

my copy

Michael Elbery
12 Administrative Rd.
SECC Prison
Bridgewater, Mass.
02324
4-21-01

Clerk - Criminal
Framingham District Ct.
600 Concord St.
Framingham, Mass.01701

RE: Commonwealth v. Michael Elbery #0049CR1893 (Amended 3006)

Dear Clerk:

Please find for immediate filing and review,

"Defendant's Motion for Prosecution to Produce Certified Copies

Police 911 Tapes, Turret Tapes, Photos, Reports, Dispatch Reports

For Evidence at Trial and Discovery"

Thank you.

COMMONWEALTH OF MASSACHUSETTS

Middlesex ss.

Framingham District Ct.

#0049CR1893
(Amended 3006)

Commonwealth

v.

Michael Elbery

Defendant's Motion for Prosecution to Produce Certified Copies
of

Police 911 Tapes, Turret Tapes, Photos, Reports, Dispatch Reports, etc.,

For
Evidence at Trial & Discovery

1. There are numerous F.P.D. (Framingham Police Dept.) 911 phone tapes, turret tapes, photos and reports, and dispatch reports, etc., that are evidence in the above docketed case.
2. Since the prosecution team has fabricated and falsified police evidence in this case the defendant asks that all police evidence presented to the jury and to this defendant during discovery be certified by the F.P.D. custodian. (See Mass. Practice, Evidence, Vol. 20 s. 902.2).
3. Per this defendant's "Omnibus Discovery Motion" the following requests for discovery by this defendant should be certified by the F.P.D. custodian.

- a. Request #1 - the F.P.D. booking photo and related report of the arrest of Peter H. Gear on 7-4-00.
- b. Request #2 - the 6 photos taken by the F.P.D./Sanchez of Peter Gear on 7-5-00, especially the picture of Gear with the "big red bloody wound on his right forehead".
- c. Request #3 - Gear's larceny charge information from Taunton District Court.
- d. Requests #6 & #8 - regarding the phone calls and related documentation, including the dispatch reports.
- e. Request #7 - Gear's 6 year Mass. Registry history.
- f. Request #10 - The Mobil video(s).
- g. Request #14 - The "chain of custody" of the Mobil video(s) in possession of the F.P.D.
- h. Request #16-- The F.P.D. radio communication recordings, and turret tapes.
- i. Requests #19, 20, 22, 23, 30, 39, - All documentary evidence held by the prosecution to be used at trial, Gear's out of state and Federal rap sheet, Gear's drug involvement, F.P.D. May & June '00 work roster, record of defendant's outgoing Concord Prison mail, internal affairs records on this case held by the F.P.D.

Wherefore,

In order to stop the knowing use of fabricated and falsified evidence by the prosecution team, the defendant asks the Court to Order the admission of the evidence, as above itemized, to be only via F.P.D. certified copies. This is requested for both the defendant's discovery demands and trial.

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Certificate of Service

I the defendant, Michael Elbery, sent this Motion for FPD certified documents to the Clerk - Framingham District Court, 600 Concord St., FRamingham, Mass. and the D.A.'s Office , 100 Concord St., Framingham, Mass. all via U.S. certified mail - prepaid from SECC Prison on 4- - 01.