

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

<hr/>		
UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	
v.	)	Criminal No.
	)	92-10369-Z
THOMAS A. SHAY and	)	
ALFRED W. TRENKLER,	)	
Defendants.	)	
<hr/>		

AFFIDAVIT OF JOHN CATES IN SUPPORT  
OF MOTIONS TO SUPPRESS

I, John Cates, hereby depose and affirm the following is true:

1. I share a basement apartment with Alfred Trenkler at 133 Atlantic Avenue in Quincy.

2. In the week or so before November 5, 1991, both Al and I had read about the bombing at Tom Shay's father's house that killed a police officer. We both knew at least one person who had been interrogated by the police because his name and telephone number appeared in Tom Shay's papers. Since Al had once given Tom Shay his business card and pager telephone number, we thought the police would probably be in contact with Al.

3. At approximately 11:30 p.m. on November 5, 1992, someone banged on the front door to the

apartment. As I was in bed for the night, Al answered the door.

4. About 6 detectives entered the apartment and began questioning Al in my presence. They asked him if he knew why the detectives might be at the apartment. Al said that he thought it might be regarding a call he made to the police a couple of weeks earlier about a suspicious car parked in the neighborhood; or perhaps that the detectives were at his apartment because of Tom Shay.

5. One of the detectives instructed me to, "Get the fuck up, scumbag, and get some clothes on," which I did feeling that I had no other choice in the matter.

6. The detectives were already looking around the apartment, but then someone asked me if they could search the apartment. I asked them, "Do you have a search warrant?" The detectives said that they did not, and I told them that they could not search without a warrant.

7. At this point, I was physically removed from the apartment and placed in the back seat of an unmarked police car which was parked on the street along with four or five other cars. A female officer was in the front passenger seat of the car

and I believe an agent whom I now know as Jeff Kerr was in the driver's seat.

8. The female officer and Kerr continued questioning me in the car. They asked me the following questions: How long have you known Al? How long have you known Tom Shay? Has Al ever talked to you about making a bomb? Have you ever seen Al make a bomb? How did you know we would be coming here? Why don't you want us to search your apartment? I was not sure at this point whether or not I was under arrest.

9. Jeff Kerr, who had been asking most of the questions, left the car and was gone for about 10-12 minutes. When he returned, he had a glassene baggie with a small amount of marijuana and told me that he had found the baggie in the apartment and asked if this was the reason I did not want the apartment searched. I told him that was certainly one reason.

10. I was then asked if I would now agree to let the detectives search the apartment, and I said I would, feeling that I did not have much choice since they had obviously already searched the apartment anyway.

11. I was then taken back into the apartment where approximately four detectives were picking apart the apartment. As I was being brought in, I

noticed that Al had already been removed from the apartment. The detectives continued to question me during the search, asking many of the same questions Kerr had asked while he was questioning me in the car.

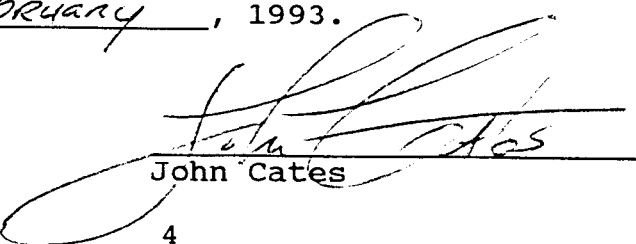
12. I was occasionally "battered" with questions like: Where did Al build the bomb? Where were you when the bomb went off?

13. At one point, one of the detectives said, "Use your imagination. Be creative. Come up with something on him [Al]. There's a \$65,000 reward; that's a lot of money." I was told the reward could mean a whole new life for someone.

14. The detectives continued with questions, such as: Tell us about Al's friends. Do you know Al's done this sort of thing before? Does Al use drugs?

15. The interrogation lasted about another hour and the detectives finally left at about 1:00 a.m. or 1:30 a.m. They left Agent Tom D'Ambrisia's business card and instructed me to call if I came up with anything.

Signed on pain and penalty of perjury this  
14<sup>th</sup> day of February, 1993.

  
John Cates