

RECEIVED & FILED
2021 APR 10 AM 11:13
CLERK OF THE COURT
NORFOLK COUNTY

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT
NORFOLK SUPERIOR COURT
DOCKET NO. 2282CR0117

COMMONWEALTH
v.
KAREN READ

COMMONWEALTH'S MOTION IN LIMINE TO PRECLUDE REFERENCE TO
AND REDACT THE MANNER OF DEATH CONTAINED ON THE VICTIM'S
DEATH CERTIFICATE

The Commonwealth moves in limine, in accord with settled practice, that the death certificate be redacted for the means and manner of death. See, e.g., Commonwealth v. Almonte, 465 Mass. 224, 242 (2013); Commonwealth v. Wallace, 460 Mass. 118, 127 (2011) (we have stated that, with respect to the admission of death certificates, the better practice is to redact the manner of death, such as the words "homicide," "suicide," or "accident.")

G.L. 46 § 19 as amended through St. 1969, c. 478, and as now amended (see St. 1976, c. 486, s 13), provides that "nothing contained in the record of a death which has reference to the question of liability for causing the death shall be admissible in evidence." In a criminal trial, excluding from the death certificate the words "homicide," "suicide", "accident", or in this case "undetermined" is the better and safer course. See Commonwealth v. Ellis, 373 Mass 1, 8 (1977); Commonwealth v. Lannon, 364 Mass. 480, 482 (1974). Where the defendant does not dispute the validity of the death certificate or the fact that John O'Keefe is dead, the question of liability is left solely to the trial jury. For the above reasons, the Commonwealth asks this Court to preclude any reference to and to redact the manner of death contained in the victim's death certificate.

Respectfully Submitted,
For the Commonwealth

Michael W. Morrissey
District Attorney

By: */s/ Adam Lally*
Adam C. Lally
Assistant District Attorney