

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)

APPLICATION FOR INTERCEPTION OF
ELECTRONIC AND WIRE COMMUNICATIONS

I, Paul V. Kelly, Assistant United States Attorney,
District of Massachusetts, United States Department of Justice,
being duly sworn, states:

1. 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, that is, an attorney authorized by law to prosecute or participate in the prosecution of United States federal felony offenses. I am also an attorney for the Government as defined in Rule 54(c) of the Federal Rules of Criminal Procedure, and, therefore, pursuant to Section 2516(3) of Title 18, United States Code, I am authorized to make an application to a Federal judge of competent jurisdiction for an order authorizing the interception of electronic communications.

2. Pursuant to Title 18, United States Code, Section 2516, an appropriate official of the Criminal Division, United States Department of Justice, having been specifically designated by the Attorney General, pursuant to Order Number 1348-89 of May 24,

1989, has approved this application for an order authorizing the interception of electronic and wire communications. Attached to this application as Exhibit "A" is a true copy of Order Number 1348-89, specifically designating any Deputy Assistant Attorney General of the Criminal Division to approve applications for court orders authorizing the interception of wire, electronic and oral communications. Attached to this application as Exhibit "B" is a true copy of Deputy Assistant Attorney General (Criminal Division) memorandum dated March 11, 1992, captioned "Authorization for Interception Order Application" to the Director, Office of Enforcement Operations, Criminal Division, approving this application insofar as it relates to interception of wire communications. Also attached to this application, as Exhibit "C", is a true copy of Deputy Assistant Attorney General (Criminal Division) transmittal letter dated March 11, 1992, to the United States Attorney for the District of Massachusetts approving this application insofar as it relates to interception of electronic communications.

3. This application is for an order pursuant to Section 2518 of Title 18, United States Code, authorizing the interception of electronic and wire communications for a thirty (30) day period of Alfred W. Trenkler, John Cates, Thomas A. Shay (Jr.), Richard Brown and others as yet unknown made to and facilitated by the above-described digital display paging device concerning federal felony offenses, that is, offenses involving violations of Title 18, U.S.C. §844(d) (transportation or receipt,

in interstate or foreign commerce, of explosive with knowledge or intent that it be used to kill, injure or intimidate any individual or damage any property) and §844(i) (malicious damage or destruction, by explosive, of property used in or affecting any activity in foreign or interstate commerce) and §371 (conspiracy to commit offense against United States).

4. I have discussed all of the circumstances of the above offenses with Special Agent Jeff S. Kerr of the Federal Bureau of Alcohol, Tobacco and Firearms, who has, together with Detectives of the Boston Police Department Homicide Squad (South Boston), co-directed and jointly conducted this investigation under the combined auspices of the Suffolk County (Massachusetts) District Attorney's Office and the Office of the U. S. Attorney for the District of Massachusetts, and have examined the Second Affidavit of Jeffrey S. Kerr, Special Agent, of this date, submitted in support hereof and which is incorporated by reference. Your applicant states upon information and belief 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 leased from Metro Media Paging, Inc., and 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.

The Second Affidavit of Jeffrey S. Kerr, Special Agent of the Bureau of Alcohol, Tobacco and Firearms, submitted herewith, contains a full and complete statement of facts concerning all previous applications that have been made to any judge of competent jurisdiction for authorization to intercept wire, oral or electronic communications involving any of the same individuals or facilities specified in this application.

On the basis of the allegations contained in this application and on the basis of the attached Second Affidavit of Jeffrey S. Kerr,

IT IS HEREBY REQUESTED that this Court issue an order, pursuant to the power conferred on it by Section 2518 of Title 18, United States Code, authorizing the Bureau of Alcohol, Tobacco and Firearms to intercept electronic communications to the Target Pager Device, and, further to intercept wire communications facilitated by means of the Target Pager Device, such interception to include retrieval of all voice mail messages remaining within the storage capacity of the voice mail function of the Target Pager Device as of the time of this Court's allowance of this Application and that such interceptions not terminate automatically after the first interception that reveals the manner in which the alleged co-conspirators and others as yet unknown conduct their illegal activities, but continue until all communications are intercepted which reveal fully the manner in which the above-named persons and others as yet unknown are concealing the previous federal offenses described herein, and which reveal fully the identities of their confederates, their places of operation, and the nature of the conspiracy involved therein, or for an additional period of thirty (30) days measured from the earlier of the day on which investigative or law enforcement officers first begin to conduct an interception under this Court's order or ten (10) days after this order is entered, whichever is earlier.

IT IS REQUESTED FURTHER that in the event that the Target

Pager Device is transferred outside the territorial jurisdiction of this Court, interceptions may take place in any other jurisdiction within the United States.

IT IS REQUESTED FURTHER that this Court issue an order pursuant to Section 2518(4) of Title 18, United States Code, directing that Metro Media Paging, 50 Soldiers Field Place, Brighton, MA 02135, a communication service provider as defined in Section 2510(15) of Title 18, United States Code, furnish, and continue to furnish, the applicant and the Bureau of Alcohol, Tobacco and Firearms with all information, facilities and technical assistance necessary to accomplish the interceptions unobtrusively and with a minimum of interference with the services that the provider is according the persons whose communications are to be intercepted, and to ensure an effective and secure installation of electronic devices capable of interception of electronic communications over, and wire communications facilitated by, the Target Pager Device, with the service provider to be compensated by the applicant for reasonable expenses incurred in providing such facilities or assistance.

IT IS REQUESTED FURTHER that, to avoid prejudice to this criminal investigation, the Court order the said provider of electronic communication service and its agents and employees not to disclose or cause a disclosure of this Court's order or the request for information, facilities and assistance by the Bureau of Alcohol, Tobacco and Firearms or the existence of the investigation to any person other than those of their agents and employees who

require said information to accomplish the services hereby requested. In particular, said providers and their agents and employees should be ordered not to make such disclosure to a lessee, telephone subscriber, or any interceptee or participant in the intercepted communications.


IT IS REQUESTED FURTHER that this Court direct that such order be executed as soon as practicable after it is signed and that all monitoring of communications shall be recorded and examined by monitoring agents or attorneys to determine the relevance of the intercepted electronic and wire communications to the pending investigation and that the disclosure of the contents or nature of the electronic and wire communications intercepted 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. The interception of communications authorized by this Court's order must terminate upon attainment of the authorized objectives or, in any event, at the end of thirty (30) days measured from the earlier of the day on which investigative or law enforcement officers first begin to conduct an interception under this Court's Order or ten (10) days after the Order is entered.

IT IS REQUESTED FURTHER that the Court order that Assistant United States Attorney Paul V. Kelly, provide the Court a report on or about the tenth, twentieth and thirtieth days following the date of this Order showing what progress has been made toward achievement of the authorized objectives and the need for continued

interception. If any of the aforementioned reports should become due on a weekend or holiday, that such report shall become due on or about the next business day thereafter.


IT IS REQUESTED FURTHER that the Court ORDER that its Orders, this Application and the accompanying Second Affidavit of Jeffrey S. Kerr, Special Agent, and proposed orders, and all interim reports filed with the Court with regard to this matter be sealed until further order of this Court, except that copies of the orders, in full or redacted form, may be served on the Bureau of Alcohol, Tobacco and Firearms and the service provider as necessary to effectuate the Court's Order.

DATED this 12th day of March, 1992.



PAUL V. KELLY
Assistant U.S. Attorney

SUBSCRIBED and SWORN to before me this 12 day of March, 1992.



UNITED STATES DISTRICT JUDGE



Office of the Attorney General

Washington, D. C. 20530

SPECIAL DESIGNATION OF THE ASSISTANT, ACTING ASSISTANT,
AND ANY DEPUTY ASSISTANT ATTORNEY GENERAL OF
THE CRIMINAL DIVISION, TO AUTHORIZE
APPLICATIONS FOR COURT ORDERS FOR INTERCEPTION
OF WIRE OR ORAL COMMUNICATIONS UNDER
CHAPTER 119,
TITLE 18, UNITED STATES CODE

ORDER No. 1348-89

By virtue of the authority vested in me by 28 U.S.C. 509, 510, 5 U.S.C. 301, and 18 U.S.C. 2516(1), and in full recognition that 18 U.S.C. 2516(1) empowers the Attorney General, Deputy Attorney General, and Associate Attorney General to authorize applications to a Federal judge of competent jurisdiction for orders authorizing the interception of wire and oral communications, and in order to preclude any contention that the designations by the prior Attorney General have lapsed, I hereby specially designate the Assistant Attorney General in charge of the Criminal Division, any Acting Assistant Attorney General in charge of the Criminal Division, and any Deputy Assistant Attorney General of the Criminal Division, to exercise the power conferred by Section 2516(1) of Title 18, United States Code, to authorize applications to a Federal judge of competent jurisdiction for orders authorizing the interception of wire or oral communications by the Federal Bureau of Investigation or a Federal agency having responsibility for the investigation of the offense as to which such application is made, when such interception may provide evidence of any of the offenses specified in Section 2516 of Title 18, United States Code.

EXHIBIT "A"

Order No. 1162-86 of December 12, 1986 is revoked.

Date: May 24, 1989

A handwritten signature in black ink, appearing to read 'Dick Thornburgh', written over a horizontal line.

DICK THORNBURGH
Attorney General