

31 / Supreme Judicial Court of Mass.

Commonwealth
v.
Michael Elbery

Appeal
SJL-0821

Appellant's Motion To Default the Appellee
To Decide the Appeal Based on the
Appellant's Brief

1. The appellee is two months in default in submitting their brief regarding the above docketed appeal.
2. This appellant is in prison.
3. This appeal will probably have to be decided before Judge Van Toomay reviews this appellant's Motion For New Trial regarding the conviction this appellant is serving for "attempted mayhem".
4. The Motion For New Trial was filed with Superior Court Judge Toumey on

7-6-99. The SJC has a copy of the motion that was submitted with SJ-1999-0308 (single justice petition under c. 211 s. 3).

5. That Motion For New Trial exposes the illegalities and railroad job at the trial that convicted this plaintiff for "attempted mayhem".
6. The appellant is innocent of the charges he is imprisoned for, the Motion For New Trial proves it, and this appeal's delay is continuing the injustice.

Wherefore,

this appellant asks that the appellee be defaulted and the SJC decide the appeal based on the appellant's brief.

Mike Elly
Michael Elly, CS7634
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P.O. Box 9166
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1-15-00

Certificate of Service

I the appellant, Michael Elbery,
sent this notice to default to the
Mass. S.T. C. via prison & U.S. mail
on 1-15-00 to 1412 Pemberton Square
Court House, Boston, Ma. 02108 and
Dan Toomey 40 Union Sup. Ct. - Clerk, 2 Main
St., Wore. Mass. 01608 - Mt. Green - Mass at
Ashburton Pl., Boston, Ma. 02108 - 4 Wore.
P.O. Office, 2 Main St., Worcester, Mass.
01608 the same.

M. Elbery