

Expert says officer knew bomb was about to explode

By Stephen Walsh
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BOSTON — Police officer Francis X. Foley knew he was about to live a nightmare just seconds before a bomb exploded killing his partner and severely injuring him for life.

As he leaned over to look at a bomb in a Roslindale driveway in 1991, Foley saw a small motor moving toward a toggle switch: That meant detonation was imminent.

"When he saw it move, he knew what was coming," Alcohol, Tobacco and Firearms agent Thomas Waskom testified in federal court yesterday. "Officer Foley told me later that someone said 'that looks like a servo (motor) and it's moving' " before the blast.

Waskom testified in the trial of Thomas A. Shay, 21, who allegedly planted the bomb that resulted in the death of Boston Police bomb squad officer Jeremiah Hurley, 50, and the maiming of Foley.

The bomb was allegedly intended for Shay's father, Thomas L. Shay, who discovered the device and notified the police on Oct. 28, 1991.

The moving motor arm in the bomb is significant because it means that the device had to be set off by a signal — either a remote control or a stray signal from a cellular phone or other device.

In a tragic twist, the bomb officers themselves may have made the blast possible by touching the bomb, essentially serving as a boost to the receiver "the way you do when you touch a television antenna," Waskom said.

"Because of the way it was found, the device had to be moved" to be examined, Waskom said.

Yesterday, the fifth day of testimony, the elder Shay, 49, took the stand to admit that his son had spent most of his time from age 5 to 18 living in foster homes or state institutions.

The elder Shay also said he had sought professional help for an inability to control his temper, which had caused him to yell at his son on numerous occasions. He

also listed several incidents between the father and son that the prosecution suggests shows that the younger Shay wanted to kill his father.

At one point in June 1988, the two Shays had a falling out that was so serious that the son moved in with his mother in Quincy, the elder Shay testified.

The elder Shay also testified that his son remarked to him about a month before the bombing that "you're going to get a lot of money out of" a \$400,000 lawsuit the father was bringing against the landlords of his Dedham auto body shop.

On Oct. 12, 16 days before the bombing, the younger Shay had invited himself along on an outing with his father at a racetrack. At the end of the evening, he wrote a note to his father saying "Dad, Thanks for a real fun time. I hope we can do this much more often. It's like old times being here with you. . ."

The elder Shay said he never read the note. Instead, he put it in the ashtray of his car. It was found after the bombing, and was entered into evidence yesterday.

The elder Shay said he found it "strange" that his son wrote him a loving note at the end of the day, since he could have simply spoken to him. And the elder Shay said his son had never written him a note like that before.

Shay said the device was scraped off the bottom of his 1986 Buick as he pulled into his driveway on Oct. 27. He said he tossed the device near a trash barrel and later considered the possibility that it was a bomb. He said his suspicion became strong enough so that he notified police.

Prosecutors allege that Shay conspired with Alfred Trenkler, 36, of Quincy, who they say made the bomb. He will be charged separately.

Defense Attorney Nancy Gertner was scheduled to cross examine Shay today.

Gertner has suggested federal bomb investigators did not fully examine all potential evidence against the elder Shay by searching his workplace or immediately seizing scraps of wood in a garage near the blast scene.