

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
)  
)

v. )

ALFRED W. TRENKLER )  
)  
)

CRIMINAL NO. 92-10369-Z

GOVERNMENT'S OPPOSITION TO DEFENDANT'S MOTION  
TO EXCLUDE ADMISSION OF EXIS COMPUTER EVIDENCE

The defendant, Alfred W. Trenkler ("Trenkler" or "Defendant"), has moved to exclude the admission of the government's (previously proffered) EXIS ("explosives Incident System") computer database evidence on grounds of authentication and hearsay. As this Opposition will demonstrate, however, these arguments are without merit. The government's extensive proffer to the Court as to the nature of its computer database evidence -- made on voir dire (in connection with this matter, as well as in connection with trial of United States v. Shay in June, 1993) shows this information to be plainly probative on the central issue of identity in this case, and admissible on due authentication from the EXIS custodian. Moreover, the results sought to be summarized here constitute records of EXIS' regularly conducted activity and otherwise reflect substantial guarantees of trustworthiness warranting treatment under the "catchall" exception to the hearsay rule (Fed. R. Evid. 803(24)).

BACKGROUND

The EXIS database is a computer information base maintained

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proponent -- here, the government -- has made this information known to "the adverse party" i.e., Trenkler, more than "sufficiently in advance of trial.


WHEREFORE, the government respectfully requests that it be permitted to introduce its EXIS database evidence, including the resultant seven (7) explosives incidents, at trial before the jury.

Respectfully submitted,

A. JOHN PAPPALARDO  
United States Attorney

By:

  
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PAUL V. KELLY  
Assistant U.S. Attorney

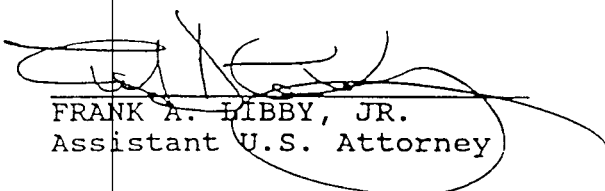
  
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FRANK A. LIBBY, JR.  
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts  
November 9, 1993

I, Frank A. Libby, Jr., Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing Government's Opposition, by hand, to Terry Segal, Esq., 210 Commercial Street, Boston, MA 02110.

  
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FRANK A. LIBBY, JR.  
Assistant U.S. Attorney