

my  
copy

M. Elbery, 157634  
SECC A-406  
12 Administration Rd  
Bridgewater, Ma. 02324  
2-4-01

Clerk-Criminal  
Framingham Dist. Ct.  
600 Concord St.  
Framingham, Ma. 01744

Given to  
Spectator  
Records  
#11

RE: Com. v. Elbery #0049CR1893

Dear Clerk:

Please find for immediate filing & review  
"Defendant's Motion for Discovery." This was  
originally written by my attorney for pay  
who withdrew and a continuance given  
by the Court on the Conference Report  
and Pre-Trial Conference date on this  
case.

Thank you.

Michelle, prob

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

TRIAL COURT OF THE COMMONWEALTH  
DISTRICT COURT DEPARTMENT  
FRAMINGHAM DIVISION  
DOCKET NO. 0049 CR 1893

*NOT  
Filed  
Client to  
make dec  
on motions*

COMMONWEALTH OF MASSACHUSETTS )

VS. )

MICHAEL ELBERY )

) MOTION FOR DISCOVERY  
)  
)

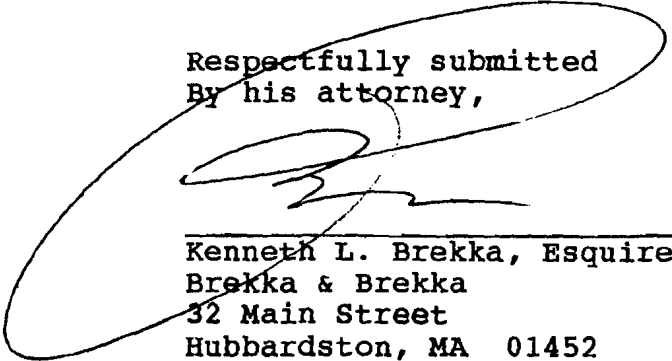
Now comes the Defendant, MICHAEL ELBERY, and moves this Honorable Court pursuant to Rule 14 of the Massachusetts Rules of Criminal Procedure to order the Commonwealth to provide the following information to the Defendant in addition to the discovery information contained in the pretrial conference memorandum:

1. The date and time that all video tapes were received by the police in this case.
2. The full name of the officer who received any video tape in this case.
3. The full name and address of the person who provided the police with the video tape in this case.
4. The complete chain of custody of all video tapes collected by the police in this case.
5. All facts observed by the police officer who received the video tape in this case, including, but not limited to the location of the video tape prior to receiving the tape.
6. All statements by any individual related to the video tapes in this case.
7. The time and date that the police viewed all video tapes in this case.
8. All information related to any attempts to obtain additional video tapes in this case.
9. All information related to the whereabouts of the correct video tape in this case.
10. All hand written notes of all police officers related to this matter.
11. All medical records of the complaining witness, Peter

Gear, related to this incident.

- \* 12. The name and address of any medical facility, including but not limited to any hospital, clinic, emergency room or doctor's office, that the complaining witness, Peter Gear, sought medical attention as a result of this incident.
13. Copy of all police log entries of all telephone calls related to this incident.
14. All photographs related to this incident.
- \* 15. The address and phone number of the location from which the complaining witness, Peter Gear, called the police on two occasions on July 4, 2000 and the name and address of all persons present at that location on that day who saw or spoke to Peter Gear.
16. All Framingham police documents related to Peter Gear's arrest on July 4, 2000, including but not limited to, booking sheets, police reports, photographs, computer images, statements by Gear, etc.

Respectfully submitted  
By his attorney,

  
Kenneth L. Brekka, Esquire  
Brekka & Brekka  
32 Main Street  
Hubbardston, MA 01452  
(508) 928-5000

CERTIFICATE:

*Pro Se Defendant - Approved*  
*Mich Elbey*

*Certificate of Service - Pro Se Defendant*

*I the defendant, Michael Elbey, sent this Motion to the U.S. District Court for the District of Massachusetts via U.S. 1st class mail to the D.A. 100 Concord St, Framingham, Ma. 01901.*