

II.

(1)

9/13/00

I spoke to Olecki in the presence of the attorney she said that on July 4, 2000 at about 2:00PM she was called out to the register. Peter Gear was there to pay for the gas. Dolly went to the register and accepted payment. Gear told Dolly that Mike went out after him - Beat him up.

He showed Dolly scrapes on his arms/elbow SCRAPES ON SIDE OF FACE - MINOR SCRAPES - NOTHING MAJOR - complained about side - He ~~said~~ said there was yellow paint on his watch (yellow). Olecki said there is yellow paint on the payment STATING "NO PARKING". She does NOT remember Gear saying anything about his leg. He said he didn't pay because he needed to get away from Mike - He said he was going to the hospital + is the police station. He said the jugs were broken when they were wrestling around out front.

Gear did not say Mike threw him on the jugs. Mike never told me anything about an altercation that morning.

10/17/00

Spoke to Dolly Olecki in presence of woman attorney (see file for name). She stated that she was called out to the register about 2:00PM to talk to Gear. Gear paid for the gas. Dolly said the original register slip had information provided by Mike written on it. After Gear paid the bill they don't keep the slip.

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Dolly confirmed that Geni said that Mike beat him up. She confirmed that Geni had minor scrapes on his arms/elbow + scrapes on the side of his face. As per Mike Elberry's instructions I did NOT ASK Dolly about anything related to Geni's side. She confirmed the paint and confirmed that she did NOT remember anything said about his leg. Dolly said that there was another employee there when Geni was there. She could NOT remember who but said IT was whoever was on the schedule for that afternoon.

Mike WASN'T on the schedule to work on the evening of July 4, 2000. She didn't think he was on the schedule for a couple of days after this incident. In the meantime she says that Mike was arrested. Dolly stated that she did NOT fire Mike.

Regarding the water jugs she doesn't remember if she asked him about the jugs but she remembers Geni saying that the jugs broke when they were wrestling around. She said that there were 3 jugs in her office that were broken. She said no one explained to her what happened to the jugs. She states Mike told her about the gas run off when she came in to work and handed her the register slip. She states that Mike

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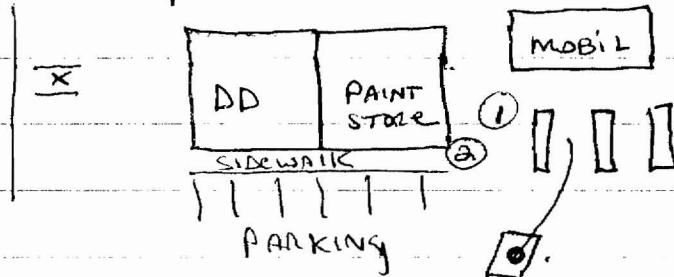
did not tell her about any alteration, injuries, or broken jugs. She was told about the jugs later. She may have talked to Mike on the phone before Gen came in. She does not remember.

She did not remember any discussion with Gen about the merits of the mobile job.

She doesn't remember Gen saying that Mike was complaining about his job. Dolly doesn't remember when Mike had a conversation with her about witnesses. (Case called in court)

10/17/00 Hearing took place - Olecki witness re tape in front of Grecco, J.

10/17/00 Went to lunch with Carmen, Brian, + Dave (29, 98)
Then we went to scene. They showed me where they were parked. (X)



RT 30

They all confirmed that the kids in the car pulled up - and said the gas ATTENDANT is getting the shit kicked out of him.

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BRIAN WAS FIRST - HE RAN ALONG SIDEWALK IN FRONT OF DUNKIN DONUTS AND PAINT STORE. HE SAID HE WAS AT POINT (1) WHEN THE WHITE MONTE CARLO SCREECHED OUT OF THE MIDDLE PUMP AREA AND WENT OUT ONTO RT 30 (•). HE GOT THE PLATE # - DID NOT SEE THE DRIVER. CARMEN TOOK THE SAME ROUTE AS BRIAN AND GOT TO POINT (2) WHEN HE SAW THE CAR SCREECHING AWAY OUT ON TO ROUTE 30. HE DID NOT SEE DRIVER. DAVE DROVE UP. WHITE CAR WAS LEAVING MOBIL STATION. HE DID NOT SEE DRIVER. ALL THREE WITNESSES CONFIRMED THEIR PREVIOUS STATEMENTS TO ME. I READ THEM THEIR NOTES OF MY PREVIOUS INTERVIEW AND THEY ALL CONFIRMED THAT EACH STATEMENT WAS ACCURATE. I OBTAINED ALL SOCIAL SECURITY #'S AND BIRTH DATES OF ALL THREE. CARMEN SAID HE MAY BE STARTING A NEW JOB AT A COMPUTER COMPANY, JD ASSOCIATES IN LEOMINSTER, MA. JD ASSOC. IS IN THE SAME BUILDING AS THE REGISTRY OF MOTOR VEHICLES ON THE 3RD FLOOR - 4 POINTS HOTEL IS RIGHT THERE. HE IS NOT SURE ABOUT THE JOB BUT HAS INTERVIEWED THERE.

10/17/00
CALLED MOBIL ATTORNEY ABOUT ACCESS TO INSIDE OF STATION FOR VCR. HE SAID HE WANTED ME TO PUT MY REQUEST IN WRITING AND STATE EXACTLY WHAT I WANT TO DO AND HE WOULD FORWARD IT.

(3)

to mosic for a response. I took several pictures of the scene and outside of the mosic STATION.

10/17/00 called the court to request transport order form.
They will send form.

1/8/00

Faxed response to Mobil Attorney -

I went to the mobil station to TAKE photos - outside and inside - Mobil employee by the name of Rich was working - He was very friendly and let me TAKE photo's inside store. He said to tell Mike he said hello. He said that he also had run into problem customers. The back room was closed and no one else came out while I was there.

I then went to the Framingham police station.

I looked at the pictures again. The leg photo looks like a scratch with dried blood.

The face photo looks like an abrasion/bruise.

The side/back photo looks like a black and blue bruise. The elbow had a scrape. The shoulder had a bruise, the hand had 3 scrapes. The forearm had a scrape/bruise and the elbow had a scrape. I then looked at the

7/3/00 video from 6:30 AM to see if Dolly O'Leary came in to work that day.

The video shows Mary Floyd working.

Camera #1 does show the outside front of the store (partially blocked by display and other items).

I think that the video tape would have shown ACTIVITY in front of the store. At 7:00 AM A man goes behind the counter. He appeared to have dark short hair, a little out of shape and

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Approximately 40. It is hard to describe people on the tape as it is not the greatest quality. Another man joins him. A short time later a person that looked like the guy I saw today (Rich) is shown on the tape - (possibly 3 different male employees there at that time). The tape could only be shown in fast forward. The stop function did not give a clear image. We used 3 different screens to watch the tape. Before 7:30 AM a woman employee goes behind the counter. It looked like the woman was Dolly Olecki but I cannot be sure due to the quality of the film. The woman had long hair. Most of the film was of her back but there were times that she turned to talk to the male employee. She looked a little thinner than what I remember Dolly to be but she had the overall appearance of Dolly. Mike needs to let me know about other women working there. This woman was on the screen periodically throughout the day. At times she was working behind the counter with the male employee and at around 2-2:30^(+/-) she worked by herself behind the counter. At about 12:00 noon it looked like a new male employee started to work. Mobil payroll records should

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Confirm whether any other women worked that day. I noted times of 7:20, 9:08, 12:47, 14:36 that the woman that looked like Dolly was on the screen.

I bought a MetroWest Newspaper to confirm Reward Ad.

I obtained the computer print out of the 911 call made by Mike which shows that the call was made at 2:22 on 7/4/00.

Sgt TRASK STATED that the computer prints out a record of only 911 calls made each day and these records are saved. All other calls are NOT logged or printed out by the computer. He said that the police log contains entries of all police responses.

For example, if someone calls 911 and the police are dispatched to the scene a police log entry is made. If someone calls on a regular line and the police are sent out to the scene a police log entry is made. He said the police do not make a log entry of all incoming or outgoing calls, they are only recorded. I obtained a copy of the police log entries for 7/4/00,

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7/5/00, 7/6/00, and 7/7/00. I noted that the police log entry states that Gernon was arrested on a warrant on 7/4/00 at 1:15 pm. I asked to see the booking sheet, reports, booking photo's etc. TRASK let me look at the booking sheet and the CORI check on gear. He also showed me a color digital photo of gear gear taken during the booking - front + side view.

The color photo showed an abrasion on the cheek area but it didn't look too bad.

The booking report indicated that Gear was arrested on a def warrant from court. He was bailed and released.

The booking sheet states "yes" in the section dealing with visible injuries and notes the phrase "from being kicked in" in the section dealing with "describe conditions when contacted." The Booking sheet lists his mother's name as Jane Kramer (different than probation check) Height 5' 8", 170 lbs 38 yrs old - The booking officer is listed as Sgt Delaney and the arresting officer was Officer Calvano! Sgt Delaney (first name Bill) was at the police station. He said he remembered Gear because he seemed like a jerk. He said he came to

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the STATION ON 7/4/00 AND HAD AN ATTITUDE.

He Remembers him SAYING something ABOUT
being KICKED. Delaney RAN A CORI
Check on him because of his ATTITUDE.

When the WARRANT came up they arrested him.

Delaney remembers telling Gear that he
had to CONTACT the midnight shift officer
if he wanted to give a STATEMENT about
the incident Gear was talking about.

TRASK SAID he needed a court
order to give me a copy of the booking
sheet AND digital printout. but he
let me look AT IT in his office.

We listened to all incoming calls to the
police STATION on their regular lines from
7/6/00 @ 10:00 PM to 3:00 AM on 7/7/00
AT 2:56:31 on 7/7/00 Mike E. called
the police STATION and spoke to P.O. Christopher
MURTAGH. I received a copy of this CALL.
Essentially, Elberg says that Officer Sanchez
is doing an INVESTIGATION AND NEEDS THE NAMES
of witnesses. He STATES that the clerk who is
WORKING AT MOSCIE RIGHT NOW KNOWS THE
names of the 3 PUNKIN DONUT WITNESSES.
Mike ALSO ASKS ABOUT WHETHER A WARRANT FOR A
guy NAMED Elberg WAS ISSUED.

TRASK said that the police log would show whether the Framingham police sent a cop over to the mobile station last night. The police log does not show any entries. He said if Sanday got the message on a different day (does not appear that Sanday was on duty on 7/7/00 at 3:00 AM) and he went over to the mobile it would not appear on the log.