

# BOMBING suspect waiting charges

By Matthew Brelis  
GLOBE STAFF

Thomas A. Shay, a suspect in the 1991 bomb blast that killed Boston Police Officer Jeremiah Hurley, said he expects to be indicted by a federal grand jury this month.

In a telephone conversation from the Plymouth County Jail, where he is being held while awaiting trial on other charges, Shay said he will be indicted for the bombing during the week of Dec. 14.

Sources confirmed Shay's account yesterday, saying that officials are prepared to indict Shay, 20, of Quincy and his one-time associate Alfred W. Trenkler, 36, of Milton, on five counts.

The charges could include conspiracy; two counts each of transporting or receiving in interstate commerce an explosive with the knowledge or intent that it be used to kill, maim or intimidate; and two counts each of attempting maliciously to damage or destroy by explosive a building, vehicle or real property used in interstate commerce, sources said.

Hurley was killed and his partner, Francis X. Foley, injured on Oct. 28, 1991, when a bomb that had been removed from a 1986 Buick Regal, which belonged to Shay's father, Thomas L. Shay, exploded. The

SHAY, Page 30

30

## Bombing suspect is awaiting charges

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Continued from Page 23

Buick was said to have been used by the elder Shay for his auto repair business, which would enable prosecutors to tack on the last charge.

Assistant US Attorney Paul V. Kelly, who is handling the federal investigation into the bombing that killed Hurley, had no comment.

Before an indictment can be handed up by a grand jury, however, four law enforcement agencies — the US attorney's office, the federal bureau of Alcohol, Tobacco and Firearms, the Boston Police Department and the Suffolk County District Attorney's Office — must reach an agreement on indicting Shay.

Officials at ATF, District Attorney Ralph Martin's office and the Boston Police Department had no comment.

Shay is scheduled to go to trial Dec. 21 before US District Judge Rya W. Zobel on charges stemming from an incident in April in which he allegedly used a telephone in the Nashua Street Jail to make a bomb threat to a Brighton woman.

The federal government brought those charges in September, imme-

diately after a state judge dismissed similar charges against Shay for telephoning a bomb threat concerning the MBTA Back Bay Station. It was because of the Back Bay threat that Shay was in the Nashua Street Jail.

Shay's attorney, Jefferson Boone, said he would not comment on any matter before a grand jury.

"I think that it would be up to the grand jury to indict, and since I can't read their minds, and he [Shay] can't either, we'll just have to wait and see," Boone said.

Boone said prosecutors may be concerned that even if Shay is found guilty of telephoning the bomb threat, he would get either probation or time served in jail while awaiting the trial.

"If the federal prosecutors want to hold him on something, they may have to have something new," Boone said. "So if he wants to hold him, they may have to do something before the 21st."

Trenkler and Shay became associated in the spring or early summer of 1989, and investigators say they can place them together on many occasions, including several times

when Shay stayed at Trenkler's apartment.

Shay and Trenkler have denied any involvement in the death of Hurley. Shay has denied making the bomb, and once said, "If Al Trenkler did this, he did this on his own."

Trenkler was investigated after a 1986 bombing of a truck belonging to a Quincy fish company. The bomb, attached to the truck with speaker magnets, was detonated by remote control.

Sources have said that investigators found an Oct. 18, 1991, receipt from a Radio Shack store made out to a person with the last name of "Sahy." Among the items listed on the receipt is a toggle switch said to be of the same model found in the remnants of the bomb that killed Hurley. The Radio Shack clerk picked Shay's photograph out of several shown.

The bomb was designed to detonate by remote control, and could be attached to a car with speaker magnets, sources said.

Globe staff writer John Ellement contributed to this report.