

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

TRIAL COURT OF THE COMMONWEALTH  
FRAMINGHAM DISTRICT COURT

DOCKET # 0049 CR 1893

COMMONWEALTH OF MASSACHUSETTS )

VS. )

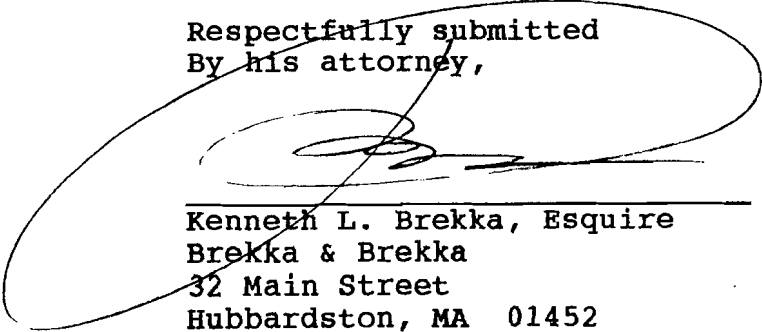
MICHAEL ELBERY )

MOTION TO PRESERVE  
EVIDENCE

9/13/00  
Allowed  
Dry  
Shredded

Now comes the Defendant, MICHAEL ELBERY, in the above entitled matter and respectfully moves this Honorable Court to direct the Commonwealth to preserve all evidence in its custody or under its control, including but not limited to: all police notes; video tape evidence taken from the Framingham Mobil Station, located at 896 Cochituate Road, Framingham, Massachusetts; all communications related to this incident recorded at the Framingham Police Station; and photographs.

Respectfully submitted  
By his attorney,

  
Kenneth L. Brekka, Esquire  
Brekka & Brekka  
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BBO # 548299

Please take notice that the above motion will be called for hearing in the Framingham District Court on September 13, 2000 at 9:00 A.M.