

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

vs.

THOMAS A. SHAY and
ALFRED W. TRENKLER

Criminal No.:
92-10369-Z

**DEFENDANT, ALFRED W. TRENKLER'S MOTION FOR
ISSUANCE OF SUBPOENA PURSUANT TO F.R.C.R.P. 17(c)**

Now comes Defendant, Alfred W. Trenkler, and moves pursuant to Federal Rule of Criminal Procedure 17(c), for this Court to issue a subpoena directing the persons and entity named below to produce the papers and documents described at the Clerk's Office, United States District Court for the District of Massachusetts, on or before July 15, 1993 at 10:00 a.m. Defendant further requests this Court to permit the papers and documents to be inspected and copied by defendant's attorneys on said date and time.

1. Defendant requests that a subpoena be issued to Richard Constantino, Operations Manager and Security Chief for the Christian Science Church, Boston, MA, or his designee, and Scott Davis, Comptroller for the Christian Science Church, Boston, MA, or his designee, to produce the following papers and documents for the periods specified below:

- a) Master Security Log for the period from September 29, 1991 to December 31, 1991, excluding the dates of October 17, 18, and 19, 1991.

- b) Associate/Contractor/Visitor Log for the period from September 29, 1991 to December 31, 1991;
- c) Employee Temporary Badge Log for the period from September 29, 1991 to December 31, 1991;
- d) Key Log for the period from September 29, 1991 to December 31, 1991;
- e) Records of helicopter lifts for installation of microwave components for the period from September 29, 1991 to December 31, 1991;
- f) Any and all proposals for work to be done by Advanced Research Communications (hereinafter "ARCOMM") submitted to either Scott Davis or William McNamara, a former employee of the Church, from August 1, 1991 to December 31, 1991;
- g) Any and all copies of checks or drafts for payment for services rendered by ARCOMM issued by Scott Davis or his designee, William McNamara, or the Church from August 1, 1991 to December 31, 1991;
- h) Any and all purchase orders submitted by ARCOMM to Scott Davis or his designee, William McNamara, or the Church from August 1, 1991 to December 31, 1991.

In support of this motion, Defendant states as follows:

1) On June 1, 1993, Defendant filed a motion pursuant to F.R.Cr.P. 17(c) for issuance of two (2) subpoenas. See Exhibit A attached hereto (Motion, Memorandum & Affidavit).

2) On June 2, 1993, Defendant filed a supplemental motion pursuant to F.R.Cr.P. 17(c) which included an additional category of documents in connection with the Christian Science subpoena. See Exhibit B attached hereto.

3) On June 3, 1993, this Court allowed defendant's original motion filed on June 1, 1993. See Exhibit C attached hereto. To date no action has been taken on defendant's supplemental motion.

4) Defendant notes that since the additional category of documents requested was not included in defendant's original motion, no subpoena has been served on the Christian Science Church by defendant to date despite this Court's authorization.¹

5) In addition, since June 3rd defense counsel has learned that additional documents in the possession of the Christian Science Church are material to the defense of this case. Specifically, certain proposals for work to be done by Advanced Research Communications ("ARCOMM"), certain checks for payment for services rendered by ARCOMM, and certain purchase orders submitted by ARCOMM are essential to the defense of this action.

¹Defendant also notes that this motion provides for a slightly longer time period.

7) However, just as the previously requested records were kept in the ordinary course of the Church's business, the above-mentioned records were also so kept. As a result, the previous justifications for this Rule 17 subpoena which were satisfactory to this Court in its previous ruling are also applicable here.

8) For the above reasons, and for the reasons previously particularized in the memorandum of law and affidavit of James Karolidis submitted to this Court on this issue, defendant submits that:

a. All the documents identified above are evidentiary and relevant;

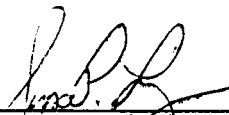
b. Said documents are not otherwise procurable reasonably in advance of trial by the exercise of due diligence;

c. Defendant cannot properly prepare for trial without such production and inspection in advance of trial and the failure to obtain such inspection may tend unreasonably to delay the trial; and, finally,

d. This motion is made in good faith, and not as a general fishing expedition.

WHEREFORE, defendant requests this Court to grant this motion and direct the Clerk' Office to issue the above-mentioned subpoena. For this Court's convenience a Proposed Order is attached hereto as Exhibit D.

Respectfully submitted,
For the Defendant,
ALFRED W. TRENKLER,
By his attorneys,

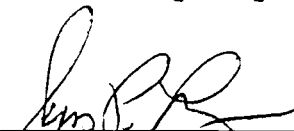


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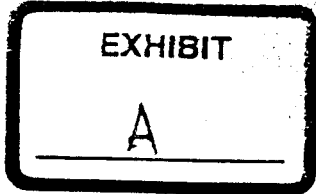
Dated: June 22, 1993

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by mail on June 22, 1993.



Scott P. Lopez



UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 vs.)
)
 THOMAS A. SHAY and)
 ALFRED W. TRENKLER)

Criminal No.:
92-10369-Z

DEFENDANT, ALFRED W. TRENKLER'S MOTION FOR
ISSUANCE OF SUBPOENAS PURSUANT TO F.R.C.R.P. 17(c)

Now comes Defendant, Alfred W. Trenkler, and moves pursuant to Federal Rule of Criminal Procedure 17(c), for this Court to issue a subpoena directing the persons and entities named below to produce the papers and documents described at the Clerk's Office, United States District Court for the District of Massachusetts, on June 16, 1993 at 10:00 a.m. Defendant further requests this Court to permit the papers and documents to be inspected and copied by defendant and his attorneys on said date and time.

1. Defendant requests that a subpoena be issued to Richard Constantino, Operations Manager and Security Chief for the Christian Science Church, Boston, MA, or his designee, to produce the following papers and documents for the period from October 1, 1991 through October 31, 1991:

- a) Master Security Log for the above period, excluding the dates of October 17, 18, and 19, 1991.¹ See copies attached to affidavit of James Karolides marked Exhibit A;
- b) Associate/Contractor/Visitor Log for the above period;²
- c) Records of helicopter lifts during for the above period;

2. Defendant further requests that a subpoena be issued to Richard Brown, Keeper of the Records of Advanced Research Communications (hereinafter "ARCOMM") of 82 Broad Street, Weymouth, Ma, to produce the following papers and documents for the period from October 1, 1991 through October 31, 1991:

- a) Any and all ARCOMM bank statements for the above period;
- b) Any and all ARCOMM time cards for the above period;
- c) Any and all ARCOMM canceled checks for the above period;
- d) Any and all ARCOMM payroll records for the above period;

¹Defendant notes that the dates excluded have been provided previously by the government.

²Defendant further notes that although the government has provided some records for the dates of October 17, 18, and 19, 1991, it is not possible to determine the actual dates on some of these records. See Copies attached to affidavit of James Karolides marked Exhibit B. Given that the dates are unknown, it is also unknown whether these records are complete.

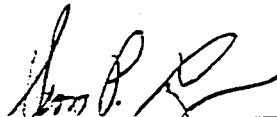
- e) Any and all ARCOMM telephone and paging system statements evidencing business calls and paging system calls for the above period regardless of the date the actual bills were issued by the telephone or paging system companies;
- f) Any and all business receipts for the above period;
- g) Any and all other business records not previously specified above for the above period.

In support of this motion, as more particularly described in Defendant's memorandum of law and affidavit of James Karolides, which are attached hereto and incorporated by reference herein, defendant states the following:

1. The above documents are evidentiary and relevant;
2. The above documents are not otherwise procurable reasonably in advance of trial by the exercise of due diligence;
3. Defendant cannot properly prepare for trial without such production and inspection in advance of trial and the failure to obtain such inspection may tend unreasonably to delay the trial;
and
4. Defendant submits this motion in good faith, and not as a general fishing expedition.

WHEREFORE, Defendant requests this Court to grant his motion and direct the Clerk' Office to issue the above-mentioned subpoenas. See Proposed Order attached hereto as Exhibit A.

Respectfully submitted,
For the Defendant,
ALFRED W. TRENKLER,
By his attorneys,

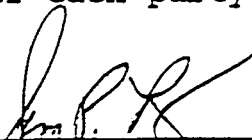


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Dated: May 28, 1993

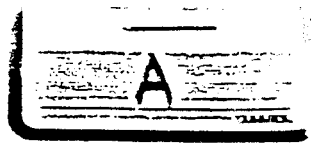
CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by mail on May 28, 1993.



Scott P. Lopez

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS



UNITED STATES OF AMERICA)
)
 vs.)
)
 THOMAS A. SHAY and)
 ALFRED W. TRENKLER)

Criminal No.:
92-10369-Z

ORDER OF COURT

This cause came to be heard on defendant, Alfred Trenkler's motion pursuant to Federal Rule of Criminal Procedure 17(c), for issuance of a subpoena commanding specific persons and entities to produce certain papers and documents at the United States District Court for the District of Massachusetts on June 16, 1993 at 10:00 a.m. Defendant further moved this Court to permit said papers and documents to be inspected and copied by defendant or his attorneys on said date and time.

This Court having granted said motion, hereby makes the following findings:

- 1) The documents requested are evidentiary and relevant;
- 2) The documents are not otherwise procurable in advance of trial by the exercise of due diligence;
- 3) Defendant cannot properly prepare for trial without such production and inspection in advance of trial and the failure to obtain such inspection may tend unreasonably to delay the trial;
- 4) Defendant motion is in good faith and not a general fishing expedition.

Based on these findings, I hereby ORDER the Clerk of the United States District Court for the District of Massachusetts to issue a subpoena to the below named persons and entities commanding them to produce the papers and documents listed on June 16, 1993 at 10:00 a.m. I further ORDER that defendant's counsel shall be permitted to inspect and copy any documents produced on said date and time.

The subpoenas shall be issued to the following persons and entities:

1. Richard Constantino, Operations Manager and Security Chief for the Christian Science Church, Boston, MA, or his designee, to produce the following papers and documents for the period from October 1, 1991 through October 31, 1991:

- a) Master Security Log for the above period, excluding the dates of October 17, 18, and 19, 1991;
- b) Associate/Contractor/Visitor Log for the above period; and
- c) Records of helicopter lifts during for the above period;

2. Richard Brown, Keeper of the Records of Advanced Research Communications (hereinafter "ARCOMM") of 82 Broad Street, Weymouth, Ma, to produce the following papers and documents for the period from October 1, 1991 through October 31, 1991:

- a) Any and all ARCOMM bank statements for the above period;
- b) Any and all ARCOMM time cards for the above period;

- c) Any and all ARCOMM canceled checks for the above period;
- d) Any and all ARCOMM payroll records for the above period;
- e) Any and all ARCOMM telephone and paging system statements evidencing business calls and paging system calls for the above period regardless of the date the actual bills were issued by the telephone or paging system companies;
- f) Any and all business receipts for the above period;
- g) Any and all other business records not previously specified above for the above period.

Dated:

Rya W. Zobel,
District Judge
United States District Court
District of Massachusetts

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

vs.)

THOMAS A. SHAY and)
ALFRED W. TRENKLER)

Criminal No.:
92-10369-Z

MEMORANDUM OF LAW IN SUPPORT OF
DEFENDANT, ALFRED W. TRENKLER'S MOTION FOR
ISSUANCE OF SUBPOENAS PURSUANT TO F.R.C.R.P. 17(c)

A. STANDARDS.

Rule 17(c) of the Federal Rules of Criminal Procedure provides:

A subpoena may also command the person to whom it is directed to produce the books, papers, documents or other objects designated therein The court may direct that books, papers, documents or objects designated in the subpoena be produced before the court at a time prior to the trial ... and may upon their production permit [them] to be inspected by the parties and their attorneys.

Defendant has moved for the issuance of two subpoenas for specific security log records of the Christian Science Church and for specific business records of Defendant's former company, Advanced Research Communications ("ARCOMM"), to be produced prior to trial and, further for permission to inspect and copy the documents produced prior to trial.

As this Court is well aware, Rule 17 effectuates defendant's Sixth Amendment right to compulsory process which is also an integral component of defendant's due process right to present a

meaningful defense. See e.g., United States v. Barker, 553 F.2d 1013 (6th Cir. 1977); Washington v. Texas, 388 U.S. 14 (1967).

As set forth in United States v. Nixon, 418 U.S. 683, 699-700 (1974) (wherein the Court held that the trial court properly authorized the issuance of a subpoena pursuant to Rule 17(c) for the production of tape recordings and other documents prior to trial), to obtain production prior to trial a party must show:

- 1) that the documents are evidentiary and relevant;
- 2) that they are not otherwise procurable reasonably in advance of trial by exercise of due diligence;
- 3) that the party cannot properly prepare for trial without such production and inspection in advance of trial and that the failure to obtain such inspection may tend unreasonably to delay the trial; and
- 4) that the application is made in good faith and is not intended as a general 'fishing expedition'.

Defendant submits, as set forth below, that his motion, affidavit in support thereof, and this memorandum, satisfy the requisite showings and therefore the subpoenas should be issued.

B. ARGUMENT.

1. Relevancy.

Material sought is relevant within the meaning of Rule 17(c) if it is "relat[ed] to the offenses charged in the indictment", Nixon supra at 700. See also United States v. Gross, 24 F.R.D. 138, 140 (S.D.N.Y. 1959) (material is relevant if it is "related to the charges" in the indictment); United States v. Iozia, 13 F.R.D. 335, 339 (S.D.N.Y. 1952) (material is relevant if it is "closely related to the subject matter of the indictment" even though it might not "serve to exonerate ... defendant of the crime charged.") (Both cases cited approvingly in Nixon supra).

The records sought in this motion from Christian Science Church are relevant under these standards. Specifically, they will establish Defendant's whereabouts on certain critical days in which the government alleges defendant entered into a conspiracy with co-defendant Thomas Shay. Moreover, they may contain exculpatory evidence if they are inconsistent with the government's allegations that certain meetings took place on certain days. Finally, they may contain impeachment evidence to the extent they are inconsistent with testimony presented by government witnesses.

Similarly, the records sought from ARCOMMM are relevant under these standards. These records will also establish Defendant's whereabouts on certain days, may contain exculpatory evidence, and may be inconsistent with certain witness testimony.

2. Evidentiary Nature.

The records sought in both cases are records kept in the ordinary course of business. Thus, they would clearly be admissible.

In addition, under the evidentiary standard set forth in Bowman Dairy Co. v. United States¹, 341 U.S. 214 (1951), Rule 17(c) permits a party to subpoena materials that may be used for impeaching a witness called by the opposing party. See United

¹In Bowman, the Supreme Court addressed the question of a subpoena directed to the government under Rule 17(c). The Court stated: "no good reason appears to us why they [documents in the possession of the government whose disclosure is not required under Rule 16] may not be reached by subpoena under Rule 17(c) as long as they are evidentiary. That is not to say that the materials subpoenaed must actually be used in evidence. It is only required that a good-faith effort be made to obtain the evidence." 341 U.S. at 219-220.

States v. Cuthbertson, 630 F.2d 139, 144 (3rd Cir. 1980) cert. den. 449 U.S. 1126 (1981); see also United States v. The LaRouche Campaign, 841 F.2d 1176, 1180 (1st Cir. 1988) (material sought only for purpose of impeaching government witness at trial). As noted above, the materials sought could be used to impeach the testimony of any witness who testified to the whereabouts of Defendant Trenkler on certain dates and times which were inconsistent with said records.

3. Not Otherwise Procurable.

It is also clear that Defendant is seeking documents of third parties whom he does not control. Moreover, given Defendant's incarceration pending trial, he no longer has access to the records of his former business, ARCOMM. In addition, they are not records to which the general public has access and without a subpoena issued by this Court, defendant has no means of obtaining said records. Finally, an agent of counsel for defendant has made informal requests for production, which requests have been denied. See Affidavit of James Karolides. Thus, any additional requests would be futile.

4. Preparation for trial.

Given that the records sought will establish defendant's whereabouts on certain dates critical to the allegations in the indictment, defendant cannot properly prepare for trial without said production and inspection in advance of trial. Moreover, in the event defendant's motion is denied, defendant will have to wait until trial to compel said inspection. This last minute inspection

may cause a delay in defendant's trial so defense counsel can adequately review and analyze these records.

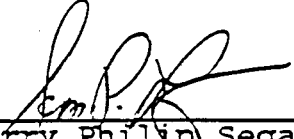
5. Good Faith.

Finally, Defendant has requested specific documents which are limited in time and are not burdensome to produce. The purposes for the documents requested form a significant aspect of Defendant's defense. Consequently, it is clear that these requests are not a general fishing expedition.

C. CONCLUSION.

For these reasons, Defendant submits that he has made the requisite showings for issuance of the subpoenas requested, and therefore, respectfully requests this Court to grant his motion and direct the Clerk's Office to issue the above-mentioned subpoenas for production, inspection and copying on June 16, 1993 at 10:00 a.m.

Respectfully submitted,
For the Defendant,
ALFRED W. TRENKLER,
By his attorneys,

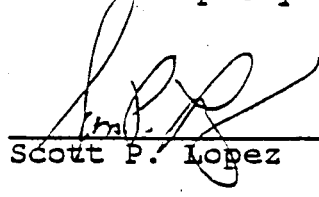


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Dated: May 28, 1993

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by mail on May 28, 1993.



Scott P. Lopez

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

vs.)

THOMAS A. SHAY and)
ALFRED W. TRENKLER)

Criminal No.:
92-10369-Z

AFFIDAVIT OF JAMES KAROLIDES IN SUPPORT OF
DEFENDANT, ALFRED W. TRENKLER'S MOTION FOR
ISSUANCE OF SUBPOENAS PURSUANT TO F.R.C.R.P. 17(c)

Now comes James Karolides, and on my oath do hereby state the following:

1. On or about April, 1992, I was retained by Terry Philip Segal, Esq., counsel for defendant, Alfred W. Trenkler, to conduct an investigation into the events surrounding the incident alleged in the above-referenced case.

2. I have been a private investigator for the past four (4) years.

3. Prior to becoming a private investigator, I was employed by the Bureau of Alcohol, Tobacco and Firearms for twenty (20) years.


4. On or about May 27, 1992, I travelled to the Christian Science Church's Security Offices and met with one Richard Constantino, Operations Manager and Security Chief for the Christian Science Church. At this time, I requested the records of the sign in and sign out log for the period from October 20, 1992 through October 28, 1991. At this time, I was informed that he did

not know where they were or whether I could have copies. I was subsequently contacted by Mr. Constantino, who informed me that said records were no longer available because they had been either lost or destroyed.

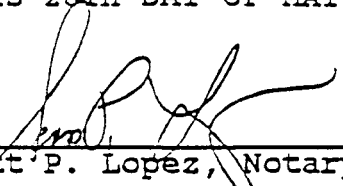
5. During discovery in the above-captioned case, AUSA Paul V. Kelly has provided some of these logs. See copy of Master Security Log for October 17, 18, and 19, 1991 attached hereto as Exhibit A. See also copy of Associate/Contractor/Visitor Log produced by government attached hereto as Exhibit B. The subpoena requested is merely for the other logs in the Christian Science Church's possession. See Copy of Letter of Paul V. Kelly acknowledging said logs are not in the government's possession.

6. On or about May 28, 1992, I had a conversation with Richard Brown, Alfred Trenkler's former business partner relative to the business records of Advanced Research Communications (hereinafter "ARCOMM"). Initially he indicated that federal agents and Boston police officers had taken all of ARCOMM's records and that he had just gotten them back. He also indicated that he was more than willing to let us review the records so long as I contacted his attorney. Since this time, Mr. Brown has refused to voluntarily release any ARCOMM business records and will do so only if he is served a subpoena.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 28TH DAY OF MAY, 1993.

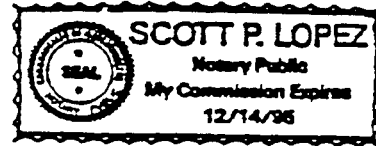

JAMES KAROLIDES

SWORN AND SUBSCRIBED BEFORE ME THIS 28TH DAY OF MAY, 1993.

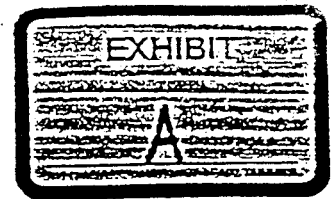


Scott P. Lopez, Notary Public

My commission expires: 12/14/95



MASTER SECURITY LOG
 XXX
 THURSDAY, OCTOBER 17, 1991



ENT #	TIME	DAY	NAME	S	CO	LOC	ENTRY
1	0001	Thu	KHUSHAFA				Log opened.
2	0030	Thu	LEECH				ISC radio test, NEU; responded 10-2.
3	0030	Thu	LEECH				ISC radio test, MFA; responded 10-2.
4	0030	Thu	LEECH				ISC radio test, GMA; responded, 10-2.
5	0043	Thu	WAGNER				TMC-6 EX locked.
6	0043	Thu	WAGNER				CS2C/BEX secure.
13	0130	Thu	LEECH	44	A16		File cabinet #13-A (unlocked). Unsecurable.
7	0155	Thu	LEECH				ADMIN secure.
9	0223	Thu	PORTER				10-42.
8	0230	Thu	KHUSHAFA				10-41.
10	0525	Thu	KHUSHAFA				TMC-6 EX unlocked.
11	0546	Thu	PORTER				CBR EX unlocked.
12	0548	Thu	PORTER				ABR EX unlocked.
15	0630	Thu	WAGNER				Municipal disconnect activated.
21	0652	Thu	MOORE				JC30 alarm summary; log normal.
32	0654	Thu	MOORE	43	ELV		Admin ACS elevator supply fan 10-43.HVAC notified.
13	0700	Thu	SNOW				SS/SNOW; SAS/LIUZZI,; GESLER; HOSTS/MOORE, HONENS, MARTIN, BRANNAN, BROCKMEYER, SMEDLEY, TERRELL.
22	0714	Thu	MARTIN				BEX EX unlocked.
23	0714	Thu	MOORE				BEX alarm disarmed.
24	0720	Thu	MARTIN				Truck ramp EX unlocked.
25	0731	Thu	MARTIN				10-41.
19	0745	Thu	SNOW				CC/HORN arrives.
14	0800	Thu	PORTER				Relieved by Horn.
15	0800	Thu	COOPER				Log reviewed.

THURSDAY, OCTOBER 17, 1991

ENT #	TIME	DAY	NAME	S	CO	LOC	ENTRY
20	0800	Thu	SNOW				RECPTS/BAKER, CUSACK, HOGREFE arrive.
27	0830	Thu	MARTIN				ISC radio test, NEU; responded 10-2.
28	0830	Thu	MARTIN				ISC radio test, MFA; responded 10-2.
26	0839	Thu	TERRELL				10-42.
29	0856	Thu	HORN				400 Beacon disarmed by J. Sutherland.
30	0915	Thu	TERRELL				400 Beacon armed by J. Sutherland.
33	0935	Thu	MOORE	13	A-R	10-13	Admin. roof for Norden Caydes (ARCOM).
31	1013	Thu	HORN				12 Broad St. disarmed by J. Barrett.
37	1343	Thu	HORN				400 Beacon disarmed by S. Lesch.
35	1410	Thu	HOMENS				10-41.
39	1445	Thu	CARAWAN				HOST/REDICK ARRIVES.
36	1455	Thu	MOORE				10-42.
38	1514	Thu	SNOW				Log reviewed.
7	1515	Thu	CARAWAN				SS/GARGES; SAS/CARAWAN; HOSTS/HOGREFE, WILSON, SHAVER, WORDEN.
2	1519	Thu	HOGREFE				JC30 alarm summary; log normal.
7	1615	Thu	HORN				12 Broad Street rearmed by Judy Barrett.
3	1630	Thu	CARAWAN				HOST/ANDERSSON ARRIVES.
5	1637	Thu	WILSON				ISC radio test, NEU; responded 10-2.
5	1637	Thu	WILSON				ISC radio test, MFA; responded 10-2.
3	1739	Thu	ANDERSSON	14	CF	10-14	for Emp/Judd Potter from CSBC @ CSR.
3	1748	Thu	WORDEN				TMC checked. Administrator's (open), EIA. Found secure @ 2124.
7	1750	Thu	HOG/WIL				10-41.
	1750	Thu	GARGES				EC checked. Double door (open). Door left of double doors (unlocked). Paul Terrelonge, Dave Orismeyer, Sharon Wilson in area.
	1750	Thu	SHAVER				ARB EX AND CSR EX locked.

MASTER SECURITY LOG
XXX
THURSDAY, OCTOBER 17, 1991

NT #	TIME	DAY	NAME	S	CO	LOC	ENTRY
71	2235	Thu	LEECH	72	400	400	Beacon did not test on Intrac.
68	2245	Thu	GARGES				Log reviewed.
72	2245	Thu	PORTER	44	P-1		Picker Facker doors 1, 2, 5 (open). Secured.
74	2304	Thu	WAGNER				Host/Wagner reported person hit by auto at driveway of Boston Magazine. Call placed to 911 @ 2305. BPD on scene already. Ambulance arrived @2310. Area clear of accident @ 2320.
73	2317	Thu	PORTER	44	P-3		End user area east door(unlocked); middle doors (open). Both secured.
75	2332	Thu	PORTER				CSPS secure.
76	2400	Thu	PORTER				Log closed.

MASTER SECURITY LOG
 xxx
 FRIDAY, OCTOBER 18, 1991

ENT #	TIME	DAY	NAME	S	CO	LOC	ENTRY
65	2105	Fri	WORDEN				10-41. RRSC Stores and Packaging windows (open), EIA.
76	2107	Fri	WORDEN		72	B28	Battery 28 failed.
66	2130	Fri	HOGREFE				10-42..
85	2130	Fri	WORDEN				SS/ZUNIC; HOSTS/ PORTER, UPDEGRAFF, LEECH, BENSON.
77	2143	Fri	UPDEGRAFF				Picker packer area doors (open). EIA.
63	2144	Fri	HOGREFE				SS secure.
78	2147	Fri	HOGREFE		72	B17	Battery 17 failed.
70	2212	Fri	UPDEGRAFF				ES End user area double doors (open). Emp/Paul Terrelonge in area. Found secure @0130.
67	2215	Fri	SHAVER				HOST/ANDERSSON LEAVES.
68	2215	Fri	UPDEGRAFF		44	F-8	Hal Friessen's office door (open). Secured.
79	2215	Fri	UPDEGRAFF	S	44	F-8	Coffee pot in west side break area (on). Turned off.
80	2223	Fri	PORTER				ADMIN secure.
81	2229	Fri	UPDEGRAFF				CSFS secure.
53	2230	Fri	SHAVER				Relieved by Porter.
83	2240	Fri	LEECH				JCE0 alarm summary; log normal.
54	2244	Fri	SIEGRIST				Log reviewed.
84	2255	Fri	UPDEGRAFF		44	FLI	CSFS Garden gate on Mass Ave (unlocked). Secured.
87	2400	Fri	ZUNIC				Log closed.

MASTER SECURITY LOG
 xxx
 FRIDAY, OCTOBER 18, 1991

IT #	TIME	DAY	NAME	S	CO	LOC	ENTRY
1	0001	Fri	WAGNER				Log opened.
2	0030	Fri	WAGNER				ISC radio test, NEU; responded 10-2.
3	0030	Fri	WAGNER				ISC radio test, MFA; responded 10-2.
4	0030	Fri	WAGNER				ISC radio test, GMA; responded, 10-2.
10	0040	Fri	THORNTON	13	F-3		10-13 Emp/Derek Wheeler into Dan Lehuta's office to pick-up computer equipment. Entry authorized by Lehuta.
5	0045	Fri	KHUSHAFA				TMC-G EX locked.
6	0050	Fri	KHUSHAFA				CSBC/BEX secure.
7	0156	Fri	WAGNER				ADMIN secure.
8	0229	Fri	PORTER				10-41.
9	0236	Fri	LEECH				10-42.
11	0525	Fri	PORTER				TMC-G EX unlocked.
12	0533	Fri	LEECH				CBR EX unlocked.
13	0535	Fri	LEECH				ABR EX unlocked.
15	0545	Fri	THORNTON	44	C-3		CBR emergency fire door(unlocked from inside). Secured.
14	0630	Fri	KHUSHAFA				Municipal disconnect activated.
16	0630	Fri	THORNTON	13	C-4		10-13 For emp/Cary Renault to conference room on C-4 to adjust teleprompter.
19	0700	Fri	SNOW				SS/SNOW; HOSTS/MARTIN; TERRELL, HONENS, LUMI, MOORE, KOLLOCK, SMEDLEY, WEBB.
22	0700	Fri	MARTIN				JPSO alarm summary; log normal.
22	0702	Fri	MOORE				3 hypodermic needles found on TMC door #1.
23	0730	Fri	TERRELL				BEX EX unlocked.
24	0730	Fri	MARTIN				SGX alarm disarmed.
25	0732	Fri	MOORE				Truck ramp EX unlocked.
28	0745	Fri	SNOW				CO/HORN arrives.

MASTER SECURITY LOG

 FRIDAY, OCTOBER 18, 1991

ENT #	TIME	DAY	NAME	S	CO	LOC	ENTRY
26	0756	Fri	TERRELL				10-41.
27	0759	Fri	MOORE				10-42.
17	0800	Fri	LEECH				Relieved by Horn.
18	0800	Fri	COOPER				Log reviewed.
21	0800	Fri	SNOW				RECPTS/BAKER, CUSACK, HOGREFE arrive.
33	0829	Fri	TERRELL	44	SS		Empl/Joe Bushe, Raul Jusino, and Mike Smith exited SS #2; door did not secure behind them. They were apprised by pager and returned to secure door at 0831 hrs.
28	0833	Fri	TERRELL				ISC radio test, NEU; did not respond.
29	0834	Fri	TERRELL				ISC radio test, MFA; responded 10-2.
30	0909	Fri	WEBB				400 Beacon disarmed by J. Sutherland.
31	0922	Fri	HORN				400 Beacon armed by J. Sutherland.
34	1329	Fri	MOORE				10-41.
36	1334	Fri	LIUZZI	93			10-93 in sector 1; went toward sector 9 and exited on Huntington Ave.
36	1343	Fri	HORN				400 Beacon disarmed by P. Gaunt.
37	1354	Fri	HORN				400 Beacon armed by P. Gaunt.
35	1455	Fri	TERRELL				10-42.
39	1458	Fri	MOORE	43	TMC		Alarm 105 TRBL/TMC ANNUNC. HVAC notified, unit 1 (Snow) notified.
40	1515	Fri	SNOW				Log reviewed.
42	1515	Fri	SHAVER				SS/SIEGRIST; SAS/GARGES; HOSTS/REDICK, FRANK, SHAWER, WORDEN, HOGREFE.
75	1515	Fri	ANDERSON				JRSC alarm summary; log normal.
46	1601	Fri	HORN				400 Beacon St. rearmed by J. Sutherland.
47	1605	Fri	ANDERSSON				Zone 105 taken out of service per SS Siegrist. HVAC/MacNeil said 10-22 that alarm until further notice.
48	1608	Fri	SHAVER				HOST/KHUSHAFI ARRIVES.

MASTER SECURITY LOG
 xxx
 FRIDAY, OCTOBER 18, 1991

ENT #	TIME	DAY	NAME	S	CO	LOC	ENTRY
51	1630	Fri	HORN				Relieved by Khushafa.
48	1637	Fri	ANDERSSON				Battery 37 failed.
44	1638	Fri	FRANK				ISC radio test, NEU; responded 10-2.
45	1643	Fri	FRANK				ISC radio test, MFA; responded 10-2.
43	1713	Fri	ANDERSSON				10-41. All windows (open) in RRSC Stores and Packaging.
41	1715	Fri	SIEGRIST				ES main door (open). Pat Hafford in area.
62	1737	Fri	HOGREFE				TMC checked. Quiet room occupied. Administrator's office door (open), EIA. TMC ORIG 10-22; Readers practicing. Found secure at 2230.
57	1739	Fri	KHUSHAFA				BEX EX locked.
69	1740	Fri	FRANK	72	B-9		Battery 9 failed.
71	1742	Fri	ANDERSSON				Digitize zone 8 (TMC Hall vault) put back in service. Emp/H. Dresser had not called to say he was leaving area.
58	1752	Fri	WORDEN				ABR EX and CBR EX locked.
59	1756	Fri	WORDEN				TRP EX locked.
60	1801	Fri	GARGES				Municipal Disconnect deactivated.
72	1810	Fri	SIEGRIST	72	B-4		Battery 4 failed.
50	1830	Fri	SHAVER				HOST/KHUSHAFA LEAVES.
61	1830	Fri	ANDERSSON				ISC radio test. GMA; responded 10-2.
73	1910	Fri	GARGES	72	B35		Battery 35 failed.
55	2017	Fri	SIEGRIST				ES checked. Main door (open); Paul Terrelonge in area.
74	2029	Fri	SHAVER	72	B12		Battery 12 failed.
52	2030	Fri	SHAVER				HOST/FEDICK LEAVES.
56	2040	Fri	HOGREFE	72	B25		Battery 25 failed after only three hours of use. It replaced Battery -9 at 1740.
64	2055	Fri	FRANK				BEX alarm rearmec.

MASTER SECURITY LOG

SATURDAY, OCTOBER 19, 1991

TIME	DAY	NAME	S	CO	LOC	ENTRY
001	Sat	PORTER				Log opened.
013	Sat	LEECH				CB Emergency box missing from storage area by elevators 10 & 11. Found in back of Paint Shop.
020	Sat	LEECH	44	C-4		Prop room door to studio (propped open). Secured..
030	Sat	PORTER				ISC radio test, NEU; responded 10-2.
030	Sat	PORTER				ISC radio test, MFA; responded 10-2.
030	Sat	PORTER				ISC radio test, GMA; responded, 10-2.
050	Sat	LEECH				TMC-G EX locked.
050	Sat	LEECH				CSBC/REX secure.
124	Sat	PORTER				10-41.
132	Sat	LEECH				10-42.
300	Sat	ZUNIC	13	C-B		10-13 to MS-3 for Emp/Dave Pineault & associate for free issue.
535	Sat	UPDEGRAFF				TMC-G EX unlocked.
0700	Sat	UPDEGRAFF				Relieved by Webb.
0700	Sat	ZUNIC				Log reviewed.
0700	Sat	SNOW				SS/SNOW; HOST/BRANNAN, KOLLOCK, WEBB, MOORE, HONENS.
0700	Sat	BRANNAN				JCSO alarm summary; log normal.
0705	Sat	HONENS	13	C-B		10-13 at CBS for Raul Jusino. EX lock secured.
0709	Sat	KOLLOCK				BEX EX unlocked.
0709	Sat	BRANNAN				BEX alarm disarmed.
0736	Sat	MOORE				10-42.
0751	Sat	MOORE	13	A-1		10-13 at A-1-N for Blue Diamond and Boston Edison.
0759	Sat	KOLLOCK	13	C-B		10-13 at CBS for Mike Smith. EX lock 10-44.
0815	Sat	HONENS				10-41.

SATURDAY, OCTOBER 19, 1991

TIME	DAY	NAME	S	CO	LOC	ENTRY
0827	Sat	MOORE				400 Beacon disarmed by Sutherland.
0827	Sat	HONENS	13	A-1	10-13	at A-1-N for Blue Diamond.
0830	Sat	KOLLOCK				ISC radio test, NEU; responded 10-2.
0830	Sat	KOLLOCK				ISC radio test, MFA; responded 10-2.
0830	Sat	HONENS	13	A-1	10-13	at A-1-N for Boston Edison.
0845	Sat	SNOW				RECPT/BROWN ARRIVES.
0852	Sat	WEBB				400 Beacon armed by Sutherland.
0910	Sat	KOLLOCK	14	A-1	10-14	at A-1-N for Boston Edison.
0934	Sat	HONENS	14	A-1	10-14	at A-1-N for Blue Diamond.
1002	Sat	BRANNAN	14	A-1	10-14	at A-1-N for Boston Edison.
20	Sat	HONENS	14	A-1	10-14	at A-1-N for Blue Diamond.
1159	Sat	HONENS	13	A-R	10-13	at A-1-N for Richard Brown of Arcomm. Arcomm 10-19 A-roof and Satalite room.
1244	Sat	MOORE				10-41.
1255	Sat	WEBB	13	F-1	10-13	at Mailing Platform for Mike Smith.
1327	Sat	WEBB				10-42.
1401	Sat	KOLLOCK	14	A-1	10-14	at Admin. freight door for Richard Brown of Arcomm.
1429	Sat	SNOW	13	A-1		Admin. freight 10-45.
1430	Sat	SNOW	13	C-2	10-17	into Tom Cheatham's office on C-2 for Doreen Keys per SS Snow.
1510	Sat	MOORE	13	F-1		Emp/Rail Jusino into Mailing Platform.
1515	Sat	SNOW				Log reviewed.
1515	Sat	FRANK				35: BIEGRIST; SAS/GARGES; HOSTS/HOGREFE, FRANK., SHAVER.
1515	Sat	GARGES				JCCO alarm summary: log normal.
1555	Sat	HOGREFE	14	A-1	10-14	for ARCON workers out of A1N..
1600	Sat	FRANK				RCST/PHUSAPU ARRIVES.

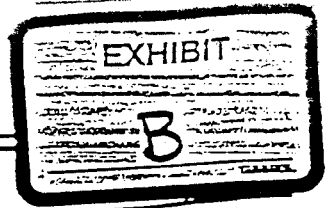
MASTER SECURITY-LDG

SATURDAY, OCTOBER 19, 1991

TIME	DAY	NAME	S	CO	LOC	ENTRY
1630	Sat	HOGREFE				ISC radio test, NEU; responded 10-2.
1631	Sat	HOGREFE				ISC radio test, MFA; responded 10-2.
1640	Sat	FRANK	13	SUN	10-13	for Emp/Mike Smith into SS.
1714	Sat	GARGES				10-41. SS#1 (open), EIA. RRSC Stores and Packaging windows (open), EIA.
1715	Sat	HOGREFE				Zones 116, 117, 118 back into service.
1727	Sat	SHAVER				10-42.
1805	Sat	SIEGRIST				Municipal Disconnect deactivated.
1815	Sat	HOGREFE				TMC secure.
1817	Sat	KHUSHAFA				BEX EX locked.
1822	Sat	KHUSHAFA				CBR EX and ABR EX locked.
1823	Sat	SIEGRIST				ES secure.
1830	Sat	FRANK				HOST/KHUSHAFA LEAVES.
1929	Sat	SHAVER				SS secure.
2010	Sat	HOGREFE				BEX motion detector armed.
2012	Sat	HOGREFE				ISC radio test, GMA; responded 10-2.
2037	Sat	SIEGRIST				ES secure.
2050	Sat	FRANK				Rat sighted in sector 1, under trees, between light clusters 1 & 2.
2100	Sat	HOGREFE				10-41. Windows in RRSC Stores and Packaging (open). EIA.
2117	Sat	FRANK				10-42.
2130	Sat	UPDEGRAFF				SS/ZUMIC: WIGETS/UPDEGRAFF, THORNTON, BENSON, WILLETS.
2204	Sat	SHAVER	93			Police vehicle crossed sector 9 from Huntington to Mass Ave.
2224	Sat	UPDEGRAFF	44	A-7	MAC	mailing room door (open). Secured.
2236	Sat	UPDEGRAFF				Admin secure.

MASTER SECURITY LOG
xxx
SATURDAY, OCTOBER 19, 1991

TIME	DAY	NAME	S. CO	LOC	ENTRY
230	Sat	BENSON			JCSO alarm summary; log normal.
2337	Sat	FRANK			Relieved by Updegraff.
2340	Sat	SIEGRIST			Log reviewed.
2306	Sat	UPDEGRAFF			Spiral ramp opened at 2306 and closed at 2322.
2325	Sat	THORNTON			CSPS secure.
2400	Sat	ZUNIC			Log closed.



NAME

DEPT.

EXT.

B/RT

CONTACT

Robert ⁹⁰⁰ Nelson

Retiree

Lee Stone

Rad

R. Nelson

11 35

MICHAEL FLEMING

TVP 2860

Chris Levesque 0404

DESIRÉE MARTINO

TVP 2813

LISETTE FAS

1206

EMPLOYEE TEMPORARY BASE LOG

NAME

DEPT.

NAME

DEPT.

TAKASITI OICA

TV

Harriet Whiting

TV

Carol Hills

TV

Jerr Louana

RAD

Wendy Samama

T.V

ate Dearborn

RAD

Christi Delsil

T.V

Robert C Nelson (Fob)

Radio

~~MICHAEL FLEMING~~

~~TVP~~

Erica Rowell

Rad

CAROL HILLS

TV

IC Y	NAME	DEPT.	EXT.	B/F	CONTACT	IR
C	Celino Costa	TreaAd.			E. Williams	0724
C	Marshall Finesilver	TV	7031		Ted Fine	0751
C	Pat Petrillo	TreaAd	3809		Ron Galvaletz	0755
A	Tim Dearborn	RadEd	2901		Kate Dearborn	0800
A	Jeff Stuart	Cont	2124	P3	Jerry Andelin	0801
A	Eric Huenneke	PH Svs	2568	P3	David White	0813
C	Jack Sayers	Telcom	3590	P3	Bill Spurlin	09:11
C	Peter Younger	Telcom	3590	P3	Bill Spurlin	09:11
C	Hans Fenstermacher	TRANS.	2626		Lilo Betz	9:40
V	Katrin Schoonmaker	TRANS to CSPS				

EMPLOYEE TEMPORARY BASE LOC

NAME	DEPT.	NAME	DEPT.
Jack Peters	MonEd.		
Betsy Whittemore	Rad.		
Brian Frost	Mail		
Craig Elliott	Mat.S.		
Bob Daniels	HVAC		
Lyn Chamberlin	TV		
Mark Babnow	TV		
Mark Pappas	TV		
Lisa Perca	TV		
Diana Diaz			
Lin			
Sharon Reed	TV.		

ASSOCIATE/CONTRACTOR/VISITOR CONT.

A/C V	NAME	DEPT.	EXT. E/F1	CONTACT	IN	OUT
C	ROBBINS RAY	TV	2968	ALISON BASSETTO	9:00	
V	Marian Christy	TV		N. McLann	9	19
A	Sean Gallagher	TV			10	09
V	Joe Costa, Jr			Joe Costa	1658	
V	Paula Costa			Joe Costa	1658	
C	Lucy Soares			Joe Costa	1658	
A	Robert LeFelle	TV		Lu LeFelle	1905	
15	Richard Hardy	Biocl.		Bill Kule	1230	
V	Hoku Amara	ES	2396	PT. Mc Guada	3:25	
C	Lucy Soares	ISS		Joe Costa	1658	
C	Maria Carmo SC			Joe Costa	1420	
C	LUCY SOARES	ISS				
C	Lucy Soares	ISS				
17	PETER CATALDO	ALCO				
"	DAVID FAR DY	"				
"	NUR DAN	"				
7C	JONATHAN CIAMPA	ASTRO	3720	JOE DELPAREY	0918	
C	PAUL RESENDE	ISS	-	JOE COSTA	1748	
C	Joe Cahlanen	Perum Electric		Bob McHardy	6:05	
8C	Dave Fleming	V-7		Dave Mazza		
14	John Robertson	METS		Rin Gault		
7/18	Dave Fleming (PND)			Dave Mazza	8:30	
14	Lucy Soares J	FM		Joe Costa	1640	
18	Trevett Campbell	ES	2396	Sharon Campbell	1825	
18	Manuel Mendes	ISS			0030	

V/C OCT 17 1991
 Y

NAME DEPT. EXT. B/T CONTACT IN

✓	John Amara	ES	D3	John McE...	41
✓	John Nugent	"			
✓	JOHN WOODSWORTH	TRANS	2600	Karl Kummer	1250
✓	GABE SZOKE	MAN	2331	HENRIETTA E...	3141
C	RUHMAN GEIGER	RADIO		STANLEY FOWLER	2223
C	Rossie Adams	ESG	2396	Melanie Voss	0500
C	Patrick Parcel	BARGE	3806	D. D. Clark	
C	Carlos Compton	DIAMOND	3806	LOD CLARK	
✓	MARSHALL FINESILVER	TV	7031	TED FINE	0841
✓	Nancy Davis	ASTRES		D. VEIDELIS	0849

EMPLOYEE TEMPORARY INDE LOG

NAME DEPT. NAME DEPT.

✓	JOHN RUDOLPH	RADIO			
✓	Perley Mearns	Fin Mgt			
✓	R. Costantino	A. Treas.			
	Lori Cooper	"			
0-17	TOM MC GONAGLE	ES			
2	 	ES			
0/7	Linda Huizenga	TVP			
0/12	Dave Waller	TV			
	Tom McGonagle	ESG			

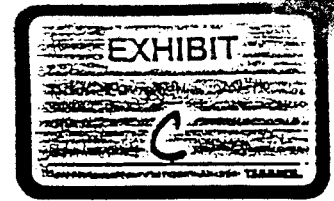
DATE 10-18-79

ASSOCIATE/CONTRACTOR/VISITOR CONT.

A/C
V

NAME	DEPT.	EXT. E/F	CONTACT	IN	OUT
AI KATHY BRISARD	TV	7813	1	PHYS	10:30
V LESLIE QUINN	TV	2270	4	A. PALMER	10:45
V Sarah Herman	Radio	2862	5	JUDITH	10:55
V TOMA BIRD	"	"	"	"	10:58
AI Virginia, BARRON	TV			Room (DRAPIER)	10:40
CV Oona Nunnally	TV			SPRUE	11:11
V HELEN KOTHMEYER	TV	7667	4	S. COHAN	11:32
CV JOSE LAUNAY	FM			E. WILLIAMS	11:50
V STUART (UNCLER)	Radio	2075	5	Fred T. ...	12:11
V Mrs. Nourman	TV	2374	5	Mel L.	12:30
V Vicki Baker	TV	2374	5	Mel L.	12:30
V BRADY	Radio			H. William ...	12:38
V Della Miller	TV	2374	4	Aranti	12:35
V Carol Osval	TV	2374	5	Mel L.	12:41
V Marie Holm			4	Call	12:47
V Robert Helm			"	"	
V Matilda McCarrin			"	"	12:58
V Harlan Rothblatt	Radio		5	CHRISTE ...	13:16
CV Steve Flann	FM	3806	1	Bob Clark	13:20
V Miss O'Brian	TV	7817	3	Maria ...	13:45
V Brian Laddell	TV	2078	5	Jeff ...	13:58
V Minnie Oakes	TV	7880	A	...	14:13
V Astrina Mander	TV	114	1	Mr. Murrain	14:25
V Marjette Koshin	TV	2972	2	Mr. Hall ...	14:40
V Mark Rosen	TV	2078	5	...	15:02

UW



United States Attorney
District of Massachusetts

1003 I.W. McCormack Post Office and Courthouse
Boston, Massachusetts 02109

May 21, 1993

Terry Philip Segal, Esquire
Segal & Feinberg
210 Commercial Street
Boston, MA 02109

Re: United States v. Alfred W. Trenkler

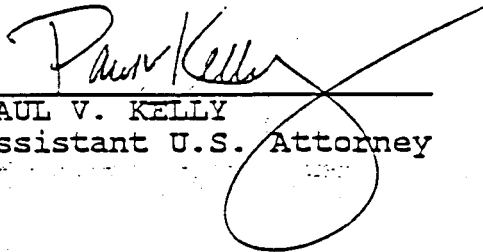
Dear Terry:

In response to your letter of May 19, 1993, please be advised that we do not have copies of the Christian Science Church security log for the dates October 25-28, 1991, as requested. We will check to see whether the log still exists, and if so we will provide a copy to you.

Very truly yours,

A. JOHN PAPPALARDO
United States Attorney

By:


PAUL V. KELLY
Assistant U.S. Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

vs.)

THOMAS A. SHAY and)
ALFRED W. TRENKLER)

Criminal No.:
92-10369-Z

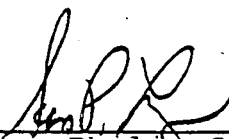
**DEFENDANT, ALFRED W. TRENKLER'S SUPPLEMENTAL MOTION
FOR ISSUANCE OF SUBPOENAS PURSUANT TO F.R.C.R.P. 17(c)**

Now comes Defendant, Alfred W. Trenkler, and moves pursuant to Federal Rule of Criminal Procedure 17(c), for this Court to include one additional category of documents to the subpoena directing the Christian Science Church to produce papers and documents at the Clerk's Office, United States District Court for the District of Massachusetts, on June 16, 1993 at 10:00 a.m.

Specifically, defendant requests this Court to add the Christian Science Church's key log to the items to be produced for the reasons set forth in its original motion on this issue, which motion was filed with the Court on or about May 28, 1993.

WHEREFORE, Defendant requests this Court to grant this motion and direct the Clerk' Office to issue subpoenas consistent with the Amended Proposed Order attached hereto as Exhibit A.

Respectfully submitted,
For the Defendant,
ALFRED W. TRENKLER,
By his attorneys,

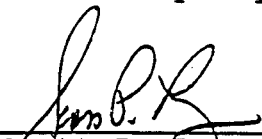


Terry Philip Segal
BBO # 450760
Scott P. Lopez
BBO # 549556
Segal & Feinberg
210 Commercial Street
Boston, MA 02109
(617) 720-4444

Dated: June 2, 1993

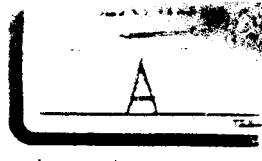
CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by mail on June 2, 1993.



Scott P. Lopez

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS



UNITED STATES OF AMERICA)

vs.)

THOMAS A. SHAY and)
ALFRED W. TRENKLER)

Criminal No.:
92-10369-Z

ORDER OF COURT

This cause came to be heard on defendant, Alfred Trenkler's motion pursuant to Federal Rule of Criminal Procedure 17(c), for issuance of a subpoena commanding specific persons and entities to produce certain papers and documents at the United States District Court for the District of Massachusetts on June 16, 1993 at 10:00 a.m. Defendant further moved this Court to permit said papers and documents to be inspected and copied by defendant or his attorneys on said date and time.

This Court having granted said motion, hereby makes the following findings:

- 1) The documents requested are evidentiary and relevant;
- 2) The documents are not otherwise procurable in advance of trial by the exercise of due diligence;
- 3) Defendant cannot properly prepare for trial without such production and inspection in advance of trial and the failure to obtain such inspection may tend unreasonably to delay the trial;
- 4) Defendant motion is in good faith and not a general fishing expedition.

Based on these findings, I hereby ORDER the Clerk of the United States District Court for the District of Massachusetts to issue a subpoena to the below named persons and entities commanding them to produce the papers and documents listed on June 16, 1993 at 10:00 a.m. I further ORDER that defendant's counsel shall be permitted to inspect and copy any documents produced on said date and time.

The subpoenas shall be issued to the following persons and entities:

1. Richard Constantino, Operations Manager and Security Chief for the Christian Science Church, Boston, MA, or his designee, to produce the following papers and documents for the period from October 1, 1991 through October 31, 1991:

- a) Master Security Log for the above period, excluding the dates of October 17, 18, and 19, 1991;
- b) Associate/Contractor/Visitor Log for the above period; and
- c) Records of helicopter lifts during for the above period;
- d) Records of Key log sign in and sign out sheet for the above period;

2. Richard Brown, Keeper of the Records of Advanced Research Communications (hereinafter "ARCOMM") of 82 Broad Street, Weymouth, Ma, to produce the following papers and documents for the period from October 1, 1991 through October 31, 1991:

- a) Any and all ARCOMM bank statements for the above period;
- b) Any and all ARCOMM time cards for the above period;
- c) Any and all ARCOMM canceled checks for the above period;
- d) Any and all ARCOMM payroll records for the above period;
- e) Any and all ARCOMM telephone and paging system statements evidencing business calls and paging system calls for the above period regardless of the date the actual bills were issued by the telephone or paging system companies;
- f) Any and all business receipts for the above period;
- g) Any and all other business records not previously specified above for the above period.

Dated:

Rya W. Zobel,
District Judge
United States District Court
District of Massachusetts

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

5-28-93
mm

UNITED STATES OF AMERICA

vs.

THOMAS A. SHAY and
ALFRED W. TRENKLER

Criminal No.:
92-10369-Z

DEFENDANT, ALFRED W. TRENKLER'S MOTION FOR
ISSUANCE OF SUBPOENAS PURSUANT TO F.R.C.R.P. 17(c)

Now comes Defendant, Alfred W. Trenkler, and moves pursuant to Federal Rule of Criminal Procedure 17(c), for this Court to issue a subpoena directing the persons and entities named below to produce the papers and documents described at the Clerk's Office, United States District Court for the District of Massachusetts, on June 16, 1993 at 10:00 a.m. Defendant further requests this Court to permit the papers and documents to be inspected and copied by defendant and his attorneys on said date and time.

1. Defendant requests that a subpoena be issued to Richard Constantino, Operations Manager and Security Chief for the Christian Science Church, Boston, MA, or his designee, to produce the following papers and documents for the period from October 1, 1991 through October 31, 1991:

Allowed
Richard W. Zuber, Jr.
6/3/93

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

vs.)

THOMAS A. SHAY and)
ALFRED W. TRENKLER)
_____)

Criminal No.:
92-10369-Z

ORDER OF COURT

This cause came to be heard on defendant, Alfred W. Trenkler's, motion pursuant to Federal Rule of Criminal Procedure 17(c), for issuance of a subpoena commanding specific persons and a specific entity to produce certain papers and documents at the United States District Court for the District of Massachusetts on July 15, 1993 at 10:00 a.m. Defendant further moved this Court to permit said papers and documents to be inspected and copied by defendant's attorneys on said date and time.

This Court having granted said motion, hereby makes the following findings:

- 1) The documents requested are evidentiary and relevant;
- 2) The documents are not otherwise procurable in advance of trial by the exercise of due diligence;
- 3) Defendant cannot properly prepare for trial without such production and inspection in advance of trial and the failure to obtain such inspection may tend unreasonably to delay the trial;

4) Defendant's motion is in good faith and not a general fishing expedition.

Based on these findings, I hereby ORDER the Clerk of the United States District Court for the District of Massachusetts to issue a subpoena to the below named persons and entity commanding them to produce the papers and documents described on July 15, 1993 at 10:00 a.m. I further ORDER that defendant's counsel shall be permitted to inspect and copy any documents produced on said date and time.

The subpoenas shall be issued to the following persons and entity:

1. Richard Constantino, Operations Manager and Security Chief for the Christian Science Church, Boston, MA, or his designee, and Scott Davis, Comptroller for the Christian Science Church, Boston, MA, or his designee, to produce the following papers and documents of the Christian Science Church for the periods specified below:

- a) Master Security Log for the period from September 29, 1991 to December 31, 1991, excluding the dates of October 17, 18, and 19, 1991.
- b) Associate/Contractor/Visitor Log for the period from September 29, 1991 to December 31, 1991;
- c) Employee Temporary Badge Log for the period from September 29, 1991 to December 31, 1991;
- d) Key Log for the period from September 29, 1991 to December 31, 1991;

- e) Records of helicopter lifts for installation of microwave components for the period from September 29, 1991 to December 31, 1991;
- f) Any and all proposals for work to be done by Advanced Research Communications (hereinafter "ARCOMM") submitted to either Scott Davis or William McNamara, a former employee of the Church, from August 1, 1991 to December 31, 1991;
- g) Any and all copies of checks or drafts for payment for services rendered by ARCOMM issued by Scott Davis or his designee, William McNamara, or the Church from August 1, 1991 to December 31, 1991;
- h) Any and all purchase orders submitted by ARCOMM to Scott Davis or his designee, William McNamara, or the Church from August 1, 1991 to December 31, 1991.

Dated:

Rya W. Zobel,
District Judge
United States District Court
District of Massachusetts