



UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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

DEFENDANT'S MOTION TO PRECLUDE
THE GOVERNMENT FROM MENTIONING ANY
STATEMENTS BY THOMAS SHAY, JR. IN ITS OPENING

Now comes defendant, Alfred Trenkler, and respectfully moves that this Court preclude the government from mentioning any out-of-court statements by Thomas Shay, Jr. during its opening.

In support of this motion, defendant states that none of Thomas Shay, Jr.'s statements are admissible against defendant as declarations against penal interest or as any other recognized exception to the hearsay rule. See United States v. Innamorati, 996 F.2d 456 (1993)

WHEREFORE, defendant requests this Court preclude the government from mentioning any statements by Thomas Shay, Jr. in its opening statement.

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

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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 October 25, 1993.

Scott P. Lopez