

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN THE MATTER OF THE APPLICATION)
OF THE UNITED STATES OF AMERICA FOR)
AN ORDER AUTHORIZING THE INTERCEPTION) M.B.D. No.: 92-10069
OF ELECTRONIC COMMUNICATIONS TO DIGITAL)
DISPLAY PAGING DEVICE ASSIGNED)
TELEPHONE NUMBER (617) 553-0778)

AFFIDAVIT

I, Jeff S. Kerr, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent of the Bureau of Alcohol, Tobacco and Firearms ("ATF"), and have been so employed for the past four and one-half (4 1/2) years. I have participated in numerous investigations involving violations of the federal firearms laws, as well as investigations of the federal explosives laws. I have been trained in the fields of firearms and explosives investigations at the Federal Training Facility in Brunswick, Georgia.

2. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, in that I am empowered by law to conduct investigations and to make arrests for federal felony offenses.

3. This affidavit is submitted in support of an application for an order authorizing the interception of electronic communications occurring over a digital paging device assigned telephone number (617) 553-0778 from Metro Media Paging, 50 Soldiers Field Place, Brighton, MA 02135, subscribed to by

ARCOMM, Inc. and used by Alfred W. Trenkler (hereinafter the "target pager device").

4. I have participated in the investigation of the offenses described below. As a result of my personal participation in this investigation, and through interviews and analysis of reports submitted by ATF Special Agents Dennis Leahy, Thomas D'Ambrosio, Sandra LaCourse, Henry Moniz, John Paolillo, and Karen Carney, as well as reports submitted by Boston Police Department ("BPD") Homicide Detectives Miller Thomas, William Fogerty and Peter O'Malley, and by conversations with ATF Lab Analyst Cynthia Wallace, I am familiar with all aspects of the investigation. On the basis of this familiarity and other information which I have reviewed and deem to be reliable, I allege that:

a. There is probable cause to believe that Alfred W. Trenkler has committed violations of the federal explosives laws, including Title 18, United States Code, Sections 844(i) and 371, to wit: causing bodily harm or loss of life to any individual, including a public servant, by means of an explosive and conspiracy to cause bodily injury or loss of life, to any individual, including a public servant, by means of an explosive.

b. There is probable cause to believe that particular electronic communications of Alfred W. Trenkler, and others as yet unknown, concerning, and in furtherance of, concealment of the above-described offenses will be intercepted over a digital display aging device assigned telephone number (617) 553-0778. In particular, there is probable cause to believe that the communications to be intercepted will concern the telephone numbers subscribed to or used by associates and confederates of Alfred W. Trenkler, and the dates and times of communications between such persons and Trenkler, thereby helping to identify the co-conspirators and aiders and abettors of Alfred W. Trenkler. These communications are expected to

constitute admissible evidence of the above- described offenses.

c. Normal investigative techniques have been pursued and continue to be pursued, yet appear to be effectively exhausted, particularly with respect to establishing the identities of all associates and confederates of Alfred W. Trenkler acting in furtherance of the foregoing conspiracy to conceal the above-described violations of federal law. In addition, continued pursuit of non-electronic investigative techniques may jeopardize the likelihood of reaching a successful conclusion to this investigation.

d. There is probable cause to believe that the target pager device assigned telephone number (617) 553-0778 is in the possession of Alfred W. Trenkler and has been, is being, and will continue to be used by him in connection with the above-described conspiracy to conceal previous violations of federal law.

PERSONS EXPECTED TO BE INTERCEPTED

For the reasons more fully described below, the persons who we presently expect to intercept are: Thomas A. Shay, DOB: 11-03-71, John Cates, DOB: 7-16-62, and Richard Brown, DOB: 7-24-66.

FACTS AND CIRCUMSTANCES

5. On October 28, 1991, at approximately 11:45 AM., Thomas L. Shay, DOB: 7-5-44, of 39 Eastbourne Street, Roslindale, MA. (hereinafter, "Shay Sr."), appeared at the BPD Area E-5 station house located at 1708 Centre Street, West Roxbury, MA., and reported to Detective Robert Maloney that he had observed some kind of box with magnets attached to it and wires protruding from it in his driveway.

6. Detective Maloney subsequently contacted BPD Bomb Technician Francis Foley and advised Officer Foley of the reported suspicious device at 39 Eastbourne Street, Roslindale, MA.

7. Officer Foley responded to the scene accompanied by fellow BPD Bomb Technician Jeremiah Hurley and several police officers from Area-E. Upon their arrival at 39 Eastbourne Street, the officers were met by Shay Sr. who took them to the rear of the driveway along the right side of his residence and pointed out the suspicious device. Moments later, while Officers Foley and Hurley were examining the device, it exploded, seriously injuring both officers. Officer Hurley later died from his injuries.

8. Special Agents from 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.

9. 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 materials which may have been used to make the device. Pursuant to the 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.

10. ATF Forensic Chemist Cynthia Wallace performed an examination of the 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 paneling and painted with black spray paint.

11. During interviews conducted on October 28 and 29, 1991, Shay Sr. told BPD officers that on Sunday, October 27, 1991, when he backed his automobile, a 1986 Buick Century (MA registration 125-LLO), into his driveway, he felt the car "bottom out". Shay Sr. further stated that on the morning of the following day, Monday, October 28, 1991, as he was pulling out of the driveway, he felt another "thump" underneath his car and got out to see if the automobile had sustained any damage. Shay Sr. stated that at that time, he found a black object which appeared to be made out of wood, measuring about 10 or 12 inches long, and about 4 or 6 inches wide. He stated that on top of the wood, he observed small magnets on each end and two large round discs in the middle of the wood. He further stated that "on the right end" of this object, and located on its underside, he had seen a small black box with two protruding wires. Shay Sr. stated that he initially thought this box to be part of his car and that he threw the box

near the side of his house.

12. At approximately 12:30 a.m. Tuesday, October 29, 1991, approximately twelve (12) hours after the explosion, Thomas A. Shay (Shay Sr's. nineteen (19) year-old son, hereinafter referred to as "Shay Jr.") arrived at Shay Sr's. 39 Eastbourne Street residence. Because the investigation was in a very preliminary and extremely 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 that he, " could reverse time and make all of this not to have happened".

13. A criminal history check on Shay Jr. reveals several arrests between 1988 and 1990, including an arrest on or about July 3, 1989 on a charge of being a "common night walker" in Boston, Massachusetts, and an arrest on or about September 3, 1990 by the Seattle Police Department, Seattle, Washington for "grand theft" (i.e., burglary of a house in Hollywood, California). In addition, according to the MBTA Police, Shay Jr. was also arrested on or about November 13, 1990 at the Back Bay MBTA Station in Boston, Massachusetts on a default warrant for larceny of a motor vehicle in Quincy, Massachusetts. At the time of that arrest, Shay, Jr. was suspected of having made a telephonic bomb threat at the station.

14. On Thursday, October 31, 1991, Shay Jr. was interviewed

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14. On Thursday, October 31, 1991, Shay Jr. was interviewed

by BPD Homicide Detectives. During the course of that interview, Shay Jr. stated that the bomb which had exploded at his father's 39 Eastbourne Street residence was actually intended to harm him rather than his father. Shay Jr. also told the detectives that he was a homosexual, occasionally finding work as a masseuse, and that he had appeared on a Boston-based television show pertaining to that subject. During the course of this interview, Shay Jr. also described the workings of a remote controlled model car and drew a diagram of a remote control transmitter.

15. Prior to Shay Jr.'s departure from the police station 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. Pursuant to this arrest, an inventory of Shay Jr.'s personal effects was completed. Located among the items in Shay Jr.'s possession was an address book.

16. A review of the entries made in Shay Jr.'s address book, as inventoried on October 31, 1991, revealed the following:

"Al Trenkler, BPR 617-553-0778"

17. On October 31, 1991, ATF Special Agents Karen Carney and Wayne Miller obtained from the Quincy Police Department a police report of a bombing incident in that town in 1986. According to the report, on September 1, 1986 a motor vehicle (truck) was destroyed as a result of the detonation an infernal device, i.e., bomb. Investigation of the circumstances by the

Quincy Police led to the arrest of one Alfred W. Trenkler of Quincy, Massachusetts. The report further indicated that Trenkler, who is trained in the field of electrical engineering, admitted to the Quincy Police detectives that he had manufactured the bomb, which he had designed to be triggered by radio remote control, at the request of a friend, who paid him for his efforts. Trenkler told the police that he used the following components to make the 1986 remote control bomb: four (4) AA Batteries, two (2) 6-volt camera batteries, a receiver and remote control from Radio Shack, a 6-inch speaker magnet, duct tape, a toggle switch assembly, and a radio antenna.

18. Subsequent to Trenkler's 1986 truck bombing, Francis R. Hankard, Assistant Chief, Crime Laboratory, Massachusetts Department of Public Safety, conducted an analysis of the debris left by that explosive device. His analysis 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.

19. On Friday, November 1, 1991, BPD Homicide Detectives Peter O'Malley, Miller Thomas and William Fogerty interviewed Robert J. Evans, an inmate at the Dedham House of Correction, Dedham, Massachusetts. Evans stated that, earlier that day, he

had been transported from the Dedham House of Correction to Quincy District Court, where he was placed in a holding cell awaiting a hearing. Evans further stated that while in the holding cell, he struck up a conversation with Shay Jr., who, at that time, was himself awaiting a hearing (on the outstanding warrant) and was occupying an adjoining cell. Evans stated that during the course of this conversation, the incident at 39 Eastbourne Street arose. Evans stated that he asked Shay Jr. how he made the bomb. Shay Jr. replied, "A kid like me, who did not finish high school, I'm not smart enough". Evans stated that Shay Jr. then said, "I bought it off a guy who made it and stuck it over there". Evans also stated that during the conversation, he asked Shay Jr. if his father would bail him out, to which Shay Jr. replied, "What, are you crazy, after what I tried to do to him?"

20. 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 Trenkler. Cates stated that he and Trenkler had lived together in the basement apartment of 133 Atlantic Street, Quincy, MA. for the previous 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 work-related materials inside a garage at his mother's home at 7 Whitelawn Avenue, Milton, MA. Cates told the detectives that both he and Trenkler knew Shay Jr. and that Cates first met Shay at the Blue

Hills Reservation in Canton, MA. Cates stated that Trenkler had never told him that he had been involved in the making of a bomb in the past.

21. On November 6, 1991, Alfred Trenkler was interviewed by BPD Homicide Detectives and ATF Special Agents at 133 Atlantic Street, Quincy, MA. Trenkler stated that he had been living at 133 Atlantic Street with John Cates for approximately eight (8) months. He further stated that he, together with another individual named Richard Brown, owned and operated ARCOMM Inc., an electronics communications business with an office located at 82 Broad Street, 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.

22. Also on November 6, 1991, Alfred Trenkler brought BPD Homicide Detectives and ATF Special Agents to ARCOMM's 82 Broad Street, Weymouth, MA. business offices. Trenkler described ARCOMM 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 company's sales and business contacts. Trenkler stated that ARCOMM, Inc. had only been operating at its 82 Broad Street location for approximately three (3) weeks, and that previous to opening that office,

Trenkler and his partner had operated the business from Brown's Quincy, MA. residence. Trenkler further stated that he had been using, and continued to use, the garage at his mother's 7 Whitelawn Avenue, Milton, MA, residence as a workshop/storage location. At that point in the interview, Trenkler consented to a cursory search of ARCOMM's 82 Broad Street offices, which revealed an office space and a workshop area. The office area contained two desks and numerous boxes containing what appeared to be records and files. Trenkler consented to the removal of certain types of cutting tools from the office for further examination.

23. During the office interview, Trenkler was questioned about the above-described 1986 bombing incident. Trenkler admitted that he had built an explosive device consisting of a remote control unit, batteries and a large firecracker type explosive. He further stated that the device had been affixed to a motor vehicle by means of speaker magnets mounted on the device. Trenkler then drew a crude schematic diagram of the wiring circuit for the device he designed and 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.

24. Also on November 6, 1991, Trenkler brought BPD Homicide Detectives and ATF Special Agents to his mother's residence at 7

Whitelawn Avenue, Milton, MA, where, Trenkler stated, he still maintains a room. Trenkler stated that the two-car garage at 7 Whitelawn Avenue is filled with his equipment and supplies which he uses in the course of his business. Trenkler allowed Special Agents Dennis Leahy and Thomas D'Ambrosio to take a cursory view of the garage. The agents saw that the garage was nearly filled to its capacity, holding a large quantity of electrical and mechanical equipment and supplies.

25. On November 20, 1991, ATF Special Agents Dennis Leahy and Sandra LaCourse interviewed Richard Brown, Alfred Trenkler's business partner, at ARCOMM, Inc.'s 82 Broad Street, Weymouth, MA. offices. Brown stated that he first met Trenkler in 1986, and that they had formed ARCOMM, Inc. within the previous 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 which had killed the police officer. Brown further stated that Trenkler was acquainted with Shay Jr. Brown readily identified Shay Jr. from a photo array. 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 modest living quarters.

26. During the course of the interview on November 20, 1991, Brown further stated that business records and receipts for all purchases made on behalf of ARCOMM, Inc. were maintained in

the files located at ARCOMM, Inc.'s offices at 82 Broad Street, Weymouth, MA. Brown also stated that Trenkler recently appeared with a "glue gun" from the back room of the business, and that this bothered him because they did not use glue guns in the course of ARCOMM's 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.

27. On Wednesday, January 29, 1992, I spoke at length concerning this matter with Larry McCune, an explosives enforcement expert with ATF who has over 17 years experience in the investigation of explosions and explosive devices. Mr. McCune has been involved in over 3000 investigations of this type. Mr. McCune participated in a forensic analysis of the explosive device that killed BPD Bomb Squad technician Jeremiah Hurley, and has reviewed various materials and reports concerning Alfred Trenkler.

According to Mr. McCune, based on a comparison of the physical components, characteristics and circumstances of the 1986 bombing incident involving Trenkler, and the incident which occurred on October 28, 1991 in Roslindale, it is more probable than not that the maker of the explosive device which killed Officer Hurley was Alfred Trenkler. Mr. McCune reaches this conclusion without considering other circumstantial evidence, such as the known relationship between Shay Jr. and Trenkler, the observations made by ATF Agents of a loose speaker magnet at

Trenkler's apartment, and other factors -- all of which would support and strengthen this conclusion.

Mr. McCune's conclusion is based upon the following factors:

a) According to the ATF data base of explosive incidents, since 1980 only three (3) "remote control" explosive devices have been detected in New England. In 1980 in Glastbury, Connecticut a pipe bomb exploded injuring Albert Rizzo; no arrests or convictions resulted. The only other incident of a remote control device involved Trenkler, namely the September 1, 1986 bombing of a truck in Quincy. The use of remote controlled explosive devices has been rare, not only in New England but elsewhere in the United States over the past ten (10) years.

b) There are several similarities between the components of the explosive device used in the September, 1986 bombing, and the device at issue here. These similarities include the use of speaker magnets, the use of an internal toggle switch, the presence of a power source and receiver, soldered wires to batteries, soldered wire connections which were taped over with electrical tape, and the use of miscellaneous types of wire and tape.

c) The internal configuration of a hypothetical explosive device which was described and diagramed by Trenkler during an interview on November 6, 1991 contains a strong similarity to the actual explosive device which detonated on October 28, 1991. Trenkler's drawing of multiple blasting caps inserted into separate sticks of dynamite is a highly unusual, unique and

distinctive configuration for an explosive device. The device which exploded and killed Officer Hurley was found to contain more than one blasting cap in combination with dynamite, strongly suggesting that Trenkler was the maker of the subject device.

d) The circumstances surrounding the 1986 explosion and the recent explosion also contain certain unmistakable parallels, such as: (i) both devices were designed to be remote control activated, (ii) both devices were, or had been, affixed to vehicles and (iii) both devices used speaker magnets to attach the devices to the vehicles.

Based on all of the foregoing explosives and forensic factors, apart from the other facts described above, it is more probable than not that Alfred W. Trenkler made or participated in the making of the explosive device which killed Officer Hurley.

28. 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 Trenkler'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 business. Brown further

stated that Trenkler is still currently residing at 133 Atlantic Street, Quincy, MA.

NORMAL INVESTIGATIVE PROCEDURES

29. Based on my training and experience, as well as the experience of ATF Special Agents Dennis Leahy and Thomas D'Ambrosio, each of whom has over fifteen (15) years of experience with ATF, and based upon all the facts set forth herein, it is my belief that the interception of electronic communications made to the target pager device would be a vital technique for this investigation with a reasonable likelihood of securing evidence necessary for proving beyond a reasonable doubt that Alfred W. Trenkler, and others yet unknown, were and are engaged in the above-described offenses.

30. Investigative procedures that are usually employed in an investigation of this type of criminal case remain active, offering valuable but, in and of themselves, ultimately inadequate, results. Absent the requested electronic communication interceptions, law enforcement officers will not likely be able to fully learn the identities of those individuals involved in either the planning or execution of the underlying crime, and/or in an effort to conceal that information from detection by law enforcement officers. Moreover, as noted, Trenkler has a history of transience, and thus cannot reasonably be expected to receive telephone calls at any particular location. Accordingly, interception of electronic communications to the target pager device is expected to significantly enhance

the investigation's prospects for achieving a complete picture of the number and identities of those engaging in the aforementioned criminal activity.

Physical Surveillance

31. Physical surveillance has been attempted on a number of occasions in this investigation. Although it has proven valuable in identifying some of Trenkler's activities, physical surveillance, if not used in conjunction with other techniques, including electronic surveillance of the sort requested herein, is of limited value. Even if employed to full effect, physical surveillance does not always provide sufficient evidence of the criminal activity under investigation. Physical surveillance of alleged co-conspirators will not establish conclusively the elements of the alleged criminal violations and has not and, most likely will not, establish conclusively the identities of various co-conspirators. Moreover, physical surveillance is unlikely to provide sufficient admissible evidence in regard to this investigation because:

i) Trenkler and many of his associates are gay, often moving in tightly-knit circles that include only other gay males. This creates manifest difficulties in effectively maintaining an uninterrupted covert surveillance, and

ii) Further surveillance could serve to alert Trenkler and/or his co-conspirators of the law enforcement interest in their activities and thus compromise, perhaps fatally, the investigation.

Use of Grand Jury Subpoenas

32. Based on my experience, and on my conversations with Assistant United States Attorneys for the District of Massachusetts who have experience prosecuting violations of federal criminal law, I believe that subpoenaing persons who are believed to be involved in this conspiracy, or their associates, before a federal grand jury would most likely not be successful in achieving the stated goals of this investigation. The targets and subjects of this investigation, should they be called before the grand jury, would most likely be uncooperative and invoke their Fifth Amendment privilege not to testify. It would be unwise to seek any kind of immunity for any of these persons because the granting of such immunity might foreclose prosecution of the most culpable members of this conspiracy and could not ensure that such immunized witnesses would provide truthful testimony before the grand jury. Additionally, the service of grand jury subpoenas upon associates of Alfred Trenkler or other subjects would likely only serve to alert the target and subjects to the focus of this investigation, thereby causing them to become more cautious in their activities, to flee to avoid further investigation or prosecution, or to otherwise compromise this investigation. Obviously, serving Trenkler himself with a subpoena would serve no useful purpose.

Confidential Informants and Cooperative Sources

33. Due to the nature of the felony offenses involved in this investigation, and in view of the exclusive circles in which

the target and various of the subjects move, the potential for obtaining a cooperative source is virtually non-existent.

34. Based on my experience and my familiarity with all aspects of this investigation to date, I believe that there are no undercover officers or agents who could gain the trust of Trenkler or his associates. Even if that were possible, I believe that Alfred Trenkler may have enlisted the services of counsel, thereby rendering any such undercover contact with Trenkler impermissible.

Interviews

35. To date, as detailed (in part) above, ATF Special Agents and BPD Homicide Detectives have conducted numerous interviews of persons believed to have knowledge of the facts and circumstances of this crime. Based upon my experience, I believe that further interviews of certain subjects or their associates, would produce insufficient evidence or information concerning the alleged violations or the identities of the persons involved in the conspiracy, the source of the explosive materials, the location of materials and/or records of purchase of materials used in the construction of the explosive device, or other pertinent information. I also believe that any responses to the interviews would contain a significant number of half-truths and untruths, diverting the investigation with false leads or otherwise frustrating the investigation. Additionally, such interviews would likely result in non-targeted interviewees alerting members of the conspiracy, thereby compromising the

investigation and resulting in the possible destruction or concealment of evidence.

Search Warrants

36. As noted previously, several state search warrants have already been obtained and executed at the crime scene. Additional search warrants in this matter are currently being sought through the United States Attorney's Office with a focus on collecting materials which can be compared with the debris from the explosive device itself. Although one or more search warrants may provide technical information or evidence, such results are likely to offer little assistance in identifying co-conspirators, and may well serve a negative end if the searches prove unsuccessful where they would serve to notify the target and/or co-conspirators of the government's direction and emphasis regarding this investigation.

Pen Registers/Trap and Trace Devices/Telephone Tolls

37. Telephone tolls have been, and are being, collected and analyzed for connections or patterns. Thus far, no relevant data has been gathered from telephone tolls. Pen registers and trap and traces for this matter are currently in place on telephone lines subscribed by John Cates, ARCOMM, Inc. and Shay Sr.. Pen register and trap and trace information, although valuable, provides only an outline of who is contacting or attempting to contact a person by means of a particular telephone. In this case, however, the target, Alfred Trenkler, allows for no certain

place of residency. As noted, Trenkler has resided, from time to time, in various places, including inside the office of a previous employer (ATEL in Boston, MA.) Moreover, this investigation has developed information that, at the direction of John Cates, his gay partner, Trenkler is not to have contact with Shay Jr., once a gay partner of Trenkler's and a potential co-conspirator in this matter. This makes the prospects of detecting contact between Trenkler and Shay Jr. emanating from Trenkler and Cates' present residence highly unlikely. Additionally, due to the nature of Trenkler's work, he is often outdoors and not accessible by telephone.

Mail Cover

38. Currently, mail covers are being conducted on the target as well as other subjects. Although the covers allow for the documentation of numerous contacts, it is my experience that criminal ventures of this sort are not entered into, carried out or rehashed through the mails. At this juncture of the investigation the covers have not provided what would appear to be relevant material which would assist in arriving at a successful resolution of this investigation.

Reward Funds

39. Currently, a total of sixty-five thousand dollars (\$65,000) in reward money has been offered for information leading to the arrest and conviction of the persons responsible for this crime. Only four telephone responses have been received in this regard in approximately two (2) months. These telephone

contacts have proven frivolous, and have offered no assistance to this investigation.

40. Based upon the foregoing, it is my belief that the interception of electronic communications is an essential investigative means which is needed to obtain evidence of the totality of the offense in which the target and others as yet unknown are involved.

PRIOR APPLICATIONS

41. Based upon a review of the ATF's electronic surveillance indices, no interception or application for interceptions of wire, oral or electronic communications of the target, prospective interceptees, or facilities were located.

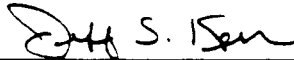
MINIMIZATION

42. All monitoring of electronic communications of the target paging device will be recorded and examined by monitoring agents and attorneys to determine their relevance to the pending investigation. The disclosure of the contents or nature of the communications intercepted over the digital display paging device will be limited to those communications relevant to the pending investigation, in accordance with the minimization requirements of Chapter 119 of Title 18, United States Code.

TERMINATION

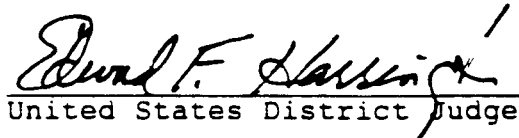
43. I believe that the facts alleged herein establish that the target of this investigation, Alfred Trenkler, is engaged in an ongoing conspiracy and that the evidence sought will be

intercepted on a continuing basis following the first receipt of the particular communications that are the object of this request. Therefore, it is requested that the interceptions not be required to terminate when the communications described herein are first intercepted, but be allowed to continue until communications are intercepted which fully reveal the scope of the conspiracy, including the identities and locations of all participants, not to exceed thirty (30) days measured from the earlier of the day on which investigative or law enforcement officers first begin to conduct interceptions under this Court's order, or ten (10) days after the order is entered.

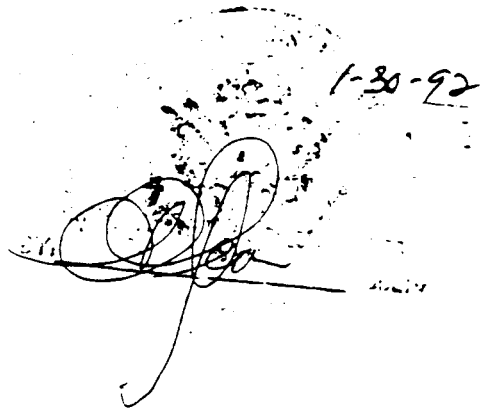


Jeff S. Kerr
Special Agent
Bureau of Alcohol, Tobacco
and Firearms

Sworn to before me this 30th day of January, 1992.



United States District Judge


1-30-92