

BonPasse Exoneration Services

Working with Truth, and with Others Seeking Justice, to Exonerate the Wrongly Convicted

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7 October 2010

RE: Resubmission of request to ask the Dept. of Justice to re-investigate the Alfred Trenkler case.

Senator John Kerry
Att: Ashley O'Neill
One Bowdoin Square, 10th Floor
Boston, MA 02114

Dear Senator Kerry:

I begin by stating as clearly and unequivocally as possible that Alfred W. Trenkler was wrongly convicted in 1993 in the Roslindale Bomb case in Boston. He is a "Perfectly Innocent" man, and had absolutely no knowledge of that bomb or role in its design or placement. If there is a way I can state this more emphatically please let me know.

Thank you for your September 28 letter forwarding the response of the Department of Justice to your inquiry in July.

Over the past three years I have asked the Department of Justice several times to re-investigate this case, as even a short re-investigation will show that Alfred Trenkler's claim of innocence is substantial. I have sent to many Dept. of Justice officials e-copies and hard copies of the manuscript of my book, "Perfectly Innocent" and the enclosed Proposal for a Preliminary Investigation. There have been many references to Alfred Trenkler's website, www.alfredtrenklerinnocent.org, which has many documents pointing to Alfred's innocence. During those three years, there has not been one challenge by any Federal official to anything said in "Perfectly Innocent," or on the website. Either no Federal official has bothered to read it, or no one has found any errors after reading it. In either case, justice has been denied. Incidentally, I know that several members of the Boston Police Dept. have read the manuscript and found no errors. They are very concerned that there was a wrongful conviction in the case of their late fellow officer, Jeremiah Hurley, Jr. When those concerns were brought to the Office of the U.S. Attorney in Boston, they were dismissed out-of-hand, and the internal Boston Police Dept. re-investigation into the case was stopped.

Senator Arlen Specter wrote the enclosed letter of 17 December 2009 to the Dept. of Justice with this request, "*An investigation into Mr. Trenkler's innocence claim would be appreciated.*" The Dept. of Justice responded with the enclosed letter from Mary Patrice Brown. In July, you forwarded materials I had sent to you to Assistant Attorney General Ronald Weich in the Dept. of Justice for review. Senator Scott Brown sent a similar inquiry. Included in those materials was a simple list of 30 Questions, (now 29) most of which were in YES/NO format. The Department of Justice responded with the enclosed 13 September letter from H. Marshall Jarrett.

Neither response from the Dept. of Justice indicated that anyone in the Dept. of Justice had read any of the materials you or Senator Specter or Senator Brown had sent to that Dept. Both Dept. of Justice responses indicated that this case has an extensive court history, but hasn't that been true of most of the 255+ people exonerated by the Innocence Project from wrongful convictions? Wasn't it true for Donald Eugene Gates who was prosecuted by Asst. U.S. Attorneys in the District of Columbia in 1981, and convicted, and not exonerated until December, 2009 after 28 years in prison?

The Innocence Protection Act of 2004, and reauthorized in 2009, focused on Federal assistance for the states. Thanks to that Act, the Committee for Public Counsel Services in Massachusetts received in October 2009, a U.S. Department of Justice, Bureau of Justice Assistance grant for a two-year period to establish a special "Wrongful Conviction Unit" to support the post conviction litigation of claims of innocence on behalf of clients. The Massachusetts Grant was the largest in the country, for \$561,304, with the next largest going to California, for \$236,673. However, that money is for defendants in State courts.

Despite that focus on states, it surely was not Senator Patrick Leahy's intention, or the intention of the Judiciary Committees of the Senate and House or the intention of the Congress and the President that the Innocence Protection Act be a "Do as I SAY, not as I DO" law. Respectfully, for the U.S. Dept. of Justice to lead the states toward correcting and reducing wrongful convictions, it must lead by actions as well as by words and funding.

Thus, I write to resubmit the request that the Dept. of Justice re-investigate the Alfred Trenkler case. With this letter, and in addition to the above-mentioned letters, I enclose the materials listed below, most of which have been sent before, but which now are included all in one envelope. When you forward these materials to the Dept. of Justice can you specifically request that the person who responds to your letter indicate that he or she, or someone, has spent at least 34 hours reading the forwarded materials? That's less than one work week, and only two hours for every year that the wrongfully convicted Alfred Trenkler has been in prison. Also enclosed are the letters of five jurors at Alfred Trenkler's trial, four of whom read the entire 727 pages of the enclosed manuscript, "Perfectly Innocent," on their own time at my request. I have never met any of these five jurors, but they were sufficiently interested in truth and justice to read the manuscript and view Alfred's website at www.alfredtrenklerinnocent.org, and write to Judge Zobel. Can you also ask that the person

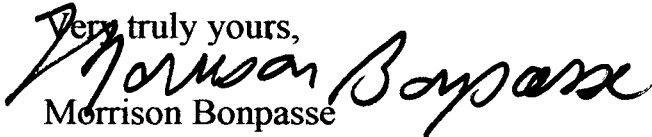
who responds to you indicate the number of the "29 Questions" to which she or he has obtained answers?

The enclosed or described materials are:

1. "29 Questions for Re-Investigating the Alfred Trenkler case" These are mostly YES/NO questions
2. "Proposal: Preliminary Re-Investigation: Roslindale Bomb Case". This proposal was first sent to Massachusetts U.S. Attorney Michael Sullivan in 2008.
3. Five letters from jurors in Alfred Trenkler's 1993 trial to the trial judge, Rya Zobel. All five requested a retrial for Alfred Trenkler
4. "Perfectly Innocent" This is a 727 page manuscript, including appendices, which I wrote in 2007 about the Roslindale Bomb cases. Approximately 150 hard copies have been circulated in Boston.
5. Letter from Senator Arlen Specter and responses from the Dept. of Justice to that letter and to letter from Senator John Kerry.
6. Website: www.alfredtrenklerinnocent.org.

The Dept. of Justice and Offices of U.S. Attorney are fully capable of re-investigating cases. In February 2010, Massachusetts U.S. Attorney Carmen Ortiz announced a re-investigation of the 1993 attempted mail bombing of a Harvard professor, as there was a possibility that Amy Bishop, recently arrested for murder in Alabama, was involved. Last week, on 1 October, the Boston Globe reported that "*Yesterday, US Attorney Carmen Ortiz said she concluded that investigators 'undertook an appropriate and thorough investigation' into the 1993 attempted bombing*" and found no involvement by Amy Bishop. Nonetheless, the U.S. Attorney's office DID conduct a re-investigation. If it can be done to determine if one earlier investigation was adequate and in the interest of justice, it can be done for the Alfred Trenkler case where there is substantial evidence of wrongful conviction and injustice.

Finally, and of grave concern, Alfred Trenkler's heart is not working well. This week, his heart malfunctioned many times and he felt weak. He went to the medical staff at the Tucson prison and had an EKG, and that staff appears to agree that what is needed is a heart stress test. He had such a test at Allenwood Prison in 2006, which led to the prompt installation of the heard pacemaker which has saved his life. However, such a stress test is apparently not available within the Tucson prison, even though he had such a test within Allenwood. Please ask the Dept. of Justice to provide adequate medical care for Alfred Trenkler, which should include his transfer to a Federal Medical Facility, like the one at Devens from which he was transferred on 13 November 2009, almost a year ago.

Very truly yours,

Morrison Bonpasse

CC: Alfred W. Trenkler, #19377-038, USP Tucson, P.O. Box 24550, Tucson, AZ 85734
Senator Patrick Leahy. ATT: Maggie Gendron, P.O. Box 933, Montpelier, VT 05602
Senator Scott Brown, ATT: Deborah Gaffney, 2400 JFK Federal Bldg, Boston, MA 02203