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LOCAL NEWS

LEDGER UPDATE: Bomber's conviction decried; Imprisoned Quincy man unjustly convicted, says another man linked to deadly crime

By DENNIS TATZ
The Patriot Ledger

Since his arrest for building a bomb that killed a Boston police bomb squad officer and badly injured another in 1991, former Quincy resident Alfred Trenkler has insisted he is an innocent man.

Now, in an exclusive interview with The Patriot Ledger, Thomas Shay, Trenkler's convicted accomplice, says that overzealous prosecutors wrongfully went after Trenkler when they should have been looking at other suspects.

"Every day he spends in jail is an atrocity," said Shay, 34, whose conviction was later overturned. "Alfred Trenkler is innocent. He has been innocent since day one."

Trenkler is serving two life terms and the U.S. Supreme Court has refused to intervene in his case.

"It was convenient to nail me," Trenkler, 50, said during a recent telephone interview from the Allenwood Federal Penitentiary in White Deer, Pa.

"My saving grace is that I had nothing to do with it. It keeps me sane. I hope the truth comes out sooner than later. I had nothing to do with this."

Federal prosecutors alleged that Trenkler, an electrical engineer, conspired with Shay to kill Shay's abusive father, who also is named Thomas Shay.

The younger Shay admitted his guilt in a plea agreement after he was initially convicted in federal court. That conviction was overturned because U.S. District Judge Rya Zobel refused to allow a psychiatrist to testify in Shay's defense when he was on trial.

Released from prison

Shay, who also had lived in Quincy, was sentenced to 12 years in prison and was given credit for time served. He was paroled in 2002, but returned to federal custody for several months last year when he failed to notify authorities of his whereabouts. Shay has since been released.

He said someone else planted the bomb at his father's home in Roslindale. The younger Shay made that statement in connection with a lawsuit his father had filed asserting that his hearing was damaged in 1987 when dynamite exploded in a barrel at a Dedham auto body shop where the elder Shay had rented space.

The elder Shay told doctors before and after the deadly explosion at his home in Roslindale that he feared the defendants in the suit wanted him dead, according to court papers.



Shay

But court documents also show Thomas Shay believed his father was responsible for the bomb because he wanted to pressure the defendants to settle the suit while making it appear he was on a hit list.

The elder Shay told detectives that after finding the package, he threw it up against his house and then left it outside before going to authorities, according to a Boston police report.

Evidence showed that the elder Shay, then 47, was living on money from settlements in other personal injury claims at the time of the "Roslindale bombing."

The elder Shay's \$400,000 lawsuit was at a standstill because the insurance company believed he had been faking his injuries, according to court papers.

The younger Shay, whose early years were spent in the custody of the state Department of Social Services, said prosecutors made too much of the brief homosexual encounter between him and Trenkler.

"When I heard they were focusing on Al, I said that was impossible," Shay said. "What motive could he have?"

"Alfred Trenkler is the exact opposite of me. Where I came from a bad home, Alfred Trenkler came from a good home. Where I was jobless, he had his own company. Where I had little friends, he had many friends."

Judge barred hearing

Despite defense insistence in 2000 that new evidence in the case could help clear Trenkler, Judge Zobel refused to schedule a hearing. The judge ruled that the three-year time limit for an appeal prohibited her from giving Trenkler a new trial.

Trenkler has since exhausted his appeals.

The U.S. Supreme Court refused to hear the case last year.

Trenkler, a Wentworth Institute of Technology graduate, was accused of building a bomb with parts bought at a Radio Shack store.

The Boston police bomb squad was called to the Roslindale home of the elder Shay on Oct. 28, 1991, when the device reportedly fell from the undercarriage of his 1986 Buick.

Officer Jeremiah Hurley Jr. was killed and his partner, Francis X. Foley, lost an eye and was badly burned when the bomb exploded as they began to examine it.

Trenkler alleges that prosecutors used a bogus Radio Shack receipt to link him to the crime.

In a motion for a new trial, the defense said it had an affidavit from the associate general counsel for the Tandy Corp., owner of Radio Shack stores, that the receipt was phony.

Trenkler's stepfather, Jack Wallace of Milton, recently filed a motion in federal court to preserve evidence from the trial and to allow a fingerprint expert to examine items and take photos.

Wallace maintains that a forensic chemist for the U.S. Bureau of Alcohol, Tobacco and Firearms incorrectly testified that two contacts found in the bomb debris came from a toggle switch made exclusively for Radio Shack.

Wallace said there is proof that the switch contacts used in the bombing came from a Radio Shack competitor.

"The incorrect identification of the toggle switch caused other members of the prosecution team to offer testimony or statements which were incorrect," he said.

The defense had also fought unsuccessfully for the court to hear from another Allenwood inmate, whose testimony allegedly called into question the truthfulness of a key witness at Trenkler's trial.

Defense disputes witness

The witness, David Lindholm, said that Trenkler admitted to him that he had built the bomb. He said the admission came while both men were being held at the Plymouth County jail.

But the defense has said it could show that federal authorities planted Lindholm in Trenkler's cell and he made up their conversation to get an early release from jail.

A Web site in support of Trenkler has been set up at alfredtrenklerinnocent.org.

Dennis Tatz may be reached at dtatz@ledger.com.

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Transmitted Monday, August 07, 2006

----- Original Message -----

From: boone.henkoff@att.net

To: dtatz@ledger.com

Cc: morrison@alfredtrenklerinnocent.org

Sent: Tuesday, August 22, 2006 7:58 PM

Subject: Thomas Shay/Alfred Trenkler

Dear Mr. Tatz:

I was recently given a copy of your article of August 7, 2006, and read it with great interest.

I was Tommy Shay's original attorney, and remained his attorney through his jury trial, along with now-Judge Nancy Gertner.

8/23/2006

I always believed Tommy, and therefore Trenkler, to be innocent. Ms. Gertner, on the eve of her closing argument, confided in me that she had become convinced of that, as well.

Mr. Shay is, by diagnosis, a pathological liar. He is also totally self-centered and manipulative. I think I became convinced of his innocence when he was given an opportunity to "proffer", e.g., to rat out Trenkler in exchange for lenient treatment. He tried mightily to do so, even to the point of undergoing hypnosis -- had he been able to deliver ANY credible evidence to the prosecution, he would have been facing either immunity (at best) or two or three years (including the six months or so of jail time he had served) at "the correctional facility of your choice -- maybe even a military post psychiatric facility" (at worst).

He spun a tale of dropping bomb-making debris into the Quincy quarries, which caused the Feds to rent a miniature submarine to search them. Nothing, of course was found. He mis-described Trenkler's car as a large Chrysler -- it was actually a Nissan or something. He described riding around in this "big old car" through the Back Bay. Never happened. He described how Trenkler had rented a boat, taken him and someboyd else out to the Race Point buoy, donned scuba gear, and recovered explosives cached on the buoy's anchor chain. The ATF spent over a week ferrying Tommy around the south shore where (naturally) he was unable to identify the boat or the marina it departed from. (He did get a lot of fast food, which was better than jail fare). He described buying D-batteries for the bomb -- it didn't contain any of those. Etc., etc., etc.

I was originally Tommy's state public defender. When I succeeded in getting the state charges dismissed, they immediately indicted him on a bogus Federal bomb-threat charge. Tommy asked that I be specially appointed as a Federal defender, and I was. When he was indicted on the "actual bomb" charges, as we called them, I moved, successfully, for appointment of a second defender, under the drug king-pin act, which permits multiple counsel in capital cases. My chosen assistant, who was experienced in Federal matters (which I wasn't) was rejected, and Judge Zobel appointed Ms. Gertner in his place. I then became, very much, the assistant, to Ms. Gertner's lead.

Several of the issues raised in your article strike a chord with me. I wanted to subpoena the insurance claim file; Ms. Gertner did not think that was productive or proper (you should know that Thomas Shay's psych records actually show pictures of an imagined device under his car). I wanted to investigate the rather unique plywood with which the bomb was constructed. I wanted to subpoena the records of mail order companies who sold the little do-nut magnets (apparently only available by mail order -- Tommy didn't have a credit card -- the Feds claimed, variously, that they chose not to do so, were unable to do so, or that their search of mail order records had been fruitless -- of course mail order companies can INSTANTLY produce a list, by ZIP code, of all orders of a certain product).

The government's witness list, in the Shay case, was equally replete with jail-house confessions of dubious veracity, which later turned out (contemporaneous protestations to the contrary notwithstanding) to have a quid pro quo component. One witness, fittingly enough named "Plant", still comes to mind.

Trenkler's attorneys, to my knowledge, never shared their findings as to the non-Radio Shack origin of the toggle switch contacts. Certainly, the government's witnesses to the contrary were never challenged.

The whole case against Tommy was smoke, mirrors and innuendo, seasoned with Gay-bashing. There was no real evidence, other than his own self-aggrandizing, half-witted statements to the press.

Tommy never really got my best efforts, in that I was virtually shut out of the case by Ms. Gertner,

who wanted to do things her way. I don't think he got her best efforts either, distracted as she was by Bill Clinton's campaign and victory -- she was on the short list for U.S.A.G. behind Janet Reno, and was appointed to the Federal bench in the middle of the trial as a consolation prize.

To the extent that I've read the transcripts of Trenkler's trial, I do not believe he got good representation at trial or in many of his appellate efforts. Tommy was called by the government as a witness. At this time, his appeal was pending. He took the fifth, on the advice of his then counsel (I was out, by that time) but was found in contempt, as he should not have been, since his appeal was pending -- the only way he could have been found in contempt would be if his expected testimony was wholly exculpatory -- for him as well as Trenkler. Trenkler's attorneys should have sought and received a mistrial or a continuance until Tommy's appeal was decided. (By the way, I consulted with him on his later plea, and advised him that the threats which were being made to induce him to plead were improper and without substance -- he didn't take my advice, but he did have his fingers crossed behind his back at the plea hearing -- I saw them).

I have met with Mr. Wallace a couple of times in the past year or two, and told him much of what I have related here. I do not have a complete set of Tommy's trial transcripts -- probably about half to two thirds. I have offered Mr. Wallace access to (most of) my file materials -- those which are not confidential.

Tommy's disfunctional personality directly led to his conviction. I cannot feel too much pity for him as, in many senses, he wanted the attention and notoriety he received. I feel the utmost concern for Mr. Trenkler (who I have never met) in that he is serving a life sentence for something he was utterly innocent of.

Please let me know if there is anything I can do to help right this wrong.

Yours truly,

Jefferson W. Boone

Dear Judge Zobel,

9-3-07.

Please, Please, Please, read and understand this letter to you.

When ALFRED Treakler 1986 Incident info was entered into EXIS. The 10 characteristics chosen by the Agent to Query against the 1991 Incident were not even close to the Heart of the Device.

The Quincy Device, IF Queried By MR. Scheid into the EXIS database, would not match the '91" device IF He entered any of the following: Futaba Antenna, Rock Star Datasheet, use of Dynamite, nails, Glue, 6 volt Battery, Slide switch, Print, magazine Page, or Black electrical Tape.

These Items would surely show a signature as you stated. But the Devices were obviously made by two different people and its quite obvious, even a blind man could see that the Government only Queried info that would make a match as they knew the makeup of Both devices and knew that when EXIS was Queried, IT

would come up with an exact match.
But a targeted watch plain & simple

Ma'am, a Fred Tracklar is innocent.

you know, one day I walked around the
new court House and read all these
Brass Plaques on the side of the Building.
There are many words that constitute Truth
and Justice. you Have the Power to
Have superseded a Jury's decision, a
Jury's conviction. I can see from the
Transcripts that you were tired of it
all. Time was of the essence. Thanksgiving
and travel was coming soon. you always
did good by me. you just didn't realize
that my mental problems clouded the
fact that I am innocent too. you
Have the Power to see Justice through.
can you ask yourself one question and
come up with a legitimate answer?

Why didn't the Government Query EX-1's
with legitimate Bomb components, instead
of using only things that were exact matches
they knew about. maybe then you will see
the complexity of lies the Government made up
to force square pieces of a puzzle that didn't
fit into round holes.

The Author

ONE COURT HOUSE WAY, BOSTON, MA 02110

UNITED STATES ATTORNEY'S OFFICE,

8-19-07

RE: UNITED STATES VS. THOMAS SHAY

IN 1998-1999 UPON RETURNING TO BOSTON
ON MY APPEAL I WAS COERCED BY MY
ATTORNEYS WILLIAM KATHLOWELL AND KATHY R WELLS
WHO BOTH USED EXTREME MEASURES TO GET ME
TO SIGN A PLEA AGREEMENT. FIRST, I WAS
LITERALLY STARVING IN THE COUNTY JAIL, SO BILL
KATHLOWELL DROPPED MONEY IN MY CANTEEN.
SECOND, I WAS TOLD THAT I COULD FACE
LIFE IN PRISON IF I ATTEMPTED A SECOND
TRIAL. THIRD, I WAS TOLD THAT BY PLEADING
GUILTY, IT NO WAY IMPLICATED ALFRED TRANKLER
IN ANYWAY. JEFFERSON BOONE TOLD ME
THAT I COULD ONLY GET THE 188 MONTH SENTENCE.
HE ALSO SAID THAT THE FIRM DWYER & COLLINS
HAD PUT NUMEROUS PRESSURES ON THE ATTORNEYS
TO SETTLE THE CASE, AS IT DID NOT WANT TO
SPEND A MILLION DOLLARS ON A NEW TRIAL. I
HAVE ALSO SINCE READ REPORTS THAT BY PLEADING
GUILTY, THE PLEA IMPLICATES ALFRED TRANKLER, WHO
IS, IN ALL FACTS, INTENTLY & PURPOSED AN
INNOCENT MAN. ALTHOUGH I HAVE NEVER BEEN
OFFERED A POLYGRAPH TEST BY THE GOVERNMENT TO
SHOW CAUSE AND FACT OF MY NUMEROUS STATEMENTS,
NOT TO MENTION THE SUSPECTED GUILT BY THE GOVERNMENT,
I AM A WILLING PARTY TO TAKE PART IF ONLY TO
CLEAR MY CODEFENDANT, A MAN WHO, THROUGH CLEAR
COINCIDENCE, GOT TANGLED IN A SPINNING WEB
OF LIES AND FALSE EVIDENCE. IT SHOULD BE
NOTED THAT, I WAS UNDER EXTREME DURESS
DURING MY APPEAL, AND THERE IS A LIKELIHOOD THAT
AT THAT TIME I SHOULD HAVE BEEN GIVEN A
PSYCHOLOGICAL EXAM TO SEE IF I HAD ALL OF

#2

my senses. I trusted the judgement of my Attorneys, to protect me. AT that time I also did tell them that I am innocent and also said Alfred Trankler was innocent also. But I was wrongly repressented when they told me that this Alvrancement was the Best way to go. There is no evidence for me to support the fact, unless the Government is willing to consider, that other persons are guilty of the crimes which imprison me. The surprize was Jeff Kurr's IDEA. AT NO TIME did I or Alfred Trankler conspire to Build, activate, purchase, or By any other means, in conversational, written or By any communication, or with any intent, a Bomb, To Kill, scare, or serve any other means, or Have anything to do with the explosion at 39 Eastbourne Street. AFTER I Robbed my father, He disowned me, But I still loved Him. I Have never Been violent Towards anyone in my life, especially not my Parents. I was just starting to get close to my father when the Government Alleges I wanted to Harm Him. IT may Be Too late To say I am innocent, because laws and Statutes dont allow me to Appeal. But I cannot stand By while Alfred Trankler Hangs in the wind. He is innocent.

The Alby

U.S. District Court
One Courthouse Way, Boston, MA 02110

8-19-07

United States Attorneys Office

RE: United States vs. Thomas Shay

In 1998-1999 upon returning to Boston on my appeal I was coerced by my attorneys William Kettlewell and Kathy B. Weinman who both used extreme measures to get me to sign a plea agreement. First I was literally starving in the county jail, so Bill Kettlewell dropped money in my canteen. Second, I was told that I could face life in prison if I attempted a second trial. Third, I was told that by Pleading Guilty, it no way implicated Alfred Trenkler in any way. Jefferson Boone told me that I could only get 188 month sentence. He also said that the firm Dwyer & Collora had put numerous pressures on the attorneys to settle the case, as it did not want to spend a million dollars on a new trial. I have also since read reports that by pleading guilty, the plea implicates Alfred Trenkler, who is, in all facts, intents and purposes an innocent man. Although I have never been offered a polygraph test by the Government to show cause and fact of my numerous statements, I am a willing party to take part if only to clear my codefendant, a man who through clear coincidence, got tangled in a spinning web of lies and false evidence. It should be noted that, I was under extreme duress during my appeal, and there is a likelihood that at that time I should have been given a psychological exam to see if I had all of my senses. I trusted the Judgement of my attorneys, to protect me. At that time I also did tell them that I am innocent and also said Alfred Trenkler was innocent also. But I was wrongfully represented when they told me that this agreement was the best way to go. There is no evidence for me to support the fact, unless the Government is willing to consider, that other persons are Guilty of the crimes which imprison me. The surprise was Jeff Kerr's IDEA. At no time did I or Alfred Trenkler conspire to Build, activate, Purchase, or By any other means, In conversation, written or By any communication, or with any Intent, a Bomb, To kill, scare, or serve any other means, or Have anything to do with the explosion at 39 East Bourne Street. After I robbed my Father, He disowned me, But I still loved him. I have never Been violent towards anyone in my life, especially not my Parents. I was Just Starting to Get close to my Father when the Government Alleges I wanted to Harm Him. It may Be Too late To Say I am innocent, because laws and statutes don't allow me to Appeal. But I cannot stand by while Alfred Trenkler Hangs in the wind. He IS INNOCENT.

Thomas Shay /sl

Boston Herald

Michelle Maphoo,

8-26-07

There Have Been many Police OFFICERS who
Have Been Killed By criminals. Some Have
Been SHOT, STABBED or run over. IN These
INSTANCES, there were SPECTATORS OF Premeditation
~~I Have~~ Been convicted, sentenced, Probated,
violated and sentenced you may pick and
choose, cut out and devise my words.
as your Paper Has noted over the years, there
Have Been numerous men who were convicted
and sentenced and crudely written about.
But IN The End, were Perfectly innocent.
Some men are not awarded 100 million
Dollars, simply Because OF no other reason
than your Government Lied and Falsified
evidence to convict them. I did not know
Officer Terrence Hurley or Frank's Foley. I
did not conspire with anyone, much less
Alfred Trankler who is innocent, to kill
or maim anyone, much less Two Police
OFFICERS I Had never met, Nor was
any evidence, otherwise untainted evidence,
ever given to support those facts. I also
was not convicted nor charged with
premeditation. To Be a cop killer to me
IS someone who intends to kill Police.
I won't call it an accident or any other
way. ITS not my doing. I Had nothing
to do with the Washinstate Bomb Incident
IF The Police, like the crooked FBI,
want to continue with this charade
and not give hint to other obvious possibilities
that is their choice. But that does not mean
that I will sit back and be quiet. I am
UPSET, and rightfully so. The other

Boston Herald
Michele McPhee

8-20-07

There have been many police officers who have been felled by criminals. Some have been shot, stabbed or run over. In those instances, there were spectrums of premeditation. I have been convicted, sentenced, probated, violated and sentenced. You may pick and choose, cut out and derise my words.

As your paper has noted over the years, there have been numerous men who were convicted and sentenced and crudely written about. But in the end, were perfectly innocent.

Some men are not awarded 100 million dollars, simply because of no other reason than your government lied and falsified evidence to convict them. I did not know Officer Jeremiah Hurley or Francis Foley. I did not conspire with anyone, much less Alfred Trenkler who is innocent, to kill or maim anyone, much less two police officers I had never met, nor was any evidence, otherwise untainted evidence, ever given to support those facts. I also was not convicted nor charged with premeditation. To be a cop-killer to me is someone who intends to kill police. I won't call it an accident or any other way. It's not my doing. I had nothing to do with the Roslindale Bomb incident. If the Police, like the crooked FBI, want to continue with this charade and not give hint to other obvious possibilities that is their choice. But that does not mean that I will sit back and be quiet. I am upset, and rightfully so.

Thomas Shay /s/

Howie Carr,

I would like to make this Apology to the Boston Police. To The Family of Jeremiah Hurley and to Frank Foley. Some Times a Person who Suffers From emotional difficulties, Has a moment of clarity. Sorta like waking up when your not sleeping but are already Half way through your day. I would like to Apologize to the Police for the way I Have Been acting. For the way I Have lashed out at them. you Have the right to Be angry, but so do I. I was innocent and Alfred Trankler is also. The reason I have lashed out at you, is because of your continued Relief that I could, that I, though emotionally disturbed kid, who never once acted in a single violent manner throughout my life, would attempt to hurt the only man who loved me, my father. I understand your need to feel that revenge Has Been delivered, that Justice is served and that you can rest, But its unfair to say you cant. overzealous Prosecutors and ATF agents making convictions, sent to Prison two innocent men. I can only Hope you realize it Before its too late. what I mean is, too late for you to make things right. To Review this case,

#2

to open old files and old evidence.
Just take another look in your spare
time. Close your eyes for a moment.
Imagine how you would feel if you
found out that these words on this paper
come out to be the truth, would you hide
it? would you cover it up like the FBI
did in which four innocent were served
30 odd years in prison for crimes the FBI
knew were innocent of? or would you,
for the sake of Jeremiah Hurley, and Frank
Foley, and Denise Corbett and whoever else
was affected by this case, investigate to
the best of your ability and with all the
resources at your disposal find out who
did it and why, and prosecute it?
even after the truth comes out, will you
still have ill feelings about me and
Alfred Trankler or will you realize that
Thomas Shay really did suffer mental illnesses
which gave him cause to say things to get
attention, just like the 250 people who claimed
to have had something to do with the Lindbergh
Baby Kidnapping & murder, and also realize
that Alfred Trankler just got caught up
with a real nitwit who turned his future
into mayhem, just for giving a couple rides
and being a local sort helping someone get to
places. It's your decision to do what you

#3

think IS right But remember one thing.
There won't be any remorse on your part
IF you don't try. So please try.

Thomas SHAY
The Ashy

Thomas SHAY 19193038
950 High St. Pool D
Central Falls, RI.
02863



U.S. Department of Justice

United States Attorney
District of Massachusetts

Main Reception: (617) 748-3100

John Joseph Moakley United States Courthouse
1 Courthouse Way
Suite 9200
Boston, Massachusetts 02210

September 10, 2001

Charles Rankin, Esq.
Rankin and Sultan
One Commercial Wharf North
Boston, MA 02110

Re: Alfred Trenkler

Dear Mr. Rankin:

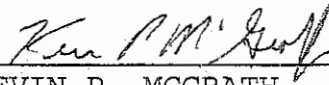
Enclosed please find a copy of a letter from Thomas Shay that was forwarded to me from the Boston Police Department. In it, Mr. Shay claims that Mr. Trenkler is innocent and that Thomas Shay, Sr. and his attorney were the "real codefendants." However, Mr. Shay provides no evidence or indeed any information to support this claim. More importantly, such a claim contradicts Mr. Shay's signed plea agreement, as well as his guilty plea, in which he admitted to conspiring with Alfred Trenkler to build the bomb that killed Officer Hurley and maimed Officer Foley.

Nevertheless, a copy of this letter has been forwarded to Mr. Shay's former counsel, William Kettlewell, and the government has requested the opportunity to speak with Mr. Shay should he wish to be debriefed regarding the claims raised in his letter. Should the government subsequently learn of any exculpatory evidence as a result of any such meeting, it will be promptly disclosed to you.

Very truly yours,

JAMES B. FARMER
United States Attorney

By:


KEVIN P. MCGRATH
Assistant U.S. Attorney

Appendix H

Dear chief, Missy,

7-8-01.

I am writing to you sir because I was told you are a man of honesty & integrity. Please bare with my spelling and Dialect.

I am partly responsible for the death of officer Hurley and maiming of officer Foley. I am directing this letter to you because you personally know Mrs. Hurley and officer Foley. Recently I have been offered a large sum of money to do a book deal. I would like to offer those rights to Black IT and no one else from using my name to make money on the pain which I helped inflict. There's more but I don't want Mrs. Hurley to suffer any longer. Sir, I need your suggestion on what I should do. Al Treadler is innocent. My father Thomas L. Shay and his attorney Alan Pansky are my real codefendants. We were the ones involved. The bomb was only meant to do property damage not injury to persons. It's a big puzzle but one I can put together which would make sense I am willing to help you build a case or keep quiet. I will do either for Mrs. Hurley. The decision is yours. In October of next year I will be released after 12 1/2 years of prison. I would like to request two things. 1. Reverse from Boston Police to me physically. To be able to apologize privately to officer Foley and to Mrs. Hurley. To be on and live a quiet life.

I make this offer to you, what you do with it is up to you. Please respond when you can

Please do confer with Mrs. Hurley as she does not want anyone to make money off her husband's death.

Thomas Shay
THOMAS SHAY

THOMAS SHAY #19193-038
FEDERAL CORRECTIONAL INSTITUTION MCKEAN
P.O. BOX 8000 UNIT 514.M.
BRADFORD, PA. 16701-0980
U.S.A.

814-362-8900

GROUND SIX

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Alfred W. Trenkler)
)
v.)
)
United States of America)

Case: 1:07-cv-11823-RWZ

AFFIDAVIT OF JOHN WALLACE REGARDING CONVERSATIONS
WITH MICHAEL COADY ABOUT HIS TESTIMONY IN THE ALFRED
TRENKLER TRIAL OF 1993

Approximately in 2001, I talked by phone three times with Michael Coady, who had been acquainted with my stepson, Alfred Trenkler, and who testified at the trial of Alfred Trenkler in the Fall of 1993. Michael Coady told me during the first two calls that he had lied at Alfred's trial because he was "mad at Alfred." Specifically, he said mentioned three points about his testimony which were false, and which I wrote down at the time. One of the three was Coady's statements to me that what he saw in the back of Alfred's car were washers, rather than magnets as he had testified. Another was that he had not seen a toy car in the back of Alfred's car. and third that the explosion in The Blue Hills, never happened. During the short third call, Coady denied that he had admitted during the first two calls that his testimony at Alfred's trial was false.

I discussed these Michael Coady calls with my son, David Wallace, and with Alfred Trenkler, and David had called Michael Coady on his own. We agreed that we would have to wait until more substantial exculpatory evidence could be unearthed before sufficient incentives could be given to Michael Coady to tell the truth.

Sworn under pains and penalties of perjury.

John Wallace
John Wallace
13 Quisset Brook Road
Milton, MA 02126
617-696-1284

OCTOBER 8 2007
Date

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

OCTOBER 8, 2007

Then personally appeared the above-named John Wallace, known to me, and acknowledged the foregoing instrument to be his free act and deed, before me.

David Trott

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Alfred W. Trenkler)
)
v.)
)
United States of America)

Case: 1:07-cv-11823-RWZ

AFFIDAVIT OF DAVID WALLACE REGARDING MY CONVERSATION
WITH MICHAEL COADY ABOUT HIS TESTIMONY IN THE ALFRED
TRENKLER TRIAL OF 1993.

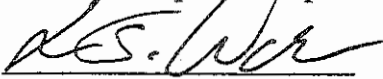
Approximately in 2001 I talked twice by phone with Michael Coady, who had been acquainted with Alfred Trenkler and who testified at the trial of Alfred Trenkler in the Fall of 1993. Michael Coady told me that his trial testimony was substantially false and that if he could be given immunity from prosecution for perjury, he would tell the truth about his acquaintance with Alfred Trenkler.

Specifically, he said about his testimony of seeing magnets in Alfred's car, "They could have been washers." He told me that during one of his interviews with the Bureau of Alcohol, Tobacco and Firearms, he was placed in a room with a large table, on which was a mock-up of the Roslindale Bomb. He told me that he was instructed to carefully look at the mockup and examine it to see if anything "came to mind". It was after spending at least an hour staring at the mock up that he "remembered" the button magnets.


Also, he also told me that he had believed that the Federal prosecutors could help him get into law school if he helped them, and conversely could make law school a complete impossibility if he didn't.

I discussed these two calls with Michael Coady with my half-brother, Alfred Trenkler, and my father, Jack Wallace, who had also talked with Coady three times; but we agreed that nothing could be done at that time as we had no ability to offer immunity to Michael Coady and it would be my word against his. We agreed that we would have to wait until more substantial exculpatory evidence could be unearthed about Alfred's entire case before sufficient incentives (immunity from prosecution) could be given to Michael Coady to tell the truth.

Sworn under pains and penalties of perjury.


David Wallace
46 Chamberlain Ave
Brunswick ME
207-725-2656

10-6-07
Date


LISA B. CYR
Notary Public, Maine
My Commission Expires March 7 2014

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wire 9445

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3 CR 92-10369-Z

ZOBEL, D. J.

4
5
6 UNITED STATES OF AMERICA

7 v.

8 ALFRED TRENKLER

9
10 Eleventh Day of Trial

11
12
13 APPEARANCES:

14 For the Government:

15 Paul V. Kelly, Esq., and Frank A. Libby, Jr., Esq.,
16 Assistant United States Attorneys, Federal Courthouse,
Boston MA 02109.

17
18 For the Defendant:

19 Terry Philip Segal, Esq., Scott Lopez, Esq.,
20 and Brenda R. Sharton, Esq., SEGAL & FEINBERG,
21 210 Commercial Street, Boston, MA. 02109.

22
23 Courtroom 3
Federal Courthouse
Boston, Massachusetts

24 November 8, 1993

25 Computer-Aided Transcription

1 Michael Cody, sworn

2 Direct Examination by Mr. Kelly

- 3 Q Mr. Cody, will you spell your last name for us, please.
- 4 A C O D Y.
- 5 Q Where do you reside, sir?
- 6 A Hanover.
- 7 Q How old a person are you, Mr. Cody?
- 8 A Twenty-eight.
- 9 Q Are you married or single, sir?
- 10 A I'm divorced.
- 11 Q Do you have any children, Mr. Cody?
- 12 A Yes, I do.
- 13 Q And how many?
- 14 A One.
- 15 Q And how old is your child?
- 16 A She's eight years old.
- 17 Q Do you have legal custody over this child?
- 18 A Yes, I do.
- 19 Q Are you employed at the present time, sir?
- 20 A Yes, I am.
- 21 Q What do you do?
- 22 A I'm a paralegal working for an attorney.
- 23 Q All right. Do you go to school Mr. Cody?
- 24 A Yes, I am finishing up my undergrad law work, senior.
- 25 Q Where do you go to school, sir?

1 A Tyco.

2 Q How is it that you remember that, sir?

3 A I took it.

4 Q Meaning what?

5 A I took the jeep from his jeep.

6 Q At some later point?

7 A Yes.

8 Q Did you ever know the defendant to possess any magnets of
9 any kind, Mr. Cody?

10 A Yes.

11 Q And did you have opportunity to observe these items?

12 A Yes.

13 Q Where did you observe the items?

14 A Inside his jeep while he was doing his electronics on the
15 towers.

16 Q You don't mean the little toy jeep?

17 A No, I mean the big jeep. His vehicle.

18 Q And describe, describe what you saw in this regard, sir?

19 A Sometimes I was there for hours. So I went with the
20 jeep, to keep busy, I went through his box of supplies. At
21 that point I found several magnets, a quarter size, with a
22 hole in the middle, and shavings across the top. I remember
23 the magnets because I took two of them and put them on my
24 shoe -- on my coat string, and I kept them as well.

25 Q Did the defendant, during the time that you had this

1 friendship with him, ever demonstrate any interest in
2 fireworks or explosives, sir?

3 A At one time when we were out, I'm not sure exactly where
4 it was, it was at nighttime, in a remote area, with people he
5 had known, friends of his with, me along with him, we were
6 out, had a bonfire going, things like that. And he ran across
7 the field and set something up and then came back and it
8 exploded.

9 Q Describe what you heard or saw.

10 A Just a massive explosion, I could not hear for several
11 hours. We were very close to where it had exploded. His jeep
12 was -- I was sitting in his jeep. The other people were at
13 the fire, which was on the other side of the jeep. So, what I
14 heard, what I saw, was a massive explosion. My ears, I could
15 not hear any more. There was a ringing in my ears. Much
16 pain, and it lasted several hours.

17 Q Are you yourself, Mr. Cody, familiar with, like, fire
18 crackers or little cherry bombs?

19 A Yes.

20 Q Was this blast, or whatever it was, was it equivalent to
21 that?

22 A No.

23 Q In what respect was it different?

24 A It was the loudest explosion I've ever heard in my life.

25 Q On occasions when had the opportunity to socialize with

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Criminal Action
No. 92-10369-Z

MAZZONE, D.J.

UNITED STATES OF AMERICA

v.

ALFRED TRENKLER

(Disposition)

APPEARANCES:

UNITED STATES ATTORNEY'S OFFICE (By AUSA Paul V. Kelly, Esquire, and Frank A. Libby, Jr., Esquire) 1007 U. S. Post Office & Courthouse, Boston, MA 02109, representing the United States of America.

SEGAL & FEINBERG (By Terry Philip Segal, Esquire, and Scott Lopez, Esquire) 210 Commercial Street, Boston, MA 02109, representing the Defendant.

Courtroom No. 3
J.S.P.O. & Courthouse
Boston, MA, 02109
March 8, 1994

James P. Gibbons
Federal Court Reporter
2004 U.S.P.O. & Courthouse
Boston, MA, 02109 (617) 426-8716
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1 avoid detection. It's low profile. It's black. It's
2 clearly designed to be affixed to the undercarriage of an
3 automobile, borne out by all the magnets, the circular
4 magnets on the face here.

5 And, again, the Court recalls he didn't place it
6 just anywhere on the vehicle. He placed it under the
7 driver's seat. The Court recalls the photographs showing the
8 scrape marks; the testimony from Shay, Sr., himself, who
9 discussed how he heard the rumbling directly underneath him
10 on the morning in question; the testimony of Dr. Shapley who
11 showed the significance of the path marks with the moving
12 chalk, your Honor, showing how the interaction between the
13 driveway and the undercarriage of the Buick to scale
14 reflected how it was, the circumstances leading to the device
15 being scraped off that morning.

16 You recall the testimony of Cindy Walsh, the
17 government's forensic chemist, and EEO Tom Waskom, each of
18 whom spoke about magnetic particles and paint chips from the
19 button magnets in the vicinity of the driver's seat.

20 You will also recall, your Honor, significantly the
21 testimony of Michael Coady, Mr. Trenkler's teen-age companion
22 some years ago, specifically about the button magnets, how he
23 remembers how he -- that he hadn't seen them before, they
24 were quarter size, they had a slot across them and a hole in
25 the middle, and he remembers this specifically because he was

1 The murderer went to jail. Is this my story? Do I have to
2 wait for someone's mistake to be absolved?

3 Your Honor, I know I'm reaching, but is it not
4 better to concede to mistakes that have been made and acquit
5 or sentence me and find out down the road that the government
6 made a mistake and convicted the wrong man? The truth will
7 not be hidden forever. It will surface, and. I pray to God,
8 sooner than later.

9 I have said my piece. I am at your mercy. Please
10 search your soul for the answer.

11 Thank you, your Honor.

12 THE COURT: Mr. Trenkler has argued
13 forcefully against the verdict of guilt, but I must act on
14 the basis of the verdict rendered by the jury. I accept that
15 verdict.

16 Counsel has cited Mr. Trenkler's nonviolent nature
17 in support of an argument for departure; but this was, as the
18 evidence showed, not the first, not the second, but the third
19 bomb. And the second one was not exactly a firecracker, at
20 least as I heard the evidence.

21 It is true that Mr. Trenkler does not have a prior
22 record to speak of. It is true that there was little direct
23 evidence of guilt, but the jury did find guilt and did so on
24 the basis of circumstantial evidence which was strong,
25 indeed.