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COMMONWEALTH OF MASSACHUSETTS

JOHN J. CONTE
DISTRICT ATTORNEY

OFFICE OF THE
DISTRICT ATTORNEY
MIDDLE DISTRICT

WORCESTER COUNTY COURTHOUSE
WORCESTER, MASSACHUSETTS 01608

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AREA CODE 508

November 30, 1992

Louis P. Aloise, Esquire
Shumway, Giguere, Byrne, Fox & Aloise
19 Cedar Street
Worcester, MA 01609

RE: COMMONWEALTH VS. MICHAEL ELBERRY

Dear Lou:

Pursuant to our agreement concerning discovery in the above-mentioned case, please note the following: The evidence expected to be presented at the probable cause hearing is that following the defendant's alleged disorderly behavior in the Winner's Circle, he fled the bar and was pursued by Thomas King. When Mr. King reached the defendant, the defendant, after swinging at and striking Mr. King's face, plunged his thumb into the left eye of Mr. King. Both men were standing at this point. Eventually Mr. King was able to push the defendant's finger out of his eye, whereupon the defendant fell or was pushed to the ground. Mr. King also ended up on the ground, during which time the defendant again plunged his thumb into the left eye of Mr. King.

As it does not appear that Mr. King's eye was destroyed or "put out", I have instructed Lt. Swift of the Liason Office to file a charge of Assault with Intent to Maim.

I am still making calls in an attempt to learn the address of Mr. Depasquale.

If you have any questions, please contact me at 797-4334. Thank you.

Sincerely,

Michael G. Salloum
ASSISTANT DISTRICT ATTORNEY