

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: APPLICATION OF THE UNITED)
STATES FOR AN ORDER)
AUTHORIZING THE INSTALLATION,) MAG. NO.
MONITORING, MAINTAINING,)
REPAIRING, AND REMOVING 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, the United States Attorney for the District of Massachusetts, hereby respectfully 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 submits the Affidavit of Special Agent Thomas E. D'Ambrosio of the Bureau of Alcohol, Tobacco and Firearms ("ATF"), which is attached to this Application and incorporated herein by reference and 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 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 and wherever the beeper is located.

A proposed Order accompanies this Application.

Respectfully submitted,

WAYNE A. BUDD
UNITED STATES ATTORNEY

By:



PAUL V. KELLY
Assistant U.S. Attorney

Dated: JANUARY 28, 1992

AFFIDAVIT

Thomas E. D'Ambrosio, 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 over fifteen (15) years. In the course of my duties, I have received specialized training in the field of explosives by ATF, and I am currently certified as an ATF Explosives Specialist (Certificate # 87-04). At the present time, I am the ATF Boston Field Division Explosives Coordinator. I have participated in numerous investigations of explosions and explosive devices.

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.

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.

5. On October 31, 1991, ATF Special Agents Karen Carney and Wayne Miller 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 an 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 a remote controlled 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. 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.

9. 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.

Thomas E. D'Ambrosio
Special Agent
Bureau of Alcohol, Tobacco
and Firearms

Subscribed and sworn to before me this 28th day of January, 1992.

MARIANNE B. BOWLER
UNITED STATES MAGISTRATE JUDGE