

# Judge bars store clerk's ID of bomb suspect

By RALPH RANALLI

A key identification of a suspect in the bombing death of Boston Police Officer Jeremiah Hurley was suppressed yesterday by a federal judge along with other statements the man made to federal agents, lawyers involved with the case said.

U.S. District Court Judge Rya W. Zobel granted a defense motion to throw out an identifica-

tion of suspect Thomas Shay by a Radio Shack employee, who said Shay had purchased a toggle switch and other electrical components.

Shay, 21, and Albert Trenkler, 36, of Quincy, were indicted Dec. 16, 1992, on charges of making and planting the bomb that killed Boston Police Bomb Squad member Hurley and wounded his partner, Francis Foley.

Zobel did not issue a written opinion yesterday, but defense attorneys had argued that law enforcement officials had been "impermissibly suggestive" while handling Dwayne Armbrister's identification of Shay from a single photo.

U.S. Bureau of Alcohol, Tobacco and Firearms agents suspected Shay may have bought the part at the Fenway Radio Shack store after

checking thousands of computer-generated sales receipts and finding one listing the name "Sahy," for a toggle switch carrying the same stock number as one found in the bomb.

At a hearing in April, Armbrister admitted he was unable to identify Shay from a photo spread initially, but said it was because he was grieving the recent death of his grandfather and

didn't pay careful attention to the photographs.

Amy Baron-Evans, one of Shay's attorneys, said Zobel's decision significantly bolstered his defense. "The fact that it has been suppressed will have a substantial impact on the trial," she said.

Zobel also barred testimony about statements Shay made to ATF agents last June.

Defense attorneys had argued that Shay had an

attorney at the time, and that the agents and Assistant U.S. Attorney Paul V. Kelly should not have spoken with him without a lawyer present. Kelly, however, argued that Shay said he had fired his attorney, William McPhee.

Zobel denied defense requests to exclude statements Shay made to Boston Police detectives and ATF agents shortly after the Oct. 28, 1991, bombing.