

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
v.)
)
ALFRED W. TRENKLER,)
)
Defendant.)
)

CRIMINAL NO. 92-10369-Z
(FILED UNDER SEAL)

DEFENDANT ALFRED W. TRENKLER'S
MOTION FOR JUDICIAL INQUIRY
INTO POSSIBLE JUROR MISCONDUCT AND FOR A NEW TRIAL

The Defendant Alfred W. Trenkler, hereby moves the Court for judicial inquiry into possible juror misconduct and for a new trial. As reasons therefor, the Defendant states the following:

- 1) Information has surfaced that raises the very real possibility of highly prejudicial juror misconduct in a trial that resulted in the Defendant's conviction and life sentence;
- 2) The Government has received significant information from Donna Shea, who had been connected to this action since 1986, that an alternate juror who sat on the jury during the month-long trial failed to disclose during the voir dire that she knew Alfred Trenkler;
- 3) Without judicial investigation, it is unclear whether the alternate juror, Ramona Walsh, failed to disclose during the voir dire that she knew Trenkler, whether she communicated that fact (and possibly other information) to the deliberating

jurors and whether that extraneous information affected the deliberating jurors to such an extent that they failed to keep an open mind and render a verdict based solely on the evidence;

4) This colorable allegation of juror misconduct implicates the Defendant's Sixth Amendment Right to a trial by an impartial jury and his right to a trial that comports with fundamental notions of due process;

5) Because a non-frivolous suggestion that the jury was bias or tainted has been made, this Court must undertake an adequate inquiry into whether the alleged tainted incident occurred and whether it was prejudicial; and

6) Because the prejudicial impact of the alternate juror's alleged knowledge of Trenkler cannot be fairly assessed without a judicial inquiry into what extrinsic information was injected into the deliberative process, the Defendant respectfully reserves his right to supplement this Motion for a New Trial after the Court conducts its own inquiry and makes its own findings relative to the very serious and troubling allegations made by Donna Shea.

WHEREFORE, the Defendant respectfully requests that this Court conduct an inquiry into 1) whether Ramona Walsh, the alternate juror failed to disclose during the voir dire that she knew Trenkler; 2) whether she communicated that fact (and possibly other information) to the deliberating jurors; and 3) whether that extraneous information affected the deliberating

jurors, such as they failed to keep an open mind and render a verdict based solely on the evidence. After the Court issues its own findings, and makes its own findings of actual prejudice, the Defendant respectfully moves that this Court order a new trial.

DEFENDANT ALFRED W. TRENKLER

By his Attorneys,



Morris M. Goldings BBO #198800
Amy J. Axelrod BBO #552845
R. David Beck BBO #558616
MAHONEY, HAWKES & GOLDINGS
The Heritage on the Garden
75 Park Plaza
Boston, Massachusetts 02116
(617) 457-3100

DATED: November 19, 1996
T:610

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 11/19/96

