

NO. 97-1239

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

UNITED STATES OF AMERICA,
Appellee,

v.

ALFRED W. TRENKLER,
Defendant-Appellant.

DEFENDANT/APPELLANT ALFRED W. TRENKLER'S
MOTION TO SUSPEND PROCESSING OF APPEAL

The Defendant/Appellant Alfred W. Trenkler hereby moves this Honorable Court to suspend processing of the instant appeal until the disposition of the Defendant's Motion for Judicial Inquiry into Possible Juror Misconduct and For A New Trial, which has been pending before the trial court since November 1996. As reasons therefor, the Defendant/Appellant Trenkler states that:

1) He is currently serving a life sentence after having been convicted by a jury on November 29, 1993, for conspiracy under 18 U.S.C. §371, receipt of explosive materials under 18

U.S.C. §844(d), and attempted malicious destruction of property by means of explosive under 18 U.S.C. §844(i);

2) This appeal is from the Memorandum of Decision, dated February 4, 1997, denying the Defendant's Motion For a New Trial Or, In The Alternative, For An Evidentiary Hearing. That motion was filed with the trial court on December 22, 1995;

3) On November 19, 1996, the Defendant filed Motion for Judicial Inquiry Into Possible Juror Misconduct and For a New Trial ["Motion for Judicial Inquiry"] raising a colorable allegation of juror misconduct;

4) Despite numerous inquiries, the trial court has not yet ruled on the Motion for Judicial Inquiry;

5) Should the trial court deny the Motion for Judicial Inquiry, the Defendant intends to appeal;

6) The Motion that is the subject of this appeal and the Motion for Judicial Inquiry relate to a possible undisclosed deal between a key Government witness and the Government and possible juror misconduct, respectively, during the trial of this action which resulted in a conviction and life sentence for the Defendant/Appellant; and

7) In the interests of judicial economy and the avoidance of piecemeal appeals, the two motions should be the subject of a single appeal. A single appeal is not possible without a decision from the district court on the Defendant's Motion for Judicial Inquiry.

WHEREFORE, the Defendant/Appellant Alfred W. Trenkler respectfully requests that this Honorable Court suspend the processing of the instant appeal until the trial court rules on the Motion for Judicial Inquiry that has been pending before it since November 1996. In addition, the Defendant/Appellant respectfully requests that this Honorable Court bring the pending motion to the attention of the District Court.

RESPECTFULLY SUBMITTED,

DEFENDANT ALFRED W. TRENKLER

By his Attorneys,

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DATED: March 4, 1997
T:615

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by hand mail on 3/5/97

AAA