

*(Ruy  
10/26/00)*

Michael Elbery, C5K34  
S.E.C.C.  
12 Administration Rd.  
Bridgewater, Ma. 02324  
10-26-00

Clerk-Criminal  
Framingham Dist. Ct.  
600 Concord St.  
Framingham, Mass. 01701

RE: Com. v. Elbery  
#0049 CP 1893

Dear Sir:

Please find for immediate filing review,

"Defendant's Motion for Court Order for  
Attorney Ken Brekke to Produce Discove-  
ratory Evidence, etc."

Thank you.

*Mill Elbery*

Commonwealth of Massachusetts

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Framingham Dist. Ct.  
Middlesex 55

Criminal Docket  
#0049CR 1893

Commonwealth

v.  
Michael Elberg

Defendant's Motion for Court Order  
for

Attorney Ken Brekka  
to

Produce Documentary Evidence, etc.

1. The defendant, above docketed, has attempted to obtain various pieces of crucial evidentiary information & documentation from his attorney of record, Attorney Ken Brekka. This so the defendant can be informed of his case as the 6<sup>th</sup> & 14<sup>th</sup> Amendment of the U.S. Constitution

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requires his bar counsel to do. The defendant asks the Court to Order my counsel to produce to me the following:

a. Maureen's Notes (Brekka's Secretary) regarding 7-13-00 phone interview with Jane "J" Regal, the ast. manager at the Route 30 Mobil, Framingham.

Per this defendant's phone conversation with Attorney Ken Brekka's secretary, Maureen, on or about 7-13-00, Maureen told this defendant that Jane "J" Regal (herein "J") admitted the police brought back the video tape and that the police claimed the cameras were not working very well that 7-4-00 (date of the underlying incident that caused this action). "J" further told Maureen the same video tape was secure in the safe. Maureen told me she made sure that "J" knows to hold on to the tape. At Brekka confirmed

It was this defendant that ordered Brekka's Office to make that call, as above, because the incident that caused this criminal action was video taped. The policy at

that Mobil was to have the video surveillance recording  $\frac{6}{24} / 365$  days a year.

Maureen, due to the fact she & Brekka could not find the Mobil's phone number, was instructed by this defendant to call Ture Elbøry, (the defendant's mother), who gave them the Mobil's phone number.

When this defendant spoke to Maureen by phone, as above, she had to read her interview notes with "J".

I, the defendant, have asked Att. Brekka repeatedly for Maureen's "J" interview notes and on Friday, 10-13-00, at a lawyer's visit, at S.E.C.C. Prison, Brekka declined to give this defendant the same notes even though he had the entire case file with him. He admitted Maureen's notes were in the file with him.

6. Notes taken by Att. Ken Brekka while interviewing Mobil Mgr. Dolly Steckin on various dates, including 8-9-00 & 9-13-00, and by phone & in person. These interview notes with Dolly Stecki that this defendant requested from Brekka were regarding the investigation of the Mobil Video.

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Surveillance on 7-4-00 & Dolly Oleck's  
conversation with alleged victim, Peter H.  
Gear, on 7-4-00 at about 2:00 pm.

c. M.H. Ken Brekka's notes taken when interviewing James "T" Regal, the Asst. Manager at the Route 30 Mobil-Framingham. Brekka interviewed James "T" Regal at least once, on about 10-16-00, by phone. Brekka showed me his notes regarding Regal on 10-17-00 at Framingham Dist. Ct. lockup. Brekka promised me these notes but now declines. Regal, during this Brekka interview admitted he told Marcone the cop returned the video tape & it was in the safe.

d. Transcript of the 911 tapes, (4), that the F.P.D. recorded involving Michael Elberry, (3), & Peter H. Gear (2). Brekka has a copy of these tapes & this defendant has ordered Brekka to send the defendant a transcript of each tape for review. I listened to the tapes once and there were words missing which I made note of regarding my tapes. These tapes will be tested for tampering by an

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expert, Brekka has disobeyed my order regarding production of a transcript for each of these tapes.

e. Transcript of the 10-17-00 Evidentiary Hearing at Framingham Dist. Ct regarding this case.

f. Notes Brekka took at the 10-17-00 hearing as in e, above,

i. including the name of the cop(s) who took the video tape from Dolly Slecki at the Mobil.

ii. The name of Dolly Slecki's boss, & address.

iii. The name & address of the person who filled in for Dolly Slecki at the Route 30 Mobil, Framingham when she was on vacation.

iv. The address of James T Regal - Act Manager at the same Mobil, home address.

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g. The original & Amended Complaint regarding this criminal action.

h. All discovery documents exchanged between A.H. Breffka & the prosecutor on 10-17-00 and any other time regarding this instant action.

i. The home address of James "T" Regal for future trial subpoena & testimony.

Wherefore,

the defendant Motions the Court for Orders to obtain the above evidentiary materials from A.H. Ken Breffka.

Michael Elbey

Michael Elbey

S.E.C.C. - O.U.A.

12 Administrative Rd.

Bridgewater, Ma. 02324

10-96-00

7.57

Certificate of Service

I the defendant, Michael Elbrey, sent the Motion for Court Orders to Brebka to the Clerk - Criminal - Framingham Dist. Ct. at 600 Concord St., Framingham, Mass. 01701 & to the Framingham D.A.'s Office at 100 Concord St., Framingham, Mass. 01701 via U.S. mail - 1st class - prepaid on 10-28-00 from S.E.C.C. Prison wach,

Mike Elbrey