

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 vs.)
)
ALFRED W. TRENKLER)
)

Criminal No.:
92-10369-Z

DEFENDANT'S MOTION TO PRECLUDE
THE GOVERNMENT FROM MENTIONING ANY ALLEGED
SEXUAL RELATIONSHIP BETWEEN THOMAS SHAY, JR.
AND DEFENDANT IN ITS OPENING

Now comes defendant, Alfred Trenkler, and respectfully moves that this Court preclude the government from mentioning any alleged sexual relationship between Thomas Shay, Jr. and defendant during its opening.

In support of this motion, defendant states that there is no evidence of any sexual relationship between defendant and Thomas Shay, Jr. other than Shay, Jr.'s unsubstantiated and uncorroborated statement that there was a sexual relationship. Thomas Shay Jr.'s statements regarding a sexual relationship are not admissible against defendant as declarations against Shay, Jr.'s penal interest or as any other recognized exception to the hearsay rule. See United States v. Innamorati, 996 F.2d 456 (1993)

WHEREFORE, defendant requests this Court preclude the government from mentioning any alleged sexual relationship between Thomas Shay, Jr. and defendant during its opening.

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

Terry Philip Segal
BBO # 450760
Scott P. Lopez
BBO # 549556
Segal & Feinberg
210 Commercial Street
Boston, MA 02109
(617) 720-4444

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 mail on October 25, 1993.

Scott P. Lopez