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Inside

Bomb case

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'Bogus' evidence rebutted in 1991 fatal bombing case

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Lawyers trying to get a new trial for a man convicted of building a bomb that killed a police officer faced a major setback yesterday as federal agents produced records that rebut claims that a key piece of evidence in the case was "bogus."

Alfred Trenkler, serving a life sentence for the Oct. 28, 1991, bombing that killed Boston Police Officer Jeremiah Hurley and badly injured his partner, Francis X. Foley, moved for a new trial last week on the grounds that a receipt presented at his 1994 trial had been fabricated.

The receipt showed that a toggle switch, identical to one used in the bomb, was purchased at the Radio Shack on Massachusetts Avenue in Boston just 10 days before the bombing. It helped convince jurors that Trenkler, who was working across the street from the store, had sent his friend, Thomas Shay Jr., into the store to buy parts he used to build the bomb.

Shay, serving a 12-year prison term, admitted buying parts for the bomb and planting the 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.

Attorney Morris Goldings, who represents Trenkler, concluded that the receipt was "bogus" after a lawyer for Radio Shack's parent company, Tandy Corp., was unable

to find any record of the sale after searching the company's records last fall.

But yesterday, a retired federal agent who worked on the bombing case showed the Globe records that the Tandy Corp. provided to the US Bureau of Alcohol, Tobacco, and Firearms in November 1991, showing that a toggle switch was purchased at the Massachusetts Avenue store on Oct. 18, 1991.

The transaction — which matches information on the receipt presented at Trenkler's trial — was among hundreds detailed in the 47-page printout, listing every toggle switch sold at Radio Shack's 142 stores in Massachusetts in the four months before the bombing.

The printout lists the date that each toggle switch was sold between July 1 and Nov. 8, 1991, the store where it was sold, the receipt number, and the name, address, and telephone number provided by the customer who bought it.

Radio Shack asks all customers for their names, addresses, and telephone numbers.

"They're wrong, they're grasping," said Dennis Leahy, who retired from the bureau in February and now works for the Insurance Fraud Bureau of Massachusetts. "If they're claiming somebody fabricated that slip, then how did information from that slip end up on a printout from Tandy Corp.?"

Goldings said yesterday that he hasn't seen the printout, but will continue to challenge the authenticity of the receipt.

"It's inconsistent with what we've found," Goldings said. "We will have this out in court, and we will see where the truth lies."

Trenkler's brother, David Wallace, said his family will continue to push for a new trial.

Tandy Corp. generated the printout at the request of investigators who had determined that a toggle switch sold by Radio Shack was used in the bomb, Leahy said.

After receiving the printout, agents visited many Radio Shacks to review receipts and interview clerks. Leahy said he found the receipt presented at Trenkler's trial at the Massachusetts Avenue store in late 1991.

During Trenkler's trial, Leahy testified that investigators suspected Trenkler had sent Shay into the store to buy components from the bomb. Trenkler had emerged as a suspect early in the case 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 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.

After being convicted in the case and then winning a new trial, Shay changed his plea to guilty in Oct. 1998. As part of his plea agreement he admitted that he'd purchased the toggle switch, dynamite, blasting caps, and other materials at Trenkler's request.