

Ex. C

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT
CRIM. NOS.
93-01351, 93-01352, and
93-01354

COMMONWEALTH)
)
v.)
)
MICHAEL ELBERY)
)

AFFIDAVIT IN SUPPORT OF
DEFENDANT'S MOTION FOR
NEW TRIAL

Dr. Joe Hull being duly sworn deposes and says:

1. That I am a licensed physician in the Commonwealth of Massachusetts. I am board certified in emergency and internal medicine. I am presently Medical Director of the Emergency Department of Anna Jaques Hospital in Newburyport.
2. I have reviewed the hospital record of Thomas King attached hereto and marked Exhibit One.
3. The record reveals that the injury to the left eye consisted of superficial abrasions to the lids and a small laceration of the conjunctiva which did not require suturing. The globe (eyeball) was not penetrated and there was no bleeding into any part of the eye or impairment of vision. Treatment was conservative with application of antibiotic ointment and a patch which is typical for minor injuries to the superficial covering of the eye.
4. In my opinion, these injuries are superficial and are consistent with being poked in the eye. In my opinion, one would expect to find more serious injuries if someone had jammed his

thumb into that eye on the inside of the eye and kept pushing his thumb into the eye.

5. In my opinion, the injury sustained here would not have resulted in the leaking of any vitreous fluid or noticeable blood loss from the eye.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 5th DAY OF

~~1/5/96~~, 1996.

January

Joe Hull
Dr. Joe Hull

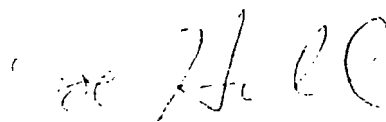
March 12, 1996

Dear Bob,

Here are the answers to your questions. Sorry it has taken me so long to get back to you.

1. "Conjunctiva plus 3" means that there was moderate inflammation of the conjunctival membrane, i.e., the eye was red.
2. "Angio. #20" is a 20 guage intravenous needle that was started in the arm.
3. Betadine prep. is a very clean, iodine washing/preparation or cleansing of the skin to remove bacteria.
4. Injected means red and inflamed. I think keroaltin is a misspelling of keratin, the outer, most superficial cell layer of the skin and eye.
5. The anterior chanber of the eye is normal when it is formed and quiet (an odd term to mean not inflamed or diseased).
6. The fundus is the back of the eye where the retina is seen after the pupil is dilated and one looks through the pupil with an ophthalmoscope. The optic nerve head is the disc and it should be normally flat and the cup should be sharp and pink when normal.

Let me know if you have any more questions.

A handwritten signature in cursive script, appearing to read "J. H. C.", located at the bottom right of the page.