

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALFRED W. TRENKLER

v

UNITED STATES OF AMERICA

CIVIL ACTION NO. 07-11823-RWZ

ADDENDUM TO TRENKLER'S 2255
EVIDENCE THAT HAS COME TO LIGHT SUBSEQUENT TO PETITIONER PRO SE
TRENKLER'S JULY 21, 2008 ADDENDUM TO TRENKLER'S 18 USC 2255

ON OCTOBER 16, 2008 PETITIONER PRO SE TRENKLER
RECEIVED A COPY OF A LETTER WRITTEN BY A SECOND JUROR FROM
THIS CASE SENT TO THIS COURT AND DOCKETED ON OCTOBER 10,
2008

YET ANOTHER JUROR FROM PETITIONER PRO SE TRENKLER'S TRIAL WEIGHS IN
WITH INFORMATION THAT FURTHER BUTTRESSES THE SECOND AND SUCCESSIVE REQUIRE-
MENTS OF 28 USC 2255, THAT EVIDENCE "WOULD BE SUFFICIENT TO ESTABLISH BY
CLEAR AND CONVINCING EVIDENCE THAT NO REASONABLE FACT FINDER WOULD HAVE
FOUND THE MOVANT GUILTY OF THE OFFENSE"

PETITIONER BRINGS THIS JUROR'S LETTER TO THIS COURT'S ATTENTION BECAUSE
IT IS INDICATIVE OF THE FACT THAT THE GOVERNMENT'S CASE WAS NOT AS IRONCLAD
AS IT CONTINUOUSLY PURPORTS. THIS JUROR STATES "... THE DOUBTS I HAD AT
THE TIME [OF TRENKLER'S TRIAL] HAVE NOW COME TO FRUITION." [AEX AT 1
(JUROR THERESA SPINELL'S OCTOBER 3, 2008 LETTER TO THIS COURT DOCKETED
OCTOBER 10, 2008)]¹.

HAD THIS JUROR, NEVERMIND THE ENTIRE JURY, KNOWN AT PETITIONER'S
TRIAL THAT THE GOVERNMENT, PRIOR TO TRIAL, WAS IN POSSESSION OF BLACK

¹ CITATIONS TO EXHIBITS TO THIS ADDENDUM WILL BE REFERENCED HEREIN BY
"[AEX AT ____]".

ELECTRICAL TAPE THAT HAD ORIGINATED INSIDE THE 9/11 BOMB AND THAT THE GOVERNMENT HAD ACTUALLY BEEN SHOWN, AND WAS THEN AWARE OF, A FINGERPRINT ON SAID TAPE BUT A) REFUSED TO LET PETITIONER'S BOMB EXPERT, DENNY KLINE, LIFT SAID PRINT, AND B) NOT REQUEST ITS OWN EXPERTS TO LIFT THE PRINT TO POSITIVELY IDENTIFY THE ACTUAL BOMB BUILDER, WITH THE DEARTH OF PHYSICAL EVIDENCE LINKING PETITIONER TO THIS CRIME ONE WOULD WONDER WHY THE GOVERNMENT WOULD NOT TAKE STEPS TO FORENSICALLY PROVE WHO THE ACTUAL BOMB BUILDER WAS WITH REAL, PHYSICAL EVIDENCE. LOGICALLY, THE IDENTITY OF THE PRINT WOULD PROVE 1) THE IDENTITY OF THE BOMB BUILDER, 2) THAT PETITIONER'S PRINT(S) WERE NOT WITHIN THE 9/11 BOMB, AND 3) THAT PETITIONER WAS, IS ACTUALLY INNOCENT OF THIS CRIME.

OF COURSE THERE IS THE DISTINCT POSSIBILITY THAT AFTER PETITIONER'S EXPERT ALERTED THE GOVERNMENT TO THE PRESENCE OF AT LEAST ONE FINGERPRINT THAT THE GOVERNMENT WENT AHEAD AND DID LIFT THE PRINT(S) AND FOUND NO LINK TO TRENKLER OR SHAY SR AND SIMPLY WITHHELD THIS EXCULPATORY EVIDENCE. IT SIMPLY MAKES NO SENSE THAT THE GOVERNMENT WAS ATTEMPTING EVERYTHING IN ITS POWER TO PROVE TRENKLER GUILTY AND WOULD NOT TRY TO PROVE ITS CASE BY TRYING TO LIFT A PRINT TO COMPARE TO TRENKLER OR CODEFENDANT SHAY.

THIS JUROR IS THE SECOND JUROR FROM TRENKLER'S TRIAL THAT BRINGS UP THE HOTLY CONTESTED TOGGLE SWITCH CONTACTS THAT "... DOES NOT APPEAR TO BE A PRODUCT OF RADIO SHACK AS STATED." [AEX AT 1]. BUT FOR THE WITHHOLDING OF THE TOGGLE SWITCH CONTACTS BY THE GOVERNMENT SUBSEQUENT TO PETITIONER'S EXPERT SINGLE ALLOWED VIEWING AND THE OUBRIGHT WITHHOLDING OF THE PHOTOGRAPHS OF THE SWITCH REMAINS, MUCH TIME AND EXPENSE COULD HAVE

BEEN SAVED, PROVING THE TOGGLE SWITCH IN THE 91 BOMB WAS NOT PURCHASED AT RADIO SHACK, SHAY COULD NOT BE SAID TO HAVE COMMITTED AN OVERT ACT TO JOIN IN ANY CONSPIRACY, FORCING THE GOVERNMENT TO PURSUE A DIFFERENT DIRECTION.

THIS IS ALSO THE SECOND JUROR THAT SEES THE FLAW(S) IN THE GOVERNMENT'S SIGNATURE EVIDENCE, THE ASSERTION OF A MATCH BETWEEN THE 1986 PRANK AND THE 1991 BOMB. NOT CLEAR IS WHAT THIS JUROR BASES THIS OBSERVATION UPON, HOWEVER IT IS AN INDICATION THAT THE SIGNATURE EVIDENCE WAS NOT AS STRONG AS THE GOVERNMENT CONSTANTLY AFFIRMS.

NEXT, THIS JUROR MAKES A PERPLEXING STATEMENT THAT CUTS RIGHT TO THE CORE OF PETITIONER'S CASE. THIS JUROR MAKES REFERENCE TO A SLICE OF TIME IMMEDIATELY FOLLOWING THE JURY'S GUILTY VERDICT AND SOME 4 MONTHS PRIOR TO PETITIONER TRENKLER'S SENTENCING. THE JUROR WRITES THAT "... AFTER THE VERDICT WAS GIVEN WE MET WITH YOU [JUDGE ZOBEL] AND SPECIFIED THAT THOUGH FOUND GUILTY WE DID NOT BELIEVE MR. TRENKLER WAS THE MAIN PERPETRATOR AND HE SHOULD NOT RECEIVE A HEAVIER SENTENCE THAN MR. SHEA [SIC]. THE JURY'S RECOMMENDATION WAS OBVIOUSLY NOT TAKEN INTO CONSIDERATION. HAD I BEEN AWARE OF THE INTENDED SENTENCE I WOULD NOT HAVE VOTED AS I DID. [AEX AT]. EMPHASIS ADDED. AGAIN, THIS REFLECTS A CONVERSATION BETWEEN THE ENTIRE JURY AND THE JUDGE PRESIDING OVER THE TRENKLER TRIAL IMMEDIATELY SUBSEQUENT TO TRENKLER BEING FOUND GUILTY, A SPECIFICATION FROM THE JURY, ENMASSE, TO THIS COURT. PRIOR TO THIS JUROR'S OCTOBER 3, 2008 LETTER PETITIONER TRENKLER WAS NEVER AWARE OF THE COLLOQUY BETWEEN JURY AND JUDGE.

THIS RECENT REVELATION CONTRADICTS THE GOVERNMENT AND THE

COURTS' GENERAL THEME, THAT TRENKLER CANNOT SHOW THAT, IF ASKED, THE JURY WOULD NOT HAVE RECOMMENDED OR DIRECTED A LIFE SENTENCE. EVIDENTLY THIS JUROR IS STATING THAT THE EVIDENCE PRESENTED BY THE GOVERNMENT AT TRIAL WAS NOT PERSUASIVE ENOUGH TO WARRANT ANY MORE OF A PENALTY THAN CODEFENDANT SHAY. AFTER VIEWING NEW EVIDENCE THAT HAS DEVELOPED THIS JUROR IS NOW CONVINCED THAT TRENKLER IS INNOCENT.

"I DO NOT BELIEVE MR TRENKLER HAS HAD JUSTICE GIVEN NOR DO I BELIEVE THAT OFFICER HURLEY AND OFFICER FOLEY HAD THEIR CASES SOLVED. THESE TWO MEN, ONE WHO GAVE HIS LIFE AND ONE SEVERELY WOUNDED DESERVE TO HAVE THE PERSON WHO COMMITTED THIS CRIME BROUGHT TO JUSTICE AND PUNISHED." [REX AT 1]

THIS IS AN OBVIOUS INDICATION OF THE AMBIGUOUS NATURE OF THE STATUTE TRENKLER WAS CONVICTED AND ULTIMATELY SENTENCED UNDER. THE RULE OF LENITY SHOULD HAVE APPLIED WHERE A JURY IS INSTRUCTED IT CAN CONVICT ON A DEGREE OF INTENT RANGING FROM THE BENIGN TO THE MALIGN WHICH EVEN THIS COURT RECOGNIZED DURING TRENKLER'S SENTENCING, WITH NO AVENUE FOR THE JURY TO CONVEY WHAT IT BASED ITS GUILTY FINDING IN REFERENCE TO INTENT. FOR THE GOVERNMENT TO THEN DECIDE WHAT THE JURY FOUND, IN TRENKLER'S CASE, THE MOST SERIOUS INTENT, THEN REQUEST THE COURT SENTENCE TRENKLER TO LIFE IS, AS THIS JUROR WRITES, NOT ACCURATE. THE JURY CONVICTED ON THE BENIGN END OF THE SCALE BUT THIS COURT SENTENCED ON THE MALIGN SIMPLY BECAUSE IT FELT THAT'S WHAT THE JURY THOUGHT, EVEN AFTER THE JURY EXPRESSED AN ALTERNATE VIEW. THIS RESULTS IN A PARADOX THAT IS ANALOGOUS TO THE GOVERNMENT WINNING A CONVICTION FOR SPEEDING, PENALTY, A FINE, AND CONVINCING A JUDGE TO AWARD FOR FIRST DEGREE MURDER, PENALTY, LIFE IN PRISON.

INDEED THE MISALLOCATION OF DECISION MAKING RESPONSIBILITY BETWEEN JUDGE AND JURY AFFECTED TRENKLER'S SUBSTANTIAL RIGHTS, NAMELY, HAD THE SENTENCING ISSUE GONE TO THE JURY TRENKLER WOULD NOT HAVE RECEIVED A LIFE SENTENCE.

THE GOVERNMENT USED THE GUILTY VERDICT TO STATE THAT IT HAS PROVEN EVERY THEORY, ASSUMPTION AND ACCUSATION AS TRUE WHILE IN FACT THE VERY SAME JURY THE GOVERNMENT USED TO WIN A CONVICTION HAD STATED TO THIS VERY COURT THAT IT DID NOT BELIEVE IN THE THRUST OF THE GOVERNMENT'S THEORY, THAT TRENKLER HAD NO INTENT TO KILL SHAY SR, A FACT BORNE BY THE JURY'S SPECIFYING THAT "... WE DID NOT BELIEVE MR. TRENKLER WAS THE MAIN PERPETRATOR AND HE SHOULD NOT RECEIVE A HEAVIER SENTENCE THAN MR. SHEA [SIC]." [REX AT 1].

THE TRENKLER JURY HAD BEEN TOLD BY THIS COURT THAT THERE WAS A CODEFENDANT IN THIS CASE THAT HAD ALREADY BEEN CONVICTED IN A SEPARATE TRIAL. IT HAD BEEN WIDELY PUBLICIZED IN THE RADIO, VIDEO, AND PRINT MEDIA, PRIOR TO TRENKLER'S TRIAL, THAT SHAY SR HAD RECEIVED A 15 YEAR 8 MONTH SENTENCE. THE FACT THAT THIS JUROR NOW REMINDS THE COURT THAT THE ENTIRE JURY IMMEDIATELY AFTER RETURNING A GUILTY VERDICT STATED THAT MR. TRENKLER "... SHOULD NOT RECEIVE A HEAVIER SENTENCE THAN MR. SHEA [SIC]", INDICATES THAT THE JURY WAS AWARE OF WHAT SHAY'S SENTENCE WAS.

OBVIOUSLY THERE ARE ENOUGH FLAWS IN THIS CASE TO COMPELL TWO OF TWELVE JURORS FROM THE TRENKLER TRIAL TO WRITE THIS COURT IN ATTEMPTS TO UNDO THE INJUSTICE DONE TO TRENKLER. OBVIOUSLY THE JURY SEES WHAT TRENKLER HAS CLAIMED SINCE DAY ONE AND WHAT THE GOVERNMENT HAS TURNED A BLIND EYE TO, THAT TRENKLER IS ACTUALLY, FACTUALLY, PHYSICALLY, TEMPORALLY,

LOGICALLY INNOCENT OF THIS CRIME THAT THE GOVERNMENT APPARENTLY HAS NO INTEREST IN UTILIZING FORENSICS TO SOLVE NOIR, THROUGHOUT THIS CASE, TO ALLOW TRENKLER'S EXPERTS TO VIEW EVIDENCE TO DEFEND TRENKLER AND PERHAPS EVEN IDENTIFY THE ACTUAL BOMB BUILDER. NOTE THE 2005, 2006 DESTRUCTION OF EVIDENCE IN THIS CASE ONLY ANNOUNCED BY THE GOVERNMENT SUBSEQUENT TO TRENKLER'S FILING OF THIS 2255 REQUESTING TO VIEW THE VERY SAME EVIDENCE THAT WOULD EXONERATE PETITIONER TRENKLER.

HOW MANY MORE JURORS WILL HAVE TO WRITE BEFORE JUSTICE IS SERVED? THE GOVERNMENT'S HIDING BEHIND TIME TO CURE THE INJUSTICE AGAINST TRENKLER, HIS FAMILY, AND THE VICTIMS IS AN INJUSTICE IN ITSELF.

FINALLY, PETITIONER TRENKLER RENEWS HIS REQUEST TO PRAY THAT THIS COURT WILL GRANT HIS PETITION AND FIND THE EVIDENCE PRESENTED WARRANTS A VACATION OF THE CONVICTION IN THIS CASE AND GRANT HIM A NEW TRIAL OR TAKE WHATEVER STEPS NECESSARY TO RECTIFY THE INJUSTICE AGAINST PETITIONER.

RESPECTFULLY SUBMITTED,

BY: Alfred Wrenkler
ALFRED W TRENKLER
PETITIONER PRO SE

ON OCTOBER 21, 2008

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY THAT I HAVE THIS 21ST DAY OF OCTOBER 2008 SERVED UPON THE U.S. ATTORNEY'S OFFICE, JOHN JOSEPH MOAKLEY COURTHOUSE, ONE COURTHOUSE WAY, SUITE 9200, BOSTON MASSACHUSETTS, 02210, A COPY OF THE FOREGOING DOCUMENT BY FIRST CLASS MAIL.

Alfred Wrenkler
ALFRED W. TRENKLER
PETITIONER PRO SE