

PRETRIAL CONFERENCE REPORT

DOCKET NUMBER

0049CR1893

Trial Court of Massachusetts
District Court Department

COURT DIVISION

Framingham District Court
600 Concord Street
P.O. Box 828
Framingham, Ma. 01701

COMMONWEALTH VS

Michael Elbery
NAME OF DEFENDANT**PRETRIAL CONFERENCE REPORT**A pretrial conference between the parties was conducted on 12/8, 2000, to 19 with the following:

1. **MANDATORY DISCOVERY FOR THE DEFENDANT.** See Mass. R. Crim. P. 14(a)(1). The Commonwealth has provided by _____ the following if relevant and within the possession, custody or control of the prosecutor:

- ☒ written or recorded statements of the defendant
☒ any facts of an exculpatory nature

See Mass. R. Crim. P. 14(a)(2). The defendant has been permitted (will be permitted by _____) to inspect, and/or copy the following if within the possession, custody, or control of the prosecutor or persons under the prosecutor's direction and control:

- ☒ any material and relevant physical evidence and documents (specify) see attached motions filed by defendant
☒ statements of persons as defined by Rule 14(d)
☒ reports of physical or mental examinations of any persons
☒ reports of scientific tests or experiments
☒ names, addresses and dates of birth of prospective witnesses

COMPLETED: YES _____ NO ☒ COMPLIANCE DATE: _____

2. **ADDITIONAL DISCOVERY FOR THE DEFENDANT.** The defendant has been permitted (will be permitted by _____) to discover, inspect, and/or copy the following if within the possession, custody, or control of the prosecutor:

Agreed Ordered

- ☒ substance of any oral statements made by the defendant
N/A written or recorded statements of the co-defendant
N/A substance of any oral statements made by the co-defendant
☒ any promises, rewards, or inducements made to any witness
N/A copies of search warrants with the return and affidavits
☒ names and addresses of expert witnesses and field of expertise
☒ identification procedures
☒ police reports

COMPLETED: YES _____ NO ☒ COMPLIANCE DATE: _____

3. **RECIPROCAL DISCOVERY FOR THE PROSECUTION.** See Mass. R. Crim. P. 14(a)(3). The prosecution has been permitted by _____ to discover, inspect, and copy the following:

Agreed Ordered

- ☒ any material and relevant physical evidence and documents (specify) _____
☒ statements of persons as defined by Rule 14(d)
☒ reports of physical or mental examinations of any persons
☒ reports of scientific tests or experiments
☒ names, addresses and dates of birth of prospective witnesses

COMPLETED: YES _____ NO ☒ COMPLIANCE DATE: _____

4. **NOTICE OF ALIBI.** See Mass. R. Crim. P. 14(b)(1). The Commonwealth hereby notifies the defendant that the time, place of the alleged offense was as follows:

Defendant agrees, if an alibi defense will be offered, to notify the Commonwealth in writing on or before _____, 19____ of the place or places at which the defendant claims to have been at the time of the alleged offense and the names, addresses and dates of birth of the defendant's alibi witnesses or may here so state. N/A

The Commonwealth agrees to notify the defendant in writing on or before _____, 19____ of the names, addresses and dates of birth of witnesses on which it relies to establish defendant's presence at the scene of the alleged offense or otherwise to rebut defendant's alibi defense.

5. **NOTICE OF OTHER DEFENSES**, Mass. R. Crim. P. 14(b)(2),(3). If the defendant intends to rely upon the defense of lack of criminal responsibility or upon a defense based upon a license, claim of authority or ownership, or exemption, defendant must notify the Commonwealth within seven days of today or may here so state. ~~N/A~~ claim of Authority

or ownership, Custodian

6. **OTHER DISCOVERY AGREEMENTS**. The parties agree to the following other matters relating to discovery:

See attached motions filed by defendant with Court
& D.A.'s Office

7. **MOTIONS**. Matters upon which the parties have not reached agreement which are to be the subject of motions:

Reserved until discovery is complete

8. **STIPULATIONS OF FACT**:

NONE

9. **STATUS OF DEFENDANT**. The defendant (is) (is not) presently in custody at

Bridgewater S.E.C.C.

10. **INTERPRETER**. A N/A interpreter will be needed.

11. **STATUS OF CASE. (NOT BINDING)**

Estimated length of trial: 3 days

No. of Witnesses: Pros. _____ Def. 12

Jury X Jury Waived _____ (Not binding)

12. **SUBSEQUENTLY DISCOVERED MATERIAL**. The undersigned acknowledge their continuing duties regarding discovery under Mass. R. Crim. P. 14 (a)(4).

13. **CERTIFICATION**. The undersigned certify that the above Pre-Trial Conference Report was agreed to on 10/20, 192000 and that each party is bound by this report. This report shall control the subsequent course of the proceedings.

Ass't. District Attorney
Police Prosecutor

Pro Se

Defense Counsel

Mike Kelly, #1001

Defendant

THIS REPORT HAS BEEN SUBMITTED IN ITS ENTIRETY AND ACCEPTED BY THE COURT. THE MATTER IS SCHEDULED FOR TRIAL ON

_____, 19____ IN _____ Court

Signature of Justice

Date