



U.S. Department of Justice

United States Attorney
District of Massachusetts

1107 J.W. McCormack Post Office and Courthouse
Boston, Massachusetts 02109

October 6, 1992

Jefferson W. Boone, Esquire
Boone & Henkoff
138 Brighton Avenue
Allston, MA 02134

Re: Thomas A. Shay

Dear Jeff:

This letter will confirm our telephone conversation of yesterday. It is my understanding that your client, Thomas A. Shay, has now expressed a willingness to speak with federal agents investigating the death of Boston Police Officer Jerry Hurley.

You explained to me that Mr. Shay, while possessing information which is relevant to our investigation, denies any criminal intent or direct knowledge of the activities leading up to officer Hurley's tragic death. You further explained that Mr. Shay recognizes that he may bear some responsibility as an accessory after the fact or for obstruction of justice, and that he desires an outcome of no more than three (3) years incarceration in a minimum security setting or hospital environment.

As I explained, the U.S. Attorney must approve all plea agreements. This office is unable to propose any final plea offers until after it has conducted a full proffer session with a defendant or subject and (1) is satisfied that the person is being truthful and candid, and (2) fully understands what role, if any, the person played in the alleged offense. If, after talking with Mr. Shay, we are satisfied that he has been entirely truthful and cooperative with us, and that his role is as you described, I believe that we will be able to arrange an outcome in or about the range desired by Mr. Shay. If, however, his role was greater and more involved than that described, we obviously will need to have further discussions with you concerning available sentencing options. Moreover, I have informed you, based on my ongoing discussions with representatives of the Suffolk County District Attorney's Office and the Boston Police Department, that in the event that federal charges are brought against him, there will be no state

prosecution of Mr. Shay arising out of the facts or circumstances surrounding the death of officer Hurley. A truthful proffer session is the required and essential starting point.

The terms under which the contemplated proffer will be received are as follows: No statements made or information provided by Mr. Shay will be used directly against him, except for purposes of cross-examination and impeachment should he be a witness in any proceeding and offer testimony or evidence materially different from any statements made or information provided during the proffer, or in a prosecution based on false statements made or false information provided during the proffer.

The foregoing reflects the present agreement between the government and Mr. Shay. It is understood that the government incurs no additional obligation as a result of the proffer; specifically, the government is not hereby agreeing that the defendant will not be prosecuted.

If you and your client agree that this letter accurately describes the agreement between your client and the government with regard to your client's proffer, please confirm this by signing in the appropriate spaces below.

Very truly yours,

A. JOHN PAPPALARDO
United States Attorney

By:



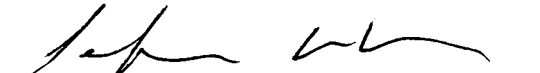
PAUL V. KELLY
Assistant U.S. Attorney

Acknowledged and agreed to:



Thomas A. Shay

Date: 10/6/92



Jefferson W. Boone, Esquire
Counsel for Thomas A. Shay

Date: 10/6/92