

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN THE MATTER OF THE APPLICATION)
OF THE UNITED STATES OF AMERICA FOR)
AN ORDER AUTHORIZING THE INTERCEPTION)
OF ELECTRONIC COMMUNICATIONS TO DIGITAL)
DISPLAY PAGING DEVICE ASSIGNED)
TELEPHONE NUMBER (617) 553-0778)

M.B.D. NO.: 92-10069

APPLICATION FOR INTERCEPTION OF
ELECTRONIC COMMUNICATIONS

I, Paul V. Kelly, Assistant United States Attorney,
District of Massachusetts, United States Department of Justice,
being duly sworn, hereby depose and state as follows:

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 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. This application is for an order pursuant to Section 2518 of Title 18, United States Code, authorizing the interception of electronic communications for a thirty (30) day period of Alfred W. Trenkler, Thomas A. Shay, John Cates, Richard Brown and others as yet unknown, made to 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 explosives with knowledge or intent that they be used to kill, injure or intimidate any individual or damage any property) and §844(i) (malicious damage or destruction, by means of explosives, of property used in or affecting any activity in foreign or interstate commerce) and §371 (conspiracy to commit offense against United States).

3. I have discussed all of the circumstances of the above offenses with Special Agent Jeff S. Kerr of the Bureau of Alcohol, Tobacco and Firearms ("ATF"), who has, together with Homicide Detectives from the Boston Police Department ("BPD") 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 United States Attorney for the District of Massachusetts. I have also examined the Affidavit of Special Agent Jeff S. Kerr of this date (attached to this Application as Exhibit 1, 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 communications of Alfred W.

Trenkler and others as yet unknown, concerning, and in furtherance of, concealment of the above-described offenses will be intercepted over a digital display paging device assigned telephone number (617)553-0778. 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, and the dates and times of communications between such persons and Trenkler, 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 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 telephone number (617) 553-0778 is in the possession of Alfred W. Trenkler 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 attached Affidavit of Special Agent Jeff S. Kerr 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 Affidavit of Special Agent Jeff 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 ATF to intercept electronic communications to the target digital display paging device, and providing 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 a 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 paging 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, shall

furnish, and continue to furnish, the applicant and ATF 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 the electronic communications over the target paging 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 ATF, 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 this 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 communications to the

pending investigation and that the disclosure of the contents or nature of the electronic 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 to the Court a report every ten (10) days describing 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 Affidavit 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 ATF and the service provider as necessary to effectuate the Court's Order.

DATED this 28th day of January 1992.



PAUL V. KELLY
Assistant U.S. Attorney

SUBSCRIBED and SWORN to before me this 30th day of
January, 1992.



UNITED STATES DISTRICT JUDGE

1-30-92
