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LAW OFFICE
OF
KENNETH M. HOMSEY
209 BROADWAY
METHUEN, MASSACHUSETTS 01844

TELEPHONE
(978)682-7273

FACSIMILE
(978)794-4785

July 10, 2001

Mr. Michael Elberry, C57634
SECC Prison
12 Administration Road
Bridgewater, MA 02324

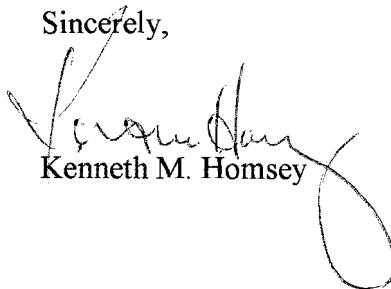
Re: Commonwealth vs. Elberry,
Framingham District Court No. 00-3006

Dear Mr. Elberry:

I am in receipt of your letter of June 10, 2001 relative to the above. In my opinion the correct procedure for you to follow in order to secure the admission of the register tape into evidence is to have a subpoena issued to the keeper of the records for the Mobil Oil Corporation on 696 Cochituate Road, Framingham, MA. Nevertheless, I will have my client forward the requested data with an appropriate certification as per General Laws chapter 233 Section 79J.

The statute requires that the records be forwarded to the Clerk of the Court in order for the same to be admissible. I will forward a copy to you of the materials sent to the Court. You should inquire of the clerk's office as to its possession of the requested data on the date of your trial.

Sincerely,


Kenneth M. Homsey

KMH:mrf