

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
PROBATION OFFICE

THOMAS J. WEADOCK, JR.
CHIEF PROBATION OFFICER

945 POST OFFICE & COURTHOUSE
BOSTON 02109-4561

February 22, 1994

Mr. Terry Philip Segal, Esq.
210 Commercial Street
Boston, MA 02109

RE: ALFRED W. TRENKLER

Dear Attorney Segal:

Enclosed is a copy of your client's Presentence Report prepared by the Probation Office. The report is being disclosed to you pursuant to Rule 32 (c) (3) (A). It is your responsibility to disclose and discuss this report with your client.

If a defendant is incarcerated, the presentence report is used by the Federal Bureau of Prisons to determine the institution in which the sentence is to be served, the defendant's classification within the facility, his ability to obtain furloughs, and his eligibility for programs within the institution.

If you have any objections to the factual accuracy of the report, or the Probation Officer's determination of guideline range, please note your objections in writing and return them to the Probation Officer by 3/01/94. Upon receipt of your written comments, the Probation Officer will review the objections and, if necessary, revise the report.

If you do not submit any written objections to the Probation Office by the date set, the Probation Office will presume that you have no objections and will convey this to the Court.

Your cooperation will be appreciated.

Very truly yours,

Thomas J. Weadock, Jr.
Chief U. S. Probation Officer

By: Pamela J. Lombardini (KA's)
Pamela J. Lombardini
U.S. Probation Officer

Enc.

/kas

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

vs.)

ALFRED W. TRENKLER)

Docket No. CR #92-10369
Defendant No. 02

PRESENTENCE REPORT

Prepared for: The Honorable Rya W. Zobel

Prepared by : Pamela J. Lombardini, U.S. Probation Officer

Sentencing Date: 3/08/94 Office Location: Boston

Offense: Ct.1: Conspiracy, 18 U.S.C. 371
Ct.2: Receipt of Explosive Materials, 18 U.S.C. 844(d)
Ct.3: Attempt. Mal. Destr. of Property w/Explosives,
18 U.S.C. 844(i)

Date of Arrest: 12/16/92

Custodial Status: 11/30/93 to Present - Incarcerated
8/02/93 to 11/30/93 - Bond w/Elec. Monitoring
12/16/93 to 8/02/93 - Incarcerated

Identifying Data:

Date of Birth: 2/06/56 Age: 37 38 Dependents: None

Citizenship: U.S. Sex: Male FBI No.:

SSN: 033-38-2461 Race: Cauc. Other ID No.:

Education: College U.S. Marshal No.:

Legal Address: 7 Whitelawn Ave.
Milton, MA 02186

Detainers: None

Codefendants: Thomas Shay, Jr.

Assistant U.S. Attorney

Mr. Paul Kelly
Mr. Frank Libby
#617-223-9400

Defense Counsel

Terry Philip Segal, Esq.
210 Commercial St.
Boston, MA 02109
#617-720-4444

Date report prepared: 2/22/94
Revised:

Mandatory Minimum

PART A. THE OFFENSE

Charges and Convictions

(1) On December 16, 1992, a Federal Grand Jury in Boston, MA returned a sealed, five-count indictment 92-10369 charging Thomas A. Shay and **Alfred W. Trenkler** with: Conspiracy, in violation of Title 18 U.S.C. §371; Receipt of Explosive Materials, in violation of Title 18 U.S.C. §844(d); and Attempted Malicious Destruction of Property by Means of Explosive, in violation of Title 18 U.S.C. §844(i). That same date arrest warrants were issued as to both defendants.

(2) On December 18, 1992, the defendant appeared with counsel before U.S. Magistrate Judge Marianne B. Bowler for arraignment. The defendant entered a plea of not guilty to the indictment and Judge Bowler ordered the defendant detained.

(3) On June 24, 1993, a Federal Grand Jury in Boston, MA returned a three-count superseding indictment 92-10369 charging Thomas A. Shay and **Alfred W. Trenkler** with: Conspiracy, in violation of Title 18 U.S.C. §371 (Count One); Receipt of Explosive Materials, in violation of Title 18 U.S.C. §844(d) (Count Two); and Attempted Malicious Destruction of Property by Means of Explosive, in violation of Title 18 U.S.C. §844(i) (Count Three). The defendant is charged in all three counts of the superseding indictment.

(4) The Grand Jury charges in Count One that, in or about September or October, 1991, at Boston, Quincy and elsewhere in the District of Massachusetts, Thomas A. Shay and **Alfred W. Trenkler** did knowingly combine, conspire and agree with one another to commit certain offenses against the United States, to wit: (1) receipt of explosives in interstate commerce with the knowledge and intent that the same would be used to kill, injure and intimidate another individual and damage and destroy real and personal property, including an automobile, in violation of Title 18, United States Code, Section 844(d), and (2) attempted malicious destruction, by means of fire and explosive, of an automobile used in and affecting interstate commerce, in violation of Title 18, United States Code, Section 844(i), all in violation of Title 18, United States Code, Section 371.

Manner and Means of Conspiracy

1. It was part of the conspiracy that the conspirators discussed and agreed to kill Thomas L. Shay (DOB: 7/5/44) of Roslindale, Massachusetts.

2. It was further part of the conspiracy the conspirators assisted one another in acquiring explosives and other materials to be used in the construction of a remote-controlled explosive device.

3. It was further part of the conspiracy that one or more of

the conspirators affixed the explosive device to the undercarriage of an automobile owned and operated by Thomas L. Shay, to wit: a 1986 Buick. The device later exploded, killing Boston Police Bomb Squad Officer Jeremiah Hurley and seriously injuring his partner, Boston Police Bomb Squad Officer Francis Foley.

Overt Acts

4. In furtherance of the conspiracy and to effect the objects thereof, the following overt acts, among others, were committed by the conspirators:

- (a) In or about September, 1991, Shay solicited the assistance of Trenkler in a plan to kill his father, Thomas L. Shay.
- (b) In or about September, 1991, Trenkler, who had a background in electronics, agreed to construct a remote-controlled explosive device, knowing the same would be used by Shay in an attempt to kill his father.
- (c) On or about October 18, 1991, Shay purchased and acquired electrical components needed for the construction and testing of the explosive device.
- (d) In or about October, 1991, Trenkler built a remote-controlled explosive device consisting of dynamite, blasting caps and other materials.
- (e) On or about October 27, 1991, the conspirators surreptitiously affixed the explosive device to an automobile owned and operated by Shay's father, Thomas L. Shay, all in violation of Title 18, United States Code, Section 371.

(5) The Grand Jury charges in Count Two that in or about October, 1991, in the District of Massachusetts, Thomas A. Shay and **Alfred W. Trenkler** did receive in interstate commerce certain explosive materials, including dynamite and detonators, with knowledge and intent that said explosive materials would be used to kill, injure and intimidate Thomas L. Shay, and cause damage and destruction to his real and personal property, including a 1986 Buick automobile. The above-described unlawful conduct directly and proximately caused the death of Jeremiah Hurley and serious personal injury to Francis Foley, both public safety officers who were performing their official duties, all in violation of Title 18, United States Code, Section 844(d), and Title 18, United States Code, Section 2.

(6) The Grand Jury charges in Count Three that, on or about October 28, 1991, at Boston in the District of Massachusetts, Thomas A. Shay and **Alfred W. Trenkler** knowingly attempted to

maliciously damage and destroy, by means of fire and explosive, a 1986 Buick automobile which was owned by Thomas L. Shay and used in interstate commerce and in activities affecting interstate commerce. The above-described unlawful conduct directly and proximately caused the death of Jeremiah Hurley and serious personal injury to Francis Foley, both public safety officers who were performing their official duties, all in violation of Title 18, United States Code, Section 844(i), and Title 18, United States Code, Section 2.

(7) Thomas Shay and the defendant went to trial separately. Shay's trial began on June 28, 1993 and on July 27, 1993, he was found guilty of Counts one and two of the indictment.

(8) On August 2, 1993, U.S. District Court Judge Rya W. Zobel released the defendant on \$500,000 bond with the following special conditions:

1) The defendant is placed in the custody of John and Josephine Wallace.

2) The defendant shall be placed on 24 hour house arrest at 7 Whitelawn Avenue, Milton, MA; subject to electronic monitoring.

3) The defendant shall refrain from possession of a firearm, destructive device or other dangerous weapons.

4) The defendant is only to leave his residence in the company of a Deputy Marshall, or in the company of one of the third-party custodians.

5) The defendant must undergo urinalysis upon direction of Pretrial Services.

(9) On October 25, 1993, the defendant went to trial before Judge Zobel. The trial, which lasted 18 days, ended with Trenkler being found guilty of all three counts of the Superseding Indictment. The defendant was taken into custody at that time.

Codefendants

(10) Thomas Shay, who appeared before U.S. District Court Judge Rya W. Zobel, was found guilty of Counts 1 and 3 and sentenced as follows: Count 1 - 60 months CAG, Count 3 - 188 months CAG, concurrent with Count 1; 5 years Supervised Release and \$100 Special Assessment.

Related Cases

(11) None

Plea Agreement

(12) None

Offense Conduct

(13) As of the spring of 1990, Trenkler was residing in a basement apartment at 133 Atlantic St., Quincy, with his companion, John Cates ("Cates"). Sometime during this time frame, Trenkler became acquainted with Thomas A. Shay, of Quincy MA.

(14) Thomas A. Shay, now 22 years old ("Shay Jr."), is the only son of Nancy Shay and Thomas L. Shay ("Shay Sr."). The Shay household had been unstable, marked by a volatile and abusive relationship between Nancy Shay and Shay Sr., where the father repeatedly and severely beat the mother. Shay Jr. was ultimately removed from the family home and placed in the custody of the Commonwealth of Massachusetts Department of Social Services, DSS, at five (5) years of age. Shay Jr. remained in the custody of DSS until he was nearly eighteen (18) years old, residing in several different childcare institutions and foster homes.

(15) When he was released from DSS custody in 1988, Shay Jr. went to reside with his father at an apartment in Hyde Park, a neighborhood of Boston. A short time later, in or about May, 1988, Shay Sr. and Shay Jr. moved in with Shay Sr.'s female companion, Mary Flanagan, at her home at 39 Eastbourne Street, Roslindale, MA, a single-family home on a thickly-settled dead end street. Within a month after moving in, however; Shay Jr. stole several thousand dollars worth of valuables (coins, jewelry, family heirlooms and the like) belonging primarily to Mary Flanagan. His father became very angry and felt betrayed by Shay Jr.'s acts. On Shay Jr.'s return, Shay Sr. told his son that he could not live with them ever again, and that he and Mary could never forgive him for what he had done. In many respects, Shay Sr. effectively "disowned" his son at this point.

(16) For the next few years, Shay Jr. had no stable residence. When he was in the Boston area, Shay Jr. stayed with his mother at various apartments in Dorchester, Milton and Quincy. Shay Jr. also travelled across the country on different occasions for extended periods of time, ending up in Florida, Texas, California and Washington.

(17) Trenkler met Shay Jr. while frequenting gay clubs, including the Ramrod Lounge in Boston. Shay Jr. and Trenkler became friendly and had a relationship, which continued thereafter until the fall of 1991.

(18) In late September or early October, 1991, Shay Jr. decided to kill his father. His motive was both personal (revenge for having witnessed Shay Sr.'s repeated and severe beatings of his mother, as

well as paternal abandonment and rejection) and financial (an anticipated recovery of approximately \$100,000 from a pending lawsuit, the existence of which Shay Jr. made known to Trenkler). Shay Jr. approached Trenkler and sought Trenkler's assistance to this end. Shay Jr. knew that Trenkler was a skilled electrical engineer, and that Trenkler had been involved in building a remote-controlled explosive device in 1986. Shay Jr. told Trenkler what he wanted to do and asked Trenkler to build a bomb for him. Shay Jr. promised Trenkler that he would split his share of the proceeds with Trenkler.

(19) At the time, Trenkler was involved in yet another struggling electronics business. Trenkler sympathized with Shay Jr. over his father's rejection and hostility; Trenkler was also in need of money.

(20) Trenkler proceeded to design and construct a relatively sophisticated remote controlled explosive device. Trenkler alone obtained the dynamite and blasting caps, which were essential components of the device. Shay Jr.'s contribution to the process of building the bomb was to purchase or acquire certain components.

(21) On October 18, 1991 and acting at Trenkler's direction and with a "shopping list" prepared by Trenkler, Shay Jr. purchased, among other things, a toggle switch from the Radio Shack Store at 197 Mass Ave. in Boston, an electronics parts store directly across the street from the Christian Science Church's Communication Center, where Trenkler was then working on a rooftop satellite dish project. As Shay Jr. later conceded on a videotaped news interview, the toggle switch which Shay Jr. purchased on this occasion was integrated into the firing circuit of the deadly device.

(22) The bomb consisted of a main charge, which was two to three sticks of rewrapped dynamite; a fuzing circuit, to receive a remotely-transmitted signal; and a firing circuit, to trigger the blasting caps and the main dynamite charge. The bomb also featured a battery power source for each circuit, and other necessary electrical components, all contained within a specially-constructed rectangular wooden box. The bomb was designed so that it could be detonated from up to one-half mile away.

(23) The entire device was designed to be "low profile", that is, no more than 2" to 3" thick, and was spray-painted flat black to make it even more difficult to detect. The bomb had two large, round magnets and eight to ten smaller "button" magnets glued to the top of it, enabling it to be affixed to any metal object, such as an automobile. Once this was done, the person detonating the mechanism had only to access the "slide switch" which activated the fuzing circuit, allowing the device to receive the remote control signal through a specially-constructed aperture on the side of the

device. Once the switch was moved to the "on" position, the device was armed.

(24) The amount of dynamite used for the main charge, which was two to three sticks, on detonation, would virtually blow the driver's seat, and anyone occupying it, through the roof of the vehicle, peel the roof back, blow out the windows and side support stanchions and create a devastating whirlwind of jagged glass and metal shards. Additionally, the round magnets affixing the device to the undercarriage of the vehicle on the underside of the driver's seat floor pan would act as shrapnel, cutting a deadly swath through anything in its way as it travelled upwards, in the direction of the blast.

(25) Sometime on October 26 or 27, 1991, the bomb was affixed to the undercarriage of Shay Sr.'s automobile, a 1986 Buick Century, directly underneath the driver's seat. By insuring that the low-profile device was affixed to this location on the undercarriage, Trenkler sought to maximize: 1) the prospects of, first, targeting Shay Sr. alone in his automobile (Shay Sr. and Mary Flanagan owned and drove separate automobiles) and then killing him on triggering the device; and 2) making good his escape from the vicinity of the blast, likely while driving behind Shay Sr. on the highway, or lying in wait, in an automobile, nearby. In this fashion, Trenkler also sought to minimize the prospects that the device would be detected in the meanwhile. Trenkler failed, however, to anticipate or otherwise sufficiently take into account the potential for dislodgement of the device arising from any contact between the undercarriage of the Buick and the raised, concrete strip driveway at 39 Eastbourne which would develop in the course of backing that automobile into the driveway.

(26) On Sunday, October 27, 1991, during the late morning or early afternoon hours, Shay Sr. ran some errands and then drove home in his 1986 Buick Century. While backing his car up into the driveway the bomb made contact with the driveway surface, at the crest and became dislodged. Shay Sr. discovered the device laying in the driveway, but did not know what it was. He picked it up and moved it to the back of the driveway, between two permanently-parked vehicles.

(27) The next day, Monday, October 28, 1991, after having spoken with several people, Shay Sr. became concerned about the device and drove to the West Roxbury Police Station to report what he had discovered. Members of the Boston Police Bomb Squad, Jeremiah Hurley and Francis Foley, were immediately dispatched to the scene by radio and arrived within minutes.

(28) While the two Bomb Squad officers were conducting a preliminary examination of the device, at around 12:15 p.m., it exploded without warning. The force of the blast caused massive trauma to both officers. Officer Hurley, who was closest to the

device, suffered blast damage to his face, torso, right hand (which was severed) and right leg. He remained conscious for at least an hour after the explosion, experiencing extreme pain and anguish. Officer Hurley was pronounced dead at approximately 7:00 p.m. that evening. Officer Foley lost an eye, his hearing on one side, and sustained severe injury to his head, face and upper torso. As a result of the explosion, he is now permanently disabled and has been retired from the Boston Police Department.

(29) Together with Shay Jr., Trenkler planned for and intended to kill Shay Sr. with a powerful bomb. By virtue of a combination of unforeseen circumstances, they missed their intended target and killed one police officer and permanently maimed a second officer.

(30) In December, 1992, while in custody at the Plymouth County House of Corrections following return of the indictment in this case, Trenkler made the acquaintance of David Lindholm, a fellow inmate who was also originally from Milton and, as Lindholm made known to Trenkler, whose father was a graduate of both Milton Academy and Thayer Academy. Trenkler began to seek out Lindholm, who is serving a lengthy sentence on federal drug and tax evasion charges, for information as to what to expect in his prosecution, as well as specific advice as to how to proceed with his defense. In the course of these conversations, Trenkler confessed to Lindholm that he had built the 1991 bomb. Trenkler also agreed with the assessment of David Lindholm, that Shay Jr. "wasn't capable of putting the batteries in a flashlight."

Victim Impact

Cynthia L. Hurley

(31) The following letter was received, in September of 1993, by Cynthia L. Hurley, wife of slain officer Jeremiah Hurley. It reads as follows:

October 28, 1991, a beautiful fall day, back to work after a week long Caribbean cruise. All was well at work, glad to get back into the swing of things. At 11:30 a.m., I receive a call from my husband, Jerry Hurley, asking me how I was and how was getting back to work. I started to tell him and he received a call from the dispatcher to go to Roslindale. He said I have to go see you tonight. One (1) hour later a police officer was standing at my desk telling me there had been an accident, nothing serious I was told, just come with me. And the nightmare begins. How can you put in words the emotional impact. First of all to my husband, I can't even imagine the pain and suffering, he had so many injuries. He still had time and presence of mind to worry about his partner and others at the scene also. His concern for his family, wanting us to know how much he loved us. He was a wonderful human being. Everybody loved him and his beautiful smile. He

never had a bad thing to say about anyone or anything. His love and kindness was reflected in his family. He was the greatest husband, always caring and sharing, nothing bothered him. He was my life, love and best friend. We shared so much happiness. Especially watching our four children grow. Jerry was a great father and grandfather. They are all denied having their father around to love and care for them. Things in our lives will never be the same. We've tried to put our lives back together as he would have wanted us to do. But the loneliness is almost unbearable sometimes. Having difficulty concentrating, making decisions I never had to make alone, sleepless nights, trying to be strong and supportive to my family. I know they are grieving also and it is very hard sometimes to understand what they are feeling and they what I am feeling.

October 31, 1991, I told a friend I hoped that they never found out who was responsible for this tragedy. The end result is nothing will ever change our lives and we would not be reliving this nightmare...

Francis X. Foley

(32) Recalling the explosion, Officer Francis X. Foley states that he remembers the incident as if it occurred in slow motion. He felt a low rumbling within himself, saw a flash of red light, then white smoke. He was thrown against a wall and remembers holding the left side of his face, afraid to let go for fear that his face would fall apart. His legs felt warm, wet, and heavy. Foley explains that neither he nor Officer Hurley lost consciousness while lying in the driveway. He states that, although Hurley's body was "ripped apart", he was alerting Foley of the possible existence of a secondary device which could cause another explosion. Foley's recollection of Hurley is that he was coherent and talking rationally, but he could not sit up. Hurley was appealing to Foley to tell his family members that he loved them, while also asking Foley if he was all right.

(33) Foley believed that he and Hurley would both die and remembers asking the emergency medical technicians to talk to his children and to tell them to take care of one other and that he loved them. Foley was frightened by the prospect of dying, but accepted it as inevitable. Foley struggled to remain conscious for fear that if he passed out, he would not wake up. Foley recalls being terrified by the MRI at the hospital because he felt like he was in a coffin.

(34) Foley remained in the hospital for two weeks following the accident. Foley lost his left eye, lost partial hearing in his left ear, and injured his right arm and legs. He explains that the wounds in his legs were packed every eight hours while he was hospitalized and remembers the pain to have been agonizing. He had

difficulty walking for some time after the accident and required a visiting nurse for two months subsequent to his discharge from the hospital.

(35) Foley has undergone three eye operations and will require a fourth operation. He explains that the last eye operation was particularly difficult as he felt very poor physically, which caused him to become quite depressed for a short time.

(36) Foley continues to experience soreness throughout his body as pieces of metal and wood work their way out of his body. He suffers from arthritis in his legs during cold or rainy weather as a result of the accident. The muscles inside his body were bruised for one year following the explosion.

(37) Three years prior to the explosion, Foley had stopped drinking alcohol and eight months prior to the explosion, he had stopped smoking. Foley attributes his survival to good physical and emotional health. Foley does not think he should have survived such an explosion and is grateful to be alive.

(38) In discussing the impact that the incident has had on his life, Foley states that he tries not to dwell on what happened. However, he states that what happened to Hurley bothers him and he sometimes has trouble sleeping as a result. Since the accident, Foley has attended stress meetings once per week. Foley asserts that he will be fine as long as he continues to live his life the way he has been. He explains that, following the accident, he found it more difficult to maintain his sobriety because of the stress, but that he has not succumbed to the temptation. He attributes this will power to his knowledge that if he had not been strong, both emotionally and physically, he would not have survived the explosion. Foley has a strong mental attitude and states that he does not have a "poor me" mentality.

(39) It also troubles Foley that his family has suffered as a result of the accident. On the day of the incident, each of his family members was at a different location when they heard of the explosion. Foley advises that they knew he was involved as he was one of only several bomb specialists and he was on duty that day. For hours, Foley's family did not know whether he would survive. Foley relates that two of his daughters have had particular difficulty dealing with his accident. His 21 year old daughter has had a difficult time "letting go". He stated that she often brings up the incident and is "always talking to people about it".

(40) In speaking about the specifics of the offense, Foley states that, from his perspective, he knew that he could be the victim of an explosion as dealing with explosives was a part of his job. However, he is often troubled by the fact that the bomb was found in close proximity to the Connelly School. He fears for what may have happened had the bomb fallen from the car 50 yards down the

street, closer to the school. Foley feels that there is a strong possibility that children may have been killed. Foley describes the bomb as a sophisticated device that could not have been built by the average person.

(41) Foley described Trenkler as coming from a "fine upbringing", with "good schooling", who has proven to be "totally self gratifying". He feels that Trenkler had to contemplate what he was doing, when building the bomb. Foley also stated that Trenkler is a bright man who is quite talented in the field of electronics, unlike Shay, who was incapable of such detail. Foley feels more animosity toward Trenkler than toward Shay because he feels that Shay is a confused and disturbed person.

(42) Foley wonders how Trenkler, not emotionally involved with Shay, Sr., could assist in his attempted killing. Without Trenkler, Shay would not have had the capability to kill his father in this manner. Foley considers both Trenkler and Shay to be terrorists.

(43) Francis X. Foley is now on 100% disability from the police force. Although he receives a salary, he is not able to work on a full-time basis and is not able to earn the additional income previously available to him by working details. Mr. Foley stated that he misses his work as a police officer and did not expect to have to retire at such a young age.

(44) Letters were also been received from the following individuals during the sentencing of Thomas Shay, which are being submitted with this report: Lisa A. Hurley and Leanne Hurley (daughters of Jeremiah Hurley); Doris M. Halliday and Helene C. Dolan (sisters of Jeremiah Hurley); Leanette Foley, Lauren Marrocco, Lisa Phelan, and Francis D. Foley (children of Francis Foley); and Claire V. Foley Madden (former wife of Francis Foley). These letters have been forwarded to all parties.

Obstruction of Justice

(45) There is no available information to indicate that the defendant has obstructed justice.

Acceptance of Responsibility

(46) The defendant put the government to its burden of proof at trial and, by doing so, denied the essential factual elements of guilt at the trial.

(47) According to Trenkler, he met Thomas Shay Jr. in June of 1991, in front of the White Hen Pantry, on Boylston Street, in Boston. This is a "hang out" where the defendant occasionally goes to meet other friends who are going into or out of the Ramrod lounge. Shay was telling the people that he was with about a

friend he had who worked at a radio station. Hearing this, the defendant, who was employed in the field of communications, gave his business card to Shay Jr. with the intention of Shay Jr. giving the card to his friend. The defendant only saw Shay Jr. four times after their initial meeting. Trenkler reports that he and Shay Jr. were never romantically involved.

(48) The defendant stated that he did not commit the crime he has been found guilty of. He feels that he was convicted due to the circumstances that he met Thomas Shay Jr. and he had a prior "fire cracker offense". It frustrates him that "the person who did this is out there somewhere". He "prays everyday that the person who did this (crime) will come forward".

Offense Level Computation

(49) The Total Offense Level has been calculated using the guidelines in effect at the time of sentencing.

(50) Guidelines for violations of Title 18 U.S.C. §371 (Count One) are found at U.S.S.G. §2X1.1, which directs the use of the guideline applicable for the substantive offense.

(51) Guidelines for violations of Title 18 U.S.C § 844(d) (Count Two) is found at 2K1.3, while the guideline for 18 U.S.C 844(i) (Count Three) is found at U.S.S.G. §2K1.4. Both U.S.S.G. §§2K1.3(c)(A) and 2K1.4(c)(1) direct that if death resulted, apply the most analogous guideline from Chapter Two, Part A (Offenses Against the Person) if the resulting offense level is greater than that determined by using the 2K1.4 guideline.

(52) A death did result. Therefore, the guidelines at Chapter Two, Part A, as well as the statutes at 18 U.S.C. §§1111, 1112, 2113(e), 2118(c)(2), and 21 U.S.C. §848(e) were examined.

(53) Murder as defined by Title 18 U.S.C. §1111(a):

is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, escape, murder, kidnapping, treason, espionage, sabotage, aggravated sexual abuse or sexual abuse, burglary, or robbery; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree.

(54) The defendant was convicted on Counts One, Two and Three. Count One charges that Thomas A. Shay and Alfred W. Trenkler did knowingly combine, conspire and agree with one another to receive explosives in interstate commerce with the knowledge and intent

that the same would be used to kill, injure and intimidate another individual, and damage and destroy real and personal property. The death of Jeremiah Hurley was premeditated: the bomb was built and placed under Thomas Shay, Sr.'s car, to cause his death. Although, Jeremiah Hurley was not the intended victim in this case, his death resulted from a premeditated design to kill another, namely, Thomas Shay, Sr. Therefore, the details of this offense fit the definition provided by Title 18 U.S.C. §1111(a), and the most analogous guideline from Chapter Two, Part A is U.S.S.G. §2A1.1, First Degree Murder.

(55) Base Offense Level: Per U.S.S.G. §2A1.1(a), the base offense level for First Degree Murder is 43.	43
(56) Specific Offense Characteristics: None	0
(57) Adjustment for Role in the Offense: The defendant used his special skill and knowledge in the field of electronics, to facilitate the commission of the offense. The defendant's co-defendant, Thomas Shay, clearly did not possess the same knowledge of electronics and explosives as Alfred Trenkler, and therefore; without the Trenkler's special skill, pertaining to the building of the bomb, this offense would not have taken place. Two levels are added, per §3B1.3.	+2
(58) Victim Related Adjustment: None	0
(59) Adjustment for Obstruction of Justice: None	<u>0</u>
(60) Adjusted Offense Level (subtotal):	45
(61) Adjustment for Acceptance of Responsibility:	<u>0</u>
(62) <u>Total Offense Level:</u>	45

PART B. THE DEFENDANT'S CRIMINAL HISTORY

Juvenile Adjudications

(63) None

Criminal Convictions

<u>Date of Arrest/ Arraign.</u>	<u>Charge/ Agency</u>	<u>Date Sentence Imposed Disposition</u>	<u>Guideline/ Score</u>
(64) 3/12/89 (Age 34)	Oper. aft. ss lic Hingham Dst. Ct.	3/5/90 Suff. fts found, cc \$140, 5/26/89 3/5/90 Paid.	<u>4A1.2(c)</u> <u>0</u>

There is no record of attorney appearance.

Criminal History Computation

(65) Based on the above convictions, the defendant has a subtotal criminal history score of 0.

TOTAL POINTS 0
CATEGORY I

Other Criminal Conduct

(66) None known

Pending Charges

(67) None known

Other Arrests

<u>Date of Arrest/ Arraign.</u>	<u>Charge/ Agency</u>	<u>Date Sentence Imposed Disposition</u>
(68) 2/29/83 (Age 26)	Larceny by Check Quincy Dst. Ct.	12/2/83 rest. pd dism.

Quincy District Court advised that the records of this offense were not available.

(69)		
2/11/86	Larceny of Property	8/25/86 to be dism.
(Age 29)	Quincy District Ct.	upon payment of rest.
		of \$21.50
		Pd & Dism. 10/6/86
	Larceny of Property	8/25/86 to be dism.
	Quincy District Ct.	upon payment of rest.
		of \$21.58
		Pd & Dism. 10/6/86

The victims of the offenses were Angelo's Supermarket and Curtis Compacts, both of Milton. There is no record of attorney.

(70)		
9/5/86	Poss. Explosive Device	12/3/87 Dism.
1/7/87	Viol. of Explosives	12/3/87 Dism.

According to an arrest report, dated September of 1986,

...Donna Shea [no relation to co-defendant] called Al [Al Trenkler] and told him that she wanted to scare the shit out of the Wojtasinski brothers. Al was then able to get the Radio Shack parts and made up a remote control device that was able to be triggered from a short distance away. He put it all together with the duct tape and then went to Donna Shea's house in Weymouth for supper. This was Sunday August 31, 1986. While he was at her house he put the rest of the device together by tying in the plastic simulator with the wires and running the test.

Trenkler obtained an M-21 Hoffman (artillery simulator) device to serve as the main charge for this device. Trenkler acquired the electrical parts necessary by having Shea's nephew, Todd Leach, then eleven years old, go into a local Radio Shack store with a list of items to be purchased. Also at Trenkler's direction, Leach obtained a stereo speaker, discarded in a nearby dumpster and stripped it, pulling out the stereo magnet contained inside of it. This magnet later served as the means by which the explosive device was affixed to the undercarriage of the Capeway Fish Truck. Trenkler assembled these components in the out of doors.

In the early morning hours of Monday, September 1986, Trenkler affixed this device to the undercarriage of the fish truck and detonated it while seated in his automobile, parked a short distance away. Trenkler initially denied getting involved in this incident but later admitted to the investigators assigned, Quincy Police Department Detectives William Lanergan and Thomas Tierney, that he designed and built the device. The

defendant told the officers that he; used 4 AA batteries and two 6 volt camera batteries in series to make 12 volts. He got a receiver and remote control from Radio Shack and these were all put together with a 6" speaker magnet and bound with duct tape. There was also a toggle switch assembly and a small bulb to test the circuit. The remote control was equipped with an antenna. It could be triggered from a distance no further than a 1/2 mile.

(71) Trenkler also admitted to having affixed the device and detonating to his roommate, Robert Craig, within an hour or two following the explosion. Trenkler also admitted to the detectives that he did this for his friend, Donna Shea, in order to permit Shea to get even with the owners of the fish truck.

(72)		
11/6/86	Att. Wrong MV plates	12/11/86 CWO
(Age 30)	Barnstable Dst. Ct.	to 3/11/87, fine
		of \$125 to be paid
		on 1/39/87, 2/6/87
		warrant issued for
		nonpayment, 9/17/87
		def. rem., cc paid,
		term.

There is no record of attorney appearance.

(73)		
5/31/89	Uttering false check	4/24/92 Dism.
	Warwick R.I. Sup. Ct.	

The defendant was represented by attorney DiBiasi.

(74)		
9/8/89	Rec. Stolen Prop.	3/5/90 Dism. for want
	Hingham Dst. Ct.	of Prosecution

The defendant was charged with having stolen property belonging to Brent Donahue d/b/a Unlimited Communications, which was valued as exceeding \$250.

(75)		
4/17/92	Fug. of Justice	4/30/92 Dism. upon
	Boston Dist. Ct.	req. of Commonwealth

The defendant was a fugitive from justice in Warwick, Rhode Island, for committing Uttering Fraudulent Checks. He was represented by attorney Segal.

PART C. OFFENDER CHARACTERISTICS

Personal and Family Data

(76) The defendant is the only child born to Alfred Trenkler and Josephine Trenkler Wallace. The defendant's parents met while they were both employed as performers with the Ice Capades. The defendant's mother was 21 when she met the defendant's father, who was 45.

(77) The defendant's parents separated when he was 5 years old. He stated that his parents were traveling extensively with the Ice Capades at the time and his mother wanted a stable environment for him to be raised in. In 1960, his mother left the Ice Capades and she and the defendant moved in with her mother, in Milton. The defendant and his mother remained with his maternal grandmother for approximately one and one half years. The defendant described living with his grandmother as a good experience and that his grandmother was a good, giving and caring person.

(78) In 1961, the defendant's mother married John Wallace, and in 1962, they all moved into the family home which is located at 7 Whitelawn Avenue, Milton, MA. This home is a nice, well kept, home located in a suburban neighborhood.

(79) The defendant stated that his step-father first appeared uncomfortable with him. By the age of eight, the defendant felt that Mr. Wallace appeared more comfortable with him and in fact was treating him like his own son. It was also around that same time that John and Josephine Wallace had a son, David Wallace. The defendant describes having a good relationship with his step-brother. Mr. Wallace, according to the defendant, taught him how to ride a bicycle and to drive a car. The defendant states that Mr. Wallace is truly a father to him.

(80) The defendant's father, Alfred Trenkler, also remarried and has two children from his second marriage. The Wallaces and Trenklers remain friends and stay in contact on a regular basis. The defendant's father, who resides in Santa Monica, California, was present for some of his son's trial.

(81) The defendant's mother and step-father are very distraught about their son's conviction and upcoming sentencing. They stated that the defendant has always been a "very gentle" person who has "lots of compassion toward others". The defendant's step-father, John Wallace, advised that the defendant "couldn't hurt a flea". Both Mr. and Mrs. Wallace are gathering letters of support, for their son, from friends and family members for the Court.

(82) Trenkler's interest in electronics was apparent as a child. Mr. and Mrs. Wallace stated that the defendant, even as a child, was never involved in sports but was "more into the scientific and

electronic end of things". Both advised that the defendant was always taking electronic equipment apart only to put them back together again. Mr. Wallace recalled when Alfred was 12 years old one of the two telephone lines in the family home developed static. When the telephone repair men came to the home they found that Alfred had wires running from the house, along the backyard fence, into the garage, where he hooked up another telephone that could call around the world, bypassing the telephone company. Because the telephone company was bypassed, no calls from that telephone were billed. The defendant was also active in the technical aspect of shows at the Milton Hoosic Club, where his parents are members.

(83) Father. Alfred Trenkler, who is also known as Freddy Trenkler is 82 years old and resides with his wife in Canoga Park, Santa Monica, California. The defendant's father is retired from the Ice Capades, where he was a clown.

(84) Mother. Josephine Wallace nee Barnum, age 65, resides at 7 Whitelawn Avenue, Milton, MA, with her husband. She is employed at Hunniman Real Estate, in Milton.

(85) Step-Father. John D. Wallace, age 65, resides with his wife at 7 Whitelawn Avenue, MA. Mr. Wallace is employed by Sullivan Real Estate, in Milton.

(86) Step-Mother. GiGi Trenkler nee Jelberte resides with her husband in Santa Monica, California.

(87) Step-Brother. David Wallace, age 31, resides in Randolph, MA with his wife Juanita. David is a student at the University of Massachusetts where he is studying to be a paralegal.

(88) Step-Sister. Margaret Trenkler, age 31, resides in California with her husband.

(89) Step-Sister. Pamela Trenkler, age 29, resides in California.

(90) The defendant resided at 7 Whitelawn Avenue until 1982, at the age of 25, when he moved to Washington Street, Brighton. He remained at this address for approximately one year at which time he became ill with hepatitis and moved back into his family home. The defendant was confined to bed for two months, with this illness, and quarantined for an additional six to eight months. The defendant remained with his parents until 1984, when he moved into a house in Milton with Copeland Draper and his wife. He remained in this home for over one year.

(91) In May of 1986, the defendant moved into an apartment located on Randlett Street, Quincy, with his friend Robert Craig. They remained at this address until 1987. In 1987 Craig and the defendant moved to Carlisle Street, Quincy, where they remained until February of 1989. They then moved to Nantasket Avenue, Hull.

During the summer of 1989, Craig left Massachusetts to move to Florida, where he is employed as a waiter in a Boca Raton restaurant.

(92) After Craig's departure the defendant moved into an apartment located at 112 Atlantic Avenue, Hull with Chris Punis, he remained at that address until December of 1990, when he moved into 144 Old Colony Avenue, South Boston. This address was also the head quarters of Ashley Telecommunications.

(93) The defendant met John Cates in 1989 or 1990 in front of the White Hen Pantry, on Boylston Street, Boston. Within a couple of months the two men became romantically involved and together moved into an apartment located at 133 Atlantic Avenue, Quincy, MA. According to Mr. Cates, the two lived quite "peacefully until everything happened". Mr. Cates has since moved from the apartment in Quincy and is now residing in Jamaica Plain.

(94) Mr. Cates feels that "this whole thing is a tragedy" and a "miscarriage of justice". He stated that he believes that Trenkler is innocent of the charges he was convicted of. Mr. Cates advised that he met co-defendant, Thomas Shay, in front of the White Hen Pantry, on Boylston Street and believes that Trenkler and Shay were never involved on any level.

Physical Condition

(95) The defendant stands 5'5" tall, weighs 170 pounds, has brown hair, brown eyes and no scars or tattoos. The defendant advised that he was stricken with hepatitis in 1982 or 1983. During that time he was confined to bed for two (2) months and was confined to his home for approximately eight (8) months. Neither the defendant nor his parents could recall the name of the doctor that treated him for this illness. Mr. Trenkler advised that he is in good health at this time.

Mental and Emotional Health

(96) The defendant has never been in counseling for psychological or emotional problems.

Substance Abuse

(97) The defendant first drank alcohol at age 18 or 19. He stated that he only drinks wine on holidays. The defendant began smoking marijuana at age 16 and smoked it a few times weekly until his arrest on the instant offense. The defendant, who began using cocaine at age 23 or 24, used it on occasion until 1987 at which time he began using it weekends. He stopped using cocaine in 1989 when he saw what the drug was doing to his friends. The defendant has used no other drug.

Education & Vocational Skills

(98) The defendant attended the Milton Academy, in Milton, from kindergarten to sixth grade. The defendant attended the Park School, Brookline, MA when he repeated the sixth grade. The defendant then went on to attend the Thayer Academy, in Braintree, where he graduated from on June 7, 1975.

(99) The defendant attended the Wentworth Institute, in Boston, from 1976 to 1977, and graduated with an Associate degree in Electronic Technology on June 3, 1977. On June 1, 1977, the defendant received a certificate for "Associate Engineering Technician" from the Institute for the Certification of Engineering Technicians. From 1978 to 1979, the defendant attended Northeastern University, Center for Continuing Education, in Lexington, where he received a certificate for Microprocessor Devices and Systems, in December of 1979. The defendant attended the Wentworth Academy again from 1980 to 1981 with the intention of graduating with a BS; however, he did not complete the course work.

Employment Record

(100) November 30, 1993 to Present. The defendant has been in custody, pending sentencing, in the Hillsboro County Jail, Manchester, New Hampshire.

(101) August 2, 1993 to November 30, 1993. The defendant was on home detention with electronic monitoring with Pretrial Services.

(102) December 16, 1992 to August 2, 1993. The defendant was in custody on the instant offense.

(103) January 1992 to December 16, 1992. The defendant was the owner and operator of Advanced Telecommunications Network Systems, which is located at 88 Broad Street, Weymouth, MA. The defendant was the only full time employee of the company and he had five part time employees who worked on an as needed basis. This company specialized in engineering, research, development and implementation of communications systems. The defendant earned \$20,000 to \$30,000 at this employment.

(104) October 1991 to December 1991. The defendant was employed as the director of communications at Advanced Research Communications, 82 Broad Street, Weymouth, MA. This company specialized in engineering, research, development and implementation of communications systems including: wide area paging systems, government and consumer sales of equipment and consulting services. Here the defendant earned \$6,000 for the two month period he was employed.

(105) March 1991 to October 1991. The defendant was employed at Global Technology Research Corporation, which is located at

Hopedale Airport, in Rhode Island. The defendant could not recall his wages.

(106) March 1991. The defendant was employed by Cambridge Electronic Trains as a communication engineering consultant. In this position the defendant worked for the MBTA in testing and repair procedures for the bus and police radio systems. The defendant's employment lasted for a period of two weeks. At this employment the defendant earned \$300 to \$400 for the two weeks he was employed.

(107) September 1989 to February 1991. The defendant was employed as the director of engineering at Ashley Telecommunications, located at 144 Old Colony Avenue, South Boston, MA. This company specialized in design, research and development for businesses including the Boston Police and BAPERN state wide radio system. The defendant reportedly earned \$6,000 to \$10,000, in 1989, \$22,000, in 1990 and \$1,200, in 1991.

(108) 1985 to 1987. The defendant was the owner/operator of AWT Associates, which was located at the Watts Professional Building, in Braintree, MA. In this position the defendant was a consultant to Boston Catholic Television, Long Island Diocesan Center, Long Island, N.Y., Northeastern, Boston and Harvard Universities. The defendant could not recall his wages.

(109) May 1981 to 1987. The defendant was the employed as the assistant to the chief engineer, at Boston Catholic Television. The defendant could not recall his wages.

Financial Condition - Ability to Pay

(110) The defendant advised that has \$200 in his business checking account with Shawmut Bank and that he owes \$36,000 to the IRS. The defendant has no other assets or debts at this time.

(111) The defendant noted that he received a \$6,000 settlement from a June 1991, automobile accident.

PART D. SENTENCING OPTIONS

Custody

(112) **Statutory Provisions:** The maximum term of imprisonment is 5 years on Count One. The maximum term of imprisonment on Count Two and Count Three is any term of years, life imprisonment, or the death penalty. 18 U.S.C. § 3559(a) classifies Count One as a Class D felony and Counts Two and Three as a Class A felonies.

(113) **Guideline Provisions:** Based upon a total offense level of 45 and a criminal history category of I, the guideline imprisonment range is life imprisonment.

Impact of Plea Agreement

(114) None

Good Time Provisions

(115) As per 18 U.S.C. § 3624(b), prisoners who are serving a term of imprisonment of more than one year and have shown a satisfactory institutional adjustment shall receive credit toward the service of their sentence of 54 days at the end of each year of their term of imprisonment, beginning at the end of the first year of their term of imprisonment. Such credit vests at the time of accrual and cannot be later withdrawn. Credit for the last year or portion of that year shall be prorated.

(116) Good time cannot be earned on a sentence of one year or less; the sentence must exceed one year, even by one day. According to the Bureau of Prisons, for a sentence of one year and one day, good time would be prorated and would amount to 47 days.

Supervised Release

(117) **Statutory Provisions:** Pursuant to 18 U.S.C. § 3583(b), if a term of imprisonment is imposed, the court may impose a term of supervised release of not more than three years on Count One, since it is a Class D felony, and not more than five years on Counts Two and Three, since they are Class A felonies. Pursuant to 18 U.S.C. 3624(e), such terms shall run concurrently.

(118) **Guideline Provisions:** If more than one year imprisonment is imposed, supervised release is required by the guidelines pursuant to U.S.S.G. § 5D1.1. On Count One, the term of supervised release is two (2) to three (3) years, pursuant to U.S.S.G. § 5D1.2(b)(2). On Counts Two and Three, the term of supervised release is three (3) to five (5) years, pursuant to U.S.S.G. § 5D1.2(b)(1).

Probation

(119) **Statutory Provisions:** Count One: As per 18 U.S.C. § 3561(a), the defendant is eligible for probation. For a Class D felony, the authorized term of probation is one to five years pursuant to 18 U.S.C. § 3561(b). Count Two and Three: As the offenses of conviction are Class A felonies, the defendant is ineligible for probation pursuant to 18 U.S.C. § 3561(a)(1).

(120) **Guideline Provisions:** Probation is not authorized by the guidelines unless the court departs downward.

Fines

(121) **Statutory Provisions** Counts One, Two and Three: There is a maximum fine of \$250,000 on each of the counts of conviction for a total of \$750,000 pursuant to 18 U.S.C. § 3571(b)(3).

(122) **Guideline Provisions** The fine range is from \$25,000 to \$250,000, pursuant to U.S.S.G. § 5E1.2(c)(1) & (c)(2) of the November 1, 1991 & 1992 editions of the Guidelines Manual.

(123) **Guideline Provisions** Subject to the defendant's ability to pay, U.S.S.G. § 5E1.2(i) of the guidelines provides that the Court shall impose an additional fine amount that is at least sufficient to pay the cost to the Government of any imprisonment, probation, or supervised release ordered. The most recent advisory from the Administrative Office of the U.S. Courts suggests that a yearly cost of \$20,803 and a monthly cost of \$1,734 be used for imprisonment, a yearly cost of \$13,578 and a monthly cost of \$1,132 be used for community confinement, and a yearly cost of \$2,710 and a monthly cost of \$180.90 be used for supervision.

Special Assessment

(124) A total Special Assessment of \$150 is mandatory (\$50 on each of the three counts of conviction, pursuant to 18 U.S.C. § 3013).

Interest on Fines

(125) As per Title 18, U.S.C. § 3612(f), the defendant shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the 15th day after sentencing. Interest on the fine will be computed daily at a rate pegged to the U.S. Treasury Bills.

(126) The court, as per statute, can determine that the defendant does not have the ability to pay interest and may: (a) waive the requirement for interest; (b) limit the total interest payable to a specific dollar amount; or (c) limit the length of the period during which interest may accrue.

(127) According to the Claims Unit of the U.S. Attorney's Office, if the Court makes no provisions for the waiver of the interest on a fine over \$2,500, interest will continue to accrue on the unpaid balance of the fine if the defendant is incarcerated, is pending appeal or is paying off the fine by installment payments while on probation or supervised release.

Restitution

(128) Restitution is an issue in this case. Francis X. Foley is now on 100% disability from the police force. Although he receives a salary, he is not able to work on a full-time basis and is not able to earn the additional income previously available to him by working detail assignments. Jeremiah Hurley's family may also have sustained financial losses as a result of his death. The total financial losses suffered by the victims could not be assessed, however.

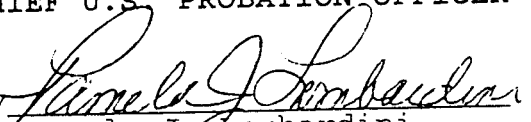
PART F. FACTORS THAT MAY WARRANT DEPARTURE

(129) Note: Presentation of information in this section does not constitute a recommendation by the probation officer for a departure.


(130) U.S.S.G. §2A1.1, Application Note 1, directs that if the defendant did not cause the death intentionally or knowingly, a downward departure may be warranted. The Application Note continues that the extent of departure should be based upon the defendant's state of mind (e.g., recklessness or negligence), the degree of risk inherent in the conduct, and the nature of the underlying offense conduct. As Alfred Trenkler did not intend the death of Officer Jeremiah Hurley, a downward departure may be warranted. However, the defendant's conduct involved the explosion of a bomb in a residential neighborhood near a school. The recklessness of the defendant's conduct may negate any possible mitigating factors which might warrant a downward departure.

Respectfully submitted

THOMAS J. WEADOCK, JR.
CHIEF U.S. PROBATION OFFICER

by 
Pamela J. Lombardini
U.S. Probation Officer

Reviewed & Approved:



Michael Piotrowski
Supervising U.S. Probation Officer