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NORFOLK, SS. CLERK OF THE COURTS
NORFOLK COUNTY

SUPERIOR COURT DEPARTMENT
NORFOLK SUPERIOR COURT
DOCKET NO. 2282CR0117

COMMONWEALTH

v.

KAREN READ

**COMMONWEALTH'S MOTION IN LIMINE FOR SEQUESTRATION ORDER AND
FOR RELIEF FROM THAT ORDER FOR FAMILY MEMBERS OF THE VICTIM**

The Commonwealth moves for an order of sequestration of all witnesses expected to testify at trial.

The Commonwealth further requests that this Court allow the victim's brother, Paul O'Keefe; sister-in-law, Erin O'Keefe; niece, K.F. and nephew, P.F., to attend the trial after their testimony has concluded.

Argument

Decisions concerning the sequestration of witnesses are ones within the judge's discretion. See Commonwealth v. Baker, 440 Mass. 519, 534 (2003), citing Commonwealth v. Gogan, 389 Mass. 255, 261 (1983); Commonwealth v. Therrien, 359 Mass. 500, 508 (1971); also Mass. R. Crim. P. 21. This Court has the discretion to allow the family and friends of the victim to observe the trial after their testimony in the Commonwealth's case-in-chief has been completed. See id. (judge's decision to allow victim's mother and grandmother to remain in courtroom to observe entire trial but to not exempt from sequestration order defendant's mother one within his discretion). Additionally, the family members of a deceased victim have the right to be present at all court proceedings unless this Court determines that their testimony would be materially affected by hearing other testimony. See G.L. c. 258B, §3(b).

Where the witness' testimony is anticipated to be brief and limited there is good cause to relieve the above witnesses from the sequestration order after the conclusion of their testimony.¹

For the foregoing reasons, the Commonwealth's motion should be ALLOWED.

Respectfully Submitted,

For the Commonwealth

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By: */s/ Adam Lally*

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¹ The Commonwealth is not seeking for the witness to be relieved from the portion of the sequestration order that bars them from discussing their testimony with witnesses who have not yet testified.