

COMMONWEALTH OF MASSACHUSETTS

Ex J

WORCESTER, ss.

WORCESTER DISTRICT COURT  
DOCKET NO. 9362JC2569

COMMONWEALTH  
v.  
MICHAEL ELBERY

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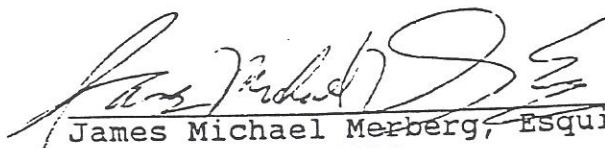
MOTION FOR REQUIRED FINDING OF NOT GUILTY

NOW COMES the Defendant, Michael Elbery, through counsel and respectfully moves this Honorable Court, pursuant to Mass.R.Crim.P. 25, to enter a finding of not guilty as to the offense charged in the above-captioned complaint.

As grounds therefore, counsel states that the proper and constitutionally permissible evidence presented by the Commonwealth, even viewed in its most favorable light, is insufficient as a matter of law to sustain convictions on the offense charged in the above-captioned complaint.

WHEREFORE, the Defendant, Michael Elbery, respectfully requests this Honorable Court to enter a finding of not guilty on the offense charged in the above-captioned complaint.

Respectfully submitted,

  
James Michael Merberg, Esquire  
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66 Long Wharf  
Boston, Massachusetts 02110  
Tel. (617) 723-1990

CERTIFICATE OF SERVICE

I, James Michael Merberg, Esquire, hereby certify that I served the foregoing Motion for Required Finding of Not Guilty by delivering in hand a copy thereof to Assistant District Attorney David P. Johnson at the Worcester County Courthouse, Worcester, MA 01608 this \_\_\_\_ day of March, 1994.

  
James Michael Merberg, Esquire