

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. 92-1227-B
INSTALLATION AND USE OF A PEN)
REGISTER DEVICE TO REGISTER NUMBERS)
DIALED OR PULSED TO OR FROM)
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
device to register telephone numbers dialed or pulsed from
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
accomplish the continued use of the registering device in an
unobtrusive fashion; and

4. Sealing this Application and the Court's Order, as well

May 13, 1992. Allowed
Marianne B. Boudon USM

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 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 device to register numbers dialed or pulsed from the

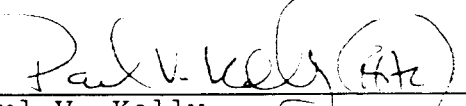
aforementioned telephone number; (2) Extending for sixty (60) days this Court's previous Order directing the New England Telephone Company, a communication common carrier as defined in Title 18, United States Code, Section 2510(10), to furnish Agents of the Bureau of Alcohol, Tobacco and Firearms and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

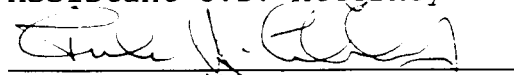
Respectfully submitted,

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: May 13, 1992