



The Commonwealth of Massachusetts
SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
1404 COURTHOUSE
BOSTON, MASSACHUSETTS 02108
July 17, 2001

MAURA S. DOYLE
CLERK
(617) 557-1050/557-1100
FAX (617) 523-1540

Michael Elbery
SECC Prison A - 406
12 Administration Road
Bridgewater, MA 02324

ASSISTANT CLERKS
LILLIAN C. ANDRUSZKIEWICZ (617) 557-1184
GEORGE E. SLYVA (617) 557-1185
FRANCIS V. KENNEALLY (617) 557-1186

RE: No. SJ-2001-0119

COMMONWEALTH
vs.
MICHAEL ELBERY

NOTICE OF DOCKET ENTRY

You are hereby notified that on July 17, 2001, the following
was entered on the docket of the above referenced case:

JUDGMENT: denying relief under c. 211, s.3 without a hearing.
(Ireland, J.)


Maura S. Doyle,
Clerk

To: Michael Elbery
Scott C. Ford, Assistant District Attorney
Mary Wollenhaupt
Framingham Dist. Ct. - Criminal

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. SJ-2001-0119

COMMONWEALTH

vs.

MICHAEL ELBERY

JUDGMENT

This matter came before the Court, Ireland, J., presiding, on a petition pursuant to G.L. c. 211, s. 3, and upon consideration thereof, it is ORDERED that the petition be, and the same hereby is, denied without hearing.

By the Court, (Ireland, J.)


Assistant Clerk

Entered: July 17, 2001

NOTICE OF RECENTLY ADOPTED RULE (Effective November 15, 1995)

RULE 2:21 APPEAL FROM SINGLE JUSTICE DENIAL OF RELIEF ON
INTERLOCUTORY RULING

(Applicable to civil and criminal cases.)

(1) When a single justice denies relief from a challenged interlocutory ruling in the trial court and does not report the denial of relief to the full court, the party denied relief may appeal the single justice's ruling to the full court. Unless the court otherwise orders, the notice of appeal shall be filed with the Clerk of the Supreme Judicial Court for Suffolk County within seven days of the entry of the judgment appealed from. Unless the single justice or the full court orders otherwise, neither the trial nor the interlocutory ruling in the trial court shall be stayed.

(2) The appeal shall be presented to the full court on the papers filed in the single justice session, including any memorandum of decision. Eight copies of the record appendix must be filed in the Office of the Clerk of the Supreme Judicial Court for the Commonwealth within fourteen days of the filing of the notice of appeal. The record appendix shall be accompanied by eight copies of a memorandum of not more than ten pages, double-spaced, in which the appellant must set forth the reasons why review of the trial court decision cannot adequately be obtained on appeal from any final adverse judgment in the trial court or by other available means. No response from the prevailing party shall be filed, unless requested by the court.

(3) This rule shall not apply to interlocutory appeals governed by Rule 15 of the Massachusetts Rules of Criminal Procedure.

(4) The full court will consider the appeal on the papers submitted pursuant to this rule, unless it otherwise orders.

If an appeal from a judgment is subject to Supreme Judicial Court Rule 2:21, set forth above, please note that:

- 1) within seven (7) days of the entry of the judgment, (unless the court otherwise orders), the appealing party must file a notice of appeal with the Clerk of the Supreme Judicial Court for Suffolk County (Room 1404); AND
- 2) within fourteen (14) days of the filing of the notice of appeal, the appealing party must:
 - a) docket the appeal in the office of the Clerk of the Supreme Judicial Court for the Commonwealth (Room 1412) and pay any docket fee required by law; AND
 - b) file eight (8) copies of the record appendix and eight (8) copies of the memorandum required under SJC Rule 2:21 with the Clerk of the Supreme Judicial Court for the Commonwealth (Room 1412).