

Michael Elbery, C57634  
SECC - Prison  
12 Administration Rd.  
Bridgewater, Mass. 02324  
6-1-01

Willaim Docken, M.D.  
75 Francis St.  
Boston, Mass. 02210

RE: Commonwealth v. Michael Elbery  
Framingham District Court 00-3006

Dear Dr. Docken,

I am writing to inquire about your availability to testify at the scheduled 7-18-01 trial of the above docketed action.

Per the "limited discovery" of the above captioned case, I was provided medical reports that confirm you examined Peter H. Gear. Per the only report I have from you, you find no cause (etyology) for Gear's right foot injury or pain.

Gear is claiming that he is permanently disabled as a result of this right foot pain that he claims I caused him due to an incident on 7-4-00.

I was a cashier at a Mobil convenience store where Gear fled with a tank of gas and food at approximately 2:20 am after hitting me over the head with a traffic cone and kicking me in the stomach. I was hospitalized at the Deaconess - Glover Hospital and treated by Dr. Mary Buechler.

I am enclosing several medical reports from a Dr. Schissel who is supporting Gear's claim I am responsible for Gear's alleged permanent disability. If you have more documents/information on Gear than the 3-14-01 report I enclosed please inform me, as the Court ordered the prosecution to produce all medical evidence relating to Gear's alleged injury. Schissel makes his 3-14-01

diagnosis allegedly based on your evaluation. That would lead me to believe that there should be documents regarding Gear prior to your 3-16-01 report.

I am also, due to my limited resources, sending you a letter I wrote Dr. Martin which might explain this situation more completely.

I regret that I have to summons you for trial testimony; I would prefer not to have to interfere, but it will cost me 5 years if the Middlesex D.A.'s Office is successful in railroading me on these charges.

If you are not available to testify for trial starting 7-18-01 please let me know so I can motion for a continuance.

Sincerely yours,