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THE COMMONWEALTH OF  
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January 6, 2014

William F. Welch, Clerk of the Senate  
24 Beacon Street  
Room 335 – State House  
Boston, MA 02133

Steven T. James, Clerk of the House  
24 Beacon Street  
Room 145 – State House  
Boston, MA 02133

Re: Annual Report of Wiretap Interceptions Pursuant to G.L. c. 272 § 99(R)

Dear Mr. Welch:

Pursuant to Chapter 272, Section 99(R) of the Massachusetts General Laws, I hereby submit this report to the General Court on behalf of the Middlesex District Attorney's Office for the 2013 calendar year.

- 1) The Middlesex District Attorney's Office has made three applications for electronic surveillance (wiretap) warrants during the calendar year 2013.
- 2) The applicants in each case were Assistant District Attorneys David Solet and Stephen Gilpatric.
- 3) Three wiretap warrants were issued by the Superior Court as a result of these applications.
- 4) These warrants authorized interceptions for fifteen days at a time, and were issued on February 14, 2013, February 28, 2013, and March 14, 2013, respectively.
- 5) The above-described applications sought to discover evidence pertaining to designated offenses "involving the possession or sale of a narcotic or harmful

drug.” These designated offenses, as defined in G.L. c. 272 § 99(B)(7), were as follows:

- a. February 14, 2013 warrant: Chapter 94C, Sections 32C (Distribution of Class D Substance), and 34 (Possession of Marihuana), and Conspiracy to commit these offenses, in violation of Chapter 94C, Section 40.
  - b. February 28, 2013 warrant: Chapter 94C, Sections 32C (Distribution of Class D Substance), and 34 (Possession of Marihuana), and Conspiracy to commit these offenses, in violation of Chapter 94C, Section 40.
  - c. March 14, 2013 warrant: Chapter 94C, Sections 32C (Distribution of Class D Substance), and 34 (Possession of Marihuana), and in Conspiracy to commit these offenses, in violation of Chapter 94C, Section 40; Chapter 94C, Section 32A (Distribution of Class B substances - Cocaine and Oxycodone); Chapter 94C, Section 34 (Possession of Class B substance), and Conspiracy to commit the same, in violation of Chapter 94C, Section 40.
- 6) Each of the three warrants related to the same investigation; the February 28, 2013 and March 14, 2013 warrants may thus be considered “renewals,” though the March 14, 2013 application had added one target phone to the application, and no longer sought permission to renew one of the initial target phones.
  - 7) As a result of these warrants, 699 pertinent phone calls and 3350 pertinent text messages to and from the target telephones were intercepted by monitoring officers.
  - 8) As a result of the wiretap investigation and evidence developed therefrom, a total of fifty-four indictments were obtained against eleven individual defendants, for charges including Trafficking in Marijuana over 100 lbs.; Conspiracy to Traffick in Marijuana over 100 lbs.; Possession of Ammunition by an Armed Career Criminal; Money Laundering; Conspiracy to Commit Money Laundering; Possession with Intent to Distribute a Class B Substance, Subsequent Offense; Receiving Stolen Property over \$250 (Firearm); Possession of a Lg. Capacity Firearm During Commission of a Felony; Possession of a Firearm with Defaced Serial Number During Commission of a Felony; Possession of a Firearm by an Armed Career Criminal; Possession of a Lg. Capacity Feeding Device; Improper Storage of a Lg. Capacity Weapon; Breaking and Entering in the Daytime with Intent to Commit a Felony; Attempt to Commit Larceny in a Building; Possession of a Lg. Capacity Weapon; Possession with Intent to Distribute a Class D Substance; Possession of a Firearm with a Defaced Serial Number; Improper Storage of a Firearm; Possession of a Class B Substance (Oxycodone); Possession with Intent to Distribute Phencyclidine (PCP); School Zone Violation; Conspiracy to Distribute a Class B Substance (Cocaine); Conspiracy to Distribute a Class B Substance (3,4-

methylenedioxy methamphetamine -- MDMA); Conspiracy to Distribute a Class D Substance (Marijuana); Solicitation to Commit a Felony (Possession of a Firearm).

9) To date, two defendants have pleaded guilty to charges arising from the wiretap investigation described above, to charges including Conspiracy to Traffick over 100 lbs. of Marijuana, Distribution of a Class D Substance, and Possession with Intent to Distribute Phencyclidine (PCP). As of this time, no defendant has elected to proceed to trial, though cases against nine defendants are currently pending in Middlesex Superior Court.


10) In addition, other evidence recovered during the execution of physical search warrants obtained at the conclusion of the wiretap investigation has led to the issuance of eighteen additional indictments against four individual defendants, for charges including Armed Robbery, Conspiracy to Commit Armed Robbery, Armed Assault to Rob, Inducing a Minor to Possess a Controlled Substance with Intent to Distribute, Distribution of a Class B Substance (3,4-methylenedioxy methamphetamine -- MDMA) to a Minor, and Distribution of a Class D Substance.

11) In addition, pursuant to Chapter 272, Section 99 (R)(5)(d), the Middlesex District Attorney's Office hereby reports the following convictions obtained during the 2013 calendar year that were the result of evidence obtained through electronic surveillance:

- a. One individual who was indicted as a result of wiretap warrants issued in 2009 and 2010 was convicted as a result of a guilty plea. He was convicted of Trafficking in Cocaine over 28 grams, Distribution of Cocaine, Conspiracy to Distribute Cocaine, Possession of a Firearm in the Commission of a Felony, and Possession of Ammunition.
- b. One other defendant who was indicted as a result of that 2009-2010 investigation remains at large and is a fugitive in warrant status.

Please do not hesitate to contact me if you have any questions about the above information or if you need any further information from this office.

Sincerely,



David Solet  
General Counsel  
Middlesex District Attorney's Office