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November 1, 2005

Honorable Edward F. Harrington,
United States District Judge
1 Courthouse Way
Boston, MA 02210

**RE: United States of America vs. Thomas A. Shay
Criminal Action No. 92-10369
Change of Plea and Disposition
October 29, 1998**

I am writing to you to rebut Mr. Apfel's remarks in response to your question regarding the evidence the government would have introduced were the case have gone to trial.

David Apfel, AUSA, who represented the government at the hearing, is the same David Apfel who informed Alfred Trenkler's attorney, Morris Goldings, that Tom Shay told several government agents that Alfred had nothing to do with the bombing.

He told Morris to do with it what he wished whereupon Morris called Kevin McGrath, AUSA, with the information and asked Mr. McGrath what he was going to do about it. His response was that he wasn't going to do anything.

Mr. Apfel's facts which are in dispute:

1. There was insufficient evidence of any conspiracy to commit the substantive counts alleged.
2. There was no evidence that Alfred Trenkler or Tom Shay agreed to construct a remote controlled explosive device.
3. There was insufficient evidence to prove that Tom Shay purchased certain electrical components including a toggle switch at a Radio Shack store located at 197 Massachusetts Ave. in Boston.

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At Tandy Corporation headquarters in Texas, Robert W. Blair never found a copy of the receipt introduced at trial. They only found a computer print out which showed a toggle switch No. 275-602 had been sold by the above store. There was no address or telephone no. to trace the purchase to anybody.

Also none of the six (6) items listed on the receipt were even found in the debris with the exception of the two contacts.

4. The government never proved that Alfred Trenkler built the device. They never found the toggle switch – only two contacts which the ATF evidence shows were like a competitive toggle switch, not Radio Shack (see enclosed).
5. There was no evidence that Alfred Trenkler or Tom Shay affixed the explosive device to the under carriage of Thomas L. Shay's 1986 Buick. As a matter of fact, tests for dynamite on the car proved negative. There was no evidence that Alfred Trenkler or Tom Shay, in or about October, 1991, received in interstate commerce explosive materials.

Tom Shay now admits that the government convinced his attorneys that he could get life imprisonment if the case went to trial. He said he was coerced by his attorney to plead guilty or take the chance of spending his whole life in prison.

Apparently both parties ignored double jeopardy, and the Supreme Court case, North Carolina vs Pierce, which states that a defendant cannot be punished for seeking a new trial by a harsher sentence the second time around.

Shay's attorneys were told by Terry Segal, Alfred's attorney, that our bomb expert, Denny Kline said the remains of the toggle switch were not from Radio Shack. (See enclosed).

I hope that this letter clarifies the facts that were used against Tom Shay, and which adversely reflected on my stepson, Alfred Trenkler. My stepson is serving two illegal life sentences for a crime he did not commit. I should have responded sooner, but have been pursuing appeals with the District Court, the Court of Appeals and the Supreme Court, all of which were denied without addressing the merits of the case.

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Thank you for taking my comments into consideration, and also for your help correcting the injustice done to Alfred Trenkler.

Respectfully yours,

John D. Wallace, (Alfred Trenkler's Stepfather).

cc: Dana A. Curhan, Esq.