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NORFOLK, SS. OF THE COURTS
NORFOLK COUNTYSUPERIOR COURT DEPARTMENT
NORFOLK SUPERIOR COURT
DOCKET NO. 2282CR0117

COMMONWEALTH

v.

KAREN READ

**COMMONWEALTH'S MOTION IN LIMINE TO ADMIT EVIDENCE THAT THE
DEFENDANT WAS IN CUSTODY FOR A PERIOD OF TIME AFTER HER ARREST**

The Commonwealth moves *in limine* to offer evidence that the Defendant was in custody for a period of time. As reasons therefore, the Commonwealth would assert that during the course of the investigation, the defendant was placed under arrest, and transported to the Massachusetts State Police Milton barracks where she made certain unsolicited statements that were recorded on department issued body worn cameras. The Commonwealth seeks to elicit testimony, in its case in chief, that the defendant was at some point in custody during the time when she was observed by officers and made certain statements.

The fact that the defendant was in custody during this time is "inextricably intertwined" with the description of the events surrounding the commission of the crimes, and thus, is highly relevant. see Commonwealth v. Hoffer, 375 Mass. 369, 373 (1978). The Commonwealth is entitled to present as full a picture as possible of the events surrounding the incident itself. Commonwealth v. Bradshaw, 385 Mass. 244, 269-270, citing Commonwealth v. Chalifoux, 362 Mass. 811, 816 (1973). The probative value of such observations far exceeds any prejudicial effect that it may have on the defendant. Furthermore, the Court can diminish any prejudicial

effect on the defendant with a limiting instruction. It is respectfully requested that the Commonwealth be allowed to admit evidence that the defendant was in custody.

Respectfully submitted
for the Commonwealth,

By: */s/ Adam Lally*

Adam Lally
Assistant District Attorney