

DEPARTMENT OF THE TREASURY - BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

1. INVESTIGATION IS

☒ ROL

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☐ SENSITIVE☐ SIGNIFICANT

Page 1 of

2 pages

REPORT OF INVESTIGATION (Law Enforcement)

TO:

Special Agent in Charge
Boston Field Division

3. MONITORED INVESTIGATION INFORMATION (Number and Branch)

CIP: BOSTON FY-94
VIOLENT CRIME
REPORT 2

4. TITLE OF INVESTIGATION

ELBERY, Michael

5. INVESTIGATION No. (Include Suspect No.)

63290-94-0023-J

6. TYPE OF REPORT (Check applicable boxes)

7. BUREAU PROGRAM

8. PROJECT(S)

PRELIMINARY

COLLATERAL (Request)

☒

TITLE I

FIREARMS

TARGETED OFFENDER

TITLE II

TERRORIST/EXTREMIST

STATUS

COLLATERAL (Reply)

TITLE VII

OCD

TITLE II

EXPLOSIVES

ITAR

FINAL

INTELLIGENCE

TITLE XI

SEAR

SUPPLEMENTAL

REFERRAL (Internal)

ALCOHOL

OMO

☒ OTHER (Specify)
GENERAL

9. DETAILS:

SYNOPSIS:

On August 4, 1994, Shrewsbury, Massachusetts Police and fire officials responded to a fire at the EZ Mini Storage, located at 869 Boston Turnpike Road, Shrewsbury, Massachusetts.

On August 5, 1994, in connection with the fire, several of the customer's rented storage areas were inspected. Pursuant to that inspection an UZI pistol and an AK-47 rifle were observed in plain view inside of a vehicle parked in a storage bin rented by MICHAEL ELBERY of 31B Chilmark Street, Worcester, Massachusetts. A state search warrant was subsequently obtained by the Shrewsbury Police Department for both the storage area and parked vehicle. Pursuant to that warrant an additional Colt-AR-15 rifle and a Remington shotgun were recovered. A criminal record check of ELBERY disclosed that in 1993, he was convicted of Assault and Battery, Assault with a Dangerous Weapon and Assault to Maim.

PROGRESS:

It has been determined that ELBERY had previously been issued a license to purchase firearms by the State of Massachusetts. The subsequent trace of the UZI pistol and the AK-47 rifle disclosed that ELBERY had previously purchased the firearm from a Federal firearms dealer. The remaining firearms are currently being traced by ATF at this time.

10. SUBMITTED BY (Name)

Frank J. Tortorella

11. TITLE AND OFFICE

S/A Worcester Field Office

12. DATE

09/12/94

1. REVIEWED BY (Name)

Monty J. Monteiro

14. TITLE AND OFFICE

RAC Worcester Field Office

15. DATE

09/12/94

APPROVED BY (Name)

Terence J. McArdle

17. TITLE AND OFFICE

Special Agent in Charge

18. DATE

9/16/94

LMP 9-19-94

REPORT OF INVESTIGATION - CONTINUATION SHEET
(Law Enforcement)

PAGE 2
OF 2 PAGES

TITLE OF INVESTIGATION
ELBERY, Michael

INVESTIGATION NO.
63290-94-0023-J

DETAILS (Continued)

The probation sentence that ELBERY received in connection with his 1993 conviction has been revoked and he is currently incarcerated.

The State of Massachusetts is maintaining jurisdiction in this matter.

It is requested that this investigation be closed.

Attachments: Case Summary
Personal History

| | | | | | | | |
|---|--------------|--|----------------------|---|-----------|-------------------------------------|----------------------------|
| DEPARTMENT OF THE TREASURY - BUREAU OF ALCOHOL, TOBACCO AND FIREARMS | | | | 1. INVESTIGATION IS <input checked="" type="checkbox"/> ROUTINE <input type="checkbox"/> SENSITIVE <input type="checkbox"/> SIGNIFICANT | | Page 1 of 1 pages | |
| REPORT OF INVESTIGATION (Law Enforcement) | | | | | | | |
| 2. TO: Special Agent in Charge Boston Field Division | | | | 3. MONITORED INVESTIGATION INFORMATION (Number and Branch) CIP: BOSTON FY-94 VIOLENT CRIME REPORT 001 | | | |
| 4. TITLE OF INVESTIGATION ELBERY, Michael | | | | 5. INVESTIGATION No. (Include Suspect No.) 63290-94-0023-J | | | |
| 6. TYPE OF REPORT (Check applicable boxes) | | | | 7. BUREAU PROGRAM | | 8. PROJECT(S) | |
| <input checked="" type="checkbox"/> | PRELIMINARY | | COLLATERAL (Request) | <input checked="" type="checkbox"/> | TITLE I | FIREARMS | |
| | | | | | TITLE II | | |
| | STATUS | | COLLATERAL (Reply) | | TITLE VII | OCD | |
| | | | | | TITLE II | EXPLOSIVES | |
| | FINAL | | INTELLIGENCE | | TITLE XI | ITAR | |
| | | | | | TOBACCO | OMO | |
| | SUPPLEMENTAL | | REFERRAL (Internal) | | ALCOHOL | <input checked="" type="checkbox"/> | OTHER (Specify) GENERAL |
| 9. DETAILS: | | | | | | | |
| <p>On August 4, 1994, Shrewsbury, Massachusetts Police and fire officials responded to a fire at the EZ Mini Storage, located at 869 Boston Turnpike Road, Shrewsbury, Massachusetts.</p> <p>On August 5, 1994, in connection with the fire, several of the customer's rented storage areas were inspected. Pursuant to that inspection an UZI pistol and an AK-47 rifle were observed in plain view inside of a vehicle parked in a storage bin rented by MICHAEL ELBERY of 31B Chilmark Street, Worcester, Massachusetts. A state search warrant was subsequently obtained by the Shrewsbury Police Department for both the storage area and parked vehicle. Pursuant to that warrant two additional AK-47 rifles and a Remington shotgun were recovered. A criminal record check of ELBERY disclosed that in 1993, he was convicted of Assault and Battery, Assault with a Dangerous Weapon and Assault to Maim.</p> <p>ATF is currently assisting the Shrewsbury Police Department with this investigation.</p> <p>Attachments: Case Summary Personal History</p> | | | | | | | |
| 10. SUBMITTED BY (Name) Frank J. Tortorella <i>FTT</i> | | | | 11. TITLE AND OFFICE S/A Worcester Field Office | | 12. DATE 08/09/94 | |
| 13. REVIEWED BY (Name) Monty J. Monteiro <i>Monty J. Monteiro</i> | | | | 14. TITLE AND OFFICE RAC Worcester Field Office | | 15. DATE 08/10/94 | |
| 16. APPROVED BY (Name) Terence J. McAdams <i>Terence J. McAdams</i> | | | | 17. TITLE AND OFFICE Special Agent in Charge | | 18. DATE 8/14/94 | |

JMP 8-16-94



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

120 Front Street, Suite 610
Worcester, Massachusetts 01608

February 3, 1998

CE:MA:WO:MJM:gg
1100

MEMORANDUM TO: Special Agent in Charge
Boston Field Division

FROM: Resident Agent in Charge
Worcester & Springfield Field Offices

SUBJECT: Request for Fire Related Investigative Reports

This memo is submitted in response to a request for Worcester Field Office investigative reports by Attorney Bradford N. Louison, 67 Batterymarch Street, Boston, Massachusetts, made on January 29, 1998.

As you are aware, Attorney Louison is representing the Town of Shrewsbury and its police officers in a law suit filed by Michael Elbery, pending in United States District Court, Boston, Massachusetts.

On February 2, 1998, Resident Agent in Charge Monty J. Monteiro advised Attorney Louison, via telephone, that request for assistance (investigation 63290-94-0023J) was initiated on or about August 5, 1994 regarding Shrewsbury, Massachusetts Police Department's recovery of a number of firearms allegedly owned/possessed by Mr. Elbery at the E-Z Mini Storage Facility, 864 Boston Turnpike Road, Shrewsbury, MA. The investigation disclosed that Mr. Elbery was a convicted felon who had purchased most of these firearms from Massachusetts FFL's prior to his July 1993 Assault to Maim conviction; that he received a 10 year suspended sentence for said conviction and this fact ultimately resulted in the States request to maintain jurisdiction in this matter.

Resident Agent in Charge Monteiro further advised that there were no fire related opening or closing investigative reports prepared by ATF during its preliminary investigation of the aforementioned fire.

In view of the above, Mr. Louison agreed to verbally withdraw his formal request for investigative reports.


MONTY J. MONTEIRO
RESIDENT AGENT IN CHARGE