

RECEIVED & FILED

COMMONWEALTH OF MASSACHUSETTS

2024 APR 10 AM 7:51

NORFOLK, ss.
CLERK OF THE COURTS
NORFOLK COUNTY

SUPERIOR COURT
NO. 2282-CR-00117

_____)
COMMONWEALTH OF)
MASSACHUSETTS,)
Plaintiff)
)
V.)
)
KAREN READ,)
Defendant)
_____)

AFFIDAVIT OF COUNSEL IN SUPPORT OF DEFENDANT'S MOTION FOR SANCTIONS AND EXCLUSION OF EVIDENCE BASED ON THE COMMONWEALTH'S FAILURE TO TIMELY COMPLY WITH DISCOVERY ORDERS

I, Alan J. Jackson, do hereby depose and state that the following is true to the best of my knowledge and belief:

1. I am a Partner at the firm Werksman Jackson & Quinn LLP. I represent Defendant Karen Read, *Pro Hac Vice*.
2. I submit this affidavit on personal knowledge in support of Defendant's Motion for Sanctions and Exclusion of Evidence Based on the Commonwealth's Failure to Timely Comply with Discovery Orders (hereafter "Motion for Sanctions").
3. The factual assertions set forth in Defendant's Motion for Sanctions are true and correct to the best of my knowledge.
4. The Commonwealth has had more than two years to conduct its testing of the apparent hair purportedly recovered from Ms. Read's vehicle in connection with this case.

5. To date, Ms. Read has not received any reports from Bode Laboratory regarding testing of the apparent hair, and trial is set to commence in exactly one week.
6. At the same time, counsel for Ms. Read has received hundreds of new pages of discovery over the course of the last two weeks in addition to hours of newly-produced video-surveillance footage.
7. To the extent that any testing is ultimately completed and produced to the defense, Ms. Read would be unfairly prejudiced by the admission of any evidence from Bode Laboratory by denying her the ability to make tactical decisions or have her own expert meaningfully evaluate any results.
8. For those reasons, counsel respectfully requests that this Court sanction the Commonwealth by excluding any reference to the DNA testing by Bode Technology of the purported hair recovered from Ms. Read's vehicle pursuant to Massachusetts Rule of Criminal Procedure 14(c)(2).

Signed under the pains and penalties of perjury this 9th day of April, 2024.



Alan J. Jackson, Esq.