

Quincy man tracked to California by US agents

Thomas A. Shay, the Quincy man who claimed he was the target of the Roslindale bombing that killed a Boston police officer and injured a second officer last year, was arrested as a fugitive from justice yesterday in San Francisco.

Shay was arrested in that city's Tenderloin district by agents from the Boston office of the US Bureau of Alcohol, Tobacco and Firearms who had been tracking him across the country since he failed to show up in Boston Municipal Court in January, officials said.

Shay was arrested on a federal fugitive from justice warrant, arraigned before a federal magistrate in that city and turned over to California authorities who will oversee his return to Massachusetts, federal officials said.

The pursuit of Shay as a fugitive was unusual because the two charges he allegedly defaulted on in state court — being a common nightwalker and making a false bomb threat to the MBTA — rarely draw the attention of federal authorities.

"It seems like killing an ant with an elephant gun," William C. McPhee, Shay's attorney, said yesterday.

McPhee said the younger Shay has been subpoenaed to testify before the federal grand jury, which began investigating the Oct. 28 murder of Officer Jeremiah J. Hurley Jr. and the injuring of his bomb squad partner, Officer Francis X. Foley.

The bomb exploded at the Eastbourne Street home of Shay's father, Thomas L. Shay. Both Shays have denied any responsibility for the bombing, but the younger Shay has told reporters that he believed he was the target of the device.

McPhee said the federal grand jury asked that Shay provide photographs, fingerprints and an example of his writing. McPhee said he did not know the reason for that request.

McPhee said he has not been notified that Shay is the target of the grand jury investigation, but he said federal authorities have told him that his client is a "subject" of the criminal inquiry.

He defined a subject as "someone they are looking into as a potential target . . . I don't believe he will be indicted for the bombing."

McPhee said he believed it was in his client's best interest to return to Massachusetts. No date for Shay's return was available yesterday.

The use of the federal grand jury itself is unusual because the death of Hurley is a homicide case. Such cases are routinely handled by Boston police and Suffolk District Attorney Newman A. Flanagan's office.

But because a bomb was involved, the federal US Bureau of Alcohol, Tobacco and Firearms has jurisdiction and the federal grand jury has greater power to probe possible suspects than the state system allows, officials have said.

Police hold Hub bomb suspect

By SHELLEY MURPHY

A suspect in the Roslindale bomb blast that killed a Boston police officer was ordered held yesterday in San Francisco on a \$5 million bond pending a hearing to return him to Boston to face unrelated state charges.

Thomas A. Shay, 20, of Quincy, told San Francisco Municipal Court Judge Dominique Olcomendy he planned to fight his return to Boston, where he's charged with threatening to blow up the Back Bay MBTA station in November 1990.

The judge ordered Shay held at the San Francisco County jail and scheduled another hearing for April 24.

But, by late yesterday, Shay's Quincy lawyer, William C. McPhee, said Shay would probably be back in San Francisco court today announcing he won't fight his removal.

"He's a confused young kid so he probably didn't understand the ramifications of what was going on," said McPhee, adding that Shay may appear in Boston Municipal Court as early as tomorrow.

By forcing Shay to return to Boston, investigators hope to question him again about the Oct. 28 blast that killed Boston Police bomb squad Officer Jeremiah J. Hurley Jr. and wounded his partner, Officer Francis X. Foley, sources said.

Shay's father, Thomas L. Shay, 47, called police to his home at 39 Eastbourne St., to inspect a box that had fallen from under his car. The bomb exploded while being examined by the officers.

Shay has emerged as a suspect in the blast and is believed to have had at least one accomplice, according to sources.

Attorney Alan J. Pransky, who represents the elder Shay, said his client "has been totally honest in his dealings with the police. He has cooperated fully with the police."