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## ID of bomb suspect 'flawed,' says attorney

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Attorneys for a man accused of conspiring to kill his father with a bomb that went off and fatally wounded a Boston police officer argued in U.S. District Court yesterday that an identification of defendant Thomas A. Shay be suppressed because it is "flawed."

An important element in the prosecution's case is showing that Shay purchased a switch that was used in making the bomb from a Radio Shack store in Boston across from the Christian Science Church where codefendant Alfred W. Trenkler worked. It is alleged that Trenkler built the bomb.

Dennis Leahy, an Alcohol, Tobacco and Firearms special agent, testified that he photocopied several receipts during an initial visit to the store.

One receipt, dated Oct. 18, 1991 — 10 days before the explosion that killed Officer Jeremiah Hurley — was for the same model of toggle switch that was used in the bomb and bore the name Sahy, Leahy said.

Thinking the name might be Indian, investigators initially dismissed the receipt, he said, as they pursued

hundreds of other leads.

"It bothered me, so I went back," Leahy said of his return visit on Feb. 20, 1992, when he first interviewed Dwayne Armbrister, the clerk whose initials were on the receipt. The receipt also had a Radio Shack customer identification number — the last four digits of a telephone number — that matched Shay's father's telephone number with two digits transposed, he said.

Armbrister was shown a series of photographs, one of which was Shay's, and he recognized no one, Leahy said. According to the agent, the series of photos, known as an array, was of poor quality, so he then took out a mug shot of Shay.

Armbrister identified Shay from that second photograph as having been in the store at some time but did not connect him to the Oct. 18 purchase, he said. That identification came a month later, sources said.

Defense attorney Nancy Gertner tried to show that the preliminary identification of Shay by Armbrister was poisoned either by Leahy showing him the single photograph or by Armbrister having seen Shay's pictures in the news media.

"It is a flawed identification," she said after the hearing.