

PRETRIAL CONFERENCE REPORT

9467 CR 1200

Supreme Court of Massachusetts
District Court Department



COURT DIVISION

Westborough District Court
175 Milk Street
Westborough, MA. 01581

COMMONWEALTH VS MICHAEL ELBERLY
NAME OF DEFENDANT

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PRETRIAL CONFERENCE REPORT

A pretrial conference between the parties was conducted on 9/8, 1994 with the following results:

1. MANDATORY DISCOVERY FOR THE DEFENDANT. See Mass. R. Crim. P. 14(a)(1). The Commonwealth has provided (will provide by _____) the following if relevant and within the possession, custody or control of the prosecutor:
____ written or recorded statements of the defendant
____ any facts of an exculpatory nature

See Mass. R. Crim. P. 14(a)(2). The defendant has been permitted (will be permitted by _____) to discover, inspect, and/or copy the following if within the possession, custody, or control of the prosecutor or persons under the prosecutor's direction and control:

- any material and relevant physical evidence and documents (specify) Photos and Video
- statements of persons as defined by Rule 14(d)
- reports of physical or mental examinations of any persons
- reports of scientific tests or experiments
- names, addresses and dates of birth of prospective witnesses (All cops at arson investigation)

COMPLETED: YES ___ NO ___ COMPLIANCE DATE: 9-20-94

2. ADDITIONAL DISCOVERY FOR THE DEFENDANT. The defendant has been permitted (will be permitted by _____) to discover, inspect, and/or copy the following if within the possession, custody, or control of the prosecutor:

Agreed Ordered

- substance of any oral statements made by the defendant
- written or recorded statements of the co-defendant
- substance of any oral statements made by the co-defendant
- any promises, rewards, or inducements made to any witness
- copies of search warrants with the return and affidavits
- names and addresses of expert witnesses and field of expertise
- identification procedures
- police reports

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file on license and its alleged revocation (Report of Arson investigation)

COMPLETED: YES NO ___ COMPLIANCE DATE: 9-20-94

3. RECIPROCAL DISCOVERY FOR THE PROSECUTION. See Mass R. Crim. P. 14(a)(3). The prosecution has been permitted (will be permitted by _____) to discover, inspect, and copy the following:

Agreed Ordered

- any material and relevant physical evidence and documents on which he intends to rely at trial (specify) _____
- statements of persons as defined by Rule 14(d) on which he intends to rely at trial
- reports of physical or mental examinations of any persons on which he intends to rely at trial
- reports of scientific tests or experiments on which he intends to rely at trial
- names, addresses and dates of birth of prospective witnesses on which he intends to rely at trial

A COPY, ATTEST:

COMPLETED: YES ___ NO ___ COMPLIANCE DATE: _____

4. NOTICE OF ALIBI. See Mass. R. Crim. P. 14(b)(1). The Commonwealth hereby notifies the defendant that the time, date and place of the alleged offense was as follows:

N/A

Defendant agrees, if an alibi defense will be offered, to notify the Commonwealth in writing on or before _____, 19____ of the place or places at which the defendant claims to have been at the time of the alleged offense and the names, addresses dates of birth of the defendant's alibi witnesses or may here so state.

NA

The Commonwealth agrees to notify the defendant in writing on or before NA, 19____ of the names, addresses dates of birth of witnesses on which it relies to establish defendant's presence at the scene of the alleged offense or otherwise rebut defendant's alibi defense.

5. NOTICE OF OTHER DEFENSES, Mass. R. Crim. P. 14(b)(2),(3). If the defendant intends to rely upon the defense of lack of criminal responsibility or upon a defense based upon a license, claim of authority or ownership, or exemption, defendant must notify the Commonwealth within seven days of today or may here so state.

defense in part based upon a license

6. OTHER DISCOVERY AGREEMENTS. The parties agree to the following other matters relating to discovery:

7. MOTIONS. Matters upon which the parties have not reached agreement which are to be the subject of motions:

Motion To Suppress

8. STIPULATIONS OF FACT:

9. STATUS OF DEFENDANT. The defendant (is) (is not) presently in custody at

MCR Concord serving a sentence from another case

10. INTERPRETER. A NA interpreter will be needed.

11. STATUS OF CASE. (NOT BINDING)

Estimated length of trial: _____
No. of Witnesses: Pros. _____ Def. _____
Jury Jury Waived _____ (Not binding)

12. SUBSEQUENTLY DISCOVERED MATERIAL. The undersigned acknowledge their continuing duties regarding discovery under Mass. R. Crim. P. 14 (a)(4).

13. CERTIFICATION. The undersigned certify that the above Pre-Trial Conference Report was agreed to on _____, 19____ and that each party is bound by this report. This report shall control the subsequent course of the proceedings.

[Signature]
Ass't. District Attorney
Police Prosecutor

[Signature]
Defense Counsel

Defendant

THIS REPORT HAS BEEN SUBMITTED IN ITS ENTIRETY AND ACCEPTED BY THE COURT. THE MATTER IS SCHEDULED FOR TRIAL ON

1/18, 1995 IN Worc. Jury Court

Signature of Justice

Date