

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 92-10369-Z

UNITED STATES OF AMERICA

V.

THOMAS A. SHAY and
ALFRED W. TRENKLER

AFFIDAVIT OF MARTIN COSGROVE, ESQUIRE

I, Martin S. Cosgrove, being duly sworn, hereby depose and affirm the following is true:

1. I am an attorney and a member in good standing of the Massachusetts bar.
2. In the fall of 1991, I was retained by Richard Brown and Alfred Trenkler as a consequence of an automobile accident they were involved in.
3. In early November, I had an office conference with Alfred Trenkler. He asked for my legal advice in his dealings with law enforcement as a result of their investigation of a bomb explosion that killed a Boston police officer.
4. He told me that one police officer, Peter O'Malley, had asked him if he was willing to take a lie detector test and had given him a telephone number to call if he decided to do so. He asked for my advice.

5. I explained to Mr. Trenkler in no uncertain terms that he ought not to talk to the police at all and that it was foolhardy to take a lie detector test. I explained to him that the results of such a test were inadmissible in Court in any event.

6. At Mr. Trenkler's request, I took the telephone number he had been given, telephoned Peter O'Malley and advised Mr. O'Malley that I represented Trenkler and that in no event would he consent to a polygraph examination. I told Detective O'Malley that Mr. Trenkler should not be questioned outside of my presence.

7. In November and December, 1991 and January, 1992, I had numerous telephone conferences with Mr. Trenkler. I also met with him on several occasions.

8. On the morning of a date I believe to be January 31, 1992, I called the business office of ARCOMM, owned by Brown and Trenkler at that time, when I was advised that a search pursuant to a federal warrant was underway. I spoke to an AFT agent. I advised this agent that I was Alfred Trenkler's attorney. I asked whether they had a search warrant. When he responded in the affirmative, I asked whether they had an arrest warrant for Mr. Trenkler. When he responded in the negative, I hung up.

9. Later Mr. Trenkler came to my office. He related all of the events of that morning. I advised him that he appeared to be the target of a federal investigation and that I might have a conflict since I also represented Mr. Brown on the tort case he had and he had been interviewed. I told him he should find someone to represent him and I gave him a recommendation.

10. A few days later, I was informed that he had retained Mr. Segal and I had no further dealings with Mr. Trenkler except to close out the tort case.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 10
DAY OF FEBRUARY, 1993.


MARTIN S. COSGROVE