

Suspect in fatal bombing testifies

By Matthew Brelis
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In an unexpected and unusual move Thomas A. Shay — whose attorneys have said they may use an insanity defense against bomb charges he faces — testified at a hearing in US District Court yesterday.

Defense attorney Nancy Gertner, who is trying to suppress a series of statements Shay made to Boston police and federal authorities, called her client to testify. He said he felt he had no choice but to accompany police when they asked to talk to him after he held a press conference at a bus station three days after the Oct. 28 bomb blast that killed Boston Police Officer Jeremiah Hurley.

After the press conference, Boston homicide detectives asked Shay

to come to their South Boston offices for a chat.

Detective Miller Thomas testified earlier this week that the police wanted Shay to come voluntarily and make statements freely to them, but they were prepared to arrest him on a default warrant if he refused.

Gertner is trying to have everything he said that night — as well as on other nights — inadmissible at the trial, which is scheduled to start June 28.

“When I walked into the bus station the news people were in front of me and the exits were manned by police,” Shay said. “I knew I had warrants out and I thought they would arrest me.”

“How did you know they were police officers? Were they in uniform?” US District Judge Rya W. Zobel asked.

“No. But I know cops,” Shay rep-

sonded. “They were suspicious and in suits and I had seen three or four Ford LTDs outside and I know them to be unmarked police cars.”

Although Shay was told he was free to leave several times at homicide headquarters on D Street, he stayed for some time talking with police. It was only when he got up and tried to leave the building that he was arrested on the default warrant. He was then given the Miranda warning.

“You got up to leave because you thought you could leave?” Assistant US Attorney Paul V. Kelly asked on cross-examination.

“No. I was testing them. I knew I would be arrested,” Shay said.

Shay acknowledged that by calling the media to alert them about the press conference he was hoping to call attention to himself, but he denied he expected the police to be there as well.