night, and no longer needed a ride. (Ibid.) At some point, Mr. Nagel told police he observed the black SUV pull forward toward the edge of the Albert's property line. (Ibid.) When he and his friends left shortly thereafter, he observed a woman sitting alone in a black SUV outside the residence as he pulled away from the house. (Affidavit of Alan J. Jackson, ¶10, Exhibit G, at p. 3.) He further reported that he did not observe any damage to her vehicle, hear screams, or otherwise observe any altercation between Ms. Read and O'Keefe. (Ibid.) Ms. Read has

always maintained that she dropped O'Keefe off at the Albert Residence and waited for him to scope out the residence and make sure that they were at the correct house and weren't imposing. After calling O'Keefe several times and becoming frustrated with his failure to answer or otherwise respond to her, Ms. Read eventually left, presuming O'Keefe had proceeded into the house for the party. Conversely, Brian Albert, Jennifer McCabe, and Matthew McCabe have all maintained that O'Keefe never entered the Fairview Residence. (Affidavit of Alan Jackson at ¶¶5-7, Exhibits B-D.)

Additionally, O'Keefe's phone tracked him walking up and down the stairs

inside Albert's house from 12:20 to 12:32 AM. Obviously it would not show this sort of up and down motion if he was inside Karen Read's car or lying on the ground outside the house.

Thankfully, because the Commonwealth finally produced a forensic image of O'Keefe's phone to the defense (albeit a full year after the phone was taken into law enforcement custody), this Court does not have to rely on the statements of witnesses.² As set forth in the attached Affidavit of Richard Green, an expert in computer forensics and electronic data analysis, data stored on O'Keefe's cell phone establishes that O'Keefe did, in fact, get out of the car and walk somewhere in the early morning of January 29, 2022 at a point in time when his location was consistent with being in the vicinity of the Albert Residence. (Affidavit of Rick Green, ¶18-19, Exhibit USF-09.) As defense expert Richard Green sets forth in the attached Affidavit, location data obtained from O'Keefe's phone establishes that his phone pinged in the neighborhood near the Albert residence at 12:19:33 a.m., and again at the location of the Albert Residence at approximately 12:24:28 a.m. (Id. at ¶18.) Immediately following his arrival at the Albert Residence, between 12:21:10 a.m. and 12:24:37 a.m., Apple Health recorded O'Keefe taking 80 steps (i.e., traveling approximately 87.74 meters) and climbing the equivalent of three floors with his location data pinging in close proximity of the Albert Residence. (Id. at ¶18-19.) The only reasonable interpretation of O'Keefe's Apple Health Data is that he entered the Albert Residence, which has three floors. (See Affidavit Alan J. Jackson ¶12, Exhibit K, 34 Fairview Zillow Listing.) Between 12:31 a.m. and 12:32 a.m., Apple Health again recorded O'Keefe taking 36 steps with no elevation gain (i.e., traveling approximately 25 meters). (Affidavit of Rick Green at ¶18.) O'Keefe did not walk the length of three swimming pools and climb the

equivalent of three flights of stairs by circling and climbing on top of Karen Read's vehicle.

O'Keefe made it into the Albert Residence that night.

8. Before the Commonwealth turned over *the complete* forensic copy of Jennifer McCabe's cell phone, the defense was forced to rely on its own investigative resources to attempt to discern what transpired after O'Keefe entered the Albert Residence just after 12:20 a.m. By all accounts, Ms. Read left the Albert Residence in her vehicle shortly after her arrival and returned to O'Keefe's home located at One Meadows Avenue. The only statements regarding the events that transpired *inside* the Albert Residence after O'Keefe took his last steps at 12:31 a.m. are the self-serving statements of Jennifer McCabe, Matthew McCabe, Brian Albert, and his close friend (a Federal ATF agent with an office at Canton Police Department), Brian Higgins.

State Police and the DA's Office deliberately kept all of this information from the defense, including Jennifer McCabe's incriminating Google search.

10. On February 2, 2022, mere days after O'Keefe's death, Massachusetts State Police Trooper Keefe forensically imaged Jennifer McCabe's iPhone 11. (Affidavit of Alan J. Jackson, at ¶13, subd. (a), Exhibit L, McCabe GrayKey Extraction Report.) Rather than simply turning

over a copy of the forensic image of the phone to the defense for analysis, on May 31, 2022, Trooper Guarino conducted his own forensic analysis of the cell phone and prepared a Cellebrite Extraction Report, which purported to be a "Full File System Extraction" from Jennifer McCabe's iPhone 11 between January 29, 2022, and January 30, 2022. (Affidavit of Alan J. Jackson at ¶13, subds. (a), (b), Exhibit M, Excerpt of May 31, 2022 Extraction Report.) The Commonwealth withheld the forensic image of Jennifer McCabe's cell phone, and instead produced Trooper Guarino's Full File System Extraction Report to the defense on August 12, 2022. (Affidavit of Alan J. Jackson at ¶13(b).) Notably, Trooper Guarino's Full File System Cellebrite Extraction Report of Jennifer McCabe's iPhone 11 failed to show any search history information entered by Ms. McCabe on January 29, 2022, including her incriminating 2:27 a.m. search for "hos long to die in cold". (Ibid.) After numerous discovery requests and the filing of a Motion to Compel (which the Court ultimately denied), Deputy District Attorney Adam Lally finally agreed to produce the full forensic image of Jennifer

Jennifer McCabe's cell phone analysis shows that she left Albert's house at 1:47 AM, and intentionally chose to drop off two people who lived close to O'Keefe in the middle of a snowstorm so that she could drive by his house and see if Karen Read was there.

McCabe's iPhone 11 on February 8, 2023, a *full year* after O'Keefe's death. (Exhibit J, Notice of Discovery VIII.) Information obtained from the deleted cache of Jennifer McCabe's cell phone begins to unravel what occurred after Ms. Read left O'Keefe at the Albert Residence on January 29, 2022, and the web of lies that resulted in the arrest and prosecution of Ms. Read.

11:30 a.m.—when the events were still fresh in her mind—Ms. McCabe claimed that she left the Albert Residence with her husband "at approximately 1:30 a.m. and went home." (Affidavit of Alan J. Jackson at ¶6, Exhibit C, at p. 2.) However, as set forth in Richard Green's Affidavit, a forensic analysis of her cell phone shows that Jennifer McCabe actually left the Albert residence at 1:47 a.m. (Affidavit of Richard Green at ¶16.) Moreover, she didn't drive directly home with her husband, as she initially claimed. Instead, the McCabes made the executive decision at 2:00 a.m.—in a snowstorm—to drop off two of Brian Albert, Jr.'s friends who were in attendance at the party, Julie Nagel and Sarah Levinson, passing O'Keefe's residence at One Meadows Avenue on their way home. (Affidavit of Richard Green at ¶16.) The McCabes clearly wanted to know whether Ms. Read would be home to notice if and when O'Keefe failed to return home that morning or if that privilege would be left to his two adopted children.

At 2:23 AM her Apple Watch recorded her going to her bedroom and immediately Googling "how long to die in the cold," despite previously telling police that she assumed O'Keefe had gone home with Read.

2. After passing by the deceased's home at One Meadows Ave, location data obtained from

a.m. (*Ibid.*) Approximately ten minutes later, at 2:23 a.m., Apple Health recorded Ms. McCabe climb one flight of stairs, presumably to go upstairs to her bedroom. (Affidavit of Richard Green at ¶17, Exhibit USF-08, at p. 10.) When questioned by law enforcement as to why O'Keefe never made it into the party, Ms. McCabe told law enforcement "[s]he did not think anything of it and thought that [Ms. Read and O'Keefe] just decided not to come in." (Affidavit of Alan J. Jackson at ¶8, Exhibit E, at p. 2.) However, at 2:27 a.m. that morning, after making it safely home and climbing the stairs to the privacy of her bedroom, the first and only information Ms.

McCabe desperately needed to Google was "hos[sic] long to die in the cold." (See Affidavit of Richard Green at ¶6.) How long to die in the cold. Jennifer McCabe didn't sleep that night.

Why would she Google that if she thought he was home sleeping?

A normal person would go to sleep at 2:30 in the morning after a night of partying, but McCabe elected to pace around her house nervously, waiting for Karen Read to contact her and ask where O'Keefe was.

Contrary to her assertions to law enforcement, she obviously had a lot on her mind. Data taken from her Apple Watch establishes that she was up much of the night pacing: at 2:32:13 a.m. Jennifer McCabe took 22 steps; at 3:50:38 a.m. she took 24 steps; at 3:51:40 a.m. she took 6 steps; at 4:55:07 a.m. she took 24 steps. (Affidavit of Richard Green at ¶17, Exhibit USF-08, at pp. 1-2.) Indeed, Apple Health Data obtained from Jennifer McCabe shows that her heart rate reached an 11-hour low at 12:49 a.m., and a high at 6:42 a.m. (Affidavit of Richard Green at ¶17, Exhibit USF-08, at pp. 7-9.)

Somehow she anticipated this happening despite having no idea that O'Keefe was missing. McCabe waited up for Read because:

- 1. She needed to be with her when Read discovered the body so that she could control the narrative with police.
- 2. She needed to put the idea in Read's head that she might have accidentally hit and killed O'Keefe while driving drunk, and had no recollection of it. Read truly believed she might have done this and was distraught. His body was staged at the exact place where she was seen doing a three point turn on her way out in order to make her believe this.

Despite barely knowing Karen Read, McCabe gleefully jumped in the car with her and Kerry Roberts. This intentional delay guaranteed that O'Keefe would

be dead by the time anyone found him, and he would be unable to tell the real story about what happened.

13. Meanwhile, Ms. Read, the only person with reason to believe O'Keefe was actually missing, grew increasingly concerned with O'Keefe's failure to return home to his children on January 29, 2022, and answer her many phone calls and text messages. After a fitful night of sleep, Ms. Read began frantically calling O'Keefe's friends shortly before 5:00 a.m. in an effort to locate him. Jennifer McCabe, who had stayed out drinking until 2:20 a.m., was conveniently awake to answer Ms. Read's early morning call. (See Exhibit C, at p. 2.) But Jennifer McCabe couldn't leave it at that—after picking up a 4:53 a.m. phone call from Ms. Read (an acquaintance) and O'Keefe's daughter, Kayley-the overly-helpful Ms. McCabe jumped out of bed and inserted herself into the "search" for O'Keefe, making every effort to delay Ms. Read in returning to the Albert Residence to look for him and ensuring that she was in control of the narrative provided to police when O'Keefe's body was discovered. (See id.) During that call, Ms. McCabe suggested that a hysterical Ms. Read drive all the way across town at 5:00 a.m. to her own residence located at 12 Country Lane so that they could look for O'Keefe together. (See id.) Once Ms. Read arrived at the McCabe residence, Ms. McCabe insisted they drive Ms. Read's car back to O'Keefe's residence (where Ms. Read had just come from) so that they could meet O'Keefe's friend Kerry Roberts and re-search O'Keefe's apartment to make sure he was not home, buying time to make sure John wouldn't live to tell this Court what happened to him. (See id.) After confirming (unsurprisingly) that O'Keefe was not at home and allowing her family members sufficient time to situate O'Keefe's body, the three women drove together in Ms. Roberts' car back to the Albert Residence to look for O'Keefe. (See Exhibit C, at pp. 2-3.)

Remember, that Jennifer McCabe initially told investigators that Karen Read brought in a drink from another bar to the Waterfall Bar, which only a drunken low class individual would do.

14. As the women pulled up to Brian Albert's house shortly after 6:00 a.m., Ms. Read spotted an unconscious O'Keefe lying face-up on his back in the front yard of Brian Albert's residence. While Ms. Read and Ms. Roberts raced to him and attempted to render aid, Ms. McCabe curiously remained in the vehicle, dialed 9-1-1 and began controlling the narrative. In her initial

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statement to Trooper Michael Proctor (lead investigator and close family friend of the Alberts and McCabes), Jennifer McCabe attributes a number of statements to Ms. Read that quickly make her the prime suspect: (1) When asked to describe John and Karen's appearance at the

Waterfall she describes John as "wearing a baseball hat, jeans, and sneakers," but describes Karen as "walk[ing] into the bar holding a drinking glass" (Exhibit C, at p. 2);⁴ (2) Ms. McCabe falsely tells Trooper Proctor that Ms. Read claimed she went home alone that night and last saw John at the Waterfall bar, and that she had to correct Karen and tell her that they all went to the Albert Residence (Exhibit C, at p. 2); (3) Ms. McCabe tells Trooper Proctor that while they were searching for O'Keefe Karen repeatedly asked, "could I have hit him," "did I hit him" (Exhibit

Karen Read was well off and classy, and would never do such a thing. Nevertheless, McCabe successfully planted the seed in Read's brain that she may have accidentally killed O'Keefe.

Jennifer McCabe called her sister Nicole Albert at 6:07 AM, then deleted those call logs. Someone answered the phone. This proved that McCabe had made them aware that there was a dead body outside of their house. Yet Brian Robert, a veteran Boston Police Officer and trained first responder, didn't even come outside despite the fact that a crime scene was unfolding on his property.

<u>C</u>, at pp. 2-3); and (4) Ms. McCabe falsely tells Trooper Proctor that Karen began screaming to pull over because she saw O'Keefe's body *before* he was actually visible from the roadway and that she and Ms. Roberts didn't know what she was talking about because there was heavy snow, falsely implying that Ms. Read knew exactly where O'Keefe's body would be found (<u>Exhibit C</u>, at p. 3.).⁵ As discussed, *infra*, in Paragraph 17, these aren't the only statements Ms. McCabe falsely attributes to Ms. Read.

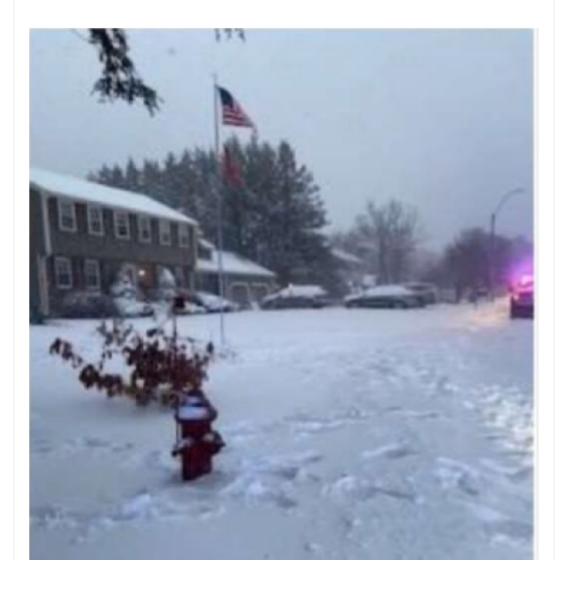
15. According to Nicole Albert's statement to Trooper Proctor and Sergeant Yuriy Bukhenik, she and her husband, Brian Albert were "still in bed [in the early morning of January 29, 2022], when her sister Jen came into the room and shared with her what had transpired outside, and that John was found deceased on the edge of her property by the street in the snow." (Affidavit of Alan J. Jackson at ¶14, Exhibit N, at p. 2.) Nicole Albert reported to police that she "never left her home [to see what was going on outside] and by the time she came downstairs, Canton Fire Department must have [already] transported both John and Karen from the scene." (*Ibid.*) However, cell records establish that immediately after disconnecting with 9-1-1 dispatch, Jennifer McCabe actually made two calls to her sister, Nicole Albert's cell phone (aka

"Coco") at 6:07 a.m. and 6:08 a.m., both of which were answered by someone and were subsequently deleted. (Affidavit of Richard Green at ¶12, Exhibit USF-04.) Thus, Brian and Nicole Albert were among the first individuals to be notified that O'Keefe was lying unresponsive mere feet away on their front lawn, and in spite of being in such close proximity, made no effort to go outside and assist or otherwise investigate the emergency that was unfolding on their doorstep. Either Nicole is lying, or Jennifer McCabe was on the phone with her husband, Brian Albert. Either way, Brian and Nicole Albert chose to sequester themselves in their home—distancing themselves from the investigation—rather than check on O'Keefe, assist in life-saving

efforts, speak with responding officers, or otherwise investigate the circumstances surrounding the fact that their family member had just discovered the body of a *Boston Police Officer* on their front lawn. (*See* Affidavit of Alan J. Jackson, ¶16.)

A broken cocktail glass was next to O'Keefe's body which Canton Police initially said was the murder weapon.

O'Keefe's body was clearly visible, as not much snow had accumulated. Yet McCabe and Roberts didn't see it. Only Karen Read did.



⁴ Significantly, a broken cocktail glass was the *only* evidence recovered at the scene when law enforcement initially responded to the Albert Residence around 7:00 a.m. on January 29, 2022, and Canton PD initially informed medical personnel at the Good Samaritan Hospital that the broken cocktail glass was the suspected murder weapon. (Affidavit of Alan J. Jackson at ¶15.) ³ Notably, when Ms. Read first discovered O'Keefe's body at 6:04 a.m. on January 29, 2022, precipitation was minimal and there was no significant accumulation. Indeed, photographs taken from the time in question establish that there was only about an inch (or less) of snow that had accumulated. (Decl. of Alan J. Jackson at ¶20, Exhibit S.) O'Keefe's body was **clearly** visible and appeared *noticeably* out of place on the Alberts' flat and bare front lawn.



After notifying the Albert's about the dead Boston cop on their property Jennifer McCabe Googled "How long does it take to digest food." The presence of food particles in a dead person's stomach help pathologists determine time of death.

16. At 6:23:00 a.m., Jennifer McCabe makes an outgoing call to her brother-in-law, Brian Albert (which he doesn't answer), and then subsequently deletes the record of that call. (Affidavit of Richard Green at ¶12, Exhibit USF-04.) Less than a minute after failing to reach Brian Albert, at 6:23:49 a.m., Jennifer McCabe begins panicking and opens an article in her Safari application by Healthline entitled, "How Long Does It Take to Digest Food." (See Affidavit of Richard Green at ¶11, Exhibit USF-03.) What an unbelievably odd (and incriminating) thing to search immediately upon finding a dead body. Significantly, the presence of food particles in a decedent's stomach and upper small intestine serve as a source of information for pathologists in calculating time of death. Almost immediately thereafter, Jennifer McCabe tried to overwrite her incriminating search from earlier that morning regarding how long it takes to die in the cold by re-entering it at a more appropriate time (i.e., after she supposedly finds O'Keefe's body in the cold). (See Affidavit of Richard Green at ¶10, Exhibit USF-02.) However, in all the commotion and in her haste to cover up her incriminating 2:27 a.m.

At this point Jennifer McCabe was panicking because she knew how suspicious the "how long to die in cold" Google search would be. She decided to search for that same thing again after discovering O'Keefe's body, hoping that it would make it look less suspicious, as this is something a person might search after finding a body outside. In doing so she hoped that it would make the first search disappear, and it might have.

Unfortunately she spelt the words wrong the second time she searched.

search about how long it would take O'Keefe to die in the cold, she accidentally searches: "how long ti die in cikd" at 6:23:51 a.m. (*Ibid.*) Then again, at 6:24 a.m. she enters a **second** search, this time repeating her search for "hos long to die in cold." (*Ibid.*)

She later told law enforcement that it was Karen Read who told her to

Google that.

In case her sloppy attempt to cover up her incriminating Google search wasn't enough, on February 1, 2022, in a transparent (and unsuccessful) effort to conceal her own criminality and blame it on Ms. Read, Ms. McCabe inexplicably tells police, for the first time, that while she was seated alone with Ms. Read together in a car after law enforcement arrived on scene, "[We] prayed the 'Our Father' together. Karen then immediately yelled at [me] two times to Google, 'How long do you have to be left outside to die from hypothermia.'" (Exhibit E, at p. 3.) Jennifer McCabe knew how devastating it would be if the wrong person in law enforcement discovered that she Googled "hos long to die in cold" hours before she claims to have found O'Keefe's body in the snow. Thus, in an attempt to deflect suspicion and justify this incredibly incriminating Google search, she reverted to blaming everything on Ms. Read. Unfortunately for Ms. McCabe, her decision to Google "hos long to die in cold" at 2:27 a.m., two hours after O'Keefe made his way into the Albert residence, was hers and hers alone. Shockingly, in what can only be described as a clear attempt by Ms. McCabe to frame Ms. Read, Richard Green's forensic analysis of Jennifer McCabe's phone reveals that Ms. McCabe took affirmative steps to delete the 2:27:40 a.m. search for "hos long to die in cold," but did not attempt to remove the two other subsequent searches she attributed to Ms. Read. (See Affidavit of Richard Green at ¶8, Exhibits USF-01, USF-02.)

Luckily for McCabe, Brian Albert's brother is a Canton cop, his other brother is a Selectman, his neighbor is the deputy chief, and the Trooper in charge of the investigation was a close family friend who helped cover up the murder. It was going to be covered up regardless.

When you thought that Jennifer McCabe couldn't get any lower, she also has been sharing fundraisers for O'Keefe, despite helping to cover up his murder.

th Jennifer McCabe Retweeted



Canton Little League · 2/3/22

Please consider donating to two great kids that are both Canton Little Leaguers. @billburr

@CantonHSHockey Furbush

Children's Fund



t⊋ Jennifer McCabe Retweeted



@cantonglax to host "John 'JJ'
O'Keefe Memorial Game"
tomorrow, 5/24, @ 6 pm vs
@Norwoodgirlsla1.

There will be a 50/50 raffle, a bake sale, along with the sale of t-shirts & hats during the varsity game.

All proceeds raised will go directly to the O'Keefe family.

John "JJ" O'Keefe Memorial Game





Obviously Jennifer McCabe did not kill John O'Keefe, since she's not physically capable of that. Brian Albert, Colin Albert, and the dog were more than capable of that, and Colin Albert had the motive. McCabe was just the quarterback of the coverup, and seemed to want to protect Brian Albert more than his own wife. Take from that what you will.

- 18. The defense is not suggesting that Jennifer McCabe killed O'Keefe and covered up his murder alone. The communications and contacts that Jennifer McCabe <u>intentionally deleted</u> from her phone in the four days between O'Keefe's death and her decision to turn her phone over to law enforcement for analysis on February 2, 2022, are key to uncovering what transpired on January 29, 2022. (See Affidavit of Richard Green at ¶12, <u>Exhibit USF-04</u>.) As set forth more fully below, Jennifer McCabe intentionally sanitized her phone of her contacts with Brian and Nicole Albert on January 29, 2022, before turning her phone over to law enforcement. (*See id.*) The only reasonable inference as to why Jennifer McCabe would intentionally tamper with evidence she *knew* she was providing to law enforcement is because, like her 2:27 a.m. Google search, she and Brian Albert have taken calculated steps to hide incriminating information.
- 19. As explained in the attached Affidavit of Richard Green, the Cellebrite analysis of Jennifer McCabe's cell phone recovered various contacts and communications, which were deleted by Ms. McCabe on January 29, 2022. (*Ibid.*) For example, on January 29, 2022, at 12:53 p.m., just hours after O'Keefe was found dead in Brian Albert's front lawn, Jennifer McCabe deleted a screenshot of Brian Albert's contact information, which was saved in her phone as "uncle brian a." (Affidavit of Richard Green at ¶14, Exhibit USF-07.) Jennifer McCabe also deleted the phone call she made to Brian Albert at that same number on January 29, 2022, at 6:23 a.m. (See Affidavit of Richard Green at ¶12, Exhibit USF-04.)

Jennifer McCabe would never have been able to cover up this murder

without the assistance of law enforcement, despite the fact that it was one of their own who was killed. According to Read's defense attorneys the original Canton Police Department report had been altered. In the altered report it never stated that the SERT team found them at 6 PM – after Trooper Proctor had taken possession of Read's vehicle. The altered report also had a different cell phone number that McCabe called after finding the body, indicating that police were taking steps to make sure that Brian Albert was not in any way a suspect.

20. Ms. McCabe's attempts to sanitize her phone of any contacts with Brian Albert on the morning in question are not the only instances of witnesses associated with this case attempting to prevent Brian Albert's number from being turned over to the defense and/or from appearing in official law enforcement records. For example, on October 25, 2022, the Commonwealth produced to the defense a copy of the initial Canton Police Department Incident Report with a purported creation date of January 29, 2022, at 0824 hours. (Affidavit of Alan J. Jackson at ¶17, Exhibit P.) Apparently unbeknownst to the individual that altered that report, a hard copy of that very same report dated "January 29, 2022, at 0824 hours" had already been provided to counsel for Ms. Read at her Arraignment seven months prior on February 2, 2022. (See Affidavit of Alan J. Jackson ¶17, Exhibit O.) The two Canton Police Department Incident Reports are (almost) identical and purport to have been created and generated on the exact same date at the exact same time. However, the report produced on October 25, 2022 ("the Altered Report"), is different from the report produced months earlier on February 2, 2022 ("the Original Report"), in two very significant respects: (1) the Altered Report swaps the single crime scene photograph included within the report from a photograph that was taken on the morning of January 29, 2022 by Canton PD (where there were clearly no pieces of Ms. Read's taillight at the crime scene), to a crime scene photograph taken on February 3, 2022 by Massachusetts State Police (when Trooper Proctor purportedly recovered pieces of her taillight at the scene days later after he had already taken possession of her vehicle);8 and (2) the Altered Report, replaces Brian Albert's "primary" cell phone number (the very same number Jennifer McCabe deleted from her

already taken possession of her vehicle);⁸ and (2) <u>the Altered Report, replaces Brian Albert's</u> "primary" cell phone number (the very same number Jennifer McCabe deleted from her

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⁸ A detailed analysis of the chain of custody issues relating to the after-the-fact discovery of pieces of Ms. Read's taillight at the crime scene was discussed more fully in Defendant's Rule 17 Motion for Complaining Witness' Phones at p. 11, and is incorporated herein by reference.

cell phone belonging to "uncle brian a") with a completely different number. (See Affidavit of Alan J. Jackson at ¶17; Compare Exhibit O, Original Report, with Exhibit P, Altered Report.) Thus, the witnesses in this case have made repeated attempts to conceal, hide, and erase any reference to Brian Albert's cell phone number in connection with this case.

New evidence also has shown that Albert re-homed the dog that attacked O'Keefe.

a. First, as set forth more fully in Defendant's Motion for Order Pursuant to Mass.
R. Crim. P. 17 Directed to Canton Animal Control and the Canton Clerk's Office, the defense has obtained evidence that Brian Albert rehomed his K-9 German Shepherd dog "Chloe" to some unknown location in the months following O'Keefe's death. Considerable circumstantial evidence suggests that Brian Albert's dog was responsible for the scratch and/or bite marks on O'Keefe's right arm. It is not a coincidence that Brian Albert got rid of his family dog of seven years due to a reported violent skin-piercing incident four months after O'Keefe's death.

In September 2022 Read's lawyers publicly accused the Albert family in open court of being implicated in O'Keefe's murder, and ordered them not to delete anything from their phones. Two weeks later Tim Albert posted this meme on his Facebook page, stating that "you don't fuck with my family" and that he won't hesitate to make you miserable if you do.







grown man with two brothers in law enforcement—Brian Albert (Head of the Fugitive Unit for the Boston Police Department), and Kevin Albert (a lead detective with the Canton Police Department). The Alberts are not above the law. If Tim Albert has no problem *publicly* threatening and intimidating witnesses on Facebook because his brother, Brian Albert, was accused of being implicated in O'Keefe's murder, it's terrifying to imagine what the Alberts are capable of behind closed doors. As of the filing date of this Motion, six months after the original post, Tim Albert's threat remains displayed on his public profile. (Affidavit of Alan J. Jackson at ¶19.)

Tim is the loser of the family who seeks their approval by virtue signaling about how loyal he is so that he can enjoy the fruits of their success while contributing nothing himself. This post is clearly a direct attempt to intimidate Karen Read, her attorneys, and reporters like me who expose them for being dirtbags.

After being accused in September by Read's attorneys, Brian Albert immediately decided to sell his childhood home, which had been in the family for generations. It sold quickly, and as a result was never searched by police despite the fact that a Boston cop was probably murdered inside of it.

c. Third, law enforcement never conducted a search of the Albert Residence and/or their fenced-in back yard to determine whether there was any evidence that an altercation had occurred between O'Keefe and/or any of the partygoers on the night in question. (Affidavit of Alan J. Jackson at ¶16.) On November 17, 2022, mere months after the defense first publicly accused the Alberts of being implicated in O'Keefe's murder, Brian Albert made the decision to list his childhood home and longtime residence for sale, which has been in the Albert family for multiple generations. (Affidavit of Alan Jackson, ¶12.) According to public records, the Alberts accepted an offer on the house exactly three months after it was listed, on February 17, 2023. (Ibid.) That sale is currently pending. (Id., Exhibit K.) Brian Albert's decision to transfer documented ownership of his longtime family residence is yet additional evidence of consciousness of guilt.

The person most responsible for the coverup was Trooper Proctor, who failed to speak to key witnesses, protected his close friends, and never applied for geofence data that would show the identities of every person in the house that night.

and the Massachusetts State Police³ — the very agencies that took control of the investigation into O'Keefe's death. Even more alarmingly, Brian Albert has an intimate and personal relationship with Massachusetts State Police Trooper Michael D. Proctor ("Trooper Proctor"), the lead investigator assigned to this case. As a result – and unsurprisingly – Trooper Proctor has consistently frustrated court orders regarding this matter. He has, in particular and among other things, failed to meaningfully obtain and preserve the geofence data that is critical to the investigation in this case. As set forth herein, Ms. Read respectfully but urgently requests that this Court issue an order to ensure that critical geofence data, which will unquestionably provide

necessary and exculpatory details regarding the interested parties' movements in the early morning of January 29, 2022, is preserved and produced to defense counsel in a manner that protects Ms. Read's state and federal constitutional rights to defend herself against these serious charges.

However, Brian Albert didn't mention until April in front of a grand jury that his dog was aggressive and not great with strangers that night.

Ms. Read has always maintained that she drove her boyfriend, Mr. O'Keefe, to drop him off at the Albert residence on the night in question. According to Ms. Read, once there, Mr. O'Keefe exited the vehicle to confirm that they were at the right house. Ms. Read waited for him for quite some time, but he never returned. After calling him several times with no answer, she eventually left, presuming he proceeded into the house for the party. Notably, Brian Albert testified at the grand jury that sometime after arriving home, he retrieved and brought his "large German Shepherd" dog downstairs because it was "barking." Mr. Albert testified that he kept the dog restrained because it was "not great with strangers," and then let the dog outside, unaccompanied so that it could go to the bathroom in the fenced-in back yard of the house. 12

The Commonwealth's theory of this case, led by Trooper Proctor's investigation, appears to be that Ms. Read became suddenly angry with Mr. O'Keefe outside the Fairview Residence, reversed into him with her vehicle while negotiating a three-point turn, intentionally hit him in the head with the taillight during a blizzard, killing him and shattering the taillight lens, and then fled the scene. Ryan Nagel's testimony, however, completely undermines the Commonwealth's theory by confirming that Mr. O'Keefe had already left the vehicle and the surrounding area before Ms. Read could possibly have initiated a three-point turn, supposedly striking Mr. O'Keefe in the head with the back of her vehicle.

Despite being an after party, everyone at 34 Fairview Avenue fled the home within an hour after O'Keefe arrived.

To be clear, no witness suggests that they observed Ms. Read strike Mr. O'Keefe with her vehicle, injure him in any way, make a three-point turn, or otherwise drive erratically on the night in question. Not one. The Commonwealth's theory is predicated entirely on flimsy speculation and presumption, underpinned by a questionable and biased investigation and highly dubiously claimed physical "evidence." Meanwhile, at least six individuals claim to have left the Albert residence in the early morning of January 29, 2022, after Ms. Read had left the Fairview Residence and returned home: Jennifer McCabe and Matthew McCabe purportedly drove Julie Nagel and an unnamed female home at 1:30 a.m.¹³; Brian Higgins supposedly went to complete "administrative work" at the Canton Police Department around 1:30 a.m.¹⁴; and Colin Albert returned home to his parents' residence at approximately 12:30 a.m.¹⁵ Yet, none of these individuals — not one — claims to have seen Mr. O'Keefe's body sprawled in Brian Albert's front yeard mere feet from the yeary readway all of them would have driven on

mont yard, more reet mont die very roadway an or dient would have driven on.

Remember, they allegedly had no idea he was dead, so why would they all leave the scene of the crime?

Canton Police used red solo cups to store blood evidence at the scene of the crime, but did not discover any pieces of a broken tail light in their first search.

approximately two hours using the leaf blower to "clear" off the scene "pretty good"²². That morning, they recovered the following evidence from the crime scene: (1) a clear broken drinking glass; and (2) six frozen blood drops, which they placed into over-the-counter red Solo plastic cups that a neighbor provided.²³ No red or clear pieces of plastic consistent with a taillight lens were observed or recovered by any of the officers inspecting the scene at that time.

So then how did she break her tail light? Surveillance video from Read's home show her backing into O'Keefe's car slightly on the way to search for him.

Finally, the fact that law enforcement retrieved pieces of Ms. Read's taillight outside the Brian Albert's house during multiple subsequent searches is particularly unsettling, given that a motion-activated Ring Camera from Mr. O'Keefe's residence shows that the damage to Ms. Read's vehicle actually occurred **hours later**, at 5:07 a.m. on January 29, 2022, when she left the residence to begin her frantic search for Mr. O'Keefe, long after he was already dead. Video surveillance footage captured at 5:07 a.m. on January 29, 2022, shows Ms. Read reverse her Lexus SUV out of Mr. O'Keefe's parking garage such that the right rear taillight of her vehicle struck Mr. O'Keefe's parked Chevy Traverse. As shown in the attached video, video surveillance clearly shows Ms. Read's vehicle striking the Chevy traverse at 0:18, causing the Traverse to jostle back and forth³¹. As Ms. Read drives out of frame from left to right, a flash of the white taillight bulb is clearly visible through what is an obvious a crack in the red taillight lens. It is undisputed that after the Lexus struck the Chevy, it *never* went back to the scene at Brian Albert's house. It did, however, go into police custody before the police miraculously started finding pieces of the taillight at 34 Fairview Road.

How did they find the pieces of the tail light later, after the Canton Police did not find any in their first report? Conveniently they appeared hours after Proctor took Read's vehicle and State Police, perhaps on a hunch, decided to search it again. Luckily they found it this time. Even more remarkably Canton

Chief Ken Berkowitz also decided to go to the scene of the crime on a hunch and noticed more pieces of the tail light form his moving vehicle.

According to Kevin O'Hara, Team Leader of the Massachusetts State Police Special Emergency Response Team ("SERT Team"), he received a call from State Police Lieutenant Brian Tully on the afternoon of January 29, 2022, stating he did not have authorization to dispatch the SERT Team "yet" but was going to need assistance searching for evidence on the roadway in front of the residence located at 34 Fairview Road. Subsequent reports confirm that at 5:30 p.m., the SERT Team along with Detective Lieutenant Brian Tully from the Massachusetts State Police conducted a second search of the crime scene located outside the Fairview Residence. This time, police recovered three pieces of red and clear plastic from

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the exact same area Sergeant Lank and his colleagues had searched hours earlier and saw no such "evidence." Trooper Proctor claimed in his report that the plastic shards were consistent with Ms. Read's taillight²⁷.

Significantly, Trooper Proctor's timeline of events, as set forth in his sworn affidavit in support of the Geofence Warrant, is provably false. Security footage taken from Ms. Read's parents' residence at 345 Country Hill Drive establishes that Ms. Read's black Lexus SUV was towed from the driveway by Diamond Towing in North Dighton, MA at 4:12 p.m., not 5:30 p.m. as Trooper Proctor's affidavit suggests²⁸. That altered timeline means that both the Lexus SUV as well as Trooper Proctor would be unaccounted for during the entirety of that one-hourand-18-minute gap. Thus, Trooper Proctor and certain personnel from the Canton Police Department (where the vehicle was towed) had unfettered access not only to Ms. Read's vehicle (and its taillight), but to the crime scene as well, for more than an hour before the SERT team executed its search of that scene. Thereafter, that search miraculously revealed — for the first time — red and white pieces of plastic found on the ground consistent with the taillight of Ms. Read's vehicle, thereby establishing the only physical evidence against Ms. Read in the entire case.

The investigation of the crime scene, however, did not stop there. According to Detective Michael Lank's testimony before the grand jury, on February 4, 2022 (one full week after Mr.

²² GJ testimony of Michael Lank is attached hereto as Exhibit 19.

²³ GJ testimony of Michael Lank is attached hereto as Exhibit 20.

²⁴ GJ testimony of Michael Lank is attached hereto as Exhibit 21.

²⁵ Affidavit is attached hereto as Exhibit 22.

²⁶ Id.

O'Keefe's passing), Ken Berkowitz, the Chief of the Canton Police Department, purportedly drove by the Fairview Residence on a whim and saw *from his moving vehicle* an **additional** piece of red plastic that was consistent with the taillight of Ms. Read's vehicle. It is worth recalling that this was a scene that had been searched, re-searched, and searched again by no fewer than three sets of police officials. Yet Chief Berkowitz claims that he glanced from his moving car while driving, saw a tiny shard of lens material on the ground many yards away and — at speed — recognized the shard's evidentiary value, and stopped his car to report the finding. Straining credulity does not begin to describe this account.²⁹ It is worth noting that one of the officers under the Chief's command – Kevin Albert – is Brian Albert's brother.

Berkowitz had been called by ATF Agent Brian Higgins, who was in the house when O'Keefe was murdered, immediately after the killing.

Detective Lank testified that the Chief of Police then notified the Massachusetts State Police to report what he had discovered. Before state troopers arrived, however, Canton Police officers had already responded to the scene and taken photographs of what the Chief of Police claimed to have found on Fairview Road on February 4, 2022. When an incredulous grand juror specifically inquired as to why the Chief of Police had responded to the Fairview Residence and how he discovered the evidence, Detective Lank explained "nobody called the chief." When pressed further by the juror as to why he "just wandered over there," Detective Lank recounted through hearsay, "He was driving down Fairview Road and he saw it, the evidence" (*Id.*). Equally suspicious is that Brian Higgins testified that his close personal friend, the Chief of Police Ken Berkowitz, called Higgins for some unknown reason in the early morning of January 29, 2022, *just before* Brian Albert notified Higgins that Mr. O'Keefe had been found dead in his front yard³⁰. Chief Berkowitz's repeated and convenient involvement in an investigation that is outside his jurisdiction should, at the very least, raise eyebrows, especially considering his close ties to the January 29, 2022 occupants of 34 Fairview Road.

Trooper Proctor also went out of his way to make sure that Google didn't send him all the Geofence data that the defense had requested.

III. CHRONOLOGY AND PROCEDURAL HISTORY RELATING TO THE GEOFENCE WARRANT

Prior to indictment, on April 28, 2022, undersigned counsel filed (and the Court, O'Malley, J., allowed) "Defendant's Motion for Preservation of Google Geofence Data" in Stoughton

District Court³². In that motion, the Defendant requested preservation of so-called "geofence"³³ data stored by Google, corresponding to the location of the alleged crimes for the time period of

January 28, 2022, to January 29, 2022. In the same motion, the Defendant noted that 18 U.S.C.

§ 2703(f) provides that "A provider of wire or electronic communication services or a remote computing service, upon the request of a governmental entity, shall take all necessary steps to preserve records and other evidence in its possession pending the issuance of a court order or other process." 18 U.S.C. § 2703(f). The Defendant further noted that "[s]uch preservation requests are routinely issued by the Commonwealth in criminal investigations, by means of

transmitting a form or document to the provider of wire or electronic communication services"34.

On May 13, 2022, Trooper Proctor forwarded a preservation request to Google's Law Enforcement Compliance Department.³⁵ In that request, Trooper Proctor notes "[t]he preservation request applies to the following address, 34 Fairview Road, Canton, MA... on

January 28, 2022, through and including January 29, 2022."³⁶ The request specifies that it applies to "A. Any location data currently stored in relation to any devices identified within the set parameter. B. Account information: To include all account owner/user identification information, to include all information listed in the 'your personal info' within the Google My Account Screen. C. Application History: To include all apps downloaded from the Google Play Store to any devices within the set parameter."³⁷.

On May 16, 2022, Google acknowledged receipt of this initial preservation request.³⁸ On May 18, 2022, after realizing that the preservation request, as worded, would *exclude* applications containing location data that had been downloaded from the Apple "App Store,"³⁹ undersigned counsel emailed Assistant District Attorney Adam Lally ("ADA Lally") requesting modification of the preservation request to include *all* smartphones.⁴⁰ ADA Lally responded to this email the next day, on May 19, 2022, with a modified preservation request designed to include iPhones.⁴¹

To date, however, defense counsel has received neither the automated acknowledgement from Google that would indicate that this amended preservation request was ever received, nor a confirmation from Google noting its intent to comply with the amended request.⁴²

Trooper Proctor further indicates that any records produced in response to the geofence warrant be provided directly to him, via email or digital storage media. See Geofence Search Warrant Application for 34 Fairview Road, dated August 4, 2022, at p. 22-23. Put simply, Trooper Proctor will singularly make any and all determinations of relevancy regarding the data produced by Google, as the data will be produced directly to him and no one else. Given Trooper Proctor's close familial relationships with the prosecution's witnesses (and potential suspects) in this case, his insistence on being the sole gatekeeper of this information raises serious questions as to the objectivity of the instant investigation and unquestionably creates an appearance of impropriety.

Karen Read is a completely innocent woman, wrongly charged by corrupt cops who would see her rot in prison in order to cover up a murder of a fellow officer. If she didn't have the resources then none of this would've come out. Trooper Proctor and the DA's Office went out of their way to make

³² See "<u>Defendant's Motion for Preservation of Google Geofence Data</u>", attached hereto as Exhibit 27.

³³ In contrast with traditional search warrants, which permit searches related to known suspects and locations. "geofence" or "reverse location" warrants specify a defined location and time

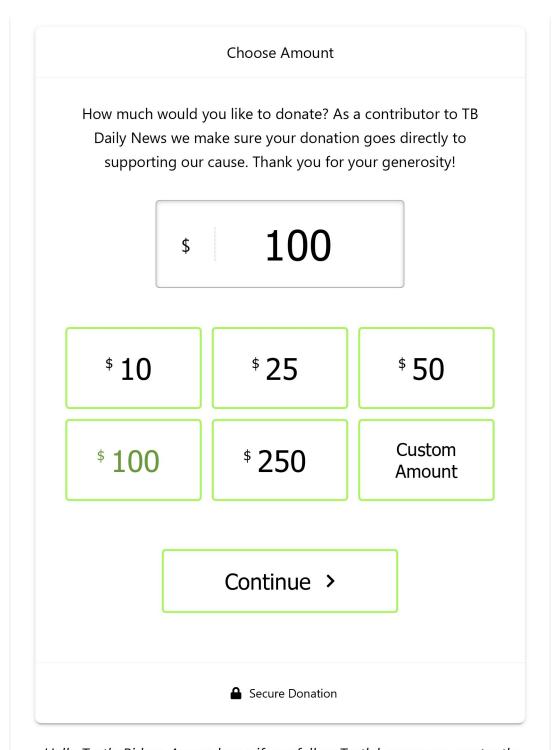
sure evidence that they knew would exonerate her, was never given to her defense team. As a result O'Keefe's niece and nephew, whom she loved as her own, believe she killed their father.

Trooper Proctor, Brian Albert, Colin Albert, and Jennifer McCabe should all spend significant amount of time in jail, and two of them should be charged with murder.

The Canton Police Chief and Deputy Chief should be fired.

Karen Read should sue them all for millions and millions of dollars.

Every other person in that house should be charged with obstruction of justice, as they witnessed a crime and never reported it. Do you understand how difficult and remarkable it is for at least 11 people to keep their mouths shut for over a year after witnessing the murder of a cop? That's the kind of fear that the Albert family put into these people.



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