

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA	)	
	)	
vs.	)	Criminal No.:
	)	92-10369-Z
THOMAS A. SHAY and	)	
ALFRED W. TRENKLER	)	

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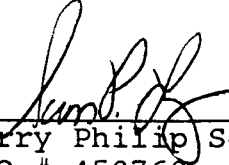
**DEFENDANT, ALFRED W. TRENKLER'S MOTION TO REQUIRE  
THE GOVERNMENT TO PRESENT A PROFFER OF PROOF ON  
CO-CONSPIRATOR DECLARATIONS**

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Now comes defendant, Alfred W. Trenkler, and respectfully requests this Court to require the government to present a proffer of proof on the co-conspirator declarations and conspiracy evidence it intends to offer at trial. Such a procedure, discussed favorably by the Seventh Circuit (Prentice Marshall, sitting by designation) in United States v. Andrus, 775 F.2d 825, 837 (1985) (see attached copy), has the advantages of avoiding a mistrial if this Court rules against the government when making its final Petrozziello ruling at the conclusion of the evidence and judicial economy.

WHEREFORE, as more particularly described in the memorandum attached hereto, defendant respectfully requests this Court to require the government to present a proffer of proof on the co-conspirator declarations and conspiracy evidence it intends to offer at trial.

Respectfully submitted,  
For the Defendant,  
ALFRED W. TRENKLER,  
By his attorneys,



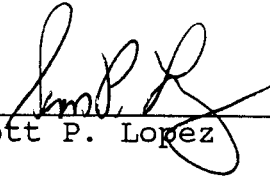
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**Dated:** June 23, 1993

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by ~~messenger~~ on June 23, 1993. mail SPL



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Scott P. Lopez