

# Witness says Shay queried him on will, proceeds of lawsuit

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One month before Thomas L. Shay became the target of a bomb attack, Shay's son questioned an attorney about getting a sizable inheritance from his father in the event of his father's death, according to testimony yesterday at the younger Shay's trial in US District Court.

The testimony was elicited by federal prosecutors who contend that Thomas A. Shay, 21, of Quincy, wanted to kill his father, in part because he expected to collect a portion of an expected \$400,000 inheritance.

Shay's father discovered a black box attached to the undercarriage of his car on Oct. 28, 1991, and called the Boston police bomb squad to his Roslindale home, where the bomb exploded, killing Officer Jeremiah Hurley and maiming Officer Francis Foley.

Attorney Alan J. Pransky testified that he represented Thomas L. Shay in 1991 in a lawsuit against a Dedham service station for injuries Shay said he suffered during an explosion there.

Under questioning from assistant US Attorney Paul V. Kelly, Pransky recalled a conversation on Sept. 13, 1991, in which Thomas A. Shay said his father believed his opponents in the lawsuit were trying to kill him.

Pransky testified that he told the younger Shay there would be no point in the service station owners killing his father because the lawsuit would survive if he died.

Pransky testified that the younger Shay then asked where the money from the lawsuit would go if his father died. Pransky said

he replied that it would depend on whether his father had a will. Pransky testified that he told the younger Shay that if his father had no will, his four children would inherit the proceeds from the lawsuit.

Shay then asked whether his father had a will, but Pransky declined to answer the question, according to testimony.

Pransky is scheduled to be cross-examined today by Thomas A. Shay's attorney, Nancy Gertner. "The whole story wouldn't be told" until the cross examination of Pransky was conducted, said Amy Baron-Evans, Gertner's associate.

Prosecutors have also said that Thomas A. Shay sought revenge on his father for childhood physical abuse.

In earlier testimony, Radio Shack clerk Dwayne Armbrister testified that on Oct. 18, 1991, he sold a battery holder, a toggle switch and other items to a young man who seemed very aggravated.

A receipt from the sale indicates that Armbrister typed the customer's name as "SAHY," which prosecutors contend was meant to be "SHAY." Prosecutors say that a battery holder and toggle switch were used in the bomb that killed Hurley.

Judge Rya Zobel ruled last month that Armbrister could not make an in-court identification of Shay as the man who purchased the items because Armbrister, when first approached by agents of the federal Bureau of Alcohol, Tobacco and Firearms, could not pick out Shay's photograph from several shown to him.

Armbrister later said he could identify Shay as the man in the store.