

Judge delays ruling on fed claim of bomb suspect's tie to 2nd case

By RALPH RANALLI

A federal judge yesterday put off a decision on whether to admit key evidence potentially linking the alleged co-conspirator of bombing suspect Thomas Shay Jr. to a similar bombing in 1986.

Federal prosecutors said they hoped to use the evidence to show that Shay's alleged co-conspirator, Alfred Trenkler of Quincy, also created the bomb that killed Boston Police Officer Jeremiah Hurley in 1991.

The government would then attempt to establish the pair's relationship and show Shay's involvement in a conspiracy, Assistant U.S. Attorneys Paul V. Kelly and Frank Libby Jr. said.

Both prosecutors and defense attorney Nancy Gertner called the ruling the potential make-or-

break point of the case.

"It's one of those rulings that may decide which way the case is going to swing," Kelly told U.S. District Court Judge Rya W. Zobel.

But Gertner said that "if the 1986 bomb comes in, it will clinch the government's case in a way that's totally improper."

Saying she didn't know enough about the government's case to make a ruling, Zobel told prosecutors they could refer to Trenkler's abilities in their opening arguments, but would later have to establish Shay's knowledge of these abilities and his willing participation in the plot.

She decided against holding a "mini-trial" without the jury in the courtroom to learn more about the government's case.

The debate presented a di-

lemma for prosecutors yesterday. If Zobel had ordered the mini-trial, they would have been forced to reveal their complete strategy to the defense, but by postponing the ruling until after the jury has been sworn, she closed off any chance for the government to appeal her decision.

Zobel said the court would hear opening arguments tomorrow after completing jury selection and ruling on remaining motions, including whether the jury will be allowed to visit the site of the Roslindale bombing and whether a Radio Shack employee's identification of Shay is admissible.

Trenkler is being tried separately on conspiracy charges, Libby said.