

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN THE MATTER OF THE APPLICATION )  
OF THE UNITED STATES OF AMERICA FOR )  
AN ORDER AUTHORIZING: (1) THE FURTHER ) M.B.D. No. 92-10218  
INTERCEPTION OF ELECTRONIC COMMUNICATIONS )  
TO DIGITAL DISPLAY PAGING DEVICE ASSIGNED )  
TELEPHONE NUMBERS (617) 532-3504 AND )  
1-800-22ALPHA; AND (2) THE INITIAL )  
INTERCEPTION OF WIRE ("VOICE MAIL") )  
COMMUNICATIONS FACILITATED BY MEANS OF )  
THE SAME DIGITAL DISPLAY PAGING DEVICE, )  
ASSIGNED TELEPHONE NUMBER (617) 553-0778 )

SECOND AFFIDAVIT OF JEFFREY S. KERR, SPECIAL AGENT

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 Law Enforcement Center 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 Second Affidavit of Jeff S. Kerr incorporates and restates virtually all of the matters set forth within the Affidavit of Jeff S. Kerr, sworn to and subscribed before the

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Honorable Edward F. Harrington, U.S. District Judge for the District of Massachusetts, on January 30, 1992, which such affidavit was submitted in support of an Application for Interception of Electronic Communications likewise sworn to and subscribed before U.S. District Judge Harrington on January 30, 1992. On January 30, 1992, Judge Harrington allowed the government's above-referenced Application and issued an Order Authorizing the Interception of Electronic Communications.

4. This Second Affidavit of Jeffrey S. Kerr, Special Agent, is submitted in support of an application for an order (hereinafter, the "Application") authorizing the continued interception of digital and alpha-numeric messages communicated electronically to a certain paging device leased from Metro Media Paging, Inc., 50 Soldiers Field Place, Brighton, MA, such device assigned telephone numbers (617) 532-2504 (for purposes of digital display of the calling telephone number) and 1-800-22ALPHA (for purposes of displaying alpha-numeric messages) and subscribed to by ARCOMM, Inc., 82 Broad St., Weymouth, MA, and used by Alfred W. Trenkler (hereinafter, the "Target Pager Device").

5. Additionally, the Application submitted herewith and supported by this Second Affidavit of Jeff S. Kerr seeks an order authorizing the initial interception of wire ("voice mail") communications facilitated by means of telephone number (617) 553-0778, also assigned to the Target Pager Device.

6. This investigation arises out of the October 28, 1991 detonation of an explosive device which took the life of one Boston Police Bomb Squad Officer and which maimed another. As the following will establish, there is probable cause to believe that Alfred W. Trenkler, Thomas A. Shay and perhaps others, manufactured and/or placed or caused to be placed a remote-controlled explosive device on the undercarriage of an automobile belonging to Thomas L. Shay -- the above-referenced Thomas A. Shay's father -- parked at the father's residence at 39 Eastbourne St., Roslindale, MA. The following will also establish that there is probable cause to believe (a) that the planting of this bomb on Shay Sr.'s automobile was likely motivated by the desire for monetary gain where, at the time of the bombing, Shay Sr. was (and remains) plaintiff in a civil lawsuit against his former commercial landlords, seeking substantial damages for personal injuries said to arise out of a 1986 explosion at Shay Sr.'s work place; and (b) that, with or without Shay Sr.'s prior knowledge, the October, 1991 bomb was designed to frame Shay Sr.'s former landlords and thus to enhance Shay Sr.'s prospects for successfully resolving his lawsuit.

7. Finally, this affidavit will demonstrate that there is probable cause to believe that Alfred W. Trenkler, Thomas A. Shay, John Cates and/or others likely have been using and will likely hereafter continue to use the voice mail function of the Target Pager Device and that such use will likely encompass

concealment of responsibility for prior violations of federal explosives laws as described in detail below, and obstruction of justice by means including interference with this ongoing investigation.

8. 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, Francis Armstrong, Brendan Craven and Peter O'Malley, and by conversations with ATF Lab Analysts Cynthia Wallace and Larry McCune, 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 and wire communications of Alfred W. Trenkler, John Cates, Richard Brown, Thomas A. Shay (Jr.) and others as yet unknown, concerning, and in furtherance of, concealment of the above-described offenses will be intercepted over a paging device subscribed to by ARCOMM, Inc., 82 Broad St. Weymouth, MA, and assigned telephone

numbers (617) 553-0778 (for voice mail); (617) 532-3504 (for digital paging display); and 1-800-22ALPHA, further accessed by passcode 54529 (for alpha-numeric message display) (hereinafter, the "Target Pager Device"). 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, the dates and times of communications between such persons and Trenkler, and voice mail messages left for Trenkler by such persons, 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 exclusively 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 the foregoing telephone numbers is in the exclusive 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

9. 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.

FUNCTIONS OF THE TARGET PAGER DEVICE

10. On or about January 29, 1992 (the day immediately preceding the date on which the original Order in this matter issued) law enforcement officers involved in this investigation learned, in general terms, that the Target Pager Device facilitated -- by means of three (3) distinct functions -- both electronic and wire communications to the holder of the device. These means are described as following:

(a) Electronic Communications:

- i. Digital Paging Function - In this mode, the Target Pager Device functions as a straightforward pager, wherein a call to the assigned telephone number ((617) 532-2504) coupled with the subsequent touch tone entry of the caller's return telephone number, results in a digital display of the caller's return telephone number.
  
- ii Alpha-Numeric Message Function -- In this mode, the Target Pager Device displays an alpha-numeric message (i.e. "TASO 925-4326 pls call me ASAP"). This function is prompted when a party seeking to leave such a message on the device telephones an intermediary paging service which, in this case, is know as "Protocol" (telephone no.: 1-800-22ALPHA. At this point, the caller deals with a live answering service representative who then

requests from the caller the subscriber's five (5) digit passcode. The passcode presently operative at Protocol (the answering service at issue here) with respect to the Target Pager Device is 54529.

After having provided the Protocol service representative with the subscriber's correct passcode, and thus gaining access to this function, the caller then verbally relates to the Protocol representative the alpha-numeric message which the caller seeks to convey; At this point, the Protocol service representative enters the alpha-numeric message which, by electronic means, ultimately appears on the Target Pager Device.

(b) Wire Communications (or so-called "Voice Mail")

The Target Pager Device also provides a means by which the holder of the device may learn of, and subsequently retrieve -- by telephone -- tape recorded messages, left telephonically by others. This system of prompting and telephonic retrieval of tape recorded telephone messages is commonly known as "voice mail." As noted above, Richard Brown advised law enforcement officers, on or about January 27, 1992, that the "telephone number" for the Target Pager Device was (617) 553-0778. This telephone number, standing alone,

however, does not provide effective access to these (tape recorded) human voice messages. More particularly in this regard, a caller may leave a "voice mail" message for the holder of the Target Pager Device upon dialing (617) 553-0778. Upon reaching that number, the caller hears a tape recorded message advising the caller that the subscriber is temporarily unavailable but that a human voice message may be left by speaking into the telephone immediately following the "tone" which concludes the answering machine's message.

When the voice mail function of the Target Pager Device is utilized, the device holder is notified of same by means of digital display, upon the device, of the telephone number (617) 553-0778. The holder may then retrieve that message and any previously un-retrieved voice mail messages, by first dialing (617) 553-0778; and second entering, by touch-tone a four (4) digit passcode. If any message is not immediately retrieved, the voice mail function of the Target Pager Device automatically prompts the holder by once again displaying "(617) 553-0778" on the face of the pager. This process is automatically repeated --if the message is not retrieved -- four (4) times at fifteen (15) minute intervals

following initial placement of the voice mail message. The tapes on which the voice messages are recorded are maintained at Metro Media Pager, Inc.'s, Communications Office, which is located at 15 Soldiers Field Place, Brighton, MA 02135. These tapes are erased on a 72-hour basis.

FACTS AND CIRCUMSTANCES

11. On October 28, 1991, at approximately 11:45 a.m., 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.

*Car  
in  
driveway*

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

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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".

19. 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.

Get 20. 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 (i.e., Shay Jr.) 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.

/Get - (Brady)

21. 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.

22. 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"

23. 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 damaged 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, Donna Shea, who paid him for

his efforts. According to Trenkler, Donna Shea was then involved in an ongoing dispute with the owners of the Capeway Fish Market, a commercial establishment located on Washington St., Weymouth, MA, and "wanted to scare the shit out of them." 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 unit from Radio Shack, a 6-inch speaker magnet, duct tape, a toggle switch assembly, and a radio antenna. Although Trenkler was charged in the Quincy (MA) District Court with possession of an infernal machine, in violation of Massachusetts law, that charge was continued without a finding (a qualified form of dismissal) and the matter was never again opened, all in exchange (according to the Quincy Police Detective assigned to the matter) for Trenkler's assistance in a then-ongoing drug investigation.

24. 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.

25. 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?"

26. 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, an area known to be frequented by homosexuals. Cates stated that Trenkler had never told him that he had been involved in the making of a bomb in the past.

27. 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. (closet-clothes)

28. 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.

29. 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, one cap inserted into each of the two sticks of dynamite.

30. 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.

31. 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

handed

weekend with Trenkler at "ATEL", a business in Boston where Trenkler used to work and had modest living quarters.

*Significance*

32. 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 expressed surprise on learning that Trenkler had drawn a wiring diagram for a bomb when requested to do so by an ATF Agent.

33. 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 the forensic analysis of the explosive device which killed BPD Bomb Squad technician Jeremiah Hurley and maimed his partner, Frank Foley, and has reviewed various materials and reports concerning Alfred Trenkler's 1986 explosive device.

34. 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 likely 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 database of explosive incidents, since 1980 only three (3) "remote control" explosive devices have been detected in New England. In 1980 in Glastonbury, Connecticut a pipe bomb exploded injuring one Albert Rizzo; no arrests or convictions resulted. Aside from the 1980 incident in Connecticut and the instant October 28, 1991 Roslindale, MA bombing, the only other bombing episode featuring a remote control device involved Trenkler, to wit, the September 1, 1986 remote control 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.

35. Based solely on all of the foregoing explosives and forensic factors, and apart from the other matters described above, it is therefore more likely than not that Alfred W. Trenkler made, assisted in or otherwise participated in designing and/or making the explosive device which killed Officer Hurley.

36. There is also reason to believe that the device which killed Officer Hurley on October 28, 1991 at 39 Eastbourne

Street, Roslindale, MA was likely manufactured and affixed to Shay Sr.'s automobile in the pursuit of monetary gain. More particularly, investigation of this matter reveals that, at the time of the bombing, Shay Sr. was (and remains) a plaintiff in a tort action for personal injury brought against his former auto body-business landlords, Jeffrey Berry and Louis R. Giammarco (Thomas Shay, Individually and as next friend of Kristen Flanagan v. Jeffrey Berry, Individually and Together with Louis R. Giammarco, as Trustees of the Ber-Giam Realty Trust, Ber-Giam, Inc. and Anthony Giammarco, Individually, Suffolk Superior Court, Civil Action No. 90-5286). Interviews with Shay Sr., and with the attorneys for the parties to that lawsuit, together with a review of the Superior Court records on file in that matter provides the following background:

37. As of October 30, 1987, Shay Sr. operated an auto body shop on the premises of the Dedham Service Center, an automobile repair garage located on Washington Street, Dedham, MA, operated by Berry and Giammarco. Shay Sr. sublet workspace from Berry and Giammarco at the garage, such space to include a concrete-walled, windowless office measuring approximately 20 by 30 feet. Shay Sr.'s ground level office was accessed through a doorway located around the side of the garage and down a slope.

38. On October 30, 1987, an individual employed by Berry and Giammarco apparently jokingly set off a so-called "M-80" explosive device alongside the service center building in the immediate vicinity of Shay Sr.'s office doorway; the device was

thrown into a partially empty 55-gallon drum located in the vicinity of the doorway. Shay Sr., who was present in his office at the time alleges serious personal injuries resulting from the explosion, including severe and continuing ringing of the ears and post-traumatic stress disorder. Shay Jr. was present at the garage at the time the M-80 exploded.

39. Within weeks of the October 30, 1987 incident, and apparently due to a rent increase imposed upon them by their own landowners, Berry and Giammarco raised Shay Sr.'s monthly rent. Rather than pay the increased rent, Shay Sr. vacated the service center without speaking any further with Berry or Giammarco. A few months thereafter, Shay Sr. commenced the above-described civil action.

40. A review of Shay Sr.'s pre-1987 litigation history reveals that he successfully settled two earlier personal injury actions: One, in 1982, where he received the maximum \$100,000 available under insurance coverage (Shay Sr. had been injured when the parked motor vehicle which he was occupying was struck by a truck); and another in October, 1986, where Shay Sr. settled yet another motor vehicle-related personal injury action for \$22,000.

41. Following the October, 1987 explosion incident, Shay Sr. applied for and received Social Security disability income.

42. On September 13, 1991, Shay Jr. was deposed in connection with his father's lawsuit regarding his knowledge of the Dedham Service Center explosion. At the conclusion of that

deposition, Alan Pransky, Shay Sr.'s attorney in the civil case, offered to drive Shay Jr. to the Falls Road, Quincy, MA residence of Nancy Shay, Shay Jr.'s natural mother. On the way, Shay Jr. asked how the deposition went, and then asked, in essence, "what would happen to the lawsuit if anything were to happen to my father?" Attorney Pransky -- who has been interviewed by investigators assigned to this case -- responded that the matter would nonetheless be pursued by Shay Sr.'s estate and that if the estate were to prevail, either by settlement or after trial, the award would go to Shay Sr.'s heirs, to include Shay Jr. Attorney Pransky also advised Shay, Jr. during this ride that Shay Sr. was suing for \$400,000 damages, the limit on Berry's and Giammarco's liability policy, and that coverage under that policy was available if Shay Sr.'s claims prevailed.

43. It is my belief that Shay Jr., with the assistance of Trenkler and perhaps others, sought to enhance the prospects for a successful resolution of Shay Sr.'s civil lawsuit by detonating an explosive device attached to Shay Sr.'s automobile. Shay Jr. likely believed that, while proof in this regard would be virtually impossible, responsibility for such an explosion would likely be ascribed to Berry and Giammarco, leading their insurance carrier to settle Shay Sr.'s claims short of trial. It is unclear at this point whether Shay Sr. had any prior knowledge of this probable plan.

44. ARCOMM, Inc., is now, and, for the past several weeks, has been virtually shut down; telephone service to ARCOMM, Inc.'s

82 Broad St., Weymouth, MA offices has been discontinued. More recently, Trenkler has begun to explore the prospects of starting up yet another electronic communications enterprise with an individual whose identity was revealed through interception of the Target Pager Device, namely Anastasiose Vasiliades of Hull, MA (aka "Taso"). When interviewed by law enforcement agents, Vasiliades stated that he and Trenkler either have formed or plan to form a business organization known as A.T.S. Research and Development Co., Inc. According to Vasiliades, because this business has not yet established any office or other base of operations, Vasiliades and Trenkler rely exclusively upon Trenkler's pager -- the Target Pager Device -- for all related communications. This exclusive mode of contacting and communicating with Trenkler has been confirmed by both Richard Brown, Trenkler's ARCOMM business partner, and John Cates, Trenkler's live-in companion at the basement apartment at 133 Atlantic Avenue, Quincy, MA. As Brown testified under oath on February 6, 1992, before the grand jury involved in this investigation, those seeking to reach Trenkler did so:

" . . . [t]hrough his pager, usually. They don't ever usually use a phone to call. Like myself, I don't even give phone numbers."

45. Even more pertinent to the instant request, Shay Jr., a potential co-conspirator and subject of this investigation, is known to have Trenkler's pager number and to have used it in the past to communicate with Trenkler. As John Cates, Trenkler's

apartment companion, responded to questioning under oath before the grand jury:

"Q: Would [Shay Jr.] ever reach out and attempt to call Alfred Trenkler?

A: He would attempt to call Alfred, yes.

Q: Okay. And How would you know that?

A: His pager would go off, there would be a message from him -- Tom Shay on the voice mail.

Q: Okay. So Mr. Trenkler uses a paging device as a means for people to get in contact with him?

A: Right."

46. On January 31, 1992, during execution of federal search warrants, ATF Special Agent Dennis Leahy interviewed Al Trenkler at 7 Whitelawn Avenue, Milton, MA. During this interview, Trenkler stated that Shay Jr. had indeed reached him at least twice by means of the Target Pager Device since on or about December 22, 1991.

47. Agents assigned to this matter have, more recently, visited certain stores and shops in the Boston area which specialize or otherwise carry electrical and/or electronic components of the type believed to have been utilized in the manufacture and rigging of the explosive device under investigation. One such store was the Radio Shack located at 197 Massachusetts Avenue, Boston, MA. This Radio Shack store is located immediately across the street from the Christian Science Broadcast Center's administration building, where, from before the date of the bombing to present, ARCOMM, including Trenkler, has been involved in a construction project.

48. A review of Radio Shack's customer receipt files for October 18, 1991 -- ten days before the explosion -- reflects that, at 2:36 p.m., a customer whose name appears as "SAHY JYT" made the following purchases:

<u>STOCK NO.</u>	<u>DESCRIPTION</u>	<u>QTY</u>	<u>PRICE</u>
270-391	4 AA Battery HLDR	1	1.29
275-602	SPST TOGGLE SW	1	1.29
272-1133	PK2 #50 LAMPS	1	.99
272-356	PLAS LAMP HOLDER	1	.99
270-220	BX 4X2X7/8	1	1.89
270-223	BX 6X3.15X1.84	1	2.99

The customer paid for these purchases with a \$20 bill.

49. According to ATF forensic experts, each of these items are consistent with the construction of a remotely-controlled bomb triggering device; moreover, the toggle switch and test lamp whose stock numbers are referenced within the above receipt match exactly portions of the remains of the explosive device found at the 39 Eastbourne, Roslindale, MA crime scene .

50. On February 25, 1992, ATF Agent Dennis Leahy interviewed Edward Carrion (DOB: 7/19/54), who resides at 497 Beacon Street (Apartment PH) Boston, MA. Carrion, who is gay, stated that he first met Shay Jr. in the summer of 1988, in the (so-called) "Block", that area surrounding the Boston Greyhound Bus Terminal where homosexual are known to "cruise" for partners. Carrion further stated that he brought Shay Jr. to his Beacon Street apartment for sex on several occasions. During this time, Shay Jr. told Carrion that Shay Jr. was "full of anger" at his father (Shay Sr.). Carrion went on to state that Shay Jr. left Boston in the summer of 1989, departing for New York City where

he apparently stayed until approximately July 1990, when he once again met Shay Jr. at the "Block". Carrion stated that he often bought Shay Jr. dinner and thereafter brought him back to his apartment for sex. Carrion further stated that he often drove Shay Jr. to what Shay Jr. claimed to be his parents' home (near the end of Blue Hill Avenue in Boston) and to the residence located at 7 Whitelawn Avenue, Milton, Al Trenkler's mother's home.

*see photospread*

51. Carrion recalled Shay Jr. stating, sometime in 1990, that his then-current lover was named either "Dave, Bill or maybe Al" and further recalls Shay Jr. introducing him to Trenkler (whom Carrion identified from a photospread) at the 7 Whitelawn Avenue residence described above.

52. Carrion further stated that he last saw Shay Jr. in approximately mid-October 1991. At about this time, Shay Jr. told Carrion that his father (Shay Sr.) was no longer working due to an injury, that he tried to live with Shay Sr. but that Shay Sr. had "kicked [Shay Jr.] out". Carrion also stated that Shay Jr. had talked to Carrion about "coming into money" and that "Al or Bill would give him \$20 thousand dollars".

53. The manager of the Radio Shack store, George Nightingale, was interviewed and reported knowing Shay Jr. (from Shay Jr.'s relationship with Edward Carrion, Nightingale's roommate) and confirmed that Shay Jr. had been at the Radio Shack store.

54. Based on the foregoing, it is probable that the name "SAHY JYT" appearing on the October 18, 1991 Radio Shack receipt is a reference to "Shay" and either reflects intentional shuffling of letters at point of purchase or careless transposition, by a store clerk, of Shay Jr.'s last name. It is further likely that reference to "JYT", was intended to be a reference to "JR. T" (i.e., "JR." for Junior, and "T" for Shay Jr.'s first name, "Tom").

55. Shay Jr. has left the District of Massachusetts, and his whereabouts are presently unknown. As Nancy Shay, Shay Jr.'s mother, testified before the grand jury, Shay Jr. spoke with Nancy Shay sometime during the last week of January, 1992 and told her that he was leaving Massachusetts because he did not want to go back to jail for "jumping bail" on an outstanding court charge. Moreover, on February 9, 1992, Shay Jr. telephoned Russell Bonanno, a former roommate, and told Bonanno that he "knew that the cops were looking for [him]" and, in response to Bonanno's question as to his location, stated that he was "thirty-two hundred miles away." As is also described above, Shay Jr. has contacted Trenkler by means of his voice mail on the Target Pager Device on at least two occasions since the date of the bombing. According to his address book, the voice mail number assigned to the Target Pager Device is the only number which Shay Jr. has for Trenkler. If Shay Jr. attempts to further contact Trenkler, as it is probable that he will, Shay Jr. will undoubtedly do so by means of the Target Pager Device.

56. Since the initial order was entered on January 30, 1992, allowing interception of Trenkler's electronic communications, Trenkler received approximately one hundred and forty-two (142) voice mail messages on the Target Pager Device, resulting in an average of approximately three (3) to four (4) voice messages per day. A review of the chronology of these intercepted displays, however, reflects that their frequency appears to increase significantly with investigative activity, such as the execution of search warrants, interviews with potential witnesses or the service of grand jury subpoenas. For example, on the day that interception commenced, Trenkler received three (3) voice mail messages on the Target Pager Device. On the following day, the first of the grand jury subpoenas issued in connection with this investigation was served (upon Mary Flanagan, the woman with whom Shay Sr. has been living at 39 Eastbourne Rd., Roslindale, MA); on that date, Trenkler received thirteen (13) voice mail message calls. Voice mail traffic for each of the next two days (February 1 and 2, 1992) consisted of seven (7) and two (2) voice mail calls, respectively. On February 3, 1992, Richard Brown's girlfriend, Jennifer Powers, and Nancy Shay (Shay Jr.'s mother) were each served a grand jury subpoena; on the following day, February 4, 1992, John Cates (Trenkler's roommate) and Richard Brown (Trenkler's business partner) and Ralph Pace (Shay Jr.'s former mentor) were each served grand jury subpoenas. Voice mail traffic to the Target Pager Device on each of these days shot up to nine

(9) and seventeen (17) calls, respectively. Voice mail traffic thereafter fluctuated between two (2) and eight (8) calls per day until February 10, 1992, on which date Donna Shea (Trenkler's partner in the 1986 bombing incident) was served a grand jury subpoena. On that day (February 10, 1992), voice mail traffic to the Target Pager Device rose to eleven (11) messages.

57. In addition, investigators assigned to this case have recently learned, from James Harding of Braintree, MA -- a long-time acquaintance of Donna Shea, the other individual involved in the 1986 Capeway Fish Market truck explosion -- that Donna Shea has, within the past several weeks, reached Trenkler on some occasions and has attempted to reach Trenkler on other occasions to discuss, among other things, Trenkler's potential involvement in the October, 1991 bombing incident in Roslindale, MA and has been using Trenkler's voice mail number to do so.

58. Unless Trenkler acted alone in making and planting this bomb -- which is highly unlikely -- his confederates have only one way to reach him, short of face-to-face communication, namely, the Target Pager Device. In view of the foregoing, there is probable cause to believe that one or more of the expected interceptees has already contacted or will hereafter attempt to contact Trenkler via the voice mail message feature of the Target Pager Device; and that the voice mail feature of the Target Pager Device has likely been used and will likely hereafter be used to discuss the means by which the subjects and above-described interceptees will conceal their involvement in the above-

described offenses and will take other action to obstruct this investigation.

59. A check with New England Telephone Co. indicates that Trenkler is not a listed subscriber on any telephone landlines. Moreover, Richard P. Brown has informed us that ARCOMM, Inc. leases a paging device from Metro Media Paging, 50 Soldiers Field Place, Brighton, MA., and that the pager is possessed and exclusively used by his partner, Alfred W. Trenkler. Brown stated that the voice mail pager number for Trenkler's pager is (617) 553-0778. Brown stated that virtually the only way for him, and others, to reach Trenkler was by calling his pager and leaving a voice mail message. 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. In fact, as Brown testified before the grand jury on March 5, 1992, Brown himself has reached Trenkler by way of the voice mail function of the Target Pager Device within the last week. 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, with John Cates, but -- because the telephone at that address is subscribed to by John Cates -- that Trenkler does not receive calls at that number.

#### NORMAL INVESTIGATIVE PROCEDURES

60. 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 and wire communications made to the Target Pager Device constitutes 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 committing the above-described offenses.

61. The investigative procedures 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 and wire 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 and wire 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

62. 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 and wire 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

63. 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 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 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. To date, nine (9) individuals have appeared as witnesses before the grand jury gathering evidence in this matter. While much information has thereby been obtained as to the scope and nature of the these witnesses' knowledge of the circumstances surrounding the incident in question, virtually none of the testimony obtained bears directly, or otherwise meaningfully, upon the potential motive, means and/or opportunity on the part of the subjects to commit these violations.

Confidential Informants and Cooperative Sources

64. Due to the nature of the felony offenses involved in this investigation, and in view of the exclusive circles in which the various subjects move, the potential for obtaining a cooperative source is virtually non-existent.

65. 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.

### Interviews

66. 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.

### Search Warrants

67. As noted previously, several state search warrants have already been obtained and, on October 29, 1991 (the day after the explosion), were executed at the crime scene. Additional search warrants in this matter have been obtained and executed through the United States Attorney's Office with a focus on collecting materials for comparison with the debris from the explosive device itself. More particularly, federal search warrants were obtained and executed on January 31, 1992, at: (i) Trenkler's place of business (ARCOMM, Inc., 82 Broad St., Weymouth, MA; (ii) a detached garage containing materials and items belonging to

Trenkler, such garage located on the premises of a single-family residence owned by Trenkler's mother (7 Whitelawn Avenue, Milton, MA); and (iii) the (basement) apartment occupied by Trenkler within a two-story residence located at 133 Atlantic Street, Quincy, MA. Forensic examinations are continuing.

**Pen Registers/Trap and Trace Devices/Telephone Tolls**

68. Telephone tolls have been, and are being, collected and analyzed for connections or patterns. 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 potentially valuable, provides only an outline of who may be contacting or attempting to contact a person by means of a particular telephone.

**Mail Cover**

69. Currently, mail covers are being conducted on various 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

70. 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. Over the course of approximately two (2) months time during which this reward money has been advertised, only four (4) telephone responses have been received. These telephone contacts have proven frivolous, and have offered no assistance to this investigation.

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

### PRIOR APPLICATIONS

72. On January 28, 1992, Paul V. Kelly, Assistant U.S. Attorney, District of Massachusetts, United States Department of Justice, as an investigative or law enforcement officer duly authorized in this regard pursuant to Sections 2510(7) and 2516(3) of Title 18, United States Code, and as an attorney for the government as defined in Rule 54(c) of the Federal Rule of Criminal Procedure, made application to the U. S. District Court for the District of Massachusetts (Harrington, J.) for an order authorizing the interception of electronic communications to the digital display paging device assigned telephone number (617)

553-0778, subscribed to by ARCOMM, Inc., and used exclusively by a subject, Alfred W. Trenkler. In support of the foregoing Application for Electronic Communications, Assistant U. S. Attorney Kelly submitted: (a) Affidavit of Jeff S. Kerr, sworn to and subscribed before the Honorable Edward F. Harrington, U.S. District Judge for the District of Massachusetts, on January 30, 1992; (b) (proposed) Order Authorizing the Interception of Electronic Communications; and (c) (proposed) Order.

73. On January 30, 1992, District Judge Harrington allowed the government's above-referenced Application, issuing, on that same date, its: a) Order; and, b) Order Authorizing the Interception of Electronic Communication.

#### MINIMIZATION

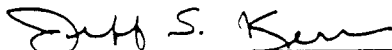
74. All monitoring of electronic communications of the Target Pager Device will be recorded and examined by monitoring agents and attorneys to determine their relevance to the pending investigation. Disclosure of the contents or nature of the electronic communications intercepted over the digital display 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.

75. All monitoring of wire (i.e., "voice mail" messages, contained within separately-accessed, telephone-activated and

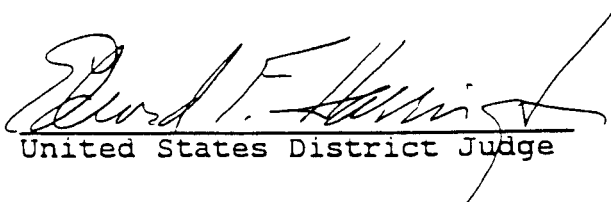
-retrieved tape recordings as described above) communications of the Target Paging Device will likewise be recorded and examined by monitoring agents and attorneys to determine their relevance to the pending investigation. Disclosure of the contents or nature of the wire communications intercepted by means of the Target Pager 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. Moreover, monitoring agents shall be directed and shall insure that this investigation shall be conducted in such a way as to minimize the interception of wire communications, including privileged communications between an attorney and his client, and other communications not otherwise subject to interception under Chapter 119 of Title 18, United States Code. Specifically, in all aspects, interception of wire communications (i.e., "voice mail") facilitated by means of telephone number (617) 553-0778 will be suspended immediately upon determining, through voice identification or other means, that none of the interceptees named in the Order or any of their confederates, when identified, are participants in the conversation, unless it is determined during the portion of the message already overheard that the conversation is criminal in nature. Even if one or more of the named interceptees or their confederates, when identified, is a participant in a conversation, monitoring will be suspended if the conversation is not criminal in nature or otherwise related to the offenses under investigation.

TERMINATION

76. I believe that the facts alleged herein establish that one of the subjects 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

Subscribed and sworn to before me this 12 day of March,  
1992.

  
\_\_\_\_\_  
United States District Judge