

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)

ORDER AUTHORIZING THE INTERCEPTION OF
ELECTRONIC AND WIRE COMMUNICATIONS

Application under oath having been made before me by Paul V. Kelly, Assistant United States Attorney, District of Massachusetts, United States Department of Justice, an "investigative or law enforcement officer" of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and an attorney for the Government, as defined in Rule 54(c) of the Federal Rules of Criminal Procedure, for an Order authorizing the interception of electronic and wire communications for a thirty (30) day period of Alfred W. Trenkler, John Cates, Richard Brown, Thomas A. Shay (Jr.) and others as yet unknown pursuant to Section 2518 of Title 18, United States Code, and full consideration having been given to the matters set forth therein, the Court finds:

- 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.

WHEREFORE, IT IS HEREBY ORDERED that Special Agents of the Bureau of Alcohol, Tobacco and Firearms are authorized to intercept electronic communications over the above-described Target Pager Device and, further, to intercept wire communications facilitated by means of the Target Pager Device.

IT IS ORDERED FURTHER that such interception may 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 allowance of this Application and that such interception shall 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 may continue until all communications are intercepted which fully reveal the manner in which the above-named persons and others as yet unknown are committing the 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 Order or ten (10) days after this Order is entered.

IT IS ORDERED FURTHER that, pursuant to 18 U.S.C. 2518(3), in the event that the target facility is transferred outside the territorial jurisdiction of this court, interceptions may take place in any other jurisdiction within the United States.

IT IS ORDERED FURTHER that, based upon the request of the Applicant pursuant to Section 2518(4) of Title 18, United States Code, 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, shall furnish, and continue to furnish, the Applicant and the investigative agencies with all information, facilities, and technical assistance necessary to accomplish the interceptions unobtrusively and with a minimum of interference with the services that such provider is according the persons whose communications are to be intercepted, with the service provider to be compensated by the Applicant for reasonable expenses incurred in providing such facilities or assistance.

IT IS ORDERED FURTHER that, to avoid prejudice to the Government's criminal investigation, the above provider of electronic communication service and its agents and employees shall not disclose or cause a disclosure of this 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 its agents and employees who require said information to accomplish the services hereby ordered. In particular, said provider and its agents and employees shall not make such disclosure to a lessee, telephone or paging device subscriber or any interceptee or participant in the intercepted communications.

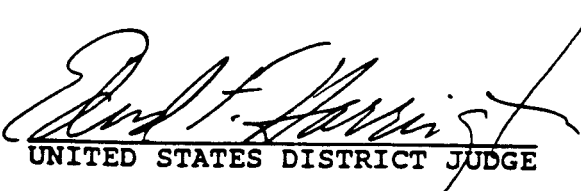
IT IS ORDERED FURTHER that this Order shall be executed as soon as practicable and that all monitoring of the communications

relevant to the pending electronic and wire communications shall be recorded and examined by the 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 must terminate upon the attainment of the authorized objectives, not to exceed 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 Order or ten (10) days after the order is entered.

IT IS ORDERED FURTHER that Assistant United States Attorney Paul V. Kelly, or any other Assistant United States Attorney familiar with the facts of this case shall provide this court with 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 above-ordered reports should become due on a weekend or holiday, IT IS ORDERED FURTHER that such report shall become due on or about the next business day thereafter.

IT IS ORDERED FURTHER that this Order Authorizing the Interception of Electronic and Wire Communications, the accompanying Application, Second Affidavit of Jeffrey S. Kerr,

and proposed Order, and all interim reports filed with this Court with regard to this matter shall be sealed until further order of this Court, except that copies of the Order, in full or redacted form, may be served on the Bureau of Alcohol, Tobacco and Firearms and the service provider as necessary to effectuate this Order.


UNITED STATES DISTRICT JUDGE

DATED and ENTERED this 12 day of March, 1992.

10:28 A.M.

