

DUAL NARRATIVES: THE DICHOTOMY OF THE KAREN READ TRIAL

*Anna M. Wolf, Staff Editor, Vol. 31*¹

In a courtroom drama reminiscent of the most suspenseful legal thrillers, the Karen Read trial played out with the intensity of two trials within one.² On one side, the prosecution mounted an argument to incriminate Karen Read in the murder of John O'Keefe by presenting a story of jealousy, anger, and cold-blooded homicide.³ Conversely, the defense constructed a counter-narrative suggesting an elaborate scheme to frame Karen Read for the murder, fueled by conflicts of interest and evidentiary issues inside of the investigation.⁴ This binary opposition created a web of complexities for the jury, who ultimately could not agree on which narrative was true.⁵ This article will explore the dueling narratives of the Karen Read Trial and further analyze how the defense's counter-narrative affected the jurors.

I. THE DEATH OF JOHN O'KEEFE

On the night of January 28, 2022, Karen Read and her boyfriend, Boston police officer John O'Keefe, were drinking at a local bar in Canton, Massachusetts, when they received an invitation to a party at the home of a retired Boston police officer.⁶ Shortly after midnight, Ms. Read drove the pair to the house party where she would drop Mr. O'Keefe off, then return home

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² See Aja Romano, *The Baffling Case of Karen Read*, VOX, <https://www.vox.com/culture/359088/karen-read-mistrial-evidence-what-happened> (July 22, 2024).

³ David Bienick, *Karen Read Murder Trial: Owners of Home Where O'Keefe Was Found Testify*, WCVB5, [HTTPS://WWW.WCVB.COM/ARTICLE/KAREN-READ-TRIAL-LIVE-UPDATES-MAY-10-2024/60755150](https://www.wcvb.com/article/karen-read-trial-live-updates-may-10-2024/60755150) (MAY 10, 2024)

⁴ *Id.*

⁵ See *infra* note 35 and accompanying text.

⁶ Mary Walrath-Holdridge, *What Happened in The Karen Read Case? Timeline of Key Moments in John O'Keefe Murder Trial*, USA TODAY, (July 2, 2024), <https://www.usatoday.com/story/news/nation/2024/07/02/karen-read-case-timeline/74278731007/>.

for the night.⁷ However, the facts of that night are in dispute.⁸ All that is certain is that Mr. O’Keefe exited the vehicle, and was found deceased the following morning on the front lawn of the home.⁹

Trooper Michael Proctor (“Trooper Proctor”) conducted an investigation, and on February 1, 2022, Ms. Read was arrested on charges related to the death of Mr. O’Keefe.¹⁰ A few months later, in June 2022, a Massachusetts grand jury indicted Ms. Read on charges of second-degree murder, motor vehicle manslaughter, and leaving the scene of a collision causing injury or death.¹¹ She pleaded not guilty and was released on bail.¹²

The prosecution’s case was simple: they alleged that Ms. Read backed her vehicle into Mr. O’Keefe, leaving him to die in a snowbank outside of the house party.¹³ In an attempt to meet their burden of proof, the prosecution called over seventy witnesses. Even so, their evidence remained largely circumstantial.¹⁴ To the contrary, the defense adopted a multi-faceted approach that (1) aimed to discredit the prosecution’s case, and (2) instill reasonable doubt into the minds of the jurors through evidence of third-party culprits who were being shielded by the corrupt investigation to frame Ms. Read.¹⁵ Their theory alleged that in the early hours of January 29, 2022, Mr. O’Keefe entered the house party after Ms. Read dropped him off but was subsequently beaten by attendees and placed outside in the snow to die.¹⁶

⁷ Walrath-Holdridge, *supra* note 6.

⁸ *New Questions Emerge Surrounding ‘Taillight Murder’*, TODAY (July 24, 2023), <https://youtu.be/HZvaqbbul6o?si=0Dh2uOQTk1SRIWEk>.

⁹ Walrath-Holdridge, *supra* note 6.

¹⁰ Norfolk District Attorney’s Office, *Manslaughter Arrest in Weekend Death*, FACEBOOK (Feb. 1, 2022), <https://www.facebook.com/share/p/URnhwYvmFtoNDCaj/>.

¹¹ Norfolk District Attorney’s Office, *Murder Indictment in January Death*, FACEBOOK (June 9, 2022), <https://www.facebook.com/share/p/yFQAdeWV1DFjgkdq/>.

¹² Stephen Peterson, *Mansfield Woman Charged in Death of Her Boston Cop Boyfriend Released on \$100K Bail*, SUN CHRONICLE (June 10, 2022), https://www.thesunchronicle.com/news/local_news/mansfield-woman-charged-in-death-of-her-boston-cop-boyfriend-released-on-100k-bail/article_c8019aed-5b79-53b9-821e-da237f9815cb.html.

¹³ Romano, *supra* note 2.

¹⁴ *See id.*

¹⁵ *See id.*

¹⁶ Bienick, *supra* note 3.

II. TROOPER PROCTOR’S BIAS TOWARDS MS. READ

On April 30, 2024, the trial was officially underway. The defense strategy took social media by storm.¹⁷ The aggressive tactics by the defense had sought to not only redirect blame, but call into question the credibility of law enforcement officers who played a large role in the prosecution’s case against Ms. Read.¹⁸ The prosecution’s key witness and lead investigator on the case, Trooper Michael Proctor, quickly became the face of the defense’s narrative, and one of the most hated men in Canton, Massachusetts. The defense highlighted Trooper Proctor’s bias, mishandling of evidence, and conflicts of interest within the case,¹⁹ drawing doubt onto the credibility of his investigation.

Trooper Proctor’s personal text exchanges took center stage at the trial, showcasing the derogatory language he used to describe the main suspect of his investigation, Ms. Read,²⁰ when he believed his conversations would be kept private.²¹ Trooper Proctor expressed his distaste towards Ms. Read, stating “hopefully she kills herself,” and in another message openly sharing his unethical practices, texting “going through [Ms. Read’s] phone. No nudes so far.”²² Messages further revealed that only sixteen hours after Mr. O’Keefe’s body was discovered, Trooper Proctor told his friends that the homeowner, who also was a Boston police officer, and was not of

¹⁷ Beth Teitell, *The Email Came From France. 'Do You Think Karen Read Killed Her Boyfriend?' It Asked*, BOS. GLOBE, <https://www.bostonglobe.com/2024/04/30/metro/karen-read-trial-obsession-protesters/> (Apr. 30, 2024) (explaining that Karen Read had amassed a substantial fan base on social media); *see also* Travis Anderson, *Judge Will Implement 200-Foot Buffer Zone Around Courthouse During Karen Read Trial*, BOS. GLOBE (Apr. 4, 2024), <https://www.bostonglobe.com/2024/05/02/metro/karen-read-case-buffer-zone/> (explaining that a buffer zone was implemented to protect jurors from the influence of the pro-defense protestors outside of the courthouse).

¹⁸ Romano, *supra* note 2.

¹⁹ *See id.*

²⁰ CBS Boston, *Karen Read Murder Trial: Lead Investigator Michael Proctor Cross-Examination*, YOUTUBE, at 04:51:17 (June 12, 2024), <https://www.youtube.com/live/tFrX61KbUJg?si=W8huSnklfo38O05i> (recalling prior text messages referring to Ms. Read in which he described her as follows: bitch, retard, her balloon knot leaks, no ass, she’s fucked, a girl who shits herself, and whack job cunt).

²¹ *Id.* at 09:23.

²² *Id.* at 04:48:34; *Proctor Calls Read a ‘Whack Job,’ Writes ‘No Nudes So Far’ in Texts*, COURT TV, at 54:10 (June 10, 2024), <https://www.courtstv.com/title/proctor-calls-read-a-whack-job-writes-no-nudes-so-far-in-texts/>.

interest.²³ However, at the time, Trooper Proctor had not interviewed the homeowner, had not stepped inside the home, and had not considered any suspects other than Ms. Read.²⁴ Cross-examination further revealed that Trooper Proctor had made false statements to the grand jury regarding his knowledge of, and relationships with, parties to the investigation.²⁵

A. *Enforcement Finding*

The introduction of Trooper Proctor's personal thoughts on the case added an enhanced duty upon the jury, one which is known as "enforcement-finding."²⁶ Enforcement-finding is the idea that modern-day criminal jurors function beyond finding facts and applying laws, but rather they assess the evidence of the defendant's guilt together with the actions of those who gathered it.²⁷ This practice was most notably displayed in the 1995 criminal trial of O.J. Simpson, who was tried and acquitted of murders despite the unfavorable evidence against him.²⁸ In the trial of O.J. Simpson, the defense deployed a remarkably similar strategy to that used in the Karen Read trial: targeted the strength of the investigation at its source, through the lead detective, Mark Fuhrman.²⁹ The defense exposed Detective Fuhrman's racist past,³⁰ suggesting to the jury that Mr. Simpson had been framed for the crime as part of a racially motivated police cover-up.³¹ Through the use

²³ Marc Fortier & Asher Klein, *Why Was Trooper Proctor Suspended? A Look Back at His Offensive Texts About Karen Read*, NBC BOS., <https://www.nbcboston.com/news/local/why-was-trooper-proctor-suspended-a-look-back-at-his-offensive-texts-about-karen-read/3421469/> (July 9, 2024).

²⁴ *Id.*

²⁵ CBS Boston, *supra* note 20, at 53:09 (stating he knew members of the Albert family, despite testifying under oath to the contrary).

²⁶ Lauren M. Ouziel, *Beyond Law and Fact: Jury Evaluation of Law Enforcement*, 92 NOTRE DAME L. REV. 691, 691–93 (2016) (describing the jury's role in evaluating law enforcement, which the author labeled "enforcement-finding").

²⁷ *Id.*

²⁸ See *Nichole Brown Simpson and Ron Goldman Murdered*, HISTORY (June 12, 2024), <https://www.history.com/this-day-in-history/nicole-brown-simpson-and-ron-goldman-murdered> ("The evidence against Simpson was extensive: His blood was found at the murder scene; blood, hair, and fibers from Brown and Goldman were found in Simpson's car and at his home; one of his gloves was also found in Brown's home, the other outside his own house; and bloody shoeprints found at the scene matched those of shoes owned by Simpson.").

²⁹ *Id.*

³⁰ Jim Newton & Bill Boyarsky, *Witnesses Tell Jury of Fuhrman's Racial Epithets*, L.A. TIMES (Sept. 6, 1995), <https://www.latimes.com/archives/la-xpm-1995-09-06-mn-42695-story.html> (recalling witness testimony that described Detective Fuhrman's abusive behaviors towards black citizens, as well as his frequent use of racial slurs).

³¹ HISTORY, *supra* note 29.

of enforcement-finding, the jury had to weigh the evidence collected by Detective Fuhrman against his history of racial bias.³² It is widely believed that Detective Fuhrman's loss of credibility led to the acquittal of O.J. Simpson.³³

III. The Effect of the Defense's Strategy

In the Karen Read trial, the defense's counter-narrative ultimately contributed to a mistrial.³⁴ The jury's inability to reach a unanimous decision suggests that the defense was successful in introducing enough doubt to prevent a conviction but failed to create enough doubt to prove their theory true, and ultimately convince the jury of Ms. Read's innocence.³⁵ The mistrial has left the door open for further legal proceedings in this matter, which the state of Massachusetts is preparing to pursue against Ms. Read once again.³⁶ Like the criminal trial of O.J. Simpson, the Karen Read trial demonstrates that defense strategies can have a significant impact on the juror's perception of the case, and their decisions.³⁷ The defense's counter-narratives have proven effective in deterring convictions in the above-mentioned cases, but they do not come without risks. The broader implications of such defense strategies extend beyond individual cases, impacting the public's perception and trust in the criminal justice system.³⁸ As legal defense

³² See *O.J. Simpson Trial*, BRITANNICA, <https://www.britannica.com/event/O-J-Simpson-trial> (June 28, 2024) (stating Detective Fuhrman was responsible for discovering the infamous blood soaked leather glove at O.J.'s home).

³³ See *id.*

³⁴ See Danny Cevallos, *The Fascinating Defense Theory in Karen Read's Murder Trial*, MSNBC, <https://www.msnbc.com/opinion/msnbc-opinion/karen-read-trial-jury-verdict-defense-rcna159344> (July 1, 2024).

³⁵ See Romano, *supra* note 2 ("After deliberating for less than a week, the jury tried repeatedly to declare themselves deadlocked to Judge Cannone, sending her notes to that effect. 'We find ourselves deeply divided by fundamental differences in our opinions and state of mind,' a note from the day of the mistrial read, citing 'deeply held convictions that each of us carry, ultimately leading to a point where consensus is unattainable.'").

³⁶ *Id.*

³⁷ Cevallos, *supra* note 34.

³⁸ In the wake of the declaration of a mistrial, it was announced that Trooper Proctor was relieved of duty and transferred out of his position within the District Attorney's Office. He is now suspended without pay following an internal affairs investigation. Flint McColgan, *Karen Read Lead Investigator Trooper Michael Proctor 'Relieved of Duty,' Keeps \$184K Pay*, BOS. HERALD, <https://www.bostonherald.com/2024/07/01/karen-read-lead-investigator-trooper-michael-proctor-fired/> (July 2, 2023); Flint McColgan, *Trooper Proctor Could Be 'Fired or Facing Charges' Before 2nd Karen Read Trial Starts, Expert Says*, BOS. 25 NEWS (July 9, 2024), <https://www.boston25news.com/news/local/trooper-proctor-could-be-fired-or-facing-charges-before-2nd-karen-read-trial-starts-expert-says/DBX42TMK2FCXXDYNVSGPY7SJWU/>.

strategies continue to evolve, Ms Read's trial will serve as a significant example of how allegations of corruption and investigative misconduct can shape the course of criminal trials.