

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL ACTION NO. 92-10369-Z

UNITED STATES OF AMERICA

vs.

THOMAS A. SHAY
ALFRED W. TRENKLER

DOCKETED

MEMORANDUM OF DECISION

January 13, 1993

ZOBEL, D.J.

Defendants Alfred W. Trenkler and Thomas A. Shay stand indicted in five counts for receiving explosives in interstate commerce, for attempted malicious destruction of an automobile, and for conspiracy in violation of 18 U.S.C. §§ 844(d), 844(i) and 371, respectively. The indictment specifically charges that defendants' conduct "directly and proximately resulted in the death of [one] public safety officer" and "serious personal injury to" another.

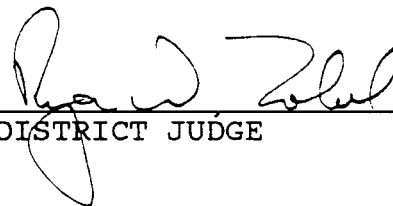
Defendant Trenkler was arrested on December 16, 1992, shortly after the grand jury returned the indictment. Two days later the magistrate-judge conducted a full detention hearing -- ten witnesses testified, including nine for defendant -- and on December 24, 1992, she filed an exhaustive memorandum detailing the evidence presented and her findings. Because she concluded that no condition or combination of conditions will assure the safety of the community nor the presence of defendant at subsequent proceedings, she ordered him detained. He has moved to revoke that order.

(27)

The parties agree that the district judge must review de novo contested detention orders. United States v. Tortora, 922 F.2d 880, 883 n.4 (1st Cir. 1990). Although de novo review requires the court to exercise independent consideration of the facts, it may adopt a magistrate-judge's order and reasons if it is in full agreement with them. Id.; see United States v. Moss, 887 F.2d 333, 338 (1st Cir. 1989); United States v. King, 849 F.2d 485, 490 (11th Cir. 1988).

In light of the extraordinary seriousness of the offenses charged, the possibility of life imprisonment without parole, defendant's itinerant lifestyle, and his past inattention to court orders, the detention order is hereby adopted by this Court.

January 13, 1993
DATE


DISTRICT JUDGE