

Michael Elbery
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2-25-97

Loring P. Lamoureux
Clerk of the Courts
Room 21 Court House
2 Main St.
Worcester, Mass. 01608-1176

Dear Sir:

Please find enclosed for immediate filing and review by Judge Daniel
Toomey DEFENDANT'S MOTION FOR ALLOWANCE OF FORTY ADDITIONAL PAGES
TO COMPLETE MOTION FOR NEW TRIAL.

Respectfully submitted,



Michael Elbery

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.
Worcester Superior Court
Criminal Docket #93-0135

Commonwealth
v
Michael Elbery

MOTION FOR ALLOWANCE OF FORTY ADDITIONAL PAGES TO COMPLETE MOTION
FOR NEW TRIAL

The defendant moves the court for leave from Superior Court Rule 9A-b-4 which limits a motion memoranda to 20 pages. This pro se litigant asks the Court for leave to submit an additional 40 pages. I can not present all factual claims, all being U.S. Constitutional violations, on 20 pages.

Each factual claim not only requires statement of fact, legal authority and argument but also requires an explanation of resulting prejudice. At this point I have 12 factual claims each containing subsets of additional violations of law and related factual claims.

To exclude any of these factual claims allowed by Rule 30 would be an injustice. Each claim not only depicts a constitutional violation but rises to a miscarriage of justice, all claims must be presented in order that this pro se litigant can fairly present the injustices surrounding his conviction on 7-2-93.

Thank you for your immediate attention regarding this
matter.

Respectfully submitted,

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