

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