

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

TRIAL COURT OF THE COMMONWEALTH
FRAMINGHAM DISTRICT COURT

DOCKET # 0049 CR 1893

COMMONWEALTH OF MASSACHUSETTS)

VS.)

MICHAEL ELBERY)

MOTION FOR DISCLOSURE
OF EXCULPATORY EVIDENCE/
REQUEST FOR
HEARING

9/13/00
Allmed
D.A. has
affirmative
obligation
to pursue
Brady info
which will
be provided
w/in 7
days. D.A.
to provide
Brady
response
w/in 21
days
thereafter

Now comes the Defendant, MICHAEL ELBERY, in the above
entitled matter and respectfully moves this Honorable Court to
direct the Commonwealth to provide to the Defendant the following
exculpatory evidence and/or to order a discovery hearing on the
subject as set forth below.

1. NAMES AND ADDRESSES OF WITNESSES:

The Defendant has personal knowledge of the existence of
witnesses who were present during the alleged incident referred to
in the complaint and that some of those witnesses were present
during the initial police investigation at the scene on July 4,
2000 between 2:00 A.M. and 3:30 A.M. The names of those witnesses
are not listed in the police report. The Defendant demands that
this court order the Commonwealth to provide the names of these
individuals or, in the alternative, order a discovery hearing in
order for the Defendant to obtain the names of these witnesses.
The Defendant has information that an employee of the Framingham
Mobil Station, 896 Cochituate Road, Framingham, MA, by the name of

↓ Any future hearings/motions deferred
until this phase is complete (DS)