

Commonwealth of Massachusetts
County of Worcester
The Superior Court

CRIMINAL DOCKET# WOCR1993-00135

RE: **Commonwealth v Elberry, Michael G**

TO: Michael G Elberry
120 Old Pleasant Street
Apt. # 7
Lee, MA 01238

CLERK'S NOTICE

This is to notify you that in the above referenced case the Court's action on 05/12/2014 is as follows:

Defendant's motion for new trial & discovery and evidentiary hearing with memorandum and affidavit in support of (sent to Judge Lemire)

MOTION (P#49) Upon review of the motion and the filings by the defendant, as well, as a review of the docket, this motion is DENIED without a hearing. The Court finds that the issues raised by this motion have been previously raised and ruled upon by the court. (James R. Lemire, RAJ). Copies mailed to DA and the defendant

Dated at Worcester, Massachusetts this 13th day of May, 2014.

Dennis P. McManus, Esq.,
Clerk of the Courts

Location: Courtroom 18 - 3rd Floor (225 Main St.)

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COMMONWEALTH OF MASSACHUSETTS

Worcester ss
Worcester Superior Court

Criminal action
#93-0135

Commonwealth

v.

Michael G. Elbery

DEFENDANT'S MOTION FOR NEW TRIAL
&
DISCOVERY AND EVIDENTIARY HEARING

The defendant moves the court, pursuant to Massachusetts Rules of Criminal Procedure- rule 30(b), that he be granted a new trial, as justice was not done by the trial of the above criminal case.

The grounds upon which this motion is based is the conduct of the trial, the trial verdict was against the weight of the evidence, and over two dozen U.S. Constitutional errors or violations. This defendant's conviction of the above captioned case was a miscarriage justice. The conviction was obtained in violation of law and was manifestly unjust, as is proved in the supporting memorandum all the prosecution's evidence was fabricated.

The defendant further requests discovery, as allowed by Rule 30, on the injuries allegedly sustained by alleged victim, Tom King, and prosecution witness Mann. See claims I, II, III, IV of the Memo relating to Mann and King. The defendant requests discovery regarding the issues in claim VII of the Memo, King's demotion and whereabouts on 9-28-92. Specifically, this defendant requests discovery on the following:

finds that the issues raised by this motion have been previously raised & ruled upon by the court (Judge R. Lemire, RAJ)

5-13-17 upon review of the motion & the filings by the defendant, as well as, a review of the docket; this motion is DENIED without a hearing. The court