

Michael Elberg, C57634  
S.E.C.C. - Prison  
12 Adams Street Box Rd.  
Bridgewater, MA. 02324  
11-15-00

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

RE: Commonwealth v. Elberg # 1049CR1893

Dear Clerk:

Please find for immediate filing review

Defendant's written Objection To  
Judge Grecco's Ruling & Allowance  
of  
Defendant's Attorney to withdraw

Thank you.

Mike Elberg

Commonwealth of Massachusetts

Middlesex ss  
Framingham Dist Ct.

Civil Docket  
# 0049 CR 1893

Commonwealth

v.

Michael Elbey

Defendant's Written Objection To  
Judge Grecco's Ruling & Allowance  
of  
Defendant's Attorney to Withdraw

1. The defendant, above captioned, Michael Elbey, hired an attorney, Attorney Ken Brekka, on about July 10, 00 to represent him on the above docketed action.
2. The defendant paid Brekka \$5,000.00 for the representation of the above case and another \$5,000.00 for the defense of the related parole case, as Brekka demanded.
3. On about 11-13-00, at S.E.C.C. Prison, the defendant received an itemized billing from Brekka indicating

the entire \$10,000.00 was spent by Brekka  
in defense of the above docketed case.

4. Brekka at the same time, as in #3, claimed  
he was a witness in the case, above docketed,  
and was required to withdraw from the case.
5. As in #4, Brekka refused to say what evidence  
he had that caused him to be a witness in  
the same instant case.
6. The defendant asked the Court, Judge Greco,  
at the 11-14-00 pre-trial hearing of this case, to  
require Brekka, to specify what evidence  
Brekka had to testify about, or putting it  
another way, what evidence does Brekka think he  
has that requires his testimony in the case.
7. Judge Greco ignored the relevant, material  
request in #6, looking away from the defend-  
ant.

### Discovery

8. As disclosed to the Court at the 11-14-00 hearing  
of this case there were ⑦ discovery motions  
filed with the Court by the defendant (not his  
attorney). These ⑦ motions were filed because  
the defendant's attorney, Brekka, refused to  
pursue the discovery in those ⑦ motions, or

- refused to alert the defendant about discovery Brekka had acquired on the case. See court docket on the above case for the D motions filed by the defendant. Further, if the defendant did no file these D discovery motions he would have lost his rights to file as Brekka refused and there was an 11-14-00 deadline for discovery.
9. At the 11-14-00 hearing, the defendant alerted the Court that any discovery procedures initiated by Brekka were the results of direct orders by the defendant. Further, the defendant informed the Court that there ~~were~~ a list of "garden variety" discovery, as contained in the D motions in #8, that the defendant ordered Brekka to complete but Brekka refused to complete.
10. The defendant, at the 11-14-00 hearing, showed that Brekka had ample time, as per his billing, to complete the discovery in the D motions. Further, Brekka has, per his itemized billing, been exposed and had contacted with the proper people and spent the requisite time with these same people to get the discovery as requested in the D motions.
11. Brekka, as was pointed out to the Court at the 11-14-00 hearing by the defendant, has wanted to withdraw from the case for about 3 weeks after he was paid for the case. This happened when Brekka became scared by the conspiratorial, cover-up,

and motive evidence for the malicious prosecution of the defendant, as above docketed.

12. Brekka pleaded with this defendant not to expose certain State actors motive for the "frame-up" & "railroad job" that is this instant action.
13. Brekka also pleaded with this defendant not to request evidence of racial motive of the case. Brekka refused to question the alleged victim's national allegiance or religion during discovery of this instant case.

#### Conclusion

The defendant Objects to the Judge, Grecco, allowing my attorney, for pay and choice, to withdraw, as the defendant has no counsel and is behind bars in a State Prison unable to complete the necessary discovery as required in this case. Brekka, nor anyone else, presented any reason why Brekka is a witness in this case, as such, the Judge, Grecco, violated my constitutional right under the Sixth Amendment to the U.S. Constitution to be represented by counsel.

Michael Poff, Jr. Esq.

Michael Elberg, CSK3Y

S.E.C.C.-Prison

10 Administration Rd.

Bridge water, Mass. 02334

11-15-00

Certificate of Service

I the defendant Michael Elberg, sent this Motion - Brella withdrawal to the Clerk - Framingham District Court, 600 Concord St, Framingham, Ma. 01701 & to the D.A.'s Office - Framingham, 100 Concord St, Post Framingham, Mass. 01701 all via U.S. mail - 1st class - prepaid on 11/16-00 from S.E.C.C. Prison.

Mike, psle