

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN THE MATTER OF THE APPLICATION)
OF THE UNITED STATES OF AMERICA)
FOR AN ORDER AUTHORIZING)
INSTALLATION AND USE OF A PEN)
REGISTER DEVICE TO REGISTER NUMBERS))
DIALED OR PULSED TO OR FROM)
TELEPHONE NUMBER (617) 327-3269,)
SUBSCRIBED TO BY THOMAS L. SHAY)
D/B/A SHAY AUTO BODY)

MAGISTRATE JUDGE'S DOCKET
NO. 92-1225-B

ORDER

This matter having come before the Court pursuant to the Application of the United States of America, which Application requested that an Order be issued:

1. Authorizing the installation, use and continued use of a device to register telephone numbers dialed or pulsed from telephone number (617) 327-3269, subscribed to by Thomas L. Shay, d/b/a Shay Auto Body and located at 39 Eastbourne St., Roslindale, MA;
2. 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 installation and use of the registering device unobtrusively and with a minimum of interference with services that such carrier is presently according the persons whose communications are to be the subject of the registering device; and,
3. Sealing this Application and this Order;

IT APPEARING that the applicant has certified 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 allegations of violations of Title 18, United States Code Sections 844 and 371 and use of the telephone to facilitate these offenses in violation of federal law, by Thomas L. Shay, Thomas A. Shay, Alfred Trenkler, and others as yet unknown;

IT IS ORDERED, pursuant to Title 18, United States Code, Section 3121, et. seq., that Agents of the Bureau of Alcohol, Tobacco and Firearms and/or Detectives of the Boston Police Department, Homicide Squad, and their lawful designees, are authorized to use and install the requested pen register device, so as to record the date and time of such pulsings and dialings, and to record the length of time the telephone receiver is off the hook for each incoming and outgoing call, on the aforementioned telephone; and,

IT IS FURTHER ORDERED, pursuant to Title 18, United States Code, Section 3123(b), that the New England Telephone Company provide Agents of the Bureau of Alcohol, Tobacco and Firearms and/or Detectives of the Boston Police Department, Homicide Squad, and their lawful designees, with all information, facilities and technical assistance necessary to accomplish the installation and use of the pen register device unobtrusively, and with a minimum of interference to the service that such

carrier is presently according the persons whose communications are to be the subject of the registering and tracing device; and,

IT IS FURTHER ORDERED, that the New England Telephone Company be compensated by the United States, at the prevailing rates, for reasonable expenses incurred in providing such facilities and assistance; and,

IT IS FURTHER ORDERED, that the normal operations of the New England Telephone Company should not be disrupted; and,

IT IS FURTHER ORDERED that this Order and the Application be sealed and that the New England Telephone Company, its agents, and its employees shall not disclose to the listed subscribers of the said telephone number, nor to any person, the existence of this Application or Order, or any previous Applications or Orders, or the existence of this investigation or of the device used to accomplish the aforementioned registering unless and until otherwise ordered by the Court.

This Order, unless sooner renewed, will automatically terminate 60 days from today.

Marianne B. Bowler
UNITED STATES MAGISTRATE JUDGE

DATED: January 16, 1992

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TELEPHONE NUMBER (617) 327-3269,)
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M.J. 92-1225-B

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. Authorizing the installation, use and continued use of
a device to register telephone numbers dialed or pulsed from
telephone number (617) 327-3269, subscribed to by Thomas L. Shay,
d/b/a Shay Auto Body, located at 39 Eastbourne St., Roslindale,
MA;

2. 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
accomplish the continued use of the registering device in an
unobtrusive fashion; and

January 16, 1992. Allowed

Margaret B. Bowler U.S.M.J.

4. 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.


WHEREFORE, it is respectfully requested that this Court grant an Order: (i) Authorizing the installation, use and continued use of a device to register numbers dialed or pulsed from the aforementioned telephone number; (2) 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 registering 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:




Paul V. Kelly
Assistant U.S. Attorney



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.



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

Dated: January 16, 1992