

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )

v. )

ALFRED W. TRENKLER, )

Defendant. )

CRIMINAL NO. 92-10369-Z

(FILED UNDER SEAL)

MEMORANDUM IN SUPPORT OF DEFENDANT  
ALFRED W. TRENKLER'S MOTION FOR JUDICIAL INQUIRY  
INTO POSSIBLE JUROR MISCONDUCT AND FOR A NEW TRIAL

INTRODUCTION

Information has surfaced that raises the very real specter of highly prejudicial juror misconduct in a trial that resulted in a conviction and life sentence for the Defendant Alfred W. Trenkler.

The government, as outlined in a letter to the Court dated November 1, 1996, has received information that an alternate juror who sat on the jury during Trenkler's month-long trial failed to disclose during the voir dire that she knew Alfred Trenkler. Clearly, such an allegation implicates the Defendant's Sixth Amendment right to a trial by an impartial jury and his right to a trial that comports with fundamental notions of due process. Therefore, this Court, at a minimum, must undertake an inquiry to determine 1) the nature and the extent of the alternate juror's pretrial knowledge of and

connection to Trenkler; 2) whether and to what extent the alternate juror publicized her knowledge to the deliberating jurors; and 3) whether such extrinsic information ultimately tainted the jury deliberations so that Trenkler is entitled to a new trial.

#### FACTS

On October 15, 1996, counsel for the Defendant Alfred W. Trenkler learned that a woman named Donna Shea had contacted the Government alleging that a juror in Trenkler's trial named "Ramona" knew Trenkler and that "Ramona" had failed to reveal that fact during the voir dire. Indeed, "Ramona Walsh" served for over four weeks as an alternate juror in the Trenkler trial. While Ramona Walsh admitted during voir dire that she knew various potential witnesses in the case, including Donna Shea, she did not admit that she knew Trenkler.

The Government, as it describes in its letter to the Court, undertook its own investigation of Shea's allegations which culminated in an Alcohol, Tobacco and Firearms Report of Investigation ("ATF Report"). Shea's compelling allegation of juror misconduct is corroborated in significant ways both by the trial record and the ATF Report itself:

##### 1. The Source of The Allegation

**Donna Shea.** The record demonstrates that Donna Shea had been connected to this action since 1986, five years before the bombing incident in Roslindale. Shea, who lives in Weymouth,

was on the original list of witnesses for the Trenkler trial. **Exhibit A**, Transcript of First Day of Trial, p. 21. Prior to trial, Shea testified before the grand jury on December 10, 1992. Although she did not testify at trial, the evidence established that Shea was the person for whom Trenkler was charged with making the artillery flash simulator that was placed under a commercial truck in 1986 ("the 1986 incident"). **Exhibit B**, Transcript of Thirteenth Day of Trial, 13-72 - 13-75; **Exhibit C**, Government's Trial Exhibit 12; **Exhibit D**, Government's Trial Exhibit. The 1986 incident formed the basis for the much-disputed Fed.R.Evid. 404(b) evidence.

Shea alleged, in two separate interviews with the ATF agents, that on several occasions "Ramona" arrived at Shea's house with a friend of Shea's named Nancy Tolmie (currently Nancy Russell, and referred to as "Tolmie/Russell") when Tolmie/Russell bought cocaine from Shea. She further alleged that the cocaine had been supplied by Trenkler and that Trenkler had been present, and that Ramona Walsh and Trenkler had been present in the same room when Tolmie/Russell purchased cocaine.<sup>1</sup>

## 2. The Juror

**Ramona Walsh.** Ramona Walsh, identified as "Ramona" by Shea, was indeed an alternate juror, Juror 38. During the voir dire she admitted that she knew many of the witnesses,

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<sup>1</sup> Although Shea first stated that she had "no memory" of Ramona's presence in the room when Tolmie/Russell bought cocaine from Trenkler, she later stated that "Ramona was present in the room when the transactions were conducted."

including Donna Shea.<sup>2</sup> Like Donna Shea, Walsh lives in Weymouth. During the voir dire, Walsh stated that she was employed by the Quincy District Court, where she had worked for ten years, initially in the criminal clerk's office.

**Exhibit E, Second Day of Trial, p. 2-53.**<sup>3</sup>

3. The Friend

**Nancy Tolmie/Russell.** During her interview with ATF Agent Kerr, Tolmie/Russell admitted 1) that she knew Donna Shea; 2) that she knew Ramona Walsh, having seen her once every three weeks between 1985 and 1986 and having travelled with her on two weekends; 3) that she (Tolmie/Russell) regularly used cocaine, approximately three times per week, from 1984 to 1987; 4) that she purchased cocaine from Donna Shea forty to fifty

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<sup>2</sup> Walsh also admitted during voir dire that she knew Thomas Shay, Jr., and a Quincy police officer (Exhibit A, p. 17, Exhibit E, p. 52), and that she "may know Lawrence Plant," (Exhibit A, p. 21).

<sup>3</sup> Perhaps coincidentally, Donna Shea was also at Quincy District Court in connection with this case. When Quincy police officers attempted to questions Shea about the 1986 incident on September 2, 1986, they were told that she "was not at home but was up in Quincy at the District Courthouse." They located her at the courthouse and observed her leaving the courthouse. After informing her of her Miranda rights, the Quincy police officers spoke with her in the parking lot of the Quincy District Court. Exhibit C, Government's Trial Exhibit 12, p.1.

times (in a subsequent interview Tolmie/Russell stated that the purchases occurred more than fifty times); 5) that Ramona Walsh also used cocaine; and 6) that Ramona Walsh gave Tolmie/Russell money to purchase cocaine. Tolmie/Russell denied that Ramona Walsh was present at any time when Tolmie/Russell purchased cocaine from Shea.

#### ARGUMENT

I. THE COURT MUST UNDERTAKE AN ADEQUATE INQUIRY INTO THE NON-FRIVOLOUS SUGGESTION THAT JUROR MISCONDUCT OCCURRED DURING TRENKLER'S TRIAL.

The Sixth Amendment guarantees defendants the right to a trial by an impartial jury. Neron v. Tierney, 841 F.2d 1194 (1st Cir. 1988). The failure to accord the accused a fair hearing by a "panel of impartial, 'indifferent' jurors" also violates the minimum standards of due process. United States v. Boylan, 698 F.Supp. 376, 384 (D.Mass 19088), aff'd 898 F.2d 230 (1st Cir. 199) quoting Irvin v. Dowd, 366 U.S. 717, 722 (1966); Neron, 841 F.2d at 1200. Voir dire protects the right to an impartial jury "'by exposing possible biases, both known and unknown, on the part of potential jurors.'" U.S. v. Perkins, 748 F.2d 1519, 1531 (11th Cir. 1984) quoting McDonough Power Equipment Inc. v. Greenwood, 104 S.Ct. 845, 849 (1984).

The Government has received, investigated and reported on significant information containing colorable allegations of juror bias and misconduct. In its letter to the Court, however, the Government leaps to the self-serving conclusion

that because the allegations involve an alternate juror who did not deliberate, "no further action on the matter is necessary or warranted." Government Letter, p. 1. To the contrary, the mere fact that the initial allegation relates to an alternate juror is not the end of the inquiry. The issue before this Court becomes whether the extraneous information, regardless of its source, infected the jury deliberations. See United States v. Howard, 506 F.2d 865, 866 (5th Cir. 1975) ("the danger to fair trials is most acute when facts which have not been tested by the fair trial process have been intentionally communicated directly to the jurors.").

Where, as here, "a non-frivolous suggestion is made that a jury may be biased or tainted, the District Court must undertake an adequate inquiry into whether the alleged tainting incident occurred and whether it was prejudicial." Boylan, 698 F.Supp. at 387 quoting United States v. Corbin, 590 F.2d 398, 400 (1st Cir. 1979).<sup>4</sup> While the trial court has broad, though not unlimited, discretion to determine the extent and nature of its inquiry, United States v. Gaston-Brito, 64 F.3d 11, 12 (1st Cir. 1995), the First Circuit has made clear that the trial

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<sup>4</sup> An inquiry into the validity of a jury verdict is permitted in situations like the present one in which an "extraneous influence" is alleged to have prejudiced the jury. U.S. v. Boylan, 698 F.Supp. at 385 quoting Mattox v. United States, 146 U.S. 140, 148-149 (1892).

court should

erect[], and employ[], a suitable framework for investigating the allegation and gauging its effects, and thereafter spell[] out [its] findings with adequate specificity to permit informed appellate review.

Boylan, 898 F.2d at 258.<sup>5</sup>

While the ATF Report raises the colorable possibility of juror misconduct, the Report itself, containing only inadmissible, unsworn out-of-court statements, cannot be deemed conclusive. Relying solely on its own "investigation" and pure conjecture, the government illogically and summarily conclusion

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<sup>5</sup> The trial court's discretion to determine the extent and nature of its inquiry is circumscribed by Fed.R.Evid. 606(b), which provides that:

Upon an inquiry into the validity of a verdict or indictment, a juror may not testify as to any matter or statement occurring during the course of the jury's deliberations or to the effect of anything upon that or any other juror's mind or emotions as influencing the juror to assent to or dissent from the verdict or indictment or concerning the juror's mental processes in connection therewith, except that a juror may testify on the question whether extraneous prejudicial information was improperly brought to the jury's attention or whether any outside influence was improperly brought to the jury's attention or whether any outside influence was improperly brought to bear upon any juror. Nor may a juror's affidavit or evidence or any statement by the juror concerning a matter about which the juror would be precluded from testifying be received for these purposes. (emphasis added).

that, as an alternate, Ramona Walsh cannot have "actually influenced the outcome of the trial." Government Letter, p. 5. Such a position ignores the day-to-day reality of the jury dynamic. From the beginning of the trial, jurors are in "close and isolated daily contact with each other during the trial." Boylan, 698 F.Supp. at 379. The "thought processes" of jurors begin from the opening of the trial.... Indeed, jury tampering often occurs before any deliberations take place. An individual juror begins his or her own consideration of the case from its beginning." Bushkin Associates, Inc. v. Raytheon Co., 121 F.R.D., 7-8 (D.Mass. 1988), aff'd, 864 F.2d 241 (1989).

The question in this case, then, is whether Ramona Walsh, the alternate juror, failed to disclose during the voir dire that she knew Trenkler, whether she communicated that fact (and possibly other information) to the deliberating jurors and whether that extraneous information affected the deliberating jurors to such an extent that they failed to keep an open mind and render a verdict based solely on the evidence. The evidence demonstrates that Trenkler has made the threshold showing of partiality or misconduct by a juror, and he is entitled to a judicial inquiry and development of the relevant facts on the record relating to those issues. Due process requires that this Court conduct an adequate inquiry into the possible taint caused by Ramona Walsh's knowledge of Trenkler. See Smith v. Philips, 455 U.S. 209, 212 (1982) (district

court's failure to conduct sufficient inquiry deprived appellants of due process right to jury capable and willing to decide case solely on evidence before it); Gaston-Brito, 64 F.3d at 11 (district court has obligation to develop facts on the record, not merely presume them); Neron, 841 F.2d at 1202 n.6 1988)("claim of bias or misconduct on the part of a juror need satisfy a rather low threshold of significance to ignite a due process requirement of adequate inquiry"); United States v. Howard, 506 F.2d 865, 866 (5th Cir. 1975)(remand to district court for hearing to determine accuracy of allegation that juror disclosed to other jurors that defendant had been in trouble previously); Downey v. Peyton, 451 F.2d 236 (4th Cir. 1971)(remand to district court for hearing to determine whether prejudicial matters not in evidence actually discussed in jury room as alleged by some jurors).

Modern day trials are factually presented in open court before the iron curtain descends upon the jury room. We cannot tolerate prejudicial factual intrusion into that sanctum lest our courts return to darker days of our jurisprudential history. The dagger of hidden evidence must not be taken from its scabbard for the first time in the jury room to wound the defendant; and unless its piercing effect is only skin deep and without prejudice to the anatomy of the trial, we must apply a constitutional salve.

Howard, 506 F.2d at 866

II. IF A JUDICIAL INQUIRY INTO THE ALLEGATIONS OF JUROR MISCONDUCT REVEALS THAT THE VERDICT WAS TAINTED, THIS COURT MUST GRANT A NEW TRIAL.

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A party seeking a new trial must demonstrate 1) that a juror failed on voir dire to answer a material question honestly, 2) that a correct response would have provided a valid basis for cause and 3) that the nondisclosure resulted in actual prejudice or bias. Dall v. Coffin, 970 F.2d 964, 9696 (1st Cir. 1992) citing McDonough Power Equipment, Inc. v. Greenwood, 464 U.S. 548, 556 (1984). Although a non-frivolous suggestion of juror misconduct during voir dire has been put forth, the prejudicial impact of Ramona Walsh's alleged knowledge of Trenkler cannot be fairly assessed without a judicial inquiry into what extrinsic information was injected into the deliberative process. The Defendant should not be forced to rely upon the superficial, self-serving investigation of the government as the basis for his motion for a new trial. The Defendant, therefore, respectfully reserves his right to supplement his motion for a new trial after this Court conducts its own inquiry and makes its own findings with respect to Donna Shea's very serious and troubling allegations of juror misconduct in a trial that resulted in his life imprisonment.

CONCLUSION

By reason of the foregoing, this Court must conduct an adequate inquiry to determine whether Ramona Walsh, the alternate juror, failed to disclose during the voir dire that

she knew Trenkler, whether she communicated that fact (and possibly other information) to the deliberating jurors and whether that extraneous information affected the deliberating jurors to such an extent that they failed to keep an open mind and render a verdict based solely on the evidence. If, after such hearing, the Court determines that the Defendant suffered actual prejudice, this Court must grant a new trial.

DEFENDANT ALFRED W. TRENKLER

By his Attorneys,

*Amy Axelrod*

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DATED: November 19, 1996  
T:609

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by hand mail on 11/19/96

*Amy Axelrod*

Exhibit  
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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CR 92-10369-Z

ZOBEL, D. J.

UNITED STATES OF AMERICA

v.

ALFRED TRENKLER

First Day of Trial

APPEARANCES:

For the Government:

Paul V. Kelly, Esq., and Frank A. Libby, Jr., Esq.,  
Assistant United States Attorneys, Federal Courthouse,  
Boston MA 02109.

For the Defendant:

Terry R. Segal, Esq., Scott P. Lopez, Esq., and  
Brenda Ruel Sharton, Esq., SEGAL & FEINBERG,  
210 Commercial Street, Boston, MA. 02109.

Courtroom 3  
Federal Courthouse  
Boston, Massachusetts

October 25, 1993

Computer-Aided Transcription

1 THE COURT: No. 10 and 6 is for twelve, and then you  
2 get two additional ones for the alternates. And we will  
3 impanel them separately after we have 12.

4 MR. SEGAL: The alternates are two and two; am I  
5 right?

6 THE COURT: Yes.

7 We have 80 jurors and I would ask that the spectators  
8 be somehow consolidated.

9 THE MARSHAL: If it is okay, can we put them in the  
10 back row until we find out how many seats we have?

11 THE COURT: However you want to arrange it, but I  
12 think we need to -- --

13 The government has filed a motion for sequestration,  
14 which I will allow, and I ask counsel, please, to monitor it.

15 MR. SEGAL: Mr. Bergund, is he allowed to sit behind  
16 me rather than in the first row? May he sit right behind us?

17 THE COURT: Yes.

18 (Pause.).

19 THE COURT: Good morning, members of the jury, I'm  
20 Judge Zobel. And we are about to impanel a jury in a criminal  
21 case which Mrs. Dello Russo is about to call.

22 THE CLERK: United States versus Alfred Trenkler, CR  
23 92-10369.

24 Would the defendant please stand?

25 Mr. Trenkler, you are now set to the bar to be tried,

1 and these good jurors whom I shall call are to pass between  
2 the United States and upon your trial. If you would to object  
3 to any of them, you must do so before they are sworn.

4 THE COURT: Please be seated.

5 We will proceed in the following way. I will need to  
6 ask you a series of questions to ensure that none of you know  
7 anything about the case, that would interfere with your  
8 judgment about the evidence; that none of you know any of the  
9 participants in the trial, and that you can, in the end, be  
10 fair jurors in this case.

11 If the answer to any of the questions is, yes, if you  
12 would kindly just let me have your name at the moment, and  
13 then if you are chosen, I will speak with you further about  
14 what you may or may not know.

15 So let me first introduce to you the lawyers in the  
16 case.

17 This is a criminal case, and the prosecutors are  
18 Mr. Paul V. Kelly and Frank A. Libby, both of them Assistant  
19 United States Attorneys.

20 Do any of you know either of the prosecutors in this  
21 case?

22 The defendant is Mr. Alfred A. Trenkler of Quincy, is  
23 it or Milton?

24 MR. SEGAL: Milton.

25 THE COURT: Do any of you know Mr. Trenkler, the

1 defendant in this case?

2 He is represented -- thank you, please be seated.

3 He is represented by Mr. Terry Phillip Segal  
4 Mr. Scott P. Lopez and Ms. Brenda Sharton of the law firm of  
5 FEINBERG & SEGAL in Boston.

6 Do any of you know defense counsel or have any of you  
7 had anything to do with their law firm?

8 Thank you.

9 A criminal case is always begun, almost always begun  
10 by an indictment. The indictment is the piece of paper that  
11 contains the accusation. And let me tell you what the  
12 accusation in this case says.

13 It is in three counts, so there are three separate  
14 charges in this case. Count 1 says that the defendant was a  
15 member of a conspiracy in September, October of 1991, a  
16 conspiracy to, one, receive explosives in interstate commerce  
17 with a knowledge and intent that they would be used to kill,  
18 injure or intimidate another person, and destroy property,  
19 and, second, a conspiracy to destroy an automobile by means of  
20 an explosive.

21 The second count is what we call the substantive  
22 count that goes back to the first part of the conspiracy, and  
23 it says that the defendant participated in receiving in  
24 October of 1991 an explosive with the intent and knowledge  
25 that it would be used to kill or injure one Thomas Shay, but

1 which did cause the death of one police officer and serious  
2 injuries to another.

3 And the third count says that the defendant  
4 participated in an attempt to maliciously destroy an  
5 automobile belonging to one Thomas Shay, which had been used  
6 in interstate commerce.

7 And all of the counts also say that the conduct of  
8 the defendant resulted in the death of one police officer and  
9 serious injuries to another police officer.

10 The events allegedly took place in Roslindale,  
11 Massachusetts.

12 Do any of you know anything at all about this case?

13 All right.

14 Do any of you know Mr. Thomas Shay, Jr., of Quincy, I  
15 guess?

16 Do any of you --

17 MR. KELLY: One hand, your Honor.

18 THE COURT: Oh, I'm sorry.

19 What is your name, please?

20 A JUROR: Ramona Walsh.

21 MR. KELLY: No. 78, your Honor.

22 THE COURT: One of these days our computer will be  
23 able to give this in alphabetical order. So far, it hasn't  
24 managed it.

25 Anybody else know Mr. Shay, Jr.?

1 Do any of you know Mr. Shay, Sr., of Roslindale?

2 Do any of you know Officer Jeremiah Hurley?

3 Do any of you know Officer Frank Foley? These are  
4 both officers of the Boston Police Department. Officer  
5 Jeremiah Hurley is the person who was allegedly killed as a  
6 result -- who was killed, allegedly as a result of the bomb,  
7 and Mr. Foley was the officer who was injured.

8 Do any of you know either of the officers?

9 I need to read to you a number of names of witnesses  
10 and, again, I will ask you whether any of you know any know  
11 any of the witnesses:

12 Steven Adams of Cleveland, Ohio; Dwayne Armbrister of  
13 Boston; Frank Armstrong of the Boston Police Department;  
14 Richard Bender of Hull, Massachusetts; Jeffrey Berry of  
15 Stoughton.

16 Do any of you know any of these people?

17 Dan Boeh, B O E H -- of Washington?

18 MR. LIBBY: I think that's Boeh, your Honor,  
19 Baltimore.

20 THE COURT: William Bridgeforth, who is with the  
21 Boston Police Department; Richard Brown of Quincy; Phillip  
22 Caldwell of Roslindale; Nurdan Cagdis of Quincy.

23 Do any of you know any of these people?

24 The list goes on, so bear with me.

25 Edward Carrion of Boston; John Cates of Franklin;

1 Michael Coady of Quincy; Jack Coyle of Weymouth; Robert Craig  
2 of Boynton Beach, Florida.

3 Thomas Creavin, C R E A V I N, of Boston; Thomas  
4 D'Ambrosio of the Bureau of Alcohol, Tobacco & Firearms in  
5 Boston; Robyn DePalma of Quincy; John Doering,  
6 D O E R I N G, of Brockton; Robert Evans of Randolph,  
7 Massachusetts.

8 Do any of those names ring a bell?

9 Brent Donaghue of Hull; Mary Flanagan of Roslindale,;  
10 Robert Flavell of Duxbury; William Fogerty of the Boston  
11 Police Department; Francis Foley of the Boston Police  
12 Department.

13 Do any of you know any of these people?

14 Judy Fredette of Quincy; Al Gleason of Jacksonville,  
15 Florida; Michael Greene of Quincy; Frank Hankard of the  
16 Massachusetts State Crime Laboratory; James Harding of  
17 Weymouth.

18 Lawrence Herb, who is a document examiner with the  
19 Bureau of Alcohol, Tobacco & Firearms; James Karolides of  
20 Peabody; James Keough of Boston; Jeffrey, Kerr who is also  
21 with the Bureau of Alcohol, Tobacco & Firearms in Boston;  
22 Denise Kraft was her maiden name, she's now Denise Corbett, of  
23 the Boston Police Department.

24 Do any of you know any of the people whose names I  
25 have just called?

1 William Lanergan of the Quincy Police Department;  
2 Sandra LaCourse of the Bureau of Alcohol, Tobacco & Firearms  
3 in Boston; Todd Leach of Quincy; Dennis Leahy also of ATF; Bob  
4 Lee of Cambridge; David Lindholm of Quincy; Wajahat Malick of  
5 Bridgewater.

6 Did you raise your hand?

7 Robert Maloney, Boston Police Department; John  
8 McCarthy, Boston Police Department; James McKernon,  
9 Roslindale, Massachusetts; Eleanor McKernon, Roslindale,  
10 Massachusetts; Charles Metcalf, Bureau of Alcohol, Tobacco &  
11 Firearms.

12 Left me assure that not everybody on this list will  
13 testify, but it's an all-inclusive list just to make sure that  
14 we cover all bases.

15 Do any of you know any of the people whose names I've  
16 just mentioned?

17 A JUROR: Frank Armstrong you first mentioned, he's a  
18 Boston Police Officer?

19 THE COURT: What is your name, please?

20 A JUROR: Joseph MacDonald, No. 33.

21 THE COURT: Anybody else?

22 Did I say David Millette?

23 MR. KELLY: 48, your Honor.

24 THE COURT: Timothy Murray, Boston Police,, Paul  
25 Nutting, Boston; Patricia O'Donoghue, Quincy; Peter O'Malley,

1 Boston Police Department; Francis O'Rourke, Boston.

2 Do you know any of them?

3 Victor Palaza, Bureau of Alcohol, Tobacco & Firearms;  
4 Evelyn Pirello, Roslindale; Lawrence Plant, Quincy; Chris  
5 Porreca, Bureau of Alcohol, Tobacco & Firearms; Alan Pransky,  
6 Dedham; James Quinlan, Quincy.

7 Yes, what is your name, please?

8 A JUROR: Janet Talbot.

9 THE COURT: Thank you.

10 THE CLERK: No. 19.

11 THE COURT: Ms. Walsh.

12 A JUROR: I may know Lawrence Plant.

13 THE COURT: James Quinlan, Quincy; Andy Robinson of  
14 Springhill, Florida; Louis Rotman, Randolph; Steve Scheid,  
15 Bureau of Alcohol, Tobacco & Firearms; Dr. Christopher  
16 Shapley, Bedford, New Hampshire; Paul Shaw of Weymouth,  
17 Massachusetts; Thomas A. Shay, Quincy, Massachusetts.

18 Do any of you know any of these people?

19 Thomas L. Shay, Roslindale; Nancy Shay, Quincy; Paula  
20 Shay, Quincy; Donna Shea, spelled S H E A, contrasted with S H  
21 A Y as the previous bunch was, of Weymouth; David Shilallis,  
22 Quincy; Randy Stoeller, Attelboro.

23 A JUROR: S H A Y again?

24 THE COURT: When I asked you earlier whether you know  
25 any Thomas Shay, that is spelled S H A Y, and Donna Shea is

1 spelled S H E A.

2 A JUROR: Does she have a sister?

3 THE COURT: Thomas Shay?

4 No, but Paula Shay, maybe.

5 A JUROR: Paula, I believe.

6 THE COURT: What is your name?

7 A JUROR: Marcia Lapson.

8 THE COURT: Anybody else?

9 MR. KELLY: There's one other.

10 THE COURT: Ms. Walsh? You know everybody.

11 Thomas Tierney, Quincy Police Department; Miller  
12 Thomas, Boston Police Department; Anastasiose Vasiliadas of  
13 Hull; Cynthia Wallace, Bureau of Alcohol, Tobacco & Firearms  
14 of Washington or Baltimore; David Wallace of Randolph.

15 A JUROR: Thomas Tierney.

16 THE COURT: Okay, I've got your name.

17 Thomas Waskom of Bureau of Alcohol, Tobacco &  
18 Firearms in Baltimore or Washington; Dr. James Weiner, Medical  
19 Examiner, Suffolk County, Massachusetts; Kip White, Wellesley;  
20 Eric Wilkie, Boston; Dr. Peter DeForest. I don't know of  
21 where for the rest of these. David Gaines; Rod Kennedy.

22 Do those names ring a bell?

23 Brian O'Leary; Mark Rambolli; Arthur Shay, spelled S  
24 H A Y; Jack Wallace; Jo Wallace; Bill McNamara; Denny Kline;  
25 David Flaherty.

1 I don't where any of these people are from,  
2 Mr. Segal.

3 MR. SEGAL: I'll be happy to supply them.

4 THE COURT: Do the names sound familiar to any of  
5 you?

6 William Baione; Sharpless Jones; Louie Giamarco;  
7 David Louis; Frank Cavallo et Alvaro.

8 A JUROR: Marcia Lapson.

9 THE CLERK: No. 2.

10 Martin Alexander; Phil Caldwell; Rod Davidson; Robert  
11 Pirello; Scott Davis; Joseph Pelphrey,  
12 P E L P H R E Y; Chris Punis, P U N I S; David McGary; Bill  
13 Miller; Dr. Robert Philips; Eric Wilkie; Bruce Marcus; Randy  
14 Winchester; David Farde; Peter Cataldo.

15 All right.

16 Now, are any of you or have any of you been employed  
17 by any law enforcement agency, either local, state or  
18 federal? And, also, I want to include if any members of your  
19 immediate families have been employed by any law enforcement  
20 agency?

21 So we'll do this by now.

22 Ms. Walsh, I've already got.

23 What is your name, please?

24 A JUROR: Melissa Mazzarella, No. 77.

25 THE COURT: And you, also, sir?

Exhibit

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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CR 92-10369-Z

ZOBEL, D. J.

UNITED STATES OF AMERICA

v.

ALFRED TRENKLER

Thirteenth Day of Trial

APPEARANCES:

For the Government:

Paul V. Kelly, Esq., and Frank A. Libby, Jr., Esq.,  
Assistant United States Attorneys, Federal Courthouse,  
Boston MA 02109.

For the Defendant:

Terry Philip Segal, Esq., Scott Lopez, Esq.,  
and Brenda R. Sharton, Esq., SEGAL & FEINBERG,  
210 Commercial Street, Boston, MA. 02109.

Courtroom 3  
Federal Courthouse  
Boston, Massachusetts

November 10, 1993

Computer-Aided Transcription

001075

James E. McLaughlin, Official Court Reporter  
1200 Federal Courthouse, Boston MA 02109 (617)357-7342

1 A Yes.

2 Q His name?

3 A Francis Bonds (ph.)

4 Q At that time -- directing your attention to the 1st of  
5 September 1986, sir, the early morning hours, do you recall  
6 what day of the week that was?

7 A Yes.

8 Q What day was that?

9 A It was Monday.

10 Q In the early morning hours, did you receive notification  
11 by way of radio with respect to an explosion in the vicinity  
12 of 295 Willard Street, Quincy, please?

13 A Yes, I did.

14 Q And when you received that notification what did you do?

15 A We went to that location.

16 Q And what did you see generally as you got there, please?

17 A There was a large truck parked in the driveway.

18 Q Was it a residential area?

19 A Yes, residential area.

20 Q Will you tell us how far the truck was parked from the  
21 house, please?

22 A Approximately 15 feet.

23 Q Was there lighting available as you approached?

24 A There was a street light there and a house had an outside  
25 light on.

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1 MR. LIBBY: If I may approach, your Honor?

2 THE COURT: Yes.

3 Q I show you two photographs, Officer Turowska, marked  
4 Government's Exhibit 65 A, and 65 B. First 65 A, do you  
5 recognize what's depicted there, please?

6 A Yes, I do.

7 Q What is that, please?

8 A That's a picture of a vehicle that's parked in the  
9 driveway and several Quincy police officers on the scene, the  
10 owner of the truck and the deputy fire chief.

11 Q And what was the company on the truck, please?

12 A Capeway Fish Market.

13 Q Directing your attention to 65 B, please, do you  
14 recognize what's there, please?

15 A Yes.

16 Q What is depicted there, please?

17 A That's a picture of the truck along with Leo Voight from  
18 the state marshal's office.

19 Q Do these photographs 65 A and 65 B fairly and accurately  
20 depict the scene that evening as you recall it, sir, on the  
21 1st of September 1986?

22 A Yes, it does.

23 MR. LIBBY: Move these in evidence, Your Honor.

24 THE CLERK: Excuse me, Mr. Libby. We already have an  
25 Exhibit 65 from the Government. Could we make that 66 A and

001145

1 B.

2 MR. LIBBY: Certainly.

3 MR. KELLY: What was 65? I'm sorry.

4 THE CLERK: That's the transcript of the press  
5 conference I told you about.

6 MR. KELLY: Oh.

7 MR. LIBBY: Move 66 A and B into evidence.

8 THE COURT: They may be so marked.

9 [Exhibit 66A and B entered into evidence.]

10 Q Now, directing your attention to Exhibit 65 B, I believe  
11 you testified that's a picture of Mr. Voight, Leo Voight  
12 underneath the vehicle?

13 A That's correct.

14 Q Could you tell us, please, what he was doing underneath  
15 the vehicle?

16 A He was exhibiting the undercarriage.

17 Q Is that him with the flashlight there?

18 A Yes, it is.

19 Q And there is also a large utility lamp as well?

20 A Yes. That was brought by the fire department.

21 Q What is the significance, please, of the undercarriage,  
22 that portion of the undercarriage of the vehicle that you see  
23 in 65B?

24 A He's examining where it was believed the bomb had been  
25 attached to the undercarriage of the vehicle.

1 Q Okay. And did you see Mr. Voight later that evening?

2 A Yes.

3 Q And what was he doing during the evening?

4 A He had examined the undercarriage and picked up the  
5 debris that was left.

6 Q Did you see Mr. Voight leave with the debris?

7 A Yes.

8 MR. LIBBY: If I may publish these, your Honor?

9 THE COURT: Yes.

10 MR. LIBBY: I have nothing further. Thank you,  
11 Officer.

12 THE COURT: Any cross?

13 MR. SEGAL: Briefly.

14 Cross-examination by Mr. Segal

15 Q Good morning, Officer. My name is Terry Segal. I think  
16 we've spoken already?

17 A Yes.

18 Q Did you write a report that day?

19 A Yes, I did.

20 Q Would you take a look at what's been marked as  
21 Defendant's Exhibit 94 for identification. Is this the report  
22 you wrote, sir?

23 A Yes, it is.

24 Q And do you have a recollection today whether you saw any  
25 visible damage on the truck that morning?

Exhibit

C

VICTIMS NAME (LAST, FIRST, MIDDLE)  
OR FIRM NAME IF A BUSINESS

CAPEWAY FISH MARKET

LOCATION OF INCIDENT  
HOUSE NO., ST. NAME

295 Willard Street

DATE OF  
INCIDENT

9-1-56

BLOCK NO. INDICATE BLOCK NO. IN LEFT MARGIN FROM INVESTIGATIVE CASE REPORT

GOVERNMENT  
EXHIBIT

12

On September 2nd, 1966 I along with DET Thomas Tierney went to the Capeway Fish Market on Washington Street in Weymouth. There we met the owners of the business Walter and James Wojtasinski. James is the party who had the truck in his possession in Quincy when the incident occurred. The brothers went on to say that there has been an ongoing problem with some former employees of the fishmarket. There most recently was a court case with charges brought by both sides and the end result was both sides dropped the charges. Mr Walter Wojtasinski stated he believed that some of these people were involved in the incident and it would be worth our while to talk to them. He agreed to supply us with a list of names addresses and telephone numbers.

Our first stop was at the home of Lorraine Morgan 38 1/2 Front Street Weymouth 331-9152. Also present in the apartment was a Diane Basler AKA Pixie, 29 yrs who resides at 384 Front Street. She is the aunt of Lorraine Morgan. At this time Lorraine Morgan was advised of her rights under the Miranda and if she understood them to which she replied "yes". I asked her what she knew about the problems at the Capeway Fish market. She indicated to us that she quit her job at the market. She was aware that the owners of the fish market were having problems with a former employee named Donna Shea. There were reports that tires were slashed on both sides and that court action was taken. I asked if she knew of any trouble over the weekend that may have involved the Capeway Fish store. At this time she stated she knew of nothing happening. Diane Basler did not offer anything at this time. Lorraine did tell us another employ also quit her job there, that being a Michelle Kyler. She stated she lived at 725A Washington Street Weymouth. She also told us Donna Shea lived over on Lake Street in the project.

We then went over to 247 Lake Street in Weymouth that being the Shea house. At the door we were told that Donna Shea was not at home but was up in Quincy at the District Court house. We then went to the court house and did indeed serve Donna Shea and her sister Mary Leach. They were just leaving the courtroom and we spoke to them in the parking lot. We identified ourselves as police officers and at this time I advised Donna Shea of her Miranda rights and if she understood them to which she replied that she did. She stated she was more than willing to speak to us. I told her we were investigating an incident involving a Capeway Fish truck. She stated she knew nothing about it. I asked her if she was having a problem with the family that owns the business and she replied yes. She had been in court with that family in the past and there were cross complaints instituted but all parties on both sides had dropped the charges. She also told us that there had been an incident at Hunan Village in Weymouth very recently an a scuffle had resulted. Most recently in Weymouth at the Cap Cinco fast food store another problem had broken out. Threats were made on both sides. I asked her about her whereabouts on Sunday evening August 31 and the early morning of September 1st and her reply was that she was at home.

REPORTING OFFICER(S)

BADGES # (S)

SUPERVISOR

DETS Lanergan & Tierney

001531

PAGE OF REPORT NARRATIVE DEPT. QUINCY POLICE

NARRATIVE

ARREST REPORT

VICTIMS NAME (LAST, FIRST, MIDDLE)  
OR FIRM NAME IF A BUSINESS

LOCATION OF INCIDENT  
HOUSE NO., ST. NAME

DATE OF  
INCIDENT

CAPEWAY FISH MARKET

22 Illinois Street

9-1-86

BLOCK NO. INDICATE BLOCK NO. IN LEFT MARGIN FROM INVESTIGATIVE CASE REPORT

She kept telling us that there was a problem between her and the Pitaineki brothers and that most of it revolved around the fish store and their jobs. At this time we were able to confirm no information against Mary Leach and she was taken into custody and transported to the Quincy Police station. Shortly after four PM this date I received a call from Lorraine Morgan indicated she had some important information and wanted to talk about it. I asked her if it was important to the information she gave us this AM and she stated she wanted to talk to me. I agreed to meet her and went to her home. I was told at this time there was some information that may be important to our case and that there were names of parties we should talk to. Lorraine told me that very recently a truck had crashed against her house and that the parties inside the truck were flashing the high beam lights on and off and finally left. She is very scared at this time. She fears Donna Shea and her friends. At this time she told me that on Monday September 1st Donna Shea called over to her house and asked her if she had heard about the Capeway Fish truck. She told her to watch the papers, she won't tell what happened but read the paper tomorrow. Lorraine and Diane then told me a party by the name of Al and some biker might be involved. Al being Al Trenkler and giving me a telephone number in Quincy.

On Wednesday September 3rd we (Tierney & Lanergan) went to the apartment shared by Alfred Trenkler at 35 Union Street in Quincy. At this time we informed him of his Miranda rights and if he understood them, replying "yes." He also indicated a willingness to talk to us. He was informed that we were investigating an incident involving a Capeway Fish truck where an explosion occurred. He told us he was a very good friend of Donna Shea and he knew that there were some problems between Donna and Capeway. He told us that he had dinner with the Sheas on Sunday night and after dinner he came home to his apartment. That was the last he saw of the Sheas that day. He further went on to say that we must consider him a good suspect because he is an electrical engineer and works on micro-wave ovens. He further stated that anyone can get an M-80 and make that kind of stuff. You can go to Chinatown and buy any of this stuff. I told him at this time that we did not mention any type of device and why had he picked up an M-80. He gave us a blank stare. He told us he had to go to work at Northeastern in Boston. At this time I told him we had no more questions and he was free to go.

In the afternoon of September 3rd we met with Mr George Kyller at his request in Weymouth. George is the father of Michelle who also worked at the Capeway Fish market. He stated that he is fearful for his daughters safety because of the rash of threats and incidents that have been occurring. He told us that his daughter was very friendly with Lorraine Morgan and that he had just received a telephone call from Lorraine indicating she had received a telephone call from a Donna Shea stating "people in Weymouth have been known to be silenced." He went on further to say that his daughter in the past had purchased some drugs from Donna Shea. Donna Shea is known to Mr Kyller as the barracuda and he knows her to be very dangerous. He hopes that his daughter is not involved.

On Thursday September 4th we went to 35 Union Street and informed Alfred Trenkler that we would like to talk to him in the Quincy Police station. Upon his arrival he was readvised of his Miranda rights and the waiver. He agreed to talk to us. He told us a story of he contacted by a male party and paid to make a remote controlled device. He delivered it to an unknown party in Weymouth.

REPORTING OFFICER(S)

BADGES # (S)

SUPERVISOR

DETS Lanergan & Tierney

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PAGE OF PAGES  
ENT NARRATIVE REPORT  
QUINCY POLICE DEPT

VICTIMS NAME (LAST, FIRST, MIDDLE)  
OR FIRM NAME IF A BUSINESS

CAPEWAY FISH MARKET

LOCATION OF INCIDENT  
HOUSE NO., ST. NAME

295 Willard Street

DATE OF  
INCIDENT

9-1-86

BLOCK NO.

INDICATE BLOCK NO. IN LEFT MARGIN FROM INVESTIGATIVE CASE REPORT

I told him that I did not believe his story and it did not make any sense. He then told me about how he made the bomb for this party. He used 4 AA batteries and 2 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 1/4 mile. I then asked Al if there was any change to his story and he told me yes. There was no unknown men. Donna Shea called Al 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 Sheas house in Weymouth for supper. This was Sunday night August 31. 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. At some point in time around midnight Al Trenkler, John and Donna Shea all drove together in the Sheas old red car over to the area of 295 Willard Street. Donna wanted to see the Capeway Fish truck. It was at this point in time Donna wanted Al to put the device on the fish truck but he refused. She then told her husband to do it and he too refused. A verbal argument then ensued between the Sheas and Al told them to take him home which they did. Al fearing the worst then got in his car and drove to West Quincy in particular Willard Street. At Copeland and Willard Street he went left under the expressway and then claims to have heard a loud explosion. He then made the loop over and under the expressway and came back to Willard Street. He then saw police and fire units on the scene and drove away. It was at this time that he was now placed under arrest and taken down to the booking desk.

VEILPORT  
MENT NARRH  
JINCY POLICE L

REPORTING OFFICER(S)

DET Lanergan and Tierney

BADGES # (S)

SUPERVISOR

001533

Exhibit

D

ACTIMS NAME (LAST, FIRST, MIDDLE)  
OR FIRM NAME IF A BUSINESS JAMES  
BOJASINSKI

LOCATION OF INCIDENT  
HOUSE NO., ST. NAME  
295 WILLARD ST 9-1-86

BLOCK NO. INDICATE BLOCK NO. IN LEFT MARGIN FROM INVESTIGATIVE CASE REPORT  
On the Above date at  
Approximately 2:06 AM while assigned to the  
A-1 CAR, officers BARNES & I received a  
call to go to the above address on a  
call of an explosion. Officers Gibbons  
& Dowling were at a call at 7-11  
Copeland & stated that the explosion  
caused the building to shake.

Upon arrival we observed  
what appeared to be the remains of  
a bomb which had gone off under  
a truck owned by the above named  
victim MASS Reg # 60494  
1983 FORD F350 - (Box Truck)  
(Capway Fish Mkt written on sides)

No visible damage to truck.  
\* Identifiable objects from Bomb - 2 AA  
BATTERIES - 1 small toggle switch -  
small gage wire, piece of heavy steel  
covered with duct tape believed to of  
been the cover (steel cap found out to be magnet)

The victim states that he  
has been having trouble with  
John + Donna Shea from 427 Lake  
St Weymouth. A little over a  
week ago the victims tires on

REPORTING OFFICER(S) BADGES # (S)  
Peter Lerosch #133

SUPERVISOR  
001549

**REPORT**

**ARREST REPORT**

NAME (LAST, FIRST, MIDDLE)  
FIRM NAME IF A BUSINESS JAMES  
WITASINSKI

LOCATION OF INCIDENT  
HOUSE NO., ST. NAME  
295 WILLARD ST

DATE OF INCIDENT  
9-1-86

INDICATE BLOCK NO. IN LEFT MARGIN FROM INVESTIGATIVE CASE REPORT

his truck were slashed believed to  
 of been done by the Sheas. The victims  
 wife stated that a party named  
 DAVID NOONAN of Lake St way usually  
 does the dirty work for the Sheas.  
 Mr Witasinski states that the  
 Sheas are cocaine dealers and that  
 they do not hold ordinary jobs  
 Last night the victim  
 received a call from the Sheas  
 stating that he was dead & his  
 kids would also be dead. The victim  
 states that he has made several complaints  
 to the West PD regarding the Sheas.  
 The victim states that this all  
 started because the Sheas mb tires  
 were slashed & they believed that Mr  
 Witasinski did it.

Something peculiar about this  
 is that the victim seems to know  
 an awfully lot about the bomb  
 type & what it was made from.  
 The deputy of the F.D. feels that the  
 victim may have done it himself.

Capt Powell was on  
 scene alone with Leo Vout from

REPORTING OFFICER(S)

BADGES # (S)

SUPERVISOR

Peter Lewonak # 133

001550

# NARRATIVE

ARREST REPORT

VICTIMS NAME (LAST, FIRST, MIDDLE)  
OR FIRM NAME IF A BUSINESS

LOCATION OF INCIDENT  
HOUSE NO., ST. NAME

DATE OF INCIDENT

Wojtasinski - JAMES

295 Williams St

9-1-86

BLOCK NO.

INDICATE BLOCK NO. IN LEFT MARGIN FROM INVESTIGATIVE CASE REPORT

the state Police Ma Unit took  
 all the remains of the bomb with  
 him Ma Unit states that the  
 explosion was a artillery simulant,  
 often used by the National Guard, the  
 does not know what the batteries &  
 other articles were used for since the  
 simulant has a pin like a grenade, as  
 well for use as batteries has a  
 5- or serial delay wire on it

Dawna Chen was a part  
 employee of the union she was  
 hired for dealing business with  
 the counter Ma Wojtasinski has  
 a restraining order against her, Ma  
 has a copy. The house at the  
 case was not being targeted  
 375-4282 + 375-4252

REPORTING OFFICER(S)

BADGES # (S)

SUPERVISOR

Peter Ferrell

# 132

001551

REPORTING OFFICER'S NAME

QUINCY POLICE DEPT

KL 25

WEYMOUTH 335-4380



Seaport Fish Market

RT. 53

WEYMOUTH

335-4380

SCALLOPS



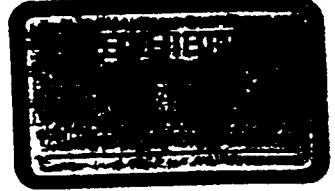
DEFENDANT'S  
EXHIBIT  
95

001552

COURT DIVISION <b>Quincy</b>	NAME, ADDRESS AND ZIP CODE OF DEFENDANT <b>Trankler Alfred W. XXXXX 35 Union St. Quincy, MA.</b>
---------------------------------	---

TO ANY JUSTICE OR CLERK-MAGISTRATE OF THE DISTRICT COURT DEPARTMENT:

The within named and undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date and at the location stated herein the defendant did commit the offense(s) listed below.



DEF. DOB <b>2/6/56</b>	OFFENSE CODE(S) <b>95B</b>
DATE OF OFFENSE <b>9/1/86</b>	PLACE OF OFFENSE <b>Quincy</b>
COMPLAINANT <b>Donald Riley</b>	POLICE DEPARTMENT <b>Quincy</b>
DATE OF COMPLAINT <b>9/5/86</b>	RETURN DATE AND TIME <b>ARREST</b>
COUNT-OFFENSE <b>a. POSSESSION OF AN INFERNAL MACHINE C266 S102A</b>	

not being a police officer or other law enforcement officer acting in the discharge of said officer's official duties, did have in his or her possession or under his or her control an infernal machine, or a similar instrument, contrivance or device, in violation of G.L. c.266, s.102A.

COUNT-OFFENSE

COUNT-OFFENSE

COUNT-OFFENSE

001553

PLAINTIFF OR AUTHORIZED OFFICER <b>Donald Riley</b>	SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK <b>X [Signature]</b>	ON (DATE) <b>09/05/86</b>	ADDITIONAL COUNTS ATTACHED <input type="checkbox"/>
FIRST JUSTICE <b>Albert L. Kramer</b>	COURT ADDRESS <b>Dennis F. Ryan Parkway Quincy, MA 02159</b>		



COURT DIVISION  
Quincy

NAME, ADDRESS AND ZIP CODE OF DEFENDANT

Alfred W. Trenkler  
35 Union St.  
Quincy, MA.

District Court Department

TO ANY JUSTICE OR CLERK-MAGISTRATE  
OF THE DISTRICT COURT DEPARTMENT:

The within named and undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date and at the location stated herein the defendant did commit the offense(s) listed below.

REF. NOS. 2/6/56 OFFENSE CODE(S) C266 S102

DATE OF OFFENSE 9/1/86 PLACE OF OFFENSE Quincy

COMPLAINANT Donald Riley POLICE DEPARTMENT Quincy

DATE OF COMPLAINT 1/5/87 RETURN DATE AND TIME WARRANT

COUNT-OFFENSE UNLAWFUL POSSESSION OF EXPLOSIVE C266 S102

Did have in his possession or under his control an article or instrument such as gun powder or other explosive, bomb shell, torpedo or other instrument filled or loaded with an explosive with an intent unlawfully to destroy or damage property or to injure any person.

COUNT-OFFENSE

COUNT-OFFENSE

COUNT-OFFENSE

001555

COMPLAINANT OR AUTHORIZED OFFICER  
*Donald Riley*  
FIRST JUSTICE

SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK  
X *Edward Kramer*

ON (DATE)  
01/05/87

ADDITIONAL COUNTS ATTACHED

Albert L. Kramer

COURT ADDRESS  
Dennis F. Ryan Parkway  
Quincy, MA 02169

A TRUE CLERK-MAGISTRATE/ASST. CLERK ON (DATE)

2-10645

NAME, ADDRESS AND ZIP CODE OF DEFENDANT  
**Alfred M. Treakler**  
**35 Union St.**  
**Quincy, MA.**

DATE OF COMPLAINT  
**1/5/87**

OFFENSE CODE(S)  
**266 5102**

PLACE OF OFFENSE  
**Quincy**

POLICE DEPARTMENT  
**Quincy**

COMPLAINANT  
**Donald Riley**

RETURN DATE AND TIME  
**12:00 PM**

Returned Assigned

TERMS OF RELEASE

DATE	PROCEEDING
1-7-87	<input checked="" type="checkbox"/> Arraigned before J. <i>Cramer</i>
	<input checked="" type="checkbox"/> Advised of right to counsel
	<input type="checkbox"/> Advised of right to drug exam
	<input type="checkbox"/> Advised of right to bail review
	Advised of right to F.I. Jury Trial
	<input type="checkbox"/> Waives Requests F.I. Jury Trial
	Warrant issued Default warrant issued
	Default removed Warrant recalled
	Warrant issued Default warrant issued
	Default removed Warrant recalled

COUNT-OFFENSE  
**UNLAWFUL POSSESSION OF EXPLOSIVE C266 5102**

DATE  
**1-7-87**

PLEA  
 Not Guilty  Guilty  Noia

New Plea  Admits suff. facts

JUDGE  
*T. Tracy*

FINDING  
**2-3-87**

Cont. w/o finding until:

Appeal of find & disc  Appeal of disc

IMPRISONMENT AND OTHER DISPOSITION

*Dismissed by Com*

*Coz of*

DATE

FINAL DISPOSITION

Discharged from probation

Dismissed at request of probation

FINE	SURFINE	COSTS	TOTAL DUE

COUNT-OFFENSE

DATE

PLEA  
 Not Guilty  Guilty  Noia

New Plea  Admits suff. facts

JUDGE

FINDING

Cont. w/o finding until:

Appeal of find & disc  Appeal of disc

IMPRISONMENT AND OTHER DISPOSITION

DATE

FINAL DISPOSITION

Discharged from probation

Dismissed at request of probation

FINE	SURFINE	COSTS	TOTAL DUE

COUNT-OFFENSE

DATE

PLEA  
 Not Guilty  Guilty  Noia

New Plea  Admits suff. facts

JUDGE

FINDING

Cont. w/o finding until:

Appeal of find & disc  Appeal of disc

IMPRISONMENT AND OTHER DISPOSITION

DATE

FINAL DISPOSITION

Discharged from probation

Dismissed at request of probation

FINE	SURFINE	COSTS	TOTAL DUE

COUNT-OFFENSE

DATE

PLEA  
 Not Guilty  Guilty  Noia

New Plea  Admits suff. facts

JUDGE

FINDING

Cont. w/o finding until:

Appeal of find & disc  Appeal of disc

IMPRISONMENT AND OTHER DISPOSITION

DATE

FINAL DISPOSITION

Discharged from probation

Dismissed at request of probation

FINE	SURFINE	COSTS	TOTAL DUE

CONT TO	PURPOSE	CONT TO	PURPOSE
2-20-87	9:00 AM		
2-3-87	9:00 AM		
2-3-87	9:00 AM		

DATE	TAPE NO.	START	STOP

001556

Exhibit

E

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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CR 92-10369-Z

ZOBEL, D. J.

UNITED STATES OF AMERICA

v.

ALFRED TRENKLER

Second Day of Trial

Second Day of Jury Selection

APPEARANCES:

For the Government:

Paul V. Kelly, Esq., and Frank A. Libby, Jr., Esq.,  
Assistant United States Attorneys, Federal Courthouse,  
Boston MA 02109.

For the Defendant:

Terry R. Segal Esq., Scott P. Lopez, Esq., and  
Brenda Ruel Sharton, Esq., SEGAL & FEINBERG,  
210 Commercial Street, Boston, MA. 02109.

Courtroom 3  
Federal Courthouse  
Boston, Massachusetts

October 26, 1993

Computer-Aided Transcription

1 THE COURT: Good morning, how are you?

2 A JUROR: Fine. And you?

3 THE COURT: Mr. Hemmer, is it?

4 THE WITNESS: Yes.

5 THE COURT: What does Sunnyside Gardens do?

6 A JUROR: We do floral design, you know, florists,  
7 the work. And I'm the only full-time employee there.

8 THE COURT: You have a problem?

9 A JUROR: Yes. Like with the holiday, November,  
10 December, it's a very tough time, you know, what I mean, to be  
11 away from there. And, you know.

12 THE COURT: Are you the one who makes the floral  
13 designs?

14 A JUROR: Yes, I do all the design. So what it does,  
15 it puts a burden on the boss, you know what I mean, because  
16 I'm not there, basically.

17 THE COURT: The fact that you're here only in the  
18 morning and could help him or her out in the afternoon?

19 A JUROR: That's really not enough. It really  
20 isn't.

21 THE COURT: Are we agreed that we should excuse  
22 Mr. Hammer?

23 All right, thank you.

24 A JUROR: Sorry. Thank you.

25 THE CLERK: No. 78.

1 MR. KELLY: This is the woman who knows everybody.  
2 THE COURT: Hi, Ms. Walsh.  
3 A JUROR: Hello.  
4 THE COURT: You know Mr. Shay?  
5 A JUROR: No.  
6 THE COURT: You know Ms. Shay?  
7 A JUROR: Yes.  
8 THE COURT: How do you know her?  
9 A JUROR: Thomas Shay, Jr.  
10 I work at Quincy District Court, the names are all  
11 familiar to me.  
12 THE COURT: Do you know her personally or only  
13 because you work at the court?  
14 A JUROR: Only because I work for the court.  
15 THE COURT: You also said that you knew a witness, I  
16 guess it must be the Quincy Police officer?  
17 A JUROR: Yes.  
18 THE COURT: Again, because you work at the court?  
19 A JUROR: Correct.  
20 THE COURT: Will you be able to decide the  
21 credibility of those witnesses whom you know from working in  
22 court, as you would decide the credibility of any other  
23 witnesses or would you be affected in any way by the fact that  
24 you know them?  
25 A JUROR: I don't believe I would be affected at all.

1 THE COURT: Do you know anything about this case?

2 THE WITNESS: From the news two years ago. Other  
3 than that.

4 THE COURT: What do you know from the news two years  
5 ago?

6 A JUROR: When they showed the bomb squad on that  
7 road that the house was on.

8 THE COURT: What do you remember about what you saw?

9 THE WITNESS: What I remember? Just the bomb squad  
10 being there on that street.

11 THE COURT: Does our schedule cause you any serious  
12 inconvenience?

13 A JUROR: Not at all.

14 THE COURT: What is your job at the Quincy -- you  
15 work at the Quincy District Court?

16 A JUROR: Yes.

17 THE COURT: How long have you been there?

18 A JUROR: Ten years.

19 THE COURT: And what's your job there?

20 A JUROR: I originally worked in Clerk's Office,  
21 doing criminal. Now I'm downstairs transcribing tapes and  
22 computer work.

23 THE COURT: If a defendant in a criminal case is  
24 accused of unlawful conduct that results in the death of a  
25 police officer, would your views of the evidence be

1 significantly affected by the fact that a police officer was  
2 killed?

3 A JUROR: No.

4 THE COURT: If a defendant has been arrested,  
5 indicted and brought to trial, would you believe that that  
6 is -- that he's probably guilty?

7 A JUROR: No.

8 THE COURT: If a defendant declines to testify, would  
9 you regard that failure as some evidence of his guilt?

10 A JUROR: No.

11 THE COURT: If there is a conflict in the testimony  
12 between a law enforcement officer and a person who is not in  
13 law enforcement, would you tend to give more or less credence  
14 to the law enforcement witness?

15 A JUROR: No.

16 THE COURT: Do you believe that homosexual relations  
17 between consenting adults is morally wrong?

18 A JUROR: No.

19 THE COURT: Would your view of the credibility of a  
20 witness or the guilt of a defendant be in any way affected by  
21 their sexual orientation?

22 A JUROR: No.

23 THE COURT: Is there any reason that we haven't  
24 specifically talked about why you cannot serve as a juror in  
25 this case.

1 A JUROR: I don't believe so, no.

2 THE COURT: Any questions, Mr. Kelly?

3 MR. KELLY: No, your Honor.

4 THE COURT: Mr. Segal, any questions?

5 MR. SEGAL: No questions.

6 THE COURT: Thank you, Ms. Walsh. If you would  
7 kindly take a seat in the jury box, I would appreciate it.

8 THE COURT: Have we replaced Juror No. 1. What's the  
9 number?

10 MR. SEGAL: 3.

11 (Pause.)

12 THE CLERK: No. 5, Judge, Curtis Rule.

13 THE COURT: Good morning.

14 A JUROR: Good morning.

15 THE COURT: How are you?

16 A JUROR: Fine, thank you.

17 THE COURT: Mr. Rule, is it?

18 A JUROR: Yes, your Honor.

19 THE COURT: It says here that you are an assembler,  
20 Level 1 Tech, what does that mean?

21 A JUROR: We assemble electrical mechanical devices.

22 THE COURT: And what does a Level 1 Tech refer to,  
23 the product or?

24 A JUROR: The product. We assemble blood warming  
25 machines, I.V. tubes for hospitals.