

93-0135

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.

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2/28/97 ALLOWED (PREVIOUS), HOWEVER, THAT DEFENDANT'S MEMORANDUM SHALL NOT EXCEED 60 PAGES INCLUDING ITEMS OF APPENDIX ADDENDUM AND COPIES OF DOCUMENTS

AS TO WHICH DEFENDANT MAKES REFERENCE IN THIS MEMO.

-DE TOOMEY JSC

NOTIFY PARTIES

2/28/97 copy to DA 1
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