

United States District Court

DISTRICT OF
MASSACHUSETTS

In the Matter of the Search of

(Name, address or other description of person or property to be searched)

ARCOMM, INC.
82 BROAD STREET
WEYMOUTH, MASSACHUSETTS

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER:

I Thomas E. D'Ambrosio being duly sworn depose and say:

I am a(n) Special Agent and have reason to believe

Officer Title

that on the person of or on the premises known as ARCOMM, INC., 82 Broad Street, Weymouth, MA

ARCOMM, INC., 82 Broad Street, Weymouth, MA; a 3-story structure with white siding and maroon shutters on top 2 levels; entrance to #82 is on left front side through a white door marked "82" to the right side of the doorway

In the MASSACHUSETTS District of

there is now concealed a certain person or property, namely See "Addendum" which is attached hereto and incorporated by reference

which is Evidence of the commission of a criminal offense

(give alleged grounds for search and seizure under Rule 41(b) of the Federal Rules of Criminal Procedure)

in violation of Title 18 United States Code, Section(s) 371, 844(d) and 844(i)
The facts to support the issuance of a Search Warrant are as follows:

See attached Affidavit

Continued on the attached sheet and made a part hereof.

Yes No

Signature of Affiant Thomas E. D'Ambrosio

Sworn to before me, and subscribed in my presence

January, 1992

at

Boston, MA

City and State

Marianne B. Bowler, U.S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

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ADDENDUM

1. The components of, or materials used to construct, an explosive device, including.
 - a. Dynamite, high or low explosive materials
 - b. Blasting caps or similar devices
 - c. Magnets
 - d. Batteries
 - e. Radio control devices
 - f. Washers
 - g. Black electrical tape
 - i. Silver duct tape
 - j. Wood or wood panelling
 - k. One inch (1") finishing nails
 - l. Black spray paint, or residue thereof
 - m. Glues or adhesives
 - n. Insulated copper wire or similar materials
 - o. Magazines or torn pages from magazines

2. Any and all documents and records reflecting or revealing:
 - a. The order or purchase of any explosive devices or components thereof (as detailed above)
 - b. Any association (business, social or otherwise) between Alfred Trenkler and Thomas A. Shay or Alfred Trenkler and Thomas L. Shay, including letters, correspondence, photographs, videotapes, diaries, address books, receipts, cancelled checks or other business or personal records.

AFFIDAVIT

I, Thomas E. D'Ambrosio, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco and Firearms ("ATF"), Boston, Massachusetts and have been so employed for over fifteen (15) years. In the course of my duties, I have received specialized training in the field of explosives by ATF, and I am currently certified as an ATF Explosives Specialist (Certificate # 87-04). At the present time, I am the ATF Boston Field Division Explosives Coordinator. I have participated in numerous investigations of explosions and explosive devices.

2. This affidavit is submitted in support of the issuance of search warrants for three (3) separate locations: (1) the premises of a business known as ARCOMM, Inc., located at 82 Broad Street, Weymouth, Ma., (2) the premises of an apartment currently serving as the residence of Alfred Trenkler and John Cates, located in the basement of 133 Atlantic Street, Quincy, MA., and (3) a garage on the property located at 7 Whitelawn Avenue, Milton, Ma. the residence of John Wallace and Josephine Wallace (the mother of Alfred Trenkler). The requested search warrants seek the authority of this Court to search for and seize:

a) The components of, or materials used to construct, an explosive device, including:

1. Dynamite, high or low explosive materials
2. Blasting caps or similar devices

3. Magnets
 4. Batteries
 5. Radio control devices
 6. Washers
 7. Black electrical tape
 8. White plastic tape
 9. Silver duct tape
 10. Wood or wood panelling
 11. One inch (1") finishing nails
 12. Black spray paint, or residue thereof
 13. Glues or adhesives
 14. Insulated copper wire or similar materials
 15. Magazines or torn pages from magazines
- b) Any and all documents and records reflecting or revealing:
1. The order or purchase of any explosive devices or components thereof (as detailed above)
 2. Any association, (business, social or otherwise) between Alfred Trenkler and Thomas A. Shay, (hereinafter referred to as "Shay Jr.") or between Alfred Trenkler and Thomas L. Shay (hereinafter referred to as "Shay Sr."), including letters, correspondence, photographs, videotapes, diaries, address books, receipts, canceled checks or other business or personal records.

The facts and circumstances justifying the issuance of the requested warrants are described below.

3. On October 28, 1991, at approximately 11:45 a.m., Shay Sr. DOB: 07/05/44, of 39 Eastbourne Street, Roslindale, MA., went to Boston Police Station, Area E-5, in West Roxbury, MA and told Detective Robert Maloney that there was a box of some kind with magnets on it and wires sticking out of it located in the driveway of his home. Detective Maloney contacted the Boston Police Bomb Squad and advised them of this report of a suspicious device at Shay Sr.'s residence.

4. Boston Police Bomb Squad Officers Francis Foley and Jeremiah Hurley, and several police officers from Boston Police Department ("BPD") Area E immediately responded to 39 Eastbourne Street, Roslindale. Upon their arrival, they were met by Shay Sr. who directed them to the rear of the driveway at the right side of the residence, where he pointed out the suspicious device. Subsequently, while Officers Foley and Hurley were examining the device, it exploded, seriously injuring both officers. Officer Hurley later died from his injuries.

5. Special Agents from the ATF, Boston Field Division and National Response Team, were called to conduct a crime scene search of the immediate area surrounding the explosion. ATF Special Agent Wayne M. Miller, who has over fifteen (15) years of experience and is a certified cause and origin specialist, stated that an explosion of non-accidental cause appeared to have occurred at 39 Eastbourne Street.

6. On October 29, 1991, state search warrants were issued for the entire 39 Eastbourne Street lot, as well as for three (3)

vehicles, that were located on or near the lot at the time of the explosion. The warrants authorized law enforcement officers and technicians to search for evidence of an explosive device, including any and all material that may have been used to make the device. Pursuant to these search warrants, as well as the consent of the occupants of the premises, numerous items and materials believed to be of evidentiary value were gathered and preserved. Various other fragments and components were recovered from the clothing and bodies of Officers Hurley and Foley.

7. ATF Forensic Chemist Cynthia Wallace performed an examination of materials and fragments collected. According to Ms. Wallace, the device which exploded in the driveway of 39 Eastbourne Street consisted of the following components, among others: two (2) types of magnets, two (2) Austin Brand electric detonators, 9 volt and AA batteries, fragments of a radio control unit, three (3) types of adhesive tapes, a common adhesive (glue), a box constructed of wood panelling and painted with black spray paint.

8. During interviews conducted on October 28 and 29, 1991, Shay Sr. told officers of the BPD that on Sunday, October 27, 1991, when he backed his 1986 Buick Century (Massachusetts Reg. No. 125-LLO) into the driveway, he felt the car "bottom-out". Shay Sr. said that when he pulled out of his driveway, he felt another "thump" underneath his car and got out to see if anything had happened to the vehicle. Shay Sr. stated that he found a black object consisting of a piece of wood, about 10 or 12 inches

long and about 4 to 6 inches wide. On top of the wood, Shay Sr. saw small magnets on each end and two large, round disks in the middle of the wood. Shay Sr. said that on the right end, there was a small black box with two wires sticking out. He said this was located on the underside of the wood. He further stated that he initially thought the item was a part of his car and that he threw it near the side of his house.

9. At approximately 12:30 a.m. Tuesday, October 29, 1991, approximately twelve (12) hours after the explosion, Shay Jr. arrived at Shay Sr's. 39 Eastbourne Street residence. Because the investigation was in a very preliminary and active stage at that time, Shay Jr. was denied access to Shay Sr., and was directed to BPD Area E. Shay Jr. was then transported by BPD Officer William Bridgeforth, to the BPD Homicide Unit to be interviewed. During the ride to the BPD Homicide Unit, Shay Jr. made a comment to Officer Bridgeforth to the effect that he wished he "could reverse time and make all this not to have happened."

10. A criminal history check on Shay Jr. reveals several arrests between 1988 and 1990, including an arrest on or about July 3, 1989 as a "common night walker" in Boston, Massachusetts, and an arrest on or about September 3, 1990 for "grand theft" (burglary of a house in Hollywood, California) by the Seattle Police Department, Seattle, Washington. According to the MBTA Police, Shay Jr. was also arrested on or about November 13, 1990 at Back Bay Station in Boston. Shay Jr. was suspected of having

telephoned a threat of a bomb at the station on that date, but was actually arrested on a default warrant for larceny of a motor vehicle in Quincy, Massachusetts.

11. On October 31, 1991, Shay Jr. was interviewed by BPD Homicide Detectives Miller Thomas and William Fogerty. Shay Jr. informed the detectives that the bomb which exploded at his father's residence and killed the police officer was intended for him, not his father. Shay Jr. told the police that he was a homosexual and that he worked as a masseur. During the interview, Shay Jr. described the workings of a remote controlled model car and drew a diagram of a remote control transmitter. Shay Jr. stated that he knew several gay law enforcement officers, and he provided the detectives with names. Shay Jr. denied having anything to do with the making or setting of the explosive device that killed Officer Hurley.

12. Prior to Shay Jr.'s. departure on October 31, 1991, it was determined that an outstanding arrest warrant was pending against him from the Milton Police Department. Accordingly, after leaving the interview, Shay Jr. was arrested on the outstanding warrant. Shay Jr. was advised of his rights and stated that he understood them. While awaiting the arrival of Milton Police Officers, Shay Jr. continued to talk with Detectives Thomas and Fogerty and answer questions. Shay Jr. made a telephone call to a friend. The detectives inventoried Shay Jr.'s personal effects. Among the items in his possession was an address book.

13. On October 31, 1991, ATF Special Agents Karen Carney and Wayne Miller obtained from the Quincy Police Department a report of an explosion that occurred in Quincy, Massachusetts on September 1, 1986. That explosion was caused, as was later determined, by the detonation of an explosive device, attached by magnets to the underside of a vehicle. Investigation by the Quincy Police led to the arrest of Alfred Trenkler, DOB: 2-6-56, of Quincy, Massachusetts. Prior to his arrest, Trenkler told the police that another party paid him to make a remote controlled explosive device. Trenkler, who's training is as an electrical engineer, told the police that he used the following components to make the bomb: four (4) AA batteries, two (2) 6-volt camera batteries, a receiver and remote control device from Radio Shack, a 6-inch speaker magnet, duct tape, a toggle switch assembly, and an antenna.

14. A subsequent analysis of the debris from the bomb made by Alfred Trenkler in 1986 by Francis R. Hankard, Assistant Chief, Crime Laboratory, Massachusetts Department of Public Safety, indicated the presence of various materials and components, including the remains of an artillery flash simulator originally charged with an explosive mixture of aluminum dust, barium nitrate and sulfur, a battery operated radio signal receiver, two (2) 6-volt Duracell batteries and wiring, a double-throw microswitch with wiring attached, a circular magnet with aluminum colored tape on one surface, and miscellaneous types of wire and tape.

15. On November 1, 1990, BPD Detectives Peter O'Malley, Miller Thomas and William Fogerty interviewed Robert Evans, an inmate at the Dedham House of Correction. Evans told the detectives that he had been placed in an accompanying cell to Shay Jr. earlier that date and had talked with him about the explosion at his father's house. Evans stated that he asked Shay Jr. how he made the bomb, and Shay Jr. replied that he was not smart enough to make a bomb, but that he "bought it off a guy who made it and stuck it over there." Evans further stated that he asked Shay Jr. if his father would bail him out? Shay Jr. replied, "What, are you crazy? After what I tried to do to him?"

16. Further investigation by ATF and BPD revealed that Shay Jr. was acquainted with Alfred Trenkler, and may have had a sexual relationship with him. A review of the information contained in Shay Jr's. address book, as had been inventoried on October 31, 1991, revealed the following entry: "Al Trenkler, BPR 617-553-0778".

17. On November 5, 1991, BPD Detectives O'Malley, Thomas and Fogerty interviewed John Cates, DOB: 7-16-62, the current roommate and gay companion of Alfred Trenkler. Cates stated that he and Trenkler had lived together in the basement apartment of 133 Atlantic Street, Quincy, Massachusetts for approximately the past eight (8) months. Cates stated that Trenkler was skilled in electronics and microwaves, and that he sometimes brought work home with him. Cates also stated that Trenkler kept tools and materials inside a garage at his mother's home in Milton,

Massachusetts. Cates told the detectives that both he and Trenkler knew Shay Jr., and that he first met Shay Jr. at the Blue Hills Reservation in Canton, Massachusetts. Cates stated that Trenkler had never told him that he been involved in the making of a bomb in the past, (in 1986).

18. On November 6, 1991, BPD Detectives and ATF Special Agents interviewed Alfred Trenkler at his apartment at 133 Atlantic Street, Quincy, Massachusetts. Trenkler denied having anything to do with the making or setting of a bomb at 39 Eastbourne Street in Roslindale, Massachusetts. Trenkler stated that he had been living at 133 Atlantic Street, Quincy, Massachusetts with John Cates for approximately eight (8) months. He further stated that he co-owns, ARCOMM Inc., a communication business with an office located at 82 Broad Street in Weymouth, MA. Observed in Trenkler's apartment was an exposed speaker with speaker magnets attached on a shelf near the kitchen. The speaker was not attached to a stereo, television or other electronic device. Also observed was a book on "Dirty Tricks" containing information on how to get even with people.

19. Following a brief interview at his apartment, Trenkler brought BPD Detectives and ATF Special Agents to his business office at ARCOMM, Inc., 82 Broad Street, Weymouth, MA. Trenkler described the business as a company that builds and installs satellite and microwave antenna equipment. He stated that he does the technical/mechanical work involved in the installations and that his partner, Richard Brown, handles the sales and

business contacts. Trenkler stated that ARCOMM Inc. has only been operated at its present location for a short period of time, approximately three (3) weeks. He said that previous to opening the Broad Street office, he and his partner operated this business from his partner's residence in Quincy Massachusetts. He further stated that the garage at his parents residence, at 7 Whitelawn Avenue, Milton, Massachusetts, was used as a workshop/storage location. Trenkler stated that the garage is still currently used by the business. Trenkler then allowed a cursory search of the office, which revealed office space and a workshop area. The office area contained two desks and numerous boxes containing what appeared to be records and files. Trenkler allowed certain cutting type tools to be removed from the office for further examination.

20. While at the office I asked Trenkler about his involvement in an explosives incident in 1986. Trenkler admitted that he built an explosive device consisting of a remote control unit, batteries and a large firecracker type explosive. He further stated that the device was affixed to a vehicle with speaker magnets. Trenkler drew a crude schematic diagram of the wiring circuit for the device he built in 1986. Trenkler was then asked, based on his knowledge of circuitry, how he would wire a remote control device utilizing dynamite. He then sketched a diagram indicating a power source, receiver, safety switch, and two blasting caps inserted into two sticks of dynamite. Trenkler also admitted that he was gay and that he

knew Shay Jr. Trenkler stated that he met Shay Jr. on Boylston Street in Boston, and that he had also seen him in the area of the Ramrod Club in Boston.

21. Later the same day, November 6, 1991, Alfred Trenkler brought BPD Homicide Detectives and ATF Special Agents to his parents residence at 7 Whitelawn Avenue, Milton Massachusetts. While at this location he stated that he still maintains a room in the residence and that the detached two-car garage on the property is filled with his equipment and supplies, which he uses in his business. Trenkler allowed ATF Special Agent Dennis Leahy and myself to take a cursory view of the garage. I observed a large quantity of electrical and mechanical equipment and supplies stored inside which nearly filled the garage to its capacity.

22. On November 20, 1991, ATF Special Agents Dennis Leahy and Sandra LaCourse interviewed Trenkler's business partner, Richard Brown, at ARCOMM, Inc., 82 Broad Street, Weymouth, MA. Brown stated that he first met Trenkler in 1986, and that they had formed ARCOMM, Inc. within the past two (2) months. Brown said that Trenkler was the technical guy and that he handled the business aspect of the operation. Brown stated that Trenkler told him that he had nothing to do with building the bomb that killed the police officer. He stated that Trenkler did know Shay, Jr. Brown immediately picked-out Shay Jr. from a photo display. Brown stated that Trenkler paid to have sex with younger males, and that he enjoyed taking photographs of sex

acts. Brown said that Shay Jr. spent a weekend with Trenkler at "ATEL", a business in Boston where Trenkler used to work and had living quarters.

23. During the interview on December 20, 1991, Brown further stated that all the business records and receipts for purchases of ARCOMM, Inc. were located at their offices at 82 Broad Street in Weymouth. He also stated that Trenkler recently produced a "glue gun" from the back room of the business, and that this bothered him because they did not use glue guns in their business. Brown further stated that ARCOMM, Inc. did not use explosives or magnets in their business. Brown was surprised to learn that Trenkler had drawn a wiring diagram for a bomb when requested to do so by an ATF Agent.

24. Preliminary examination of the identifiable components of the explosive device that detonated on October 28, 1991, indicate that some of those components affected or travelled in interstate or foreign commerce, sometime prior to the explosion. It also clear from preliminary investigation that the property at 39 Eastbourne Street, Roslindale, Massachusetts, including the buildings, lot and vehicles located thereon, also were used to affect interstate or foreign commerce.

25. During a follow-up telephonic interview with Richard Brown on Monday, January 27, 1992, Brown stated that ARCOMM, Inc. leases a paging device from Metro Media Paging, 50 Soldiers Field Place, Brighton, MA., and that the pager is possessed and actively used by his partner, Alfred W. Trenkler. Brown stated

that the telephone number for Trenklers's pager is (617) 553-0778. Brown further stated that the most common way for him, and others, to reach Trenkler was by calling his pager. Brown explained that this was because Trenkler's work for ARCOMM often takes him out on the road and he is otherwise difficult to reach. Finally, Brown stated that he is aware that Trenkler uses his pager for personal use, as well as for business. Brown further stated that Trenkler is still currently residing at 133 Atlantic Street, Quincy, MA.

26. Based on my years of training and experience in the field of explosives, and my knowledge of how explosive devices are made, there is probable cause to believe:

- a) That Alfred Trenkler has the technical knowledge and expertise to build an explosive device of the type which detonated on October 28, 1991 killing BPD Bomb Squad Officer Jeremiah Hurley and severely injuring BPD Bomb Squad Officer Francis Foley.
- b) That Alfred Trenkler knows and has had dealings with Thomas A. Shay (Shay Jr.) over the course of the past several months;
- c) That Alfred Trenkler has been involved in the commission of various violations of the federal criminal law, including conspiracy (18 U.S.C. § 371), unlawful receipt of explosives (18 U.S.C. § 844(d)), the murder of a public safety officer by means of explosives (18 U.S.C. § 844(i)), and the injuring of a

public safety officer by means of explosives (18 U.S.C. § 844(i));

d) That evidence of Trenkler's involvement in the commission of the above described offenses is likely to be found at the following locations:

1. The premises of a business known as, ARCOMM Inc., located at 82 Broad Street, Weymouth, MA.,
2. The premises of an apartment currently serving as the residence of Alfred Trenkler and John Cates, located in the basement of 133 Atlantic Street, Quincy, MA., and
3. A garage located on the property at 7 Whitelawn Avenue, Milton, MA. the residence of John Wallace and Josephine Wallace (the mother of Alfred Trenkler).

e) That among the items which may be found at these locations, which will constitute evidence of the commission of the offenses described above, is the following:

1. The components of, or materials used to construct, an explosive device, including:
 - a. Dynamite, high or low explosive materials
 - b. Blasting caps or similar devices
 - c. Magnets
 - d. Batteries
 - e. Radio control devices

- f. Washers
 - g. Black electrical tape
 - h. White plastic tape
 - i. Silver duct tape
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 - o. Magazines or torn pages from magazines
2. Any and all documents and records reflecting or revealing:
- a. The order or purchase of any explosive devices or components thereof (as detailed above)
 - b. Any association, (business, social or otherwise) between Alfred Trenkler and Thomas A. Shay or Alfred Trenkler and Thomas L. Shay including letters, correspondence, photographs, videotapes, diaries, address books, receipts, canceled checks or other business records.

Thomas E. D'Ambrosio
Special Agent
Bureau of Alcohol, Tobacco
and Firearms

Subscribed and sworn to before me this 28th day of January, 1992.

Marianne B. Bowler
U.S. Magistrate Judge