

MORRISON M. BONPASSE

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4 January 2010

Re: Classification and assignment for
Alfred W. Trenkler, 19377-038

BY CERTIFIED MAIL

Harley G. Lappin
Director

Valerie Rappold
Administrator, Correctional Programs Branch

Federal Bureau of Prisons
320 First Street, N.W., Room 500
Washington, DC 20534

Dear Mr. Lappin and Ms. Rappold:

Thank you very much for Ms. Rappold's letter of 30 December 2009, a copy of which is enclosed and attached to the emailed CC's of this letter.

First, please know that Alfred William Trenkler was wrongly convicted in 1993 and does not belong in your care in the U.S. Bureau of Prisons. Information about his case is available at www.alfredtrenklerinnocent.org and the manuscript of my book, *Perfectly Innocent*, which is online at that site. I understand that, technically, you cannot take into consideration whether an inmate is wrongly convicted or not. Nonetheless, the enormity of the injustice requires that Alfred's actual innocence be stated and restated at every opportunity, and the Bureau of Prisons IS a part of the Dept. of Justice. You have enough difficulty with your 208,000+ Federal inmates, the vast majority of whom have committed crimes, without having to care for innocent U.S. citizens who are wrongfully convicted.

You correctly stated in your letter that Alfred Trenkler was sentenced to a term of 37 years on 9 April 2007. However, it must be noted that when Judge Rya Zobel sentenced Alfred to those 37 years, she was sentencing him to the limit of her judicial authority under the statute governing punishment for the crimes for which he was convicted in 1993. That is, she sentenced Alfred to prison for the rest of his expected life span, as she was authorized, without the need to poll the jury for its recommendations, which was not done in 1993. To further explain, when he was originally sentenced on 8 March 1994, Alfred Trenkler was 38 years old, so when resentenced in 2007, it appears that Judge Zobel used actuarial tables which

predicted Alfred's life expectancy as 75, and sentenced him to prison until that age - if he reaches it.

Therefore, on 9 April 2007, Judge Zobel effectively sentenced Alfred to "life in prison." When she resentenced Alfred on 30 October 2008 to Life in Prison, as ordered by the Court of Appeals for the First Circuit, the only effective difference was that if Alfred lived to be 75 years old, he would continue in prison under the reinstated sentence, whereas he would be freed under the 37-year sentence.

However, you wrote that the Bureau of Prisons increased Alfred's security level from Low to High "*due to the reinstatement of his life sentence.*" That doesn't seem logical or fair to me. The crimes for which he was convicted were exactly the same as before, and the sentence is almost the same, unless he lives to be older than 75 - which seems unlikely given that he is now wearing a pacemaker, due to the stress of wrongful conviction and incarceration and living conditions in prison.

As your prison records at USP Allenwood and FMC Devens surely indicate, he has had absolutely no incidents of violence in his 15 years in the Bureau of Prisons and has posed no other security threats. Thus, I ask that you reconsider the change in Alfred's security level and restore it to Low, or even Medium.

You acknowledged in your letter my request that Alfred be returned to FMC Devens or to another appropriate prison within a 500 mile radius of his former home in Milton, Mass. However, you wrote, nonetheless, that Alfred has been approved for transfer to USP Tucson. Is that the only appropriate prison in the U.S. for Alfred Trenkler, even with a High Security classification? Is that the only facility for a "medical category 3" "High Security" inmate? Why does he have to be sent to a prison 2,600 miles from Massachusetts? Wasn't his prior facility at Allenwood an appropriate prison for Alfred, if you find legitimate reasons not to return him to FMC Devens? After the installation of his pacemaker in 2006, Alfred remained at Allenwood until his 2008 transfer to FMC Devens.

Incidentally, it was from USP Tucson that Donald Eugene Gates emerged exonerated on 15 December 2009, after serving 28 years in prison for a murder in Washington DC in 1981 that he did not commit. It is surely a coincidence that the Bureau of Prisons now intends to send another wrongfully convicted man to the same prison. Please note that Alfred Trenkler's wrongful conviction occurred in part when prosecutors saw a connection when there was only coincidence, but the planned transfer of Alfred Trenkler to Donald Gates' USP Tucson seems only a coincidence to me. Even in this case, not all coincidences have connections, or even conspiracies.

My understanding is that FMC Devens has High Security inmates in one of its pods. Perhaps "J"? Alfred was resentenced on 30 October 2008, but he was not transferred to that High Security pod after that date. Indeed, he was reassured by his counselor that the formal change in sentence would have zero effect on his living arrangements at Devens.

Why, then, was he transferred completely out of Devens on 13 November 2009 on the eve of the Government's filing a reply to his 28 U.S.C. 2255 Appeal at the Court of Appeals for the First Circuit? At the time, the Government's brief was due on 1 December 2009, and it's now due on 11 January 2010.

Why is he in a holding area, without access to his property, and, of primary importance, his legal documents and materials? Why has he been there for six weeks? When will he be transported to an appropriate facility?

Other consequences have arisen from the 13 November 2009 transfer. On Monday, 28 December 2009, after four days in intensive care at the Milton, Mass. hospital, Alfred's loyal stepfather, Jack Wallace, died. If Alfred had remained at FMC Devens, perhaps he could have been granted a supervised compassionate release, even though a similar release was not granted when his mother, Josephine Johnson Barnum (Trenkler) Wallace, was hospitalized and died a year earlier. From Brooklyn, such a supervised compassionate release, was even less likely.

You stated at the end of your courteous letter of 30 December 2009, that you "*trust this information has addressed*" my concerns, but you wrote nothing about the serious issue of the failure to provide Alfred Trenkler with scheduled medical treatment in December 2009, as was noted in my 23 December 2009 email to you. I raised the same concerns in my 27 December 2009, email to Georgina Macias-Carson, Operations Manager, Designation and Sentence Computational Center, Bureau of Prisons, and Marcus Massingale, Correctional Programs Specialist, Bureau of Prisons about Alfred's classification and medical status. I wrote to them because Alfred had been advised by Bureau of Prisons staff at Brooklyn that one or both of them was going to write to me. Despite the critical matter of Alfred's medical health, where his life depends upon the precision performance of his pacemaker, there has been no response from the Bureau of Prisons to his, and my, requests for medical attention, as previously scheduled by the Bureau of Prisons.

Let me restate my questions:

1. Can Alfred Trenkler's security classification be reviewed again, in view of the similarity between his earlier sentence of 37 years ("life") and his present and reinstated, Life sentence? Can he be restored to a "Low" Security classification, or even "Medium"?
2. Is Tucson USP the only facility in the U.S. which is appropriate for Alfred Trenkler, even if his High Security classification remains? If not, which are the others? Isn't Allenwood appropriate, as it was in 2006 and 2007?

3. Why was he transferred on 13 November 2009, more than a year after his resentencing, and during which year, there had been no change in the security of his living arrangements at FMC Devens?
4. Why, after being transferred from FMC Devens on 13 November 2009 and sent to MDC Brooklyn is he still there, more than six weeks later?
5. When will he be transferred to an appropriate facility?
6. Why has not been given medical care as was scheduled for December 2009 to monitor, test and calibrate his pacemaker, as was done at FMC Devens regularly and as medically scheduled? More positively phrased, when will he be given medical care?

I reiterate that your prompt correspondence is much appreciated. As noted above, I wrote to Mr. Massingale and Ms. Macias-Carson only because Alfred had been advised orally in Brooklyn that one or both of them was going to write to me, which didn't happen. However, unless I hear from either of them directly, further communications to the Bureau of Prisons will be to you; or you will be copied on any of my communications to the Bureau of Prisons.

Finally, as I noted to Mr. Massingale and Ms. Macias-Carson, *"I have some understanding of your difficult work, and I appreciate it. My college thesis was entitled, 'Inmate Self-Government' and it centered primarily around the career of Thomas Mott Osborne who was a prison reformer and warden at Sing Sing, Norfolk Prison Colony in Massachusetts and Portsmouth Naval Prison in New Hampshire in the early 20th century."* Also, in the 1970's I was a counselor and later the Director of Personnel for the Massachusetts Dept. of Youth Services.

Very truly yours,

CC: Alfred W. Trenkler, 19377-038, MDC Brooklyn P.O. Box 329002 Brooklyn, NY 11232

Hon. Rya Zobel, U.S. District Court Judge, John J. Moakley Courthouse One Courthouse Way Boston, MA 02210

CC by Email:

David W. Ogden, Deputy Attorney General, Dept. of Justice

Glenn A. Fine, Inspector General, Dept. of Justice

Mary Patrice Brown, Office of Professional Responsibility

Craig Apkar, Warden, Tucson USP, Bureau of Prisons

Valerie Rappold, Administrator, Correctional Programs Branch, Bureau of Prisons
(for electronic copy)

Georgina Macias-Carson, Operations Manager, Designation and Sentence Computational Center, Bureau of Prisons

Marcus Massingale, Correctional Programs Specialist, Bureau of Prisons
Nick Zaferakis, Office of Congressman Stephen Lynch
Ashley O'Neill, Office of Senator John Kerry

Enclosures/Email Attachments:

30 December 2009 letter from Valerie Rappold to Morrison Bonpasse

**23 December 2009 email from Morrison Bonpasse to Valerie Rappold re: "Alfred
Trenkler in need of medical attention - Quarterly monitoring of pacemaker...."**

**27 December 2009 email from Morrison Bonpasse to Georgina Macias-Carson and
Marcus Massingale, re: "Alfred Trenkler in need of medical attention - Quarterly
monitoring of pacemaker...."**



Federal Bureau of Prisons

Washington, D.C. 20534

December 30, 2009

Morrison Bonpasse
P.O. Box 390
Newcastle, Maine 05433

Re: Trenkler, Alfred
Register No.: 19377-038

Dear Mr. Bonpasse:

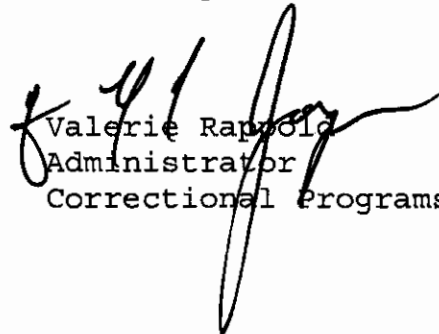
Your letter to Harley G. Lappin, Director of the Federal Bureau of Prisons, has been forwarded to me for response. Additionally, this letter will address your concerns from your e-mail received on December 24, 2009. Specifically, you request assistance in Mr. Trenkler being redesignated to the Federal Medical Center (FMC) Devens or to an FMC within a 500 mile radius of Milton, Massachusetts.

Mr. Trenkler is a High Security Level inmate with In Custody. He was sentenced in the District of Massachusetts to serve a term of Life, for Receipt of Explosive Material, Attempted Malicious Destruction of Property with Explosives and Conspiracy.

Mr. Trenkler was originally sentenced to a term of Life on March 8, 1994. Subsequently, he appealed his sentence and was granted a sentence reduction to a thirty-seven year term on April 9, 2007. However, on October 30, 2008, Mr. Trenkler's Life sentence was reinstated. Due to the reinstatement of his Life sentence, his security level increased from Low to High. He has been approved for transfer to the United States Penitentiary (USP) Tucson, Arizona. This facility is commensurate with his security, custody, medical and programming needs.

I trust this information has addressed your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Valerie Rappold', is written over the typed name and title.

Valerie Rappold
Administrator
Correctional Programs Branch

— Original Message —

From: Morrison Bonpasse

To: Valerie Rappold, Administrator, Correctional Programs Branch

Cc: Anna Platt, Office of Senator Arlen Specter ; David W. Ogden, Deputy Attorney General of the United States ; Harley G. Lappin, Director of U.S. Bureau of Prisons ; Craig Apkar, Warden, Bureau of Prisons, Tucson USP ; Nick Zaferakis, Office of Congressman Stephen Lynch ; Ashley O'Neill, Office of Senator John Kerry

Sent: Wednesday, December 23, 2009 9:40 PM

Subject: Alfred Trenkler in need of medical attention - Quarterly monitoring/adjusting of pacemaker Response to your letter of 11 December, regarding request to REVERSE the transfer of Alfred Trenkler, 19377-038 from Devens to Tucson

Dear Ms. Rappold,

I learned today by letter from Alfred Trenkler that he has, so far, missed the quarterly reading/monitoring/calibration of his pacemaker, which is/was due in December. When he was at Devens, the quarterly pacemaker reading was performed at the University of Massachusetts Medical Center in Worcester, Mass., about a half hour from Devens. Alfred wrote, "*My adjustments have to be done in an actual hospital with actual doctors since there is the risk of sudden heart failure during testing.*"

Please let me note that before his wrongful conviction in 1993, Alfred Trenkler was a vigorous man who did much of his work outdoors. After serving thirteen years in prison, his heart nearly failed and a pacemaker was installed in 2006 at a hospital near the Allenwood, Pennsylvania prison.

Attached is Alfred Trenkler's 14 December 2009 letter to Senator John Kerry where he described, *inter alia*, his wrongful conviction and also his medical needs:

"The reason that I was housed at FMC Devens is because I had a total A-V block in my heart and had to have a pacemaker implanted in 2006 and must have constant monitoring and must take blood thinning medication.

I am being told here at MDC Brooklyn that I am on a 'medical transfer' to Tucson, however, there is no Federal Medical Center listed in the State of Arizona. I am being sent to a United States Penitentiary (USP) where I will not receive the medical care I require for my heart condition.

What is odd is the fact that my step father was informed by FMC Devens Unit team [leader] Calabro that my transfer was because my two (illegal) life sentences had been reinstated. However, by the Bureau of Prisons (BOP) definition, all five FMC's in this country are administrative facilities and all administrative facilities house all inmates of all custody levels, which would obviously include myself, as a 'critical care level 3' heart patient."

Also attached is Alfred Trenkler's 14 December letter to Sandra Lynch, Chief Judge of the Court of Appeals for the First Circuit, Mark Wolf, Chief Judge U.S. District Court for Massachusetts, and Rya Zobel, Alfred's trial District Court Judge for the District of Massachusetts. There, *inter alia*, he further described his medical needs:

"In the two years at FMC Devens, other than the mailroom's practice of delaying the delivery of my legal mail on a regular basis, I had no problems whatsoever with any of the staff and was

living in peace without the worries of being killed in a penitentiary setting since even one hard blow to my pacemaker is a virtual death sentence to me....

I have gleaned from the unit team here at MDC Brooklyn that I am on a 'Transfer code 335' a 'Transfer for Hospitalization and Treatment: Transfer between BOP Medical Referral Centers for continued medical/physical or psychiatric treatment...' The problem with this particular transfer is that nowhere is there any listing for a medical center anywhere in Arizona, there are only five in the entire country and I was in the one and only medical center in my region. This transfer is putting my life in danger....

I am told that I won't leave here until mid January. After my stay here I will be sent to Oklahoma where I will again sit in limbo.... "

As noted in earlier emails, Alfred Trenkler was suddenly transferred out of Devens FMC on Friday, 13 November and has been in MDC Brooklyn since then, almost six weeks.

Can you please reverse his transfer and move him back to Devens FMC where he can receive the medical care he must have? This prison is well within the Bureau of Prisons 500 miles-from-home goal for the general placement of inmates. Or, Can you place him in an FMC or other facility within 500 miles of Milton, Massachusetts, with access to medical care necessary to maintain his pacemaker operations?

Can you please ensure that his quarterly pacemaker reading/calibration occurs in a proper medical facility as soon as possible?

Thank you for your prompt attention to these matters.

Very sincerely,

Morrison

Morrison Bonpasse
P.O. Box 390
Newcastle, ME 04553-0390
001-207-586-6078

P.S. Also attached is my "Certification of Identity".

— Original Message —

From: Morrison Bonpasse

To: Valerie Rappold, Administrator, Correctional Programs Branch

Cc: Craig Apkar, Warden, Bureau of Prisons, Tucson USP ; Harley G. Lappin, Director of U.S. Bureau of Prisons

Sent: Tuesday, December 15, 2009 12:30 PM

Subject: Response to your letter of 11 December, regarding request to REVERSE the transfer of Alfred Trenkler, 19377-038 from Devens to Tucson

Dear Ms. Rappold,

Thank you for your response to my email to Mr. Harley Lappin, among others, to request that the transfer of Alfred Trenkler from Devens FMC to Tucson be reversed.

Your response, a copy of which is attached, was as follows:

December 11, 2009

Morrison Bonpasse
P.O. Box 390
Newcastle, Maine 05433

Re: Trenkler, Alfred
Register No.: 19377-038

Dear Mr. Bonpasse:

Your letter to Harley G. Lappin, Director of the Federal Bureau of Prisons, has been forwarded to me for response. However, the institution where he is incarcerated is in the best position to provide you with a response to your request. In order to be responsive, I have forwarded your correspondence to the Warden of the Federal Correctional Complex in Tucson at the following address:

Craig Apkar, Warden
Federal Correctional Complex - Tucson
USP Tucson
9300 S. Wilmot Road
Tucson, Arizona 85756

I trust this information has been of assistance.

Sincerely,

Valerie Rappold /s/
Valerie Rappold
Administrator
Correctional Programs Branch

However, Alfred Trenkler is still in the Brooklyn MDC, exactly where he was when I wrote to Mr. Lappin and others on 15 November. The purpose of the 15 November email was to seek assistance in returning him to Devens, or if not possible, to a facility closer to home than Tucson, AZ.

As Alfred is still in Brooklyn, can you please consider this email as a continuation of the 15 November request? That is, can you please send Alfred Trenkler back to Devens, OR to another appropriate facility which is not so far from Massachusetts as Arizona?

Very truly yours,

Morrison

Morrison Bonpasse
P.O. Box 390
Newcastle, ME 04553-0390
001-207-586-6078

— Original Message —

From: Morrison Bonpasse

To: David W. Ogden, Deputy Attorney General of the United States ; Lanny Breuer, Assistant Attorney General, Criminal Division ; Carmen Ortiz, U.S. Attorney for District of Massachusetts ; Randall Kromm, Assistant U.S. Attorney, Massachusetts ; Harley G. Lappin, Director of U.S. Bureau of Prisons

Cc: Nick Zaferakis, Office of Congressman Stephen Lynch ; James Pineau, Office of Congresswoman Chellie Pingree ; Edward Davis, Commissioner, Boston Police Dept. ; William Sinnott, Corporation Counsel, City of Boston

Sent: Sunday, November 15, 2009 4:18 PM

Subject: Request to reverse Transfer from Devens to Tucson of Actually Innocent Inmate: Alfred W. Trenkler, 19377-038 Fw: Truth and Justice in the Roslindale Bomb case and the necessary future role for the Department of Justice and Office of U.S. Attorney

Dear Attorney General Holder (by hard copy), Deputy Attorney General Ogden, Assistant Attorney General Breuer, Bureau of Prisons Director Lappin, U.S. Attorney for Massachusetts Ortiz and Assistant U.S. Attorney Kromm:

First and foremost, Alfred W. Trenkler, 19377-038, is an actually innocent man. Every day in prison for an innocent man is a tragedy for him, his family, and for the surviving victim of the 1991 Roslindale Bomb, and for both victims' families. Each such day in prison for an innocent man means an undeserved additional day of freedom for the actual perpetrator of the Roslindale Bomb.

I wrote the letter/email below to Attorney General Holder, *et al*, on 1 November to ask for a response to previous letters/emails written to you about Alfred W. Trenkler. I had been advised on 30 September that the Congressional Liaison of the Department of Justice had told the Office of my Congresswoman, Chellie Pingree, that a draft response to me had been written and that it was "currently under review." I look forward to receiving that response as perhaps that will lead to a reasonable dialogue with exchange of information and trust. Let's determine the truth in this matter through reasonable inquiry and communication.

I write today about an especially urgent matter. With one day notice, Alfred Trenkler was moved on Friday, 13 November, from Devens FMC to the Brooklyn MDC and he was told that he was on his way to a prison in Tucson, Arizona. Alfred was not given a reason for the transfer, but his stepfather, Jack Wallace, was advised by Devens Unit Team Manager Calabro (sp?), by phone on Saturday, 14 November, that Alfred was being moved because his life sentence had recently been reinstated and that there are no life prisoners at Devens. Is it true that there are no prisoners at Devens FMC serving a life sentence?

Alfred was not in the "J" pod at Devens FMC which is its most secure unit, so it's doubtful that he was transferred in order to provide more security. Why is he being transferred?

Forwarded below is my email to the Devens FMC on Thursday afternoon, 12 November, about the unfairness of the then anticipated transfer to an unknown prison. Given the current status of Alfred Trenkler's *pro se* appeal to the Court of Appeals for the First Circuit, with the

Government's response brief due in 17 days, and Alfred's response due one month after that, transferring him to a high security prison 2,600 miles away has the appearance of retaliation for his efforts to attain justice. Doesn't the Dept of Justice want to avoid the appearance of retaliation against a prisoner who is asserting not only his rights of access to the courts, but also his actual innocence?

Please reverse the decision to transfer Alfred Trenkler to Tucson and return him to Devens, which is an appropriate facility for the reasons given in my 12 November email below. In addition, imprisoning Alfred Trenkler in the Tucson, Arizona USP would deprive him of a significant part of his ability to advocate for his actual innocence. It would cost thousands of dollars for any investigator with knowledge about his case to interview him.

Perhaps all, or part, of this transfer is a terrible mistake. Alfred Trenkler has been told by a counselor at the Brooklyn MDC that his transfer is a "medical transfer", but there is no FMC facility in Arizona listed on the BOP website. The only FMC's are in Kentucky, Massachusetts, Minnesota, North Carolina and Texas. However, Alfred's stepfather called Arizona today and was advised there there is a Federal medical facility in Arizona, even if not officially classified as an FMC. Even if there is, why would he be transferred from one medical facility to another? Why would a medical category "Critical Care 3" prisoner be transferred from a Federal Medical Center near his home and his ailing stepfather and near the Court of Appeals considering his case to an FMC, or otherwise labeled medical prison, farther away? Alfred understands that all federal prisoners with pacemakers are medically classified as "Critical Care 3" prisoners.

Alfred is currently at the Brooklyn MDC awaiting transfer to the Tucson USP, which transfer, incidentally, would cost the taxpayers several thousand dollars. Returning him to Devens FMC would minimize the cost of his future imprisonment until he is exonerated.

Despite this most recent decision, I continue to have faith that the Department of Justice will do what's right and re-investigate Alfred Trenkler's case as has been requested in previous letters and Emails to Attorney General Holder, Assistant Attorney General Breuer, and the incoming and previous U.S. Attorneys for Massachusetts. Such a re-investigation will quickly show what five of Alfred Trenkler's jurors (out of the first five contacted) have already understood, which is that Alfred Trenkler is actually innocent.

The widow of the slain Boston Bomb Squad officer, Jeremiah Hurley, Jr., has told her nephew, a Massachusetts State Trooper, that she wants the truth to be revealed. At other times she has said that she and her family want closure to the terrible tragedy of her husband's death. What then is stopping the Federal Government from working with the Boston Police Department and from initiating a preliminary re-investigation into the case? A few hours of such a re-investigation will quickly reveal that Alfred Trenkler is "perfectly innocent" of any involvement with the Roslindale Bomb. Through such a re-investigation, the long-desired closure can be obtained.

On the same day of Alfred Trenkler's transfer, 13 November, Attorney General Holder spoke of justice at two separate events and those statements are consistent with re-investigating the Alfred Trenkler case and in returning him to Devens.

At the installation of Thomas Perez as Assistant Attorney General, you stated, *"The quest for justice must be an impatient thing – for we all know what happens when justice is delayed. So I am an impatient Attorney General."* Such impatience is a welcome virtue and I hope you apply

it to this case. Alfred Trenkler has been wrongfully imprisoned since 1992 and for him, justice has been long denied.

When announcing the next step for 10 Guantanamo detainees, you stated, "For over two hundred years, our nation has relied on a faithful adherence to the rule of law to bring criminals to justice and provide accountability to victims. Once again we will ask our legal system, in two venues, to rise to that challenge. I am confident it will answer the call with fairness and justice."

I am confident that you will respond to these requests and to the actual innocence of Alfred Trenkler with fairness and justice.

I will close with an exhortation, from President Obama's statement at Buchenwald in June 2009, "And it is now up to us, the living, in our work, wherever we are, to resist injustice and intolerance and indifference in whatever forms they may take..."

Very truly yours,

Morrison

Morrison Bonpasse
P.O. Box 390
Newcastle, ME 04553
207-586-6078

CC by hard copy:

Hon. Sandra Lynch, Chief Judge, Court of Appeals for the First Circuit
Hon. Mark Wolf, Chief U.S. District Court Judge, Boston
Hon. Rya Zobel, U.S. District Court Judge, Boston
Alfred W. Trenkler, 19377-038, MDC Brooklyn, P.O. Box 329002, Brooklyn, NY 11232

— Original Message —

From: Morrison Bonpasse

To: Georgina Macias-Carson, Operations Manager, Designation and Sentence Computation Center, Bureau of Prisons ; Marcus Massingale, Correctional Programs Specialist, Bureau of Prisons

Sent: Sunday, December 27, 2009 8:24 AM

Subject: Fw: Alfred Trenkler in need of medical attention - Quarterly monitoring/adjusting of pacemaker Response to your letter of 11 December, regarding request to REVERSE the transfer of Alfred Trenkler, 19377-038 from Devens to Tucson

Dear Mr. Massingale and Ms. Macias-Carson,

On Tuesday, 22 December, Alfred Trenkler wrote to me to contact Ms. Macias-Carson about his transfer status, and on Wednesday, 23 December, he wrote that he was advised that Mr. Massingale was writing to me about his case. I received both letters Saturday, 26 December, and thought I would try to send an email to both of you.

Forwarded below is my email to the Dept. of Justice Office of Professional Responsibility and the Inspector General about Alfred's medical treatment. That email, in turn, contained as an attachment my Certified Mail letter of 17 December to both offices asking for a full investigation of the case of Alfred Trenkler, from the investigation, through his wrongful conviction and including his current transfer status. Also forwarded below are earlier emails to the Bureau of Prisons and the Dept. of Justice about Alfred Trenkler's transfer.

As corrections professionals, I understand that, technically, you cannot take into consideration whether an inmate is wrongly convicted or not. However, please be assured that Alfred William Trenkler was wrongly convicted in 1993 and does not belong in the U.S. Bureau of Prisons. Information about his case is available at www.alfredtrenklerinnocent.org and the manuscript of my book, *Perfectly Innocent*, which is online at that site.

He called me yesterday and, in the short 15 minutes allowed per call, corrected my understanding of the medical situation. He is now due for a quarterly phone-in monitoring of his pacemaker. As I understand it, some kind of a device is placed on his chest for the monitoring, and a signal is sent via a modem to a specialized machine at a hospital where the data is read. He is now also due for a semi-annual hospital calibration of his pacemaker. Such a procedure must be done in a hospital equipped with the right machine, and in the presence of qualified medical staff in case some kind of heart problem occurs during the procedure.

He said that he has been to the medical facility at the Brooklyn MDC twice about his pacemaker, but both times he has waited for several hours and then, without being seen or examined, sent back to his unit and told to come another day. Please know that this is a life-threatening issue.

Reiterating the request in the correspondence below, can you please return Alfred Trenkler to Devens or assign him to a facility within 500 miles of his home and where appropriate medical facilities are available? He has been in the Brooklyn Metropolitan Detention Center for six weeks, and has been advised that he is on his way to Tucson, Arizona. His transfer out of Devens FMC appears to be in retaliation for his exercise of his rights to appeal his conviction and appears designed to interfere with his ability to pursue that appeal, *pro se*. Within the prison system, the appearance of such retaliation appears frequently enough to be given the name "diesel therapy."

Finally, let me note that I have some understanding of your difficult work, and I appreciate it. My college thesis was entitled, "Inmate Self-Government" and it centered primarily around the career of Thomas Mott Osborne who was a prison reformer and warden at Sing Sing, Norfolk Prison Colony in Massachusetts and Portsmouth Naval Prison in New Hampshire in the early 20th century.

Very sincerely,

Morrison

Morrison Bonpasse
Vice-President
Alfred Trenkler Innocent Committee
P.O. Box 390
Newcastle, ME 04553
207-586-6078
morrison@alfredtrenklerinnocent.org
www.alfredtrenklerinnocent.org

----- Original Message -----

From: [Morrison Bonpasse](mailto:morrison@alfredtrenklerinnocent.org)

To: [Mary Patrice Brown, Acting Counsel, Office of Professional Responsibility, Dept. of Justice ; Glenn A. Fine, Inspector General of the Dept. of Justice](#)

Sent: Thursday, December 24, 2009 7:52 AM

Subject: Fw: Alfred Trenkler in need of medical attention - Quarterly monitoring/adjusting of pacemaker Response to your letter of 11 December, regarding request to REVERSE the transfer of Alfred Trenkler, 19377-038 from Devens to Tucson

Dear Ms. Brown and Mr. Fine,

Forwarded below is an email sent yesterday to the Bureau of Prisons about the absence of proper medical care for Alfred Trenkler, 19377-038, in the Bureau of Prisons MDC Brooklyn facility. This problem with medical care for Alfred Trenkler is part of the larger problem with his abrupt transfer from Devens FMC to Brooklyn on 13 November 2009, with the information that he was being sent to Tucson, Arizona. Alfred has a heart pacemaker which must be read and calibrated quarterly.

More information about Alfred's wrongful conviction and his case is coming to you in my letters about the case which were sent to you on 18 December 2009. A copy of those letters is attached to this email. One original copy to Mr. Fine has the Certified number 7007 1490 0004 6921 3407 and the other original copy to Ms. Brown is 7007 1490 0004 6921 3391. These letters call for a full investigation of Alfred Trenkler's entire wrongful conviction case and should arrive in your offices today.

Thank you for your consideration of this matter.

Very sincerely,

Morrison

Morrison Bonpasse
P.O. Box 390
Newcastle, ME 04553-0390

001-207-586-6078

— Original Message —

From: Morrison Bonpasse

To: Valerie Rappold, Administrator, Correctional Programs Branch

Cc: Anna Platt, Office of Senator Arlen Specter ; David W. Ogden, Deputy Attorney General of the United States ; Harley G. Lappin, Director of U.S. Bureau of Prisons ; Craig Apkar, Warden, Bureau of Prisons, Tucson USP ; Nick Zaferakis, Office of Congressman Stephen Lynch ; Ashley O'Neill, Office of Senator John Kerry

Sent: Wednesday, December 23, 2009 9:40 PM

Subject: Alfred Trenkler in need of medical attention - Quarterly monitoring/adjusting of pacemaker
Response to your letter of 11 December, regarding request to REVERSE the transfer of Alfred Trenkler, 19377-038 from Devens to Tucson

Dear Ms. Rappold,

I learned today by letter from Alfred Trenkler that he has, so far, missed the quarterly reading/monitoring/calibration of his pacemaker, which is/was due in December. When he was at Devens, the quarterly pacemaker reading was performed at the University of Massachusetts Medical Center in Worcester, Mass., about a half hour from Devens. Alfred wrote, "*My adjustments have to be done in an actual hospital with actual doctors since there is the risk of sudden heart failure during testing.*"

Please let me note that before his wrongful conviction in 1993, Alfred Trenkler was a vigorous man who did much of his work outdoors. After serving thirteen years in prison, his heart nearly failed and a pacemaker was installed in 2006 at a hospital near the Allenwood, Pennsylvania prison.

Attached is Alfred Trenkler's 14 December 2009 letter to Senator John Kerry where he described, *inter alia*, his wrongful conviction and also his medical needs:

"The reason that I was housed at FMC Devens is because I had a total A-V block in my heart and had to have a pacemaker implanted in 2006 and must have constant monitoring and must take blood thinning medication.

I am being told here at MDC Brooklyn that I am on a 'medical transfer' to Tucson, however, there is no Federal Medical Center listed in the State of Arizona. I am being sent to a United States Penitentiary (USP) where I will not receive the medical care I require for my heart condition.

What is odd is the fact that my step father was informed by FMC Devens Unit team [leader] Calabro that my transfer was because my two (illegal) life sentences had been reinstated. However, by the Bureau of Prisons (BOP) definition, all five FMC's in this country are administrative facilities and all administrative facilities house all inmates of all custody levels, which would obviously include myself, as a 'critical care level 3' heart patient."

Also attached is Alfred Trenkler's 14 December letter to Sandra Lynch, Chief Judge of the Court of Appeals for the First Circuit, Mark Wolf, Chief Judge U.S. District Court for Massachusetts, and Rya Zobel, Alfred's trial District Court Judge for the District of Massachusetts. There, *inter alia*, he further described his medical needs:

"In the two years at FMC Devens, other than the mailroom's practice of delaying the delivery of my legal mail on a regular basis, I had no problems whatsoever with any of the staff and was living

in peace without the worries of being killed in a penitentiary setting since even one hard blow to my pacemaker is a virtual death sentence to me....

I have gleaned from the unit team here at MDC Brooklyn that I am on a 'Transfer code 335' a 'Transfer for Hospitalization and Treatment: Transfer between BOP Medical Referral Centers for continued medical/physical or psychiatric treatment...' The problem with this particular transfer is that nowhere is there any listing for a medical center anywhere in Arizona, there are only five in the entire country and I was in the one and only medical center in my region. This transfer is putting my life in danger....

I am told that I won't leave here until mid January. After my stay here I will be sent to Oklahoma where I will again sit in limbo.... "

As noted in earlier emails, Alfred Trenkler was suddenly transferred out of Devens FMC on Friday, 13 November and has been in MDC Brooklyn since then, almost six weeks.

Can you please reverse his transfer and move him back to Devens FMC where he can receive the medical care he must have? This prison is well within the Bureau of Prisons 500 miles-from-home goal for the general placement of inmates. Or, Can you place him in an FMC or other facility within 500 miles of Milton, Massachusetts, with access to medical care necessary to maintain his pacemaker operations?

Can you please ensure that his quarterly pacemaker reading/calibration occurs in a proper medical facility as soon as possible?

Thank you for your prompt attention to these matters.

Very sincerely,

Morrison

Morrison Bonpasse
P.O. Box 390
Newcastle, ME 04553-0390
001-207-586-6078

P.S. Also attached is my "Certification of Identity".

— Original Message —

From: Morrison Bonpasse

To: Valerie Rappold, Administrator, Correctional Programs Branch

Cc: Craig Apkar, Warden, Bureau of Prisons, Tucson USP ; Harley G. Lappin, Director of U.S. Bureau of Prisons

Sent: Tuesday, December 15, 2009 12:30 PM

Subject: Response to your letter of 11 December, regarding request to REVERSE the transfer of Alfred Trenkler, 19377-038 from Devens to Tucson

Dear Ms. Rappold,

Thank you for your response to my email to Mr. Harley Lappin, among others, to request that the transfer of Alfred Trenkler from Devens FMC to Tucson be reversed.

Your response, a copy of which is attached, was as follows:

December 11, 2009

Morrison Bonpasse
P.O. Box 390
Newcastle, Maine 05433

Re: Trenkler, Alfred
Register No.: 19377-038

Dear Mr. Bonpasse:

Your letter to Harley G. Lappin, Director of the Federal Bureau of Prisons, has been forwarded to me for response. However, the institution where he is incarcerated is in the best position to provide you with a response to your request. In order to be responsive, I have forwarded your correspondence to the Warden of the Federal Correctional Complex in Tucson at the following address:

Craig Apkar, Warden
Federal Correctional Complex - Tucson
USP Tucson
9300 S. Wilmot Road
Tucson, Arizona 85756

I trust this information has been of assistance.

Sincerely,

Valerie Rappold /s/
Valerie Rappold
Administrator
Correctional Programs Branch

However, Alfred Trenkler is still in the Brooklyn MDC, exactly where he was when I wrote to Mr. Lappin and others on 15 November. The purpose of the 15 November email was to seek assistance in returning him to Devens, or if not possible, to a facility closer to home than Tucson, AZ.

As Alfred is still in Brooklyn, can you please consider this email as a continuation of the 15 November request? That is, can you please send Alfred Trenkler back to Devens, OR to another appropriate facility which is not so far from Massachusetts as Arizona?

Very truly yours,

Morrison

Morrison Bonpasse
P.O. Box 390
Newcastle, ME 04553-0390
001-207-586-6078

----- Original Message -----

From: Morrison Bonpasse

To: David W. Ogden, Deputy Attorney General of the United States ; Lanny Breuer, Assistant Attorney General, Criminal Division ; Carmen Ortiz, U.S. Attorney for District of Massachusetts ;

Randall Kromm, Assistant U.S. Attorney, Massachusetts ; Harley G. Lappin, Director of U.S. Bureau of Prisons

Cc: Nick Zaferakis, Office of Congressman Stephen Lynch ; James Pineau, Office of Congresswoman Chellie Pingree ; Edward Davis, Commissioner, Boston Police Dept. ; William Sinnott, Corporation Counsel, City of Boston

Sent: Sunday, November 15, 2009 4:18 PM

Subject: Request to reverse Transfer from Devens to Tucson of Actually Innocent Inmate: Alfred W. Trenkler, 19377-038 Fw: Truth and Justice in the Roslindale Bomb case and the necessary future role for the Department of Justice and Office of U.S. Attorney

Dear Attorney General Holder (by hard copy), Deputy Attorney General Ogden, Assistant Attorney General Breuer, Bureau of Prisons Director Lappin, U.S. Attorney for Massachusetts Ortiz and Assistant U.S. Attorney Kromm:

First and foremost, Alfred W. Trenkler, 19377-038, is an actually innocent man. Every day in prison for an innocent man is a tragedy for him, his family, and for the surviving victim of the 1991 Roslindale Bomb, and for both victims' families. Each such day in prison for an innocent man means an undeserved additional day of freedom for the actual perpetrator of the Roslindale Bomb.

I wrote the letter/email below to Attorney General Holder, *et al*, on 1 November to ask for a response to previous letters/emails written to you about Alfred W. Trenkler. I had been advised on 30 September that the Congressional Liaison of the Department of Justice had told the Office of my Congresswoman, Chellie Pingree, that a draft response to me had been written and that it was "currently under review." I look forward to receiving that response as perhaps that will lead to a reasonable dialogue with exchange of information and trust. Let's determine the truth in this matter through reasonable inquiry and communication.

I write today about an especially urgent matter. With one day notice, Alfred Trenkler was moved on Friday, 13 November, from Devens FMC to the Brooklyn MDC and he was told that he was on his way to a prison in Tucson, Arizona. Alfred was not given a reason for the transfer, but his stepfather, Jack Wallace, was advised by Devens Unit Team Manager Calabro (sp?), by phone on Saturday, 14 November, that Alfred was being moved because his life sentence had recently been reinstated and that there are no life prisoners at Devens. Is it true that there are no prisoners at Devens FMC serving a life sentence?

Alfred was not in the "J" pod at Devens FMC which is its most secure unit, so it's doubtful that he was transferred in order to provide more security. Why is he being transferred?

Forwarded below is my email to the Devens FMC on Thursday afternoon, 12 November, about the unfairness of the then anticipated transfer to an unknown prison. Given the current status of Alfred Trenkler's *pro se* appeal to the Court of Appeals for the First Circuit, with the Government's response brief due in 17 days, and Alfred's response due one month after that, transferring him to a high security prison 2,600 miles away has the appearance of retaliation for his efforts to attain justice. Doesn't the Dept of Justice want to avoid the appearance of retaliation against a prisoner who is asserting not only his rights of access to the courts, but also his actual innocence?

Please reverse the decision to transfer Alfred Trenkler to Tucson and return him to Devens, which is an appropriate facility for the reasons given in my 12 November email below. In addition, imprisoning Alfred Trenkler in the Tucson, Arizona USP would deprive him of a significant part of his ability to advocate for his actual innocence. It would cost thousands of dollars for any investigator with knowledge about his case to interview him.

Perhaps all, or part, of this transfer is a terrible mistake. Alfred Trenkler has been told by a counselor at the Brooklyn MDC that his transfer is a "medical transfer", but there is no FMC facility in Arizona listed on the BOP website. The only FMC's are in Kentucky, Massachusetts, Minnesota, North Carolina and Texas. However, Alfred's stepfather called Arizona today and was advised there there is a Federal medical facility in Arizona, even if not officially classified as an FMC. Even if there is, why would he be transferred from one medical facility to another? Why would a medical category "Critical Care 3" prisoner be transferred from a Federal Medical Center near his home and his ailing stepfather and near the Court of Appeals considering his case to an FMC, or otherwise labeled medical prison, farther away? Alfred understands that all federal prisoners with pacemakers are medically classified as "Critical Care 3" prisoners.

Alfred is currently at the Brooklyn MDC awaiting transfer to the Tucson USP, which transfer, incidentally, would cost the taxpayers several thousand dollars. Returning him to Devens FMC would minimize the cost of his future imprisonment until he is exonerated.

Despite this most recent decision, I continue to have faith that the Department of Justice will do what's right and re-investigate Alfred Trenkler's case as has been requested in previous letters and Emails to Attorney General Holder, Assistant Attorney General Breuer, and the incoming and previous U.S. Attorneys for Massachusetts. Such a re-investigation will quickly show what five of Alfred Trenkler's jurors (out of the first five contacted) have already understood, which is that Alfred Trenkler is actually innocent.

The widow of the slain Boston Bomb Squad officer, Jeremiah Hurley, Jr., has told her nephew, a Massachusetts State Trooper, that she wants the truth to be revealed. At other times she has said that she and her family want closure to the terrible tragedy of her husband's death. What then is stopping the Federal Government from working with the Boston Police Department and from initiating a preliminary re-investigation into the case? A few hours of such a re-investigation will quickly reveal that Alfred Trenkler is "perfectly innocent" of any involvement with the Roslindale Bomb. Through such a re-investigation, the long-desired closure can be obtained.

On the same day of Alfred Trenkler's transfer, 13 November, Attorney General Holder spoke of justice at two separate events and those statements are consistent with re-investigating the Alfred Trenkler case and in returning him to Devens.

At the installation of Thomas Perez as Assistant Attorney General, you stated, *"The quest for justice must be an impatient thing – for we all know what happens when justice is delayed. So I am an impatient Attorney General."* Such impatience is a welcome virtue and I hope you apply it to this case. Alfred Trenkler has been wrongfully imprisoned since 1992 and for him, justice has been long denied.

When announcing the next step for 10 Guantanamo detainees, you stated, *"For over two hundred years, our nation has relied on a faithful adherence to the rule of law to bring criminals to justice and provide accountability to victims. Once again we will ask our legal system, in two venues, to rise to that challenge. I am confident it will answer the call with fairness and justice."*

I am confident that you will respond to these requests and to the actual innocence of Alfred Trenkler with fairness and justice.

I will close with an exhortation, from President Obama's statement at Buchenwald in June 2009, *"And it is now up to us, the living, in our work, wherever we are, to resist injustice and intolerance and indifference in whatever forms they may take..."*

Very truly yours,

Morrison

Morrison Bonpasse
P.O. Box 390
Newcastle, ME 04553
207-586-6078

CC by hard copy:

Hon. Sandra Lynch, Chief Judge, Court of Appeals for the First Circuit

Hon. Mark Wolf, Chief U.S. District Court Judge, Boston

Hon. Rya Zobel, U.S. District Court Judge, Boston

Alfred W. Trenkler, 19377-038, MDC Brooklyn, P.O. Box 329002, Brooklyn, NY 11232