

Michael Elbery, C57634
SECC Prison
12 Administration RD.
Bridgewater, Mass. 02324
6-10-01

Attorney Homsey
300 Essex St.
Lawrence, Mass. 01840

Com. v. Elbery, Framingham District Court #00-3006

RE: Mobil Register Tapes of Peter H. Gear's transaction of \$24.60
at the 696 Cochituate Rd. Mobil on 7-4-00 at 2:17:27 & M.G.L.
C. 233 s. 79J.

Attorney Homsey:

Please find enclosed a proposed affidavit to be signed by the
"custodian of the records" at the above Mobil, probably Dolly
Olecki, for the 7-18-01 trial at Framingham District Court, as
provided by M.G.L. C. 233 s. 79J.

As attached, I have been sent a copy of the back-up tape that re-
corded the "Gear transaction" (drive-off) of 7-4-00 at the above
Mobil. This copy is deficient in that it does not disclose the
portion of the transaction of \$23.60. The top is cut-off.

Please, at a minimum, send me a good copy (with \$23.60 on top).

In addition to providing me with a copy of this 2:17 a.m. "Gear
transaction" of 7-4-00 which is complete with the gas transaction
of \$23.60, please have Dolly Olecki, or proper custodian of the
Mobil register tapes at 7-4-00, sign the proposed affidavit (or
reasonable facimile) and send it to me. I will file the original
to the Clerk-Criminal of the Framingham District Court as required
by M.G.L. C. 233 s. 79J with proper petition and notice.

This Process, C. 233 s. 79J, provides for a self-authenticating

business document that I require for proper defense in the above docketed case.

At a minimum, I anticipate a complete copy of that back-up tape of Gear's "Drive-off" with the disclosure of the \$23.60 in gas.

Thank you in advance.

Also see Mass. Practice, Vol. 20, Evidence, s. 901.11 ftnt. 1.

CC. Dolly Olecki

COMMONWEALTH OF MASSACHUSETTS

Middlesex ss

Framingham District Court

Commonwealth

Six Man Jury Session

v.

00-3006

Michael Elbery

Affidavit In Support

of

Certification of Business Record Under M.G.L. C. 233 s. 79J

The 696 Cochituate Road Mobil Transaction of 7-4-00 at 2:17 a.m.

1. I, Dolly Olecki, was the "custodian of the records" at the Mobil convenience store and gas station at 696 Cochituate Road, Framingham, Mass. on 7-4-00. I was also the manager of that Mobil at that date.

2. The attached copy of the back-up register tape of a transaction at 2:17:27 a.m. on 7-4-00 for \$24.60 is an authentic copy of a register transaction that occurred at the Mobil station I did and do manage at 696 Cochituate Road, Framingham, Mass.

3. Also included are, on the above register tape, copies of transactions at the same store occurring before and after the 2:17 a.m. sale, as above.

4. The copy, attached, of the register tape of 7-4-00 indicating sales at the Mobil station at 696 Cochituate Road, Framingham, Mass. is true and correct.

Signed under the pains and penalties of perjury on this _____ day
of _____ , 2001.