SEARCH WARRANT

G.L. c. 276 §§ 1-7

TRIAL COURT OF MASSACHUSETTS

Superior — COURT DEPARTMENT

Norfolk — DIVISION

SEARCH WARRANT DOCKET NUMBER
2482 SW 0004

TO THE SHERIFFS OF OUR SEVERAL COUNTIES OR THEIR DEPUTIES, ANY STATE POLICE OFFICER, OR ANY CONSTABLE OR POLICE OFFICER OF ANY CITY OR TOWN, WITHIN OUR COMMONWEALTH:

Proof by affidavit, which is hereby incorporated by reference, has been made this day and I find that there is **PROBABLE CAUSE** to believe that the property described below:

- [ ] Has been stolen, embezzled, or obtained by false pretenses.
- [x] Is intended for use or has been used as the means of committing a crime.
- [ ] Has been concealed to prevent a crime from being discovered.
- [ ] Is unlawfully possessed or concealed for an unlawful purpose.
- [x] Is evidence of a crime or is evidence of criminal activity.
- [ ] Other (*specify*) _____

YOU ARE THERFORE COMMANDED within a reasonable time and in no event later than seven days from the issuance of this search warrant to search for the following property:

Any mobile device capable of communicating and cellphones used by Karen Read (DOB 2/26/80)

**Seizure only, no search of data as outlined in affidavit. The data on any cellphone seized may be copied, provided no search of that data will be done absent further warrant or order of the court. **

- [ ] At :

Which is occupied by and/or in the possession of: _____

- [x] On the person or in the possession of :

Karen Read (DOB 2/26/80)

You [ ] are [✓] are not also authorized to conduct the search at any time during the night.

You [ ] are [✓] are not also authorized to enter the premises without announcement.

You [ ] are [✓] are not also commanded to search any person present who may be found to have such property in his or her possession or under his or her control or to whom such property may have been delivered.

YOU ARE FURTHER COMMANDED if you find such property or any part thereof, to bring it, and when appropriate, the persons in whose possession it is found before the Norfolk Division of the Superior Court Department.

Date Issued 1/22/24	Signature of Justice, Clerk-Magistrate or Assistant Clerk X
First or Administrative Justice **WITNESS:** Michael Ricciuti	Printed name of Justice, Clerk-Magistrate or Assistant Clerk Peter B. Knapp, Assoc. Justice

RETURN OF OFFICER SERVING SEARCH WARRANT

A search warrant must be executed as soon as reasonably possible after its issuance, and in any case may not be validly executed more than 7 days after its issuance. The executing officer must file his or her return with the court named in the warrant within 7 days after the warrant is issued G.L. c.276 §3A.

This search warrant was issued on January 22 (DATE), 20 24, and I have executed it as follows:

The following is an inventory of the property taken pursuant to this search warrant:

1. Apple iPhone - purple with green case
2. Apple iPhone - white with clear case
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(attach additional pages as necessary)

This inventory was made in the presence of: Lt. John Fanning

I swear that this is a true and detailed account of all property taken by me on this search warrant

SIGNATURE OF PERSON MAKING SEARCH	DATE AND TIME OF SEARCH	SWORN AND SUBSCRIBED TO BEFORE
X [signature]	1/24/24 1445 hrs	X _____ Signature of Justice, Clerk-Magistrate or Assistant Clerk
PRINTED NAME OF PERSON MAKING SEARCH	TITLE OF PERSON MAKING SEARCH	DATE SWORN AND SUBSCRIBED TO
Brian Tully	Det. Lieutenant	

APPLICATION FOR SEARCH WARRANT

G.L. c. 276 §§ 1-7

TRIAL COURT OF MASSACHUSETTS

Superior — COURT DEPARTMENT

Norfolk — DIVISION

NAME OF APPLICANT: Brian Tully

POSITION OF APPLICANT: Detective Lieutenant

SEARCH WARRANT DOCKET NUMBER: 2482SW0004

I, the undersigned **APPLICANT,** being duly sworn, depose and say that:

1. I have the following information based upon the attached affidavit(s), consisting of a total of 31 Pages, Which is (are) incorporated herein by reference.

2. Based upon this information, there is **PROBABLE CAUSE** to believe that the property described below:
   - [ ] Has been stolen, embezzled, or obtained by false pretenses.
   - [x] Is intended for use or has been used as the means of committing a crime.
   - [ ] Has been concealed to prevent a crime from being discovered.
   - [ ] Is unlawfully possessed or concealed for an unlawful purpose.
   - [x] Is evidence of a crime or is evidence of criminal activity.
   - [ ] Other (*specify*) _____

3. I am seeking the issuance of a warrant to search for the following property (*describe the property to be searched for as particular as possible*):

   Any mobile device capable of communicating and cellphones used by Karen Read (DOB 2/26/80)

   **Seizure only, no search of data as outlined in affidavit. The data on any cellphone seized ,ay be copied, provided no search of that data will be done absent further warrant or order of the court. **

4. Based upon this information, there is also probable cause to believe that the property may be found (*check as many as apply*):
   - [ ] At (*identify the exact location or description of the place(s) to be searched*):

     Which is occupied by and/or in the possession of:
   - [x] On the person or in the possession of (*identify any specific person(s) to be searched*):

     Karen Read (DOB 2/26/80)
   - [ ] On any person present who may be found to have such property in his or her possession or under his or her control or to whom such Property may have been delivered.

THEREFORE, I respectfully request that the court issue a Warrant and order of seizure, authorizing the search of the above described place(s) and Person(s), if any, to be searched, and directing that such property or evidence or any part thereof, if found, be seized and brought before the court, Together with such other and further relief that the court may deem proper.

I [x] have previously submitted the same application.

I [ ] have **not** previously submitted the same application.

PRINTED NAME OF APPLICANT: Brian Tully

SIGNED UNDER THE PENALTIES OF PERJURY

X _____ Signature of Applicant

SWORN AND SUBSCRIBED TO BEFORE

X _____ Signature of Justice, Clerk, Magistrate or Assistant Clerk

1/22/24 DATE

I, Brian P. Tully, being duly sworn, depose and state that the following is true to the best of my knowledge:

1. I, Detective Lieutenant Brian Tully #3520, am a Massachusetts State Police Officer and have been a police officer since 2006. In July 2012, I was assigned to the Norfolk State Police Detective Unit, where I have investigated and processed serious and violent crimes, including murder, suicides, sudden, suspicious, and unattended deaths, along with drug investigations. In 2019, I was promoted to the rank of Sergeant and supervised homicide and violent crime investigations. In November 2021, I was promoted to the rank of Detective Lieutenant and appointed Unit Commander of the Norfolk State Police Detective Unit (SPDU). I have participated in the execution of search warrants from which various types of evidence have been seized. I am trained in criminal investigation including, specifically homicides/death investigations and crime scene investigation. I have received specialized training and experience in the collection of physical evidence, crime scene processing and the investigations of such cases. I have received specialized training to obtain and analyze cellular telephone data and call detail records in support of criminal investigations. I have testified as an expert witness regarding cell phone technology, cell phone forensics, and their use in criminal investigations. In one such case, Commonwealth v Wilkerson (SJC-12124), the Massachusetts Supreme Judicial Court stated I testified to my "extensive training in applying CSLI records to criminal investigations". I have been an instructor for the Municipal Police Training Council on the topics of homicide investigations and criminal law. I have organized and hosted homicide conferences in Massachusetts and around the country. I have a Master of Arts degree in Criminology from the University of Massachusetts – Lowell and a Bachelor of Arts degree in Criminal Justice/Political Science from Stonehill College. In addition to my assignment in the Division of Investigative Services, I have been assigned to the Division of Field Services working in Troop C (Central Massachusetts) and Troop H (Metro Boston).

2. Based upon information contained in the numbered paragraphs below which are the product of my own investigation and my discussions with Massachusetts State Troopers involved in the investigation, I submit that I have probable cause to believe that evidence of a violation of Massachusetts General Laws, Chapter 268, Section 13B (Witness Interference) and a violation of Massachusetts General Laws, Chapter 274 Section 7 (Conspiracy) will be found cell phones and/or mobile digital devices used by Karen Read. This application for Search Warrant is to **SEIZE** devices only, as described below.

Intimidation of a Witness – Violation of MGL Chapter 268 Section 13B

3. On the morning of January 29, 2022, John O'Keefe was found unresponsive on the front lawn of 34 Fairview Road, Canton, MA. He was transported to Good Samaritan Hospital where he was pronounced deceased. The Office of the Chief Medical Examiner determined the cause of death to be blunt force to the head and hypothermia. Evidence was presented to the Norfolk Grand Jury that indicated the night of January 28, 2022, Read and O'Keefe were at two Canton restaurants, C.F. McCarthy's and the Waterfall, where they met friends. After the Waterfall closed at shortly after midnight, Read and O'Keefe were invited to 34 Fairview Road, Canton. Witnesses stated Read and O'Keefe did not enter 34 Fairview Road. The Norfolk Grand Jury indicted Karen Read on 2nd Degree Murder, Motor Vehicle Manslaughter While OUI, and Leaving the Scene of a Motor Vehicle Crash Causing Death. The indictment alleges Read struck O'Keefe with her motor vehicle and left the scene. The case is currently pending in Norfolk Superior Court (2282CR00117).

4. The lead investigator for the above investigation is Trooper Michael Proctor of the Massachusetts State Police, assigned to the Norfolk State Police Detective Unit. Tpr. Proctor testified before the Grand Jury and continues to conduct investigative work on the case. Michael Proctor is married to Elizabeth Proctor. Elizabeth is not a witness to the investigation, but a family member as mentioned in MGL 268-13B.

5. During the investigation into O'Keefe's death, witnesses were identified, interviewed, and testified before the Grand Jury. These civilian witnesses were present with O'Keefe and Read in the hours leading up to O'Keefe's death and his discovery on January 29, 2022. The witnesses include:
    a. Matthew McCabe: interviewed by investigators. Matthew was with O'Keefe and Read at the Waterfall Restaurant before O'Keefe's death, observed an SUV (believed to be Read's) in front of 34 Fairview Road, and testified at the Grand Jury.
    b. Jennifer McCabe: interviewed by investigators. Jennifer was with O'Keefe and Read at the Waterfall Restaurant before O'Keefe's death, observed an SUV (believed to be Read's) in front of 34 Fairview Road, was with Read when O'Keefe was found unresponsive, and testified at the Grand Jury.
    c. Brian Albert interviewed by investigators. Brian was with O'Keefe and Read at the Waterfall Restaurant, homeowner of 34 Fairview Road, and testified at the Grand Jury.
    d. Julie Albert (wife of Chris): interviewed by investigators. Julie was with O'Keefe and Read at the Waterfall Restaurant before O'Keefe's death and testified at the Grand Jury.
    e. Chris Albert (husband of Julie): first interviewed by investigators on February 10, 2022. Chris was with O'Keefe and Read at the Waterfall Restaurant before O'Keefe's death and testified at the Grand Jury.
    f. Colin Albert: interviewed by investigators, son of Chris and Julie Albert.

g. Juliana Nagel: interviewed by investigators. Juliana was present at 34 Fairview Road when people were arriving from the Waterfall Restaurant and observed an SUV (believed to be Read's) parked in front of 34 Fairview Road.

6. In an April 2023 motion filed by Read's defense attorneys, "DEFENDANT'S MOTION FOR ORDER PURSUANT TO MASS. R. CRIM. P. 17 DIRECTED TO BRIAN ALBERT, VERIZON, AND AT&T", alleged police misconduct and a conspiracy among the civilian witnesses to frame Read for the death of O'Keefe. The motion calls Brian Albert a "suspect" and Jennifer McCabe a "conspirator" who "took calculated steps to purge her phone of this inculpatory" evidence.

7. A local blogger, Aidan Kearney, has adopted defense's claims. Kearney runs a series of websites and social media accounts under the name "Turtleboy". The social media accounts include "TB Daily News" (X "formerly Twitter" – 33,800 followers), "Aidan Kearney - @DoctorTurtleboy" (X – formerly Twitter" – 50,000 followers), "Turtleboy" (Facebook – 37,000 followers), and "Turtleboy Live" (YouTube – 48,000 subscribers). Kearney refers to his followers as "Turtle riders".

8. Beginning on April 18, 2023, Kearney began posting articles to his website and social media accounts where he adopted the defense allegations as true and makes personal attacks on the civilian witnesses, members of their family, and their friends. Kearney authors and publishes a blog on the website "tbdailynews.com". The website has a series of articles entitled "Canton Cover-Up". As of December 21, at least 259 articles have been posted to the website under this category regarding Karen Read.

9. Kearney posts weekly videos to YouTube where he has discussed Karen Read and made statements regarding witnesses. Below are a small selection of verbal statements made by Kearney in these videos that have been published to followers and are publicly available for viewing without being a subscriber or follower and have been archived by investigators:
    - Episode 594: Turtleboy Returns to Canton (video posted shortly after Kearney visited homes of witnesses)
        - "This is not my last trip to Canton" "I will be back" (57 minute mark)
        - "I'll be back", "Get used to this", "**These people think that I'm fucking around, you haven't seen the last of me**", "Get used to it, get used to it." (1:19 mark)
    - Episode 598: *Breaking* Karen Read Defense Files Motion to Recuse
        - "This guy [Chris Albert] has his head on the swivel, looking for Turtle Riders", "I got bad news for you Chris, I got really bad news for you", "They are literally everywhere", "You guys should just stop going out in public", "**It's only going to get worse from here.**" "I know where y'all were today, you were in Agawam, weren't you?" "You guys were at some sort of little league thing in Agawam." "Alberts, McCabes, all you people

were there. Just know that there will be no... **Life as normal is over**. Life as normal, you had normal for a while there, from January 29th, to about April 2023. You guys literally got away with murder." (8 minute mark)

- [While discussing video of Chris Albert being confronted outside of a Canton restaurant] "We [Kearney and his audience] are getting to them [Chris Albert and other witnesses]...When you act this way.....That's like a green light for me, time to hit the gas." (19 minute mark)
- "**I got pictures of you**. You can't leave the fucken country. Turtle Riders we're gonna find you, they're gonna find you. You can't hide anymore, your private life is officially over, over. You leave your house, you're gonna have your picture taken, so you need to get used to the new normal, your new normal.", "Turtle Riders are gonna take pictures of you and they're gonna send it to me, you're famous", "**We need to accelerate it**", "They [woman who recorded video of Chris Albert confrontation] are doing a fantastic job with this."

- Episode 604: Colin Albert Drops out of School, Brian Higgins Flipping? Is the End Near?
  - "**I said from the beginning, I don't want this to go to trial**" (17 minute mark)

10. Since April 2023, Kearney traveled to Canton on several occasions. On one occasion, Kearney went to D&E Pizza, 618 Washington Street, Canton, which is owned by Chris Albert. Chris Albert and his wife, Juliana Albert, were with John O'Keefe and Karen Read prior to the homicide. Chris has been interviewed by investigators. During the visit to D&E Pizza, Kearney confronted Chris. Kearney later stated on a video posted on YouTube for his followers to confront Chris Albert, order food from D&E Pizza with the intent of not paying for the food, and harass. Chris Albert stated he has had a vast increase in the number of telephone orders not picked up or paid for since Kearney made those statements on the YouTube video.

11. In July 2023, Kearney posted a blog on his website regarding Chris Albert. The blog contains a video where Chris was confronted by a follower of Kearney's outside a Canton restaurant (also referenced above in video "Episode 598: *Breaking* Karen Read Defense Files Motion to Recuse"). In the blog post, Kearney writes,

> "**let's keep this up**. I was so proud to see turtle riders unafraid, confronting evil like this in the flesh. The fact that he's still going to places like the Waterfall [Canton restaurant] is because he feels comfortable doing so. But murderers, and those who cover for them, do not deserve to live a comfortable life while Karen Read suffers and fights for justice for John O'Keefe."

12. On June 13, 2023, Kearney broadcasted a live YouTube video (Ep #590), which is currently posted on his YouTube[1] page. During the broadcast, Kearney displayed call detail records of Jennifer McCabe from the day O'Keefe was killed, which included phone numbers and names associated with the phone number. These records had previously been attached to a defense motion filed in Commonwealth v Read. Kearney called Juliana Albert, Chris Albert's wife, and left a voice mail message. Juliana stated a person claiming to be Kearney called from phone number 413-262-6909. Kearney left the following voicemail:

> *Hi, Julie, this is award-winning journalist Aidan Kearney calling from Turtle Boy Daily News. Just calling to ask you a few questions, that's all. At the board selectman meeting a few weeks ago, you looked great and extremely happy in the front row and extremely comfortable that you wanted to be there. So I just want to ask you just a couple of questions, I'm reading a police report right now from February 10, 2022, which Michael Proctor says he interviewed you and introduced himself for the first time, which confuses me a little bit because it seems that your family has known him for quite some time. I was wondering how your son Colin, who was at 34 Fairview Road the night that John O'Keefe was murdered, ended up in a wedding party with Trooper Proctor and Trooper Proctor's sister before he was actually a trooper, and I wanted to know who did you guys meet, and did you guys just forget about each other over time that you had to be reintroduced again. But what I'd really like to know is if you were in the Canton High School Class of 1994. How the hell did Jenn McCabe win best-looking, were they using Dominion voting machines? How did that happen, and how does that hurt your self-esteem to know that you were in the same graduating class as Jennifer McCabe, and she got best-looking? How does that, how do you cope with that? Do you need therapy, that has to hurt your feelings, right, because that would just devastate me if I lost a horse face. So give me a call back when you got this, and we'll talk soon. Bye!*

13. Chris Albert stated he received a phone call from the phone number 413-262-6909 on June 19, 2023. Albert did not answer the call. The following voicemail was left:

> *Yes, Chicken Parm Charlie. This is award winning journalist Aidan Kearney calling you back. You messaged me on the night of April 17 when I first wrote the story about your son being involved in the death of John O'Keefe. You said it was unfortunate that I was going to write about that. I have not heard back from you yet, so I'm still following up on that. I'd also like to know about a report that I'm reading right now in which Trooper*

[1] YouTube is a free video sharing website that allows users to upload and view online videos. Users can create and upload to share with others.

Proctor claims that he was formally introduced to you on February 10, 2022. I'm a little confused by that because we have pictures of your family with Trooper Proctor dating back as far as I believe 2011 if not further, so did you guys both have amnesia that day that you needed to be formally introduced. Do you often need to be introduced to the people that you have known for a long time? Do you live perpetually in Groundhog Day? I know this was right around Groundhog Day when this happened, so maybe it just kept replaying, and you got to do it all over again the next day. I don't know. I'd like to learn more about this, so if you get back to me, that'd be great, and also, I'll take two blackened chicken parms, extra mozzarella, and we'll see you soon. All right.

14. On July 26, 2023, Sgt. Yuri Bukhenik of the Massachusetts State Police Norfolk SPDU interviewed Colin Albert regarding harassment he has received from Kearney and his followers. Colin Albert is the son Chris and Juliana Albert and was 17 years of age on the day O'Keefe was killed. On April 17, 2023, Kearney posted on Twitter a statement alleging Colin Albert is responsible for the murder of John O'Keefe, specifically stating Colin and O'Keefe were in a fist fight at 34 Fairview Road. Since that post, Kearney authored several additional posts about Colin, his alleged propensity for violence, and personal information including where Colin will be attending college. Since that time, Colin has been the target of harassment and intimidation on social media. Employees of his college, Bridgewater State University, have received emails from people who copied Kearney's false allegations.

15. On July 8, 2023, Kearney broadcast a live YouTube video (Ep #596). During the broadcast, Kearney stated he has Colin Albert's cell phone number. He stated he is going to call it and "hopes the fucker answers". In the video, Kearney places the call via a cell phone while utilizing the speaker. The phone calls goes to voicemail. The greeting of the voicemail states the phone number of the person Kearney is calling, Colin Albert, which is broadcasted on the YouTube video. Kearney leaves the following voicemail. Colin stated the phone call came from phone number 413-262-6909:

Yo, Colin, it's Turtleboy from them advantage boys. Bang, bang, bang, bang. Yo, we'll fuck any of you dogs up. Yo, you challenged my boys, them advantage boys, to a fight, dog, and we about that life, son. We about that like, and we from Sharon, son. Yo, y'all Canton bitches ain't hot, yo. Us Sharon bitches are advantage boys. Nobody be fucking with us and shit, dog. Yo, call me back. No, but seriously, it's Aidan Kearney from Turtleboy. I just want to know were you the one who killed John O'Keefe or was that your Uncle Brian. Who hit him first? Who hit with the back of the head with the thing? Are you worried that you're going to go to jail for the rest of your life and that you won't be able to play football at Bridgewater State next year? I'd love to have a conversation with you. Your dad kicked me out of your pizza shack, and I didn't get to eat his mediocre chicken parm, so I just wanted to

know if you could talk to me about that, and maybe you and I could go for a ride. We could find them advantage boys, bang, bang. I don't know, so give me a call when you get this. Bye.

16. Colin stated to Sgt. Bukhenik that the intimidation he has received from Kearney has made him sad, scared, and paranoid. He fears physical harm from strangers. Colin attended Bridgewater State University where he was a member of the football team. Colin was enrolled to return in the fall of 2023. Due to the past harassment and the threat of future harassment, Colin choose to withdraw from the university football team.

17. On September 24, 2023, Kearney broadcast a live YouTube video ("Ep 616"). At the 2 hour 31 minute mark, Kearney is talking about an interaction he had with Jillian Daniels, Colin's aunt. While describing their interaction, Kearney stated, "I'm trying to put her like godson, backslash nephew, in jail. And, you know, kind of like, **destroy their life**."

18. Kearney has targeted Jennifer and Matthew McCabe with many harassing and intimidating statements and acts. The McCabes were with O'Keefe and Read in the hours leading up to O'Keefe's death and were present at 34 Fairview Road, Canton. Read's defense attorneys have alleged the McCabes have lied to investigators and have conspired with other witnesses to frame Read for the murder. Kearney has confronted and harassed the McCabes as a result.

19. On June 6, 2023, the McCabes traveled from their residence in Canton to Billerica, MA to attend a sporting event where their children were participating. Kearney learned the McCabes would be in Billerica. Kearney, whose MA driver's license has an address of 111 Mason Road, Holden, MA, traveled to Billerica, confronted the McCabes and posted videos of the interaction online. Kearney would later write a blog post about the interaction where he stated, "**Jen and Matt McCabe do not deserve to live a normal life** and pretend that they weren't involved in murdering a Boston Police Officer[2]." While the McCabes were seated in the stands, Kearney approached Jennifer McCabe and asked her repeated questions about the alleged conspiracy. On a subsequent YouTube video, Kearney bragged about the confrontation: "I went to her kid's lacrosse game and made a scene there and got kicked out…because I kept calling her a copkiller" (Riss Flex – "ELITE MA CORRUPTION ft. TURTLEBOY! – 1:01 mark).

20. On June 26, 2023, Kearney traveled to the home of Matthew and Jennifer McCabe at 12 Country Lane, Canton. Kearney video recorded his arrival at the residence and later discussed the trip to the residence in a YouTube video ("Ep #594 – Turtleboy Returns to Canton"). In the YouTube video, Kearney stated when he arrived, he noticed the front door to the residence was open. He stated, "Well that [the open door] will makes this

[2] John O'Keefe was employed as a Boston Police Officer at the time of his death.

easier, she can't close on me." Kearney played the video he recorded at the residence on the YouTube video. Kearney rang the doorbell and video recorded the interior of the residence through a glass storm door. A person is seen inside the home on Kearney's video, which Kearney stated is Jennifer McCabe. Kearney was videotaping into the home for approximately one minute.

21. Sgt. Bukhenik interviewed Jennifer McCabe on July 24, 2023 regarding the harassment and intimidation. Jennifer became upset and stated she is concerned for her safety and wellbeing of her juvenile children. She stated her children are upset, embarrassed, and angry at the false accusations Kearney has been broadcasting. She stated, "The children are afraid to be at their own home." Jen later told Sgt. Bukhenik that Kearney repeatedly keeps showing the pictures of Tpr. Proctor at a cookout and misidentifies children in the photo as her children. She stated Kearney has shown one of her children at her first communion and family photos. Jennifer stated her 15 year old daughter is being recognized and photographed in public, which terrifies her daughter.

22. On September 20, 2023, Kearney broadcast a live YouTube video (Ep #615). During the video, Kearney repeatedly stated that Jen McCabe killed John O'Keefe. At the 1:54 mark in the video, Kearney stated, "I am saying this as a matter of fact, that Jen McCabe participated in killing and planning to kill and cover up the murder of John O'Keefe. I am saying that. That is not my opinion." Later in the video, Kearney displayed a sign on the lawn of Jennifer McCabe's sister in Canton and states:

> *"You killed John O'Keefe, you worthless piles of shit, and I'm gonna find you motherfucker. I'm gonna find you. Just know that. You wanna fucking dance? We can fucking dance. I didn't know who you were before this....I thought you were Jen's lesbian sister or some shit. I didn't know shit about you. Now we know all about your son Tommy. Tommy's the lacrosse coach I believe at Canton High School, right? Yeah, whoa. We can talk about Tommy too. We can pay Tommy a visit too. We're gonna go after...you're gonna get the whole fucking deal now. All of it. Allie McCabe, she can get it too. They can all get it. We have left the second generation out of this for a bit but that's over. Except for Brian Albert Jr because he looks functionally retarded. But besides him, the rest of them, they are all gonna it. They're all gonna get it...Caitlin Albert, we've got some questions for you. Show up at another Bridgewater State football game, I dare you. Daddy's coming to town. These people make me sick."*

23. On June 13, 2023, Kearney broadcast a live YouTube video (Ep #590), which is currently posted on his YouTube page. During the broadcast, Kearney displayed phone records of Jennifer McCabe from the day O'Keefe was killed. The records displayed names next to the phone number, which appears to be the user of the other phone number. These records had previously been an attachment to an unredacted defense motion filed in Commonwealth v Read. During the video broadcast, Kearney cold calls the phone

numbers without names associated. In this process, Kearney called a work cell phone of Tpr. Proctor. Tpr. Proctor stated the phone number that made the call was 413-262-6909. Kearney left the following voicemail:

> *Hi Trooper Proctor. This is award winning journalist, Aiden Kearney, calling. I'm calling to talk to you. I do have some questions about you. I have a lot of questions, actually. For starters, why didn't you tell me, one, before doing the investigation that you were good friends with the Albert Family? Why did you, in your report, say that you were introduced to Chris Albert on February 10 when you have known him for more than a decade prior to that? Why did you lie about what time you towed Karen Read's car? Why did you intentionally misspell the names of several key witnesses in your report, and you know, I'm just wondering about all of those things, and maybe you and I can meet up for coffee. Boy, do I have a lot of questions for you. When you were inside Fairview Road that night, or that morning rather, why did you stay there for four and a half hours, and what did you guys talk about and do, and why were you descending stairs with John O'Keefe's phone in your pocket? So, give me a call back, man. We feel like you and I have a lot of catching up to do. I talk about you a lot. I feel like I know you pretty well at this point. I know which year you graduated from the academy. I know you were out in West Brookfield for a while. I know some people that you know, so give me a call back when you get this. Now that I have your number, and everybody watching also has your phone number, which again is 781–364–0165, so I'd like to know. She called you again, you called her at 12:49. We're going to get to that, so now that I have your number, I'm going to plug you in, and we'll talk soon. Bye.*

24. As a result of the cell phone number being broadcasted, Tpr. Proctor began to receive random and harassing text messages and voicemails. In the 12 hours following Kearney's calls, Tpr. Proctor received approximately a dozen text messages, phone calls, and voicemails. The content of the calls and messages pertained Tpr. Proctor's alleged involvement in the conspiracy and called for his termination. Tpr. Proctor had to change his work cell phone number to avoid the constant unwanted calls and messages.

25. Michael Proctor is married to Elizabeth Proctor. Beginning in April 2023, Kearney wrote blog posts about Elizabeth Proctor. On May 9, 2023, Kearney authored a post about Elizabeth. A video is attached to the post. The video depicts a cellphone screen of an Apple iPhone. The user of the cell phone dials the cell phone number of Elizabeth which is displayed on the screen. Kearney further writes,

> "I can think of two people who deserve to lose their jobs over this [alleged conspiracy against Read] though – Michael Proctor and Elizabeth Proctor. These two lowlifes think they are untouchable. They're nothing but bullies who terrorized people for years, but now they've met their match."

26. In the post, Kearney states Elizabeth works as a Human Resources Manager at Instron and posts the main phone number for the company. The post then states, "But you're probably not going to reach anyone that way, so feel free to leave a review on their wide open Facebook page or their Twitter account."

27. On May 10, 2023, Kearney broadcast a live YouTube video (Ep #580), which is currently posted on his YouTube page. During broadcast, Kearney talks about Elizabeth. He stated he was going to call her. He repeated her cell phone number on the broadcast as he was entering the number into a cell phone. Using the speaker phone option on a cell phone, Kearney broadcasted the phone call. The phone call went to voicemail. Elizabeth stated the phone call came from 413-262-6909. Kearney left the following message:

> *Hi, Elizabeth. This is Aidan Kearney calling you back from Turtleboy. We briefly spoke yesterday on the phone. I introduced myself to you, and then you hung up on me, or maybe it was a bad connection, but I just wanted to see how your day at work went today, if it went well. I noticed that your employer took down their social media pages within minutes of the blog I published about your recent behavior, and I just wanted to see what, is it awkward, were you afraid to go in? Just tell me about your day and why because that's the part I don't understand is that you seem to be okay with calling other peoples' work places and interfering with their ability to make a living for themselves, but when it happens to you, maybe it's not as fun, maybe it's not as fun. Do you like that? That's what I want to know. Did you like that? Because you've been doing that to a lot of other people, and do you think it's fair that it happened to you, dear? Do you regret it? Do you regret it? And what's your scumbag husband up to right now? Are you going to visit him in prison? Do you think they'll have conjugal visits? Give me a call back when you get this, and we can chat some more. Bye girl.*

28. Following the phone call, Kearney accessed the social media accounts of Instron and laughed as he stated the pages were taken down and stated, "the Turtleboy effect, oh god." Both Michael and Elizabeth Proctor stated they have felt harassed by the acts of Kearney.

29. On the previously mentioned September 20, 2023 YouTube video (Ep #615), Kearney displayed a photograph he obtained depicting Brian and Nicole Albert at a Bridgewater State University football game. He described the photograph as the "most satisfying photos I've ever seen". The photograph depicts Brian and Julie Albert hiding their face while a group in front of them in the stands takes a photograph. Kearney later stated, "This is how they live now, like rats…This ends when they go to prison."

30. On September 13, 2023, Kearney posted a blog entitled "Canton Cover-Up Part 142: Free Karen Read BillBoard Goes Up On Route 1 Outside Gillette Stadium In Foxborough,

Two More To Follow" on his website. The topic of the blog post was about a billboard that read "Free Karen Read" with a picture of Karen Read. Kearney praised the organizers of the billboard. In the post, Kearney wrote:

> *"Thank you to everyone who donated as well. Although millions of people know about the injustice that is happening in Norfolk County, I would bet that over half the population of Norfolk County has never heard of Karen Read before. That will change because of this 3-pronged billboard blitz.* ***It's really important for people in Norfolk County to know about this story because that is where the jury pool would be chosen from.***"
> [emphasis added]

"Rolling Road Rally"

31. Kearney organized and publicized a "Rolling Road Rally" where protesters would travel to the homes of witnesses involved in Commonwealth v Read. On Saturday, July 22, 2023, at approximately 1200 hours, Kearney departed Shaw's, 134 Nahatan Street, Norwood, accompanied by a number of motor vehicles. Kearney began a YouTube Live video. YouTube Live allows users to broadcast live videos on the YouTube platform which can be later saved and distributed on a user's account. At the beginning of the video, Kearney is operating a motor vehicle and stated "at least 100, 200 people" are in the caravan of vehicles. He further stated he did not broadcast the locations of the protests prior to the departure of the rolling rally. He stated the address of the first location, 909 Washington Street, Norwood, MA, which is the residence of Brian Albert. Brian Albert was with John O'Keefe in hours before he was killed and O'Keefe was found unresponsive on the front lawn of Brian Albert's previous residence at 34 Fairview Road, Canton.

32. During the video, Kearney stated the purpose of the rally is to protest a murder cover-up and framing of an innocent woman. He stated some witnesses will be in jail within a year and brags about being able to locate the witnesses wherever they travel. During the duration of the rally, he thanked the other members of rally for attending.

33. The residence at 909 Washington Street, Norwood is the primary residence of Brian, Nicole (his wife) and their three children. The Alberts were aware of the rally and had vacated their home to avoid harassment. At approximately 1218 hours, Kearney arrived at Brian Albert's residence. The residence is an apartment-style building. Kearney gathered the protesters adjacent to the building. When he arrived at the residence, he used a megaphone, which allowed the amplification of his voice. Kearney described the Alberts as "murders" who are hiding. Kearney used the megaphone to make claims that Albert was involved in the murder of John O'Keefe. Kearney spent approximately 5 minutes outside of Albert's residence. At the conclusion of the speech, he informed the crowd the next location will be the home of Trooper Michael Proctor, 6 Wentworth Road, Canton, MA.

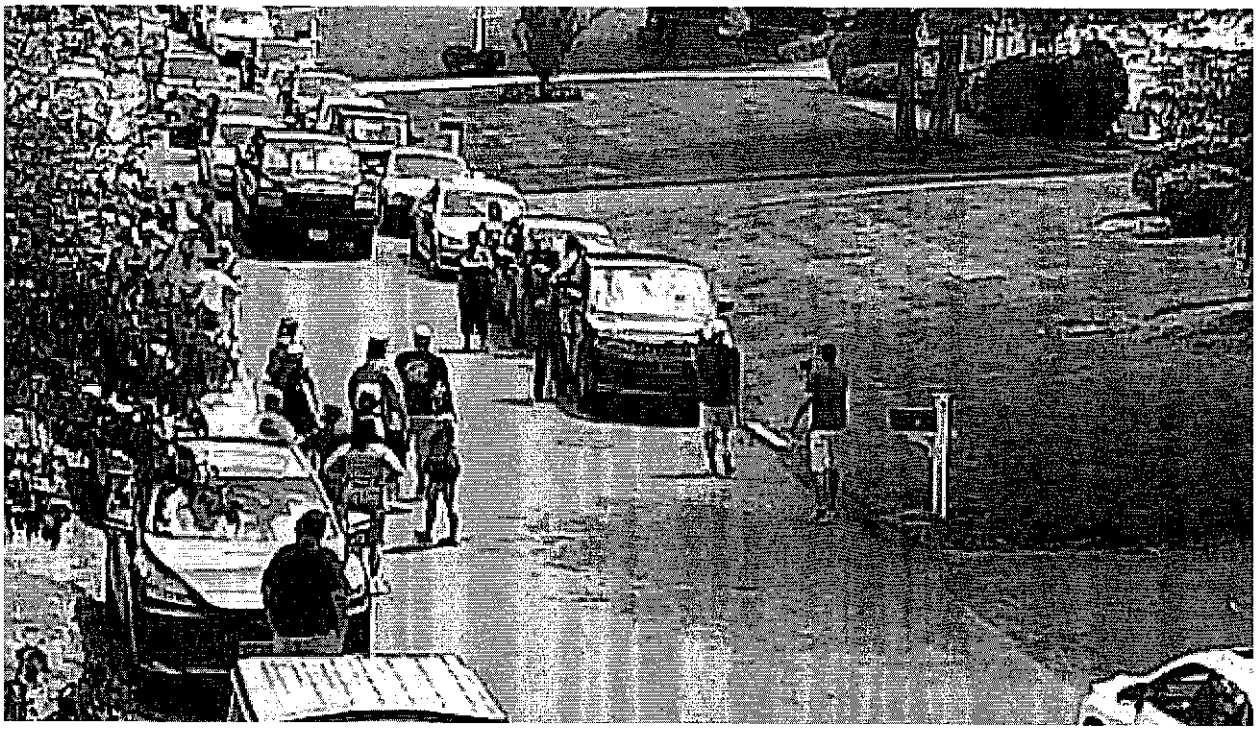
34. In the days leading up to July 22, cameras were placed outside of several of the locations where the protest was scheduled to occur. Below is a still photo of the video from July 22 at 1222 hours in front of 909 Washington Street, Norwood:



35. Michael and Elizabeth Proctor live at 6 Wentworth Road with their two young children. Michael and Elizabeth Proctor were not working on this Saturday. The Proctors purposely vacated their home and made plans in order to avoid the protest. When Kearney arrived at 6 Wentworth Road, Kearney continued to use the megaphone and stated Tpr. Proctor has "framed" Karen Read and stated personal information about Tpr. Proctor's family. Kearney described Tpr. Proctor as "the most pivotal" in the "cover-up". While in front of the Tpr. Proctor's residence, Kearney described how Tpr. Proctor allegedly participated in framing Karen Read for the purpose of covering for other police officers, planted evidence, and called him a "disgrace". During the speech, Kearney continually pointed to the residence. While in front of the home, members of the protest walked on the lawn of Proctor's residence and spit on his driveway. Kearney's recorded statements at this location were approximately 7 minutes long. Shortly after the speech, Kearney admitted that he did not attempt to obtain a permit authorizing his protest or blocking streets. At the conclusion of the speech, Kearney stated the next location will be the home of Matthew and Jennifer McCabe, 12 Country Lane, Canton, MA. Shortly after entering his vehicle, Kearney stated the purpose of the protest is to "get justice for John O'Keefe and justice for Karen Read that is what we are here to do". Below is a still photo of the video from July 22 at 1245 hours in front of 6 Wentworth Road:



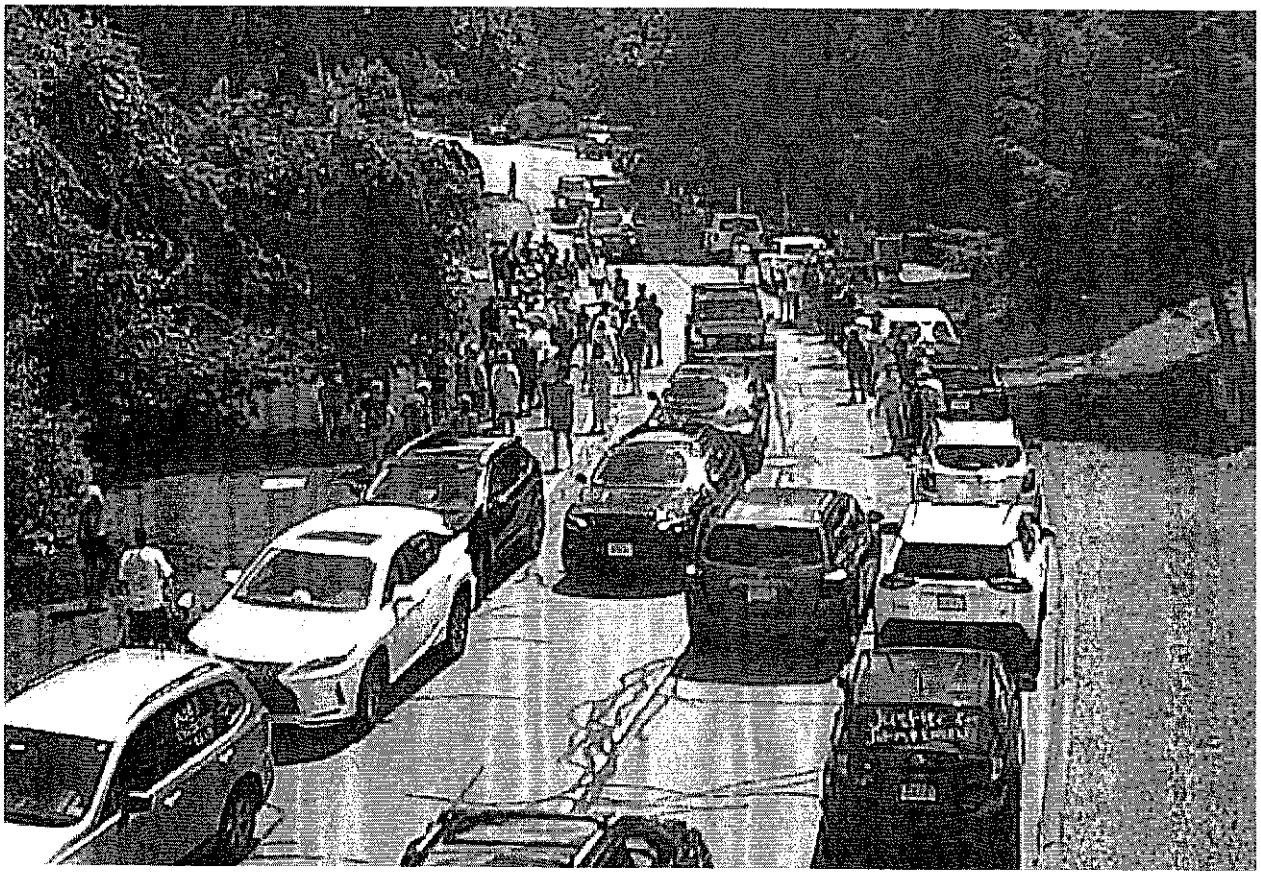
36. Matthew and Jennifer McCabe live at 12 Country Lane, Canton with their four children. Both Matthew and Jennifer were with O'Keefe in the hours leading up to his homicide, received a phone call from Read in the early morning hours of January 29, and Jennifer was with Read when O'Keefe was found unresponsive. During the rally, Matthew, Jennifer, and two of their children were home. Prior to the rally, Kearney posted pictures of the McCabes on vacation and made statements that he [Kearney] can find the McCabes wherever they travel. When Kearney arrived at 12 Country Lane, Kearney exited his vehicle and walked to a camera attached to a mailbox of the residence. He stated he knows where she currently is located and stated "no justice, no peace". Kearney stated that the residences of the home is the McCabe family. Kearney made statements that Jennifer McCabe is going to jail and "she doesn't give a shit about her kids...her kids need to see their mom in jail because the cycle will repeat itself". Kearney then spent several minutes claiming how Jennifer McCabe participated in murder by failing to save John O'Keefe's life, manufactured evidence in the form of a phone call to O'Keefe, made allegations of Jennifer McCabe's actions after the murder, lied to Karen Read, and mislead investigators. Kearney used the bullhorn to state, "I want all Jen McCabe's neighbors to know, in case they don't already know, the people that live right here at 12, they are cop-killers...These are cop-killers that live here." He further states, "They [the McCabes] will try to live like nothing happened but we are not going to let them do that because you do not get to kill police officers and fathers and get away with it." Kearney then stated the protest is going to 78 Highland Street. Kearney spent approximately eight minutes in front of the McCabe's residence.



37. Juliana Nagel, age 25, lives at 78 Highland Street, Canton with her two parents and two siblings. Juliana was home with her mother at the time of the protest. Juliana, and her brother Ryan Nagel, were present at 34 Fairview Road and had been interviewed by investigators. When Kearney arrived at 78 Highland Street, he identified the residence as the home of Juliana Nagel. Kearney made a statement to get the attention of the neighbors of Highland Street. He described how O'Keefe was beaten to death at a house where Juliana Nagel was present. He stated, "at any point, Julie Nagel, you can come out, at any point Julie, nothing is stopping you from telling the truth…You know what happened that night." He continued to state, "You can't get away with it anymore. Too many people know…you are going down with them. Nothing is stopping you from coming forward and telling the police what happened." Kearney claims Nagel lied to investigators about her observations the night O'Keefe was killed and is "complicit in the cover-up of the murder." Kearney stated, "You might as well tell the truth, and let the world know what happened. Neighbors, maybe you guys can help us pressure them into this. Julie Nagel was involved, was at the murder of a Boston Police Officer. She knows what happened and she is actively involved in the cover-up. She should not be able to walk around town like none of this happened while an innocent woman named Karen Read…suffers the consequences of her silence and her complicity. The truth will set you free." Kearney is in front of the residence for approximately ten minutes. At the conclusion of the speech, he stated the next location is home of Canton Police Department Deputy Chief Thomas Keleher. While traveling to the next location, Kearney stated "Julie Nagel's house was a good one. They were home."

38. Canton Police Deputy Chief Thomas Keleher lives at 31 Fairview Road, Canton with his wife and three children. The Kelehers were aware of the potential protest and vacated

their home in order to avoid harassment. Members of the Canton Police responded to the original 911 call reporting O'Keefe's discovery and have testified in the Grand Jury regarding this case. When Kearney arrived at 31 Fairview Road, he identified the home as the residence of Deputy Chief Thomas Keleher. He stated "Tom Keleher knows what happened. He's not stupid... He's seen what happen. He knows the exact time John O'Keefe's body was taken." Kearney then described how allegedly O'Keefe's dead body was brought by a vehicle and thrown onto the front lawn of 34 Fairview Road. Kearney pointed the camera at Keleher's home and stated, "We know that guy who lives in that house is part of the cover-up too. He's a police officer, people trust him in this community. If you're a neighbor here, please know that his guy is covering up for a cop-killer...Your neighbor Tom Keleher is complicit in the death and murder of John O'Keefe. He is complicit in framing of an innocent woman who did nothing wrong by the name of Karen Read. And we are here to let you know that...Tom Keleher is your problem...we are not going to let him [Keleher] get away with it." He was in front of the residence for approximately ten minutes. Kearney stated the next protest location would be the Canton Police Department.



39. During the drive to the police station, Kearney stated the family members of John O'Keefe should believe Karen Read is not responsible for the death and "how much slack are we supposed to give you [John O'Keefe's family]...the time period for the grief, whatever, that we are giving you, like we are not going after you because of the grief, that

is expired. It's expired because you're trying to send an innocent woman to jail for the rest of her life…I don't feel bad for you anymore." Kearney later remarked he was planning on protesting outside the home of former Canton Police Chief Kenneth Berkowitz, but was unsure if he had moved from a specific address he stated. Kearney stated "I don't want to take the chance that he doesn't live there anymore. I don't want to bother innocent people."

40. While in front of the Canton Police station, Kearney addressed Jennifer McCabe by name and stated "look at all the support for Karen Read and John O'Keefe. Everybody here knows what you did…literally everyone who comes by knows what you did Jennifer McCabe and Brian Albert. They know, they know. We are not putting up with it." Near the end of the video, Kearney stated "it is time to arrest the people who killed him [O'Keefe]" and "we are just getting started".

41. During a recorded interview on the YouTube account "Riss Flex" dated August 20, 2023, Kearney made comments about his influence on the jury pool:

> *"I want the world to know what happened here. They want the story to be silent, nobody knows about it. They want to be able to find a jury pool that has never heard of any of this shit before so they can manipulate them the same way they have manipulated everyone else and I'm not allowing them to do that. Happy to do it."* (ELITE MA CORRUPTION ft. TURTLEBOY! – 1:04 mark)

Information Subsequent to Arrest of Aidan Kearney

42. On October 17, 2023, I interviewed Natalie Wiweke Bershneider at her workplace in Gardena, California. Natalie stated she attended Bentley University with Karen Read from 1998 to 2002. Natalie stated she was not close friends with Karen but had friends in common. Following graduation, Natalie returned to California and lost touch with Karen. Following Karen's February 2022 arrest related to the death of John O'Keefe, Natalie contacted Karen to offer support and began a friendship. Natalie stated Karen openly shared her defense theories about the case, which Natalie stated she believed at the time.

43. In April 2023, Natalie noticed a woman by the name of Jennifer Altman on social media who was defending Karen in comments of news reports regarding Karen's criminal case. Natalie stated she contacted Jennifer on Facebook in order to thank her for supporting Karen. Jennifer responded she has a friend, Aidan Kearney, who runs a blog and would like to report on Karen's criminal case. During this text message conversation on April 13, 2023, Natalie sent the following message to Jennifer, "the feds are involved" and described how people involved were "going down". Natalie spoke to Karen about Kearney. The following day Karen told Natalie she would like Kearney to report on the

case. On April 17, 2023, Natalie was put into contact with Kearney through Jennifer. Natalie exchanged messages with Kearney and spoke with him on the phone about Karen's case.

44. Shortly after Karen agreed to work with Kearney, Karen instructed Natalie to download the messaging app Signal[3] on her phone, which she did. Natalie was not familiar with Signal prior to Karen's request. Natalie's understanding of Signal was that it is a more confidential way to communicate as the messages can be auto-deleted after reading. Natalie described the arrangement as follows: Karen would send Natalie a message on Signal intended for Kearney, Natalie would copy and paste the message/photo/video/document into a text message to Kearney. On several occasions, Natalie would take a screen shot of the Signal messages from Karen and send Kearney the screen shot. Natalie stated she would send information to two phone numbers used by Kearney.

45. Natalie stated the content of the messages shared by Karen to her were Karen's defense of the charges, including information regarding witnesses, the home address of Trooper Michael Proctor, pictures of witnesses, autopsy photographs, motions filed by her attorneys, police reports, photographs taken by the MSP Crime Scene Services Section, and feedback about Kearney's blog posts, social media, and videos. This arrangement began on or about April 17. A check of the text messages on Natalie's phone[4] confirmed Natalie's statements. It appeared most of the messages sent by Natalie were authored by Karen. For example, messages would start with "tell TB [Turtleboy]", "From Karen:", or "Not for public but you and Aidan can see…". On April 22, 2023, Natalie messages Kearney "We are all very grateful to you". Kearney responds, "It's my job, glad to help".

46. Kearney would frequently check with Karen (through Natalie) if he could use a piece of material sent to him in his blogs and videos, to which Karen would respond to what he could use. One example of material sent to Kearney but not to be shared publicly is the 911 call reporting John O'Keefe's discovery on January 29, 2022. The audio file was sent to Kearney along with the message "Do NOT share". Other examples include messages sent by Natalie to Kearney, "Urgent: do not to publish anything from the report on Julie Nagel" and "Make it clear he didn't just get I from us [sic]". In another exchange on May 6, Kearney text messaged five photographs that appear to be pictures taken by CSSS of Karen's car, including the tail light. Kearney then asks "Can you walk me through what these are". A later message from Natalie appears to be in response to the pictures, "Can you ask him if he can get those photos from the court? I'm just not positive they are public…" Kearney responded, "And how did she get them?". Natalie responded, "They're in discovery. But I'm not sure they're public (I am the accused, Aidan…)". Kearney later attempts to confirm he cannot talk about the photos on his

[3] Signal is an encrypted messaging service for instant messaging, voice, and video calls. Messages can be set to auto-delete after the user reads the message.

[4] Following the interview, Natalie consented to investigators downloading her cellphone.

show that night, to which Natalie responded, "Don't talk about those on the show tonight".

47. On April 29, Kearney asks if he can talk about or use different material on his YouTube show. Natalie (acting as an intermediary with Karen) responds to Kearney, "Make it clear he didn't just get it from us. But don't show the exhibits, just read them" and "Please tell him not to share the title – it has Yannetti's initials in it DRY", referencing David R. Yannetti.

48. In mid-May, Kearney sent Natalie a picture of himself wearing a t-shirt depicting a Google search bar with the phrase, "hos long to die in cold", a reference to a piece of evidence in Commonwealth v Read. Natalie responded that she will ask Karen if he can wear it to court. Natalie later tells Kearney "It's okay to wear the t-shirts how long to die in the cold. I got the okay." Kearney responded, "Really?" and "You asked Alan?", an apparent reference to one of Karen's attorneys, Alan Jackson. Natalie responded "She replied, 'Absolutely!'" Kearney was seen wearing the shirt at the July 25 court date, as shown in pictures above.

49. Over the course of the text message conversations, Natalie forwards personal information and pictures of many of the named witnesses above, including Jennifer McCabe, Chris Albert, and Colin Albert. In one part of the conversation, Kearney wrote, "Anything else I should talk about that I haven't hit in blogs yet? Feel like I'm out of new material."

50. Natalie stated a second person was acting as an intermediary between Karen and Kearney: Jon Silvera. That statement is corroborated in several text messages between Natalie and Karen. One such message from Natalie to Kearney (again, apparently authored by Karen) reads, "He's confused. Jon sent a report beginning with the '12' and it was about Julie Nagel. Nothing to do with GJ testimony on Colin". Kearney's next text message is "**I won't use any GJ testimony. The formatting is obvious** [sic] **different from the police reports**" (emphasis added). Several additional messages state "check your email", suggesting documents were sent to Kearney outside of the text messages.

51. On several occasions, Kearney questions Karen's defense theories. In one such case on April 23, 2023, Kearney does not understand how Karen knows Colin Albert was at 34 Fairview Road when John O'Keefe arrived. Kearney sends the messages, "Hey need to talk to you ASAP" and "It's really important for me to know how we know Colin was in that youse [sic]". Natalie (as an intermediary) sent the message "And TB can't say 'the defense had a source that Colin was there'. It's important for us and TB". Kearney responded, "Need to talk. Emergency" and "Well I'm starting to lose confidence Colin was in that house and I'm freaking out". Natalie sent the message, "Brian and Nicole & Chris and Julie all testified he was there. But I can't send GJ testimony because it's sealed." Kearney continued to ask questions. Natalie replied, "She's signaling you" and

"check your signal". Kearney asks "who?" and Natalie responded "Her". In a similar exchange on May 7, Kearney wrote,

> "Not gonna lie, this is getting old. I don't like the riddle 'put the clues together' stuff. This isn't a board game. By now she knows that I can be trusted. What you told me mean that the 227 google search MAKES NO SENSE!!"

52. During the interview, Natalie discussed a May 3 court date for Karen's criminal case. Kearney requested for someone to save him a seat in the courtroom. Karen arranged a seat for Kearney. On April 23, Kearney sent the message to Natalie, "I'm excited and honored that her parents would wanna sit next to me in court." The seat arrangement is described in a May 2 message sent by Natalie (acting as an intermediary): "I've tried to coordinate TB and Jon/Donny. My parents have a full row with their lawyer, my brother, Ingrid. He can sit right behind them."

53. Natalie recalled Kearney being invited to have lunch with Karen and her defense attorneys, including Alan Jackson and David Yannetti, after the May 3, 2023 court date. A check of the phone revealed one of the first text messages to Kearney, Natalie stated "Karen and her team will be likely be convening at the Omni Seaport after the May 3 hearing." Kearney responded "I'd be happy to meet up with them". On April 28, Natalie sent Kearney the message, "Turtle can meet with Alan on Tuesday [May 3], perhaps?" Natalie stated she spoke with Kearney following the May 3 court hearing. Kearney stated he was nervous to attend lunch with Karen and her attorneys as he would feel out of place. Natalie reassured Kearney he was welcome and stated it was a good opportunity for him. Kearney agreed and stated he was going to attend the lunch. Kearney sent Natalie a text message at 6:28 PM stating "We had a great time". Natalie would later mention Kearney having a "nice time" at the lunch. It should be noted that at all times Natalie was in California, did not attend any Read court dates, and was relaying messages from Karen to Kearney.

54. On May 6, Kearney texted Natalie, "Can I see the hairs? **She showed me in person**." (emphasis added) Natalie then sent Kearney two pictures of what appears to be a hair next to a measuring tape often used by CSSS when documenting evidence[5]. Natalie then sent the message, "Supposedly the same hair." (These photographs are not part of any public filings.)

55. A check of the text messages from Natalie's phone reveals several instances where it appears Kearney communicated directly with Attorneys Alan Jackson and David Yannetti. The first being on April 22, 2023. Natalie sends Kearney a message "Did you talk to AJ today?" and Kearney responded, "Just saw his text. Gonna call him in a bit."

[5] A hair was recovered from the rear of Read's Lexus following the seizure of her vehicle. The recovered hair has been the tested by the MSP Crime Lab and is currently the subject of on-going motions.

On May 2, Natalie sent Kearney the message "Colin has a lawyer. Ask Yannetti about it". On May 5, Natalie sent Kearney the message, "Tell TB from me: Be strong Aidan! Get down for a day, but wake up and keep fighting tomorrow. Please call Alan and spitball your issues with him if you want to" and "Nothing gives you a shot in the arm like talking with AJ". Natalie later asks, "Did you call him" and Kearney replies "Just did".

56. On several occasions, the nature of the relationship between Karen, her defense attorneys, and Kearney is discussed. In one such exchange on May 7, Kearney stated he disagrees with Alan Jackson's theory of when O'Keefe was allegedly moved to the front lawn. Kearney wrote,

> *"**Keep in mind, Karen, AJ, and myself don't officially talk.** It would be normal for me to have opinions that different from the defense, although we all agree that Karen had nothing to do with it. I made it clear that my theory of how he died is simply that – a theory. If there's more information I haven't been given that can prove me theory is wrong I'm all ears."* (emphasis added)

Natalie responded, "I hear you, Aidan. It's good to not be completely in sync. We are open to other theories".

57. In public settings, Kearney and the attorneys for Karen Read have denied communicating or mischaracterized the nature of their communication. On September 27, 2023, Boston Magazine published an article about the homicide of John O'Keefe and Karen Read's defense. For the article, the author interviewed Karen, her attorneys, and Aidan Kearney. The article describes Kearney's involvement in the case from April through the July 25 court date. After describing how the author interviewed Kearney at his residence, the article states, "Both Kearney and Read's defense team say they have never been in contact with one another." On October 20, 2023, an X account (formerly Twitter) associated with David Yannetti (@BostonDefender) posted a response to another post alleging Yannetti "tipped off" Kearney about the story. The post, in part, reads, "he (Kearney) and I never communicated until AFTER his first piece on the #karenread case."

58. I observed text messages between Natalie and Kearney containing discussions about an investigation being conducted by the FBI and US Attorney's Office. On one such occasion, in an April 23 message sent by Natalie to Kearney: "Not public: the feds have been involved longer than anyone is likely guessing". On April 28, Natalie sends Kearney the following message,

> "But I don't understand why he doesn't mention more that the feds are involved. The 1st Asst US Atty. They don't shoot and miss - they have a case - and way more evidence than we do. I know this for a fact. Jen McCabe testifies this coming week. I'm not sure about the others."

59. Kearney responds later on April 28, "Has there been any new information about the fbi investigation and handing out subpoenas?". Natalie responded, "No new info. Just that they are already present the case the GJ as we speak" and "And the DA's office has been informed. That is confirmed. 1000%" [In late April 2023, the Norfolk DA's office was notified by the Boston US Attorney's Office that witnesses involved in Commonwealth v Read were served with subpoenas for a federal grand jury.] In a later exchange, Natalie wrote to Kearney "Bingo was in reference that you go the names of the AUSAs correct" and Kearney responded, "Oh she spoke to David I'm guessing".

60. On May 5, Kearney stated he heard a rumor 20 FBI agents were seen in Canton for "possible arrests". Two days later, Natalie sent Kearney a message that contained in part, "NOT PUBLIC: Levy confirmed no swarms of FBI were in Canton two days ago." The reference to Levy is most likely United States Attorney for the District of Massachusetts First Assistant US Attorney Joshua Levy. In a subsequent conversation, Natalie sent Kearney a picture of what appears to be an organizational chart of the US Attorney's Office with the position of First Assistant US Attorney circled in yellow. Natalie then sent this message, "No rush - but you can tell him: Josh Levy is the 1st Asst. There's only one 1st Asst, and he doesn't typically prosecute. Like, he never prosecutes, he just delegates to the assistants within the divisions (eg, Adam Deitch). But he's running this GJ"

61. At the May 3 Norfolk Superior court date, while in open court before Judge Cannone and television cameras, Attorney Alan Jackson reported "federal authorities have now gotten involved in circumstances surrounding this case and have impaled a grand jury, a federal grand jury, to investigate some of these circumstances." Following the court hearing, Alan Jackson, David Yannetti, and Karen Read spoke to the media on the front steps of Norfolk Superior Court. The Commonwealth later filed a motion requesting Read's defense attorneys refrain from make extrajudicial statements.

62. On July 25, 2023, Attorney David Yannetti filed a motion in Norfolk Superior Court entitled, "Defendant Karen Read's Opposition to Commonwealth's 'Motion to Prohibit Prejudicial Extrajudicial Statements of Counsel in Compliance with Massachusetts Rules of Professional Conduct 3.6(a)'". Attorney Yannetti addressed Attorney Jackson's statement regarding the federal grand jury:

> "The Commonwealth's characterization of statements made by defense counsel —specifically, those attributed to Alan Jackson — is misleading, lacks context, and is outright deceptive…Critically, the Commonwealth — in effort to cast Attorney Jackson's statements in the most nefarious light possible — omitted the prefatory clause preceding this statement. What Attorney Jackson said prior to this statement was '**it's been reported that** . . .'. At the time the statement was made, it had indeed been publicly reported that a federal grand jury had been empaneled.* There is a marked difference between stating that something has been reported and revealing

something that was previously unknown to anyone. This statement was not the defense revealing publicly that a federal grand jury had been empaneled — **something about which the defense team would have no knowledge** (emphasis added). Instead, as Attorney Jackson stated, this was Ms. Read's counsel reiterating what had already been publicly reported."

The motion later states, "Attorney Jackson merely reiterated what had been publicly reported."

63. The asterisk (*) above represents footnote number 37 of the motion which cites a Turtleboy News article that reported the federal grand jury investigation: "Multiple Witnesses In Home Where John O'Keefe Was Killed Subpoenaed By Federal Grand Jury, FBI Visits Homes, Basement Floor Reportedly Replaced, dated April 20, 2023" The first sentence of that Turtleboy article reads "Breaking News – according to reliable sources close to the matter a federal grand jury has subpoenaed multiple witnesses who were in the home of Boston Police Officer Brian Albert on the night fellow BPD Officer John O'Keefe was killed." Karen (through Natalie) sent Kearney information regarding the federal investigation in real-time beginning in April. It is reasonable to assume since Natalie told Jennifer Altman (a friend of Kearney) on April 14 that federal law enforcement was involved and Natalie began communicating with Kearney on April 17, 2023 that Karen or someone from her defense team provided the initial and subsequent information to Kearney regarding the federal grand jury. No evidence exists that Kearney is employed by either attorney nor is he a client of either attorney.

64. On an August 29, 2023 YouTube video (Ep. 609, 17 minute mark), Kearney denies having ever spoken to Karen Read. He described how a follower of his blog connected him with a friend of Karen Read's, which is where he receives his information. He described the relationship with Karen's friend as follows:

> "That's what journalists do, they talk to sources. Okay, Karen Read is allowed to have friends and they're allowed to talk to me. **That doesn't mean I'm communicating with her or her lawyers**...I tried friend requesting Karen Read and it came back rejected, but she's not stupid clearly...I've asked her friend, obviously, asked can I talk to Karen Read, can I talk to her? And the answer is no, so what I am going do."

65. On October 30, 2023, Kearney appeared on a live YouTube show "New Bedford Live". At the 37 minute mark, Kearney is asked if he has "ever met Karen Read". Kearney responded,

> "I've seen her in court. I've met her family I talked to them, not every day or anything like that but I've had many pleasant conversations with them. But Karen likes to keep a distance, I think, between herself and me simply because they're after her, for one thing, they're after her. And number two, it just, you know,

affects my professional reputation if you know she's my bff or something like that. But I fully support her. I think after this is all over her and I will be friends but for now it's about business"

66. Several text exchanges suggest Kearney and Karen communicated directly, without Natalie acting as an intermediary. These messages are in addition to the previously mentioned messages asking Kearney to check his "signal". Natalie stated she never communicated with Kearney on the Signal app and those text messages were informing Kearney that Karen was sending him messages directly on the Signal app.

67. One exchange on May 6 involves Kearney disbelieving a portion of Karen's defense and is frustrated. He texted Natalie that he tried calling "her" (Karen). Natalie asks 15 minutes later "Are you guys on the phone now?" and Kearney responds "Yes" and 45 minutes later "We're still talking". Natalie stated she believed Kearney and Read spoke on the phone at length during this time.

68. In another such exchange on May 19, Kearney and Natalie are exchanging messages about whether Kearney should write about a certain topic. Natalie sent the message, "Let me run it by her. My bet is she says yes.". The next message sent by Natalie (acting as an intermediary for Karen) is as follows, "Yeah, he already asked me. But its his call".

69. Karen Read has been interviewed by other media outlets, including ABC's Nightline and NBC's Dateline. She was interviewed by a reporter from Boston Magazine. She has not acknowledged speaking with Kearney. Furthermore, she took steps to provide Kearney non-public information while appearing to be distant, including using an intermediary, controlling what he can publish publicly, and using a messaging application outside of traditional text messaging.

70. Following a falling out between Natalie and Karen in June 2023, the text message frequency dramatically dropped. Natalie was no longer sending Kearney information related to the homicide after mid-June. On June 23, Natalie asked Kearney to talk to Karen about her being mad at Natalie. Kearney responded that he does not want to play mediator and be in the middle, which would be another insinuation Kearney and Karen communicate directly.

71. A Special Prosecutor convened a Grand Jury to investigate the intimidation of witnesses involved in Commonwealth v Read. A Grand Jury summons was issued to Verizon requesting call detail records for two of Kearney's phone numbers: 774-303-9017 and 413-262-6909. The subscriber for these accounts is Aidan Kearney. A check of those records revealed 189 phone calls between these phone numbers and the phone number Natalie provided to investigators for Karen Read: 857-310-0835. The duration of phone calls between Kearney and Read totaled an excess of 40 hours. These conversations is in addition to the communication Read and Kearney allegedly have on the Signal app. The

first entry to communication between Kearney's and Read's is May 7, 2023. The frequency and duration of the calls increased greatly beginning in the end of June. The communication continued through the fall and winter of 2023 with the last entry of these phone communicating occurring on December 21, 2023.

72. A check of the phone records from Kearney's phone revealed communication with cell phones associated with David Yannetti and Alan Jackson. A phone number ending in 5359 was checked through LexisNexis, a commercially available database, and was associated with David Yannetti. The 5359 phone number communicates with Kearney's two phones 29 times, including 9 times from April 20 to May 2. A phone number ending in 0555 was checked through LexisNexis and was associated with Alan Jackson. The 0555 phone number communicates with Kearney's two phones 29 times, including 3 times from April 20 to May 1.

73. On October 10, 2023, Aidan Kearney was arrested pursuant to several arrest warrants issued out of Stoughton District Court. He was arraigned in Stoughton DC on the same date, which was widely reported by local media. On October 12, 2023, Natalie received a call on her cell phone from 213-688-0460, which is the main office phone number for Werksman Jackson & Quinn, the California law firm of Alan Jackson. Natalie stated she did not answer the call nor did she return the call. She stated she had never spoken to Alan Jackson, David Yannetti, or any other attorney representing Karen in Commonwealth v Read prior to October 12 or since.

74. On December 20, 2023, the Norfolk Grand Jury returned indictments charging Aidan Kearney with nine counts of Intimidation of a Witness, five counts of Illegal Picketing of a Witness, and three counts of Conspiracy to Intimidate a Witness.

75. In December 2023, I communicated and interviewed a witness relative to ongoing conspiracy to intimidate witnesses of the Commonwealth v Read case. I interviewed her at her residence with another investigator. Given widespread media attention and ongoing intimidation of witnesses involved in the case, this witness will be referred to as the pseudonym Jane. The purpose of using a pseudonym in this affidavit is to prevent the public disclosure of her name at this point of the investigation. During the in-person meeting, Jane relayed the following information.

76. Jane stated she met Aidan Kearney in September 2023 after exchanging messages on Facebook Messenger. Jane stated she would communicate with two of Kearney's Facebook profiles: "Clarence Woods Emerson" and "Aidan Kearney". Jane states she then began communicating with him using the phone number 774-33-9017. Kearney and Jane met in person following a Commonwealth v Read court date and went to her apartment. After that meeting, Jane and Kearney began having a romantic relationship with Kearney staying over her apartment Friday nights.

77. In the beginning of their relationship, Kearney stated he was close with Karen Read's family. He would later state to Jane that he speaks with Karen Read every day. Jane showed me a screen shot that Kearney allegedly sent her showing multiple calls on a certain day that showed "Karen Read – Signal audio" in the call log. Kearney told Jane that there was an intermediary between Kearney and Read, a woman by the name of Natalie. Kearney stated Natalie and Read were angry with each other. Kearney stated to Jane that he then began talking to Read directly.

78. Jane stated Kearney and Read communicate using the Signal app because it is encrypted. Jane stated she does not communicate with Kearney using the Signal app. Jane stated Kearney "runs everything by Karen", meaning all of the blog posts and social media content is approved by Read prior to Kearney publishing. Kearney described Read as difficult, controlling, and gets irritated with him. Jane stated Kearney showed her material related to the investigation of the homicide of John O'Keefe, including the 911 call and cruiser video footage before it was "leaked" on social media. [On December 1, 2023, Kearney posted a live YouTube video entitled "Karen Read Case: Jen McCabe 911 Tape Breakdown". The audio is in fact a voicemail recovered by investigators from John O'Keefe's phone that captures Jen McCabe calling 911 from a different phone reporting finding O'Keefe unresponsive. O'Keefe's phone was recovered by first responders on January 29, 2022. It is reasonable to assume only the Commonwealth and Read's attorneys are in possession of the audio file.]

79. Jane described one instance where Read controlled what Kearney would publish. Kearney wanted to release the Canton Police cruiser video footage he had obtained from Read. Kearney asked Read if he could publish the video on his Turtleboy platform. Jane stated Read said no to the request. Kearney was frustrated and contacted one of Read's defense attorneys, Alan Jackson. Jackson approved the release of the video. Read later found out about Kearney going to Jackson and was angry. [During a November 28, 2023 YouTube live video, Kearney discussed the existence of video from cameras affixed to the Canton Police cruisers who responded to the scene, including the names of the officers whose cruisers had video (2 hour 18 minute mark).]

80. Jane stated different sources of financial benefit for Kearney and his partners. Jane stated Kearney is "doing well" with donations. Kearney had alluded to the fact that he did not pay for a Lexus SUV he recently acquired. Kearney made statement similar to "if my frugal mother ever found out I paid for the Lexus, she would be mad" and "even I didn't pay for it, what's wrong with that". [A check of RMV records revealed the Lexus was purchased in the end of June 2023. Further records revealed the vehicle was paid in full using a personal check.]

81. Jane stated she was told by Kearney that Read's attorneys were working with the US Attorney's Office, specifically Acting US Attorney for the District of Massachusetts Josh Levy. Kearney would talk a lot about the federal Grand Jury and Levy with Jane. Jane

stated Karen Read was interviewed by federal law enforcement. Jane also shared other comments Kearney learned from Read that are corroborated by other information known to this affiant.

82. Jane was served with a summons to appear before the Grand Jury on December 22, 2023. Kearney learned Jane was served a summons and they agreed to meet at her apartment on the night of December 23. During this meeting, Kearney told Jane to tell the Grand Jury she did not remember anything, delete evidence from her phone, and told her he would hire her an attorney if she cooperated with him. Kearney later assaulted Jane, which led to Medfield Police charging Kearney with Assault and Battery on Family/Household Member and Witness Intimidation. Kearney was arraigned in Dedham District Court on those charge on December 26.

83. Based upon the foregoing facts, there is probable cause to believe that Karen Read (DOB 2/26/80) committed a violation of Massachusetts General Laws, Chapter 268, Section 13B (Witness Interference: Matthew McCabe, Jennifer McCabe, Brian Albert, Christopher Albert, Colin Albert, Juliana Albert, Juliana Nagel, Michael Proctor, and Elizabeth Proctor) which reads,
"Whoever willfully, either directly or indirectly: (i) threatens, attempts or causes physical, emotional or economic injury or property damage to; (ii) conveys a gift, offer or promise of anything of value to; or (iii) misleads, intimidates or harasses another person who is a:

(A) witness or potential witness;

(B) person who is or was aware of information, records, documents or objects that relate to a violation of a criminal law or a violation of conditions of probation, parole, bail or other court order;

(C) judge, juror, grand juror, attorney, victim witness advocate, police officer, correction officer, federal agent, investigator, clerk, court officer, court reporter, court interpreter, probation officer or parole officer;

(D) person who is or was attending or a person who had made known an intention to attend a proceeding described in this section; or

(E) family member of a person described in this section,

with the intent to or with reckless disregard for the fact that it may;

(1) impede, obstruct, delay, prevent or otherwise interfere with: a criminal investigation at any stage, a grand jury proceeding, a dangerousness hearing, a motion hearing, a trial or other criminal proceeding of any type or a parole hearing, parole violation proceeding or probation violation proceeding; or an administrative hearing or a probate or family court proceeding, juvenile

proceeding, housing proceeding, land proceeding, clerk's hearing, court-ordered mediation or any other civil proceeding of any type; or

(2) punish, harm or otherwise retaliate against any such person described in this section for such person or such person's family member's participation in any of the proceedings described in this section, shall be punished by imprisonment in the state prison for not more than 10 years or by imprisonment in the house of correction for not more than 21/2 years or by a fine of not less than $1,000 or more than $5,000 or by both such fine and imprisonment. If the proceeding in which the misconduct is directed at is the investigation or prosecution of a crime punishable by life imprisonment or the parole of a person convicted of a crime punishable by life imprisonment, such person shall be punished by imprisonment in the state prison for not more than 20 years or by imprisonment in the house of corrections for not more than 21/2 years or by a fine of not more than $10,000 or by both such fine and imprisonment."

84. Based upon the foregoing facts, there is probable cause to believe that Karen Read (DOB 2/26/80) committed a violation of Massachusetts General Laws, Chapter 274, Section 7 (Conspiracy to Commit Intimidation of a Witness) by entering into an agreement with Aidan Kearney by providing information, photography, material relative to her criminal defense, and editorial oversight of blog posts and videos intended to harass, intimidate, and cause emotional harm.

85. The information provided by Natalie Wiweke Bershneider and Jane outlines the close communication between Kearney and Read. The communication has continued after Kearney was arrested and arraigned on charges of intimidation of a witness. Read feeding Kearney information was not only providing her defense theory, as she did with the national news outlets. Read (and her attorneys) and Kearney have publicly mischaracterized their relationship. The information fed to Kearney was later cited by Read's defense counsel in a written motion. Kearney's statements of jury influence and preventing the case from reaching trial are clear motivation Kearney and Read are conspiring to commit witness intimidation. As the Witness Intimidation statute allows, Karen Read has indirectly intimidated and harassed the witnesses named in this affidavit.

86. Evidence of such crimes will be found on mobile electronic devices used by Read to communicate, harass, intimidate, and receive information.

87. On December 23, 2023, I applied for and was granted a Search Warrant out of Norfolk Superior Court (2358SW0013) to seize any cell phone presumably used by Karen Read. Efforts to location Read within the seven days of issuance of the Search Warrant were unsuccessful.

88. On January 9, 2024, I applied for and was granted a Search Warrant out of Norfolk Superior Court (2482SW003) to obtain the real time location information of the cell phone associated with 857-310-0835 and a separate Search Warrant (2482SW002) to seize the device. I served the Search Warrant on Verizon and began receiving location information in the afternoon of January 9. The location information suggested the phone was at the residence of Read in Mansfield. On January 10, I obtained a Search Warrant from Stoughton District Court (2455SW0005) to enter the residence to execute the Search Warrant to seize the cell phone(s). After obtaining the Stoughton DC Search Warrant and traveling to Mansfield to execute the Search Warrant, the phone location began to move north to the Seaport area of Boston. Given the wide radius of the location information, the infrequency of the information (every 15 minutes), and the density of the area, the decision was made to monitor the location information overnight. The following day, January 11, the phone location suggested the phone boarded an airplane at Logan Airport and traveled to Sarasota, FL, where it remained for the duration of the time frame authorized by the Search Warrant.

89. Digital forensics is a branch of forensic science encompassing the recovery, preservation, investigation, examination, and analysis of material found on digital devices. Digital forensic software allows forensic examiners to extract data from digital devices and parse it into a readable format. The majority of software programs do not allow for date/time/content restrictions and require the acquisition and extraction of all data from a digital device. Because of these software limitations, I request permission to seize all data of mobile devices seized.

90. Based upon my training and experience I know from my training and experience that today's cell phones are capable of conducting internet searches, storing large amounts of data, and connecting to external devices via USB (universal serial bus) cable and Bluetooth wireless. Bluetooth is a wireless connection over a short distance that allows the exchange of information. Wireless devices such as a security camera can connect to smart phones via wireless and Bluetooth signals. In addition to making traditional telephone calls, cellphones have the capability of accessing the internet over a cellular data connection which would allow you to communicate, upload, and download files while moving from one location to another.

91. I know that people who commit criminal offenses together often communicate prior to or following that crime. Additionally, those who commit criminal offenses often communicate with their co-conspirators prior to or following the crime. I know that it is common for people to communicate via text messaging, multimedia messaging (MMS), phone calls and emails.

92. I know from my training and experience that commonly used digital devices, including smartphones, are portable devices. These mobile devices can be moved from one Wi-Fi

connection to another with ease in conjunction with a cellular connection with a cellular provider. Often people transport these portable devices from location to location.

93. I know from training and experience that cell phones used to access the Internet usually contain account names, files, logs, or file remnants which would tend to show ownership and use of the computer as well as ownership and use of internet service accounts used for the internet access. I know from my training and experience that Apple devices that are signed in under the same Apple ID will share information such as internet searches across those devices signed in though Apple's iCloud services. This service allows you to sync and access your data from any of your devices wherever you are.

94. I know from my training and experience that technology has advanced. The mobile cellular telephone is not just a device where one communicates audibly with another individual; but rather it is a computer with telephonic capabilities. An example of this is the Apple iPhone. The Apple iPhone is a line of cell phones that have internet and multimedia functions integrated with them. These devices are designed and marketed by Apple Inc. An Apple iPhone mobile device functions as phone, video camera, camera phone with text messaging and visual voicemail, a portable media player, video conferencing, GPS, digital audio and visual recording capabilities, and internet browser, email client, and Wi-Fi connectivity.

95. I know, based on my training and experience that electronic devices such as smartphones are used to access the internet and a search of the device may reveal log files or file remnants concerning communications, use of the internet service accounts such as X (a.k.a. Twitter), Facebook, and other social media platforms as well as internet access to various websites. I submit that it is reasonable to believe that these devices were accessed to communicate with others before, during and after the commission of the crime.

96. Consequently, there is probable cause to believe that the historical GPS data associated with the cellphone will contain recorded evidence of the physical location of the associated mobile device, whenever the device is moving or stationary. Information and evidence of the associated device and travels should contribute to identifying the locations from which the device departed, the locations, where the associated device traveled to and the time the associated device remained at different coordinates.

97. A thorough inspection of various applications on the cell phone will provide information regarding the care, custody, and control of the phone at a certain date/time. Email and social media log-ins are two examples of such information.

98. I know, based upon my training and experience, as well as consultation with investigators specifically trained in the forensic examination of cellular telephones and other digital/electronic storage devices, that cellular telephones store information. This

information can include, but is not limited to, the telephone number assigned to the phone, a list of recent telephone numbers dialed, a list of telephone numbers for calls received, a list of contacts and information relative to text messages sent and received. I also know that such information can be retrieved by a trained examiner utilizing forensic tools to extract the data from the cellular device. In light of the aforementioned, I know that subscriber information may be obtained from the cellular phone company once the telephone numbers of the cell phone is ascertained. The subscriber information for these cell phone(s) will be material evidence that will aid in positively identifying the known and unknown associates in the commission of this crime. Hence, obtaining access to these cell phones, tablet and laptop computers and the information described above would materially aid the present investigation.

99. Based on all the above, there is probable cause to believe the data held within cellphone(s) used by Karen Read will contain evidence of witness intimidation and conspiracy. That cellphone data has been used as means of committing a crime and is evidence of criminal activity.

100. The evidence for which probable cause exists includes:

a. Data evidencing ownership, custody or control electronic evidence items including activation date, email accounts, billing records, social media account information, calendars, alerts, reminders, notes, text messages, and pictures or videos from April 1, 2023 through and including date of seizure;

b. Data evidencing dissemination of data depicting evidence of Intimidation of a Witness of any witness or family members of a witness involved in murder of John O'Keefe, to include but not limited to Matthew McCabe, Jennifer McCabe, Brian Albert, Christopher Albert, Colin Albert, Juliana Albert, Michael Proctor, and Elizabeth Proctor from April 18, 2023 to date of seizure.

c. Data evidencing the on-going conspiracy with Aidan Kearney to Intimidate Witnesses.

101. Karen Read has been charged with criminal offenses since February 2022 and has been represented by attorneys. It is reasonable to assume her electronic devices capable of communication would contain communications with attorney(s) that could be privileged. I respectfully request to **only seize** such devices. Following the seizure of such devices, no search would commence until such time a taint team or special master protocol is agreed upon by prosecuting attorneys for the Commonwealth and defense counsel.

102. Once a protocol is agreed upon, I will apply for a subsequent Search Warrant to particularize the search. Any reference to searching of devices in this affidavit is mentioned merely to illustrate the purpose to seize such devices.

103. Given request of seizure only, I respectfully request the authority to download and preserve data of any device seized. The download of the data contained on a seized device would ensure the integrity of the data. I know through training and experience users can erase data from a phone remotely. I respectfully request the authority to enter the phone for the sole purpose to place the cellphone in "airplane mode", preventing the device from communicating and receiving an erase command.

104. In the event the device is seized with a passcode, the download of the device would prevent the remote deletion of data. This affiant has access to software that can attempt to bypass passcodes of cellphones. The process of bypassing a cellphone code can take minutes, days, weeks, or months. In the event no passcode is obtained and the phone is locked, I respectfully request the authority to attach seized devices to such software in order to begin the passcode cracking process. In the event the passcode is bypass, I request the authority to download such device.

PRINTED NAME OF AFFIANT	SIGNED UNDER THE PENALTIES OF PERJURY
Detective Lieutenant Brian Tully	Signature of Affiant
SWORN AND SUBSCRIBED TO BEFORE	
Signature of Justice, Clerk-Magistrate or Assistant Clerk	1/22/24 Date