

NEW ENGLAND INNOCENCE PROJECT
SCREENING QUESTIONNAIRE

copy

The New England Innocence Project ("NEIP") will use this questionnaire to decide whether your case is appropriate for NEIP to handle. Please answer, as fully as you can, all of the questions that apply to your case. As you go through the questionnaire, if you do not understand a question, please write, "I do not understand this question." If you do not know the answer to a question that you think applies to you, please indicate that as well.

NAME: ALFRED W. TRENKLER DATE: 25 JUNE 2007
ADDRESS: P.O. BOX 3000, USP ALLENWOOD, WHITE DEER PA. 17887
INMATE NUMBER: 19377-038

ABOUT YOU AND YOUR CASE

1. In the space provided below please give a detailed factual summary of the incident(s) (including dates and names) for which you were convicted and are currently incarcerated:

ON OCTOBER 28, 1991 AT AROUND 11:45AM, THOMAS LEROY SHAY OF 39 EASTBOURNE STREET, ROSLINDALE MASS REPORTED FINDING A SUSPICIOUS BLACK BOX IN HIS DRIVEWAY, SOME 24 HOURS EARLIER, TO AREA E-5 BOSTON POLICE OFFICER ROBERT MALONEY. MALONEY SUMMONED THE BOMB SQUAD TO MEET MR SHAY AT HIS HOME. WHILE BOMB SQUAD OFFICERS FRANK FOLEY AND JERIMIAH HURLEY WERE EXAMINING THE DEVICE IT EXPLODED KILLING HURLEY AND INSURING FOLEY. THOMAS ARTHUR SHAY, SON OF TOM LEROY SHAY, BECAME A SUSPECT AFTER GIVING MULTIPLE STRANGE PRESS CONFERENCES. I HAD SURFACED AS A SUSPECT BECAUSE OF A POLICE REPORT WRITTEN BY THOMAS TIERNY OF THE QUINCY POLICE DEPARTMENT REFLECTING A PRANK I HAD PULLED IN 1986 FOR A FRIEND, DONNA SHEA, INVOLVING A CLASS B FIREWORKS FLASH SIMULATOR SET OFF WITH A \$ 20 DOLLAR REMOTE CONTROL RECEIVER WITH A 50 FOOT RANGE CAUSING NO DAMAGE OR INJURIES. AROUND AUGUST OF 1991 I HAD GIVEN THOMAS ARTHUR SHAY MY COMPANY BUSINESS CARD WITH A VOICE MAIL PAGER PHONE NUMBER BECAUSE OF SOME ALLEGED CONTACT HE HAD WITH AN ENGINEER AT A LOCAL RADIO STATION (W13CN). SHAY HAD ENTERED MY PAGER NUMBER IN HIS ADDRESS BOOK WHICH POLICE HAD DISCOVERED WHEN SHAY WAS ARRESTED ON UNRELATED CHARGES. I HAD MET SHAY IN JUNE OF 1991 AND INFORMED HIM I WAS IN THE COMMUNICATIONS BUSINESS. SHAY WAS TRIED FIRST AT A SEPARATE TRIAL AND FOUND GUILTY OF 18 USC 371, CONSPIRACY, AND 18 USC 844 (A) (E) (L) THE TRANSPORTATION OF EXPLOSIVES AND RECEIVED A 15 YEAR 8 MONTH SENTENCE FOR SECOND DEGREE MURDER. I WAS TRIED IN NOVEMBER OF 1993 AND FOUND GUILTY OF 18 USC 371, CONSPIRACY, 18 USC 844 (D), TRANSPORTATION OF EXPLOSIVES AND 18 USC 844 (L) THE ATTEMPT TO DAMAGE OR DESTROY TOM L. SHAY'S AUTOMOBILE WITH EXPLOSIVES. I RECEIVED TWO CONCURRENT LIFE SENTENCES IN MARCH OF 1994. ON APRIL 4, 2007, I WAS RESENTENCED TO 37 YEARS BY JUDGE RYA BOBEL BECAUSE THE JUDGE AGREED WITH ME THAT THE TWO LIFE SENTENCES WERE ILLEGAL.

FOR MORE DETAILS SEE MY INTERNET SITE AT: ALFREDTRENKLERINNOCENT.ORG.

2. What is your first language?

ENGLISH

3. Do you use any other languages?

NO

If so, what language(s)?

4. Date of birth:

02 06 56

5. Highest grade completed in school?

ASSOCIATE DEGREE, WENTWORTH INSTITUTE

6. Date of Arrest:

16 DECEMBER 1992

7. Place of Arrest:

DORCHESTER MASS.

8. List all crimes for which you were charged in this case:

18 USC 371, 18 USC 844(d), 18 USC 844(i)

9. List all crimes for which you were convicted in this case:

18 USC 371, 18 USC 844(d), 18 USC 844(i)

10. Are you currently represented by an attorney? If so, please provide his/her name, address, and telephone number:

JOAN GRIFFIN, McDERMOTT, WILL AND EMERY
28 STATE STREET, BOSTON, MA 617-535-4000 X 4144

11. Please use a copy of your Department of Corrections Timesheet to Answer the Following Questions:

A. What crimes are you serving time for?

18 USC 371, 18 USC 844(d), 18 USC 844(i)

B. How much time were you sentenced to serve for each of those crimes?

18 USC 371 5 YEARS
18 USC 844(d) LIFE, RESENTENCED APRIL 4, 2007 TO 37 YEARS
18 USC 844(i) LIFE, RESENTENCED APRIL 4, 2007 TO 37 YEARS

C. If you are serving time for more than one sentence, are you serving your sentences concurrently (at the same time), or consecutively (one after the other)?

CONCURRENTLY

12. Date and place of conviction(s) (Town, County and State):

BOSTON, MASS

13. For each crime for which you were convicted, please answer yes or no to the following questions:

A. Did you or your attorney present an alibi defense at trial? (This is where you argued that you could not have committed the crime because you were somewhere else when the crime was committed)

YES

B. Did your attorney argue that you committed the crime in self-defense (or in defense of another person)?

NO

C. Did your attorney argue that you committed the crime under duress? (This is where someone threatened you with harm unless you committed the crime)

NO

D. Did your attorney raise any defense related to a psychiatric condition or mental illness?

NO

E. Did your attorney raise any other defense at trial? YES

F. If you answered "yes" to any of the above questions, please give a 3-sentence description of the evidence presented.

- TWO WITNESSES PLACED ME AT DORCHESTER PARTY AT SAME TIME BOMB PLACED ON TARGET
- ONE WITNESS PLACES ME AT CHECK CASHING STORE IN DORCHESTER AT TIME OF EXPLOSION
- MY ACCOUNTANT PLACES ME AT WEYMOUTH OFFICE AT SAME TIME ALLEGED CODEFENDANT ALLEGEDLY PURCHASES RADIO SHACK TOGGLE SWITCH AT STORE 14 MILES AWAY IN BOSTON - SWITCH ALLEGED USED IN BOMB. GOV. ALLEGED I WAS WITH SHAY.

14. Did you know the victim?

NO

15. Did you participate in a line-up?

NO

16. Were you identified from a line-up?

NO

17. Were you identified from a photo array?

NO

18. When was the first time you spoke with your lawyer after you were arrested? WITHIN THE HOUR

19. Did you give a statement or Confession?

Yes X No

Briefly describe what you told the police.

I TOLD ATF AGENTS IN FRONT OF TV CAMERAS THAT THEY HAD THE WRONG MAN, THAT I WAS TOTALLY INNOCENT OF THESE CHARGES

20. List what items of evidence from your case you think can be subjected to a DNA test (and how that test will show you are innocent):

N/A

Here are two examples of what we mean:

Example 1: If your case involves a sexual assault, are there: (A) vaginal swabs from the victim, (B) anal swabs, (C) semen stains on clothing from the victim or other material at the crime scene, such as sheets or blankets, (D) hairs found on the victim or at the scene?

Example 2: If your case involves an assault or homicide, are there (A) biological materials, such as blood, semen or hair found at the scene which can be tested to show they did not come from the defendant, (B) biological materials, such as blood, semen or hair found on you or your property which can be tested to show that they did not come from the victim?

Please list that evidence:

How will a DNA test of the evidence prove your innocence?

PHYSICAL AND BIOLOGICAL EVIDENCE

21. Was any physical and/or biological evidence recovered during the investigation of your case?

Yes X

No _____

If physical and/or biological evidence was recovered, please answer the following questions as completely as you can:

22. Were any bodily fluids or hair samples obtained from the victim? For example: vaginal secretions, anal secretions, blood or saliva

Yes X

No _____

If "Yes," What samples were obtained?

VICTIMS

23. Were any bodily fluids or hair samples obtained from you? Yes _____ No X
Example: blood, saliva, hair.

If "Yes," What samples were obtained?

24. Were bodily fluids or hair found at the crime scene? Yes X No _____

If "Yes," What was found?

VICTIM'S

25. Were bodily fluids or hair found on your clothing? Yes _____ No X
Example: blood, saliva, semen

If "Yes," What was found?

26. Were bodily fluids found on the victim's clothing? Yes X No _____
Example: blood or semen stains

If "Yes," What was found?

VICTIMS

27. Was any testing done on the bodily fluids or hair samples? Yes _____ No _____

DO NOT KNOW

28. What kind of testing was done? (For example, blood group typing (A, B, O), hair and fiber comparison, DNA testing (RFLP, PCR), etc.)

DO NOT KNOW

29. Who arranged to have the testing done? Prosecution _____ Defense _____

DO NOT KNOW

30. What laboratory or laboratories did the testing?

ATF, BOSTON POLICE

31. Was a second test done?

Yes _____

No _____

DO NOT KNOW

32. If "Yes," what type of testing was done?

DO NOT KNOW

33. Who arranged to have the second test done?

• Prosecution _____

Defense _____

DO NOT KNOW

34. What laboratory or laboratories did the second testing?

DO NOT KNOW

35. Was testing done on all of the physical/biological evidence recovered during the investigation of your case?

Yes _____

No X _____

If no, what evidence was not tested?

• NO ATTEMPT TO LIFT FINGERPRINTS FROM 3 TYPES OF TAPE USED INSIDE BOMB • NO ATTEMPT TO IDENTIFY FIBER ATTACHED TO TAPE FROM BOMB • NO ATTEMPT TO COMPARE BOMB TAPE TO SAME BRAND, SIZE, COLOR TAPE FOUND AT TOM L SHAY HOME • NO ATTEMPT TO MATCH BOMB WOOD TO WOOD SCRAPS AT TOM L SHAY HOME

36. Were the results of the tests used at trial?

Yes _____

No X _____

If "No," Why not?

SOME TESTS WERE COMPLETED BUT NOT EVER REVEALED TO DEFENSE FOR EXAMPLE: FINGERPRINTS FROM TARGET VEHICLE AT AREA BOMB ALLEGEDLY PLACED WERE RECOVERED BUT NEVER DISCLOSED AS TO RESULTS.

37. Were the results of the tests used in your appeal(s)?

Yes _____

No X _____

If "No," Why not?

COURT CONTINUES TO BAR ACCESS TO PHYSICAL EVIDENCE

38. Does any of the physical evidence still exist?

Yes _____

No _____

DO NOT KNOW

If "Yes,"

- A. What is it? ELECTRICAL TAPE, DUCT TAPE, FIBER TAPE WITH STRAY FIBER VARIOUS FINGERPRINT TEST RESULTS YET TO BE DISCLOSED TOGGLE SWITCH CONTACTS RECENTLY DISCOVERED NOT TO MATCH RADIO SHACK
- B. Where is it? TOGGLE SWITCH ALLEGEDLY PURCHASED BY TOM A SHAY
ATF, FBI, BOSTON POLICE HQ
- C. Who has it?
ATF, FBI, BOSTON POLICE

- 39. Would you be willing to submit to a DNA test knowing that the test could confirm your guilt or innocence? Yes X No
- 40. Would you be willing to submit to a lie detector test to assist in proving your innocence? Yes X No

TRIAL

If you did NOT go to trial, please write "Does Not Apply" for the following questions

- 41. Name, address and telephone number of Pre-Trial Attorney(s)
TERRY SEGAL, SCOTT LOPEZ, BRENDA SHARTON
FORMERLY OF 216 COMMERCIAL STREET, BOSTON MA
- 42. Name, address and telephone number of Pre-Trial Prosecuting Attorney(s):
PAUL KELLY } BOTH IN PRIVATE PRACTICE
FRANK LIBBY }
- 43. Do you have an alibi that proves you could not have committed the crime? Yes X No

If "Yes,"

- A. What is it? • ACCOUNTANT MARK RAMBOLI PLACED ME AT WEYMOUTH OFFICE AT SAME TIME GOVT. HAS ME WITH SHAY BUYING TOGGLE SWITCH FOR BOMB AT RADIO SHACK AT 197 MASS AVE BOSTON. • JOHN CATES AND DAVID MILLETTE PLACED ME AT DORCHESTER PARTY AT SAME TIME GOVT. ALLEGED I WAS ATTACHING BOMB TO "TARGET" VEHICLE
• NURDAN CAGDUS PLACED ME AT DORCHESTER CHECK CASHING STORE AT TIME OF OCT 28 NOON EXPLOSION.
- B. Do you have some way to prove the alibi? Yes X No

If "Yes", how? WITNESSES TESTIFIED

- 44. Is your case one of mistaken identity? Yes X No

If so, please explain: CASE "SOLVED" WITH TESTIMONY FROM GOVT. WITNESS WILLIAM DAVID LINDHOLM WHO TESTIFIED I TOLD HIM I BUILT THE ROSCINDALE BOMB. LINDHOLM HAD "ACCIDENTALLY" MISSED HIS TRANSPORT TO MIDDLETON H.O.C. AND ENDED UP WITH ME AT PLYMOUTH H.O.C. THE DAY AFTER I HAD BEEN INDICTED.

45. Did you or your lawyer present any of the following motions: (please answer yes or no)

A. Motion to suppress confession

YES

B. Motion to suppress results of an illegal search/seizure

YES

If so, what items were you trying to have suppressed?

"LINDHOLM" STATEMENTS
ATF "STATEMENTS" DURING
NON-SEARCH WARRANT SEARCHES

C. Motion to exclude scientific evidence

YES

If so, what evidence were you trying to exclude? • EXIS COMPUTER DATA BASE RESULTS
• ATF CHEMIST CYNTHIA WALLACE I.D. OF DYNAMITE • "SIGNATURE" EVIDENCE BETWEEN 86 BAD ACT
WITH FLASH SIMULATOR AND 91 DEVICE • DEMONSTRATION OF FLASH SIMULATOR EXPLOSION UNDER

46. Name, address and telephone number of Trial Attorney:

55 GALCON DRUM VIDEO.

TERRY SEGAL

SCOTT LOPEZ

BRENDA SHARTON

} FORMERLY OF 210 COMMERCIAL STREET, BOSTON MA 02109

47. Name, address and telephone number of Prosecuting Attorney:

PAUL KELLY

FRANK LIBBY

} BOTH IN PRIVATE PRACTICE

48. Name of Judge during trial:

JUDGE RYA ZOBEL

49. Did you testify?

Yes _____

No X

50. Did the "victim(s)" testify?

Yes X

No _____

51. Did an expert(s) testify for the defense or the prosecution?

Yes X

No _____

For example: doctor, handwriting analyst, psychiatrist, scientist

BOMB EXPERT

A. For the Defense (Names, Addresses, Telephone):

DENNY KLINE

*** PRIVILEGED AND CONFIDENTIAL: SUBJECT TO THE ATTORNEY/CLIENT PRIVILEGE AND WORK PRODUCT DOCTRINE**

B. For the Prosecution (Names, Addresses, Telephone):

THOMAS WASCOM - ATF BOMB TECHNICIAN
CYNTHIA WALLACE - ATF CHEMIST
CHRISTOPHER SHAPELY - PRIVATE AUTOMOTIVE EXPERT
- ATF EXPLOSIVE INCIDENT SYSTEM KEEPER OF RECORDS

52. Who else testified at your trial?

A. Defense (Name, Address, Telephone):

SEE INTERNET SITE ALFREDTRENKLERINNOCENT.ORG

B. Prosecution (Name, Address, Telephone):

SEE INTERNET SITE ALFREDTRENKLERINNOCENT.ORG

53. Did the "victim" identify you? Yes _____ No X

If "Yes," When? Where? (Example: At the scene of the crime; During a line up; In court; Other)

54. Did anyone else identify you? Yes X No _____

If "Yes," When? Where? GOUT WITNESS PAUL NUTTING PLACED ME WITH CODEE SHAT AT BLUE HILLS RESERVATION ~~WITH~~ SOME TIME IN 1989 OR 90.
GOUT WITNES ED CARRION PLACED ME WITH CODEE SHAT IN 1989 OR 90.

55. If someone other than the victim identified you, did that person testify? (Name, Address, Telephone)

PAUL NUTTING
ED CARRION

GUILTY PLEA

If you did NOT plead guilty, please write "Does Not Apply" for the following questions.

56. Did you give a statement/confession or enter a Guilty Plea? Yes _____ No X

If "Yes"

DOES NOT APPLY

A. Who did you give the statement to?

- B. Was your lawyer with you when you signed the statement? Yes _____ No _____
- C. Was it a written statement? Yes _____ No _____
If "Yes," Did you sign it? Yes _____ No _____
- D. Why did you give a statement?
57. Did your attorney talk to you about the plea agreement? Yes _____ No _____
If "Yes," What did your attorney say to you?
58. If English is not your first language, did an interpreter explain the plea agreement to you? Yes _____ No _____
59. Did you understand the plea agreement? What did it mean to you? Yes _____ No _____
60. Did you understand the charges that you were pleading to?
61. Was the plea in writing? Yes _____ No _____
62. If the plea was in writing, did you sign it? Yes _____ No _____
If "Yes," Was your attorney with you when you signed the plea agreement? Yes _____ No _____
63. Did you understand what you were signing? What do you think you signed?
64. When did you go to court and plead guilty?

65. Did the judge ask you if you understood the plea agreement? Yes _____ No _____
66. Was your attorney with you in court when you pled guilty? Yes _____ No _____
If "No," Did you ask for your attorney? Yes _____ No _____
67. Did you want to plead guilty or did you want to go to trial?
68. Why did you plead guilty?
69. Did you know that you could withdraw your plea? Yes _____ No _____
70. If "Yes," Did you try to withdraw your plea? Yes _____ No _____

APPEAL

If you have NOT appealed, please write "Does Not Apply" to the following questions.

71. How many appeals have you filed? SEE ALFREDTRENKLERINNOCENT.ORG
72. Name, address and telephone number of Appellate Attorney(s):
MORRIS GOLDINGS
RANKIN AND SULTAN
DANA CURHAN
JOAN GRIFFIN
73. Name, address and telephone number of Appellate Prosecutor(s):
PAUL KELLY
FRANK LIBBY
74. Name of Judge who decided your appeal(s): SEE ALFREDTRENKLERINNOCENT.ORG

75. Date(s) decided: SEE ALFREDTRENKLERINNOCENT.ORG

76. What Court(s) heard your appeal(s)?
(These courts may include: Massachusetts Superior Court, Massachusetts Court of Appeals, Massachusetts Supreme Judicial Court, United States Federal District Court of the District of Massachusetts, United States Court of Appeals for the First Circuit)
U.S. FEDERAL DISTRICT COURT OF THE DISTRICT OF MASS., US COURT OF APPEALS FOR THE FIRST CIRCUIT, U.S. SUPREME COURT, US FEDERAL DISTRICT COURT OF THE DISTRICT OF PENNSYLVANIA, US COURT OF APPEALS FOR THE THIRD CIRCUIT

POST-CONVICTION MOTIONS

If you did NOT file any post-conviction motions, please write in "Does Not Apply" to the following questions.

77. Did you file any post-conviction motions? YES

78. If so, what motion(s)? (For example, a petition for habeas corpus or a Rule 30 Motion for a New Trial). RULE 30, RULE 33, 2255, 2241, MANDAMUS, CORAM NOBIS

79. What Court(s) heard your post-conviction motion(s)? US DISTRICT COURT OF MASS., US DISTRICT COURT OF PENNSYLVANIA, FIRST AND THIRD CIRCUIT COURT OF APPEALS, US SUPREME COURT

80. Name of Judge who decided your post-conviction motion(s):

RYA ZOBEL, D MASS
CONNABOY D PENN.

81. Date(s) decided:

SEE ALFREDTRENKLERINNOCENT.ORG

CASE MATERIALS

Please place a checkmark next to the items that exist in your case which you can make available to us. Please do not send anything until we specifically request it.

82. Hearing Transcript(s) (For example, confession suppression, evidence suppression, scientific admissibility)

✓

- 83. Trial Transcript(s) ✓

- 84. Police Report(s) (Please describe) *VARIOUS INTERVIEWS OF WITNESSES LEADING UP TO EXPLOSION AND SUBSEQUENT TO EXPLOSION AS WELL AS REPORTS OF MY INTERVIEWS* ✓

- 85. Laboratory Report(s) (Please describe) *DEFENSE WAS GIVEN ONLY BASIC REPORTS. COURT ORDERED GOVT. TO PRODUCE LAIS NOTES BUT GOVT REFUSED TO PRODUCE.* ✓

- 86. Appellate Briefs:
 - Appellant (defense) ✓

 - Respondent (Commonwealth) ✓

- 87. Secondary Appellate Briefs:
 - Appellant (defense) ✓

 - Respondent (prosecution) ✓

- 88. Post-Conviction Briefs:
 - Defendant's ✓

 - Commonwealth's ✓

89. Please list any other information that would be helpful for us to know about your case.

- APRIL 4, 2007 JUDGE RYA ZOBEEL VACATED MY 2 LIFE SENTENCES AND RESENTENCED TO 37Y
- HAVE DISCOVERED THAT TOGGLE SWITCH CONTACTS FROM BOMB DO NOT MATCH RADIO SHACK 275-602 TOGGLE SWITCH ALLEGEDLY PURCHASED BY CODEFENDANT SHAY
- FUTABA REPRESENTATIVE STATED TO DEFENSE THAT REMOTE CONTROL RECEIVER USED IN 91 BOMB WOULD ONLY OPERATE FOR 2 HOURS AFTER TURNED ON. GOVT STATED BOMB PLACED ON TARGET VEHICLE 40 HOURS PRIOR TO EXPLOSION.
- THE GOVT. POSSESSES FINGERPRINTS FROM "TARGET" VEHICLE AT SAME LOCATION BOMB ALLEGED TO HAVE BEEN PLACED. TO THIS DAY THE RESULTS OF THESE PRINTS HAVE YET TO BE DISCLOSED.
- RECENT MOTION TO RYA ZOBEEL FROM MY STEP FATHER JACK WALLACE FOR THE PRODUCTION OF PHYSICAL EVIDENCE FROM 91 BOMB FOR FORENSIC ANALYSIS HAS GONE UNANSWERED.

THANK YOU FOR COMPLETING THIS QUESTIONNAIRE.

**Please return to:
The New England Innocence Project
c/o Goodwin | Procter LLP
Exchange Place
53 State Street
Boston, MA 02109**

New England Innocence Project

CONSENT FOR RELEASE OF INFORMATION

I, ALFRED W TRENKLER, hereby authorize any attorney, law student, or staff member working with the New England Innocence Project (NEIP) to communicate with my former attorneys, the Department of Corrections, probation and parole officers, and all other persons or governmental agencies having information he or she deems necessary in evaluating my case, and to examine and photocopy all documents pertaining to me in the possession of such persons or agencies.

This document authorizes and directs my former attorneys, the Department of Corrections, probation and parole officers, and all other persons or governmental agencies to discuss my privileged communications and release any and all records, files, scientific reports, biological test results, interview summaries, investigative reports, and other relevant information of any kind, related to me or to any criminal case involving me to the NEIP. I fully understand that there may be statutes, rules, and regulations that protect the confidentiality of the information covered by this release; it is my specific intent to waive the protection of all such statutes, rules, and regulations. By my signature below, I represent that this waiver is voluntary and given without any reservation.

The NEIP's attorneys, law students and staff members will keep all privileged files and communications confidential.

Signed this 25 day of JUNE, 2007.

Alfred W. Trenkler
Signature