

# WERKSMAN JACKSON & QUINN LLP

888 WEST SIXTH STREET, FOURTH FLOOR

LOS ANGELES, CALIFORNIA 90017

TELEPHONE (213) 688-0460

FACSIMILE (213) 624-1942

WWW.WERKSMANJACKSON.COM

MARK J. WERKSMAN

ALAN J. JACKSON

KELLY C. QUINN \*

CALEB E. MASON \*\*

ELIZABETH S. LITTLE

KAREN M. SOSA \*\*\*

JACQUELINE M. SPARAGNA \*\*\*\*

NIA C. WAHL

\* CERTIFIED SPECIALIST — APPELLATE LAW

THE STATE BOARD OF CALIFORNIA

BOARD OF LEGAL SPECIALIZATION

\*\* ADMITTED IN CALIFORNIA AND ILLINOIS

\*\*\* ADMITTED IN CALIFORNIA AND VIRGINIA

\*\*\*\* ADMITTED IN CALIFORNIA AND WASHINGTON, D.C.

July 10, 2025

Michael Cox, Commissioner  
Boston Police Department  
Boston Police Headquarters  
1 Schroeder Plaza  
Roxbury Crossing, MA 02120  
(617) 343-4500

## **Re: Brady/Giglio Disclosure – Officer Kelly Dever**

Dear Commissioner Cox,

Pursuant to the obligations established under *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972), this letter serves formal notice that a member of your department, Officer Kelly Dever, must be included in the Brady database. The grounds for her mandatory inclusion in the database are outlined below.

As you are no doubt aware, Officer Dever was a witness called by the defense in the matter of *Commonwealth v. Karen Read*, a high-profile murder case that was tried for the second time in Norfolk Superior Court in April 2025. The case received extensive national and international media coverage.

Officer Dever's involvement in the case stemmed from her interview with agents from the United States Federal Bureau of Investigation (FBI), during which interview Officer Dever explained to the agents in detail her observations of former Canton Police Chief Kenneth Berkowitz and Special Agent Brian Higgins of the Bureau of Alcohol, Tobacco, Firearms and Explosives, in the sally port garage of the Canton Police Department. She described seeing both individuals enter the sally port garage of the Canton Police Department where the SUV in question was located on January 29, 2022. Officer Dever described in indelible detail that she witnessed Chief Berkowitz and Mr. Higgins go into in the sally port and stay there for a "wildly long time," and that she thought it "weird" that a witness on the case (Higgins) would have access to a seminal piece of evidence (the SUV) in the investigation. During her lengthy interview with federal agents, she articulated her observations in considerable detail, including specifics about the monitors she was viewing at the dispatch desk. She described at length her observations of the two men entering the sally port with the SUV. Officer Dever claimed no issues with her memory, and she was clear with the agents that she made her observations in

the afternoon or early evening of January 29, 2022, at the end of her shift *after* the SUV had been “secured” in the sally port. Subsequent thereto, the federal authorities provided a report of their interview with Officer Dever both to the prosecution and to the defense in the *Read* matter.

In or about April 2025, the defense issued a subpoena for Officer Dever to testify in the murder trial, and on June 2, 2025, she was subsequently called and sworn to testify before the jury. During her testimony under oath, Officer Dever changed her statement, claiming not that she did not make the statements to the federal agents, but that her observations of Chief Berkowitz and Mr. Higgins were a “false memory.” She maintained under oath and throughout her testimony that the events she described to the federal agents never happened, that the “memory” she was recounting was “false,” and that the events she described did not actually occur.

It is clear, therefore, that one of two things is true: Either Officer Dever lied about having a false memory, or she actually suffers from a condition that subjects her to false memories. In either case, her credibility and reliability as a law enforcement officer are irreparably compromised. If she lied under oath, Officer Dever is guilty of perjury. If she truly suffers from false memories, she is unfit to serve as a police officer. Her reports, statements, and testimony can no longer be presumed accurate, and any case—current or prior— involving Officer Dever must be reviewed accordingly. These circumstances bear directly on Officer Dever’s credibility and represent impeachment evidence pursuant to *Brady* and *Giglio*.

Given these facts, it is clear that it is incumbent upon your department to immediately include Officer Kelly Dever in the *Brady* Database, and all information surrounding her claimed “false memories” must be disclosed to the defense in every case in which she is a witness or potential witness. As you are aware, both the prosecution and law enforcement share a constitutional obligation pursuant to the Due Process Clause of the 14<sup>th</sup> Amendment to affirmatively disclose exculpatory and impeachment information to the defense in every case. The Supreme Court has mandated that, “When the reliability of a given witness may well be determinative of guilt or innocence, nondisclosure of evidence effecting credibility falls within the *Brady* Rule.” (*Giglio*, *supra*, 405 U.S. at 154.)

Failure to disclose Officer Dever’s intentionally false testimony and/or her false memory condition would be a constitutional violation, subjecting both the prosecution and the Boston Police Department to severe sanctions, the least of which is the dismissal of every case she touches. If it is determined that your department was on notice, which this letter formally provides, and the department does nothing to include Officer Dever in the *Brady* list and thereafter provide to the defense the exculpatory and impeachment materials in its possession, the sanctions can and will be far more extreme.

///

///

**Re: Brady/Giglio Disclosure – Officer Kelly Dever**

**July 10, 2025**

**Page 3 of 3**

Please confirm your receipt and understanding of this correspondence, along with confirmation that Officer Dever has been included in the *Brady* database.

Very truly yours,



---

Alan Jackson

WERKSMAN JACKSON & QUINN LLP

CC: Phillip Owens, Superintendent-in-Chief  
Boston Police Department  
Boston Police Headquarters  
1 Schroeder Plaza  
Roxbury Crossing, MA 02120

Kelly Dever, Police Officer  
Boston Police Department  
Boston Police Headquarters  
1 Schroeder Plaza  
Roxbury Crossing, MA 02120