

# Defendant in blast that killed officer to use insanity defense

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Defense attorneys for Thomas A. Shay, one of two men accused in the 1991 bomb blast that killed a Boston police officer, filed documents in US District Court yesterday indicating they will use an insanity defense.

The filing by defense attorneys Nancy Gertner, Amy Baron-Evans and Jefferson Boone said Shay, 21, was examined April 9 by an unnamed "psychiatric expert," who determined "that there is basis for raising the defense of insanity at trial."

Shay's trial will be separate from that of Alfred W. Trenkler, 36, of

Quincy, who federal prosecutors believe built the bomb for Shay.

The two men were indicted Dec. 16 and charged with attaching the sophisticated remote-controlled device to the undercarriage of a car belonging to Shay's father, Thomas L. Shay of Roslindale.

The bomb exploded Oct. 28, 1991, killing Officer Jeremiah Hurley and maiming his partner, Francis X. Foley. Both were members of the bomb squad that had been called to the elder Shay's home.

Law enforcement sources have said that financial gain and revenge for a childhood that was exceptional for its abuse and neglect were Shay's motives for trying to kill his father.

The documents filed by the defense note that the unnamed psychiatrist "reviewed voluminous social history and mental health records."

The documents say the defense intends to "introduce expert testimony relating to a mental disease or defect or mental condition bearing upon the issue of guilt."

Gertner could not be reached for comment, and Assistant US Attorney Paul V. Kelly had no comment.

Earlier this week, Gertner argued that the identification of Shay by a Radio Shack clerk should be suppressed. The clerk has testified that he sold Shay a toggle switch on Oct. 18, 1991. Investigators believe the switch was used in the bomb.