

14

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

TRIAL COURT OF THE COMMONWEALTH
FRAMINGHAM DISTRICT COURT

DOCKET # 0049 CR 1893

COMMONWEALTH OF MASSACHUSETTS)

VS.)

MICHAEL ELBERY)

MOTION FOR DISCLOSURE
OF EXCULPATORY EVIDENCE/
REQUEST FOR
HEARING

9/13/00
Allimed
D.A. has
affirmative
obligation
to pursue
Brady inf
which will
be provided
w/in 7
days. D.A.
to provide
Brady
response
21
days
thereafter

Now comes the Defendant, MICHAEL ELBERY, in the above entitled matter and respectfully moves this Honorable Court to direct the Commonwealth to provide to the Defendant the following exculpatory evidence and/or to order a discovery hearing on the subject as set forth below.

1. NAMES AND ADDRESSES OF WITNESSES:

The Defendant has personal knowledge of the existence of witnesses who were present during the alleged incident referred to in the complaint and that some of those witnesses were present during the initial police investigation at the scene on July 4, 2000 between 2:00 A.M. and 3:30 A.M. The names of those witnesses are not listed in the police report. The Defendant demands that this court order the Commonwealth to provide the names of these individuals or, in the alternative, order a discovery hearing in order for the Defendant to obtain the names of these witnesses. The Defendant has information that an employee of the Framingham Mobil Station, 896 Cochituate Road, Framingham, MA, by the name of

Any future hearings/motions deferred
until this phase is complete (DS)