

Michael Elbery
SECC Prison
12 Administration RD.
Bridgewater, Mass. 02324
5-30-01

Tamara Martin, M.D.
75 Francis St.
Boston, Mass. 02115

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

Dear Dr. Martin,

I am writing to inquire if you will be available to witness,
regarding the above docketed action, starting trial on 7-18-01.

I represent myself, pro se, no bar attorney.

Per review of your records of treatment to Peter H. Gear you
disclose a great deal of exculpatory evidence for my defense in
the above captioned action. Specifically, your report on Gear
of 10-12-00 indicates Gear went to an "Unknown" "Emergency
Dept." that studied his right foot and that "study" indicated
a "Negative" result regarding Gear's right foot.

Gear is now claiming he is permanently disabled due to injury
to his right foot that he and the prosecutor claim I caused
Gear on 7-4-00 at a Mobil store where I was working as a cashier.

Gear on 7-4-00 at approximately 2:20 am at that Mobil stole a
tank of gas and food after bludgeoning me over the head and
kicking me in the stomach, or an armed robbery.

In addition to his claim of permanent disability to his right foot, Gear claims he was unmercifully beaten for no reason and that it was my ~~fault~~ that he did not pay for his gas and food.

Gear had a 6 year outstanding felony warrant for larceny by check and was arrested by the Framingham Police Dept.(FPD) 10 hours after the Mobil incident, as above. See enclosed documents of Gear's arrest.

It was only after certain "state actors" including FPD's -Sgt. Hector Sanchez learned that Gear was willing to testify/complain about me that he was given immunity for his past and present crimes. His felony-larceny charge was immediately dismissed at the Taunton District Court and his crimes at the Mobil were overlooked and rewarded.

I am the "disgruntled convict" the Boston Globe wrote about on 9-27-99 (front page) that caused Governor Cellucci to "overlook" and reject Superior Court Judge - Dan Toomey's application for Mass. S.J.C. Justice. Toomey is also the President of the Mass. Conference of Judges.

I exposed, via a "Motion for New Trial", Judge Toomey's conspiracy to maliciously prosecute me in 1993 for "attempted mayhem". Toomey was my trial judge in that case. That was the second time that the Mass. Executive Branch acted on my innocence regarding that "attempted mayhem" charge, yet I remain in prison. The first executive action occurred when I exposed my defense attorney, Louise P. Aloise of Worcester, in that same conspiracy, via an abridgement of my "Motion for New Trial", to the Mass. JNC and Mass. Governor's Counsel. Aloise's application for Worcester District Judge was immediately rejected. The Mass. Judiciary refuses to review that same "Motion for New Trial" which I filed in 1999. I was on parole from that 10 year state sentence on 7-4-00.

I am also the plaintiff in the \$20,000,000 consolidated action against 8 Shrewsbury Police officers and related co-conspirators in the Federal case Elbery v. Sklut et al. 97-11743MLW (Boston - Federal Courthouse).

As a result, the greater Mass. police state and judiciary have a rabid motive to once again, maliciously prosecute me.

Also of an exculpatory nature in your 10-21-00 report on Gear is that he was treated at an "unknown" "Past Health Care Provider" where he was diagnosed with Fibromyalgia. It is more than likely Gear will not name the "Emergency Dept." or "Past Health Care Provider" because he has something to hide and further the records of those 2 entities will reveal that Gear's criminal complaint against me is fraud.

I have motioned Framingham District Court Judge - Douglas Stoddard to order the prosecution to provide me with these medical records of Gear's, see Motion enclosed, but Judge Stoddard sympathizes with Judge Toomey. Judge Douglas Stoddard like the Middlesex D.A.'s Office would prefer that the jury is not told the truth and the above medical records are never disclosed.

Noteworthy, Gear has already stated on a 911 police tape that he intends to sue Mobil Corp. It is likely Gear's concealed - "Unknown" medical records, as above, will show a history of phony personal injury cases.

Please, will you be available to testify starting on 7-18-01? If you are going to be on vacation, or otherwise out of town, please alert me so I can motion the Court for a continuance. You are one of my most important witnesses. Your testimony will make 5 years difference to me in prison.

Sincerely yours,