

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

Plaintiff,

v.

ALFRED W. TRENKLER

Defendant.

CRIMINAL NO. 92-_____

**MOTION FOR WRIT OF HABEAS
CORPUS AD TESTIFICANDUM**

This Motion for Habeas Corpus Ad Testificandum is filed by the Defendant in the above-entitled case and refers to the following:

1. The following witness is a prisoner:

Name: Thomas A. Shay
Sex: Male
D/O/B: _____
Prisoner No.: 19193038

2. Thomas A. Shay is presently detained in the following institution:

United States Correctional Facility
McKeen County
Bradford, Pennsylvania

3. The Custodian of Thomas A. Shay at the McKeen County Correctional Facility is Ellen McNinch, Superintendent.

4. Thomas A. Shay is an essential witness in the case of United States v. Trenkler with respect to his Motion for New Trial upon newly discovered evidence, as will

be shown at the hearing on this petition, as for reasons set out in the Affidavit of Morris M. Goldings, Esquire.

5. A Writ of Habeas Corpus Ad Testificandum is necessary, directing Ms. McNinch, Superintendent to deliver custody of Thomas A. Shay to the United States Marshal to bring Thomas A. Shay to Boston, Massachusetts or some convenient nearby location so that the Marshal may produce Thomas A. Shay for testimony at the hearing on the Motion for New Trial upon newly discovered evidence in the United States v. Alfred W. Trenkler.
6. The Writ of Habeas Corpus Ad Testificandum should instruct the Marshal to return Thomas A. Shay to the custody of Ms. McNinch, Superintendent as soon as Thomas A. Shay has completed his testimony in this matter.

For the reasons stated above, the Defendant Alfred W. Trenkler prays that:

1. This Court issue a Writ of Habeas Corpus Ad Testificandum to direct Ms. McNinch, Superintendent to deliver the custody of Thomas A. Shay to the United States Marshal.
2. Direct the United States Marshal to transport Thomas A. Shay to Boston, Massachusetts or some convenient location to produce Thomas A. Shay for testimony in the hearing on the Motion for New Trial for newly discovered evidence of The United States v. Alfred W. Trenkler in time for such hearing.
3. Direct the United States Marshal to return Thomas A. Shay to the custody of Ms. McNinch, Superintendent as soon as possible following the completion of testimony by Thomas A. Shay.

ALFRED W. TRENKLER
By his attorney,

Morris M. Goldings, BBO#198800
Mahoney, Hawkes & Goldings, LLP
The Heritage on the Garden
75 Park Plaza
Boston, Massachusetts 02116
617-457-3100

Date: April ____, 20000

#57409

COMMONWEALTH OF MASSACHUSETTS
SUFFOLK, SS

Morris M. Goldings, Esquire personally appeared before me, the undersigned a
republic after being duly sworn Morris M. Goldings, Esquire stated under oath that he is
the attorney for the Petitioner in this matter and that he has read the Petition and that
every statement in this Petition is true to his personal knowledge and belief.

Morris M. Goldings, Esquire

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The above Morris M. Goldings personally appeared before me and swore that the
above was true.

Notary Public
My Commission Expires: