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September 8, 2000

Framingham District Court
600 Concord Street
P. O. Box 828
Framingham, MA 01701

ATTENTION: Clerk's Office
Criminal Division

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

Dear Sir/Madam:

Enclosed please find for filing a Summons served to Mary Floyd on September 6, 2000 and a Subpoena Duces Tecum served to Dolly Oleski on September 6, 2000 in regard to the above referenced matter.

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

Very truly yours,



Kenneth L. Brekka, Esq.

KLB/mf
Enc.

cc: Michael Elbery

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Trial Court of the Commonwealth
District Court Division
Framingham District Court
Docket #0049CR1893

COMMONWEALTH OF MASSACHUSETTS)
)
v.)
)
MICHAEL ELBERY)

SUBPOENA DUCES TECUM

TO: Dolly Oleski
Framingham Mobil
896 Cochituate Road
Framingham, MA 01701

GREETINGS:

You are hereby commanded to appear before the Framingham District Court within the County of Middlesex on September 13, 2000, at 9:00 a.m., and from day to day thereafter, until the above captioned case is heard by said court, and you are commanded to bring with you the following:

All records, reports or tape recordings of the incident occurring on July 4, 2000 at the Framingham Mobil on Cochituate Road, Framingham, MA.

Also a copy of all records pertaining to the video cassette recorder located at the Framingham Mobil Station, 896 Cochituate Road, Framingham, MA, including but not limited to the following:

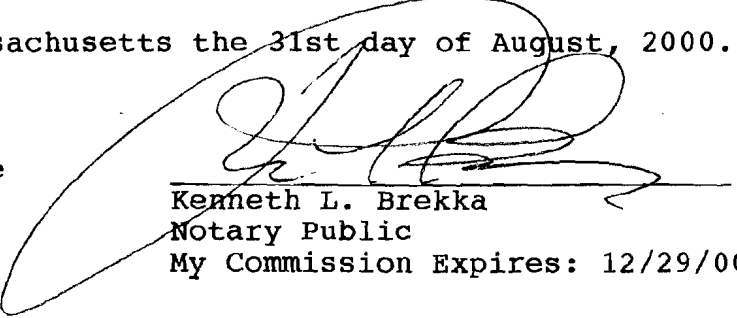
1. Make, model and serial number of the video cassette recorder.
2. Repair records of said recorder.
3. Manual related to said recorder.
4. Persons responsible for the repair or maintenance of the video recorder.
5. Persons with knowledge of the technical aspects of the video recorder.

Hereof fail not, or you will answer your default under the pains and penalties of perjury in the law in that behalf made and provided.

Dated at Hubbardston, Massachusetts the 31st day of August, 2000.

Call for Attorney:

Kenneth L. Brekka, Esquire
Brekka & Brekka
32 Main Street
Hubbardston, MA 01452


Kenneth L. Brekka
Notary Public
My Commission Expires: 12/29/00



Middlesex, ss.

September 2, 2000

I hereby certify and return that on 09/02/00 at 2:20pm I served a true and attested copy of the witness SUBPOENA in this action in the following manner: To wit, by delivering in hand to DOLLY OLESKI, agent, person in charge at the time of service for OLESKI, DOLLY, FRAMINGHAM MOBIL, 696 COCHITUATE ROAD, FRAMINGHAM, MA. Fees: Service \$15.00, Conveyance \$0.00, Attest \$1.00, Jan \$1.00, Travel \$3.00, Witness \$10.00, Total fees \$29.00

[Signature]

Deputy Sheriff

at last and usual place of abode, to wit, No.

Street, in an attested copy of the subpoena together with fees for attendance and travel

Service and Travel

Cop.

Pd. Witness

Deputy Sheriff/Constable

Motor Vehicle

It being necessary I actually use a motor vehicle the distance of miles in the service of this process

Deputy Sheriff/Constable

Subscribed and sworn to before me

This day of , 2000.

My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Trial Court of the Commonwealth
District Court Division
Framingham District Court
Docket #0049CR1893

COMMONWEALTH OF MASSACHUSETTS)
)
v.)
)
MICHAEL ELBERY)

SUMMONS

TO: Mary Floyd
Framingham Mobil
896 Cochituate Road
Framingham, MA 01701

GREETINGS:

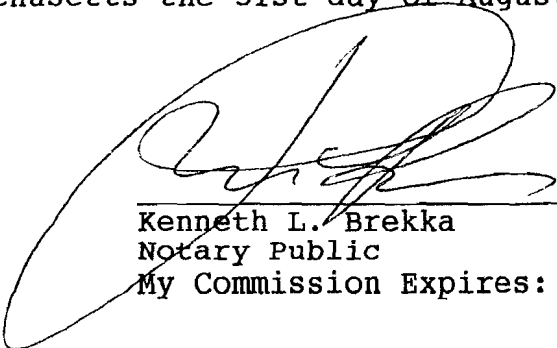
You are hereby commanded to appear before the Framingham District Court within the County of Middlesex on September 13, 2000, at 9:00 a.m., and from day to day thereafter, until the above captioned case is heard by said court.

Hereof fail not, or you will answer your default under the pains and penalties of perjury in the law in that behalf made and provided.

Dated at Hubbardston, Massachusetts the 31st day of August, 2000.

Call for Attorney:

Kenneth L. Brekka, Esquire
Brekka & Brekka
32 Main Street
Hubbardston, MA 01452
(978) 928-5000



Kenneth L. Brekka
Notary Public

My Commission Expires: 12/29/00

RETURN OF SERVICE

MIDDLESEX , SS., 2000

I this day summoned the within named

to appear and give evidence at Court as within directed by
delivering to in hand, leaving
at last and usual place of
abode, to wit, No.

Street, in an attested copy of the
subpoena together with fees for
attendance and travel

Service and Travel

Cop.

Pd. Witness

Deputy Sheriff/Constable

Motor Vehicle

It being necessary I actually use a
motor vehicle the distance of
..... miles in the service of
this process



Middlesex Sheriff's Office • Civil Process Division, P.O. Box 827, Framingham, MA 01701 • (508) 872-3110

Middlesex, ss.

September 8, 2000
I hereby certify and return that on or about September 8, 2000 I served a true and
attested copy of the subpoena in this action in the following manner: to
wit, by delivering a copy of subpoena, return, signed, person in and at the
time of service for plaintiff, Mary, Christopher Ruzic, 188 CUMMINGS RD,
MIDDLESEX, MA 01926. Service \$15.00, conveyance \$0.00. Travel \$10.00, fees
\$1.00, travel \$0.00, total fees \$16.00

Mary F. Z...

Deputy Sheriff