

(my copy) - orig

Michael Elbery
C57634
S. E. C. C.
12 Administration Rd.
Bridgewater, Ma. 02321
11-3-00

Clerk - Framingham Dist. Ct.
100 Concord St.
Framingham, Ma. 02324

RE: Com. v. Elbery #0049CR/893

Dear Clerk:

Please find for immediate filing & review,

Defendant's Motion for Supplemental
Discovery &
Related Court Orders

Please "Mark-UP" for Hearing on
the already scheduled 11-14-00 hearing
regarding this case.

Thank you.

Mike Elbery

Middlesex ss.

Commonwealth
v.
Michael ElberyCriminal Docket
#00490R/1893Defendant's Motion for Supplemental
Discovery &
Related Court Orders

The defendant above captioned motions for discovery as follows:

1. Docket entries of all activity regarding the above docketed case.
2. Review (listening) by this defendant of the
⑤ F.P.D. (Framingham Police Dept.) phone tapes that are evidence of this case. ③ recording conversations with Michael Elbery. ② recording conversations with Peter Gear.
 - a. The defendant needs a transcript of each of these ⑤ police phone tapes, so that he can compare the transcripts to the tapes.

- b. In addition the defendant needs an expert to test the tapes he is recorded on due to the fact that parts of the conversations are missing, or there are words missing on those tapes
3. The defendant needs a medical expert who can review the defendant's & Peter Gear's injuries. This expert will testify at trial. The defendant asks the Court to insure that a medical expert is provided for trial.
 4. Court Order - Ordering the Mobil Corp or Station Operator's Inc. to produce the payroll records of the Route 30 Mobil, 696 Cochituate Rd. Framingham for the month of July '00.
 5. Court Order - Ordering Mobil Corp. & Station Operator's Inc. to produce all written communications & the substance of all verbal communications between the Mobil Mgr., Dolly Black, (at Route 30 Mobil-Framingham) and any & all personnel, Supervisors & executives at Mobil Corp. & Station Operators Inc. regarding the above docketed action and the underlying incident on 7-4-00.
 6. Court Order - Ordering the Management at

the Route 30 Mobil, 696 Cochituate Rd., Framingham
 ham to produce to the defendant the
 local address headquarter in Massachusetts
 and New England of Mobil Corp headquarters
 and Station Operators Inc. headquarters in
 order that the defendant can subpoena
 witnesses regarding evidentiary issues
 on this case.

7. Court Order - reserve for the defendant
 and provide for at the trial of this case
 a VCR & monitor for evidentiary demonstra-
 tion regarding this case.
8. Court Order - ordering this defendant's
medical records from the Mass. D.O.C. (Dept. of
 Corrections) and Glover-Deaconess Hospital in
 Needham, Mass regarding treatment for
 injuries sustained by this defendant during
 the underlying incident that caused this
 action. Included in this discovery should
 be tests done on this defendant's eyesight
 be R.N. Rose Berry at Concord State
Prison in July '00. The hospital at Concord
 is operated by CMS Inc, Bridge St., Dedham, Mass.
9. Court Order - ordering Mobil Corp to produce
 a person with knowledge of the glass
 used at the Route 30 Mobil, 696 Cochituate
 Rd., Framingham. The witness should be

- able to testify why the glass at that station is unbreakable or what type of glass is used and what its resistance strength is.
10. Court Order - Ordering Mobil Corp or Station Operators Inc. to produce to the defendant Mobil's manual for video security (or a manual that includes video surveillance security) that is provided & used by its gas station managers.

 11. Court Order - Ordering Dolly Olecki, the manager at the Route 30 Mobil, 696 Cochituate Rd., to produce the Mobil employee training manuals. These would be the same manuals that the defendant was required to study & be tested on in order to work at that same gas station.
 - a. Start with the Manual on the "Wayne-Dressler" cash register & the manual or book on Mobil's "friendly service".

 12. Court Order - Ordering Dolly Olecki, as above, and her supervisors and Mobil Corp & Station Operators Inc. to produce to the defendant for trial evidence the (2) back-up or detail tapes that recorded the sale or transaction by the alleged victim Peter H. Gear on 7-4-00

at about 2:10. It is known by the defendant that all sales or transactions through the registers at the Rt. 30 Mobil are recorded by ② back-up tapes.

13. Court Order - ordering the F.P.D. to produce to the defendant for recording & review the phone call the defendant made to the F.P.D. between 10:00 pm on 7-6-00 and 3:00 am on 7-7-00. This same phone call was made by the defendant. It left a message to a Sgt. Sanchez as to the source of the identities of the witnesses who observed the underlying incident that caused the above action.
 - a. The defendant also needs a transcript of this taped phone call.
14. Court Order - ordering Atty. Ken Brebka and the management at the Route 30 Mobil, 696 Cobbitwate Rd. to produce all communication (written) and or letters sent by Atty. Brebka to that Mobil.
15. All information regarding the return of a video tape to the Route 30 Mobil, 696 Cobbitwate Rd. including,
 - a. Names of officers on the F.P.D. that returned the video tape.

- b. the date the video tape was returned
- c. who the video tape was returned to
- d. who viewed the video tape prior to the F.P.D. returning it,
- e. All conversations made when members of the F.P.D. returned the video tape
 - i. including F.P.D. personnel
 - ii. including Mobil personnel

16. Court Order - ordering Atty. Gen. Brekka to give the defendant his Secretary's full name. Her first name is Maurcen. She will be a detainee witness.

Wherefore,

the defendant requests the above evidence, witnesses & information & Court Orders to obtain the same in order that he can have a fair trial and so the defendant can be informed of his case so that he can intelligently make the proper decisions & tactics regarding his case & so he can, as is law, instruct his attorney about decisions to be made regarding the injustice against him. This is as guaranteed by the 6th Amendment of the U.S. Constitution.

Michael Elly
Michael E. Berg 057634

7.47

S.E.C. Prison
12 Administration Rd.
Bridgewater, Mass. 02324
11-3-00

Certificate of Service

I the defendant, Michael Elbery, sent this
Discovery Motion & Court Orders to the Clerk -
Framingham Dist. Ct., 600 Concord St., Framingham
Ma. & Framingham Dist. Att. Office at 600 Concord
St., Framingham, Mass. all via U.S. mail - 1st class -
prepaid on 11-3-00 from S.E.C. prison
mail.

M. Elbery, pro se