

Defense shifts bomb trial focus to Shay's father

By Matthew Brelis
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Defense attorney Nancy Gertner yesterday tried to shift the blame for a 1991 Roslindale bombing that killed a Boston police officer from Thomas A. Shay, who is on trial, to his father.

On the witness stand in US District Court for the second consecutive day, Shay's father, Thomas L. Shay — who the government says was the target of the bomb — was portrayed by Gertner as the person who planted the bomb in his driveway in an effort to bolster a civil suit he had filed two years earlier.

The elder Shay, who filed a 1989 suit against two landlords in the wake of an explosion at a Dedham garage that he rented, admitted on the witness stand that he feared the landlords might kill him in retaliation for filing the suit. Yet the elder Shay said he wasn't concerned when he found a black box in his driveway on Oct. 27, 1991. He said he moved the box close to his daughter's swing set.

The defendant's father said he didn't suspect the box might be a bomb until the next day. He called police to his home and the device exploded while it was being examined, killing Bomb Squad Officer Jeremiah Hurley Jr. and wounding his partner, Francis X. Foley.

Assistant US attorneys Paul V. Kelly and Frank A. Libby Jr. allege the younger Shay, 21, of Quincy, tried to kill his father with the bomb.

Questioning the elder Shay during cross-examination, Gertner asked about his inability to recall whether he told police that during a jailhouse meeting his son had told him, "Dad, I had nothing to do with this."

The elder Shay was portrayed by Gertner as an individual who used courts to augment his income. Shay admitted receiving \$2,000 from a suit against the Massachusetts Bay Transportation Authority in the mid-1970s when his finger was injured by an escalator; receiving \$4,000 from a Merit station when he slipped in the men's room in the 1970s; getting a \$100,000 settlement from a 1981 automobile accident where the car he was riding in sustained less than \$2,500 damage; and \$22,000 in another accident in 1986.

Shay said he was injured at Disney World when he traveled to Florida in 1990 with his daughter and his fiancée, Mary Flanagan, in 1990.

"And did you sue Mickey Mouse?" Gertner asked.

"Yes," Shay responded. He acknowledged he had received \$3,800 in a settlement.

Shay, 49, collects \$600 a month in Social Security disability benefits as a result of a 1987 explosion at his Dedham auto body shop. He said the 1987 blast left him suffering from post-traumatic stress disorder, blurry vision and ringing in the ears. Shay settled the suit with the garage owners.