

Commonwealth

v.

Michael Elbery

COMMONWEALTH OF MASSACHUSETTS

Framingham District Court

Six Man Jury Session

00-3006

Defendant's Motion To Compel Prosecution

To

Produce Evidence Requested By Defendant's Omnibus Motion

&

Ordered by the Court

The Court at the 5-17-01 discovery hearing ordered the Prosecution to produce the evidence as requested via the defendant's "Omnibus Discovery Motion", as itemized below the prosecution has failed to Comply with those discovery orders.

Reference is made to numbered requests of the Defendant's Omnibus Discovery Motion already on file with the Court. See Exhibit A.

1. Request #2 - 2 concealed F.P.D. photos

The defendant still demands the 2 pictures of Peter Gear taken by the F.P.D. that shows a "massive bloody head wound" on Gear's right forehead. These pictures were shown to the defendant by Attorney Ken Brekka. The other picture showed a huge 1 foot diameter bruise on Gear's right side.

All pictures the F.P.D. has on this case were ordered preserved by Judge Stoddard on 9-13-00. See Exhibit B.

7/11/01
Request #2 - of such shall
photos exist D.A. shall
provide same in 7 days
#3 - denied - never ordered
#4 - D.A. shall comply w/ request
#6x6 - but not new request
#16 - ~~never~~ Denied - never ordered
#19 - The Comm. is precluded from offering any documentary evidence by this date
D. J. Stoddard

(42)