UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
vs.) Criminal No.:) 92-10369-Z
THOMAS A. SHAY and ALFRED W. TRENKLER))))

DEFENDANT, ALFRED W. TRENKLER'S, MOTION FOR SPEEDY TRIAL OR REVOCATION OF DETENTION ORDER

Now comes Defendant, Alfred W. Trenkler, and moves this Court, pursuant to 18 U.S.C. § 3161 and 18 U.S.C. § 3164 for a speedy trial or revocation of his detention order.

In support of this motion, Defendant states as follows:

- 1. On March 16, 1993, the Government agreed that given the facts and circumstances of this case severance is appropriate under Fed. R. Crim. P. 14 to avoid prejudice to defendant as well as the government. <u>See</u> Government's Response to Trenkler's Motion For Relief From Prejudicial Joinder attached hereto as Exhibit A.
- 2. However, in its response the Government recommended that co-defendant Thomas A. Shay be tried first and the trial of Trenkler be delayed until September 7 or September 13, 1993.
- 3. As grounds for its recommendation that Shay be tried first the government alleges that Shay "has been incarcerated for a substantially longer period of time than defendant Trenkler."

 Id. at pg. 1.

- 4. In fact, with respect to the charges at issue in this indictment, both defendants have been in custody for the same period of time. 1
- 5. Moreover, the fact that Shay was already in custody for a charge unrelated to the instant case is an insufficient reason to delay Trenkler's trial.
- 6. Unlike Trenkler, who was denied conditions of release after a detention hearing, Shay, for whatever reason, assented to an order of voluntary detention.
- 6. At present, a trial date has been suggested by the government of May 17, 1993 for Trenkler and defendant has requested the date of June 1, 1993. Trenkler is ready and willing to go to trial on June 1, 1993.
- 7. The government, in effect, requests a lengthy continuance of the trial in this case without presenting any grounds justifying said delay.
- 8. It must be noted that Mr. Trenkler has been in custody for ninety-one (91) days (December 16, 1992 to March 16, 1992). Now, without justification, the Government requests that defendant be detained for an additional one hundred and seventy-five (175) days (March 17 September 7). In other words, the government

¹The indictments in this case were issued on December 16, 1992. On this day, defendant Trenkler was arrested pursuant to an arrest warrant and has been in custody since said date. Defendant Shay, who was already in custody on a separate and distinct charge, remained in custody as a result of the charges in the present indictment.

requests this Court to sanction its request that defendant Trenkler be incarcerated for almost 9 months before he is tried.

- 9. This request is unjustified and unreasonable. <u>See</u> 18 U.S.C. § 3164(a)(1) (trial of cases involving a detained person who is being held solely because he is awaiting trial ... shall be accorded priority.)(Emphasis added).
- 10. However, in the event the government can not be ready to proceed to trial on June 1, 1993, the Court should consider revoking defendant's detention orders. Cf. 18 U.S.C. § 3164(c) (90 days of continuous detention, exclusive of the periods of delay enumerated in section 18 U.S.C. § 3161(h), requires automatic review by the court of the conditions of release.)

WHEREFORE, defendant requests this Court to scheduled his trial for June 1, 1993 and thereby afford him a speedy trial, or alternatively, revoke his detention order and release him until the date recommended by the government.

Respectfully submitted, For the Defendant,

ALFRED W. TRENKLER, By his attorneys,

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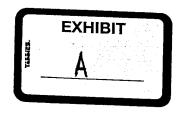
(021)

Dated: March 17, 1993

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by hand on March 17, 1993.

erry Phillip Sega



UNITED STATES OF DISTRICT COURT DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	. (
v.	CRIMINAL NO.	92-10369-2
THOMAS A. SHAY and ALFRED W. TRENKLER		

GOVERNMENT'S RESPONSE TO TRENKLER'S MOTION FOR RELIEF FROM PREJUDICIAL JOINDER

The United States of America, by and through its attorneys, has reviewed the motion for severance filed by defendant Alfred W. Trenkler. The government agrees with Trenkler that, given the facts and circumstances of this case, severance is appropriate under Fed. R. Crim. P. 14 to avoid prejudice to the defendant, as well as to the government. Bruton v. United States, 391 U.S. 123 (1968).

The Court has already ordered that a separate trial as to defendant Thomas A. Shay, who has been incarcerated for a substantially longer period of time than defendant Trenkler, will commence on Monday, June 28, 1993. The government is prepared to proceed to trial at that time, and is in the process of notifying the victims and witnesses of the scheduled trial date. The government anticipates that the trial of defendant Shay will take approximately four (4) weeks, give or take a few days.

Given the anticipated trial schedule for defendant Shay, as outlined above, the government would recommend that the trial of

defendant Trenkler commence on September 7 or September 13, 1993, shortly after the Labor Day holiday.

Respectfully submitted,

A. JOHN PAPPALARDO United States Attorney

By: <

PAUL V. KELLY Assistant U.S. Attorney.

FRANK A. LIBBY, A. Assistant U.S. Attorney

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts March 16, 1993

I, PAUL V. KELLY, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing by first-class mail, to Terry P. Segal, Esquire, Segal & Feinberg, 210 Commercial Street, Boston, Massachusetts 02109 and Nancy Gertner, Esquire, Dwyer, Collora & Gertner, 400 Atlantic Avenue, Boston, Massachusetts 02110.

PAUL V. KELLY

Assistant U.S. Attorney