

Commonwealth of Massachusetts
WORCESTER SUPERIOR COURT
Case Summary
Criminal Docket

WOCR1993-00135
Commonwealth v Elberry, Michael G

Date	Paper	Text
03/17/1997		Re Motion #23: Notwithstanding, defendant's withdrawal of his motion this court, as a matter of discretion, directs that his initial submissions in support of his Rule 30 motion shall NOT exceed 60 pages (copy to DA & defendant)
07/06/1999	24.0	Deft files Petition for Relief Under General Superintendence of all the Courts to Prevent Abuses of Lower Courts
07/06/1999	25.0	Deft files Document Listing w/Certificate of Service
07/06/1999	26.0	Deft files Motion For New Trial & Discovery and Evidentiary Hearing w/Memorandum of Procedural Background, Affidavits In Support of Motion For New Trial Under Rule 30, Memorandum of Fact and Law In Support of Defendant's Motion for New Trial w/Exhibits A - R, 5 vols of transcripts, grand jury transcript & Probable Cause Hearing Transcript. <i>correct</i>
07/30/1999	27.0	Deft files Amended Claim To Elbery's Motion For New Trial
08/09/1999	28.0	ORDERED: Denying relief under c.211, s.3 without a hearing; (Appeals Court, dated 8/4/99)
09/14/1999	29.0	NOTICE OF ENTRY: Counsel should consult the Massachusetts Rules of Appellate Procedure for all provisions relative to proceeding with this appeal; (SJC)
10/04/1999	30.0	Notice of appeal from the Single Justice of the Supreme Judicial Court (file in case)
02/03/2000	31.0	Deft files Appellant's Motion to Default Appellee To decide the Appeal Based on the Appellant's Brief (filed in case only)
02/03/2000		Re: Motion #31: this court will recuse itself from all aspects of this case (see endorsement); (Toomey, J.) /parties notified.
02/03/2000		Case assigned to Judge Hillman; (Toomey, J.)
02/04/2000		Re Motion #31: Since this motion involves the procedures to be employed by the Appeals Court and not this Court, no action is taken by the Court; (Hillman, J.) parties notified.
03/14/2000	33.0	Deft files Appellant's Motion to Waive Argument
03/20/2000	32.0	Deft files Notice of Address Change
04/05/2000	34.0	Deft files An Amendment or Correction to the Defendant's Motion For New Trial
05/18/2000		Case located in black tin box, criminal files, 1st side, 2nd shelf from floor.
07/28/2000		Docket mailed to defendant.
07/31/2000	34.5	Deft files Change of Address: MCI Concord
08/08/2000	35.0	Deft files Motion to read entire Motion for New Trial with Supporting Memos and Defendant's Notice egarding SJC's Decision on 60 pg. limit (9/11/00 copy sent to J. Hillman in Northampton)
08/15/2000		Judge Hillman's law clerk, Todd Grossman, has case.
09/05/2000	36.0	Deft files Motion to read overlength RE: Motion for New Trial (9/11/00 copy sent to J. Hillman in Northampton)
09/11/2000	37.0	JUDGMENTafter Rescript: (by Cowin,J) "This matter came before the Court, and in accordance with the Rescript Opinion that was entered

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	37.0	in the Full Court on July 13, 2000, it is ORDERED and ADJUDGED that the following entry of Judgment be, and the same hereby, is made: "Judgment Affirmed." Received from The SJC on September 7, 2000
09/15/2000	38.0	Deft files Motion to Mark-Up Motion for New Trial For Hearing (9/15/00 copy to J. Hillman in Northampton)
05/15/2001		Judge Hillman's Law Clerk, Michael Stacchi, has file. (Returned 09-13-01)
09/13/2001		Copy of docket sent to deft @ SECC Prison 12 Administration Road Bridgewater, MA 02324
12/10/2001	39.0	Deft files Petition for Relief Under c211 s3 (Petition sent to Judge Hillman)
12/21/2001	40.0	MEMORANDUM of DECISION and ORDER on Defendant's Motion for a New Trial and Request for an Evidentiary Hearing - the defendant's Motion for a New Trial and Request for an Evidentiary Hearing are DENIED (parties notified) (Hillman,J)
01/11/2002	41.0	Request for Trial Exhibit List by Defendant (Copy of List sent to deft)
01/28/2002	42.0	NOTICE of APPEAL FILED by Michael G Elberry
02/27/2002	43.0	Notice of assembly of record; Notices mailed to John Conte, District Attorney, defendant and probation. Notice under Appellate Rule 9(d) mailed to Appeals Court, together with 2 certified copies of the docket entries, the Clerk's statement of the case & a certified copy of the Notice of Appeal & Memorandum of Decision amd Order on Defendant's Motion for a New Trial
03/04/2002	44.0	Defendant's motion for supplement to motion to reconsider Denial of Motion fo new trial (Judge Hillman)
03/05/2002	45.0	Notice of Entry from the Appeals Court No 2002-P-0318 on March 1, 2002
03/06/2002		Motion (P#44) denied (Hillman, Justice). Copies mailed to Deft
03/13/2002		Copy of docket and letter in regards to his request for statement of the case sent to deft on March 13, 2002
03/25/2002	46.0	Two Copies each of Transcripts sent to Appeals Court per there request. (5 vols of transcripts, grand jury transcript & Probable Cause Hearing Transcript.) (Copies of the docket entry sent to DA, Appeals Court and deft)
12/30/2002	47.0	Notice of Entry of appeal received from the Appeals Court No 2002-P-0318 (See Notice of Docket Entry)
06/10/2003	48.0	Rescript received from Appeals Court; judgment AFFIRMED dated March 10, 2003 Order denying motion for new trial affirmed (See Memorandum and Order Pursuant to rule 1:28
06/21/2013	49.0	Defendant's motion for new trial with memorandum and affidvit in support of (sent to Judge Lemire)
06/21/2013	50.0	Defendant's amended clain to elbery's motion for new trial (sent to Judge Lemire)

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