

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN THE MATTER OF THE APPLICATION )  
OF THE UNITED STATES OF AMERICA ) MAGISTRATE JUDGE'S DOCKET  
FOR AN ORDER AUTHORIZING ) NO. 92-1230-B  
INSTALLATION AND USE OF A TRAP AND )  
TRACE DEVICE TO REGISTER NUMBERS )  
DIALED OR PULSED TO TELEPHONE )  
NUMBER (617) 471-8754, )  
SUBSCRIBED TO BY JOHN CATES )

APPLICATION AND MOTION TO SEAL

The United States of America, by and through its attorney, Wayne A. Budd, United States Attorney for the District of Massachusetts, hereby moves this Court, pursuant to 18 U.S.C. Sections 3122 and 3123, to grant an Order:

1. Extending for sixty (60) days this Court's previous Order authorizing the installation, use and continued use of a trap and trace device to identify and register telephone numbers dialed or pulsed to telephone number (617) 471-8754, subscribed to by John Cates, 133 Atlantic Avenue (Basement Apt.), Quincy, MA.

2. Extending for sixty (60) days this Court's previous Order directing the New England Telephone Company, a communication common carrier as defined in Title 18, United States Code, Section 2510(10), to furnish Agents of the U.S. Treasury Department's Bureau of Alcohol, Tobacco and Firearms and Detectives of the Boston Police Department, Homicide Squad, all information, facilities and technical assistance necessary to

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Managers B Division USMT

accomplish the continued use of the registering and tracing device in an unobtrusive fashion; and

3. Sealing this Application and the Court's Order, as well as all previous Applications and Orders.

The applicant certifies, pursuant to 18 U.S.C. Section 3123(a), that the information likely to be obtained from the requested device is relevant to an ongoing criminal investigation being conducted by the Boston Police Department and the Bureau of Alcohol, Tobacco and Firearms into suspected violations of Title 18, United States Code, Sections 844 and 371, and using the telephone to facilitate these offenses, which, it is believed, have been and are being committed by Thomas L. Shay, Thomas A. Shay, Alfred Trenkler and others as yet unknown. The investigation has disclosed, by means of law enforcement intelligence, informant information, telephone toll analysis, and surveillance, that Thomas L. Shay, Thomas A. Shay, Alfred Trenkler and others have been and are continuing to conspire to violate the aforementioned federal laws, and to conceal previous violations of such laws, and that they may use the telephone to communicate about such dealings. More particularly, information developed to date in this investigation reveals that Alfred Trenkler, one of the aforementioned suspects, is believed to be a live-in companion of John Cates, residing at the above address, and thus has access to the above telephone listing to which and from which calls may be made in furtherance of concealment of the above violations of federal law.

WHEREFORE, it is respectfully requested that this Court

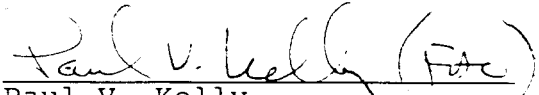
grant an Order: (1) Extending for sixty (60) days this Court's previous Order authorizing the installation, use and continued use of a trap and trace device to identify and register telephone numbers from which calls to the aforementioned telephone originate; (2) Extending for sixty (60) days this Court's previous Order directing the New England Telephone Company, a communication common carrier as defined in Title 18, United States Code, Section 2510(10), to furnish Agents of the Bureau of Alcohol, Tobacco and Firearms and Detectives of the Boston Police Department, Homicide Squad, all information, facilities and technical assistance necessary to accomplish the use of the tracing devices unobtrusively and with a minimum of interference to the service presently accorded persons whose communications are to be the subject of the registering device; and (3) Sealing this Application and the Court's Order, as well as all previous Applications and Orders, except for such copies as are requested

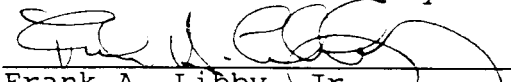
by the United States Attorney in connection with the investigation described herein, due to the confidential nature of the pending investigation.

Respectfully submitted,

WAYNE A. BUDD  
United States Attorney

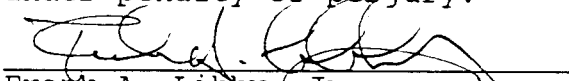
By:

  
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Paul V. Kelly  
Assistant U.S. Attorney

  
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Frank A. Libby, Jr.  
Assistant U.S. Attorney

DECLARATION

I, Frank A. Libby, Jr., Assistant U.S. Attorney, declare that the foregoing is true and correct, to the best of my knowledge, information and belief, under penalty of perjury. See, 28 U.S.C. §1746.

  
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Frank A. Libby, Jr.  
Assistant U.S. Attorney

Dated: May 13, 1992