

ALFRED W. TRENKLER

SERVING A LIFE SENTENCE FOR A CRIME HE DID NOT COMMIT

THE CASE FOR REASONABLE DOUBT IN SUPPORT OF ALFRED'S
COMPLETE INNOCENCE.

PHYSICAL EVIDENCE

1. "There is absolutely no physical evidence tying Trenkler to the bombing."

Chief Justice Torruella , First Circuit Court of Appeals.

"The case against both defendants (Shay and Trenkler) was extremely difficult and almost entirely circumstantial."

Paul V. Kelly, Assistant U.S. Attorney, who prosecuted both cases for the government and is now in private practice with the law firm of Foley, Hoag & Eliot.

EXIS

2. The EXIS evidence (the Alcohol, Tobacco and Firearm computer data base of explosive incidents) was improperly admitted in the trial. The district court abused its discretion in admitting the EXIS - derived evidence to prove the identity of the builder of the Roslindale bomb.

Chief Judge Torruella,
Senior Circuit Judge Coffin,
Circuit Judge Stahl,
First Circuit Court of Appeals.

"Absent the EXIS-derived evidence, the government's case against Trenkler consists of a smorgasbord of inconclusive circumstantial evidence and an inherently unreliable alleged jailhouse confession."

Chief Judge Torruella, First Circuit Court of Appeals.

THE 1986 INCIDENT IN QUINCY

3. "It was all circumstantial evidence and very hard to come to a decision," said one juror who spoke on condition of anonymity. The juror said that the 1986 incident was "very decisive in the jury's finding."

The Boston Globe Matthew Brelis, November 30, 1993.

In spite of the fact that the district court instructed the jury not to use the evidence of the Quincy incident to infer Trenkler's guilt, it is obvious that they did.

COMPARISON OF THE QUINCY & ROSLINDALE DEVICES

4. "The Roslindale bomb used two to three sticks of dynamite - a very powerful explosive. The Quincy device used a M-21 Hoffman artillery simulator, which is a device used by the military to simulate, in a safe fashion, the flash and noise of artillery. The simulator is, in effect, a firecracker-like device; it has nowhere near the strength of dynamite. In stark contrast to dynamite, a simulator is not designed to cause physical or property damage. Indeed, while the Roslindale device created an explosion large enough to kill, the Quincy device caused no visible damage to the truck it was placed under. Equating the two devices is like equating a BB gun with a high caliber rifle.

Federal authorities apparently did not deem the Quincy incident serious enough to warrant bringing charges against Trenkler pursuant to 18 U.S.C S 884(i) (malicious destruction of property by means of an explosive), one of the statutes at issue in this case. State charges stemming from the Quincy incident were dismissed."

Chief Justice Torruella, First Circuit Court of Appeals.

5. WILLIAM DAVID LINDHOLM

Chief Justice Torruella notes "that the key witness against Mr. Trenkler, David Lindholm, who testified that Trenkler confessed to building the Roslindale bomb, had some serious credibility problems which make his testimony "shaky," to say the least.

But Lindholm had some less obvious credibility problems. The circumstances of his meeting Trenkler strike me as a little too coincidental.

On December 17, 1992, after a year and a half incarceration in Texas, Lindholm is brought back to Boston concerning certain unspecified charges related to his conviction. He is then placed in the orientation unit of the Plymouth House of Correction where he meets Alfred Trenkler, who is being held in connection with the Roslindale bombing.

The two subsequently discover that they have an extraordinary amount in common. First, they are both from the Town of Milton. Second, Trenkler attended Thayer Academy and Milton Academy, and Lindholm's father also attended Thayer Academy and Milton Academy. Third, they both lived for a time - overlapping by one year - on Whitelawn Avenue in Milton. Based on their commonalities, they form a friendship. Trenkler then, allegedly, confesses to Lindholm that he built the bomb."

Chief Justice Torruella, First Circuit Court of Appeals.

Chief Justice Torruella was not aware that we have letters from Milton Academy and Thayer Academy that Lindholm's father never attended either school and a letter from the Town Clerk of Milton that David Lindholm did not live on Whitelawn Avenue in 1961

Significantly, in August, 1995 after the First Circuit issued its decision, we learned that Lindholm has been released from federal prison after serving only 3 1/2 years of an approximately 8-year prison term for conspiracy to distribute marijuana (22 1/2 tons into Massachusetts in the 1980's) and tax evasion. He is enjoying freedom for his "substantial assistance" to the government, which we submit was perjured testimony.

6. THOMAS SHAY JR.

After hearing Dr. Phillips testimony at the sentencing hearing, the court concluded that it did not believe Shay Jr.'s statements to the witnesses in their entirety, and observed that even according to the government's psychiatrist's testimony "this witness (Shay) is absolutely and totally incredible."

The district court acknowledged the importance of Shay's statements to the government's case at a side bar conference on the fourteenth day of trial when it observed that without Shay's statements the "government would be sunk."

Judge Rya Zobel of the District Court.

7. SHAY REMAND

On June 22, 1995, the United States Court of Appeals for the First Circuit remanded the Thomas A. Shay case to the district court for further proceedings consistent with this opinion. For the district court's conclusion as to whether it should allow Dr. Phillips to testify.

On September 14, 1997, Judge Rya Zobel ruled that she erred and Dr. Phillips testimony is admissible.

8. ALLEGED RADIO SHACK PURCHASE BY THOMAS SHAY JR.

Shay Jr. stated "there's only two things I purchased that were inside that explosive device that killed Officer Hurley... the toggle switch and the AA battery holder. The toggle switch was not, as the government asserts, "the precise toggle switch found inside the bomb." A chemist testified that the contacts of the switch found in the bomb debris were like those of a switch manufactured by Radio Shack. From looking at just the contacts, it would be impossible to determine the manufacturer.

The battery holder found in the debris was a Futaba (not a Radio Shack).

"His (Thomas Shay, Jr.) many statements about the bombing were conflicting and demonstrably wrong about important details. He doesn't have the facts right."

Nancy Gertner, court appointed defense attorney for Thomas Shay Jr., and currently a district court judge.

There is sufficient doubt that Thomas Shay Jr. was the one who purchased the Radio Shack items.

9. ATF AGENTS. "ALFRED ALLEGEDLY DREW A PLAN OF THE 1991 DEVICE."

Agent Leahy of the ATF was asked during the trial "was the existence of the two blasting caps in the 1991 device public knowledge?" He answered no, that it was not and that it was not reported to the media.

Contrary to his answer, it was reported in the media two days after the explosion that they found two detonating caps.

Boston Globe John Ellement and Toni Locy dated October 30, 1991.

"Agent D'Ambrosio testified that Trenkler then drew a diagram which showed two blasting caps inserted into two sticks of dynamite. D'Ambrosio actually testified that at least two blasting caps were used in the Roslindale bombing.

Thus, Trenkler's drawing of only two blasting caps was not an exact match."

Chief Justice Torruella, First Circuit Court of Appeals.

The ATF was unable to produce the alleged drawing at the trial.

10. SIXTH AMENDMENT

"The erroneous admission in this case of evidence derived from the EXIS computer database violated the defendant's (Alfred Trenkler) Sixth Amendment right to confront witnesses against him."

Chief Judge Torruella, First Circuit Court of Appeals.

11. SUMMARY AT END OF CHIEF JUDGE TORRUELLA'S DISSENTING OPINION

"A horrible crime was committed in which one police officer was killed and another seriously injured. Society rightfully demands that the guilty be apprehended, tried, and punished. But the distinguishing feature of our legal system is that even those charged with grotesque crimes are

guaranteed certain constitutional rights intended to ensure that they receive a fair trial. Unfortunately, and with all due respect to my brethren, I believe the defendant's right to a fair trial was violated when the government was permitted to introduce the highly prejudicial evidence derived from the EXIS computer database. Because this error so severely violated defendant's Sixth Amendment right to confront the witnesses against him, and because the remainder of the evidence against him was not "overwhelming," I dissent."

Alfred and his family have steadfastly maintained his total innocence in this horrible crime for which he was unjustly convicted and sentenced to life imprisonment. We are confident that these facts support our feelings that Alfred's conviction should be overturned.