

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )

vs. )

THOMAS A. SHAY and )  
ALFRED W. TRENKLER )

Criminal No.:  
92-10369-Z

DEFENDANT, ALFRED W. TRENKLER'S MOTION FOR  
ISSUANCE OF SUBPOENAS PURSUANT TO F.R.CR.P. 17(c)

Now comes Defendant, Alfred W. Trenkler, and moves pursuant to Federal Rule of Criminal Procedure 17(c), for this Court to issue a subpoena directing the persons and entities named below to produce the papers and documents described at the Clerk's Office, United States District Court for the District of Massachusetts, on June 16, 1993 at 10:00 a.m. Defendant further requests this Court to permit the papers and documents to be inspected and copied by defendant and his attorneys on said date and time.

1. Defendant requests that a subpoena be issued to Richard Constantino, Operations Manager and Security Chief for the Christian Science Church, Boston, MA, or his designee, to produce the following papers and documents for the period from October 1, 1991 through October 31, 1991:

- a) Master Security Log for the above period, excluding the dates of October 17, 18, and 19, 1991.<sup>1</sup> See copies attached to affidavit of James Karolides marked Exhibit A;
- b) Associate/Contractor/Visitor Log for the above period;<sup>2</sup>
- c) Records of helicopter lifts during for the above period;

2. Defendant further requests that a subpoena be issued to Richard Brown, Keeper of the Records of Advanced Research Communications (hereinafter "ARCOMM") of 82 Broad Street, Weymouth, Ma, to produce the following papers and documents for the period from October 1, 1991 through October 31, 1991:

- a) Any and all ARCOMM bank statements for the above period;
- b) Any and all ARCOMM time cards for the above period;
- c) Any and all ARCOMM canceled checks for the above period;
- d) Any and all ARCOMM payroll records for the above period;

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<sup>1</sup>Defendant notes that the dates excluded have been provided previously by the government.

<sup>2</sup>Defendant further notes that although the government has provided some records for the dates of October 17, 18, and 19, 1991, it is not possible to determine the actual dates on some of these records. See Copies attached to affidavit of James Karolides marked Exhibit B. Given that the dates are unknown, it is also unknown whether these records are complete.

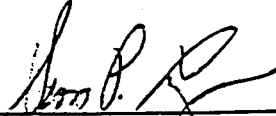
- e) Any and all ARCOMM telephone and paging system statements evidencing business calls and paging system calls for the above period regardless of the date the actual bills were issued by the telephone or paging system companies;
- f) Any and all business receipts for the above period;
- g) Any and all other business records not previously specified above for the above period.

In support of this motion, as more particularly described in Defendant's memorandum of law and affidavit of James Karolidis, which are attached hereto and incorporated by reference herein, defendant states the following:

1. The above documents are evidentiary and relevant;
2. The above documents are not otherwise procurable reasonably in advance of trial by the exercise of due diligence;
3. Defendant cannot properly prepare for trial without such production and inspection in advance of trial and the failure to obtain such inspection may tend unreasonably to delay the trial; and
4. Defendant submits this motion in good faith, and not as a general fishing expedition.

WHEREFORE, Defendant requests this Court to grant his motion and direct the Clerk' Office to issue the above-mentioned subpoenas. See Proposed Order attached hereto as Exhibit A.

Respectfully submitted,  
For the Defendant,  
ALFRED W. TRENKLER,  
By his attorneys,



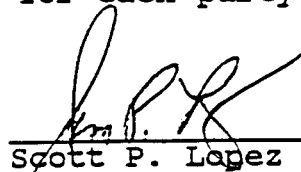
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Terry Philip Segal  
BBO # 450760  
Scott P. Lopez  
BBO # 549556  
Segal & Feinberg  
210 Commercial Street  
Boston, MA 02109  
(617) 720-4444

Dated: May 28, 1993

**CERTIFICATE OF SERVICE**

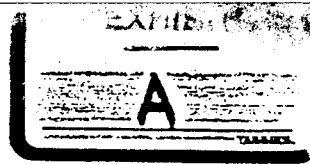
I hereby certify that a true copy of the above document was served upon the attorney of record for each party by mail on May 28, 1993.



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Scott P. Lopez

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS



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 ALFRED W. TRENKLER )

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ORDER OF COURT

This cause came to be heard on defendant, Alfred Trenkler's motion pursuant to Federal Rule of Criminal Procedure 17(c), for issuance of a subpoena commanding specific persons and entities to produce certain papers and documents at the United States District Court for the District of Massachusetts on June 16, 1993 at 10:00 a.m. Defendant further moved this Court to permit said papers and documents to be inspected and copied by defendant or his attorneys on said date and time.

This Court having granted said motion, hereby makes the following findings:

- 1) The documents requested are evidentiary and relevant;
- 2) The documents are not otherwise procurable in advance of trial by the exercise of due diligence;
- 3) Defendant cannot properly prepare for trial without such production and inspection in advance of trial and the failure to obtain such inspection may tend unreasonably to delay the trial;
- 4) Defendant motion is in good faith and not a general fishing expedition.

Based on these findings, I hereby ORDER the Clerk of the United States District Court for the District of Massachusetts to issue a subpoena to the below named persons and entities commanding them to produce the papers and documents listed on June 16, 1993 at 10:00 a.m. I further ORDER that defendant's counsel shall be permitted to inspect and copy any documents produced on said date and time.

The subpoenas shall be issued to the following persons and entities:

1. Richard Constantino, Operations Manager and Security Chief for the Christian Science Church, Boston, MA, or his designee, to produce the following papers and documents for the period from October 1, 1991 through October 31, 1991:

- a) Master Security Log for the above period, excluding the dates of October 17, 18, and 19, 1991;
- b) Associate/Contractor/Visitor Log for the above period; and
- c) Records of helicopter lifts during for the above period;

2. Richard Brown, Keeper of the Records of Advanced Research Communications (hereinafter "ARCOMM") of 82 Broad Street, Weymouth, Ma, to produce the following papers and documents for the period from October 1, 1991 through October 31, 1991:

- a) Any and all ARCOMM bank statements for the above period;
- b) Any and all ARCOMM time cards for the above period;

- c) Any and all ARCOMM canceled checks for the above period;
- d) Any and all ARCOMM payroll records for the above period;
- e) Any and all ARCOMM telephone and paging system statements evidencing business calls and paging system calls for the above period regardless of the date the actual bills were issued by the telephone or paging system companies;
- f) Any and all business receipts for the above period;
- g) Any and all other business records not previously specified above for the above period.

Dated:

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Rya W. Zobel,  
District Judge  
United States District Court  
District of Massachusetts