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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

United States of America

V.

Thomas A. Shay
Alfred W. Trenkler

Criminal No. 92-10369-Z

Supplemental Affidavit of Denny L. Kline In Response To
Government's Motion In Limine To Admit Evidence of 1986 Device

I, Denny L. Kline, hereby depose and say as follows:

1. On June 8, 1993, I executed an affidavit(attached hereto as Exhibit A) in connection with the intention of the prosecution to offer evidence at trial of the bombing incident in which Alfred Trenkler was involved.
2. On June 10, 1993, the prosecution filed a motion in limine to admit evidence of the 1986 bombing at the trial of Thomas Shay, and indicated in said motion it planned to file a similar motion in connection with the trial of Alfred Trenkler.
3. In this affidavit, I specifically respond to some of the statements contained in the government's June 10th motion and memorandum of law.
4. In its June 10th motion and memorandum of law, the prosecution characterizes the 1986 and 1991 bombings as "substantially similar, "remarkably similar", "distinctive modus operandi", "strikingly similar", "pronounced signature quality."
5. In my opinion, the use of these adjectives misrepresents the actual comparison similarities between the two devices.

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6. In my opinion, the prosecution has drawn from general/generic similarities between the two bombings only, and has not identified the specific type and manufacturer of components, has not identified any of the unique methods of assembly of the components, and has not identified the singularly unique methods of assembling the device-- which are essential in offering an opinion that there is a "pronounced signature quality."

7. In my opinion, a detailed comparison of the components, construction and method of assembly between the two devices reflects more dissimilarities than similarities, and even suggests that Mr. Trenkler, who admitted constructing the 1986 device, had knowledge of electronics, but clearly little knowledge of explosives.

8. In short, in 1986, Mr. Trenkler tried to use an electrical fuzing system to initiate a non electric explosive device. This statement is supported by the Quincy Police Department report (Exhibit B) of the 1986 bomb incident. In that report (Exhibit B at p. 2-3), the Quincy Police Officer states: "Captain Rowell was on the scene along with (the late) Leo Voit(sic) (a bomb technician) from the State Police. Mr. Voit(sic) took all the remains of the bomb with him. Mr. Voit(sic) states that the explosion was a artillery simulator, often used by the National Guard, he does not know what the batteries and other articles were used for since the simulator has a pin like a grenade, no need for wires or batteries has a 5-10 second delay once pulled." On the other hand, the construction of the 1991 device suggests the bomb was built by someone with more knowledge of explosives, as evidenced by the dual primed main charge. Additionally, the '91 device did not require specialized electronics knowledge to assemble.

9. The prosecution's attempt in this case to make a positive identification that the two devices were built by the same person from the use of generic components is analogous to making a fingerprint identification of a person suspected of a crime by stating that the suspect had a loop on the right thumb, and a tented arch of the left forefinger, and both types were found at the crime scene. Loops and tented arches are generic only. A positive fingerprint identification requires that each fingerprint impression have unique ridge characteristics of similar shapes which occupy the same relative position in the patterns. Generally, multiple characteristics are used for an identification.

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10. In bomb investigations, post blast identification of bomb components, reconstruction and inter comparison with previously encountered bomb devices are fundamental to a bomb investigation.

11. Most important in the analysis is the identification of singularly unique features of the bomb, i.e., types of components, specific alterations to those components, and individual methods of assembling the device.

12. Forensic laboratories have documented that a bomb maker will individualize his method of making a bomb, and will repeat the procedure.

13. In short, the bomb maker will leave a "signature", some type of glaring identification.

14. A classic example of "signature" identification is found in a series of 19 bombings occurring along the East Coast of the United States in the early 80's. Four separate terrorist groups claimed responsibility for these bombings.

15. Laboratory analysis of the recovered bomb components revealed, however, there were only two bomb makers.

16. Although both groups used a generic type of pocket watch identified as a Westclox pocket watch for a time delay, it was noted that the watches were altered in a singularly unique manner.

17. Common to the two groups of terrorists were the use of Westclox pocket watches, black plastic tape, electric detonators, dynamite, concealment containers, and all the bombs were deployed against similar targets. All of these characteristics are similarities, but by themselves, in the Springfield case, did not permit the "signature" identification of the bomb maker, because they are generic components.

18. However, one terrorist group, the United Freedom Front, always used a small brass wood screw for a contact in the watch, and used alligator clips to make the electrical connections. The second group, which claimed responsibility for the bombings under three different names, (ARU, RGR and RFG), placed a scratch mark on the timing regulator inside the watch, and used miniature pin plugs and sockets

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for electrical connections. In the examination of these bombing incidents claimed by these two groups, other unique characteristics were present which reinforce the signature identification. These singularly unique features are classic examples required to establish and make the opinion that a bomber's signature exists. The United Freedom Front was the group which committed several of its bombings in the MA area and members of that organization were tried before Hon. William Young in Springfield, MA in the 1980's.

19. In sum, in order for a forensic laboratory or bomb specialist to suggest the same individual made two separate bombs, in the absence of positive identifications, such as fingerprints, fracture matches, etc., there must be those singularly unique(glaring) features that reoccur in each bomb.

20. In my opinion, in comparing the '86 and '91 devices in this case, a forensic specialist will clearly recognize that all of the similarities are generic, and those areas of unique identification, such as the type of components, construction, and methods of assembly display a preponderance of dissimilarities, and accordingly do not support a "pronounced signature quality."

21. At page 2 of its memorandum of law in support of its motion, the prosecution states it is prepared to prove at trial Trenkler built a bomb in 1986 "containing substantially similar electronic components to those present in the 1991 device." Based upon the foregoing and the material (see pages 7-12) in my original affidavit(attached hereto as Exhibit A), it is clear identification and comparison of the electronic components would show they are substantially different, i.e., type, brand, manufacturer, arrangement and assembly.

22. At page 2 of its memorandum of law, the prosecution states ", Trenkler used a distinctive modus operandi in 1986, similar to that involved here", i.e., going with someone else to buy his components, attaching device to vehicle with speaker magnet.

23. Although the 1986 device used a speaker magnet, the 1991 device used 12 button magnets and one circular magnet not positively identified as originating from a speaker. Additionally, based upon the material supplied to me, I am unaware of any evidence that Mr. Trenkler was with Thomas Shay when he is alleged to have purchased a toggle switch from Radio Shack on October 18, 1993.

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24. At page 2 of its memorandum, the prosecution refers to a computer analysis of 14,000 bombings or attempted bombings over a 12 year period, to indicate only the 86 and 91 bombings have certain characteristics, i.e., remote control, toggle switch, cars and trucks, affixed by circular magnet to undercarriage of vehicle, duct tape, and soldering wires.

25. Based upon my personal knowledge, I am aware that not all bombings were reported to BATF from 1979-1991. For example, two such bombings not reported were personally examined by me at the F.B.I. laboratory during the early 1980's and to my best recollection, without complete review of the reports, included: remote control, toggle switch, cars and trucks, placed under undercarriage of vehicle with circular magnets, duct tape, and soldering of wires.

26. One of the key words, mentioned at page 2 of the prosecution's memorandum of law, and involving the computer-based analysis, is "soldering wires".

27. Solder was used to connect the wires in the 86 device. Examination of the 91 bomb evidence by me at ATF in Boston did not reveal any wire ends twisted and soldered. Additionally, there is no mention of soldered wires in the BATF laboratory report prepared by ATF chemist, Cynthia Wallace. It is noted that two leg wires, examined by me at Boston, were connected by twisting and secured only with white plastic tape. Solder was not used to secure these wire connections. Solder was, however, present on one of the remaining contacts of the toggle switch.

28. At page 3 of its memorandum of law, it states, " The source of the explosion was determined to be an improvised device which among other things, featured a radio signal receiver powered by four(4) "AA" batteries."

29. BATF identified the presence of a Futaba power pack, which contains (4) "AA" batteries. This item is assembled by Futaba, and is part of the remote control system, and is not identifiable with the materials (which included a "AA" battery holder), allegedly purchased by Shay on October 18, 1991 at the Radio Shack.

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30. On pages 4-5 of the memorandum, the prosecutor states that a toggle switch was purchased by Shay on October 18, 1991, at the Radio Shack, and a toggle switch was found in the 1991 device which is consistent with the same type of toggle switch allegedly purchased by Shay. It should be noted, however, this type of toggle switch is not unique, is abundantly available and has many practical, legitimate uses (i.e., activate electronic motors, and basic electric circuits) where a simple switch is needed.
31. At page 5 of the government's memorandum of law, it states, "This device (the 1991 bomb) was affixed to the undercarriage of a motor vehicle belonging to Shay Jr's father...by means of two types of magnets, including a circular magnet consistent with one taken from a stereo speaker."
32. Clearly, the 1986 device utilized a magnet removed from a speaker. The 1991 device, however, used at least 13 magnets, only one of which was described as a circular donut magnet. This circular magnet was not identified as coming from a speaker, but is like those used in speaker magnets, base of antennas and also small motors. Accordingly, the source of the circular magnet found in the 91 device is unknown. Additionally, the 91 circular magnet was a different size than the 86 device speaker magnet.
33. At page 5-6 of the memorandum, it states, "The 1991 device was designed to receive a radio signal from a remote control transmitting unit by means of an antenna consisting of strands of wire."
34. The 1991 device used a white insulated wire affixed to the receiver by the manufacturer. Said wire served as the antenna. The 1986 device used two wires connected together as the antenna which was assembled by Alfred Trenkler.
35. Additional statements in the memorandum of law submitted by the government in support of its motion to admit evidence of the 1986 device refer to components used to make the 86 device. In response I rely on pages 7-12 of my earlier affidavit of June 8, 1993 (Exhibit A attached hereto).

Signed, before me, under the pains and penalties, of perjury this day of June, 1993.

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Denny L. Kline 6/15/93

 Denny L. Kline

Francis P. Stephens
 Notary Public
 My commission expires
June 30, 1994
 Stafford County, VA.