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January 31, 2008

Judge Rya W. Zobel
United States District Court
District of Massachusetts
1 Courthouse way, Suite 6110
Boston, Massachusetts 02210

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U.S. DISTRICT COURT
DISTRICT OF MASS.

Your honor,

I am writing to you regarding the motion which I filed, pro se, on behalf of Alfred W. Trenkler, on June 28, 2006, to review the evidence in possession of the ATF.

Neither Alfred nor I ever received notice of your denial on April 12, 2007. We did not learn of your denial until we received the Government's opposition to the defendant's motion to review the trial evidence on January 8, 2008. The former attorneys were sent copies of your denial but had not represented Alfred for some time. Namely, Morris Goldings since 2000 and James Sultan since 2003.

Alfred would respond but he is being transferred and has his belongings packed, so he doesn't have access to his trial material.

Apparently the government did not receive your denial or at least did not act upon it based on their motion to you on January 8, 2008. It reminds me of the government's inexcusable handling of your coram nobis petition.

I had written to you last summer or fall to learn the status of my motion without any response. This should have been a signal to you or Lisa Urso that Alfred or I did not know of your denial.

Now we find out that the U.S. Attorney, Michael J. Sullivan, Acting Director of the ATF since August 2006, authorized the ATF to destroy the evidence in Alfred's case which they did in October, 2005 and February, 2006.

The government states that in June, 2006, no post judgment 2255 attack on his conviction (or any other collateral challenge) was before this court. The ATF had no right to destroy the evidence while Alfred was still appealing his case.

The government had a copy of Alfred's letter of December 2, 2005 to you~~f~~ regarding his illegal sentences which you pursued and finalized on April 4th, 2007. Alfred had every right to pursue the fingerprint and DNA evidence which was granted to inmates by a federal law.

From Barron's Law dictionary under Suppression of Evidence "the failure to produce evidence may constitute an admission that the evidence is unfavorable to the party refusing to produce it."

Richard Whalen, fingerprint expert, who was going to review the evidence for us told me that he had been in cases where the evidence was kept for 30 to 40 years.

Alfred Trenkler is completely innocent of the horrible crime he was convicted of – it is a miscarriage of justice that he is incarcerated for a crime he did not commit.

Respectfully yours,

John D. Wallace

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CC: Alfred W. Trenkler