

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

TRIAL COURT OF THE COMMONWEALTH
FRAMINGHAM DISTRICT COURT
DOCKET # 0049 CR 3006

COMMONWEALTH OF MASSACHUSETTS)

)

) MOTION TO WITHDRAW

v.)

)

MICHAEL ELBERY)

)

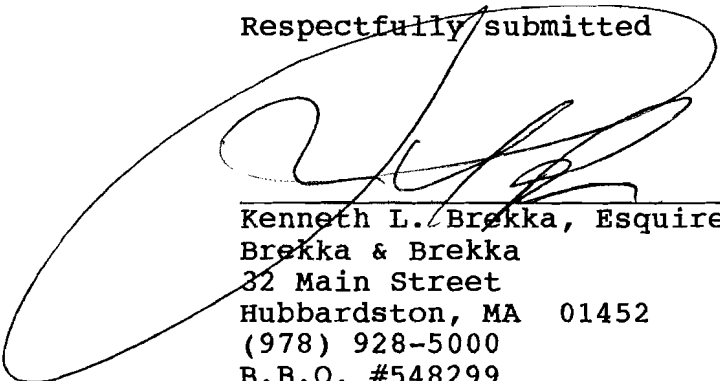
Now comes Defendant's counsel in the above entitled matter and moves this honorable court to permit him to withdraw as counsel for the Defendant. As grounds, therefore, counsel asserts the following reasons for the motion:

1. It has become apparent that it might be necessary for the proper defense of the client that there be testimony from counsel and counsel's secretary. As such, counsel is ethically bound to withdraw from the case pursuant to S.J.C. Rule 3.7. See also Com. v. Rondeau, 378 Mass. 408 (1979); and,

2. The client/attorney relationship has deteriorated to the extent that the client has filed pro se motions with the court, without notice to counsel, seeking the court to order his attorney to produce discovery. The client/attorney relationship has deteriorated for other reasons as well.

Upon the allowance of this motion, counsel for the defendant will cooperate in taking all necessary and reasonably practicable steps to protect the client's interests in this matter. Counsel has also filed a motion to continue the pretrial hearing on this matter in order to ensure that the client is adequately prepared to proceed in this matter at that time. Client may elect, however, to proceed with his pro se motions on November 14, 2000.

Respectfully submitted

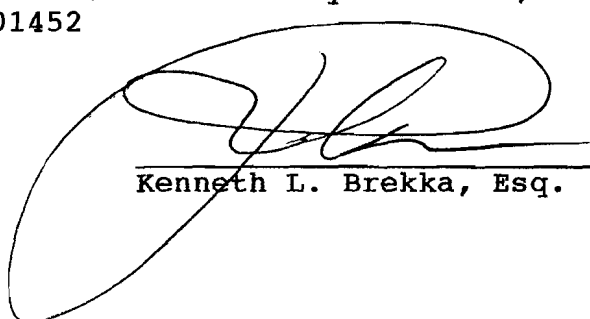


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Please take notice that the above motion will be called for hearing in the Framingham District Court on November 14, 2000 at 9:00 A.M.

CERTIFICATION:

I, Kenneth L. Brekka, hereby certify that on this 9th day of November, 2000 I faxed ((508) 879-8966) and mailed a copy of this motion to the Framingham District Attorney's office, 100 Concord Place, Framingham, MA 01452



Kenneth L. Brekka, Esq.