

UNITED STATES OF DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
) CRIMINAL NO. 92-10369-Z
)
ALFRED W. TRENKLER)

**GOVERNMENT'S COMBINED OPPOSITION
TO DEFENDANT ALFRED TRENKLER'S SEVERAL
MOTIONS TO SUPPRESS**

The United States of America hereby opposes the following motions filed by defendant Alfred W. Trenkler ("Trenkler"):

1. Motion to Suppress Evidence Derived from Search of Basement Apartment Located at 133 Atlantic Street, Quincy, MA., Pursuant to Warrant
2. Motion to Suppress Evidence Derived from Search of a Garage Located at 7 Whitelawn Avenue, Milton, MA., Pursuant to Warrant
3. Motion to Suppress Evidence Derived from Search of the Offices of ARCOMM, Inc. Located at 82 Broad Street, Weymouth, MA., Pursuant to Warrant
4. Motion to Suppress Statements of November 5-6, 1991
5. Motion to Suppress Evidence Seized Without a Warrant (Pursuant to Consent Search) on November 5-6, 1991
6. Motion to Suppress Statements of January 31, 1992
7. Motion to Suppress Statements of February 4, 1992

The foregoing motions are based upon affidavits (of Trenkler and his roommate, John Cates) which are replete with knowing or reckless falsehoods and perjurious statements. The motions are not supported by any memoranda of reasons or legal authority. The motions merely contain unexplained conclusory legal allegations.

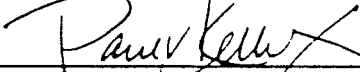
Since the government is unaware of the precise legal bases or justification for Trenkler's several motions, it is unable to file a legal memorandum in opposition. Filed herewith is an Affidavit by Supervisory Special Agent Victor D. Palaza of the Bureau of Alcohol, Tobacco and Firearms pointing out some, but not all, of the gross misstatements and exaggerations by the affiants on behalf of the defendant.

The government reserves the right to file legal memoranda opposing Trenkler's motions following any such submissions by Trenkler -- which the Court should require to be filed at the time of or shortly after any evidentiary hearing(s).

Respectfully submitted,

A. JOHN PAPPALARDO
United States Attorney

By:



PAUL V. KELLY
Assistant U.S. Attorney.



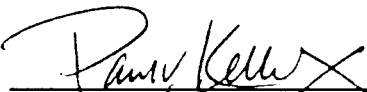
FRANK A. LIBBY, JR. Pvk
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts
March 8, 1993

I, PAUL V. KELLY, Assistant U.S. Attorney, do hereby certify that I have served the copy by hand of the foregoing, to Terry P. Segal, Esquire, Segal & Feinberg, 210 Commercial Street, Boston, Massachusetts 02109.



PAUL V. KELLY
Assistant U.S. Attorney

UNITED STATES OF DISTRICT COURT
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UNITED STATES OF AMERICA)
)
 v.) CRIMINAL NO. 92-10369-Z
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ALFRED W. TRENKLER)

AFFIDAVIT OF VICTOR PALAZA IN
OPPOSITION TO DEFENDANT'S MOTIONS TO SUPPRESS

I, Victor D. Palaza, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent of the Bureau of Alcohol, Tobacco and Firearms ("ATF"). I have supervised ATF's involvement in this investigation since October 28, 1991.

2. I have reviewed the affidavits filed by defendant Alfred W. Trenkler and his roommate, John Cates. These affidavits contain numerous falsehoods and self-serving distortions.

3. When law enforcement agents, including myself, visited Trenkler's basement apartment at 133 Atlantic Street in Quincy on November 5, 1991, Trenkler was agreeable and completely cooperative. At no time was he or his roommate (John Cates) threatened, coerced or intimidated in any manner. Trenkler freely and voluntarily consented to a search of the small apartment. He also willingly consented to searches of his business in Weymouth and a garage adjacent to his parents' home in Milton later that same evening.

4. Trenkler was never under arrest or in custody during the evening of November 5-6, 1991. He was never told that he "had no choice but to cooperate." He was never "put" into any police

vehicle, and was never in the presence of any bag containing firearms or ammunition. In fact, at no time during the evening did any law enforcement officer even display a weapon.

5. Trenkler spoke freely and voluntarily with officers during the evening of November 5-6, 1991. Several times he commented that he was willing to cooperate because he had "nothing to hide."

6. When law enforcement officers executed search warrants at various locations on January 31, 1992, Trenkler moved about freely and visited different search locations for extended periods of time. During these visits he was "chatty" and inquiring, and voluntarily engaged various officers in conversation. Trenkler's suggestion that he "was not willing to talk to [the officers], did not want to talk to them" and did not wish to have anything to do with them" is frivolous and false.


7. Trenkler was not "instructed" or "suggested" to go anywhere on January 31, 1992. He was completely free to go anywhere or do anything he wished -- except to interfere with the ongoing searches. Just as he had done on November 5-6, 1991, Trenkler freely consented to a search of his automobile on January 31, 1992, saying he "had nothing to hide" or words to that effect.

8. On the morning of February 4, 1992, Trenkler voluntarily appeared at ATF's Boston Office requesting return of various materials that had been seized pursuant to search warrants executed on January 31, 1992. Since the precise evidentiary significance of much of the material had not yet been determined,

Trenkler was only provided with photocopies of certain documents.

9. During his visit to ATF's offices on February 4, 1992, Trenkler -- of his own volition -- sat down and engaged agents Leahy and LaCourse in extended conversation. As he had been on prior occasions, Trenkler was "chatty" and inquiring. He freely and voluntarily spoke with the agents. In fact, after a while, the agents had to prompt him to leave.

Signed under the pains and penalties of perjury this 8th day of March, 1993.


VICTOR D. PALAZA
Supervisory Special Agent
Bureau of Alcohol, Tobacco
and Firearms