

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 TRAP)
AND TRACE DEVICE TO REGISTER)
NUMBERS DIALED OR PULSED TO)
TELEPHONE NUMBER (617) 327-7380,)
SUBSCRIBED TO BY MARY FLANAGAN)

MAGISTRATE JUDGE'S DOCKET
NO. 92 - 1233 - 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 trap and trace device to identify and register telephone numbers dialed or pulsed to telephone number (617) 327-7380, subscribed to by Mary Flanagan, 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 such tracing 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 aforesaid 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 trap and trace device on the aforementioned telephone, so as to record the date and time of such pulsings and dialings, and to identify and register the telephone numbers from which calls to the aforementioned telephone originate; 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 trap and trace device unobtrusively, and with a minimum of interference to the service that such

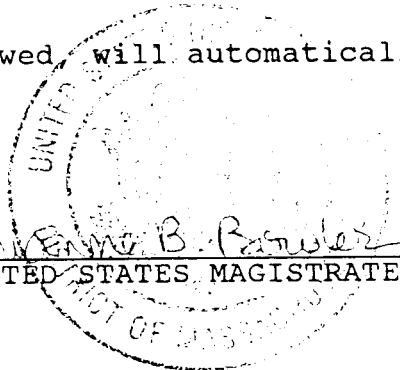
carrier is presently according the persons whose communications are to be the subject of the aforementioned device; and,

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 tracing unless and until otherwise ordered by the Court.

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


Thomas B. Rowley
UNITED STATES MAGISTRATE JUDGE

DATED: January 17, 1992

01/17/92

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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 trap and trace device to identify register telephone numbers
dialed or pulsed to telephone number (617) 327-7380, subscribed
to by Mary Flanagan, 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 and tracing
device in an unobtrusive fashion; and

January 17, 1992. Admitted

Marianne B. Fowler J.S.M.

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. Information developed during the course of this investigation reveals that the aforementioned Thomas L. Shay has; for at least the past six (6) years, resided with Mary Flanagan at 39 Eastbourne St., Roslindale, MA. Further, Agents of the Bureau of Alcohol, Tobacco and Firearms have determined, from interviews with representatives of New England Telephone Company, that telephone calls placed to (617) 327-3269, the listing for Shay Auto Body, an apparent sole proprietorship operated by the aforementioned Thomas L. Shay, transfer automatically to (617) 327-7380, that telephone listing

subscribed to by Mary Flanagan and located at 39 Eastbourne St., Roslindale, MA.

WHEREFORE, it is respectfully requested that this Court grant an Order: (1) 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) 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:




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 17, 1992