

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN THE MATTER OF THE APPLICATION)
 OF THE UNITED STATES OF AMERICA FOR)
 AN ORDER AUTHORIZING: (1) THE FURTHER) M.B.D. No. 92-10218
 INTERCEPTION OF ELECTRONIC COMMUNICATIONS)
 TO DIGITAL DISPLAY PAGING DEVICE ASSIGNED)
 TELEPHONE NUMBERS (617) 532-3504 AND)
 1-800-22ALPHA; AND (2) THE INITIAL)
 INTERCEPTION OF WIRE ("VOICE MAIL"))
 COMMUNICATIONS FACILITATED BY MEANS OF)
 THE SAME DIGITAL DISPLAY PAGING DEVICE,)
 ASSIGNED TELEPHONE NUMBER (617) 553-0778)

SECOND AFFIDAVIT OF SPECIAL AGENT JEFFREY S. KERR

JEFFREY S. KERR, being duly sworn, hereby deposes and states:

1. I have been a Special Agent of the United States Treasury Department's Bureau of Alcohol, Tobacco and Firearms ("ATF") for the last approximately five years. I am stationed at the Boston, Massachusetts ATF office.
2. I am presently serving as case agent on a joint federal/City of Boston investigation into the October 28, 1991 detonation of an explosive device in Roslindale, MA, which took the life of Boston Police Bomb Squad Officer Jeremiah Hurley and which maimed Hurley's partner Bomb Squad Officer Francis X. Foley.
3. In connection with this investigation I have executed several affidavits which have been submitted in support of applications by the United States for orders authorizing the use

of electronic tracking devices as well as the interception of electronic and wire communications made to and facilitated by a certain paging device held by Alfred W. Trenkler, a subject of this investigation. On March 12, 1992 this Court issued an order authorizing, for a period of thirty days, interception of electronic and wire (i.e., voice mail) communications to this paging device (the "Order").

4. The Order lapsed on April 10, 1992, and no extension of thereof was sought. On April 21, 1992, this Court entered another Order allowing the government's Motion for an Order Postponing Service of Inventory Notices, such Order directing that service of same be postponed until Monday, July 20, 1992.

5. The aforementioned electronic surveillance was but one of the several investigative techniques which have been and are presently being employed in this matter. To date, this investigation has developed evidence of violations of federal criminal law regarding transportation and use of explosive devices. This investigation is continuing.

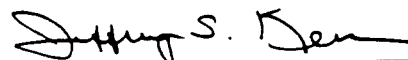
6. I understand, from my reading of 18 U.S.C. § 2518(8)(d), that absent application by the government in this regard, inventory notices disclosing the fact of interception would be made to, among others, those identified within the government's application as interceptees.

7. Service of any inventory notice to any such individual at this time would undoubtedly jeopardize this ongoing investigation. Issuance of any such notice would substantially

and adversely impair the effectiveness of myself, other ATF agents as well as members of the Boston Police Department Homicide Squad assigned to this investigation. Any such disclosure would also jeopardize prospects for a continued effective grand jury investigation, where disclosure could create a clear and serious risk that potential witnesses may be threatened or influenced.

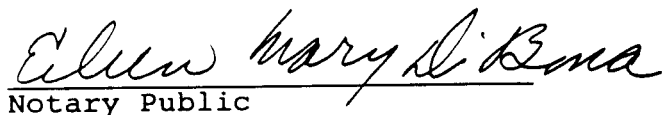
8. Further, issuance of any inventory notice at this time would clearly create the clear and present risk that one or more of the interceptees, so identified, might flee, thus avoiding questioning and/or prosecution, as the case may be.

9. For the reasons stated herein, it is my belief and the belief of other law enforcement officers assigned to this investigation, that service of any inventory notice at this time could cause irreparable damage to this ongoing investigation, which continues to be both active and productive.



JEFFREY S. KERR
Special Agent
Bureau of Alcohol, Tobacco
and Firearms

Sworn and subscribed to before me this 15th day of
July, 1992


Notary Public

My commission expires:

4/15/94