

*Best for later*

Michael Elbery, C57634  
SECC, 12 Administration RD.  
Bridgewater, Mass. 02324

Clerk-Criminal  
FRamingham District Court  
600 Concord ST.  
FRamingham, Mass. 01701

RE: Commonwealth v. Michael Elbery #0049CR1893 (Amended3006AB)

Dear Clerk:

Please find enclosed for immediate filing and review, and

MARK-UP FOR HEARING at the scheduled 4-4-01 hearing of this  
case,

"Defendant's Motion for Court Order for Glover-Deacones Hospital  
to Produce Defendant's Hospital Reocords"

This is the second Motion for Court order I have filed regarding  
this issue of my medical records at Deaconess-Glover Hospital.

Thank you..

COMMONWEALTH OF MASSACHUSETTS

Middlesex ss

Framingham District Court

Commonwealth

Docket Criminal

#0049CR1893  
(Amended 3006)

v.

Elbery

Defendant's Motion for Court Order

for  
Glover-Deaconess Hospital to Produce

Defendant's Hospital Records

1. The defendant-pro se, above docketed, Motions the Court to Order the Deaconess-Glover Hospital, Needham, Mass. to produce to this defendant a copy of his medical records of 7-4-01 that were caused as a result of treatment for injuries sustained in the underlying incident that caused this action.
2. The medical records should comply with Mass. G.L. C.233 s. 79G and be certified as that statute requires .
3. This is the second Motion for Court Order of these records.
4. The medical records as above will produce exculpatory, relevant, material evidence for the defense, as the defendant was seriously injured and hospitalized in the incident at the Route 30 - Mobil , Framingham on 7-4-00 that caused the above docketed action.
5. The Deaconess - Glover Hospital has not repoded to the requests

for these same medical records, see Ex. A.

See attached Affidavits

Wherefore,

the defendant motions the Court to Order the Deaconess -  
Glover Hospital in Needham, Mass. to produce a copy of the defendant's  
medical records of 7-4-00 in compliance with M.G.L. C. 233 s.79G  
as above described. This in order to be guaranteed the defendant's  
rights to Compulsory Process, a Complete Defense, and a Fair Trial  
as required by the 6th and 14th Amendment of the U.S. Constitution  
and Article 12 of the Mass. Bill of Rights.

Michael Elbery, pro se  
SECC Prison  
12 Administration Rd.  
Bridgewater, Mass. 02324  
3-17-01

COMMONWEALTH OF MASSACHUSETTS

Middlesex ss

Framingham District Court

Commonwealth

Criminal Docket

#0049CR1893

(Amended 3006AB)

v.

Michael Elbery

Defendant's Affidavits in Support

of

Motion to Order Glover-Deaconness Hospital

to

Produce Defendant's Hospital Records

1. I am the defendant pro se, Michael Elbery, I am currently incarcerated at SECC - Prison, Bridgewater, Mass.
2. I was working at the Route 30 Mobil , Framingham, Mass. on 7-4-00.
3. Early in the a.m. of 7-4-00 while working at that same Mobil I was reperatedly assaulted by a Peter H. Gear with deadly weapons.
4. Gear kicked me in the stomach and smashed me over the head while he stole approximately \$25.00 worth of goods from that same Mobil gas and convenience store.

5. The same day, 7-4-00, I went to the Deaconess-Glover Hospital , Needham for medical care resulting from the injuries caused in the activity, as above.

6. I was at the above hospital for 4 hours and was treated by a registered nurse and a physician named Dr. Buechler. Amongst other treatment a CAT-SCAN was done and medication prescribed.

7. There has been medical bills resulting from the above paid by Mobil Oil's workman's compensation insurance.

8. There is medical documentation at the Deaconess-Glover as a result of this above activity.

I declare the foregoing is true and correct, signed under the pains and penalties of perjury on this 17th day of March 2001.

Michael Elbery, prose  
12 Administration Rd.  
Bridgewater, Mass. 02324  
3-17-01

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Certificate of Service

I the defendant, Michael Elbery, sent this motion Court Order -  
Glover to the Clerk - Framingham District Court, 600 Concord  
Street, Framingham, Mass. and to Deaconess-Glover Hospital,  
148 Chestnut St., Needham, Mass. via U.S. mail <sup>✕</sup> 1st-class prepaid  
all on 3-20-01 from SECC Prison.

*Mike pro*

*Keeper - Glover  
\* Sent certified U.S. mail return receipt  
# 7099 3400 0015 1038 6523*

*Clerk # 7099 3400 0015 1038 6653*

Ex-A

BREKKA & BREKKA

ATTORNEYS AT LAW

32 MAIN STREET

P.O. BOX 515

HUBBARDSTON, MASSACHUSETTS 01452

KENNETH L. BREKKA  
CLARE FRAIN BREKKA

(978) 928-5000

FAX (978) 928-5085

WORCESTER  
(508) 752-0500

August 24, 2000

Deaconess-Glover Hospital  
148 Chestnut Street  
Needham, MA 02192

ATTENTION: Medical Records

RE: Michael Elbery  
168 Fairfield Street  
Needham, MA

Dear Sir/Madam:

Please be advised that I represent Michael Elbery regarding an incident occurring on July 4, 2000.

Please send me a certified copy of all medical reports pursuant to M.G.L. ch. 233, §79G related to this matter. A signed records release form and Certification of Medical Records is enclosed. Please note that the Certification must be notarized.

If you need any further information, please do not hesitate to call. Thank you for your anticipated cooperation.

Very truly yours,

Kenneth L. Brekka, Esq.

KLB/mf  
Enc.

cc: Michael Elbery

Authorization for Release of ~~Educational, Banking~~  
~~Medical, Custodial, Employment, Personal Information.~~

*Medical Information Glover Deaconess Hospital Needham*  
*on 7-4-00/MGE*

I, MICHAEL ELBERY, of 168 Fairfield Street, Needham, MA 02192, authorize the release of all records and information in your custody to my attorney, Kenneth L. Brekka, 32 Main Street, Hubbardston, Massachusetts 01452.

I further authorize my attorney to make notes, or to photocopy, at my expense, any and all such information and to discuss with you (and/or your agents or employees), any information that I may have given to you (and/or your agents or employees).

Client: *Michael Elbery*

Records Requested From:

*7-4-00 medical records*  
*of Michael Elbery*  
*at Glover-Deaconess*  
*Hospital, Needham, Mass*

DATE: *7-4-00*