

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY

NO: BD-2026-057
BD-2025-058

IN RE: JOHN E. BRADLEY, JR. AND KAREN H. O'SULLIVAN

RESERVATION AND REPORT

Bar counsel filed a petition for discipline against John E. Bradley and Karen H. O'Sullivan, two former Assistant District Attorneys for Plymouth County, stemming from their conduct in the course of prosecuting Frances Choy. Choy was indicted in 2003 on one count of arson of a dwelling and two counts of murder in connection with the deaths of her parents earlier that year. Respondent Bradley assumed the role of lead prosecutor in the case, with Respondent O'Sullivan serving as second seat. After three criminal trials — the first two of which ended in mistrials due to juror deadlock — Choy was found guilty on all counts and sentenced to life imprisonment without the possibility of parole. In the course of postconviction proceedings, defense counsel for Choy discovered that the respondents (who had since left the Plymouth County District Attorney's Office) had not turned over two exculpatory reports suggesting that Choy's nephew, who testified¹ against Choy under a grant of immunity, had a motive to commit the crimes. Defense counsel also learned that the respondents had exchanged numerous internal emails mocking Choy and her nephew with racist stereotypes during the pendency of the

¹ Choy's nephew had been tried separately in connection with the deaths of Choy's parents, but was acquitted. He testified against Choy at her second trial but fled the country before the third trial, where his immunized testimony from the prior trial was instead read into the record.

criminal case. Due in large part to these discoveries, a judge in the Superior Court vacated Choy's criminal convictions and ordered a new trial in 2020. Thereafter, the Plymouth County District Attorney's Office entered a nolle prosequi on all charges and Choy was released from prison after serving seventeen years of her sentence.

Bar counsel filed the underlying petition with the Board of Bar Overseers (board) in 2023, alleging that the respondents engaged in numerous violations of the Massachusetts Rules of Professional Conduct by failing to produce exculpatory evidence to Choy's trial attorney² and by exchanging racist and derogatory emails about Choy.³ Bar counsel further alleged that Respondent Bradley had misstated the evidence in his closing argument at Choy's third criminal trial,⁴ which had served as another basis for the Superior Court's decision to vacate the convictions.

After a thirteen-day evidentiary hearing, at which nineteen witnesses testified, a hearing committee of the board issued a report finding that bar counsel had proven most, but not all, of the violations alleged. The hearing committee concluded that bar counsel had proven that the respondents violated rule 8.4(d) (conduct prejudicial to administration of justice) and 8.4(h) (fitness to practice) by sending racially offensive, derogatory, and unprofessional emails in the

² This was alleged to violate Mass. R. Prof. C. 1.1 (competent representation), 1.3 (diligent representation), 3.4(a) (prohibition on obstructing of another party's access to evidence), 3.4(c) (prohibition on knowingly disobeying obligation under rules of tribunal), 3.8(d) (prosecution's timely disclosure of all known evidence or information to defense that tends to negate guilt of accused or mitigates offense), 8.4(c) (prohibition on conduct involving dishonesty, fraud, deceit, or misrepresentation), 8.4(d) (prohibition on conduct prejudicial to administration of justice) and 8.4(h) (prohibition on other conduct that adversely reflects on fitness to practice law).

³ This was alleged to violate rule 8.4(d) and 8.4(h).

⁴ This was alleged to violate Mass. R. Prof. C. 3.4(e) (prohibition on alluding to matters not reasonably supported by admissible evidence) and 8.4(d).

course of prosecuting Choy. The hearing committee also found that Respondent Bradley had misstated evidence in his closing argument. However, the hearing committee determined that the misstatement had been inadvertent and did not constitute a violation of rules 3.4(e) (alluding to matter not supported by admissible evidence) or 8.4(d). The hearing committee similarly found that the respondents' failure to disclose exculpatory evidence was not intentional, but merely negligent, and that such negligent conduct did not violate rules 3.4(c) (knowing disobedience of obligation under rules of tribunal) or 8.4(c) (dishonest, fraud, deceit, or misrepresentation), though it did violate rules 1.1 (competence), 1.3 (diligence), 3.4(a) (obstruction of party's access to evidence), 8.4 (d), and 8.4(h). Finally, the hearing committee found that the respondents had violated rule 3.8(d) (requiring prosecutors to timely disclose exculpatory evidence to defense), based on its conclusion, as a matter of first impression, that the rule encompasses negligent failures to disclose evidence.

After considering multiple factors in aggravation, and finding no factors in mitigation, the hearing committee recommended that Respondent Bradley be suspended for one year and one day and that Respondent O'Sullivan be suspended for two years. One member of the hearing committee dissented as to the recommended sanction for Respondent O'Sullivan, asserting that she should be suspended indefinitely because she "evidenced complete disregard for candor in the disciplinary process" and had improperly attempted to influence the testimony of two actual or potential witnesses to the disciplinary proceedings.

In a memorandum dated June 30, 2026, the board voted to adopt the hearing committee's factual findings and recommended sanction.⁵ However, the board did not adopt the hearing

⁵ The board declined to address the hearing committee's conclusion that Respondent Bradley did not violate rules 3.4(e) or 8.4(d) by misstating evidence in his closing argument, as there was no appeal from this aspect of the hearing committee's report.

committee's conclusion that the respondents violated rule 3.4(a), reasoning that the rule "does not extend to a mere negligent failure to transmit a document." The majority of the board also rejected the committee's determination that the respondents had violated rule 3.8(d), based on the board's conclusion that the rule is not violated by a prosecutor's negligent failure to disclose exculpatory evidence. In a concurring opinion, three members of the board disagreed as to the scope of rule 3.8(d), stating that (like the hearing committee), "we would hold that a negligent failure to disclose exculpatory evidence or information violates [rule 3.8(d)]." Two other members of the board dissented solely with respect to the recommended sanction for Respondent O'Sullivan. The dissent asserted that a suspension of at least three years was more appropriate in light of Respondent O'Sullivan's dishonest testimony before the hearing committee, as well as the "position of immense power" that she currently occupies as First Assistant District Attorney in Bristol County.

These matters are now before me on an Information and Record of Proceedings filed by the board. Upon consideration of the written materials submitted, I am persuaded that these matters raise significant issues of broad impact that are best decided by the full court in the first instance, including the question of whether a prosecutor's failure to disclose exculpatory evidence must be knowing or intentional for purposes of Mass. R. Prof. C. 3.8(d). Accordingly, I exercise my discretion to reserve and report these cases without decision for determination by the Supreme Judicial Court for the Commonwealth. The cases shall be reported to the full court on the following record:

- (1) All of the materials filed in the county court in these matters;
- (2) the docket sheet in BD-2026-057
- (3) the docket sheet in BD-2026-058; and

(4) this reservation and report.

The respondents shall be designated the appellants and bar counsel shall be designated the appellee. The parties shall confer with the Clerk of the Supreme Judicial Court for the Commonwealth regarding the schedule for filing of briefs and the date of oral argument.

By the Court,

/s/ Serge Georges, Jr.

Serge Georges, Jr.
Associate Justice

Dated: August 7, 2026