

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

vs.

THOMAS A. SHAY and
ALFRED W. TRENKLER

Criminal No.:
92-10369-Z

**DEFENDANT, ALFRED TRENKLER'S MOTION FOR LEAVE TO
DISTRIBUTE A PRE-TRIAL SUPPLEMENTAL JUROR QUESTIONNAIRE**

Now comes Defendant, Alfred Trenkler, and pursuant to Fed.R. Crim.P. 24(a) moves this Court for leave to distribute the attached supplemental juror questionnaire to the jury panel prior to the jurors' appearance for trial. See Exhibit A.

In support of this motion defendant states the following:

1. This case involves allegations that two acknowledged homosexuals caused the death and serious injury of two Boston Police Officers acting in the line of duty by means of an explosive device.

2. Defendant expects the government will seek to introduce evidence of defendant's alleged homosexuality during its case in chief. This is an extremely sensitive and potentially inflammatory issue.

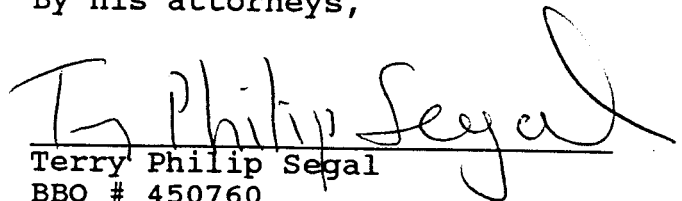
3. Specifically, defendant anticipates the government will argue or insinuate that defendant's alleged sexual relationship with co-defendant Shay was a motivating factor in the crimes charged.

4. As more particularly stated in defendant's memorandum of law, which memorandum is attached hereto, use of the attached supplemental juror questionnaire prior to the juror's appearance will be an efficient and effective means to conduct voir dire.

5. In addition, use of the attached questionnaire will permit the defense and the government to exercise preemptory challenges intelligently, and will aid in complying with the jury selection guidelines set forth in Batson v. Kentucky, 476 U.S. 162 (1986), and its progeny.

WHEREFORE, Defendant requests this Court grant his motion for leave to distribute the attached pre-trial supplemental juror questionnaire in the manner set forth in his memorandum.

Respectfully submitted,
For the Defendant,
ALFRED W. TRENKLER,
By his attorneys,

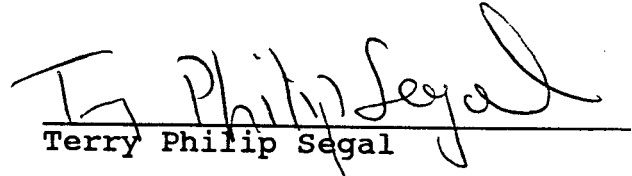


Terry Philip Segal
BBO # 450760
Scott P. Lopez
BBO # 549556
Segal & Feinberg
210 Commercial Street
Boston, MA 02109
(617) 720-4444

Dated: April 21, 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 mail on April 21, 1993.


Terry Philip Segal

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,
Plaintiff

vs.

THOMAS A. SHAY,
ALFRED W. TRENKLER,
Defendants

Criminal No.: 92-10369-Z

SUPPLEMENTAL JUROR QUESTIONNAIRE

Instructions

A jury must be selected from the panel of which you are a member to hear the above-captioned case. As part of the jury selection process, the questions asked in this questionnaire could be asked in open court by the Judge. However, by answering the questions in this questionnaire you will be afforded more privacy. Completing the questionnaire will also save time during the jury selection process.

YOU ARE REQUIRED TO ANSWER THE QUESTIONS TRUTHFULLY AND UNDER OATH. YOU MUST ALSO PRINT OR HANDWRITE YOUR ANSWERS YOURSELF. YOU SHOULD NOT ASK ANYONE FOR ASSISTANCE IN ANSWERING THESE QUESTIONS. YOU MUST ANSWER EACH QUESTION UNLESS OTHERWISE STATED.

By court order, none of the information you reveal in response to these questions is to be used for any purpose other than the selection of qualified jurors to serve in this case. Your answers are strictly confidential and will not be made public. Only the Court and the attorneys involved in this case will receive copies of the completed questionnaire. Attorneys will be required to return all copies of the questionnaire to the clerk of the court for destruction upon final resolution of this case.

Thank you for your time and cooperation.

SUPPLEMENTAL JUROR QUESTIONNAIRE
PLEASE READ CAREFULLY AND COMPLETELY ANSWER
EACH OF THE FOLLOWING QUESTIONS:

1. Describe your employment including your duties, number of people supervised and length of time so employed. (If retired or unemployed, describe principal occupation when employed.) _____

2. Describe your spouse's employment. _____

3. If you have children over the age of 18, describe their employment or school they are attending. _____

4. If you have served in the Armed Forces state:
Total Years served _____ Branch _____ Last Rank _____
5. If graduated from college state:
Degree(s) _____ Major(s) _____
6. Listed below are certain leisure time activities. We are interested in your answers, however this portion of the questionnaire is optional, and you need not reply to any or all of these items.
 - a. Hobbies _____
 - b. Clubs, groups, unions or other organizations _____
 - c. Newspapers or magazines you read _____
 - d. Favorite TV programs _____
7. If there was a conflict between the testimony of a law enforcement officer and a defendant in a criminal case, would you be more inclined to give more weight to the testimony of the law enforcement officer.
Yes () No () Reasons (if any) _____

8. Do you believe that homosexual relations between consenting adults is:
a) Morally Wrong - Yes () No () Explain _____
_____ OR b) Should be illegal - Yes () No () Explain _____

9. If a person is arrested, indicted and brought to trial, would that cause you to believe that he/she is probably guilty.
Yes () No () Explain _____

10. If a defendant in a criminal trial was accused of unlawful conduct that resulted in the death of a police officer, would your opinions or beliefs influence you in such a way, that it might be difficult for you not to be significantly influenced by these opinions or beliefs if you were to serve as a juror on a case involving these accusations?
Yes () No () Explain _____

11. If a defendant in a criminal trial does not testify during his/her trial, would that cause you to believe that this is some evidence of the defendant's guilt.
Yes () No () Explain _____

12. Have you, any family member or close personal friend ever been employed by a law enforcement agency of any kind. Yes () No ()
If Yes, state name of agency and relationship of the person to you. _____

