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September 15, 2000

Michael Elbery, C57634
M.C.I. Concord
P. O. Box 9106
Concord, MA 01742

RE: Commonwealth v. Michael Elbery
Docket No. 0049CR1893

Dear Mike:

I received a call from David Correia today about your case. His phone number is 1-508-543-8834. His address is 17 Centennial Street, Foxboro, MA 02035. His birth date is 7/13/74. He said that Mary Floyd called him and said that I was looking for him. He seemed very cooperative and very helpful. He said Carmen's last name is Grandetti (phonetic spelling by Dave). He is friends with him. Carmen lives with his mother in Leominster, MA. He believes that Carmen's mother's last name may be Murphy because when Carmen calls him, his Caller ID Box states Murphy. He says that Carmen works the overnight shift for one (1) of the three (3) Mobil stations in Leominster, MA. Dave said he will call me back on Monday with phone numbers and addresses. I looked in the phone book under Grandetti, but there were no listings. There are many Murphys in Leominster. There were no listings under Mobil in Leominster, probably because they are listed under an owner or trade name. I will follow up with these leads and subpoena Mobil payroll records if I don't get the information from Dave.

Dave said the other guy is Brian from Ashland, MA. He thinks his last name is Warren. I called 411, and they list a B. Warren in Framingham, and a B. Warren in Holliston, but no Warrens in Ashland. Dave states that Brian is a good friend of Carmen's. He said he is going to try and get the information about Brian from Carmen. Dave states that he now works for Kessling Transportation in Norfolk, MA.

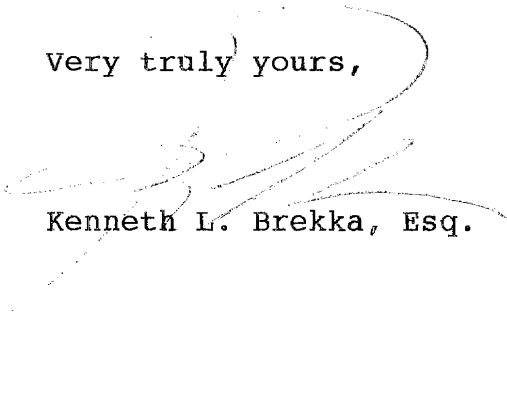
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Dave states that he was at the Dunkin Donuts that night with Carmen and Brian. A group of kids came by and stated that the clerk at Mobil was getting the shit kicked out of him. Dave said he did not know the kids and does not know how to locate them now. He said that Carmen ran over to Mobil while he drove with Brian. He said he was driving his own personal car not a Maximum Security car. He said that he saw the car leaving, but did not see the occupant. He said Brian wrote down the plate number. He said that you were outside when he got there and it looked like you just got up off the ground. He saw the liquid all over the window and said it was wet almost to the top of the window, a little above the door. He said that you told him that the guy stole the gas and hit you with a cone. He said he saw a scratch on your arm, but no other visible injuries. He said he thought the cops were very nasty, especially the female cop and acted like this wasn't a big deal. He provided some more details that I will tell you when we meet. Hopefully, I will have the addresses of the other two (2) witnesses early next week.

I called the Sony Company and was transferred to many different departments. I am waiting for a call to see if I can get a copy of the manual for the VCR.

Should you have questions or comments, please feel free to contact me.

Very truly yours,



Kenneth L. Brekka, Esq.

KLB/mf