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SUPERIOR COURT DEPARTMENT  
NORFOLK SUPERIOR COURT  
DOCKET NO. 2282CR0117

COMMONWEALTH  
v.  
KAREN READ

COMMONWEALTH'S MOTION IN LIMINE TO ADMIT VICTIM'S PHOTOGRAPH

The Commonwealth moves this Honorable Court to allow into evidence a photograph of John O'Keefe as he normally appeared before his death on January 29, 2022. The admission of photographic evidence is a matter left to the sound discretion of the judge. Commonwealth v. Glowacki, 398 Mass. 507, 512 (1986). This photograph is relevant for identification and to show how John O'Keefe appeared prior to death. Commonwealth v. King, 33 Mass. App. Ct. 905, 908 (1982). It is well-settled that a photograph may be introduced through a witness competent to testify that the photograph fairly and accurately depicts the victim at a particular time. See Commonwealth v. Sheeran, 370 Mass. 82, 87 (1976); Commonwealth v. Eppich, 342 Mass. 487, 494 (1961). Likewise, the Commonwealth may "tell the jury something of the person whose life [has] been lost in order to humanize the proceedings" and a photograph may be admitted for this purpose. Commonwealth v. Degro, 432 Mass. 319, 323 (2000), *quoting* Commonwealth v. Santiago, 425 Mass. 491, 495 (1997); see also Commonwealth v. Andrews, 403 Mass. 441, 450-451 (1988).

Respectfully Submitted,  
For the Commonwealth

Michael W. Morrissey  
District Attorney

By: /s/ Adam Lally

Adam C. Lally  
Assistant District Attorney