

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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

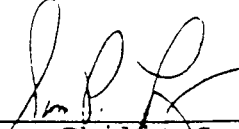
DEFENDANT'S MOTION *IN LIMINE* TO EXCLUDE
ANY TESTIMONY BY MICHAEL COADY WHICH
RELATES TO THE 404(b) EVIDENCE
PREVIOUSLY EXCLUDED BY THIS COURT

Now comes defendant, Alfred W. Trenkler, and moves this Court to exclude any and all testimony by Michael Coady which relates to the 404(b) evidence previously excluded by this Court.

In support of this motion, defendant states that this Court previously excluded the government's proffered 404(b) evidence regarding defendant's alleged "solicitation of teenage males as companions and sexual partners, including his willingness to provide them with money, drugs, other material goods, and the performance of personal favors to induce and/or maintain the relationship." See Transcript, pp. 5-135, line 18, through 5-136, line 12 (Exhibit A). As is clear from Agent Leahy's interview of Mr. Coady attached hereto as Exhibit B, Mr. Coady's expected testimony relates almost entirely to the issue this Court has previously deemed unfairly prejudicial (i.e. alleged solicitation of teenage males by defendant), or the 404(b) issues the government previously waived.

WHEREFORE, defendant requests this Court to exclude any and all testimony of Michael Coady which relates to any 404(b) evidence previously excluded by this Court.

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

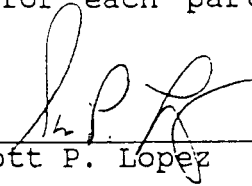


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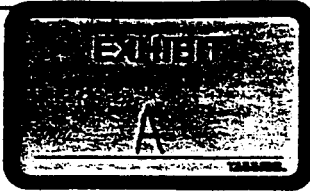
Dated: November 8, 1993

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 November 8, 1993.



Scott P. Lopez



1 that.

2 MR. SEGAL: That's what it was in the first trial and
3 that's the purpose.

4 MR. LIBBY: It wasn't used in the trial for any
5 evidentiary value. Your Honor, I had it marked for
6 identification because counsel was waving it in front of the
7 jury. Now, for any meeting here I understand he may be able
8 to establish this foundation for Mr. Waskom. You know simply
9 it's out in there in the public somehow.

10 THE COURT: Hold it. You will have the weekend.
11 Mr. Waskom will have the weekend to look at it so he can then
12 examine about it. But in the future, Mr. Segal please don't
13 show the jury something until we have decided whether the jury
14 can or cannot see it. That takes care of that.

15 There are some other motions. You can be seated if
16 you wish.

17 MR. SEGAL: Thank you.

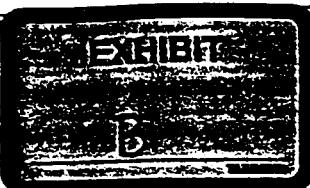
18 THE COURT: One of them is the defendant's motion in
19 limine to exclude certain other 404(b) evidence. It is in
20 several parts. One of them has to do with evidence of the
21 alleged solicitation by the defendant of teenage males. I
22 allowed that motion in limine with respect to that because
23 unlike the cases cited by the Government, in this case the
24 defendant's homosexuality is not a central issue in the case,
25 and the evidence -- apart from the fact of not being

1 particularly probative -- is unfairly prejudicial.

2 The second item there was the defendant's alleged use
3 of drugs, I think for the same purpose apparently,, I find
4 that irrelevant as well, and certainly prejudicial in today's
5 environment. With respect to the third element, the alleged
6 electronic eavesdropping on the roommate and the hot wiring of
7 the garage door, that is, without question, relevant on the
8 issue of the defendant's knowledge and expertise with respect
9 to electronics in general. As I understand it, the
10 Government's ample evidence of such knowledge that doesn't
11 carry the same baggage of prejudice, and is in any event
12 closer to the mark. There is for example -- oh, do sit down.

13 MR. LOPEZ: Your Honor, I wanted to note in the
14 Government's brief, C D and E have been waived. The only
15 question is with respect to B and instead of putting findings
16 they've already waived. I thought I would bring that to the
17 Court's attention.

18 THE COURT: There remains also the Government's
19 motion to reconsider the allowance of Mr. Shay's motion to
20 quash the subpoena. I have reviewed the Government's
21 submission and read the cases that were cited, and I am
22 persuaded that I was in error about the effect of the immunity
23 order, that is the order does protect Mr. Shay against the use
24 of any testimony that he will give here in both any possible
25 subsequent state prosecutions as well as any federal



REPORT OF INVESTIGATION (Law Enforcement)

2. TO: Special Agent in Charge
Boston Field Division

3. MONITORED INVESTIGATION
CIP: BOSTON
EXPLOSIVES VIOLATIONS
REPORT [REDACTED] E63212-92-21

4. TITLE OF INVESTIGATION
Roslindale Bombing

5. INVESTIGATION No. (Include Suspect No.)
63212-92-2008-C

6. TYPE OF REPORT (Check applicable boxes)			7. BUREAU PROGRAM		8. PROJECT(S)
<input type="checkbox"/>	PRELIMINARY	<input type="checkbox"/>	COLLATERAL (Request)	TITLE I	TARGETED OFFENDER
<input type="checkbox"/>		<input type="checkbox"/>		TITLE II	TERRORIST/EXTREMIST
<input checked="" type="checkbox"/>	STATUS	<input type="checkbox"/>	COLLATERAL (Reply)	TITLE VII	OCD
<input type="checkbox"/>		<input type="checkbox"/>		TITLE II	ITAR
<input type="checkbox"/>	FINAL	<input type="checkbox"/>	INTELLIGENCE	<input checked="" type="checkbox"/> TITLE XI	SEAR
<input type="checkbox"/>		<input type="checkbox"/>		TOBACCO	OMO
<input type="checkbox"/>	SUPPLEMENTAL	<input type="checkbox"/>	REFERRAL (Internal)	ALCOHOL	<input checked="" type="checkbox"/> OTHER (Specify) BOMBING

9. DETAILS: REPORT OF INTERVIEW

With Mike Coady, on April 5, 1993, at about 1630 hours, at [REDACTED] by Group Supervisor Victor D. Palaza, and Special Agent Dennis P. Leahy, Bureau of Alcohol, Tobacco and Firearms. Mr. Coady states as follows:

Mr. Coady said that he was about 15 years old (1985) when he met Al Trenkler and that Trenkler supplied him with drugs and after several months sexually molested him. Mr. Coady said that he was not gay and that being sexually molested "fucked my life up." Mr. Coady said that he dropped out of high school and basically was a street person for a time. Mr. Coady said that he knew Trenkler from about 1985 through 1987. Mr. Coady said that Trenkler was a drug dealer who also used drugs, and that Trenkler was dealing and using about 1 ounce of cocaine a week.

Mr. Coady said that Trenkler was extremely manipulative and had a sexual obsession with younger males. Mr. Coady said that Trenkler stole money for drugs from his grandmother who was very wealthy and at one time married to P.T. Barnum. Mr. Coady said that Trenkler was an "electronics whiz" and that he went with Trenkler to a telephone pole, near Wilmington Ford, where Trenkler did some electronics work. Mr. Coady expressed strong distaste for Trenkler and feels strongly that by Trenkler sexually molesting him it has caused great mental anguish to him. Mr. Coady also said that Trenkler liked multiple male sexual partners at the same time and that Trenkler used to frequent the Blue Hills, lookin for male sexual partners.

10. SUBMITTED BY (Name) Dennis P. Leahy	11. TITLE AND OFFICE Special Agent, Group I, Boston	12. DATE 04/06/93
13. REVIEWED BY (Name) Victor D. Palaza	14. TITLE AND OFFICE Group Supervisor, Boston, MA.	15. DATE [REDACTED]
16. APPROVED BY (Name) Terence J. McArdle	17. TITLE AND OFFICE Special Agent in Charge	18. DATE / /

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
REPORT OF INVESTIGATION - CONTINUATION SHEET
(Law Enforcement)

PAGE 2
OF 2 PAGES

TITLE OF INVESTIGATION
Roslindale Bombing

INVESTIGATION NO.
63212-92-2008-C

DETAILS (Continued)

Mr. Coady said that Trenkler was from Milton, attended Thayer Academy and correctly described defendant Trenkler to the undersigned.