

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

APPLICATION OF THE UNITED)
STATES FOR AN ORDER AUTHORIZING)
THE INSTALLATION, MONITORING,) MAG. NO.
MAINTAINING, REPAIRING, AND)
OF AN ELECTRONIC TRACKING DEVICE)
("BEEPER") ON OR IN ONE 1970 TOYOTA)
CELICA, COLOR WHITE, MASSACHUSETTS)
REG. NO. 729-BDB)

**APPLICATION FOR AUTHORIZATION TO
INSTALL ELECTRONIC TRACKING DEVICE**

Pursuant to 18 U.S.C. §3117, the United States of America, by and through its attorney, Wayne A. Budd, United States Attorney for the District of Massachusetts, hereby applies for an Order authorizing the installation, monitoring, maintaining and removing of an electronic tracking device ("beeper") on or in one 1970 Toyota Celica, color white, Massachusetts Reg. No. 729-BDB (hereinafter "the subject vehicle"). The beeper will emit electronic impulses which will aid in the surveillance of the movements of the above-described vehicle.

In support of this Application, the government herewith submits the Affidavit of Special Agent Jeff Kerr of the Bureau of Alcohol, Tobacco and Firearms ("ATF"), which is attached to this Application and incorporated herein by reference and essentially states:

1. There is probable cause to believe that Alfred Trenkler and persons unknown, are involved in the commission of various violations of the federal criminal law, including conspiracy (18 U.S.C. §371), unlawful receipt of explosives in or affecting interstate commerce (18 U.S. C. §844(d)), the murder of a public safety officer by means of explosives (18 U.S.C. §844(i)), and

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

2. There is also probable cause to believe that Alfred Trenkler uses and will continue to use the subject vehicle as a means to travel to various locations and meet with unidentified co-conspirators, or to take other actions to conceal his involvement in the above-described offenses.

WHEREFORE, the government respectfully requests that Court issue an Order:

(1) Authorizing ATF and its authorized agents to install, monitor, maintain, repair, and remove the beeper on or within the subject vehicle for a period of not more than thirty (30) days from the date of this Order;

(2) Authorizing ATF and its authorized agents to monitor the beeper any time of the day and night, wherever the beeper may be located.

(3) Sealing and impounding this application, supporting Affidavit, the Order of the Court, and all related papers pending further order of the Court.

A proposed Order accompanies this Application.

Respectfully submitted,

A. JOHN PAPPALARDO
ACTING UNITED STATES ATTORNEY

By:



PAUL V. KELLY
Assistant U.S. Attorney

Dated: April 1, 1998

AFFIDAVIT

JEFF KERR, being duly sworn, hereby deposes and states as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco and Firearms ("ATF"), Boston, Massachusetts and have been so employed for approximately 5 years. I am the case agent on a joint federal/state investigation into the death by explosives of Boston Police Bomb Squad Officer Jeremiah Hurley.

2. On October 28, 1991, at approximately 11:45 a.m., Thomas L. Shay (hereinafter referred to as "Shay Sr."), DOB: 7/05/44, of 39 Eastbourne Street, Roslindale, MA., went to Boston Police Station, Area E-5, in West Roxbury, MA and told Detective Robert Maloney that there was a box of some kind with magnets on it and wires sticking out of it located in the driveway of his home. Detective Maloney contacted the Boston Police Bomb Squad and advised them of this report of a suspicious device at Shay Sr.'s residence.

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

ADDENDUM

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

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

4. Later testing and analysis by ATF determined that, at some point prior to the explosion, the explosive device had been attached by magnets to the underside of Shay Sr.'s vehicle, and that it came off or was taken off before it exploded. An ATF forensic chemist who conducted an examination of fragments from the explosion determined that the device contained various components, including dynamite, two (2) types of magnets, electronic detonators, batteries and a radio control unit.

5. On October 31, 1991, ATF Agents obtained from the Quincy Police Department a report of an explosion that occurred in Quincy, Massachusetts on September 1, 1986. That explosion was caused, as was later determined, by the detonation of a remote-controlled explosive device attached by magnets to the underside of a vehicle. Investigation by the Quincy Police led to the arrest of Alfred Trenkler, DOB: 2-06-56, of Quincy, MA. Prior to his arrest, Trenkler told the police that another party paid him to make the explosive device. Trenkler, who's training is as an electrical engineer, told the police that he used the following components to make the bomb: four (4) AA batteries, two (2) 6-volt camera batteries, a receiver and remote control device from Radio Shack, a 6-inch speaker magnet, duct tape, a toggle switch assembly, and an antenna.

6. Further investigation by ATF and BPD revealed that Thomas A. Shay (hereinafter referred to as "Shay Jr.") is the son of Shay Sr. and is acquainted with Alfred Trenkler, and may

have had a sexual relationship with him. On October 31, 1991, Shay Jr. was arrested based on an outstanding arrest warrant held by the Milton Police Department. A review of the information contained in Shay Jr's. address book, which was inventoried following his arrest, revealed the following entry: "Al Trenkler, BPR 617-553-0778".

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

8. On November 6, 1991, Trenkler was interviewed by BPD Homicide Detectives and ATF Special Agents at his residence at 133 Atlantic Street, Quincy, Ma. Observed in Trenkler's apartment at the time of this interview was an exposed speaker with speaker magnets attached on a shelf near the kitchen.

9. Later that day, November 6, 1991, during a continued interview, Trenkler was 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 (2) sticks of dynamite.

10. On November 20, 1991, ATF Agents interviewed Richard Brown, Trenkler's business partner in an electronics firm known as ARCOMM, Inc. Brown stated that Trenkler was acquainted with Shay Jr., and readily identified Shay Jr. from a photospread. Brown stated that Trenkler paid to have sex with younger males, and that he enjoyed taking photographs of sex acts.

11. On March 23, 1992, ATF agents interviewed Edward Carrion, a former gay lover of Shay Jr. Carrion stated the following during this interview:

- A. That he has driven Shay Jr. to Trenkler's former residence in Milton on at least 5-6 occasions dating back to 1989.
- B. That he has observed Shay Jr. and Trenkler together on several occasions in Boston
- C. That in or about September, 1991 (approximately one month prior to the bombing) Shay Jr. was talking with him (Carrion) about his father dying soon.

12. 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 which killed Officer Hurley.

13. Further investigation by ATF has revealed that Alfred Trenkler owns a 1970 Toyota Celica, color white, bearing Massachusetts registration, 729-BDB (hereinafter the "subject vehicle"). According to Richard Brown, Trenkler's partner in an electronics and communications business known as ARCOMM, Inc. in Weymouth, MA., Trenkler uses the "subject vehicle" on a daily business in connection with his employment for ARCOMM, Inc., as well as for his personal use.

14. As part of this investigation ATF Agents are presently employing a "clone pager" authorized by U.S. District Judge Edward H. Harrington. This device enables investigators to intercept paging and voice-mail messages left for Trenkler by other callers. On or about March 21, 1992, investigators intercepted a voice-mail message from an unknown and unidentified caller directing Trenkler to pick him up at a location in Braintree a short time after the call. Surveillance agents attempted to arrive at the destination as quickly as possible but were unable to intercept Trenkler or the unknown caller. There is reason to believe that Trenkler used his vehicle to pick up the caller as had been requested.

15. Based on the foregoing, there is probable cause to believe that Alfred Trenkler, and other persons unknown, have committed various violations of the federal criminal law, including conspiracy (18 U.S.C. §. 371), unlawful receipt of explosives in or affecting interstate commerce (18 U.S.C § 844 (d)), the murder of a public safety officer by means of

explosives (18 U.S.C. §844(i)), and the injuring of a public safety officer by means of explosives (18 U.S.C. §844(i)).

Moreover, there is also probable cause to believe that Alfred Trenkler is using or may use the subject vehicle as a means to travel to various locations and meet with unidentified co-conspirators, or to take other actions to conceal his involvement in the above-described offenses. I therefore seek an order permitting the use of an electronic tracking device attached to the subject vehicle as described in the accompanying Application, for a period of thirty (30) days, or until the attainment of the investigative objective, whichever first occurs.

JEFF KERR
Special Agent
Bureau of Alcohol, Tobacco
and Firearms

Subscribed and sworn to before me this ___ day of April, 1992.

ROBERT B. COLLINGS
UNITED STATES MAGISTRATE JUDGE