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2008 DEC -4 A 11:33

U.S. DISTRICT COURT
DISTRICT OF MASS.

IN LOVING MEMORY OF

JOSEPHINE BARNUM TRENKIER WALLACE

1929-2008

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

ALFRED W. TRENKLER

v

UNITED STATES OF AMERICA

2008 DEC -4 A 11: 33

CIVIL ACTION NO. 07-10518
U.S. DISTRICT COURT
DISTRICT OF MASS.

ADDENDUM TO TRENKLER'S 2255
EVIDENCE THAT HAS COME TO LIGHT SUBSEQUENT
TO PETITIONER PROSE TRENKLER'S OCTOBER 21, 2008 ADDENDUM
TO TRENKLER'S 18 U.S.C. 2255

EVIDENCE OF LARGE SPEED BUMPS NEVER DISCLOSED BY
THE GOVERNMENT TO DEFENDANT TRENKLER PRIOR TO TRIAL

RECENTLY DISCOVERED IS EVIDENCE OF THE PRIOR EXISTENCE OF LARGE SPEED
BUMPS IN PLACE AT THE CHELSEA NAVAL HOSPITAL ON OCTOBER 27, 1991 THAT
WERE NEVER DISCLOSED, WHETHER BY NEGLIGENCE OR DESIGN, TO PETITIONER, HERE-
AFTER TRENKLER, BY THE GOVERNMENT, THAT THE ELDER SHAY, HEREAFTER SHAY SR,
HAD TO DRIVE OVER IN HIS BLACK BUICK CENTURY ALLEGEDLY WITH A BOMB ATTACHED
TO THE UNDERCARRIAGE UNDER THE DRIVER'S SEAT WITHIN AN HOUR OF SHAY SR'S
"DISCOVERY" OF A BOMB SCRAPING OFF THE BOTTOM OF HIS CAR IN HIS MILDLY SLOPED
DRIVEWAY. HAD THIS EVIDENCE BEEN KNOWN BY A TRIER OF FACT IT WOULD CONCLUDE
THAT NEITHER THE YOUNGER SHAY, HEREAFTER SHAY JR, NOR TRENKLER COULD
HAVE PLACED SAID BOMB ON SHAY SR'S VEHICLE ON OCTOBER 26 AT OR AROUND
8:30 PM OR ANY TIME PRIOR TO SHAY SR'S SUNDAY, OCTOBER 27, 1991 MORNING
VISIT TO THE CHELSEA NAVAL HOSPITAL JUST PRIOR TO SHAY SR'S "DISCOVERY" OF THE
BOMB. WITH THIS EVIDENCE, THE RESULT OF THE TRIAL WOULD HAVE BEEN DIFFERENT.

THE GOVERNMENT, AT TRENKLER'S TRIAL, HAD THEORIZED THAT THE BOMB HAD
BEEN ATTACHED TO SHAY SR'S BLACK BUICK CENTURY WHILE DOOBLE PARKED ON

SHAWMUT AVE IN BOSTON ON SATURDAY, OCTOBER 26, 1991 AT OR AROUND 8:30pm BY SHAY JR AND/OR TRENKLER AND DISLODGED FROM SHAY SR'S CAR WHILST DRIVING IN AND OUT OF HIS DRIVEWAY AFTER RETURNING FROM ERRANDS ON SUNDAY MORNING.

THIS NEWLY DISCLOSED EVIDENCE ALSO INDICATES THAT SHAY SR WAS NOT BEING TRUTHFUL DURING HIS TESTIMONY AT TRENKLER'S TRIAL. ASSISTANT UNITED STATES ATTORNEY PAUL KELLY ASKED SHAY SR, UNDER OATH, ABOUT HIS ACTIVITIES ON THE SUNDAY, OCTOBER 27, 1991 MORNING WHILE DRIVING HIS BLACK BUICK CENTURY ON ERRANDS JUST PRIOR TO SHAY SR'S "DISCOVERY" OF THE BOMB AFTER ALLEGEDLY SCRAPING OFF HIS CAR WHILE DRIVING IN/OUT OF HIS 39 EASTBORNE STREET DRIVEWAY. QUESTION: WHERE DID YOU GO NEXT? ANSWER: [I] WENT OVER TO THE OLD SOLDIERS HOMES IN CHELSEA NAVAL HOSPITAL TO VISIT WITH MY UNCLE FOR A SHORT TIME. [REX AT 2 (TESTIMONY OF THOMAS LEROY SHAY IN UNITED STATES OF AMERICA V. ALFRED TRENKLER CR 92-10369-2)].¹ QUESTION: DO YOU HAVE ANY RECOLLECTION OF DRIVING OVER ANY HEAVY BUMPS OR RAILROAD TRACKS? ANSWER: NO, SIR. QUESTION: DO YOU RECALL HITTING ANY SPEED BUMPS AT HIGH SPEEDS THAT MORNING? ANSWER: NO, SIR [REX AT 3]. EITHER SHAY LIED ABOUT GOING TO THE NAVAL HOSPITAL OR HE LIED ABOUT THE LACK OF SPEED BUMPS AT THE NAVAL HOSPITAL.

THIS EVIDENCE WAS RECENTLY DISCOVERED AND IS REFLECTED IN A NOVEMBER 12, 2008 AFFIDAVIT WRITTEN BY MORRISON BONPASSE REGARDING SPEED BUMPS AT THE CHELSEA SOLDIER'S HOME WHICH STATES, IN PERTINENT PART, "I [MORRISON BONPASSE] WAS TOLD THAT THE SPEED BUMPS WERE REMOVED IN THE

¹ CITATIONS TO EXHIBITS TO THIS ADDENDUM WILL BE REFERENCED HEREIN BY "[REX AT ___]".

LATE 1990'S OR EARLY 2000'S BECAUSE TOO MANY CARS WERE "BOTTOMING OUT" WHEN PASSING OVER THEM. THAT IS, THE BOTTOMS OF REGULAR CARS, WITHOUT BOMBS UNDERNEATH, WERE SCRAPING THE SPEED BUMPS AND THE SPEED BUMPS WERE REMOVED." [AEX AT 4]. EMPHASIS ADDED.

PRIOR TO TRENKLER EVEN BEING NAMED A TARGET IN THIS CASE, THE GOVERNMENT INEXPLICABLY ALLOWED SHAY SR TO GIVE HIS BLACK BUICK CENTURY AWAY, [AEX AT 5], IN FEBRUARY OR MARCH OF 1992, THUS PREVENTING TRENKLER'S EXPERTS FROM EXAMINING SHAY SR'S CAR OR, AFTER RECEIVING DISCOVERY MATERIALS FOLLOWING TRENKLER'S DECEMBER 1992 INDICTMENT, FROM DRIVING SHAY SR'S CAR ON THE ROUTE SHAY SR TOOK IN OCTOBER 91 BUT WITH THE RECONSTRUCTED MOCK BOMB UNDER HIS CAR TO SEE IF HIS STORY HELD UP. THERE WOULD BE NO WAY FOR TRENKLER'S EXPERTS TO ESTIMATE SHAY SR'S BLACK BUICKS' WEAR, SUSPENSION, TIRES, AMOUNT OF USE TO ACCURATELY DETERMINE IF SHAY SR'S STORY HELD WATER.

THIS IS JUST ANOTHER EXAMPLE OF MANY BROUGHT TO THIS COURTS' ATTENTION VIA THIS 2255 OF THE GOVERNMENT, WHETHER BY NEGLIGENCE OR DESIGN, IMPEDING TRENKLER'S DEFENSE, IN THIS PARTICULAR INSTANCE, BY THE COMBINATION OF NOT DISCLOSING THE EXISTENCE OF THE SPEED BUMPS AT THE CHELSEA NAVAL HOSPITAL AND CAUSING THE SHAY SR VEHICLE TO BE UNAVAILABLE FOR EXAMINATION OR TESTING BY TRENKLER'S DEFENSE.

THE GOVERNMENT HIRED AN AUTOMOTIVE EXPERT, CHRISTOPHER SHAPELY, TO SHOW HOW, NOT WITH SHAY SR'S 5 YEAR OLD BUICK CENTURY SINCE THE GOVERNMENT ALLOWED SHAY SR TO GIVE HIS CAR AWAY, WITH A NEW BUT ALLEGEDLY SIMILAR CAR, THE BOMB COULD HAVE DISLODGED FROM SHAY SR'S CAR "[E]VEN THOUGH THE [SHAY] DRIVEWAY WASN'T REALLY THAT STEEP [AEX AT 6].

STRANGELY HOWEVER, THE GOVERNMENT DID NOT REQUEST TO HAVE SHAPELY DRIVE HIS "TEST" VEHICLE WITH A MOCK BOMB UNDER THE VEHICLE ON THE ROUTE SHAY SR ALLEGED TO HAVE DRIVEN WITH A BOMB UNDER HIS CAR, NOR DID THE GOVERNMENT INFORM SHAPELY OF ANY SPEED BUMPS AT ONE OF SHAY SR'S STOPS. IF THE GOVERNMENT HAD GIVEN THIS EVIDENCE TO IT'S OWN EXPERT, SHAPELY WOULD HAVE TO CHANGE HIS FINDING AND CONCLUDE IT WAS IMPOSSIBLE FOR A BOMB LARGE ENOUGH TO SCRAPE OFF SHAY SR'S CAR ON HIS DRIVEWAY WITH A BENIGN SLOPE TO SURVIVE A LARGE SPEED BUMP. EARLY ON SHAY SR WAS ON THE LIST FOR PRIME SUSPECTS AND TO RULE OUT POSSIBLE FOUL PLAY, THE ACTUAL SHAY CAR SHOULD HAVE BEEN DRIVEN ON THE ROUTE ALLEGED BY SHAY SR WITH THE SAME RECONSTRUCTED MOCK BOMB OFFICIALS BUILT TO SCRAPE OFF SHAY SR'S CAR IN HIS DRIVEWAY. LOGICALLY, IF THE MOCK BOMB COULD NOT SURVIVE THE ROUTE SHAY SR TOOK, THEN THE GOVERNMENT'S THEORY, AND SHAY SR'S STORY, WOULD NOT HOLD UP AND SHAY JR AND/OR TRENKLER COULD NOT HAVE PLACED THE BOMB IN THE TIME, PLACE OR MANNER IT THEORIZED. THE WINDOW OF OPPORTUNITY TO PLACE A BOMB UNDER SHAY SR'S CAR WOULD BE REDUCED TO MERE MINUTES IN BROAD DAYLIGHT BETWEEN HIS VISIT TO THE SOLDIER'S HOME AND HIS RETURN TO 39 EASTBORNE STREET ON SUNDAY OCTOBER 26, 1991.

OF COURSE THERE IS THE ALTERNATIVE, IF A BOMB UNDER SHAY'S CAR WAS SMALL ENOUGH TO SURVIVE LARGE SPEED BUMPS WITHOUT MAKING ANY CONTACT, IT WOULD BE IMPOSSIBLE FOR THE BOMB TO RUB OFF SHAY SR'S CAR ON HIS MILDLY SLOPED DRIVEWAY AT 39 EASTBORNE STREET, ROSCINDALE.

WITH THE TOTAL LACK OF ANY PHYSICAL OR FORENSIC EVIDENCE OR ANY WITNESSES POINTING AT TRENKLER, THIS CASE WOULD TURN ON EVIDENCE SUCH

AS THIS. IF IT WAS IMPOSSIBLE FOR ANYONE TO PLACE A BOMB ON SHAY SR'S CAR AND HAVE IT SURVIVE SHAY SR'S TRIP THAT SUNDAY AND NO EVIDENCE THAT ANYONE APPROACHED SHAY SR'S CAR IN THE SMALL AMOUNT OF TIME ON THAT SUNDAY, THE LIST OF SUSPECTS WOULD SEVERELY NARROW, FURTHER, IF IT CANNOT BE SAID THAT SHAY JR OR TRENKLER PLACED A BOMB ON SHAY SR'S CAR, THEN THERE WOULD BE NO VIOLATION OF 18 USC 844 (2)

HAD THIS EVIDENCE BEEN KNOWN BY THE JURY, SHAY SR WOULD LOOSE CREDIBILITY, THE SHAPELY EVIDENCE WOULD BE IN QUESTION AND THE GOVERNMENT'S THEORY WOULD HAVE TO CHANGE . . . THE RESULTS OF THE TRIAL WOULD BE DIFFERENT.

ON NOVEMBER 25, 2008 TRENKLER RECEIVED A COPY OF A LETTER WRITTEN BY A THIRD JUROR FROM THIS CASE WHICH HAD BEEN SENT TO THIS COURT.

YET A THIRD JUROR FROM TRENKLER'S TRIAL WRITES THIS COURT CONCERNING, AMONG OTHER MATTERS, EVIDENCE TRENKLER CITES IN THIS CURRENT 2255, NAMELY, THE FINGERPRINTS THAT HAD BEEN WITHHELD FROM TRENKLER THAT WERE FOUND ON THE UNDER-CARRIAGE OF SHAY SR'S BLACK BUICK CENTURY WHERE A BOMB HAD ALLEGEDLY BEEN PLACED, THE LACK OF FINGERPRINT IDENTIFICATION EXAMINATION ON THE BLACK ELECTRICAL TAPE THAT HAD ORIGINATED IN THE BOMB, AND THE FACT THAT EVEN AFTER SHAY SR PREDICTED A BOMB BEING PLACED ON HIS CAR THAT HE WOULD NOT BE SUSPICIOUS AFTER FINDING A BLACK BOX WHEN IT ALLEGEDLY FELL OFF HIS CAR.

THIS JUROR QUESTIONED "HOW WAS SHAY SR ABLE TO DRIVE AROUND TOWN WITHOUT THE BOMB FALLING OFF" [AEX AT 7]. HAD THE GOVERNMENT NOT WITHHELD, WHETHER BY NEGLIGENCE OR DESIGN, THE SPEED BUMP AT THE CHELSEA NAVAL HOSPITAL EVIDENCE, IT IS DOUBTFUL ANY JUROR COULD BELIEVE SHAY COULD "DRIVE AROUND TOWN WITHOUT THE BOMB FALLING OFF."

IT BECOMES OBVIOUS THAT, HAD THE GOVERNMENT PROVIDED TRENKLER WITH THE FINGERPRINT "LIFTS" FROM THE SHAY SR CAR, PROVIDED TRENKLER'S EXPERT ACCESS TO THE BLACK ELECTRICAL TAPE FROM WITHIN THE BOMB TO "LIFT" VISIBLE PRINTS THAT THE GOVERNMENT HAD BEEN MADE AWARE, ALLOWED TRENKLER'S EXPERT ACCESS TO THE TOGGLE SWITCH CONTACTS WHICH WERE SUBSEQUENTLY CONFIRMED NOT TO MATCH THE RADIO SHACK MODEL NUMBER 275-602 TOGGLE SWITCH, PROVIDED TRENKLER ACCESS TO THE SHAY SR BUICK, INFORMED TRENKLER OF THE LARGE SPEED BUMPS AT THE CHELSEA NAVAL HOSPITAL, AND THE FACT THAT THE BOMB COULD NOT HAVE OPERATED THE WAY IT DID UNLESS IT HAD BEEN ARMED HOURS AFTER SHAY SR ALLEGED TO HAVE FOUND THE BOMB, THIS

EXCULPATORY EVIDENCE HELD AND CONTROLLED BY THE GOVERNMENT AND, WHETHER BY NEGLIGENCE OR DESIGN, WITHHELD FROM TRENKLER "WOULD BE SUFFICIENT TO ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THAT NO REASONABLE FACT FINDER WOULD HAVE FOUND THE MOVANT GUILTY OF THE OFFENSE." 28 U.S.C. 2255. THIS JUROR STATES, "DEFENSE ATTORNEYS PROVIDED LITTLE EXCULPATORY EVIDENCE." AS TRENKLER STATES THROUGHOUT THIS 2255, THE REASON LITTLE EXCULPATORY EVIDENCE WAS PROVIDED BY TRENKLER WAS THE RESULT OF THE GOVERNMENT'S CONTINUED CAT AND MOUSE GAMES IT PLAYED WITH THE VERY EVIDENCE TRENKLER CITES. HOW COULD TRENKLER POSSIBLY HAVE ANY HOPE OF DEFENDING HIMSELF WITH EXCULPATORY EVIDENCE WHEN THE GOVERNMENT, WHETHER BY NEGLIGENCE OR DESIGN, CONTINUED TO PREVENT ACCESS TO SAID EVIDENCE IT WAS WELL AWARE EXISTED IN IT'S POSSESSION AND CONTROL. "THE GOVERNMENT'S HAND IS STACKED WITH CARDS THE DEFENDANT LACKS." US V ABELLO-SILVA, 948 F.2d 1168, 1180 (10TH CIR. 1991).

NEXT, THIS JUROR CITES THE FLAW(S) IN THE EXIS COMPUTER DATABASE THAT WAS SO HOTLY CONTESTED AT TRENKLER'S TRIAL. "AN" EXPERT WITNESS TESTIFIED THAT INFORMATION FROM THE EXIS DATA BASE INDICATED THAT THE BOMB WHICH TOOK THE LIFE OF MR FOLEY [SIC] WAS A SIGNATURE OF THE QUINCY "BOMB", IT IS NOW KNOWN THAT THE EXIS DATABASE WAS MANIPULATED TO OBTAIN THOSE RESULTS AND THAT THE QUINCY "BOMB" WAS NOT EVEN IN THE BASE UNTIL THE QUINCY POLICE CONTACTED THE BOSTON POLICE. THEN ONLY SELECT CHARACTERISTICS HAD BEEN ENTERED. BELIEVING THAT BOMB WHICH KILLED MR FOLEY [SIC] HAD ALFRED TRENKLER'S SIGNATURE PLAYED A MAJOR ROLE IN MY VOTE OF GUILTY." [REX AT 7].

IT SHOULD BE NOTED THAT TO THIS DAY, THE ONLY TIME IN HISTORY EXIS WAS EVER USED AS EVIDENCE IN A COURT OF LAW WAS TRENKLER'S TRIAL. THIS IS ONE

OF THE REASONS WHY IT IS NEVER USED AT A TRIAL.

EVEN CHIEF JUDGE JUAN TORRUELLA OF THE FIRST CIRCUIT COURT OF APPEALS IN HIS DISSENT IN U.S. V ALFRED TRENKLER, NO. 94-1301, PAGE 67 NOTED THE INHERENT PROBLEM WITH EXIS:

"FACED WITH THIS SORT OF EVIDENCE A REASONABLE JUROR WOULD PROBABLY LOOK FOR SOME SORT OF TANGIBLE EVIDENCE UPON WHICH TO HANG ITS HAT - THE EXIS DERIVED EVIDENCE WAS JUST THAT. BECAUSE [EXIS] WAS THE ONLY OSTENSIBLY CONCLUSIVE EVIDENCE TYING TRENKLER TO THE CRIME, IT MAY HAVE BEEN THE CLINCHER FOR THE JURY."

THIS JUROR CONFIRMS THIS HYPOTHESIS.

IT IS A BAD AND TROUBLING DAY WHEN THE GOVERNMENT IS ALLOWED TO WITHHOLD EXCULPATORY EVIDENCE THAT WOULD PROVE TRENKLER'S INNOCENCE AND THE GUILT OF THE RESPONSIBLE MISCREANT(S), REFUSE TO PROVE ITS CASE WITH ANY FORENSIC EVIDENCE AND PROCEED INSTEAD WITH FALSE ACCUSATIONS, OUTLANDISH FABRICATIONS AND KNOWN LIES TO PUT TRENKLER IN PRISON WITH THE HOPE THAT THE TRUTH NEVER SURFACES, HIDDEN IN TIME AND THE ATTEMPT TO SHIELD WITH THE DISGUISE OF FINALITY.

TRENKLER HAS EFFECTIVELY BEEN HELD IN FEDERAL PRISON, FOR 16 YEARS AND COUNTING, ON SLIM EVIDENCE OF DUBIOUS QUALITY AND, TO DATE, 3 OUT OF 12 JURORS HAVE WRITTEN THIS COURT SUBSTANTIATING TRENKLER'S CLAIMS. HOW MANY MORE JURORS WILL HAVE TO WRITE BEFORE TRENKLER RECEIVES JUSTICE ALONG WITH HIS SMALLER FAMILY, NOT TO MENTION THE HURLEY AND FOLEY FAMILIES WHO SEEK AND DESERVE CLOSURE?

ON OCTOBER 27, 2008 TRENKLER RECEIVED A COPY OF A LETTER WRITTEN BY CODEFENDANT SHAY THAT HAD BEEN SENT TO THIS COURT PROCLAIMING TRENKLER'S INNOCENCE

IN APPLYING FOR LEAVE TO FILE A SECOND OR SUCCESSIVE MOTION TO VACATE SET ASIDE OR CORRECT SENTENCE, TRENKLER, IN ONE OF HIS GROUNDS STATED, "CODEFENDANT SHAY NOW STATES THAT TRENKLER IS INNOCENT, THAT SHAY'S FATHER WAS RESPONSIBLE FOR [THE] BOMB. [REX AT 8]. THE FIRST CIRCUIT COURT OF APPEALS ENTERED ITS JUDGEMENT GRANTING TRENKLER'S MOTION ON SEPTEMBER 6, 2007, NO. 07-2112, AND, IN PART, STATED "(EXCULPATORY STATEMENTS BY A CODEFENDANT ARE LESS IMPRESSIVE)." [REX AT 9]. THIS LATEST SHAY LETTER INDICATES THAT ASSISTANT U.S. ATTORNEY PAUL KELLY AND ATF AGENT JEFF KERR "[T]OOK ADVANTAGE OF MY [SHAY'S] ATTENTION SEEKING MENTAL ILLNESS AND USE [SIC] IT LIKE A CHESS GAME, WITH ATF AGENT JEFF KERR ASKING IF ALFRED [TRENKLER] HAD MADE A SURPRISE AND PROSECUTOR KELLY SAYING HOW MUCH ATTENTION I WOULD DERIVE ON TV IF I TOLD ABOUT A SURPRISE, THESE LIES BECAME EVIDENCE, AND TWO WRONGFUL CONVICTIONS [...] LIES FOR ATTENTION AND THE REAL PERPETRATORS IN THIS CASE ARE FREE" [REX AT 10].

SHAY HAS CONSISTENTLY STATED THAT TRENKLER IS INNOCENT AND INDICATES HE WAS COERCED BY ATF AGENT(S) AND ASSISTANT US ATTORNEY INTO "LYING FOR ATTENTION."

TRENKLER WAS PREJUDICED SINCE MANY STATEMENTS OF SHAY JR'S WERE USED AGAINST TRENKLER AT TRIAL IN OPENING AND CLOSING ARGUMENTS AND THROUGHOUT TRIAL THROUGH JAILHOUSE WITNESSES AND VIDEOTAPE, WITH NO POSSIBLE WAY TO CROSS EXAMINE ANY OF SHAY JR'S STATEMENTS.

SHAY JR NOW OPENLY ADMITS TO TELLING LIES AT THE URGING OF THE GOVERNMENT, THE GOVERNMENT KNOWINGLY USED STATEMENTS OF SHAY JR'S THAT IT KNEW TO BE FALSE.

IS THIS TRULY HOW THE JUDICIARY INTENDED TRIALS TO BE WON?

FINALLY, PETITIONER TRENKLER AGAIN RENEWS HIS REQUEST TO PRAY THAT THIS COURT WILL GRANT HIS PETITION AND FIND THE EVIDENCE PRESENTED WARRANTS A VACATION OF THE CONVICTION IN THIS CASE AND GRANT HIM A NEW TRIAL OR TAKE WHAT EVER STEPS NECESSARY TO RECTIFY THE INJUSTICE AGAINST PETITIONER.

RESPECTFULLY SUBMITTED,

BY: Alfred Wrenkler
ALFRED W. TRENKLER
PETITIONER PRO SE

ON DECEMBER 1, 2008

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY THAT I HAVE THIS 1ST DAY OF DECEMBER 2008 SERVED UPON THE U.S. ATTORNEY'S OFFICE, JOHN JOSEPH MOAKLEY COURTHOUSE, ONE COURTHOUSE WAY, SUITE 9200, BOSTON MASSACHUSETTS, 02210, A COPY OF THE FOREGOING DOCUMENT BY FIRST CLASS MAIL.

Alfred Wrenkler
ALFRED W. TRENKLER
PETITIONER PRO SE

A D D E N D U M

E X H I B I T

2

1 Boylston Street in the Fenway area to go to the bathroom.
2 From there I proceeded, and I got on to Storrow Drive, then on
3 to 93, and I found the exit to get off at. And I proceeded
4 down the road, and I stopped at a Dunkin Donuts to use the
5 bathroom, which they didn't have a bathroom, and then I used
6 an area out in back of the abandoned buildings, I believe.
7 And then I proceeded to find the address which was only a
8 short distance away. And I seen the fellow there that had the
9 automobile that had some work to be done, and I gave him some
10 advice the best thing to do.

11 Q How long were you at the fellow's house there?

12 A Could have been maybe about a half hour.

13 Q Where did you go next?

14 A From there I went over to the Old Soldiers Homes in
15 Chelsea Naval Hospital to visit with my uncle for a short
16 time.

17 Q And after that, what did you do, sir?

18 A Well my uncle had given me a couple of articles that he
19 wanted me to give to my aunt. There I proceeded over to South
20 Boston to a donut shop. I got a cup of coffee and a couple of
21 donuts. And from there I went down to the Castle Island area
22 in South Boston and had my coffee and donuts. From there I
23 went over to my aunt's house to give her the articles that my
24 uncle wanted me to give her. I spent a short time with her
25 and then I went home.

ADDENDUM

EXHIBIT

3

1 the 27th?

2 A No, sir.

3 Q Do you have any recollection of driving over any heavy
4 bumps or railroad tracks?

5 A No, sir.

6 Q Do you recall hitting any speed bumps at high speeds that
7 morning?

8 A No, sir.

9 Q And you say you returned home at about 11:30, Sunday
10 morning. Would you tell what you did when you returned to the
11 house?

12 A When I got home, Mary's car was parked in front of the
13 house. I then proceeded, I backed my car into the driveway.
14 As I was backing up, I heard a noise from underneath. I
15 backed the car up, and I parked it. I got out of the car,
16 went to the back of the car. I looked under the car, and I
17 didn't see anything. Then I went into the house.

18 Q Let me stop you there for a second.

19 You say when you returned home that Mrs. Flanagan's
20 car was parked in front of the house?

21 A Yes, sir.

22 Q Was that unusual?

23 A Yes.

24 Q I think you've already told us that she typically parks
25 in the driveway?

ADDENDUM

EXHIBIT

4

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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2008 DEC -4 A 11: 33

U.S. DISTRICT COURT
DISTRICT OF MASS.
Case: 1:07-cv-1823-RWC

Alfred W. Trenkler)
)
v.)
)
United States of America)

AFFIDAVIT OF MORRISON BONPASSE REGARDING SPEED BUMPS AT CHELSEA SOLDIERS HOME.

I am the author of *Perfectly Innocent*, the book about the Roslindale Bomb case which concludes that Alfred Trenkler and Thomas A. Shay had no involvement with that bomb. Since the printing of 100 copies of the 8th version of the manuscript of the book, in September 2007, I have continued to seek the truth about the case. Version 9 is on the website about the case, www.alfredtrenklerinnocent.org.

Recently, it came to my attention that there were at least two speed bumps on Crest Avenue at the Chelsea Soldiers Home on 27 October 1991, where Thomas L. Shay visited his Aunt Alice's husband, William Hayes. Crest Avenue is the wide road between the major buildings at the Soldiers Home with the Sullivan and Voke Buildings and Adams Hospital on the South side and Sargent Hall, Vinnie's Place and Williams House on the North side.

The existence of these speed bumps was not reported in the police reports investigating the route taken by Thomas L. Shay on that Sunday of October, allegedly with the bomb attached by magnets to the underside of his car.

I visited the Chelsea Soldiers Home on Saturday, 8 November 2008 in order to evaluate the likelihood that Mr. Shay drove over those speed bumps during his 27 October 1991 visit with the bomb underneath his car. I was told that the speed bumps were removed in the late 1990's or early 2000's because too many cars were "bottoming out" when passing over them. That is, the bottoms of regular cars, without bombs underneath, were scraping the speed bumps, and the speed bumps were removed.

Sworn under pains and penalties of perjury.

Morrison Bonpasse
Morrison Bonpasse

214 South Dyer's Neck Road, Sheepscot
P.O. Box 390
Newcastle, ME 04553-0390
207-586-6078

12 November 2008
Date

ADDENDUM

EXHIBIT

5

1 Q I show you what's already in evidence as Exhibit 21 A, is
2 that a photograph of your 1986 Buick Century?

3 A Yes, sir.

4 Q Do you still own or operate that vehicle?

5 THE COURT: What difference does that make?

6 MR. KELLY: Excuse me, your Honor.

7 THE COURT: What difference does that make?

8 MR. KELLY: Well, I'm going to tie it up, your
9 Honor. With the Court's permission, there will be testimony
10 about the vehicle. I want to make sure --

11 THE COURT: But whether he owns it today is relevant
12 to this case?

13 MR. SEGAL: I think it is, your Honor.

14 THE COURT: Okay.

15 Q Do you still own or operate that vehicle today, sir?

16 A No, sir.

17 Q Can you tell us what happened to it, please?

18 A I gave it to a person I know.

19 Q When was that?

20 A Maybe, maybe a year and a half or so.

21 Q And do you have that person's name?

22 A Yes.

23 Q What's his name?

24 A Philip Smith.

25 Q And did Mr. Smith purchase that vehicle from you, sir?

ADDENDUM

EXHIBIT

6

1 Q Are you able to tell us, Mr. Shay, where your vehicle was
2 in the driveway when you heard this sound?

3 A As I was backing up, just getting over the crest, or
4 right on the crest.

5 Q You heard the sound?

6 A Yes, sir.

7 Q What portion of your car was at or about the crest of the
8 driveway when you heard the sound that you just tried to
9 repeat?

10 A Approximately mid-point.

11 Q Did you have to do anything special, in terms of the
12 operation of the vehicle, in other words, to get it back into
13 the driveway?

14 A I had to give it a little gas, a little extra gas.

15 Q Why was that?

16 A Well, it was a four-cylinder car. Even though the
17 driveway wasn't really that steep, I needed to give it a
18 little gas to get it up.

19 Q Mr. Shay, I'm showing you what's previously been
20 introduced as Exhibit 10 B. Do you recognize what is depicted
21 in this photograph, sir?

22 A Yes, sir.

23 Q What is it?

24 A It is the driveway at 39 Eastbourne Street, in
25 Roslindale.

ADDENDUM

EXHIBIT

7

12 November, 2008

The Honorable Rya W. Zobel
Justice, US District Court
The District of Massachusetts
1 Courthouse Way
Boston, MA 02210

Dear Judge Zobel:

I was a juror in the Alfred Trenkler case in 1993. Testimony which influenced my vote of guilty is now called into question. Having read portions of the trial's transcript and of Mr. Trenker's post trial notes I have to wonder if investigators seriously considered other possible suspects who would have had motives to scare or to kill Shea Sr.

The jury did not learn that finger prints were found on the underside of Shea Sr.'s car or whether they were identified.

The electrical tape from the black box was not examined for prints nor has it had the more recently available DNA testing.

Since Mr. Trenkler had his own supply of toggle switches, the likelihood of a new purchase is unlikely. Radio Shack is now unable to locate the receipt for the toggle switch used in the bomb.

Shea Sr. told a psychiatrist the previous week that he was fearful of being bombed. Why wasn't he suspicious when the black box fell off his car?

Did the box have marks consistent with its having scraped the driveway? Did the driveway have consistent marks?

How was Shea Sr. able to drive around town without the bomb falling off?

Defense attorneys provided little exculpatory evidence. The testimony of several witnesses should have been challenged more rigorously.

An "expert" witness testified that information from the EXIS data base indicated that the bomb which took the life of Mr. Foley was a signature of the Quincy "bomb". It is now known that the EXIS data base was manipulated to obtain those results and that the Quincy "bomb" was not even in the base until the Quincy police contacted the Boston Police. Then only select characteristics had been entered. Believing that the bomb which killed Mr. Foley had Alfred Trenker's signature played a major role in my vote of guilty.

Key witnesses may have lied regarding the length and nature of Mr. Trenker's association with Tommy Shea. Better communication between the defense team and the defendant during trial might have helped to challenge the testimony of these witnesses.

Now aware that the testimony which most convinced me of Trenkler's guilt was inaccurate, I hope a process for a retrial will move forward. . Hopefully different defense attorneys will provide a jury with accurate and comprehensive testimony, and a new verdict will be based on it.

Marcia Lapson

Marcia Lapson

EXHIBIT 7

ADDENDUM

EXHIBIT

8

State concisely every ground on which you now claim that you are being held unlawfully. Summarize briefly the facts supporting each ground.

- (a) Ground one: CODEFENDANT SHAY NOW STATES THAT TRENKLER IS INNOCENT, THAT SHAY'S FATHER WAS RESPONSIBLE FOR BOMB

Supporting FACTS (tell your story briefly without citing cases or law):

SHAY GAVE TWO HOUR INTERVIEW EXPLAINING WHY HE PLEAD GUILTY AT NEW TRIAL, THAT HIS FATHER WAS RESPONSIBLE FOR THE BOMB IN ORDER TO PRESSURE DEFENDANTS HE WAS SWING FOR \$400,000.00, AND THAT TRENKLER WAS TOTALLY INNOCENT OF ANY PARTICIPATION IN CHARGED CRIME

Was this claim raised in a prior motion? Yes () No (X)

Does this claim rely on a "new rule of law?" Yes () No (X)

If "yes," state the new rule of law (give case name and citation):

Does this claim rely on "newly discovered evidence?" Yes (X) No ()

If "yes," briefly state the newly discovered evidence, and why it was not previously available to you CODEFENDANT DID NOT AVAIL HIMSELF

TO BE INTERVIEWED CONCERNING THIS CASE UNTIL JULY 18, 2006. SHAY NOW WILLING TO GIVE SWORN TESTIMONY OF TRENKLER'S NON PARTICIPATION IN THE CHARGED OFFENSE

- (b) Ground two: BOMB TOGGLE SWITCH REMAINS ARE NOT FROM RADIO SHACK BUT INSTEAD FROM COMPETITOR

Supporting FACTS (tell your story briefly without citing cases or law):

COMPARISON OF BOMB SWITCH REMAINS TO RADIO SHACK PART NUMBER 275-602 SHOW NO MATCH BUT INSTEAD REMAINS ARE AN EXACT MATCH TO A PHILMORE MODEL # 30219. GOVERNMENT THEORY CODEFENDANT MADE OVERT ACT PURCHASE WOULD BE NEGATED BY THIS EVIDENCE

Was this claim raised in a prior motion? Yes () No (X)

A D D E N D U M

E X H I B I T

9

United States Court of Appeals For the First Circuit

No. 07-2112

ALFRED W. TRENKLER,

Petitioner,

v.

UNITED STATES,

Respondent.

Before

Boudin, Chief Judge,
Selya, Senior Circuit Judge,
and Lipez, Circuit Judge.

JUDGMENT

Entered: September 6, 2007

Petitioner Alfred W. Trenkler seeks to present to the district court a second section 2255 challenge to his federal conviction for participating in a bombing plot. Under applicable certification provisions, 28 U.S.C. §§ 2244, 2255, we must determine whether Trenkler has made a prima facie showing of newly discovered evidence that would show by clear and convincing evidence that a reasonable fact finder aware of such evidence would not have convicted him.

Trenkler has alleged under oath new forensic evidence that, if established, could well be substantial (exculpatory statements by a co-defendant are less impressive). Less clear are the bases for claims that the evidence is newly discovered or that its earlier unavailability reflects any constitutional violation, but it is conceivable that Trenkler might be able to fill in these gaps.

The test for certification, although nominally rigorous, is also expected to be applied swiftly--there is a 30-day target--and

EXHIBIT 9

A D D E N D U M

E X H I B I T

10

Dear Judge Zobel,

10-14-08.

I am writing this letter to you, a week after the passing of Josephine Barbara Wallace of complications of cancer.

Your Honor,

IT IS with my sincerest heart and my deepest pain, I beseech you to give the convictions of Alfred Trenkler and myself, and the investigation of the criminal aspect of the Lindala Bomb case, a look.

Your Honor,

ALFRED TRENKLER IS AN INNOCENT MAN. IT IS BECAUSE OF LIES, STORIES I MADE UP, STORIES, LIES, THAT TODAY HE SITS BEHIND BARS. IT IS BECAUSE OF MY MENTAL INSTABILITY, THESE SAME LIES, IMPRISONED ME FOR 14 YEARS.

Your Honor,

With everything I am today, every word I speak is a truth, the truth, to tell you and others that the criminal justice system in the form of the ATF and U.S. Attorney's Office, took advantage of my attention seeking mental illness and used it like a ~~smoke screen~~ with ATF Agent Kert asking if Alfred had made a surprise and prosecutor Kelly saying how much attention I would derive on TV if I told about a surprise. These lies became evidence, and two wrongful convictions. Lies your Honor. Lies for attention and the real perpetrators in this case are free.

Please give this some thought. We are human beings.

The Alby

EXHIBIT 10

10-14-08

Judge Rya Zobel
1 Court House Way
Boston, MA 02210

Dear Judge Zobel,

I am writing this letter to you, a week after the passing of Josephine Barnum Wallace of complications of cancer.

Your Honor,

It is with my sincerest heart and my deepest pain, I beseech you to give the convictions of Alfred Trenkler and myself, and the investigation of the criminal aspect of the Roslindale Bomb case, a look.

Your Honor,

Alfred Trenkler is an innocent man. It is because of lies, stories I made up, stories, lies, that today he sits behind bars. It is because of my mental instability, these same lies, imprisoned me for 14 years.

Your Honor,

With everything I am today, every word I speak is a truth, the truth, to tell you and others that the criminal justice system in the form of the ATF and the U.S. Attorneys office, took advantage of my attention seeking mental illness and use it like as in a chess game, with ATF Agent Kerr asking if Alfred had made a surprise and Prosecutor Kelly saying how much attention I would derive on TV if I told about a surprise. These lies became evidence, and two wrongful convictions. Lies your honor. Lies for attention and the real perpetrators in this case are free.

Please give this some thought. We are human beings.

/s/ Thomas A. Shay

(rekeyed by Morrison Bonpasse, Newcastle, Maine, 18 October 2008)

EXHIBIT 10