

Michael Elbevy, 057637  
SECC Prison A-406  
12 Administration Bld.  
Bridgewater Mass. 02309  
3-11-01

Clerk - Framingham Dist.  
Criminal Court  
600 Concord St.  
Framingham, Mass. 01701

RE: Com. v. Elbevy # 0049CR1893A  
(Amended 3006 AB)

Dear Clerk:

Please find for immediate filing & review  
the defendant's motions as follows:

1. "Defendant's Motion to Stay 3-08-01  
Hearing Until H.G.L. - C.211 s. 3  
Petition Decided by Mass. S.J.C."
2. "Defendant's Motion Court to Serve Defense  
Witness Summons"
3. "Defendant's Motion for Jury Pool Selection"

Information & Require Jurors to Submit  
"Confidential Information Questionnaire"

4. "Defendant's Motion to Compel Attorney  
Brekka to Release Exculpatory Evidence  
to defendant & Expose this Case as  
Fraud."

5. "Defendant's Motion for Prosecution's Expert  
Witnesses & Credentials, and Substance of  
Opinion"

Please Note — As per certificate of  
Service attached to those (5) motions,  
I had delivered those same (5) motions  
to the Court and D.A. at the 3-8-01  
Hearing before Judge Paul Healy. They  
should be already docketed, however, this  
submission is to insure they get  
docketed.

Thank you.

Mill, prose

## Certificate of Service

I the defendant, Michael Elberg,  
pro se, sent these (5) motions to  
the Clerk - Framingham Dist. Ct at 600  
Concord St., Framingham, Mass. 01701  
on 3-13-01 via U.S. certified mail  
- prepaid - return receipt and to the  
Framingham P.A.'s Office the same, all  
from J.E. C.C. Prison mail.

Mich, pro se

my copy

COMMONWEALTH OF MASSACHUSETTS

Middlesex ss

Framingham District Court

Commonwealth of Mass.

Criminal Docket

#0049CR1893A

(Amended 3006AB)

v.

Michael Elbery

Defendant's Motion to Stay 3-08-01 Hearing

Until M.G.L. C. 211 s. 3 Petition

Decided by Mass. S.J.C.

1. The defendant, above docketed, Michael Elbery, motions the Court to stay the proceedings, the 3-08-01 Pre-Trial Hearing, until this defendant's Petition to the Mass. S.J.C. under C. 211 s. 3 regarding this case and its discovery is heard and decided.

2. See docket entries on this abovedocketed case for filing with this Court of that same C. 211 s. 3 Petition.

Michael Elbery  
S.E.C.C. Prison  
12 Administration Rd.

3-5-01

COMMONWEALTH OF MASSACHUSETTS

Middlesex ss

Framingham District Court

Commonwealth of Mass.

Criminal Docket

#0049CR1893A

(Amended 3006A)

v.

Michael Elbery

Defendant Motions Court to Serve Defense Witness Summons

1. The incarcerated, pro se defendant, Michael Elbery, motions the court to serve his witness summons for trial.

2. It is impossible for this pro se incarcerated defendant to serve his various defense witnesses summons he will need in order to have a complete defense or a fair trial as required by the 6th Amendment of the U.S. Constitution.

Michael Elbery

12 Administration Rd.

Bridgewater, Mass. 02324

3-5-01

COMMONWEALTH OF MASSACHUSETTS

Middlesex ss

Framingham District Court

Commonwealth of Mass.

Criminal Docket

#0049CR1893A

Amended 3006AB

v.

Michael Elbery

Defendant's Motion

for

Jury Pool Selection Information

&

Require Jurors to Submitt "Confidential Information Questionnaire"

1. The defendant, as above docketed, motions the Court for all documentation from the Mass. Jury Commissioner, Mass. G.L. C. 234A , pertaining to the jury pools that will be available for the trial of the above docketed action.

2. The defendant request~~s~~<sup>ss</sup> all information and documentation from the "resident lists" through the "master juror lists" and all documetation of all random selections and shuffling of those documentations that result in final jury pools, this per M.G.L. C. 234A s. 1-22, that will be used to select a jury at the above docketed action.

3. This defendant has in the past, twice, caught jury rigging in the Mass. Courts in order to deprive this defendant of a fair trial. See Goldstein v. Elbery #92-01834 and Com. v. Elbery both at Worcester Superior Court.

Confidential Juror Questionnaire

4. The defendant also requests that all prospective jurors for the above docketed action's trial be required to provide a "confidential juror questionnaire" as per M.G.L. C.234A s. 22 for this defendant's review.

Michael Elbery, pro se  
SECC Prison  
12 Administration Rd.  
Bridgewater, Mass. 02324  
3-5-01

COMMONWEALTH OF MASSACHUSETTS

Middlesex ss

Framingham District Court

Commonwealth of Mass.

Criminal Docket  
#0049CR1893A  
(Amended 3006)

v.

Michael Elbery

Defendant's Motion

To

Compel Attorney Brekka to Release Exculpatory Evidence to Defendant

&

Expose this Case as Fraud

1. The defendant, above docketed, Michael Elbery, motions the Court to compel Attorney Ken Brekka to produce, to this defendant, evidence Brekka acquired while representing this defendant. The defendant prose has made repeated attempts to acquire this exculpatory evidence which indicates the prosecution's entire case is a fraud on the Court and the U.S. Constitution.
2. Per interview notes of Attorney Brekka, he viewed the 7-4-00 booking photo of the alleged victim, Peter H. Gear at the Framingham Police Dept. (FPD).
3. The booking photo of Gear, as in #2, was taken at F.P.D. on 7-4-00 at 1:28pm. This as result of an outstanding felony warrant.
4. The F.P.D., and the prosecution have produced 6 photos of Gear's injuries taken on 7-5-00. These 6 ~~Gear~~ injury photos of 7-5-00 are the prosecution's case-in-chief.



5. The 6 Gear injury photos of 7-5-00 depict numerous injuries allegedly caused by this defendant to Gear on 7-4-00 at about 2:30am including a large red wound to Gear's forehead.

6. According to Attorney Brekka's notes the 7-4-00 booking photos show none of these injuries to Gear as in the 6 Gear injury photos taken by the F.P.D. on 7-5-00.

7. The booking photos were taken between 7-4-00 at 2:30am, the underlying incident, and 7-5-00 when the FPD took the Gear injury photos.

8. It appears that the case against this plaintiff is a FRAUD.

Brekka Notes of the 10-17-00 Evidentiary Hearing of this case

9. Attorney Ken Brekka took notes and has information this defendant needs as result of representing this defendant at the 10-17-00 Evidentiary Hearing of this case.

10. The information Brekka has, as #9 above, includes the address of Tonya Gordon, a MObil Manager.

WHerefore,

The defendant asks the Court to require Brekka to submit to this defendant the above information and to be Court Ordered to present the above evidence of fraud for an evidentiary hearing.

Michael Elbery, pro se  
3-5-00

COMMONWEALTH OF MASSACHUSETTS

Middlesex ss

Framingham District Court

Commonwealth

Criminal Docket

#0049CR1893A

(Amended 3006AB)

v.

Michael Elbery

Defendant's Motion

for

Prosecution's Expert Witnesses

&

Credentials and Substance of Opinion

1. The defendant, pro se, as above docketed, Michael Elbery, motions the Court to have the prosecution disclose all expert witnesses it intends to use at the trial of the above docketed case. Including any of the already named witnesses that will attempt to convince the jury that they are experts in something other than lying.

2. The defendant asks the Court to require the prosecution to disclose the substance of each expert opinion each alleged expert intends to testify to at the trial of the above docketed case.

Michael Elbery, pro se

3-5-01

Certificate of Service

I the defendant-pro se, Michael Elbery, hand delivered to the Court and A.D.A. at the 3-8-01 scheduled Pre - Trial Hearing at Framingham District Court the Motions as follows:

"Defendant's Motion for Prosecution's Expert Witnesses & Credentials and Substance of Opinion"

Defendant's Motion to Compel Attorney Brekka to Release Exculpatory Evidence to Defendant & Expose this case as Fraud"

"Defendant's Motion Court to Serve Defense Witness Summons

"Defendant's Motion for Jury Pool Selection Information & Require Jurors to Submit "Confidential Information Questionnaire"

"Defendant's Motion to Stay 3-08-01 Hearing Until M.G.L. C. 211 s 3 Petition Decided by Mass. S.J.C.

The defendant's Motion to Compel Attorney Brekka to Release Exculpatory Evidence to Defendant & Expose this Case as Fraud was sent to Att. Brekka at 32 Main St., Hubbardston, Mass via U.S. Mail prepaid on 3-7-01.