



THE COMMONWEALTH OF MASSACHUSETTS
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January 25, 2005

William S. Welch
Clerk of the Senate
State House, Room 335
Boston, MA 02133

RE: **Annual Report of Wiretap Interceptions**
To the General Court Pursuant to G.L. c. 272, §99R

Dear Mr. Welch:

Pursuant to the requirements set forth in General Laws Chapter 272, Section 99R, I hereby submit this report to the General Court on behalf of the Attorney General's Office for the calendar year of 2004.

The number of applications made for electronic surveillance warrant during 2004 totaled nine (9). The names of the applicants on each of these applications were Assistant Attorneys General Eileen O'Brien and Robert Fisher. The Massachusetts Superior Court issued Nine (9) wiretap warrants. The effective dates for the warrants including renewals were:

11/23/04-12/31/04
11/23/04-12/31/04
11/23/04-12/09/04
12/15/04-12/31/04

The number of designated offenses pertaining to these wiretap applications totaled one (1). This designated offense is defined in G.L. c. 272, §99(B)(7) as "the possession or sale of any narcotic or harmful drug". There were five (5) renewals for warrants pertaining to this designated offense in 2004. The number of interceptions made during the 2004 calendar year in connection with the designated offense of possession and distribution of narcotics totaled 578.

There was one (1) criminal trial in Norfolk Superior Court in 2004 in which wiretap interception evidence or evidence derived therefrom was introduced in 2004. That defendant was convicted of trafficking in excess of 200 grams of an opium derivative.

Finally, thirteen (13) individuals pleaded guilty in the courts of the Commonwealth in the year 2004 as a direct result of wiretap warrants which were issued from 1999 through 2004. There have been zero (0) acquittals in cases associated with wiretap warrants issued from 1999 through 2004 and zero (0) motions to suppress allowed. Ten (10) motions to suppress wiretap evidence were denied in 2004 and twelve (12) remain pending.

Respectfully Submitted,



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cc: Kurt Schwartz
Michele Adelman
File ✓