

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

Plaintiff,

v.

ALFRED W. TRENKLER

Defendant.

CRIMINAL NO. 92-_____

**MOTION OF ALFRED W. TRENKLER
FOR NEW TRIAL FOR NEWLY
DISCOVERED EVIDENCE**

The Defendant, Alfred W. Trenkler, moves that the Court order a new trial upon the following newly discovered evidence:

1. That the trial of this case, the United States introduced into evidence a certain receipt and other evidence concerning the alleged purchase at a Radio Shack facility in Boston Massachusetts of a certain item by the Defendant, Alfred W. Trenkler.
2. Inquiry made on behalf of the Defendant with the Radio Shack corporation has demonstrated that the receipt was fabricated and did not correspond to the testimony offered by the United States on this subject.
3. That testimony was critical to the prosecution of this case and without it, it is likely that the jury would not have reached a verdict against the Defendant, Alfred W. Trenkler.

4. An interview with Thomas A. Shay, who was indicted with the Defendant, Alfred W. Trenkler, and was tried separately and before Alfred W. Trenkler by Morris M. Goldings, Esquire at Shay's place of incarceration at the McKeen County Correctional Facility in Bradford, Pennsylvania has resulted in statements by Shay that the testimony by the Radio Shack employee concerning the purchaser of the items was false and biased. The interview also yielded a statement by Thomas A. Shay that Alfred W. Trenkler did not commit the crimes for which he has been convicted.
5. Thomas A. Shay has on previous occasions stated in similar fashions that Alfred W. Trenkler did not commit the crimes for which he has been convicted.
6. A hearing is necessary in order to produce the evidence demonstrating the falsity of the Radio Shack evidence and the exculpatory testimony of Thomas A. Shay and consequently, a Petition for Writ of Habeas Corpus Ad Testificandum is filed herewith with respect to Thomas A. Shay.

The moving party requests leave to file further evidence reasonably in advance of the hearing on this motion.

ALFRED W. TRENKLER
By his attorney,

Morris M. Goldings, BBO#198800
Mahoney, Hawkes & Goldings, LLP
The Heritage on the Garden
75 Park Plaza
Boston, Massachusetts 02116
617-457-3100

Date: April ____, 20000
#57414

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

Morris M. Goldings, Esquire personally appeared before me, the undersigned a
republic after being duly sworn Morris M. Goldings, Esquire stated under oath that he is
the attorney for the Petitioner in this matter and that he has read the Petition and that
every statement in this Petition is true to his personal knowledge and belief.

Morris M. Goldings, Esquire

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

The above Morris M. Goldings personally appeared before me and swore that the
above was true.

Notary Public
My Commission Expires:

CERTIFICATE OF SERVICE

I, Morris M. Goldings, hereby certify that a true copy of the above document was
served upon the attorney of record for each other party by U.S. Mail this ____ day of
April, 2000