

BREKKA & BREKKA

ATTORNEYS AT LAW

32 MAIN STREET

P.O. BOX 515

HUBBARDSTON, MASSACHUSETTS 01452

(978) 928-5000

FAX (978) 928-5085

KENNETH L. BREKKA  
CLARE FRAIN BREKKA

WORCESTER  
(508) 752-0500

September 18, 2000

via: CERTIFIED MAIL  
R.R. #7099 3400 0007 8499 4649  
and FIRST CLASS MAIL

Dolly Olecki  
Framingham Mobil  
696 Cochituate Road  
Framingham, MA 01701

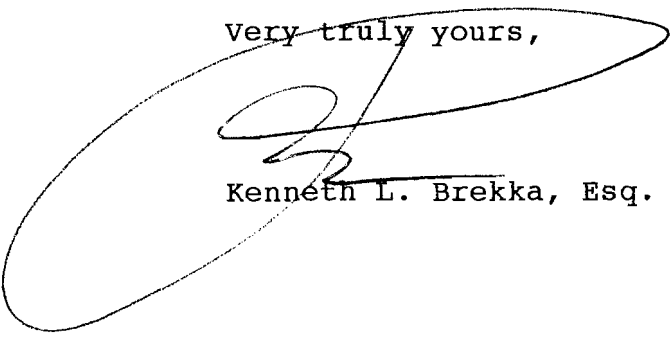
RE: Michael Elbery

Dear Dolly:

Enclosed please find an updated Subpoena Duces Tecum in regard to the above referenced matter.

Your presence, along with the information requested in the Subpoena, is required in court on October 17, 2000.

Very truly yours,



Kenneth L. Brekka, Esq.

KLJB/mf  
Enc.

cc: Michael Elbery

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Trial Court of the Commonwealth  
District Court Division  
Framingham District Court  
Docket #0049CR1893

COMMONWEALTH OF MASSACHUSETTS )  
 )  
v. )  
 )  
MICHAEL ELBERY )

SUBPOENA DUCES TECUM

TO: Dolly Olecki  
Framingham Mobil  
696 Cochituate Road  
Framingham, MA 01701

GREETINGS:

You are hereby commanded to appear before the Framingham District Court within the County of Middlesex on October 17, 2000, at 9:00 a.m., and from day to day thereafter, until the above captioned case is heard by said court, and you are commanded to bring with you the following:

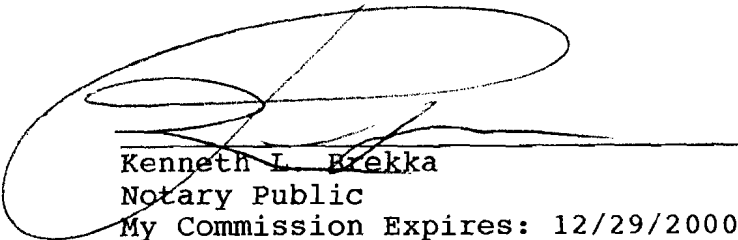
1. Address and phone number for James Regal;
2. The Mobil security training manual;
3. Register tape related to the theft of gas by Peter Gear;
4. Training manual related to the proper use of the cash register as it relates to gasoline sales and the hold function;
5. Training manual dealing with the proper procedures related to the theft of gas by customers.
6. All records showing who worked at the Mobil station on July 3, 2000, July 4, 2000 and July 5, 2000, including but not limited to time cards and payroll records.

Hereof fail not, or you will answer your default under the pains and penalties of perjury in the law in that behalf made and provided.

Dated at Hubbardston, Massachusetts the 20<sup>th</sup> day of September, 2000.

Call for Attorney:

Kenneth L. Brekka, Esquire  
Brekka & Brekka  
32 Main Street  
Hubbardston, MA 01452

  
Kenneth L. Brekka  
Notary Public

My Commission Expires: 12/29/2000

BREKKA & BREKKA

ATTORNEYS AT LAW

32 MAIN STREET

P.O. BOX 515

HUBBARDSTON, MASSACHUSETTS 01452

(978) 928-5000

FAX (978) 928-5085

WORCESTER

(508) 752-0500

KENNETH L. BREKKA  
CLARE FRAIN BREKKA

October 13, 2000

Middlesex County Sheriff's Office  
P. O. Box 827  
Framingham, MA 01701

RE: Commonwealth v. Michael Elbery  
Docket No. 0049CR1893

Dear Sir/Madam:

Enclosed please find a Summons in regard to the above referenced matter. Please serve James Regal at 7 Brooksbie Rd., Bedford, MA 01730 as soon as possible. **Please serve Mr. Regal in hand.**

Your anticipated cooperation is appreciated.

Thank you.

Very truly yours,



Kenneth L. Brekka, Esq.

KLB/mf  
Enc.

cc: Michael Elbery

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Trial Court of the Commonwealth  
District Court Division  
Framingham District Court  
Docket #0049CR1893

COMMONWEALTH OF MASSACHUSETTS )  
 )  
v. ) SUMMONS  
 )  
MICHAEL ELBERY )

TO: James Regal  
7 Brooksbie Rd.  
Bedford, MA 01730

GREETINGS:

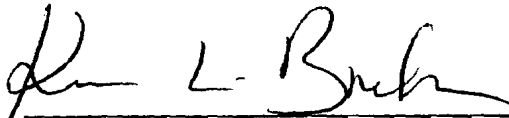
You are hereby commanded to appear before the Framingham District Court within the County of Middlesex on October 17, 2000, at 9:00 a.m., and from day to day thereafter, until the above captioned case is heard by said court.

Hereof fail not, or you will answer your default under the pains and penalties of perjury in the law in that behalf made and provided.

Dated at Hubbardston, Massachusetts the 13th day of October 2000.

Call for Attorney:

Kenneth L. Brekka, Esquire  
Brekka & Brekka  
32 Main Street  
Hubbardston, MA 01452  
(978) 928-5000

  
Kenneth L. Brekka  
Notary Public  
My Commission Expires: 12/29/2000

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Trial Court of the Commonwealth  
District Court Division  
Framingham District Court  
Docket #0049CR1893

COMMONWEALTH OF MASSACHUSETTS )  
 )  
v. )  
 )  
MICHAEL ELBERY )

SUBPOENA

TO: James Regal  
Framingham Mobil  
696 Cochituate Road  
Framingham, MA 01701

GREETINGS:

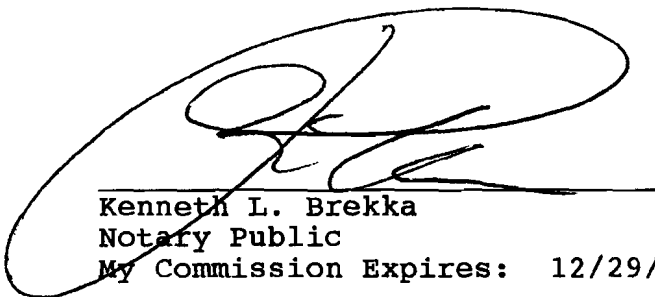
You are hereby commanded to appear before the Framingham District Court within the County of Middlesex on OCTOBER 17, 2000, at 9:00 a.m., and from day to day thereafter, until the above captioned case is heard by said court.

Hereof fail not, or you will answer your default under the pains and penalties of perjury in the law in that behalf made and provided.

Dated at Hubbardston, Massachusetts the 13TH day of October, 2000.

Call for Attorney:

Kenneth L. Brekka, Esquire  
Brekka & Brekka  
32 Main Street  
Hubbardston, MA 01452  
(978) 928-5000



Kenneth L. Brekka  
Notary Public  
My Commission Expires: 12/29/00

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Trial Court of the Commonwealth  
District Court Division  
Framingham District Court  
Docket #0049CR1893

COMMONWEALTH OF MASSACHUSETTS )  
v. )  
MICHAEL ELBERY )

SUMMONS

TO: Carmen T. Grandinetti, Jr.  
78 Pennacook Drive  
Leominster, MA 01453

GREETINGS:

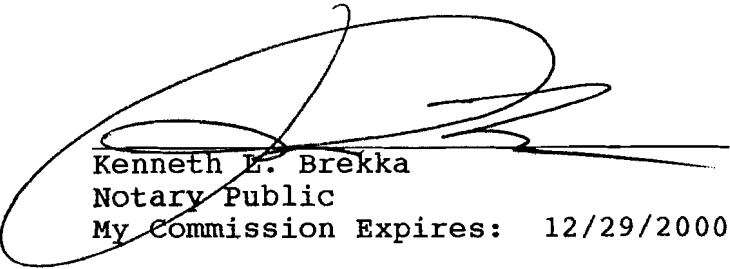
You are hereby commanded to appear before the Framingham District Court within the County of Middlesex on October 17, 2000, at 9:00 a.m., and from day to day thereafter, until the above captioned case is heard by said court.

Hereof fail not, or you will answer your default under the pains and penalties of perjury in the law in that behalf made and provided.

Dated at Hubbardston, Massachusetts the 20<sup>th</sup> day of September, 2000.

Call for Attorney:

Kenneth L. Brekka, Esquire  
Brekka & Brekka  
32 Main Street  
Hubbardston, MA 01452  
(978) 928-5000

  
Kenneth L. Brekka  
Notary Public  
My Commission Expires: 12/29/2000

561  
Connolly



JOHN M. FLYNN  
SHERIFF

AL BOVE  
CHIEF DEPUTY

# WORCESTER COUNTY SHERIFF'S OFFICE

PROCESS OFFICE  
204 Main Street  
Worcester, Massachusetts

(508) 752-1100 Fax: (508) 752-3588  
1-800-842-0083



Kenneth L. Brekka  
Brekka & Brekka  
Attorneys At Law  
32 Main Street, P. O. Box 515  
Hubbardston, MA 01452-

Please remit to:

P.O. Box 1066  
Worcester, MA 01613-1066

(978) 928-5000

Amount Due : \$37.00

Invoice Number: 76354

PLEASE RETURN THIS TO THE OFFICE WITH YOUR PAYMENT

Commonwealth of Massachusetts

vs.

Writ: Witness Subpoena (Summons)

Elbery, Michael

Serve:

Grandinetti, Carmen T., Jr.

Grandinetti, Carmen T., Jr.  
POE-Mr. Mikes  
Rte 117, 1081 Lancaster Street  
Leominster

Served by Deputy Sheriff: Connolly

Date and time of service: 10/05/00 06:40

Method of service : In Hand

Basic Service Fee	\$25.00
Witness Fee	\$12.00
	-----
Total of Charges	\$37.00
	-----
<b>TOTAL AMOUNT DUE</b>	<b>\$37.00</b>

Invoice Number: 76354

Invoice Date : 10/05/00

WORCESTER COUNTY SHERIFF'S OFFICE • PROCESS OFFICE • (508) 752-1100

Ashburnham • Athol • Auburn • Baldwinville • Barre • Berlin • Blackstone • Bolton • Boylston • Brookfield • Charlton • Charlton City • Cherry Valley • Clinton • Douglas • Dudley • East Brookfield • East Douglas • Fiskdale • Fitchburg • Gardner • Gilbertville • Grafton • Hardwick • Harvard • Holden • Hopedale • Hubbardston • Jefferson • Lancaster • Leicester • Leominster • Linwood • Lunenburg • Manchaug • Mendon • Milford • Milbury • Milville • Morningdale • New Braintree • Northboro • Northbridge • North Brookfield • North Grafton • North Oxford • North Uxbridge • Oakdale • Oakham • Otter River • Oxford • Paxton • Petersham • Philipston • Princeton • Rochdale • Royalston • Rutland • Shrewsbury • Southborough • Southbridge • Spencer • Sterling • Sturbridge • Sutton • Templeton • Upton • Uxbridge • Warren • Waterville • Webster • Westboro • West Boylston • West Brookfield • Westminster • West Warren • Whalom • Wheelwright • Whitinsville • Wilkonsonville • Winchendon • Worcester

BREKKA & BREKKA

ATTORNEYS AT LAW

32 MAIN STREET

P.O. BOX 515

HUBBARDSTON, MASSACHUSETTS 01452

KENNETH L. BREKKA  
CLARE FRANK BREKKA

(978) 928-5000

FAX (978) 928-5085

WORCESTER  
(508) 752-0500

October 9, 2000

Framingham District Court  
600 Concord Street  
P. O. Box 828  
Framingham, MA 01701

ATTENTION: Clerk's Office  
Criminal Division

RE: Commonwealth v. Michael Elbery  
Docket No. 0049CR1893

Dear Sir/Madam:

Enclosed please find for filing a Summons served to Brian Warren on September 26, 2000 in regard to the above referenced matter.

Should you have questions or comments, please feel free to contact me.

Very truly yours,



Kenneth L. Brekka, Esq.

KLB/mf  
Enc.

cc: Michael Elbery

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Trial Court of the Commonwealth  
District Court Division  
Framingham District Court  
Docket #0049CR1893

COMMONWEALTH OF MASSACHUSETTS )

v. )

MICHAEL ELBERY )

SUMMONS

TO: Brian Warren  
361 Union Street  
Ashland, MA 01721

GREETINGS:

You are hereby commanded to appear before the Framingham District Court within the County of Middlesex on October 17, 2000, at 9:00 a.m., and from day to day thereafter, until the above captioned case is heard by said court.

Hereof fail not, or you will answer your default under the pains and penalties of perjury in the law in that behalf made and provided.

Dated at Hubbardston, Massachusetts the 20<sup>th</sup> day of September, 2000.

Call for Attorney:

Kenneth L. Brekka, Esquire  
Brekka & Brekka  
32 Main Street  
Hubbardston, MA 01452  
(978) 928-5000



Kenneth L. Brekka  
Notary Public  
My Commission Expires: 12/29/2000



JAMES V. DiPAOLA  
SHERIFF

*The Commonwealth of Massachusetts  
Middlesex Sheriff's Office*

*Civil Process Division*

*P.O. Box 827*

*188 Concord Street*

*Framingham, Massachusetts 01701-0203*

*Phone (508) 872-3110 (508) 872-7831 • Fax (508) 872-3644*

BREKKA & BREKKA  
32 MAIN STREET  
P.O. BOX 515  
HUBBARDSTON, MA 01452-

(978) 928-5000

Amount Due : \$23.00  
Invoice Number: 75708  
Invoice Date : 09/27/00

PLEASE NOTE: RETURN THIS TOP PORTION WITH YOUR PAYMENT

**Payment is due 30 days from invoice date.**

COMMONWEALTH OF MASSACHUSETTS

vs.

ELBERY, MICHAEL

Serve:

WARREN, BRIAN

WARREN, BRIAN  
361 UNION STREET  
ASHLAND

Writ: SUMMONS

:

Served by Deputy Sheriff: MORRONE  
Date and time of service: 09/26/00 12:35  
Method of service : LAST & USUAL PLACE OF ABODE

Basic Service Fee	\$10.00
Travel	\$6.60
Attest	\$1.00
Conveyance	\$2.40
Postage & Handling	\$3.00
	-----
Total of Charges	\$23.00
	-----
T O T A L   A M O U N T   D U E	\$23.00

Invoice Number: 75708  
Invoice Date : 09/27/00

RETURN OF SERVICE

MIDDLESEX , SS. ...., 2000

I this day summoned the within named

to appear and give evidence at Court as within directed by  
delivering to ..... in hand, leaving  
at last and usual place of

abode, to wit, No. ....

Street, in an attested copy of the  
subpoena together with ..... fees for  
attendance and travel

Service and Travel

Cop.

\_\_\_\_\_  
Deputy Sheriff/Constable

Pd. Witness

Motor Vehicle

It being necessary I actually use a  
motor vehicle the distance of  
..... miles in the service of  
this process

\_\_\_\_\_  
Deputy Sheriff/Constable



Middlesex Sheriff's Office • Civil Process Division, P.O. Box 827, Framingham, MA 01701 • (508) 872-3110  
Middlesex, ss.

I hereby certify and return that on 09/26/00 at 12:35pm I served a true and  
attested copy of the SUMMONS in this action in the following manner: To  
wit, by leaving at the last and usual place of abode of WARREN, BRIAN, 361  
UNION STREET, ASHLAND, MA. and by mailing first class to the above address  
on 09/27/00. Fees: Service \$10.00, Conveyance \$2.40, Attest \$1.00, P&H  
\$3.00, Travel \$6.60, Total Fees \$23.00

September 27, 2000

\_\_\_\_\_  
Deputy Sheriff

BREKKA & BREKKA

ATTORNEYS AT LAW

32 MAIN STREET

P.O. BOX 515

HUBBARDSTON, MASSACHUSETTS 01452

(978) 928-5000

FAX (978) 928-5085

WORCESTER

(508) 752-0500

KENNETH L. BREKKA  
CLARE FRAIN BREKKA

September 26, 2000

Framingham District Court  
600 Concord Street  
P. O. Box 828  
Framingham, MA 01701

ATTENTION: Clerk's Office  
Criminal Division

RE: Commonwealth v. Michael Elbery  
Docket No. 0049CR1893

Dear Sir/Madam:

Enclosed please find for filing a Summons served to David M. Correia on September 19, 2000 in regard to the above referenced matter.

Should you have questions or comments, please feel free to contact me.

Very truly yours,

Kenneth L. Brekka, Esq.

KLB/mf  
Enc.

cc: Michael Elbery

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Trial Court of the Commonwealth  
District Court Division  
Framingham District Court  
Docket #0049CR1893

COMMONWEALTH OF MASSACHUSETTS )  
v. )  
MICHAEL ELBERY )

SUMMONS

TO: David M. Correia  
17 Centennial Street  
Foxboro, MA 02035

GREETINGS:

You are hereby commanded to appear before the Framingham District Court within the County of Middlesex on Tuesday, October 17, 2000, at 9:00 a.m., and from day to day thereafter, until the above captioned case is heard by said court.

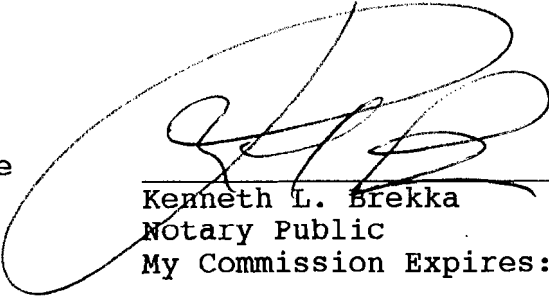
Hereof fail not, or you will answer your default under the pains and penalties of perjury in the law in that behalf made and provided.

PLEASE CALL ATTORNEY KENNETH L. BREKKA UPON RECEIPT OF THIS SUMMONS, (978) 928-5000.

Dated at Hubbardston, Massachusetts the 14th day of September, 2000.

Call for Attorney:

Kenneth L. Brekka, Esquire  
Brekka & Brekka  
32 Main Street  
Hubbardston, MA 01452  
(978) 928-5000



Kenneth L. Brekka  
Notary Public

My Commission Expires: 12/29/2000



**Norfolk County Sheriff's Department** 15 Bryant St., Suite 201 • Dedham, MA 02026 • (781) 326-1787  
 Norfolk, ss.

September 14, 2000  
 I hereby certify and swear that on 09-14-00 at 4:00pm I served a true and  
 attested copy of the subpoena in this action in the following manner: to  
 Mr. [redacted] at the last and usual place of abode of [redacted], David M.  
 17 Centennial Avenue, Norwood, MA. Fees: Service \$10.00, Conveyance  
 \$0.00, Alcohol \$0.00, Visit \$0.00, Travel \$0.00, Witness \$10.00, Total Fees  
 \$30.00

Deputy Sheriff Mike Maher

Deputy Sheriff

abode, to wit, No. ....

Street, in an attested copy of the  
 subpoena together with ..... fees for  
 attendance and travel  
 Service and Travel

Cop.

Pd. Witness

\_\_\_\_\_  
 Deputy Sheriff/Constable

Motor Vehicle

It being necessary I actually use a  
 motor vehicle the distance of  
 ..... miles in the service of  
 this process

\_\_\_\_\_  
 Deputy Sheriff/Constable

Subscribed and sworn to before me .....

This                      day of                      , 2000.

.....

My Commission Expires:



Michael G. Bellotti  
Sheriff

*The Commonwealth of Massachusetts*  
*County of Norfolk*

SHERIFF'S DEPARTMENT

Division of Civil Process

15 Bryant St., Suite 201 • Dedham, MA 02026  
Tel (781) 326-1787 • Fax (781) 326-0288



Peter J. Morin  
Director

Kenneth L. Brekka  
Brekka & Brekka  
32 Main Street  
P.O. Box 515  
Hubbardston, MA 01452-

Please remit to:

P.O. Box 910  
15 Bryant St., Suite 201  
Dedham, MA 02026

Amount Due : \$39.00

Invoice Number: 16439

(978) 928-5000

PLEASE RETURN THIS TO PORTION WITH PAYMENT

Commonwealth  
vs.  
Elbery, Michael  
Serve:

Writ: subpoena  
:

Correia, David M.  
17 Centennial Street  
Foxborough

Served by Deputy Sheriff: Maher  
Date and time of service: 09/19/00 09:00  
Method of service : Last and Usual Place of Abode

Basic Service Fee	\$10.00
Witness Fee	\$10.00
Travel	\$8.00
Attest	\$4.00
Conveyance	\$5.00
Postage & Handling	\$2.00

Total of Charges	\$39.00
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TOTAL AMOUNT DUE

\$39.00

Invoice Number: 16439  
Invoice Date : 09/19/00