

1 recall it to you, interpret it for you. And all of that is  
2 entirely proper and appropriate.

3 Understand, however, that when you're in the jury  
4 room deliberating on your verdict, you must base your verdict  
5 on your interpretation and your recollection of the evidence.

6 So if you agree with counsel, fine, but if you do not  
7 agree with them, pay heed to your own recollection and your  
8 own interpretation of the evidence that you have heard.

9 So we will now hear first from, I think Mr. Libby,  
10 whom I can't see, on behalf of the government.

11 You may proceed.

12 Closing Argument by Mr. Libby

13 May it please the Court, counsel, and may it please  
14 you, ladies and gentlemen of the jury.

15 Good morning.

16 I'd like to start my remarks, ladies and gentlemen,  
17 by taking us back one final time to Eastbourne Street in  
18 Roslindale, that Monday in October 1991. You recall the  
19 scene, it is a quiet, dead end street, an elementary school a  
20 few houses down the block.

21 We see a Jeep Wagoneer bearing official Boston Police  
22 bomb squad markings drive up, pull up to the mouth of the  
23 driveway at 39 Eastbourne Street. Driving the Wagoneer is  
24 Officer Jeremiah Hurley, his partner Francis Foley is sitting  
25 shotgun, both veteran police officers and highly skilled bomb

1 technicians.

2           You recall that they received a report on the radio  
3 of a suspicious device lying in this driveway.

4           Now, because Officer Hurley's driving, you remember  
5 Mr. Foley testifying, he'll be the one to handle the device,  
6 Officer Foley will handle the interviews.

7           Now let me pause for a moment and make sure every  
8 everyone understands exactly what's happening here. This  
9 scene, ladies and gentlemen, at that moment depicts precisely  
10 what bomb squad officers are called on to do every day of the  
11 year. They are on call, they get a call of a suspicious  
12 object or a device, they respond to the scene, they are asked  
13 to check it out.

14           They appear in unfamiliar settings, they deal with  
15 people they've never met before. Sometimes they get no more  
16 information than a pointed finger and, there it is, I don't  
17 know what it is.

18           And in that landscape chock-full of uncertainty, it  
19 is their job to evaluate the scene, to assess the object or a  
20 device, and ultimately to render it safe for every one of us.

21           Ladies and gentlemen, it's difficult to conceive of a  
22 more perilous job than that on a Boston bomb squad officer.  
23 But it is one, ladies and gentlemen, that they do time and  
24 time again. And so it was on that bright Monday, midday, that  
25 Officers Hurley and Foley arrived on the scene.

1           Moments after arriving, they learn that the object  
2 had been discovered more than 24 hours before, so as you heard  
3 Officer Foley say, they concluded there wasn't any timer  
4 feature, 24-hour clock feature associated with the device.  
5 They also learned that it had been moved, not once, but  
6 twice. So they also concluded there wasn't any  
7 antidisturbance device associated with the object.

8           They continue with their preliminary risk assessment,  
9 ladies and gentlemen, until this quiet neighborhood is rocked  
10 by the shock waves of an enormous explosion, which you've  
11 heard in detail here.

12           By day's end, Officer Hurley has died of massive  
13 trauma suffered from the blast, Officer Foley lies in the  
14 hospital, clinging to life, maimed with a string of surgical  
15 operations lying head of him, and ultimately permanent  
16 disability and retirement from his chosen profession and his  
17 life of service to the City of Boston.

18           Now, in the course of this trial, ladies and  
19 gentlemen, you've heard that some months later, it was one  
20 man's opinion that these officers on that day were foolish,  
21 negligent, that it served them right what happened to them.

22           Those words, ladies and gentlemen, as you've learned  
23 were the words of this man, the defendant, Alfred Trenkler,  
24 one of two men charged in the indictment before you.

25           And it was this man, ladies and gentlemen, the

1 evidence has proven, who designed and constructed the device  
2 which exploded and left a grotesque scene in the driveway that  
3 day. And he built that device, ladies and gentlemen, for the  
4 sole purpose of killing.

5 He missed his intended target, but kill he did, as  
6 you've seen.

7 Now, let's go back for a moment, ladies and  
8 gentlemen, to that moment in time before the explosion, as the  
9 officers arrived at the driveway. As you've learned, Officers  
10 Foley and Hurley were shown this, about a foot long, six  
11 inches across, two, three inches deep, lying with these  
12 objects face up, tilted on the driveway. They saw flat black  
13 paint, smaller magnets surrounding two larger ring magnets.

14 Now, you've learned, as they did, that this object  
15 had been dislodged from the undercarriage of Shay, Sr.'s, '86  
16 Buick automobile, Shay, Sr., living at the address at  
17 39 Eastbourne. And he explained to them that it had been  
18 dislodged the day before from the motion of his pulling in,  
19 backing in and then pulling out on Sunday.

20 They also learned that it had been moved to the side  
21 of the house, you recall up by the corner, and then again he  
22 came back out after watching football for a moment or two, and  
23 putting it between the GTO and the panel van in the driveway.

24 Now, as to the components of this device, ladies and  
25 gentlemen, you've heard at great length from the government's

1 bomb expert, Explosives Enforcement Officer Thomas Waskom, and  
2 you've heard from the defendant's own expert, Denny Kline, as  
3 to the components and configuration of this device.

4           You recall, as in any remote control explosive  
5 device, it has three major components. The main charge here,  
6 two to three sticks of rewrapped dynamite with two blasting  
7 caps, concept known as dual priming, you remember. Has a  
8 fusing circuit, with this Futaba receiver, which we'll talk  
9 about more in a minute, and a firing circuit which featured a  
10 toggle switch, nestled up against the arm of this servo motor  
11 horn.

12           We also know that the device, as Mr. Waskom indicated  
13 to you, had a slide switch on the side. That was so that  
14 after it's all constructed, the bomber, all the bomber has to  
15 do is access the slide and it will be ready to receive a  
16 transmitted signal, a safe distance away for the trigger  
17 person.

18           Now, we know this, ladies and gentlemen, from the  
19 detailed testimony that the government has put before you,  
20 describing the very tedious and meticulous search of the area  
21 around 39 Eastbourne Street, the crime scene search from the  
22 National Response Team.

23           You recall Agents Dan Boeh, the National Response  
24 Team leader, and Chris Porreca, the evidence technician.

25           You recall the testimony of Mr. Tom Waskom who was

1 there on the scene and provided ongoing assistance and  
2 evaluation of what was found in the debris.

3           You recall Cynthia Wallace, the NRT forensic chemist  
4 who came before you to describe what she found, and her  
5 meticulous reconstruction of the certain of the material we  
6 had there.

7           The result is this reconstruction which even  
8 Mr. Kline concurred in was an accurate reconstruction of this  
9 device as it appeared moments before its initiation and  
10 detonation that day.

11           Now knowing this, knowing this, what do we also know  
12 about its maker? Well, certainly, the maker is highly  
13 proficient in electrical engineering. He understands the  
14 practical application of remote control. He understands  
15 circuitry and soldering. He's handy with tools. He's a  
16 patient woodworker with an eye for detail. He's knowledgeable  
17 about dynamite, its properties, and the blasting caps.  
18 Knowledgeable about all of that.

19           We also know matters beyond the expertise reflected  
20 in this device, ladies and gentlemen. And, that is, the maker  
21 was cunning and clever. After all, it was painted black, low  
22 profile, put under the undercarriage of the vehicle. He was  
23 cowardly. He certainly designed it so that he would stay a  
24 safe distance away at the time of the explosion.

25           And we also know that he had one purpose in mind and

1 one purpose only, and that was to kill Shay, Sr.

2           You recall first, with respect to killing, both  
3 Mr. Waskom and Mr. Kline explained to you in great detail the  
4 effect of two to three sticks of dynamite fashioned in this  
5 way, under the driver's seat of that '86 automobile, how that  
6 -- those button magnets would be propelled like shrapnel  
7 right through the floor pan, up through the driver's seat. It  
8 would rip of the roof back and below the windows out. Do you  
9 recall that testimony? Ladies and gentlemen, certainly,  
10 certainly intended to kill the occupant of that car.

11           And you recall that it was Shay, Sr.'s, car. Mary  
12 Flanagan had her own car, the Lincoln.

13           And we also know it was intended to kill Shay, Sr.,  
14 because it was affixed to his car. And we know that, also, if  
15 you recall from Shay, Sr.'s, testimony and the testimony of  
16 Officer Foley, with respect to the disturbed earth in the area  
17 of the crest of the driveway that day. You recall how the  
18 object came into contact as it was backing up at that point in  
19 the driveway.

20           You also recall the testimony of Dr. Christopher  
21 Shapley, the British fellow who came in and spoke generally  
22 about two different things. One had to do with the holding  
23 power of the magnets on the device, how he said that, although  
24 it was an irregular ribbing under the Buick, even if only a  
25 third of this surface area the magnets held or made contact

1 with the undercarriage, this would provide three times the  
2 amount of power, holding power to keep that in place, so it's  
3 going to stay in place.

4 He also explained to you the dislodging process, how  
5 when the car backed up, the dynamics of the '86 vehicle was  
6 such that it glanced, it gave a glancing blow to this device,  
7 not enough upwards pressure to detonate it, but just enough to  
8 dislodge it.

9 The marks, ladies and gentlemen, that Dr. Shapley,  
10 Mr. Waskom, and Ms. Cynthia Wallace spoke to, are right here,  
11 these fresh scrape marks; do you recall that? All consistent  
12 with the movement, backing up and pulling out, the fresh  
13 scrape marks. Not only that, we had the undercoating, it's  
14 like a thumb through butter, piling up in the direction of  
15 movement. We had the fresh paint marks, the original red  
16 markings on the button magnets left here, traces of it.  
17 Traces also of magnet particles. No question, ladies and  
18 gentlemen, but this device was affixed to the undercarriage of  
19 that car.

20 We also know that the device was planted sometime the  
21 weekend of the bombing. Do we know precisely when, did we  
22 have a hidden camera? No. Does it matter? No. It matters  
23 not, not with these charges, ladies and gentlemen.

24 But we do know though it was planted that weekend  
25 because, as you recall, Shay, Sr.'s, testimony, the

1 '86 Buick had been loaned out to a gentleman by the name of  
2 Rotman, Louis Rotman, I believe he's from Randolph or  
3 Stoughton, your memory controls.

4 He picked it up that Friday before the Monday  
5 explosion, mid-morning, about 10 o'clock in the morning, and  
6 returned it to Roslindale, where it stayed in the vicinity.

7 Now, from all this evidence, ladies and gentlemen,  
8 you may also infer more than a little bit about the bomber's  
9 thought process, this device is affixed to the automobile.

10 This bomber is standing there thinking, this has to  
11 be a perfect crime. This is one tightly constructed piece of  
12 work. It won't detonate until I say so, and when I do say so,  
13 it will, I've made sure, I've got five 9 volt batteries wired  
14 in series. Far more voltage than is necessary. My battery  
15 snap connectors are all soldered and taped. They are going to  
16 go when I pull trigger.

17 He's tested his circuitry, ladies and gentlemen, with  
18 a test bulb. And when it's ready, all I've got to do is move  
19 this slide switch and it's ready for action.

20 Now until that time comes, no one is going to find  
21 out about this because I've made sure it is low profile, it's  
22 black, and it's parked underneath the driver's seat of an '86  
23 Buick where nobody's going to find it, and it will stay put  
24 because I've made sure, I've got far more magnetic holding  
25 power than is necessary.

1 Best of all, thinks the bomber to himself, none of  
2 this comes back to me. I'll be a safe distance away. I've  
3 rewrapped my dynamite, there won't be any of the date, ship  
4 lot markings on the sticks, which could possibly come back to  
5 me, that's gone because I've rewrapped.

6 And with two to three sticks of dynamite, when that  
7 explodes, the best part is, all of the evidence vanishes in  
8 the crime. It will be reduced to dust.

9 And best of all, ladies and gentlemen, thinks the  
10 bomber to himself, I don't have any tie-ins to this vehicle,  
11 none, so none of this comes back to me. Perfect crime.

12 But you know, ladies and gentlemen, having heard the  
13 testimony before you, you know to the contrary, because you've  
14 learned from the testimony and details of the crime scene  
15 search and a full scale investigation which began immediately  
16 following the blast, which continued for months to follow, how  
17 mistaken the bomber was in his thoughts.

18 You've learned how the City of Boston Police  
19 Department, the Homicide Unit, federal resources of the Boston  
20 ATF and the National Response Team quickly joined forces, came  
21 to the scene. They established a working headquarters in the  
22 second floor conference room of the Boston Homicide Unit,  
23 which you've heard about.

24 And while the National Response Team began the  
25 tedious process of collecting minuscule remnants of evidence,

1 do you remember the magazine reconstruction? The body  
2 building magazine, how meticulously that was reconstructed.

3 The homicide unit began interviewing anyone and  
4 everyone even remotely knowledgable about the scene. And from  
5 that information, ladies and gentlemen, were identified  
6 initially eight or ten subjects, including Shay, Sr.,  
7 obviously, this Barry Giamarco fellow that you heard about,  
8 that Shay, Sr., was suing, the Dedham Service Center people  
9 who had the explosion some years back, in the barrel, that  
10 quarter stick incident where Shay, Sr., suffered some  
11 injuries.

12 Now, the initial results of the examination of the  
13 debris, ladies and gentlemen, within a day or two, yielded  
14 some very significant findings. First, investigators learned  
15 it was remote control. They found a Futaba receiver label,  
16 ladies and gentlemen.

17 This yielded a very important, down the road, a very  
18 important piece of evidence, because, as you learned,  
19 ultimately, investigators came into possession of a report  
20 from the Quincy Police Department relating to a remote control  
21 explosion in 1986.

22 Came into the conference room on the second floor at  
23 homicide. No one paid any special significance to it at that  
24 time, but it was placed on file.

25 We also found from the detail forensic examination

1 which Cynthia Wallace told us about, this toggle switch, we  
2 found it was soldered. But more importantly, we could  
3 determine from the distinctive contacts points at the base of  
4 the toggle switch that it matched precisely a Radio Shack  
5 model, Model 275-602.

6 And this discovery, ladies and gentlemen, put into  
7 play, a review of all the local Radio Shack records of  
8 purchase of that toggle switch for a two-year period. You  
9 heard Agent Leahy testify about that.

10 Now, we all know that you can't buy anything at Radio  
11 Shack without being subjected to this customer information  
12 barrage, who are you, where do you live, telephone number, all  
13 that kind of thing, it's for the marketing.

14 Ladies and gentlemen, later on, as you've learned,  
15 that discovery led to a very astonishing discovery turn.

16 Now, while this search is going on, the hands and  
17 knees, you remember the photograph of the little yellow flag  
18 between the two houses, Boston homicide continues their  
19 interview process.

20 Shay, Sr., is being interviewed daily. He's asked  
21 about possible enemies, incidents in his past, Barry Giamarco  
22 interviewed. And you recall that in the early morning hours  
23 of the day following the blast, Shay, Jr., a long, gangling  
24 kid, shows up the second floor conference room. He wants to  
25 speak to the homicide detectives.

1           Now, as Mr. Segal told you at the outset of this  
2 case, there is no dispute but that Shay, Jr., was a bizarre  
3 gay male with a love/hate relationship with his father. And  
4 it is also clear from the evidence, ladies and gentlemen, that  
5 he wanted to kill his father. There's no dispute about that.  
6 The Court advised you at the outset of the trial, Shay, Jr.,  
7 in fact has stood trial and convicted on some, but not all of  
8 the charges.

9           But because there's charged here before you today, a  
10 two-person conspiracy, one Shay, Jr., and the other this  
11 defendant, let me summarize the evidence very briefly for you  
12 that you've heard as to Shay, Jr.'s, words, his conduct and  
13 the basis for his motivation in this deadly plot.

14           And from that backdrop, ladies and gentlemen, you'll  
15 see from the remaining evidence how it was that this defendant  
16 came together with Shay, Jr., in a conspiracy, an unlawful  
17 agreement, to kill the father.

18           So, first, the evidence as to Shay, Jr. Now, you've  
19 heard the parents testify. Shay, Sr., Mrs. Nancy Shay. Now,  
20 if there's ever a dysfunctional family, this was one, ladies  
21 and gentlemen, unhappy.

22           The marriage was a very bad one, as Mrs. Shay said,  
23 from Day 1. She suffered serious, severe beatings repeatedly  
24 at the hands of Shay, Sr., witnessed oftentimes by young Tom,  
25 Jr.

1           You heard story after story of abuse and neglect and  
2 suffering, how his father would do virtually nothing for him  
3 except to drag him along down to the tavern when he sat and  
4 drank with his friends.

5           You heard how effectively he was warehoused in social  
6 care facilities for years, from the age of roughly five to  
7 seventeen, and how his parents separated and then ultimately  
8 divorced.

9           Much later, you learned how, after being released  
10 from one of these social care facilities, he came to live with  
11 his father in Hyde Park. And they were living together until  
12 some months later, Shay, Sr., moves in with Mary Flanagan at  
13 39 Eastbourne. Shay, Jr., comes along. Shortly after coming  
14 in, he steals some cash from the father, takes off, you recall  
15 that, comes back, he's forgiven.

16           Within days, he does something far worse, he steals  
17 Mary Flanagan's mother's heirlooms, the jewelry, he hocks it  
18 for some thousands of dollars, takes off for Florida, comes  
19 back expecting the same treatment. He'll have none of that.  
20 Mary Flanagan says absolutely out, out of the house. Father  
21 agrees.

22           You've learned time and again how Shay, Jr., came to  
23 hate, loathe his father. You heard that from Detective Miller  
24 Thomas who came before you to describe briefly, part of the  
25 conversation that morning, the early morning hours of the

1 29th, how he talked about going to boys schools. Have you  
2 ever been to a boys school? Do you know what they're like?  
3 Maybe none of this wouldn't have happened hadn't I gone  
4 there.

5 You learned also how he came back after a Trailways'  
6 press conference when he visited with the press at the bus  
7 station two nights later. And how on three occasions, the  
8 detectives, using a legitimate police technique, said, your  
9 father's coming over to see you. Each occasion, each  
10 occasion, the son says, can I leave? Can I leave now?

11 He finally does on the third time, goes down the  
12 hallway, and he's placed under arrest on an unrelated matter.  
13 You recall that.

14 And as he comes back, his knapsack is examined, and  
15 the investigators pull this. Do you recall the address book?  
16 This is also placed on file, right there in the conference  
17 room. Three days after the blast. No special significance,  
18 again, paid to the address book, but they have it in place.

19 Now, you recall also, Mr. Robert Evans, the testimony  
20 of Robert Evans, he's about six-foot-six, big fellow, the  
21 boxer. He had the adjoining cell to Shay, Jr., in the Quincy  
22 lock-up the next morning. How Shay, Jr., told him -- or  
23 rather asked him, what do you get for murder in this state?  
24 Evans told him, life, no parole. Junior says, I can't, I'm  
25 out of here, I'm going to take off. Evans says, well, how

1 about bail? Will your father help you on bail? He said, are  
2 you crazy, after what had happened. You recall his testimony.

3 You recall the testimony of Mr. Edward Carrion, the  
4 large gentleman, openly gay, former police officer from  
5 California, now working in the computer field here. He lives  
6 in the Back Bay. His roommate at the time managed the Back  
7 Bay -- the 197 Mass. Ave. Radio Shack, if you recall.

8 He told you about his relationship with Shay, Jr.,  
9 dating back to 1988, up to mid-October 1991, and how he  
10 described the increasing anger and hostility what Shay, Jr.,  
11 expressed toward his father. Leading up to fall of 1991 where  
12 he testified clearly that Shay, Jr., expressed that his father  
13 was terminally ill and was going to die soon; that he was  
14 going to come into a substantial sum of money.

15 You'll also recall, interestingly, that Mr. Carrion  
16 testified to Shay, Jr.'s, interest in body building magazines.

17 Finally, you recall Mr. Carrion's testimony about the  
18 angry and almost violent outbursts that Shay, Jr., showed at  
19 the doorway that Friday night in October.

20 Pay attention ladies and gentlemen to that date.  
21 That was Friday night, the 18th of October 1991. Check your  
22 notes of Mr. Carrion's testimony.

23 You also heard Attorney Pransky testify how on  
24 September he took the kid to Charlestown for the deposition in  
25 the father's lawsuit. The two alone come back, they're going

1 along by Quincy Shore Drive, and a conversation ensued. And  
2 from that, Shay, Jr., learns that this lawsuit survives if my  
3 father is not around, and I'm an heir at law. There's 300 to  
4 \$400,000 insurance coverage available. And the lawyer  
5 believes that this is going to settle or go to trial, and if  
6 we go to trial, we're going to get recovery here.

7 Now, lastly, ladies and gentlemen, all of this comes  
8 together through the testimony of Mr. Larry Plant, the tall  
9 red-head fellow, double-breasted, blue blazer. He came in, he  
10 told you he was incarcerated in the Plymouth House of  
11 Correction with Shay, Jr., for a couple of weeks back in  
12 October of '92. He's the fellow that had the drug addiction,  
13 false scripts. He told you outright that  
14 Shay, Jr., had told him that he was involved with this crime.

15 He described his abusive childhood, teary eyed, in  
16 quiet, hushed tones, but he told him about how he was abused  
17 as a child, shipped off to these institutions. And that it  
18 was his passion, he used that word, he was passioned to get  
19 even with his father.

20 He described the crime. How the bomb was placed on  
21 the father's car by magnets, but it fell off. And then he  
22 spoke coldly and without a trace of remorse about the fate of  
23 the officers.

24 So there is no question as to Shay, Jr.'s,  
25 involvement, ladies and gentlemen, in this matter.

1           But what role did he play and what role did this  
2 defendant play?

3           The answer to that question, ladies and gentlemen,  
4 begins the pivotal point in the investigation as regards  
5 Mr. Trenkler. And that is the evening of the 4th of November,  
6 1991, when two pieces of information came together for the  
7 first time, the Lanergan report of the Quincy Police  
8 Department relating to the 1986 bombing and the address book  
9 from Shay, Jr.

10           You recall Agent D'Ambrosio telling us how the  
11 report, the 1986 report, reflected that the admitted  
12 perpetrator of the 1986 remote control explosion was one  
13 Alfred Trenkler. And while that bombing showed that the '86  
14 bombing in fact used magnets and a toggle switch, there  
15 weren't any injuries resulting, so no great significance was  
16 initially attached it to.

17           But you also remember how Agent D'Ambrosio said they  
18 were seated around the conference table, and somebody said,  
19 well, what if -- wouldn't it be interesting if somehow this  
20 Alfred Trenkler has any connection to Shay, Jr. So Agent  
21 D'Ambrosio pulls the notebook and he's looking for the Ts, he  
22 goes, well, you can't fine anything in the Ts. Well, then he  
23 notices it's all alphabetical by first name. Goes back to the  
24 beginning and sees Al Trenkler, the admitted perpetrator of  
25 the '86 bombing.

1           Now, you know, ladies and gentlemen, as you've heard,  
2 it led investigators to Mr. Trenkler's door, at the basement  
3 apartment of 133 Atlantic Street in Quincy.

4           And in the months to follow as the details of  
5 defendant's background and his relationship of long-standing  
6 with Shay, Jr., became known, these details took on added  
7 significance, and the significant only grew.

8           Now, you've learned, as investigators had soon  
9 learned, that while the defendant's driver's license showed an  
10 address at 7 Whitelawn, he didn't live there, that was his  
11 parents' address. He lived in the basement apartment with  
12 John Cates. You recall the illegal basement apartment in  
13 Quincy.

14           You also learned, ladies and gentlemen, that the  
15 defendant is a well-educated man, the best schools, Park  
16 School, Milton Academy, Thayer Academy. He obtained a degree  
17 in electrical engineering from Wentworth Institute. He's  
18 skilled in circuit boards and soldering. He uses his own  
19 tools. He has expertise in this field, ladies and gentlemen.

20           He made several attempts to make a go of it in the  
21 business field, but failed. You recall Richard Brown talking  
22 about AWT in mid-Eighties. That went nowhere. How the  
23 defendant went to work for an outfit known as Atell in South  
24 Boston, where you have the small room above the shop. The  
25 ARCOM business which didn't pan out either.

1           There's no duty dispute in the case, ladies and  
2 gentlemen, as Mr. Segal pointed out in his opening, but that  
3 the defendant was not a great financial success.

4           But we also learned how he had in the past put his  
5 training and expertise to other than legitimate uses. He  
6 demonstrated his considerable skills, as well as his  
7 willingness to do so, when in 1986 he designed and built a  
8 remote control explosive device at the request of a friend,  
9 Donna Shea. She had a beef with the owners of the Capeway  
10 Fish Market.

11           And the result, ladies and gentlemen, was that this,  
12 the explosive device which was affixed to the undercarriage of  
13 the Capeway Fish truck in the early morning hours of September  
14 1, 1986, also by means of round magnets. You heard Officer  
15 Peter Turowska come in from the Quincy Police Department on  
16 that point.

17           You also heard the testimony of Todd Leach, eleven  
18 years old at the time, he was Donna Shea's nephew. You heard  
19 him testify about he got the magnet from the discarded speaker  
20 which was in a dumpster in the housing project in Quincy.

21           You heard him talk of an interesting trip to a local  
22 Radio Shack where he was sent in with a list of electrical  
23 components, he had difficulty reading them, the clerk began to  
24 help him, Mr. Trenkler came in. Do you remember the clerk  
25 jokingly asked, what are you guys going to make, a bomb, and

1 the chuckle that followed.

2           You recall Mr. Leach talking about the rectangular  
3 box with the magnet attached. It looked rectangular to him,  
4 about a foot across. And how Mr. Trenkler used a small bulb  
5 to test it. You recall him testifying about how it went on  
6 and off, on and off.

7           Mr. Craig also testified, ladies and gentlemen, about  
8 the '86 bombing. Mr. Trenkler's roommate for four years in  
9 the mid-Eighties, the thin, soft-spoken fellow now living in  
10 Florida.

11           He told us, in fact, that the defendant did this for  
12 Donna Shea; that he fashioned it, not in a house or in a  
13 workshop, but in a parking lot, in a parking lot outside the  
14 housing project; that he in fact used a speaker magnet and  
15 that he detonated it, according to Mr. Trenkler telling him so  
16 after the fact, seated in his car around the corner from  
17 Willard Street, the sight of the explosion.

18           Finally, you remember Detective Lanergan from the  
19 Quincy Police Department. He was assigned -- a veteran  
20 detective assigned to investigate this matter.

21           He shows up at the defendant's Union Street  
22 apartment, simply introduces himself, says he's assigned to  
23 investigate the matter. And what is he met with, a torrent of  
24 statements, a torrent of statements from the defendant.  
25 Without any further ado, he says, well, I'm a friend of Donna

1 Shea's and I was over there that night. And you must think  
2 that I'm a good suspect because I'm an electrical engineer and  
3 I work with microwave matters and so forth, but, you know,  
4 anybody can go to Chinatown and get an M80 and that kind of  
5 stuff.

6 Do you recall that testimony? He had just simply  
7 introduced himself and said he was investigating the matter.

8 And you recall Detective Lanergan's response, he  
9 said, look, I never mentioned any of that stuff to you.

10 And thereafter, followed what Detective Lanergan  
11 said, was the longest stare he'd ever seen in his life.

12 Now, you recall how Mr. Trenkler ultimately confessed  
13 to that crime. He explained its circuitry and components in  
14 very great detail to Detective Lanergan, who told him, stop,  
15 listen, I'm taking all this down.

16 And how John Cates, Mr. Trenkler's roommate, later  
17 came before you and testified it was some 4th of July kind of  
18 thing.

19 Well, ladies and gentlemen, you've seen it for  
20 yourself and you'll have it in the jury room. The video of  
21 the M21, Hoffman simulator, you saw it take that 55-gallon  
22 drum and send it out of sight, 30 some-odd feet in the air,  
23 and how both experts testified that if you held it in your  
24 hand, your arm would be gone.

25 I'm going to spare you the details of the 1986

1 bombing, ladies and gentlemen, which you patiently sat  
2 through, but I do want to point out a couple of things for  
3 you.

4 First, with respect to the forensic similarities  
5 which Mr. Waskom came before to you explain. The distinctive  
6 similarities in that the wires were twisted, soldered and  
7 taped, and the round magnets. Highly uncommon in his view.

8 Borne out, ladies and gentlemen, by Mr. Scheid's  
9 testimony the EXIS computer data base fellow, looking solely  
10 to the components, not how they were attached or if there's  
11 any distinctive circumstantial matters surrounding the  
12 bombings, but just the components. Out of 14,000 plus  
13 bombings in his geographical region, for twelve years, two  
14 shake down. Two. The 1986 Quincy bombing and this bombing,  
15 ladies and gentlemen. And they are ten miles apart, within  
16 ten miles apart.

17 Finally you recall the circumstantial similarities,  
18 Mr. Waskom talking about how this was meaningful to him.

19 Mr. Kline wouldn't tell you that, no. He told you, I  
20 only look at the forensic stuff, I don't pay any attention to  
21 the circumstances surrounding the bombings, even though he's  
22 the fellow that told you he's a terrorist bombing expert,  
23 which this was not. Clear. And that he did in fact rely on  
24 the phone calls and alerts that he got from the terrorist  
25 groups, after the fact. Each one of which wanted to have

1 their signature in their explosives devices.

2 Pay particular attention, ladies and gentlemen, to  
3 these two things which Mr. Waskom pointed out to you, one was  
4 that the vehicle, the target vehicle was owned and operated by  
5 somebody other than the maker, he distanced himself from the  
6 target, he also distanced himself from the point of purchase.  
7 Somebody else went in.

8 THE COURT: Can you put it over there, please?

9 MR. LIBBY: Now just as many features distinctive  
10 touches common to this 1986 bombing and the 1991 device and  
11 bombing inform you that they came from a common source? The  
12 string of relationships which this defendant has had with  
13 younger males gives you insight into his later lethal  
14 relationship with Shay, Jr.

15 You recall the testimony of Mr. Michael Coady. He's  
16 now in is his mid-Twenties, he's a prelaw student at Suffolk  
17 University. He had a relationship with Mr. Trenkler back in  
18 the early Eighties, he was fifteen at the time, he was a high  
19 school student. He told you about trips to California, trips  
20 to Florida, which the defendant purchased for him; how bought  
21 him a \$5,000 car, I believe it was a Thunderbird. And he  
22 parked it two blocks away from his family home. He didn't  
23 want his parents to know anything about this, for a good  
24 reason; how he received gifts of clothes and cash. And he  
25 also told us of outings, many outings to the Blue Hills, to a

1 bonfire one evening in a remote location, where the defendant  
2 had fashioned a remote controlled explosion again, which he  
3 said rang his ears, his ears hurt, it was the loudest thing  
4 he'd ever heard.

5 He also told us of the defendant's interest in the  
6 Tyco Jeep, the remote control toy Jeep, and how on one  
7 occasion, interestingly, he accompanied the defendant to a  
8 remote radio tower, where he went off to work, Trenkler went  
9 off to work, and Mr. Coady stayed in the car. To amuse  
10 himself, he's rummaging through the tool box, he comes up with  
11 a couple of quarter sized magnets, slashed across the top with  
12 a hole in the middle. He remembers this because took two of  
13 them and strung them on his jacket string, played with them.

14 Do you remember Mr. Craig again, Robert Craig, the  
15 former roommate, he told you how when he wasn't working,  
16 Mr. Trenkler would pick up the rent payments.

17 Now, these patterns, ladies and gentlemen, as you've  
18 heard in the testimony, defendant's relationships with these  
19 younger males and his readiness and inclination to cultivate  
20 and maintain these relationships, for example, with Mr. Coady  
21 Mr. Craig, extend, ladies and gentlemen, to his relationship  
22 with Shay, Jr.

23 You recall all the testimony from the witnesses who  
24 put them together, not in June of 1991, not starting in the  
25 summer of 1991, as Mr. Trenkler initially told investigators,

1 but beyond that, earlier, much earlier than that, to 1988,  
2 1989, as Mr. Carrion will tell you, when he saw Mr. Trenkler,  
3 Shay, Jr., together at least a couple of times in the area of  
4 the bus station known as the block, the cruising area.

5 You recall the testimony of Richard Brown, the  
6 balding, heavyset, former ARCOM business partner.

7 He recalls Shay, Jr., he gave him a ride in his car  
8 for 20 minutes or half an hour, he clearly recalls Shay, Jr.  
9 He also recalls visiting Trenkler, Mr. Trenkler, at his above  
10 the shop room at Atell in South Boston on a Friday night. He  
11 sees Shay, Jr., for the first time. He asks the defendant, is  
12 he gay? The defendant says, ask me later, I'll let you know,  
13 comes back Sunday night, Shay, Jr., is still there. He asks,  
14 well, is he gay? And the defendant says, yes, he is.

15 You recall also how he testified about visiting, he's  
16 three or four minutes away in Quincy and he pops in on  
17 Mr. Trenkler, John Cates isn't there. He's on vacation in  
18 London. Now, Mr. Brown couldn't tell you the precise month.  
19 Does it matter? No, he told you that was the time. Mr. Cates  
20 was on vacation in London, and he was surprised to see Shay,  
21 Jr., there again.

22 This was all corroborated, ladies and gentlemen, by  
23 the defendant himself in conversation, later conversation with  
24 Agent Leahy.

25 Now you'll also recall the testimony of a Paul

1 Nutting, the slightly built, well-spoken man in his early  
2 Thirties. He saw Shay, Jr., and the defendant together in the  
3 spring of 1991, coming up to the Blue Hills Reservation, a  
4 parking lot up at the top there.

5 Shay, Jr., gets out -- it's a small whitish car  
6 driven by the defendant. Shay Jr., gets out and begins  
7 talking with people, and Mr. Trenkler starts driving back and  
8 forth.

9 Finally, you recall, the mother, Mrs. Nancy Shay.  
10 She came -- her bias here was clear, ladies and gentlemen, but  
11 she grudgingly acknowledged her former testimony under oath,  
12 where she said that Mr. Trenkler appeared as early as 1988,  
13 back when she lived on Belvoir Road in Milton, and she saw the  
14 defendant pick up her son, a handful, as she put it, a handful  
15 of times.

16 You'll also recall that within a month of the October  
17 '91 explosion she came home in the early morning hours and  
18 saw a five-foot-eight stocky, balding man on the couch, with  
19 Shay, Jr., on the floor.

20 And, lastly, the testimony of the lover and companion  
21 John Cates. He testified that he met Shay, Jr., on his own,  
22 without the defendant present, back in 1988 up at the Blue  
23 Hills. He considered him whacky. He told his roommate to  
24 stay away from Shay, Jr., advice which he did not, as you  
25 know, the defendant did not accept, and follow.

1           You recall that Mr. Cates knew nothing about  
2 Shay, Jr.'s, visit to the basement apartment until after the  
3 bombing, until after the investigation had heated up, until  
4 after the defendant came clearly focused as a suspect.

5           You'll also recall how Mr. Cates told you  
6 Mr. Trenkler had been receiving voice mail tapes from  
7 Shay, Jr. at that number in the weeks before the explosion,  
8 multiple times.

9           Now, with an understanding of the 1986 bombing and  
10 his prior relationships, and most importantly that with Shay,  
11 Jr., you are, ladies and gentlemen, are now in position to  
12 appreciate the defendant's comments to investigators during  
13 this investigation, and his demeanor, how it changed at key  
14 points in the investigation.

15           You recall that in the basement apartment he told  
16 investigators that he first met Shay, Jr., only in June of  
17 '91; that he had never been inside the basement apartment,  
18 that he had only given him a couple of rides.

19           He's chatty, he's cooperative until one of the  
20 investigators says, hey, look, we know you did the  
21 1986 bomb. At that time, he turns red in the face, his jaw is  
22 clinched. He asks ultimately, am I under arrest? The answer  
23 is, no. He regains his exposure after a few moments, and  
24 continues to be chatty and cooperative.

25           He has at all times this front of bravado, coolness.

1 You recall he grabbed some smokes out the door. He stopped  
2 all the investigators to buy some cigarettes, he grabs Agent  
3 Leahy's arm going into ARCOM.

4 That's consistent, ladies and gentlemen, that  
5 demeanor is consistent with the defendant's drawing a  
6 schematic at Mr. D'Ambrosio's request, of the wiring of the  
7 1986 device, and later being asked to draw the wiring of a  
8 remote control device, being told only that it was remote  
9 control, and that it used dynamite.

10 And what did he draw? He drew two sticks of dynamite  
11 and two blasting caps, dual priming.

12 You recall some days later, on the 31st of January  
13 during the execution of the search warrant, Agent Leahy is in  
14 the driveway of Whitelawn, in front of the garage. The  
15 defendant appears in his car. Doesn't have to be there.  
16 He won't leave. Again, he's chatty, he's cooperative. Agent  
17 Leahy engages him in conversation. He says, okay, Shay, Jr.,  
18 in fact was in my apartment, but only once and then only to  
19 watch television.

20 He then boldly states to Agent Leahy, look, I know  
21 you found nothing on the sniffer, sniffer being that fancy  
22 instrument to measure presence of dynamite. Why would he say  
23 that to Agent Leahy, ladies and gentlemen?

24 You recall also by this time that the investigators  
25 had learned that the diagram which they left at ARCOM had been

1 shredded by the defendant. You recall Richard Brown telling  
2 you about that.

3 So Agent Leahy, asks him, look, we don't have that  
4 diagram, would you mind doing it again? He becomes flustered,  
5 he absolutely refuses. He regains is composure, again, after  
6 a few minutes to the point where he asks to use the portable  
7 phone of the federal agent who's executing a search warrant on  
8 his garage.

9 A few days later, ATF has prepared some documents  
10 which were taken in the search from ARCOM. They're ready for  
11 pick up. Who shows up but the defendant himself, alone.  
12 Again, he won't leave. He's there for two-and-a-half hours,  
13 he's chatty, he's asking questions, he's inquisitive, he wants  
14 to know where the investigation is going. Ultimately, Agent  
15 Leahy had to show him the door.

16 During the visit, however, you recall how Agent Leahy  
17 gave him his, what Agent Leahy terms his standard, come on, we  
18 know you did it kind of speech. He said, look, you confessed  
19 to the '86 bombing, come on in and talk about it with us, and  
20 how the defendant said, I'm not going to make the -- and then  
21 stopped, paused. After he regained his composure and the  
22 visit continued, the defendant learned nothing, absolutely  
23 valueless visit, notwithstanding his repeated questions to the  
24 agents.

25 As Agent Leahy is showing the defendant the door, he

1 stands in the doorway, ladies and gentlemen, and in an  
2 arrogant tone, says, if we did it and only we know about it,  
3 how will you ever find out if neither one of us talks?

4 Well, members of the jury, the answer to  
5 Mr. Trenkler's question to Agent Leahy can be found right  
6 here, Radio Shack receipt. A truly astonishing piece of  
7 police work, ladies and gentlemen. Didn't pop out of the sky,  
8 this was the result of tedious, tedious, meticulous search of  
9 files. And it confirms and ties in much of the evidence  
10 already known to you.

11 Let's take a look at what it tells us. First, the  
12 location. 197 Mass. Ave., across the Street from the  
13 Christian Science Church where the defendant's project is  
14 ongoing.

15 The components, the toggle switch, the model, 275602,  
16 which Cynthia Wallace tells you was found in the debris, the  
17 very model. The test lamp consistent with testing the  
18 circuitry, ladies and gentlemen, as the defendant did on the  
19 1986 device. Name, S A H Y, just transpose the two letters,  
20 you've got Shay. The telephone number, 3780. Here's the  
21 father's business card. Again, transpose those two digits and  
22 what do you have?

23 The time and date, it's 2:36 in the afternoon, it's  
24 the 18th of October. Ten days before the blast, more than  
25 enough time to make this device.

1           And recall Mr. Carrion's testimony about the violent  
2 outbursts from Shay, Jr. That's this day. Hours later, Shay,  
3 Jr., appears at Carrion's door.

4           D R A up in the corner, the clerk's initials. Dwayne  
5 Armbrister. He came before you. You recall he's a fairly  
6 tall black fellow. He recalls this sale. He recalls that the  
7 store was relatively quiet that day; that a tall six-foot-five  
8 customer came in, he was fidgety, he was walking around  
9 picking out items from the list. And he had seen this fellow  
10 before, he had seen this fellow two or three times before. He  
11 had also seen this individual, several times, as you recall.

12           Now, finally, ladies and gentlemen, if there remains  
13 any question at all about what took place here, and this  
14 transaction represented by the Radio Shack receipt, let's hear  
15 what Mr. Trenkler's co-defendant himself has to say. It takes  
16 about a minute.

17           (Videotape being played to the jury.)

18           MR. LIBBY: And what did this defendant, ladies and  
19 gentlemen, have to say about all of this, the purchase of  
20 these components from that store on that date, so close to his  
21 place of work? He called it regrettable.

22           Do you recall the testimony of David Lindholm who  
23 shared the orientation unit with the defendant down at the  
24 Plymouth House of Correction during the weekend of  
25 Mr. Trenkler's first incarceration?

1           Do you recall the scene Mr. Lindholm, the light hair,  
2 slightly build fellow, the marijuana smuggler, the lights were  
3 on 24 hours a day, there was an unbearable din all the time,  
4 the place is packed with people that neither Lindholm or  
5 Trenkler have anything to do with. They find each other, they  
6 learned that they've got some incredible coincidences between  
7 them; that he both grew up in Milton. They had Milton and  
8 Thayer Academy in common. Mr. Trenkler attended places,  
9 Mr. Lindholm's father went there. In fact they lived on  
10 Whitelawn Avenue together for a brief time. They spoke away  
11 from the others with lowered voices.

12           And during this period of great tension for  
13 defendant, Mr. Trenkler called upon Mr. Lindholm for his  
14 opinion and advice with respect to federal court criminal  
15 trials. After all, Mr. Lindholm had been there, he had had a  
16 full blown jury trial of his own in his marijuana smuggling.  
17 He told him about the importance of picking counsel and things  
18 of that nature, assisting in his own defense.

19           The defendant, at that time, ladies and gentlemen,  
20 very vulnerable, as I'm sure you can understand, he was like a  
21 moth to the flame, repeatedly approaching Mr. Linholm and  
22 commenting, including on other things, of his great dislike  
23 for Mr. Kelly, if you'll remember.

24           Now recall that that contact began on a Thursday  
25 night, by midday, Sunday the 20th, Mr. Trenkler concluded that

1 he simply could not contain his innermost thoughts. He craved  
2 reassurance from one who had been there before. And, finally,  
3 as Mr. Lindholm came before you under oath and testified, this  
4 defendant admitted his own involvement in the '91 bombing.

5 You recall that he told Mr. Lindholm, well, even if I  
6 did build the bomb, I did not place it on the car. And he  
7 paused for a moment and said, so I built the bomb. I built  
8 the bomb. I don't deserve to die or spend the rest of my life  
9 in prison for building this device.

10 Later, during the same conversation, Mr. Lindholm  
11 testifies again before you, that the defendant stated that the  
12 two bomb squad officers were foolish and negligent for not  
13 wearing body armor at the time that they were examining this  
14 device and, in essence, that it served them right for what had  
15 happened to them. It wasn't his fault. It wasn't his fault.

16 Now a few comments about the charges, a final remark  
17 or two, ladies and gentlemen, and then I will sit down. The  
18 Court will explain in detail for you the counts of the  
19 indictment. Very briefly, it's in three counts, Counts 2 and  
20 3 are the so-called substantive counts.

21 And let me just make a comment or two about federal  
22 jurisdiction for each of the two counts.

23 Count 2 has to do with receipt of explosives in  
24 interstate commerce, that's the federal hook here, interstate  
25 commerce.

1           What that deals with is this: The explosive device,  
2 as the statute defines it, are these blasting caps. What do  
3 we know about the blasting caps? Manufactured in Austria.

4           You remember Mr. Steven Adams came down from Austin  
5 Powder of New Hampshire, told you, manufactured in Austria,  
6 shipped to Ohio, assembled. And then where do these show up?  
7 One of them is sticking out the side of 35 Eastbourne. You  
8 remember that photograph Mr. Boeh pointed to. So clearly,  
9 interstate here.

10           Count 3, attempted destruction of property in an  
11 activity effecting interstate commerce. That is the auto body  
12 business. Shay, Sr., told you how he used the  
13 '86 Buick as a loaner to others who were free to go out of  
14 state; used the car to pick up products which were  
15 manufactured from out of state and brought into Massachusetts,  
16 and so forth.

17           So the focus in Count 2 it is on the blasting cap,  
18 Count 3 is on the car.

19           The conspiracy count is Count 1, ladies and  
20 gentlemen. And basically, as the Court will tell you, the  
21 gist of conspiracy is unlawful agreement, with an overt act.  
22 The overt acts which are pleaded to the indictment are a  
23 number, a couple of which are affixing the device and the  
24 purchase of the explosive materials.

25           Now, Congress recognizes greater potential for crime

1 when two or more people are involved in it, so they've  
2 outlawed conspiracy. And when you deliberate this count,  
3 ladies and gentlemen, in the jury room, please bear in mind  
4 the following: Does a toggle switch in the hands of this man  
5 present any potential of any harm to anyone under any  
6 circumstances? Absolutely not.

7           You heard the testimony of his parents. He had no  
8 special skills, no engineering skills.

9           You heard Mr. Lindholm, conversation with the  
10 defendant, he couldn't put the batteries in the flashlight.  
11 And the defendant agreed.

12           So do you believe for moment that this man purchased  
13 this toggle switch alone and for himself? Not for a moment,  
14 ladies and gentlemen.

15           Because this toggle switch, purchased by Shay, Jr.,  
16 at the direction of that man, ladies and gentlemen, results  
17 unquestionably in this case, in this. This is that toggle  
18 switch after the explosion which took Officer Hurley's life  
19 and maimed Officer Foley. That, ladies and gentlemen, is the  
20 essence of conspiracy.

21           Two final points. The job before you is a very  
22 serious one, no question about it. No one envies your job.  
23 But no group, no cross-section of the community, could better  
24 perform this task, you having sat through the four weeks of  
25 evidence in this trial. You bring to this court the wealth of

1 your life's experience, your common sense.

2 Ladies and gentlemen, as you go through the door, you  
3 don't check those things at the door, you call on them to  
4 resolve matters, to make determinations of fact, which is your  
5 job and your job alone.

6 And shortly the Court will release you to deliberate  
7 on your verdict. Now, verdict is a Latin term which means to  
8 speak the truth.

9 And I will leave you with this: From all the  
10 evidence that you've so attentively listened to over the past  
11 few weeks, there are two fundamental truths in this case. One  
12 is that two families have suffered grievous losses, and the  
13 City of Boston lost the valuable, invaluable services of two  
14 highly skilled bomb technicians.

15 The second is there can be no fault associated with  
16 those two dedicated, brave men.

17 The criminal responsibility, however, lies with that  
18 man, the defendant in this case.

19 The United States respectfully asks that you return a  
20 verdict of guilty on each of the three counts in the  
21 indictment.

22 And I thank you.

23 THE COURT: Members of the jury, we will change the  
24 order schedule for recesses, and take a brief recess now.  
25 When we come back, we will hear from the defense, and then