

Metro Region

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New trial sought in 1991 bombing

Lawyer says key evidence is 'bogus'

By Shelley Murphy
GLOBE STAFF

In the latest twist in a nine-year legal drama that began when a bomb exploded in a Roslindale driveway, killing a Boston police officer and maiming his partner, lawyers for the man convicted of building the bomb say a key piece of evidence used in the case is "bogus."

Lawyers for Alfred Trenkler, who is serving a life sentence for the Oct. 28, 1991, bombing that killed Jeremiah Hurley and badly injured Francis X. Foley, filed motions Friday urging US District Judge Rya Zobel to grant him a new trial.

They are challenging the authenticity of a particularly damning piece of evidence in Trenkler's 1994 trial: a receipt showing that a toggle switch and batteries were purchased at the Radio Shack on Massachusetts Avenue in Boston just 10 days before the bombing.

The receipt helped convince jurors that Trenkler, who was working across the street from Radio Shack, had sent his friend, Thomas Shay Jr., into the store for the parts he used to build the bomb.

Shay is serving a 12-year sentence after pleading guilty to planting the homemade device beneath his father's car while it was parked in his Roslindale driveway. Hurley and Foley, members of the Boston Police Bomb Squad, were called to the home after the elder Shay reported seeing a suspicious object under his car.

Federal prosecutors yesterday scoffed at the suggestion that the receipt was fabricated, noting that it was Tandy Corp., Radio Shack's parent company, that alerted investigators in 1991 that the Massachusetts Avenue store was among hundreds in the Northeast that sold toggle switches.

US Attorney Donald K. Stern, who
BOMB, Page B

Metro/Region B

New trial sought

Lawyers for the man convicted of building the bomb that killed a Boston police officer in 1991 say a key piece of evidence was falsified.

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PAUL V. KELLY

New trial sought for man convicted in 1991 bombing

■ BOMB

Continued from Page B1

vowed to vigorously oppose Trenkler's request for a new trial, said, "Trenkler received a fair trial and is exactly where he should be for a very long time. It's regrettable that the families of the police officers have to go through another round of litigation and relive the horror of a regrettable crime."

In the motion filed Friday, attorney Morris Goldings, who represents Trenkler, said a lawyer for Tandy Corp. has been unable to validate the authenticity of the Oct. 18, 1991, receipt.

"This transaction does not appear in the records of Radio Shack," Goldings said. "I believe it's a bogus receipt."

When asked who he believes would have fabricated the receipt, Goldings said, "I really don't know, but I want to find out."

In an affidavit filed in court, Robert W. Blair, associate general counsel for Tandy Corp., conceded that after examining the company's records last September he was unable to match information from the receipt with information contained in a general journal for transactions at the Massachusetts Avenue store that day.

But in a telephone interview, Blair said he couldn't determine, based on the store's records, if the receipt was valid because it was possible that the store had failed to record all of its transactions for that day.

"Either it wasn't valid, or all transactions for that store weren't recorded on the general journal which we retained," Blair said.

Asked if it was unusual for transactions from the Massachusetts Avenue store not to be recorded, Blair said, "We like to think that we record everything that happens in a store relating to a transaction."

But Blair said the task of verifying the transaction, which was done at the request of Trenkler's parents, John and Jo Wallace of Milton, was more difficult because eight years had passed since the alleged purchases.

Attorney Paul V. Kelly, who prosecuted Trenkler and is now in private practice, said investigators from the US Bureau of Alcohol, Tobacco, and Firearms contacted offi-

cial at Tandy Corp. in Dallas shortly after the bombing after determining that a toggle switch sold exclusively by Radio Shack was a component in the bomb.

In response, Tandy Corp. sent the bureau a computer printout indicating that the toggle switches had been sold at hundreds of stores - including the Massachusetts Avenue store - in the months before the trial, Kelly said.

During Trenkler's trial, bureau Agent Dennis Leahy testified that he reviewed the receipts at the Massachusetts Avenue store because Trenkler was working across the street when the items allegedly were purchased. Trenkler was installing a microwave satellite at the First Church of Christ, Scientist.

By then, Trenkler was a suspect because he was a friend of the younger Shay and had previously admitted building a remote-control bomb that exploded in Quincy in 1986.

A Radio Shack clerk testified at the trial that a man fitting Shay's description came into the store 10 days before the bombing and purchased a toggle switch, batteries, and other items. The clerk identified the receipt, which bore the name SAHY.

"The suggestion that somebody falsified that receipt, I find to be fanciful," Kelly said. "Considering the source, that this is coming from a desperate defendant trying to find anything to get his foot in the door, I view these claims of a bogus receipt with great skepticism."

Jurors at Trenkler's trial were also shown a videotaped interview of Shay telling a television reporter that he had purchased components used in the bomb at Radio Shack.

But Trenkler's parents insist that he has been framed, and they note that although he has lost numerous appeals, a dissenting appeals court judge has written that Trenkler didn't receive a fair trial.

"They had no proof that Alfred built that bomb," said John Wallace, Trenkler's stepfather. "The whole case was circumstantial."