

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

In re Thomas A. Shay,
a prisoner

In the Matter of:

UNITED STATES OF AMERICA

Plaintiff

v.

ALFRED W. TRENKLER

Defendant

CRIMINAL NO. 92-10369-2

**PETITION FOR WRIT OF HABEAS CORPUS
AD TESTIFICANDUM FOR THOMAS A. SHAY**

This Petition 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
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 and for the reasons set forth in the accompanying Motion for New Trial of Alfred W. Trenkler.

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 also 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;
2. The Writ direct Ms. McNinch, Superintendent, to deliver the custody of Thomas A. Shay to the United States Marshal;
3. The Writ 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;
4. The Writ direct the United States Marshal to return Thomas A. Shay to the custody of Ms. McNinch, Superintendent at the United States Correctional

Facility at Bradford, Pennsylvania, as soon as possible following the completion of testimony by Thomas A. Shay.

CERTIFICATION UNDER LOCAL RULE 7.1(A)(2)


The undersigned hereby certifies that counsel for the Defendant has attempted in good faith to resolve the issues surrounding this Writ with counsel for the government.

Dated: 8/10/00



Morris M. Goldings

ALFRED W. TRENKLER
By his Attorney,



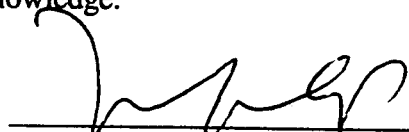
Morris M. Goldings, BBO#198800
Mahoney, Hawkes & Goldings, LLP
The Heritage on the Garden
75 Park Plaza
Boston, Massachusetts 02116
617-457-3100

Date: August 10, 2000

VERIFICATION

COMMONWEALTH OF MASSACHUSETTS
SUFFOLK, SS

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



Morris M. Goldings, Esquire

Subscribed and sworn to before me on 8/10/00, as shown by my seal and signature.

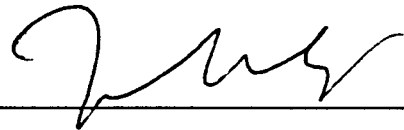
(Notary's seal)

Jennifer A. Gibbons (Notary's signature)
Jennifer A. Gibbons (typed name)

Notary Public in and for the State of Massachusetts
My commission expires July 16, 2004 [date]

CERTIFICATE OF SERVICE

I, Morris M. Goldings, hereby certify that a true copy of the above document was served upon the attorney of record for each other party by U.S. Mail this 11 day August 2000



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